MEMORANDUM

DATE: September 22, 2020

TO: Urban Planning Partners

FROM: LSA

SUBJECT: Summary of Tribal Consultation Outreach Efforts for the 1744 Ruby Street Project, Alameda County, California

This memorandum summarizes the tribal consultation outreach conducted in support of environmental review of the 1744 Ruby Street Project (project). The County of Alameda (County) and LSA conducted the outreach to address the requirements of Assembly Bill 52 and Section 106 of the National Historic Preservation Act, with the purpose of soliciting information or concerns from tribes about the potential of the project to impact areas that are of traditional cultural significance. Each statutory requirement is provided below, as well as a description of the outreach.

ASSEMBLY BILL 52

Assembly Bill 52 (AB 52) became effective on July 1, 2015, and requires local governments to provide formal notice of, and information to, California Native American Tribes that have requested consultation about proposed projects prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report for a project. The purpose of the AB 52 outreach is to collaboratively identify, with tribal expertise and agency cooperation, the potential presence of Tribal Cultural Resources (TCR) that may be subject to impact from project implementation, and to seek, where possible, mutually acceptable and feasible mitigation measures to avoid or substantially reduce the severity of any potential impacts to TCRs.

The tribes that are required to be notified must have provide the agency a request, in writing, beforehand, as required by Public Resources Code Section 21080.3.1(b):

(b) Prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report for a project, the lead agency shall begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if: (1) the California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and (2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation. . .[emphasis added]
The local agency maintains the AB 52 contact list, adds to it as requests are received, and uses it as a basis for consultation outreach. Without a tribe’s written request for inclusion on a lead agency’s AB 52 contact list, there is no requirement that the lead agency engage in AB 52 consultation with that tribe.

**Outreach Efforts**

LSA prepared draft AB 52 tribal outreach letters for the County’s use. These letters were sent via certified mail to the recipients listed on the November 2018 version of the County’s AB 52 contact list (Table B).

**Table B**

<table>
<thead>
<tr>
<th>Tribe</th>
<th>Mailing Address</th>
<th>Phone Numbers</th>
<th>Contact Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Torres Martinez Desert Cahuilla Indians</td>
<td>P.O. Box 1160 Thermal, CA 92274</td>
<td>Office: 760.397.0300 ext. 1213 Fax: 760.397.8146</td>
<td>Michael Mirelez, Cultural Resource Coordinator <a href="mailto:mmirelez@tmdci.org">mmirelez@tmdci.org</a> Request letter</td>
</tr>
<tr>
<td>California Indian Water Commission</td>
<td>4305 39th Avenue Sacramento, CA 95824</td>
<td>707.671.6777 916.601.4069</td>
<td></td>
</tr>
<tr>
<td>Ione Band of Miwok Indians Cultural Committee</td>
<td>4305 39th Avenue Sacramento, CA 95824</td>
<td>Home 916.421.1600</td>
<td>Randy Yonemura <a href="mailto:Randy_yonemura@yahoo.com">Randy_yonemura@yahoo.com</a> Don Hankins, Ph.D</td>
</tr>
<tr>
<td>Indian Canyon Mutsun Band of Costanoan</td>
<td>P.O. Box 28 Hollister, CA 95024</td>
<td></td>
<td>Ann Marie Sayers, Chairperson</td>
</tr>
<tr>
<td>The Ohlone Indian Tribe</td>
<td>P.O. Box 3152 Fremont, CA 94539</td>
<td></td>
<td>Andrew A. Galvan</td>
</tr>
<tr>
<td>Trina Marine Ruano Family</td>
<td>30940 Watkins Street Union City CA 94587</td>
<td></td>
<td>Ramona Garibay, Representative</td>
</tr>
</tbody>
</table>

The USPS certified receipts for these AB 52 outreach letters are included in Attachment A. The County has reported that no responses to the outreach letters, written or otherwise, have been received to date.

**SECTION 106**

Section 106 if the National Historic Preservation Act of 1966 (Section 106) established substantive and procedural requirements for tribal involvement in federal decision making for undertakings that may affect cultural resources. In summary, Section 106 requires that federal agencies shall ensure that tribal consultation in the Section 106 review process provides the Indian tribe with a reasonable opportunity to express concerns about historic properties, provide input on the identification and evaluation of historic properties, assess potential effects to properties of traditional-cultural significance, and participate in the resolution of adverse effects.

