
APPENDIX I

NATIVE AMERICAN CONSULTATION



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32400 PASEO ADELANTO
SAN JUAN CAPISTRANO, CA 92675
(949) 493-1171
(949) 493-1053 FAX
www.sanjuancapistrano.org



MEMBERS OF THE CITY COUNCIL

TROY BOURNE
SERGIO FARIAS
BRIAN L. MARYOTT
DEREK REEVE
JOHN TAYLOR

January 21, 2019

Juaneno Band of Mission Indians
Joyce Stanfield Perry
Tribal Manager
4955 Paseo Segovia
Irvine, California 92603

Subject: Invitation to Consult Pursuant to Assembly Bill 52 on Tirador Residential Development Project in the City of San Juan Capistrano, Orange County, California

Dear Ms. Perry:

This letter serves as initial consultation and notification of a proposed project within the City of San Juan Capistrano, in Orange County, California, pursuant to Assembly Bill (AB) 52 (Gatto 2014) and Public Resources Code (PRC) Sections 21073, 21074, 21080.1, 21080.3.1, 21080.3.2, 21083.09, 21084.2, and 5097.94. As you may know, AB 52 became effective on July 1, 2015, and, as such, when a Native American tribe requests in writing that it be informed by a Lead Agency of proposed projects, the agency must notify the tribe within 14 days of determining that a project application is complete or deciding to undertake a project. If the tribe responds within 30 days and requests consultation, the Lead Agency must begin the consultation process within 30 days of receiving the request. The purpose of consultation is to assist the City of San Juan Capistrano (City) with identifying potential impacts to tribal cultural resources.

You are receiving this letter based on your letter (dated August 15, 2015) requesting formal notification of proposed projects by the City. The proposed project, described below, has entered the City's review process and the City's Environmental Administrator has determined that the project will require the preparation of an Environmental Impact Report (EIR) and is, therefore, subject to the requirements of AB 52.

The proposed project includes the development of a high-density residential complex within an approximately 16-acre site. The project area is located on the north side of San Juan Creek and El Horno Creek, east of Interstate 5, and south of Calle Arroyo, along the alignment of Paseo Tirador within the City limits. Specifically, the project is located within Section 6 of Township 8 South and Range 7 West, as shown on the attached United States Geological Survey (USGS) 7.5-minute *San Juan Capistrano, California* quadrangle.

The project includes the construction of up to 43 two-story detached single-family units (ranging from 1,720 to 1,890 square feet) and 89 three-story attached townhome units (ranging from 1,250 to 1,850 square feet) on the project site. Each unit would include a private driveway and two-car garage. A total of 229,591 square feet of residential building area is proposed on the project site. The project also includes the creation of a 20-foot-wide multi-modal pedestrian, bicycle, and equestrian trail along the southern boundary of the project site, which would connect to the existing San Juan Creek Trail to the southwest.

A cultural resources assessment and subsequent testing program were conducted within the project site in 2007 as part of a larger EIR for a previously approved project (i.e., the Ventanas Business Center Project). One prehistoric site, CA-ORA-1672, is located within the project area. A subsurface testing project was completed, and although artifacts were recovered, the context was highly disturbed and the resources were not recommended as significant. However, due to the overall archaeological sensitivity in the vicinity, both archaeological and Native American monitoring was recommended during all ground-disturbing activities. Additionally, a recent request for a search of the Sacred Lands File with the Native American Heritage Commission (December 2018), resulted in positive findings.

The City is respectfully requesting any information you may have regarding tribal cultural resources within the project area, if present. Under PRC Section 21080.1(d), a Request for Consultation must be made in writing within 30 days of the date of this notice. Please direct your correspondence to Art Bashmakian, at the address listed in the letterhead, by fax at (949) 202-5383 or by email at ABashmakian@sanjuancapistrano.org.

