

Appendices

Appendix 2-1 NOP and NOP Comments

Appendices

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**Notice of Preparation / Notice of Public Scoping Meeting for a Draft
Environmental Impact Report for the City of Rio Vista General Plan 2045 Update**

Date: October 30, 2024

To: State Clearinghouse State Responsible Agencies State Trustee Agencies Other Public Agencies Interested Organizations	From: Krystine Ball Public Works Program Manager City of Rio Vista Planning Department One Main Street Rio Vista, CA 94571
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Subject: Notice of Preparation (NOP) for the City of Rio Vista Plan Update
Environmental Impact Report (EIR) and Notice of Public Scoping
Meeting

Lead Agency: City of Rio Vista
One Main Street
Rio Vista, CA 94571
Contact: Krystine Ball, Public Works Program Manager
Phone: (707) 374-6461, ext. 1122
Email: kball@ci.rio.vista.ca.us

PURPOSE

In discharging its duties under Section 15021 of the California Environmental Quality Act (CEQA) Guidelines, the City of Rio Vista (as lead agency, hereinafter “City” or “Rio Vista”) intends to prepare a draft environmental impact report (DEIR), consistent with Section 15162 of the State CEQA Guidelines (Title 14 of the California Code of Regulations, hereinafter the “CEQA Guidelines”), for the Rio Vista General Plan 2045 Update (proposed project).

Under Section 15082 of the California Environmental Quality Act (CEQA) Guidelines, the City of Rio Vista has issued this Notice of Preparation (NOP) to provide responsible agencies, trustee agencies, and other interested parties with information describing the General Plan 2045 Update and its potential environmental effects. The public is encouraged to visit the General Plan 2045 Update’s website <https://riovista2045.com/> to learn more about the project and view the outreach, reports, and information provided to date. The City is soliciting your comments on the scope of the environmental analysis.

PROJECT LOCATION

The city of Rio Vista is an incorporated city in east Solano County. The city is located 48 miles southwest of Sacramento and 65 miles northeast of San Francisco. The city is bounded on the north, west, and south by unincorporated agricultural lands in Solano County and on the southeast by the Sacramento River. Regional access to the city is provided by State Route (SR-) 12 which

bisects the southwest portion of the city and SR-160 and SR-84 to the east. Figure 1, *Regional Location*, and Figure 2, *Citywide Aerial*, show the City's location and its regional context.

PROJECT DESCRIPTION

The General Plan 2045 Update establishes the community's long-term vision for the future, including where people in Rio Vista will live, work, shop, and recreate. It serves as guidance for all zoning and land use decisions within the city. The General Plan 2045 Update will shape future housing, support job growth, foster healthy and resilient neighborhoods, protect and manage natural resources, ensure community safety, and promote social and economic equity.

The General Plan 2045 Update is a policy document that contains the goals and policies that will guide future decisions within the city and identifies implementation measures to ensure the vision and goals of the General Plan are carried out. The General Plan 2045 Update also contains a land use diagram, which serves as a general guide to the distribution of land uses throughout the city. The following seven elements are required by State law: Land Use, Open Space, Transportation, Housing, Conservation, Safety, and Noise. These elements can be combined or presented in any order that best fits the community. The General Plan 2045 Update will have all the elements required by State law, in addition to optional elements that the City has elected to include, as shown below:

- Land Use and Community Character
- Mobility and Circulation
- Economic Development
- Housing Element (Stand-alone Element)
- Parks and Recreation
- Open Space and Resource Conservation
- Public Facilities and Services
- Safety
- Noise

The 2023 – 2031 Housing Element was adopted by the City Council and approved by the state in September 2023. This element will be integrated into the General Plan 2045; however, it will not be amended or changed as part of the proposed project. The 2045 General Plan Update would amend the General Plan land use diagram, shown on Figure 3, *Existing Land Use Diagram*. The goals, policies, and implementation measures in the Land Use Element provide additional direction on how the various land use designations should be developed to contribute to the overall character of and vision for Rio Vista. The land use diagram changes would occur throughout the city. Figure 4 shows the proposed land use designations in the city. The proposed General Plan also includes changes to the titles of some of the land use designations. Table 1 and Table 2 show the summary of proposed and existing land use designations and acreages, respectively.