The project is receiving funding from the U.S. Department of Housing and Urban Development (HUD). Therefore, it is subject to the requirements of Section 106.
Outreach Efforts

In October and November, 2018, and on behalf of HUD, LSA prepared and sent outreach letters to seven tribes included on the California Native American Heritage Commission (NAHC) Native American Contacts List for Alameda County (dated September 17, 2018 [Attachment B]); and one tribe listed on HUD’s Tribal Directory Assessment Tool. The more inclusive contact list provided by the NAHC was used to ensure that the widest tribal audience was reached, including those tribes that were not included in the County’s AB 52 contact list, such as the Muwekma Ohlone Indian Tribe of the SF Bay Area.

The letters were sent regular mail, as is standard for Section 106 outreach, with an email follow-up to each recipient; one response was received (Table B). The tribal response is included in Attachment C (with recipient address and contact information redacted for privacy).

Table B

<table>
<thead>
<tr>
<th>Tribe/Organization Contact</th>
<th>Affiliation</th>
<th>Response(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Silvia Burley, Chairperson</td>
<td>California Valley Miwok Tribe</td>
<td>No response received to date.</td>
</tr>
<tr>
<td>4620 Shippee Lane, Stockton, CA 95212</td>
<td></td>
<td></td>
</tr>
<tr>
<td>209/931-4567; <a href="mailto:office@cvmt.net">office@cvmt.net</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Tony Cerda, Chairperson</td>
<td>Costanoan Rumsen Carmel Tribe</td>
<td>No response received to date.</td>
</tr>
<tr>
<td>244 E. 1st Street, Pomona, CA 91766</td>
<td></td>
<td></td>
</tr>
<tr>
<td>909/524-8041 (Cell); 909/629-6081 <a href="mailto:rumsen@aol.com">rumsen@aol.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Irene Zwierlein, Chairperson</td>
<td>Amah Mutsun Tribal Band of San Juan Bautista</td>
<td>No response received to date.</td>
</tr>
<tr>
<td>789 Canada Road, Woodside, CA 94062</td>
<td></td>
<td></td>
</tr>
<tr>
<td>650/851-7489 (Cell); 650/851-7747 (Office) <a href="mailto:amahmutsuntribal@gmail.com">amahmutsuntribal@gmail.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Katherine E. Perez, Chairperson</td>
<td>North Valley Yokuts Tribe</td>
<td>“The proposed project has the potential for inadvertent discovery. I know the area of which you speak, regarding the gathering of Native Americans as my grandmother and my parents were a part of that gathering. It is highly recommended that the proposed project be monitored by a qualified archaeological firm and our Native Tribal Monitor.”</td>
</tr>
<tr>
<td>PO Box 717, Linden, CA 95236</td>
<td></td>
<td></td>
</tr>
<tr>
<td>209/887-3415; <a href="mailto:Canutes@verizon.net">Canutes@verizon.net</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Charlene Niimeh, Chairperson</td>
<td>Muwekma Ohlone Indian Tribe of the SF Bay Area</td>
<td>No response received to date.</td>
</tr>
<tr>
<td>20885 Redwood Road, Castro Valley, CA 94546</td>
<td></td>
<td></td>
</tr>
<tr>
<td>408/464-2892; <a href="mailto:cnimeh@muwekma.org">cnimeh@muwekma.org</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Monica Arellano, Vice Chairwoman</td>
<td>Muwekma Ohlone Indian Tribe of the SF Bay Area</td>
<td>No response received to date.</td>
</tr>
<tr>
<td>20885 Redwood Road, Suite 2, Castro Valley, CA 94546</td>
<td></td>
<td></td>
</tr>
<tr>
<td>408/205-9714; <a href="mailto:marellano@muwekma.org">marellano@muwekma.org</a></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1 The Tribal Directory Assessment Tool provides contact information for tribal leaders and Tribal Historic Preservation Officers, along with counties where the tribes have current and ancestral interest.
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<th>Response(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Andrew Galvan</td>
<td>The Ohlone Indian Tribe</td>
<td>No response received to date.</td>
</tr>
<tr>
<td>PO Box 3388, Fremont, CA 94539</td>
<td></td>
<td></td>
</tr>
<tr>
<td>510/882-0527 (Cell); <a href="mailto:chochenyo@aol.com">chochenyo@aol.com</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ann Marie Sayers, Chairperson</td>
<td>Indian Canyon Mutun Band of Costanoan</td>
<td>No response received to date.</td>
</tr>
<tr>
<td>PO Box 28, Hollister, CA 95024</td>
<td></td>
<td></td>
</tr>
<tr>
<td>831/637-4238; <a href="mailto:ams@indiancanyon.org">ams@indiancanyon.org</a></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**SUMMARY**

In October and November of 2018, the County and LSA conducted outreach to tribal organization as part of the consultation requirements of AB 52 and Section 106. Both consultation outreach efforts were conducted to meet the procedural requirements of the statutes in a good faith effort to address any concerns of California Native American Tribes.

