

Acjachemen Nation-Belardes

Mitigation Measure Draft

TCR-1: Retention of a Native American Monitor Prior to Commencement of Ground-Disturbing Activities.

- a) The Project applicant shall retain a Native American Monitor from or approved by the Juaneno Band of Mission Indians, Acjachemen Nation- Belardes. The monitor shall be retained prior to the commencement of any ground-disturbing activity for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.
- b) A copy of the executed monitoring agreement shall be submitted to the (City) prior to the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence ground disturbing activity.
- c) The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered tribal cultural resources (TCRs), including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the Project applicant upon written request to the Tribe.
- d) On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Tribe or Tribal monitoring agency from a designated point of contact for the Project applicant that all ground-disturbing activities and phases that may involve the Project are complete; or (2) a determination and written notification by the Tribe or Tribal monitoring agency to the Director of Community Development, or designee that no future, planned construction activity and/or development/construction phase at the Project site possesses the potential to impact TCRs.

TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial)

- a) Upon discovery of any tribal cultural resources (TCRs), all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Native American Monitor. The Tribe or Tribal monitoring agency will recover and retain

all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.

TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects.

- a) Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.
- b) If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed.
- c) Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).
- d) Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.
- e) Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.



Acjachemen Nation - 84A

Juaneño Band of Mission Indians Acjachemen Nation

Tribal Council

Nathan K. Banda • Chairman
Andrew C. Lara • Vice Chair
Shannon Wingfield • Secretary
Frank Barraza • Member at Large
Georgia "Chena" Edmundson • Member at Large



May 22, 2026

City of Tustin ~ Residential Project at 17332 Irvine Blvd. Tustin CA.

Tribal Monitoring – Juaneño Band of Mission Indians - Acjachemen Nation

1. Retention of Qualified Archaeologist and Worker Training. Prior to the issuance of a grading permit by the City of Tustin, evidence shall be provided to the City that a qualified archaeologist meeting the Secretary of the Interior's Standards for professional archaeology (U.S. Secretary of the Interior 2008) has been retained by the Applicant to conduct any required training, evaluation, or treatment of archaeological resources that might be encountered during implementation of the project.

As part of this, prior to the start of grading, the qualified archaeologist shall conduct cultural resources sensitivity training for all construction personnel. Construction personnel must be informed of the types of archaeological resources that may be encountered (both prehistoric and historical), and of the proper procedures to be enacted in the event of an inadvertent discovery of archaeological resources or human remains. The Applicant must ensure that construction personnel are made available for and attend the training and retain documentation demonstrating attendance. This documentation shall be made available to the City upon request.

2. Native American Monitoring. A Native American monitor from the tribe or tribes identified as a consulting party for the project under AB 52 shall be present during all earth-moving construction activities. The Native American monitor shall be given the opportunity to participate in the cultural resource sensitivity training described in the preceding condition of approval. At least 30 days prior to issuance of grading permits by the City for the project site and any off-site improvements, a Native American Monitoring Agreement (Monitoring Agreement) shall be developed between the Applicant and the consulting party. The Monitoring Agreement shall pertain to prehistoric archaeological resources and Tribal Cultural Resources, respectively, and shall identify any monitoring requirements and treatment of cultural resources to meet the requirements of the Tribal representative. The Monitoring Agreement shall also address communication protocols in the event of an unanticipated discovery of cultural materials, and the roles, responsibilities, and authorities of the Native American Monitor. The Monitoring Agreement shall also detail the protocols for treatment and final disposition of any Native American cultural resources, sacred sites, and human remains discovered on the site that shall implement in consultation and coordination with the Native American Most Likely Descendant, as identified by the NAHC. In accordance with the condition of approval below, discovery and treatment of human remains shall comply with State Health and Safety Code Section 7050.5 and Public Resources Code (PRC) Section 5097.98.

3. Archaeological Resource and/or Tribal Cultural Resource Discovery and Treatment. In the event of the unanticipated discovery of archaeological or other cultural resources, whether discovered through Native American monitoring or not, all work activities in the area (within approximately 100 feet of the discovery) shall be halted or redirected until the discovery can be evaluated by a qualified archaeologist. Construction shall not resume until a qualified archaeologist has conferred with the City and, in the case of prehistoric archaeological resources and tribal cultural resources, the Native American monitor, on the significance of the resource. If it is determined that the discovered archaeological resource and/or tribal cultural resource is significant, avoidance and preservation in place shall be the preferred manner of mitigation, pursuant to PRC Section 21083.2(b) and Section 21084.3. Preservation in place may be accomplished by, but is not limited to, avoidance, incorporating the resource into open space, capping, or deeding the site into a permanent conservation easement. In the event that preservation in place is demonstrated to be infeasible and data recovery through excavation is the only feasible mitigation available, a Treatment Plan shall be prepared and implemented by a qualified archaeologist, in consultation with the City, that provides for the adequate recovery of the scientifically consequential information contained in the archaeological resource or cultural information in the event of a tribal cultural resource. The City and Applicant shall also consult with appropriate Native American representatives in determining treatment for prehistoric or Native American resources to ensure cultural values ascribed to the resources, beyond those that are scientifically important, are considered. Any evaluation and treatment shall be supervised by an individual or individuals that meet the Secretary of the Interior's Professional Qualification Standards.

