
APPENDIX B

NOP AND COMMENT LETTERS

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LAND USE PLANNING

NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT REPORT

Date: December 19, 2025

To: State Clearinghouse, Responsible Agencies, Trustee Agencies, Organizations and Interested Persons

Lead Agency: City of Berkeley
Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, California 94704

Project Title: 2036 Bancroft Way Project

Project Location: The approximately 1-acre project site is located at 2030 – 2036 Bancroft Way and 2300 Shattuck Avenue, in Berkeley (Assessor's Parcel Numbers [APNs] 55-1894-16 and 55-1894-17-4). The project site is bounded by Bancroft Way to the north, Shattuck Avenue to the east, residential uses and Durant Avenue to the south, and residential uses to the west.

Project Applicant: 2322 Shattuck Avenue, LLC & Bancroft Way Properties, LLC

Purpose of Notice:

The City of Berkeley (City), as the lead agency, pursuant to the State of California Environmental Quality Act (CEQA), Section 15183.3, Streamlining for Infill Projects, is preparing a Draft Infill Environmental Impact Report (EIR) for the proposed 2036 Bancroft Way Project, located in the City of Berkeley, CA. Refer to Figure 1.

In accordance with the provisions of the CEQA Guidelines, California Code of Regulations (CCR) Section 15082(a), this Notice of Preparation (NOP) provides responsible and trustee agencies, nearby property owners, and other interested parties with a description of the proposed project and information on its potential environmental effects. The City also invites input and/or comments from public agencies and the general public as to the scope and content of the environmental information that will be studied in connection with this project.

An Infill Environmental Checklist, which evaluates the environmental issue as outlined in Appendix N of the CEQA Guidelines, has been prepared for the proposed project and is included for public review along with this notice. The Infill Environmental Checklist, project plans, and other information are available at the Zoning Counter at City of Berkeley Permit Service Center, Planning and Development Department, 1947 Center Street, 2nd Floor, Berkeley, California and online at: <https://aca.cityofberkeley.info/citizenaccess/Default.aspx> (Click on Zoning tab; enter permit number ZP2024-0079; select permit ZP2022-0135; click on the "Record Info" drop down menu; click on Attachments for a list of all application materials).

Project Description and Location:

The project site is currently developed with: (1) a three-story, six unit residential building at 2030 Bancroft Way (Broad Apartments); (2) a two-story, two unit residential building at 2032 Bancroft Way (Broad House) (collectively APN 55-1894-16 and referred to as the 2030-2032 Bancroft Way parcel); (3)

a four-story commercial office with ground floor retail building at 2300 Shattuck Avenue (Corder Building); and (4) the three-story annex at 2036 Bancroft Way (Office Annex) (collectively APN 55-1894-17-4 and referred to as the 2300 Shattuck Avenue parcel). The Corder Building and Office Annex are connected through a skybridge. The Broad Apartments, Broad House and the Corder Building are designated as City of Berkeley Landmarks. The Corder Building is also listed on the National Register of Historic Places (NRHR) and the Office Annex is considered a contributing feature to the historic Corder Building.

The buildings on the project site contain a total of 8 dwelling units (6,680 square feet of residential use) and 118,605 square feet of commercial use, for a total of 125,285 gross square feet of building area. Vegetation on the project site includes two mature trees within the project site and street trees located along Shattuck Avenue.

Existing General Plan and Zoning

The project site is within the boundaries of the Downtown Area Plan (DAP), is designated Downtown (DT) and High Density Residential (HDR) in the General Plan and is within the Commercial-Downtown Mixed-Use (C-DMU) Corridor and Buffer zoning districts. The 2300 Shattuck Avenue parcel that fronts Shattuck Avenue is zoned as C-DMU Corridor, and the 2030-2032 Bancroft Way parcels on Bancroft Way are zoned as C-DMU Buffer.

Proposed Project

The proposed project would result in demolition of the Broad Apartments and Broad House and the alteration to the Corder Building to remove the Office Annex and skybridge connection. The proposed project would then construct a new 8-story building with 87 for-rent dwelling units. At completion, the project site would include a total of 79 net new residential units and 98,865 square feet of retained commercial use (a reduction of 19,740 square feet), as shown in Figure 2. To facilitate the proposed project, the proposed project includes a lot line adjustment between the two subject parcels such that APN 55-1894-17-4 would only contain the Corder Building, and APN 55-1894-16 would only include the proposed new building.