Table 1 Proposed General Plan 2045 and Land Use Designation Acres

Land Use	Acres
Downtown	29
South Waterfront	44
North Waterfront	77
Neighborhood Mixed-Use	71
Highway Commercial	50
Industrial/Employment – General	90
Industrial/Employment – Limited	222
Industrial/Employment – Warehouse Service	60
Medium Density Residential	50
Neighborhood Residential	1,943
Residential Estate	156
Multi-Family Residential	35
Parks and Recreation	68
Open Space/Natural Resources	1,611
Public/Quasi-Public	550
Urban Reserve	1,824
Total	6,880

Table 2 Existing General Plan 2020 and Land Use Designation Acres

Land Use	Acres
Downtown/Waterfront	50
Marina	15
Neighborhood Service/Mixed-Use	43
Highway Commercial	32
Industrial/Employment – General	312
Industrial/Employment – Limited	113
Industrial/Employment – Warehouse Service	78
Historic Residential	63
Neighborhood Residential	2,093
Residential Estate	154
Parks and Recreation	15
Agriculture/Open Space	1,803
Army Base Reuse Area	27
Airport Transportation	256
Study Area	76
County Land (Not Part of 2001 General Plan) Area	1,750
Total	6,880

Table 3, *City of Rio Vista Buildout Projections*, illustrates the buildout projections for the City of Rio Vista as a result of the General Plan Update. Note that these projections are based on the City's existing land use and the General Plan Update 2045 proposed land use changes.

Table 3 City of Rio Vista Buildout Projections

	2020 (Existing)	2045 (General Plan)	Growth (2020- 2045)	Percentage Difference (%)
Housing Units	4,351	7,373	3,022	69%
Population	10,553	18,592	8,039	76%
Jobs	2,437	3,213	776	32%
Mixed-use Space (Acres)	108	221	113	105%
Retail Space (Acres)	32	50	18	56%
Industrial Space (Acres)	502	372	-130	-26%

ENVIRONMENTAL IMPACT REPORT

As all of the CEQA topics will be included in the EIR, the City has not prepared an Initial Study for this NOP as permitted in Section 15060(d) of the CEQA Guidelines.

The EIR for the proposed project will address the range of impacts that could result from the adoption and implementation of the General Plan 2045 Update. Below is a list of environmental topics that will be examined in the EIR.

- Aesthetics
- Agricultural and Forestry Resources
- Air Quality
- Biological Resources
- Cultural Resource and Tribal Cultural Resources
- Energy
- Geology, Soils and Mineral Resources
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Land Use and Planning
- Noise
- Population and Housing
- Public Service and Recreation
- Transportation
- Utilities and Service Systems
- Wildfire

REVIEW PERIOD

Section 15082(b) of the CEQA Guidelines requires comments to be provided within 30 days of receipt of an NOP. In compliance with the time limits mandated by CEQA, the comment period for this NOP is from Wednesday, October 30, 2024, through Friday, November 29, 2024. A copy of the NOP can be viewed electronically on the City's web page at: <https://riovista2045.com/>.

Please email your written comments to Krystine Ball at kball@ci.rio.vista.ca.us, or physically mail them to City Hall, One Main Street, Rio Vista, CA 94571. Please include the name, email, and/or telephone number of a contact person at your agency or organization who can answer questions about the comment.

SCOPING MEETING

The City will hold a Public Scoping Meeting at 2:00 pm on Tuesday, November 19, 2024 for the EIR to describe the proposed project, the environmental review process, and to receive verbal input on the information that should be included in the EIR. The Scoping Meeting will be held in the Rio Vista City Hall City Council Chambers located at 1 Main Street, Rio Vista, California 94571. The meeting will be conducted in a hybrid format, offering both in-person and online participation to accommodate all attendees. Those who prefer to join virtually can access the meeting via Zoom using the following link: <https://us06web.zoom.us/j/86207916690>

PUBLIC AGENCY APPROVAL: The proposed project will require adoption by the Rio Vista City Council. The Planning Commission and other decision-making bodies will review the proposed project and make recommendations to the City Council. Though other agencies may be consulted during the project process, their approval is not required for the adoption of the General Plan 2045 Update. However, subsequent development under the proposed project may require the approval of responsible or trustee agencies that may rely on the City's General Plan 2045 Update EIR for decisions in their areas of expertise.