4. Treatment of Human Remains. In accordance with California Health and Safety Code Section 7050.5, if human remains are found, the Orange County Sheriff's Coroner shall be immediately notified of the discovery. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains (100 feet or as determined by the project archaeologist) shall occur until the procedures set forth in this measure have been implemented. If the County Coroner determines that the remains are, or are believed to be, Native American, the Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours. In accordance with California PRC Section 5097.98, the NAHC must immediately notify those persons it believes to be the Most Likely Descendant (MLD) from the deceased Native American. The MLD shall complete their inspection within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with the property owner, the disposition of the human remains.

5. The project applicant shall retain a Native American Monitor from or approved by the Juaneño Band of Mission Indians – Acjachemen Nation Tribal Council.

a. The monitor shall be retained prior to the commencement of any "ground-disturbing activity" for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). "Ground-disturbing activity" shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.

b. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.

6. Construction coordination meeting shall be conducted prior to start of ground disturbing work (grading, trenching, or excavation) with Qualified Archaeologist, Construction Contractor, Juaneño Band of Mission Indians Acjachemen Nation (JBMIAN) Tribal Representative.

7. Tribal Cultural Resource Monitoring shall be conducted during all initial ground- disturbing activities until both the Archaeologist and Tribal Monitor determine monitoring is no longer needed. During construction, if cultural materials or features are discovered. Construction contractor, Archaeologist, JBMIAN Tribal Monitor and Lead Agency shall submit a discovery report documenting find, treatment measures, and confirmation that work did not resume until treatment was completed in consultation with JBMIAN. If human remains are encountered during construction.

8. Qualified Archaeologist and/or JBMIAN Tribal Representative shall submit documentation of recovered materials, correspondence confirming tribal disposition decision (e.g., reburial, return, or other treatment) during and following construction, if artifacts are recovered.

9. Qualified Archaeologist, JBMIAN Tribal Monitor, and/or Lead Agency shall submit a Final Monitoring and Mitigation Summary Report; written confirmation of JBMIAN review and acceptance; copies of confidentiality compliance upon completion of ground-disturbing activities.

10. Lead Agency, Construction Contractor and or JBMIAN Representative shall submit records of coordination and confirmation that tribal ceremonies or blessings were accommodated safely and respectfully prior to and/or during construction, as requested by the Tribe.

11. Responsibility for conditions:

- a) Lead Agency shall ensure that all measures are implemented, documented and verified prior to and during construction activities; and
- b) Tribal Participation by the Juaneño Band of Mission Indians, Acjachemen Nation (JBMIAN) be a consulting and monitoring partner throughout all ground- disturbing activities; and
- c) Compliance Verification shall include documentation of implementation, including monitoring logs, consultation records, and correspondence. Records shall be maintained in the project file by the Lead Agency and made.



Always Forward,

Nathan K. Banda

Tribal Chairman
Juaneño Band of Mission Indians, Acjachemen Nation
nbanda@jbmian.com
www.jbmian.com
949-426-8804



✓ **GABRIELEÑO BAND OF MISSION
INDIANS - KIZH NATION**
California State Recognized Aboriginal Tribe of the Los Angeles Basin
(Historically known as the Gabrieleño Tribal Council - San Gabriel Band of Mission Indians)



Subject : 15 Unit Multifamily Residential Project

GABRIELENO BAND OF MISSION INDIANS – KIZH NATION - PROPOSED TCR CONDITIONS OF APPROVAL

TCR-1: Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities

- A. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any “ground-disturbing activity” for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work). “Ground-disturbing activity” shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.
- B. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the earlier of the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.
- C. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground-disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered TCRs, including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or “TCR”), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of monitor logs will be provided to the project applicant/lead agency upon written request to the Tribe.
- D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh TCRs.

TCR-2: Unanticipated Discovery of Tribal Cultural Resource Objects (Non-Funerary/Non-Ceremonial)

- A. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh monitor and/or Kizh archaeologist. The Kizh will recover and retain all discovered TCRs in the form and/or manner the Tribe deems appropriate, in the Tribe's sole discretion, and for any purpose the Tribe deems appropriate, including for educational, cultural and/or historic purposes.

