

APPENDIX U



SB 18 and AB 52 Tribal Consultation Summary

SB18 and AB52 Tribal Consultation SUMMARY

SB18

Senate Bill 18 (SB18) also called the Traditional Tribal Cultural Places bill was signed into law September of 2004 and took effect March 1, 2005. SB 18 refers to PRC §5097.9 and 5097.995 which defines cultural places as: Native American sanctified cemetery place of worship, religious or ceremonial site, or sacred shrine (PRC §5097.9). Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the California Register of Historic Resources pursuant to Section 5024.1, including any historic or prehistoric ruins, any burial ground, any archaeological or historic site (PRC §5097.993). SB 18 established responsibilities for local governments to contact, provide notice to, refer plans to, and consult with California Native American Tribes that have been identified by the NAHC and if that tribe requests consultation after local government outreach as stipulated in Government Code (GC) §65352.3. The purpose of this consultation process is to protect the identity of the cultural place and to develop appropriate and dignified treatment of the cultural place in any subsequent project. The consultation is required whenever a general plan, specific plan, or open space designation is proposed for adoption or to be amended. In addition to the requirements stipulated above, SB 18 amended GC §65560 to “allow the protection of cultural places in open space element of the general plan” and amended Civil Code §815.3 to add “California Native American tribes to the list of entities that can acquire and hold conservation easements for the purpose of protecting their cultural places.”

As part of the application process, California Native American Tribes must be given the opportunity to consult with the County for the purpose of preserving, mitigating impacts to, and identifying cultural places located on project land.

In compliance with Senate Bill18 (SB18), on March 07, 2025, Riverside County requested a Sacred Lands File search and a consultation list from the Native American Heritage Commission (“NAHC”) of tribes whose historical extent includes the project area. Based on the March 24, 2025, list provided by NAHC, project notices were sent on March 07, 2025, to 24 Native American Tribal representatives. There was no response from the Agua Caliente Band of Cahuilla Indians, Cabazon Band of Cahuilla Indians, Cahuilla Band of Indians, Los Coyotes Band of Cahuilla and Cupeño Indians, Morongo Band of Mission Indians, Ramona Band of Cahuilla, Soboba Band of Luiseno Indians or the Torres-Martinez Desert Cahuilla Indians. SB 18 consultations were requested by the Twenty-Nine Palms Band of Mission Indians.

AB52

Changes in the California Environmental Quality Act, effective July 2015, require that the County address a new category of cultural resources – tribal cultural resources – not previously included within the law's purview. Tribal Cultural Resources are those resources with inherent tribal values that are difficult to identify through the same means as archaeological resources. These resources can be identified and understood through direct consultation with the tribes who attach tribal value to the resource. Tribal cultural resources may include Native American archaeological sites, but they may also include other types of resources such as cultural landscapes or sacred places. The appropriate treatment of tribal cultural resources is determined through consultation with tribes.

In compliance with Assembly Bill 52 (AB52), notices regarding this project were mailed to all requesting tribes on March 07, 2025. There was no response from the Agua Caliente Band of Cahuilla Indians, Cabazon Band of Cahuilla Indians, Cahuilla Band of Indians, Los Coyotes Band of Cahuilla and Cupeño Indians, Morongo Band of Mission Indians, Colorado River Indian Tribes (CRIT), San Manuel Band, Ramona Band of Cahuilla, Soboba Band of Luiseno Indians, or the Torres-Martinez Desert Cahuilla Indians

Augustine Band of Cahuilla Indians

The Augustine Band of Cahuilla Indians responded in an emailed letter dated March 27, 2025. The letter stated, *"At this time, we are not aware of any specific cultural resources within the project area that would be affected by the proposed development. Therefore, we do not believe that formal consultation is necessary at this stage"*.

Quechan Indian Tribe of the Fort Yuma Reservation

The Quechan Indian Tribe of the Fort Yuma Reservation responded in an email dated March 07, 2025. The email stated, *"This email is to inform you that the Historic Preservation Office does not wish to comment on this project. We defer to the local Tribes and support their determinations on this matter"*.

