

STATE OF CALIFORNIAArnold Schwarzenegger, Governor**NATIVE AMERICAN HERITAGE COMMISSION**

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ds_nahc@pacbell.net



August 10, 2010

Ms. Naida L. Flores, Compliance Manager

SFC26012 Marguerite Parkway, Suite H424
Mission Viejo, CA 92692

Sent by FAX TO: 949-348-1433

No. of Pages: 4

Re: Request for a Sacred Lands File Search and Native American Contacts list for the "San Ramon Canyon Storm Drain Project;" located in the City of Rancho Palos Verdes; Los Angeles County, California

Dear Ms. Flores:

The Native American Heritage Commission (NAHC), the State of California 'Trustee Agency' for the protection and preservation of Native American cultural resources. The NAHC SLF search, did not indicate the presence of Native American cultural resources within one-half mile of the proposed project site (APE). However, there are Native American cultural resources in close proximity to the APE.

Also, this letter includes state and federal statutes relating to Native American historic properties of religious and cultural significance to American Indian tribes and interested Native American individuals as 'consulting parties' under both state and federal law. State law also addresses the freedom of Native American Religious Expression in Public Resources Code §5097.9.

The California Environmental Quality Act (CEQA – CA Public Resources Code 21000-21177, amendments effective 3/18/2010) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the CEQA Guidelines defines a significant impact on the environment as 'a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance.' In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE), and if so, to mitigate that effect.

Early consultation with Native American tribes in your area is the best way to avoid unanticipated discoveries once a project is underway. Culturally-affiliated tribes and individuals may have knowledge of the religious and cultural significance of the historic properties in the project area (e.g. APE). We strongly recommend that you contact persons on the attached list of Native American contacts to determine if the proposed project may harm a cultural resource.

Furthermore we suggest that you contact the California Historic Resources Information System (CHRIS) for pertinent archaeological data within or near the APE, at the Office of

Historic Preservation Coordinator's office (at 916-653-7278, for referral to the nearest Information Center of which there are 10.

Consultation with tribes and interested Native American consulting parties, on the NAHC list, should be conducted in compliance with the requirements of federal NEPA (42 U.S.C 4321-43351) and Section 106 and 4(f) of federal NHPA (16 U.S.C. 470 *et seq.*), 36 CFR Part 800.3 (f) (2), the President's Council on Environmental Quality (CSQ, 42 U.S.C 4371 *et seq.* and NAGPRA (25 U.S.C. 3001-3013) as appropriate. The 1992 *Secretary of the Interior's Standards for the Treatment of Historic Properties* were revised so that they could be applied to all historic resource types included in the National Register of Historic Places and including cultural landscapes.

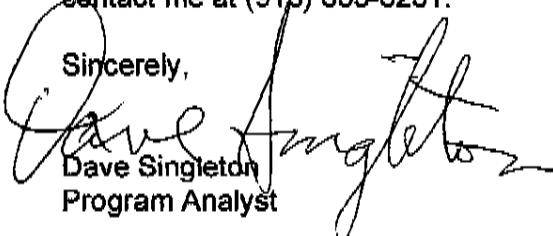
Also, Public Resources Code Section 5097.98 and Health & Safety Code Section 7050.5 provide for provisions for accidentally discovered archeological resources during construction and mandate the processes to be followed in the event of an accidental discovery of any human remains in a project location other than a 'dedicated cemetery'.

To be effective, consultation on specific projects must be the result of an ongoing relationship between Native American tribes and lead agencies, project proponents and their contractors, in the opinion of the NAHC. Regarding tribal consultation, a relationship built around regular meetings and informal involvement with local tribes will lead to more qualitative consultation tribal input on specific projects. Also, the 2006 SB 1059 the state enabling legislation to the Federal Energy Policy Act of 2005, does mandate tribal consultation for the 'electric transmission corridors. This is codified in the California Public Resources Code, Chapter 4.3, and §25330 to Division 15, requires consultation with California Native American tribes, and identifies both federally recognized and non-federally recognized on a list maintained by the NAHC. Consultation with Native American communities is also a matter of environmental justice as defined by California Government Code §65040.12(e).