The existing Corder Building would be retained with alterations in the northwest corner where the skybridge would be removed and the resulting opening in the exterior wall of the Corder Building would be infilled. Associated improvements include landscaping, circulation and parking, infrastructure upgrades, utility connections, and tenant amenities. The proposed project would provide a total of 2,368 square feet of usable open space and landscaping species would prioritize low water use and/or drought tolerance and friendliness to pollinators and would be California natives. The proposed building would be all electric and would include solar photovoltaic (PV) panels installed as an awning above the eighth-floor rooftop open space and the roof to comply with California Energy Code requirements for energy efficiency.

The proposed project was submitted pursuant to Senate Bill 330 (SB 330) and subject to the modifications and protections of State Density Bonus Law and the Housing Accountability Act. The proposed project includes six affordable dwelling units to satisfy replacement requirements and achieve a density bonus.

Environmental Impact Report

The lead agency determined that a Draft Infill EIR would be prepared pursuant to CEQA Guidelines Section 15183.3, Streamlining for Infill Projects, projects consistent with a General Plan or Zoning. The Draft Infill EIR will evaluate the potential environmental impacts of the proposed project, after having first established the environmental setting, or baseline, for the environmental analysis. The significance of potential impacts, cumulative impacts, and appropriate mitigation measures associated with the proposed project would be thoroughly discussed in the Draft Infill EIR. Based on preliminary results of the Infill Environmental Checklist, the following potentially significant environmental issue topics will be analyzed in more detail in the Draft Infill EIR: Cultural Resources and Tribal Resources

Written Comments

The City requests written comments that focus on the scope and content of the environmental

information of the EIR for the 2036 Bancroft Way Project. All comments on environmental issues received during the public comment period will be considered when preparing the EIR.

This NOP will be circulated for a 45-day review period, which will extend from December 19, 2025, to February 2, 2026. Responses to this NOP must be received by 5:00 p.m. on February 2, 2026. Please send your written or electronic responses, with appropriate contact information, to the following:

Singeh Saliki, Senior Planner
City of Berkeley
Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, California 94704
Email: ssaliki@berkeleyca.gov

For electronic responses, please include the project name in the subject line: 2036 Bancroft Way.