Santa Rosa Band of Cahuilla Indians

The Santa Rosa Band of Cahuilla Indians responded in an email dated March 24, 2025. The email deferred any comments to the Agua Caliente Band of Cahuilla Indians.

Twenty-Nine Palms Band of Mission Indians

The Twenty-Nine Palms Band of Mission Indians responded in an emailed letter dated April 08, 2025. The letter stated, "...*The project is within Chemehuevi Traditional Use Area. Presently, no known cultural resources are located within the project APE, but there exists the possibility of surface or buried archaeological materials.... This letter is intended to initiate consultation between the tribe and the lead agency*". Project documents and an invitation to schedule a meeting were provided to the tribe on September 24, 2025. Follow up emails were sent to the tribe on October 16, 2025, and October 23, 2025, with no response from the tribe on any of those communications. Consultation was concluded on November 06, 2025.

Although no Tribal Cultural Resources were identified by any of the tribes, the geoarchaeological study of the project area suggested a high sensitivity for such resources. Furthermore, several prehistoric sites and isolated resources, including cremations and habitation areas, have been identified within the records-search area. Therefore, the project area has a moderate to moderately high sensitivity for buried cultural resources, suggesting that cultural resources may be present just under the ground surface.

With the inclusion of the following mitigation measures, impacts to Tribal Cultural Resources would be less than significant.

MM TCR-1 Native Monitor

Prior to the issuance of grading permits, the developer/permit applicant shall enter into agreement(s) with the consulting tribe(s) for the appropriate number of Native American Monitor(s). In conjunction with the Archaeological Monitor(s), the Native American Monitor(s) shall attend the pre-grading meeting with the contractors to provide Cultural Sensitivity Training for all construction personnel. In addition, an adequate number of Native American Monitor(s) shall be on-site during all initial ground disturbing activities and excavation of soils in each portion of the project site including clearing, grubbing, tree removals, grading and trenching. In conjunction with the Archaeological Monitor(s), the Native American Monitor(s) have the authority to temporarily divert, redirect or halt the ground disturbance activities to allow identification, evaluation, and potential recovery of cultural resources.

Activities will be documented in Tribal Monitoring Notes which will be required to be submitted to the County Archaeologist prior to grading final inspection. The developer/permit applicant shall submit a fully executed

copy of the agreement(s) to the County Archaeologist to ensure compliance with this condition of approval. Upon verification, the Archaeologist shall clear this condition. This agreement shall not modify any condition of approval or mitigation measure.

MM TCR-2 Artifact Disposition

Prior to Grading Permit Final Inspection

In the event cultural resources are identified during ground disturbing activities, the landowner(s) shall relinquish ownership of all cultural resources, (with the exception of sacred items, burial goods, and Human Remains) and Provide evidence to the satisfaction of the County Archaeologist that all archaeological materials recovered during the archaeological investigations (this includes collections made during an earlier project, such as testing of archaeological sites that took place years ago), have been handled through the following methods.

Pre-contact resources-A fully executed reburial agreement with the appropriate culturally affiliated Native American tribe(s) or band(s). This shall include measures and provisions to protect the reburial area from any future impacts. Reburial shall not occur until all cataloguing, analysis and special studies have been completed on the cultural resources. Details of contents and location of the reburial shall be included in the Phase IV Report. The details of any disposition of artifacts shall be documented in the Phase IV report.

The project will also be required to adhere to State Health and Safety Code Section 7050.5 in the event that human remains are encountered and by ensuring that no further disturbance occur until the County Coroner has made the necessary findings as to origin of the remains. Furthermore, pursuant to Public Resources Code Section 5097.98 (b), remains shall be left in place and free from disturbance until a final decision as to the treatment and their disposition has been made. This is State Law and a standard condition of approval and is not considered a mitigation measure for the purposes of this project.

In addition, CEQA requires the Lead Agency to address any unanticipated cultural resources discoveries during Project construction. Therefore, a condition of approval that dictates the procedures to be followed should any unanticipated cultural resources be identified during ground disturbing activities has been placed on this project. This is a standard condition of approval and is not considered a mitigation measure for the purposes of this project.