Sincerely,



Art Bashmakian, AICP
Contract Planner
City of San Juan Capistrano

Attachment: Figure 1: Project Location

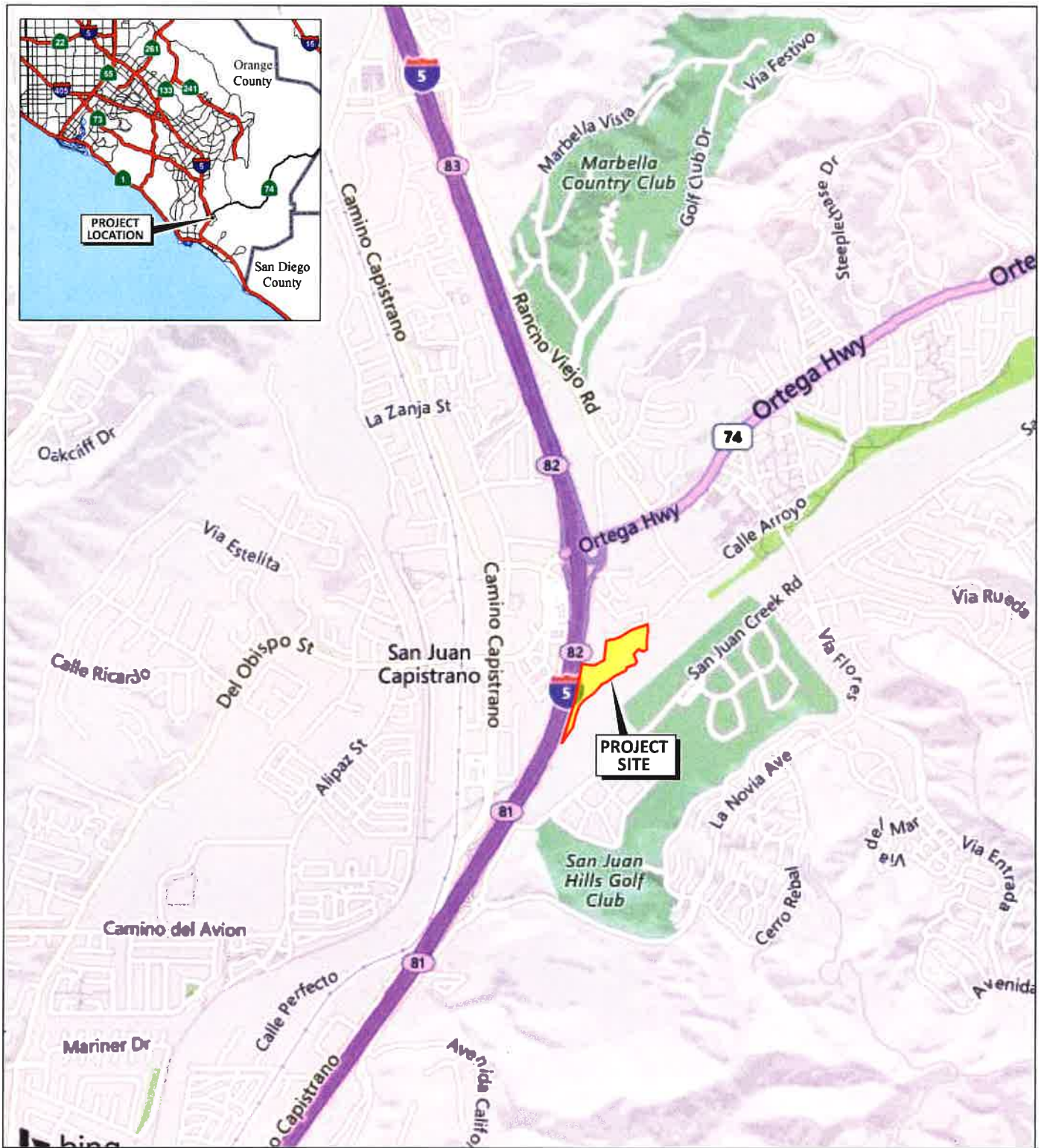
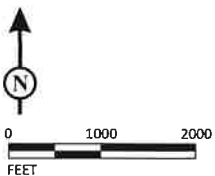


FIGURE 1

LSA



SOURCE: Bing Maps

Tirador Residential Development Project
Regional Project Location

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January 21, 2019

Soboba Band of Luiseno Indians
Joseph Ontiveros
Director
P.O. Box 487
San Jacinto, California 92581

Subject: Invitation to Consult Pursuant to Assembly Bill 52 on Tirador Residential Development Project in the City of San Juan Capistrano, Orange County, California

Dear Mr. Ontiveros:

This letter serves as initial consultation and notification of a proposed project within the City of San Juan Capistrano, in Orange County, California, pursuant to Assembly Bill (AB) 52 (Gatto 2014) and Public Resources Code (PRC) Sections 21073, 21074, 21080.1, 21080.3.1, 21080.3.2, 21083.09, 21084.2, and 5097.94. As you may know, AB 52 became effective on July 1, 2015, and, as such, when a Native American tribe requests in writing that it be informed by a Lead Agency of proposed projects, the agency must notify the tribe within 14 days of determining that a project application is complete or deciding to undertake a project. If the tribe responds within 30 days and requests consultation, the Lead Agency must begin the consultation process within 30 days of receiving the request. The purpose of consultation is to assist the City of San Juan Capistrano (City) with identifying potential impacts to tribal cultural resources.