Attachments:

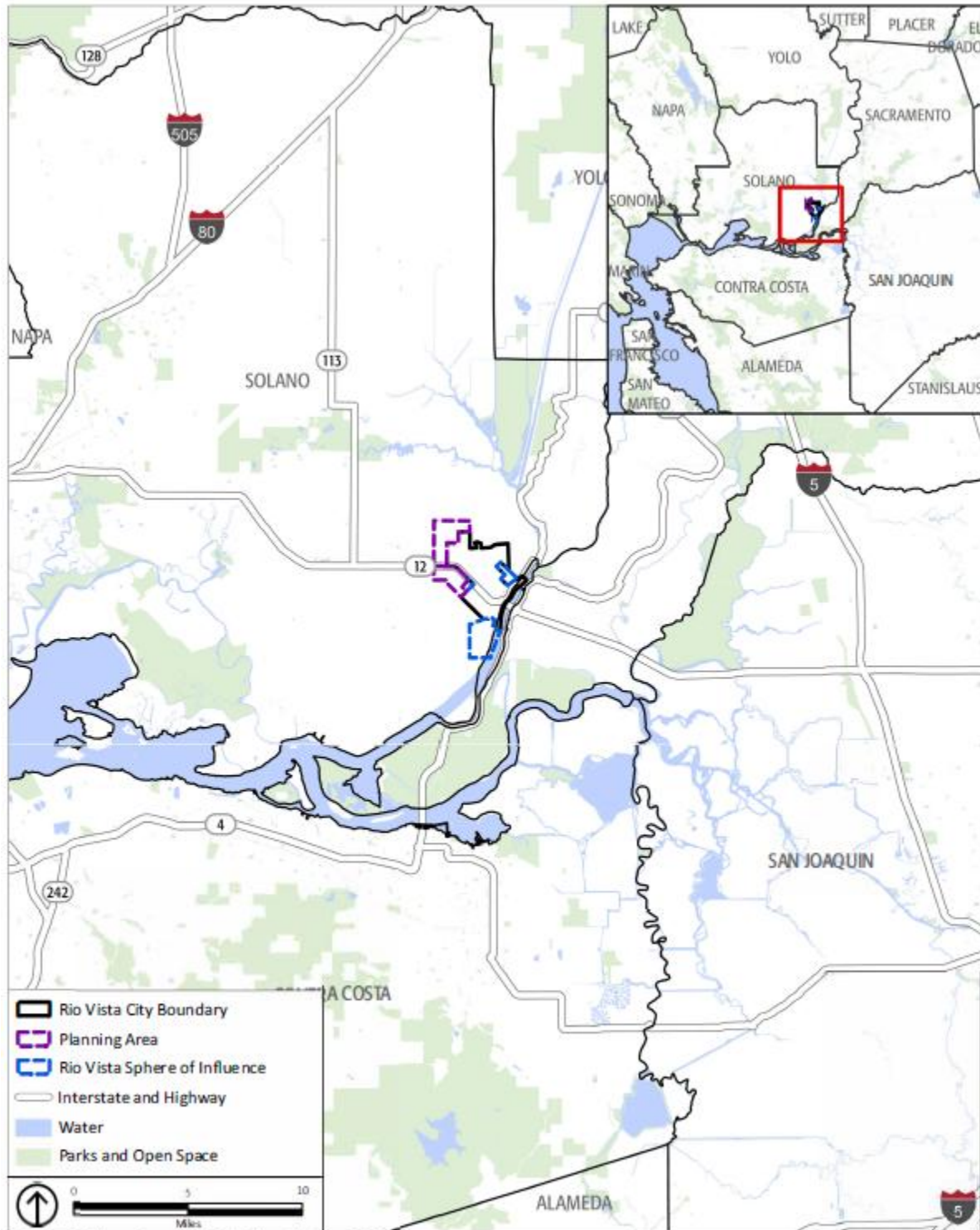
Figure 1: Regional Location

Figure 2: Citywide Aerial

Figure 3: Existing Land Use Diagram

Figure 4: Proposed Land Use Designations

Figure 1 Regional Location



Legend:

- Rio Vista City Boundary
- Planning Area
- Rio Vista Sphere of Influence
- Interstate and Highway
- Primary Roads
- Minor Roads

Scale: 0 0.5 1 Miles

North Arrow: ↑

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Figure 3 Existing Land Use Diagram

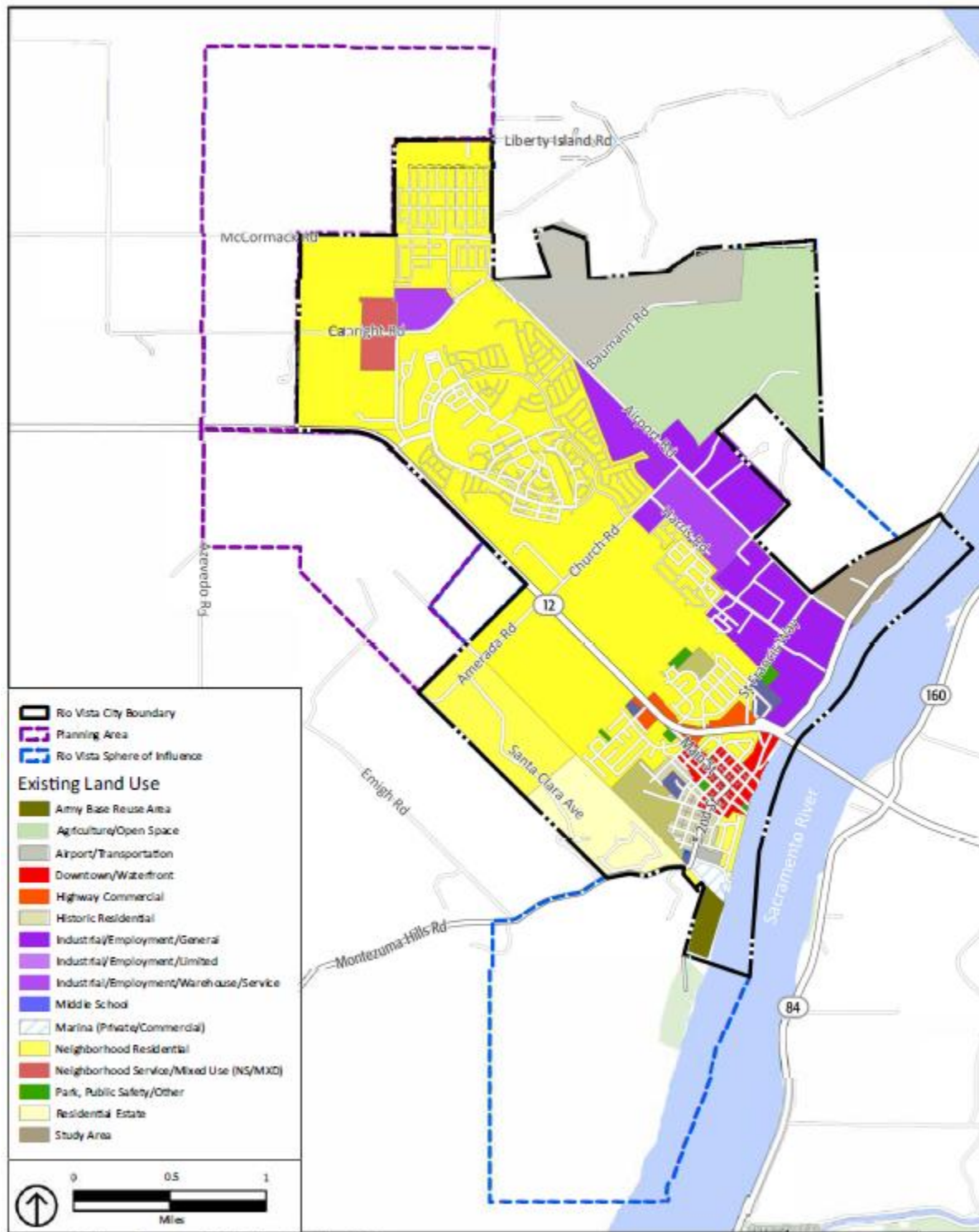
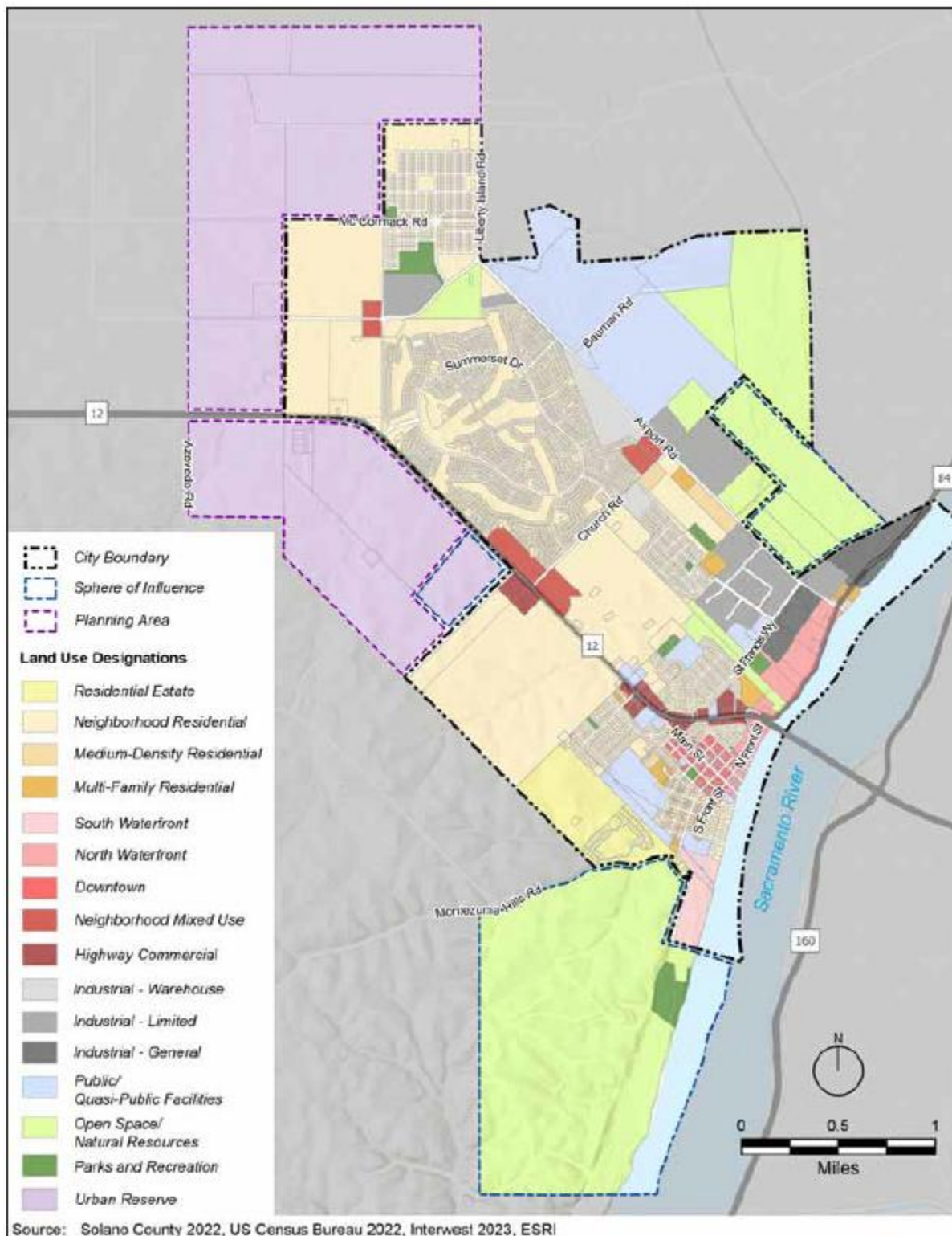