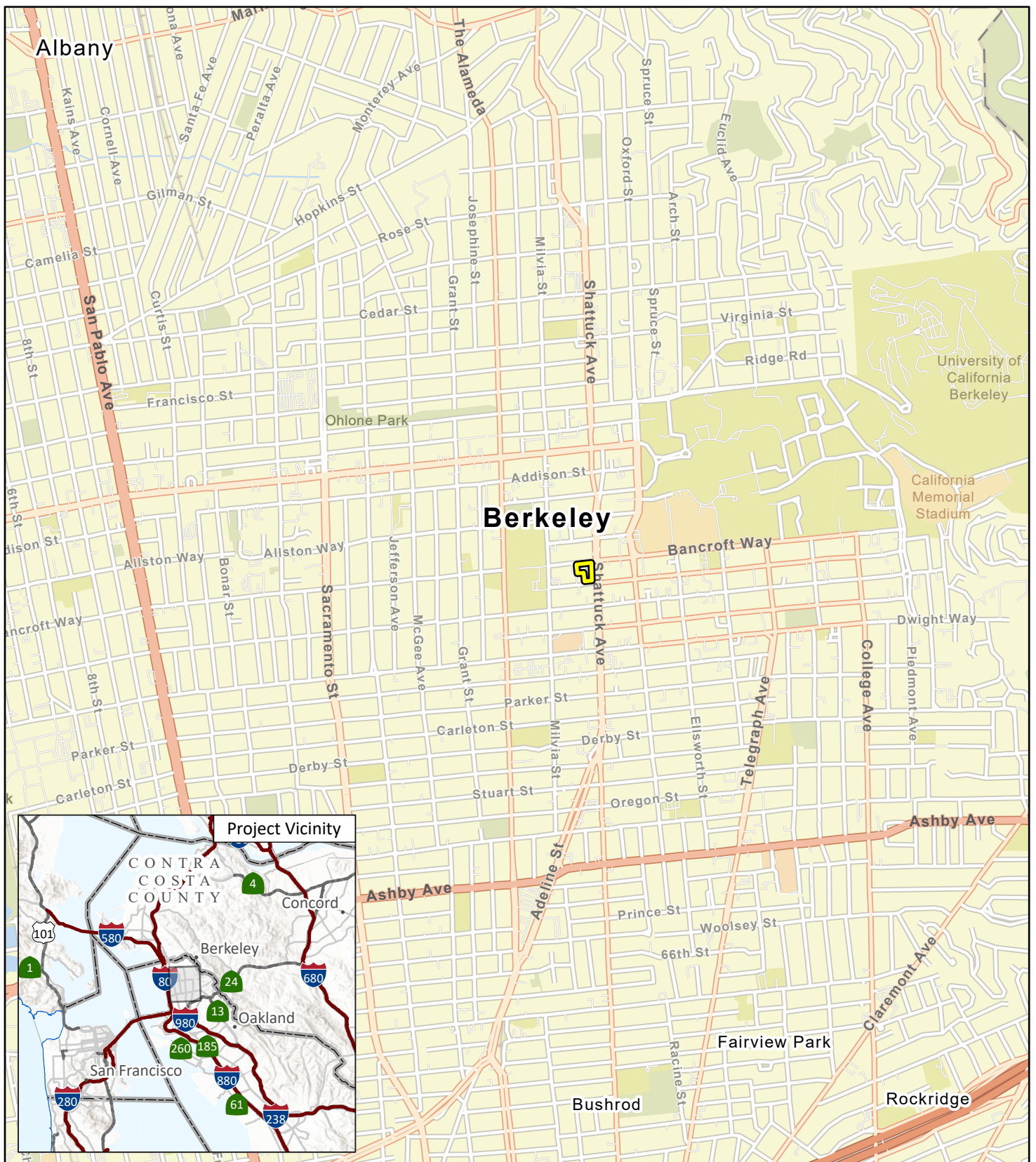
EIR Public Scoping Meeting

The CEQA process encourages comments and questions from the public throughout the planning process. Pursuant to Section 15083 of the State CEQA Guidelines, a Public Scoping Meeting will be held to solicit public comments on the scope and content of the EIR. A public scoping meeting for this project will be held virtually on **Wednesday, January 6, 2025, at 6 pm**.

To join from a PC, Mac, iPad, iPhone, or Android device, use the link:

<https://us06web.zoom.us/j/86287342666>

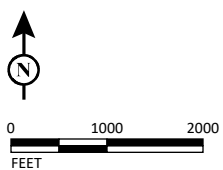
To join by phone, dial: +1 669 444 9171 US or +1 669 900 6833 US (San Jose) and enter Meeting ID: 862 8734 2666



LSA

 Project Location

FIGURE 1



SOURCE: Esri World Street Map (2025).

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2036 Bancroft Way Project NOP
Regional Location and Project Vicinity

2036 Bancroft Way Project
Overall Proposed Site Plan

January 27, 2026

Singeh Saliki, Senior Planner
City of Berkeley
Planning and Development Department
Land Use Planning Division
1947 Center Street, 2nd Floor
Berkeley, California 94704

Re: Notice of Preparation of a Draft Environmental Impact Report for the 2036
Bancroft Way Project, Berkeley

Dear Singeh Saliki:

East Bay Municipal Utility District (EBMUD) appreciates the opportunity to comment on the Notice of Preparation (NOP) of a Draft Environmental Impact Report (EIR) for the 2036 Bancroft Way Project (Project) located in the City of Berkeley (City). EBMUD has the following comments.

WATER SERVICE

Effective January 1, 2018, water service for new multiunit structures shall be individually metered or sub-metered in compliance with Section 537 of California's Water Code & Section 1954.201-219 of California's Civil Code, which encourages conservation of water in multi-family residential, mixed-use multi-family, and commercial buildings by requiring metering infrastructure for each dwelling unit, including appropriate water billing safeguards for both tenants and landlords. EBMUD water services shall be conditioned for all development projects that are subject to these metering requirements and will be released only after the project sponsor has satisfied all requirements and provided evidence of conformance with Section 537 of California's Water Code & Section 1954.201-2019 of California's Civil Code.

EBMUD's Aqueduct Pressure Zone, with a service elevation between 100 and 200 feet, will serve the proposed development. When the development plans are finalized, the project sponsor should contact EBMUD's New Business Office and request a water service estimate to determine costs and conditions for providing water service to the proposed development. Engineering and installation of water services require substantial lead time, which should be provided for in the project sponsor's development schedule.