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City of San Juan Capistrano

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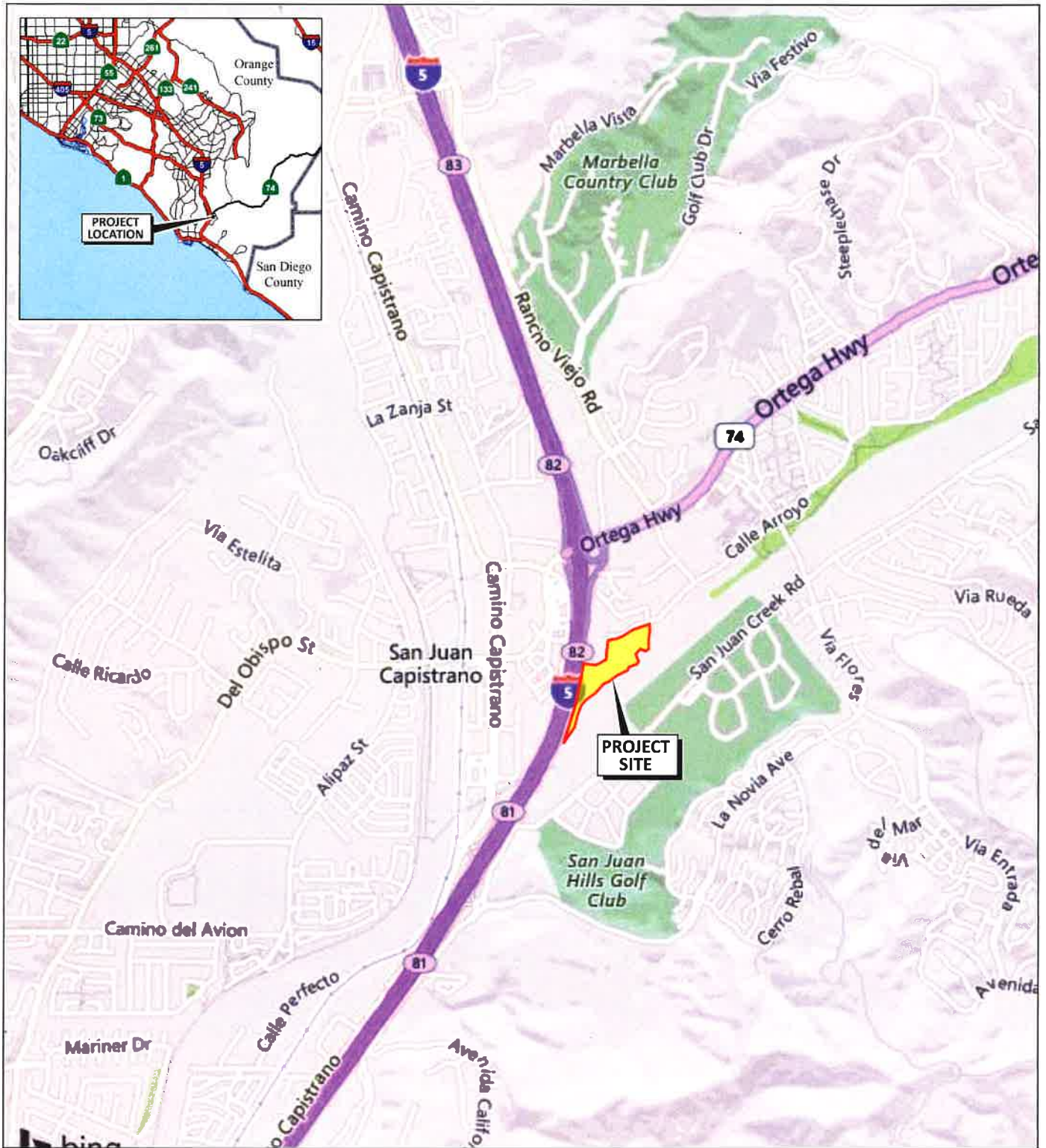
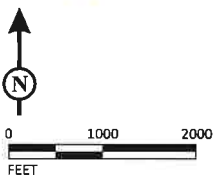


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Regional Project Location

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DEREK REEVE
JOHN TAYLOR

January 21, 2019

Torres Martinez Desert Cahuilla Indians
Michael Mirelez
Cultural Resource Coordinator
P.O. Box 1160
Thermal, California 92274

Subject: Invitation to Consult Pursuant to Assembly Bill 52 on Tirador Residential Development Project in the City of San Juan Capistrano, Orange County, California

Dear Mr. Mirelez:

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City of San Juan Capistrano

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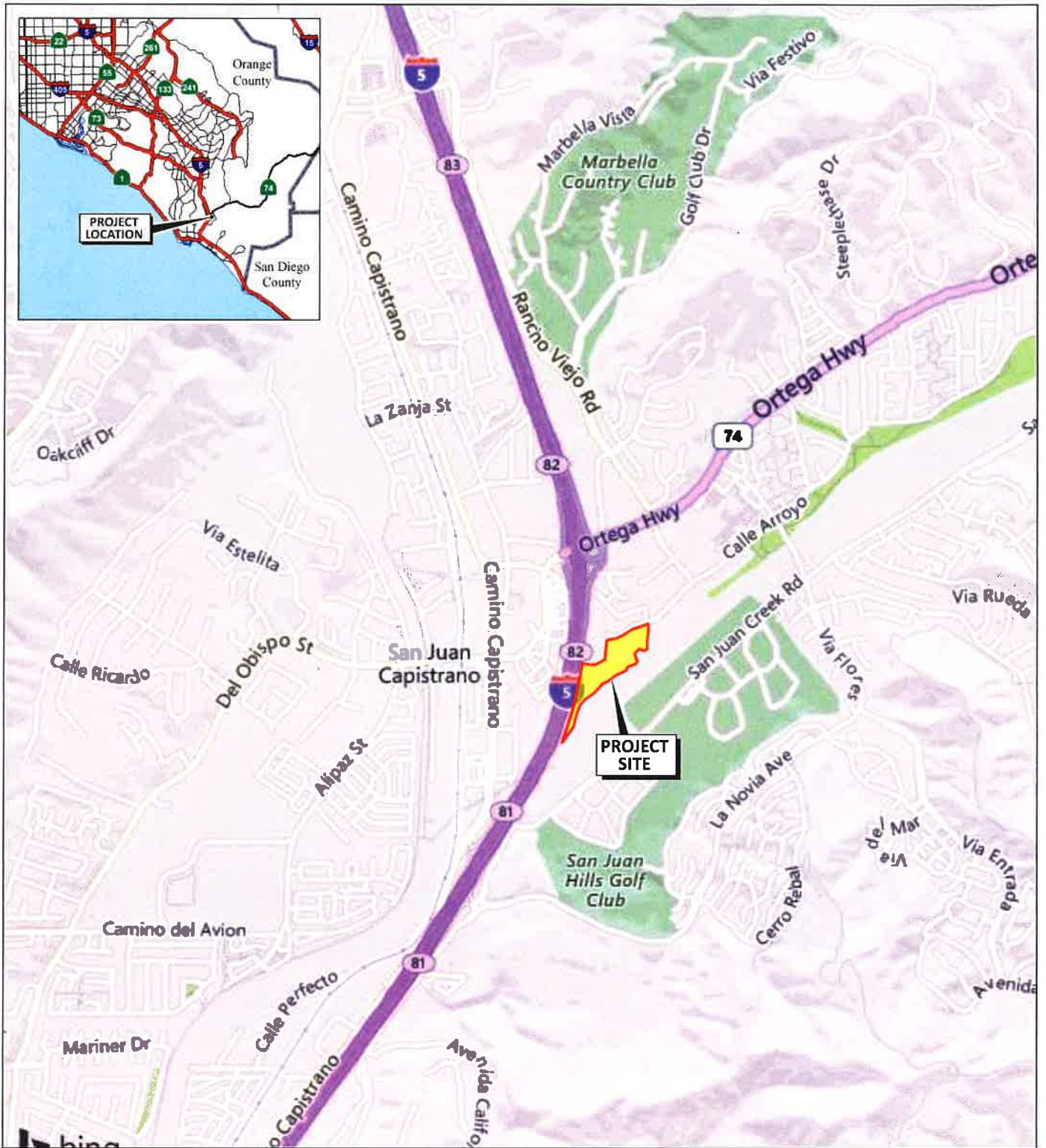
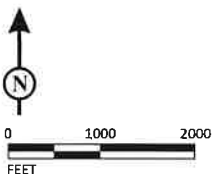


FIGURE 1

LSA



SOURCE: Bing Maps

Tirador Residential Development Project
Regional Project Location

From: [Joyce Perry](#)
To: [Laura Stokes](#)
Subject: Triador Residential Development Project
Date: Thursday, December 5, 2019 11:41:31 AM

Good Morning Laura,

On behalf of the Juaneno Band of Mission Indians Acjachemen Nation-Belardes, we are responding to your Public Notice/ Notice of Preparation of Draft Environmental Impact Report. We concur with the recommendations regarding the potential significant impacts this project will have on our Ancestral homeland. We want to continue to be kept informed on the process of this project. We would ask that a treatment plan be prepared before any development would occur. This treatment plan shall include the Conditions of Approval, how grading and native/archaeo monitoring shall be preformed, and the procedures for how any inadvertent discoveries shall be addressed.

Húu'uni 'óomaqati yáamaqati.

Teach peace

Joyce Stanfield Perry

Payomkawichum Kaamalam - President

Juaneño Band of Mission Indians, Acjachemen Nation

Tribal Manager, Cultural Resource Director