Figure 4 Proposed Land Use Designations



COMMENT LETTERS RECEIVED

California Department of Transportation

DISTRICT 4
OFFICE OF REGIONAL AND COMMUNITY PLANNING
P.O. BOX 23660, MS-10D | OAKLAND, CA 94623-0660
www.dot.ca.gov



November 26, 2024

SCH #: 2024101291
GTS #: 04-SOL-2024-00393
GTS ID: 34480
Co/Rt/Pm: SOL/VAR/VAR

Krystine Ball, Public Works Program Manager
City of Rio Vista
One Main Street
Rio Vista, CA 94571

Re: City of Rio Vista 2045 General Plan Update — Notice of Preparation (NOP) of Draft Environmental Impact Report (DEIR)

Dear Krystine Ball:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the City of Rio Vista 2045 General Plan Update. The Local Development Review (LDR) Program reviews land use projects and plans to ensure consistency with our mission and state planning priorities. The following comments are based on our review of the October 2024 NOP.

Please note this correspondence does not indicate an official position by Caltrans on this project and is for informational purposes only.

Project Understanding

The City of Rio Vista 2045 General Plan Update includes comprehensive updates to the required elements under the State Planning and Zoning Law, as well as other optional elements that the City has elected to include in its General Plan.

Travel Demand Analysis

With the enactment of Senate Bill (SB) 743, Caltrans is focused on maximizing efficient development patterns, innovative travel demand reduction strategies, and multimodal improvements. For more information on how Caltrans assesses Vehicle Miles Traveled (VMT) analysis for land use projects, please review Caltrans' Transportation Impact Study Guide ([link](#)). Caltrans looks forward to reviewing the VMT analysis in the DEIR when it is available.

Multimodal Transportation Planning

Please review and include the reference to the *Caltrans District 4 Pedestrian Plan* (2021) and the *Caltrans District 4 Bike Plan* (2018) in the DEIR. These two plans studied existing conditions for walking and biking along and across the State Transportation Network (STN) in the nine-county Bay Area and developed a list of location-based and prioritized needs.

Please note that any Complete Streets reference should be updated to reflect Caltrans Director's Policy 37 ([link](#)) that highlights the importance of addressing the needs of non-motorists and prioritizing space-efficient forms of mobility, while also facilitating goods movement in a manner with the least environmental and social impacts. This supersedes Deputy Directive 64-R1, and further builds upon its goals of focusing on the movement of people and goods.

Equity and Public Engagement

We will achieve equity when everyone has access to what they need to thrive no matter their race, socioeconomic status, identity, where they live, or how they travel. Caltrans is committed to advancing equity and livability in all communities. We look forward to collaborating with the City to prioritize projects that are equitable and provide meaningful benefits to historically underserved communities.

Caltrans encourages the City to foster meaningful, equitable and ongoing public engagement in the General Plan development process to ensure future transportation decisions and investments reflect community interests and values. The public engagement process should include community-sensitive and equity-focused approaches seeking out the needs of individuals from underserved, Tribal, and low-income communities, the elderly, and individuals with disabilities.

Thank you again for including Caltrans in the environmental review process. Should you have any questions regarding this letter, please contact Llisel Ayon, Associate Transportation Planner, via LDR-D4@dot.ca.gov. For future early coordination opportunities or project referrals, please visit Caltrans LDR website ([link](#)) or contact LDR-D4@dot.ca.gov.

Sincerely,

Krystine Ball, Public Works Program Manager
November 26, 2024
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A handwritten signature in black ink, appearing to read 'Luo Yunsheng'.

YUNSHENG LUO
Branch Chief, Local Development Review
Office of Regional and Community Planning

c: State Clearinghouse

**NATIVE AMERICAN HERITAGE COMMISSION**

November 8, 2024

Krystine Ball
City of Rio Vista
One Main Street
Rio Vista CA 94571

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(916) 373-3710
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Re: 2024101291 City of Rio Vista 2045 General Plan Update Project, Solano County

Dear Ms. Ball:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, §15064.5 (b) (CEQA Guidelines §15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1(b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. **Tribal Consultation**: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation**. There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality**: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation**: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

- 3. Contact the NAHC for:**
 - a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
- 4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.**
 - a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: Pricilla.Torres-Fuentes@NAHC.ca.gov.

Sincerely,

Pricilla Torres-Fuentes
Cultural Resources Analyst

cc: State Clearinghouse