TCR-3: Unanticipated Discovery of Human Remains and Associated Funerary or Ceremonial Objects

- A. Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in Public Resources Code Section 5097.98, are also to be treated according to this statute.
- B. If Native American human remains and/or grave goods are discovered or recognized on the project site, then Public Resource Code 5097.9 as well as Health and Safety Code Section 7050.5 shall be followed.
- C. Human remains and grave/burial goods shall be treated alike per California Public Resources Code section 5097.98(d)(1) and (2).
- D. Preservation in place (i.e., avoidance) is the preferred manner of treatment for discovered human remains and/or burial goods.
- E. Any discovery of human remains/burial goods shall be kept confidential to prevent further disturbance.

PLEASE NOTE THE FOLLOWING:

Any/all revisions to the Kizh's proposed TCR conditions of approval set forth above must be requested in writing, and not more than ten (10) calendar days from the date that we consulted on the subject Project so that we can conclude consultation. Requested revisions shall be delivered to the Kizh via email at admin@gabrielenoindians.org, and in a Word document, redline format. Please include as the email subject: "REQUEST FOR CONDITIONS REVISIONS," and identify the project name and location/address. If revisions are not requested within 10 calendar days of consultation, the Kizh's proposed conditions are presumed accepted as proposed (i.e., as set forth above).

The laws preserving the confidentiality of Native American documents and records prohibits the inclusion of any information about the location of Native American artifacts, sites, sacred lands, or any other information that is exempt from public disclosure pursuant to the Public Records Act. (Cal. Code Regs. § 15120(d) Rocklin (2011) 197 Cal.App.4th 200, at p. 220. Please be advised that these protective conditions

are property of the KIZH Nation Tribal government and no other entity or Tribal government nor should they be utilized for any other Tribal government or entity and are protected under the AB130 confidentiality act During AB 52/AB 130/SB 18 consultation, the Gabrieleño Band of Mission Indians – Kizh Nation provided substantial evidence: (1) confirming their direct ancestral connection to and cultural affiliation with the geographic area that encompasses the subject project; and (2) establishing their expertise of known and undiscovered tribal cultural resources located in the project's geographic area. Therefore, the parties acknowledge and agree that the project's impacts to tribal cultural resources will be mitigated by and through the Kizh Nation's tribal monitoring for all ground-disturbing project-related activities. To ensure fulfillment and compliance with the law and policy contemplated by CEQA, NEPA, CERCLA, and other relevant state and federal legislation, the parties further agree that the Kizh Nation's expertise of the tribal cultural resources located in the project's geographic area shall not be implemented by another entity without the prior written consent of the Kizh Nation.

Thank you for your anticipated cooperation.

Morongo Band of Mission Indians Cultural Resource Mitigation Measures:

CR-1: Native American Treatment Agreement Prior to the issuance of grading permits, the applicant shall enter into a Tribal Monitoring Agreement with the Morongo Band of Mission Indians for the project. The Tribal Monitor(s) shall be on-site during all ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind). The Tribal Monitor(s) shall have the authority to temporarily divert, redirect, or halt the ground-disturbing activities to allow identification, evaluation, and potential recovery of cultural resources and/or tribal cultural resources.

CR-2: Retention of Archaeologist Prior to any ground-disturbing activities (including, but not limited to, clearing, grubbing, tree and bush removal, grading, trenching, fence post replacement and removal, construction excavation, excavation for all utility and irrigation lines, and landscaping phases of any kind), and prior to the issuance of grading permits, the Applicant shall retain a qualified archaeologist who meets the U.S. Secretary of the Interior Standards (SOI). The archaeologist shall be present during all ground-disturbing activities to identify any known or suspected archaeological and/or cultural resources. The archaeologist will conduct a Cultural Resource Sensitivity Training, in conjunction with the Tribe[s] Tribal Historic Preservation Officer (THPO), and/or designated Tribal Representative. The training session will focus on the archaeological and tribal cultural resources that may be encountered during ground-disturbing activities as well as the procedures to be followed in such an event.

CR-3: Cultural Resource Management Plan Prior to any ground-disturbing activities the project archaeologist shall develop a Cultural Resource Management Plan (CRMP) and/or Archaeological Monitoring and Treatment Plan (AMTP) to address the details, timing, and responsibilities of all archaeological and cultural resource activities that occur on the project site. This Plan shall be written in consultation with the consulting Tribe[s] and shall include the following: approved Mitigation Measures (MM)/Conditions of Approval (COA), contact information for all pertinent parties, parties' responsibilities, procedures for each MM or COA, and an overview of the project schedule.