The response to this search for Native American cultural resources is conducted in the NAHC Sacred Lands Inventory, established by the California Legislature (CA Public Resources Code 5097.94(a) and is exempt from the CA Public Records Act (c.f. California Government Code 6254.10) although Native Americans on the attached contact list may wish to reveal the nature of identified cultural resources/historic properties. Confidentiality of "historic properties of religious and cultural significance" may also be protected under Section 304 of the NHA or at the Secretary of the Interior discretion if not eligible for listing on the National Register of Historic Places. The Secretary may also be advised by the federal Indian Religious Freedom Act (cf. 42 U.S.C., 1996) in issuing a decision on whether or not to disclose items of religious and/or cultural significance identified in or near the APE and possibility threatened by proposed project activity.

If you have any questions about this response to your request, please do not hesitate to contact me at (916) 653-6251.

Sincerely,


Dave Singleton
Program Analyst

Attachment: Native American Contact List

Native American Contacts
Los Angeles County
August 10, 2010

LA City/County Native American Indian Comm
Ron Andrade, Director
3175 West 6th Street, Rm.
Los Angeles , CA 90020
randrade@css.lacounty.gov
(213) 351-5324
(213) 386-3995 FAX

Gabrielino Tongva Nation
Sam Dunlap, Chairperson
P.O. Box 86908
Los Angeles , CA 90086
samdunlap@earthlink.net

Gabrielino Tongva

(909) 262-9351 - cell

Ti'At Society
Cindi Alvitre
6515 E. Seaside Walk, #C **Gabrielino**
Long Beach , CA 90803
calvitre@yahoo.com
(714) 504-2468 Cell

Gabrielino Tongva Indians of California Tribal Council
Robert F. Doramae, Tribal Chair/Cultural
P.O. Box 490 **Gabrielino Tongva**
Bellflower , CA 90707
gtongva@verizon.net
562-761-6417 - voice
562-925-7989 - fax

Tongva Ancestral Territorial Tribal Nation
John Tommy Rosas, Tribal Admin.
, **Gabrielino Tongva**
tattnlaw@gmail.com
310-570-6567

Gabrielino-Tongva Tribe
Bernie Acuna
1875 Century Pk East #1500 **Gabrielino**
Los Angeles , CA 90067
(310) 587-2203
(310) 428-7720 - cell
(310) 587-2281

Gabrieleno/Tongva San Gabriel Band of Mission
Anthony Morales, Chairperson
PO Box 693 **Gabrielino Tongva**
San Gabriel , CA 91778
(626) 286-1262 -FAX
(626) 286-1632
(626) 286-1758 - Home
(626) 286-1262 Fax

Shoshoneon Gabrieleno Band of Mission Indians
Andy Salas, Chairperson
PO Box 393 **Gabrieleno**
Covina , CA 91723
gabrielenoindians@yahoo.
626-926-4131
(213) 688-0181 - FAX

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code. Also, federal National Environmental Policy Act (NEPA), National Historic Preservation Act, Section 106 and federal NAGPRA. And 36 CFR Part 800.3.

This list is only applicable for contacting local Native Americans for consultation purposes with regard to cultural resources impact by the proposed San Ramon Canyon Storm Drain Project; located in the City of Rancho Palos Verdes; Los Angeles County, California for which a Sacred Lands File search and Native American Contacts were requested.

Native American Contacts
Los Angeles County
August 10, 2010

Gabrielino-Tongva Tribe
Linda Candelaria, Chairwoman
1875 Century Park East, Suite 1500
Los Angeles , CA 90067 Gabrielino
(310) 587-2203
310-428-5767- cell
(310) 587-2281
lcandelaria1@gabrielinoTribe.org

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