WASTEWATER

EBMUD's Main Wastewater Treatment Plant (MWWTP) and interceptor system are

anticipated to have adequate dry weather capacity to accommodate the proposed wastewater flows from the Project and to treat such flows provided that the wastewater generated by the Project meets the requirements of the EBMUD Wastewater Control Ordinance. However, wet weather flows are a concern. The East Bay regional wastewater collection system experiences exceptionally high peak flows during storms due to excessive infiltration and inflow (I/I) that enters the system through cracks and misconnections in both public and private sewer lines. EBMUD has historically operated three Wet Weather Facilities (WWFs) to provide primary treatment and disinfection for peak wet weather flows that exceed the treatment capacity of the MWWTP. Due to reinterpretation of applicable law, EBMUD's National Pollutant Discharge Elimination System (NPDES) permit now prohibits discharges from EBMUD's WWFs. Additionally, the seven wastewater collection system agencies that discharge to the EBMUD wastewater interceptor system ("Satellite Agencies") hold NPDES permits that prohibit them from causing or contributing to WWF discharges. These NPDES permits have removed the regulatory coverage the East Bay wastewater agencies once relied upon to manage peak wet weather flows.

A federal consent decree, negotiated among EBMUD, the Satellite Agencies, the Environmental Protection Agency (EPA), the State Water Resources Control Board (SWRCB), and the Regional Water Quality Control Board (RWQCB), requires EBMUD and the Satellite Agencies to eliminate WWF discharges by 2036. To meet this requirement, actions will need to be taken over time to reduce I/I in the system. The consent decree requires EBMUD to continue implementation of its Regional Private Sewer Lateral Ordinance (www.eastbaypsl.com), construct various improvements to its interceptor system, and identify key areas of inflow and rapid infiltration over a 22-year period. Over the same time period, the consent decree requires the Satellite Agencies to perform I/I reduction work including sewer main rehabilitation and elimination of inflow sources. EBMUD and the Satellite Agencies must jointly demonstrate at specified intervals that this work has resulted in a sufficient, pre-determined level of reduction in WWF discharges. If sufficient I/I reductions are not achieved, additional investment into the region's wastewater infrastructure would be required, which may result in significant financial implications for East Bay residents.

To ensure that the proposed Project contributes to these legally required I/I reductions, the lead agency should require the project applicant to comply with EBMUD's Regional Private Sewer Lateral Ordinance. Additionally, it would be prudent for the lead agency to require the following mitigation measures for the proposed Project: (1) replace or rehabilitate any existing sanitary sewer collection systems, including sewer lateral lines to ensure that such systems and lines are free from defects or, alternatively, disconnected from the sanitary sewer system, and (2) ensure any new wastewater collection systems, including sewer lateral lines, for the Project are constructed to prevent I/I to the maximum extent feasible while meeting all requirements contained in the Regional Private Sewer Lateral Ordinance and applicable municipal codes or Satellite Agency ordinances.

Singeh Saliki, Senior Planner
January 27, 2026
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WATER CONSERVATION

The Project presents an opportunity to incorporate water conservation measures. EBMUD requests that the City include in its conditions of approval a requirement that the project sponsor comply with Assembly Bill 325, "Model Water Efficient Landscape Ordinance," (Division 2, Title 23, California Code of Regulations, Chapter 2.7, Sections 490 through 495). The project sponsor should be aware that Section 31 of EBMUD's Water Service Regulations requires that water service shall not be furnished for new or expanded service unless all the applicable water-efficiency measures described in the regulation are installed at the project sponsor's expense.

If you have any questions concerning this response, please contact Sandra Mulhauser, Senior Civil Engineer, Major Facilities Planning Section at (510) 287-7032.

Sincerely,



David J. Rehnstrom
Manager of Water Distribution Planning

DJR:CR:
wdpd25_200_2036_Bancroft_Way_Project.doc

cc: 2322 Shattuck Avenue, LLC & Bancroft Way Properties, LLC
2804 Gateway Oaks Drive #100
Sacramento, CA 95833



NATIVE AMERICAN HERITAGE COMMISSION

December 17, 2025

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NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov

Re: 2025120790 2036 Bancroft Way Project, Alameda County

Dear Ms. Saliki:

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, subds. (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: Mathew.Lin@NAHC.ca.gov.

Sincerely,

Mathew Lin

Mathew Lin
Cultural Resources Analyst

cc: State Clearinghouse