CR-4: Pre-Grade Meeting The retained qualified archeologist and Consulting Tribe[s] representative shall attend the pre-grade meeting with the grading contractors to explain and coordinate the requirements of the monitoring plan.

CR-5: On-site Monitoring During all ground-disturbing activities the qualified archaeologist and the Tribal Monitor(s) shall be on-site full-time. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and any discoveries of Tribal Cultural Resources as defined in California Public Resources Code Section 21074. Archaeological and Native American monitoring will be discontinued when the depth of grading and the soil conditions no longer retain the potential to contain cultural deposits. The qualified archaeologist, in consultation with the Tribal Monitor(s), shall be responsible for determining the duration and frequency of monitoring.

CR-6: Inadvertent Discovery of Cultural Resources In the event that previously unidentified cultural resources are unearthed during construction, the qualified archaeologist and the Tribal Monitor(s) shall have the authority to temporarily divert and/or temporarily halt ground-disturbance operations in the area of discovery to allow for the evaluation of potentially significant cultural resources. Isolates and clearly non-significant deposits shall be minimally documented in the field and collected so the monitored grading can proceed.

If a potentially significant cultural resource(s) is discovered, work shall stop within a 60-foot perimeter of the discovery and an Environmentally Sensitive Area (ESA) physical demarcation/barrier constructed. All work shall be diverted away from the vicinity of the find, so that the find can be evaluated by the qualified archaeologist and Tribal Monitor[s]. The archaeologist shall notify the Lead Agency and consulting Tribe[s] of said discovery. The qualified archaeologist, in consultation with the Lead Agency, the consulting Tribe[s], and the Native American monitor, shall determine the significance of the discovered resource. A recommendation for the treatment and disposition of the Tribal Cultural Resource shall be made by the qualified archaeologist in consultation with the

Tribe[s] and the Native American monitor[s] and be submitted to the Lead Agency for review and approval. Below are the possible treatments and dispositions of significant cultural resources in order of CEQA preference:

- A. Full avoidance.
- B. If avoidance is not feasible, Preservation in place.

If Preservation in place is not feasible, all items shall be reburied in an area away from any future impacts and reside in a permanent conservation easement or Deed Restriction.

- C. If all other options are proven to be infeasible, data recovery through excavation and then curation in a Curation Facility that meets the Federal Curation Standards (36 CFR 79)

CR-7: Inadvertent Discovery of Human Remains The Morongo Band of Mission Indians requests the following specific conditions to be imposed in order to protect Native American human remains and/or cremations. **No photographs are to be taken except by the coroner, with written approval by the consulting Tribe[s].**

- A. Should human remains and/or cremations be encountered on the surface or during any and all ground-disturbing activities (i.e., clearing, grubbing, tree and bush removal, grading, trenching, fence post placement and removal, construction excavation, excavation for all water supply, electrical, and irrigation lines, and landscaping phases of any kind), work in the immediate vicinity of the discovery shall immediately stop within a 100-foot perimeter of the discovery. The area shall be protected by the establishment of an ESA with a marked boundary. Project personnel/observers will be restricted from entry into the ESA. The County Coroner is to be contacted within 24 hours of discovery. The County Coroner has 48 hours to make his/her determination pursuant to State and Safety Code §7050.5. and Public Resources Code (PRC) § 5097.98.
- B. In the event that the human remains and/or cremations are identified as Native American, the Coroner shall notify the Native American Heritage Commission within 24 hours of determination pursuant to subdivision (c) of HSC §7050.5.
- C. The Native American Heritage Commission shall immediately notify the person or persons it believes to be the Most Likely Descendant (MLD). The MLD has 48 hours, upon being granted access to the Project site, to inspect the site of discovery and make his/her recommendation for final treatment and disposition, with appropriate dignity, of the remains and all associated grave goods pursuant to PRC §5097.98
- D. If the Morongo Band of Mission Indians has been named the Most Likely Descendant (MLD), the Tribe may wish to rebury the human remains and/or cremation and sacred items in their place of discovery with no further disturbance where they will reside in perpetuity. The place(s) of reburial will not be disclosed by any party and is exempt from the California Public Records Act (California Government Code § 6254[r]). Reburial location of human remains and/or cremations will be determined by the Tribe's Most Likely Descendant (MLD), the landowner, and the City Planning Department.

CR-8: FINAL REPORT: The final report[s] created as a part of the project (AMTP, isolate records, site records, survey reports, testing reports, etc.) shall be submitted to the Lead Agency and Consulting Tribe[s] for review and comment. After approval of all parties, the final reports are to be submitted to the Eastern Information Center, and the Consulting Tribe[s].