Of those individuals and tribes contacted, only one, a representative of the North Valley Yokuts Tribe, responded to provide information about the project area and offer recommendations for archaeological monitoring during construction activities. These monitoring recommendations were adopted by the County as part of environmental review for the project.
ATTACHMENT A

Certified Mail Receipts for AB 52 Outreach Letters
### U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT
( Domestic Mail Only; No Insurance Coverage Provided )

For delivery information visit our website at www.usps.com

<table>
<thead>
<tr>
<th>Certified Fee</th>
<th>Restricted Delivery Fee (Endorsement Required)</th>
</tr>
</thead>
<tbody>
<tr>
<td>$0.00</td>
<td>$0.00</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Total Postage &amp; Fees</th>
</tr>
</thead>
<tbody>
<tr>
<td>$1.25</td>
</tr>
</tbody>
</table>

**Sent To:** Ramona Garibay, Representative, 30940 Watkins Street, Union City, CA 94587

**PS Form 3800, August 2006** See Reverse for Instructions

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<td>$1.25</td>
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**Sent To:** California Indian Water Commission, 4305 39th Avenue (Fax No.), Sacramento, CA 95824

**PS Form 3800, August 2006** See Reverse for Instructions

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<tbody>
<tr>
<td>$1.25</td>
</tr>
</tbody>
</table>

**Sent To:** Michael Mirelez, Cultural Resource Coord., Torres Martinez Desert Cahuiltla Indians, PO Box 1160, Thermal, CA 92274

**PS Form 3800, August 2006** See Reverse for Instructions

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<tbody>
<tr>
<td>$1.25</td>
</tr>
</tbody>
</table>

**Sent To:** Randy Yonemura, Don Hankins, Ph.I., Tonopah Band of Miwok Indians Cultural Committee, 4305 39th Ave., Sacramento, CA 95824

**PS Form 3800, August 2006** See Reverse for Instructions
ATTACHMENT B

NAHC Native American Contacts List
Native American Heritage Commission
Native American Contacts
September 17, 2018

Coastanoan Rumsen Carmel Tribe
Tony Cerda. Chairperson
244 E. 1st Street
Pomona, CA 91766
rumsen@aol.com
(909) 524-8041 Cell
(909) 629-6081 Fax

Indian Canyon Mutsun Band of Costanoan
Ohlone/Costanoan
Ann Marie Savers. Chairperson
P.O. Box 28
Hollister, CA 95024
ams@indiancanyon.org
(831) 637-4238

Amah Mutsun Tribal Band of Mission San Juan Bautista
Irene Zwierlein. Chairperson
789 Canada Road
Woodside, CA 94062
amahmutsuntribal@gmail.com
(650) 851-7488 Cell
(650) 851-7747 Office
(650) 332-1526 Fax

Muwekma Ohlone Indian Tribe of the SF Bay Area
Monica Arellano. Vice Chairwoman
20885 Redwood Road. Suite 2
Ohlone / Costanoan
Castro Valley, CA 94546
marellano@muwekma.org
(408) 205-9714

North Valley Yokuts Tribe
Katherine Erolinda Perez. Chairperson
P.O. Box 717
Linden, CA 95236
canutes@verizon.net
(209) 887-3415

Ohlone/Costanoan
Northern Valley Yokuts
Bay Miwok

Muwekma Ohlone Indian Tribe of the SF Bay Area
Charlene Niimeh. Chairperson
20885 Redwood Road. Suite 2
Ohlone / Costanoan
Castro Valley, CA 94546
chniimeh@muwekma.org
(408) 464-2892
(408) 205-9714

The Ohlone Indian Tribe
Andrew Galvan
P.O. Box 3388
Fremont, CA 94539
chochenyo@AOL.com
(510) 882-0527 Cell
(510) 687-9393 Fax

Ohlone/Costanoan
Bay Miwok
Plains Miwok
Patwin

This list is current only as of the date of this document and is based on the information available to the Commission on the date it was produced.

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 Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American Tribes with regard to cultural resources assessments for the proposed
1174 Ruby Street, Alameda County
ATTACHMENT C

Northern Valley Yokuts Tribe Response
Good morning Neal,

The proposed project has the potential for inadvertent discovery. I know the area of which you speak, regarding the gathering of Native Americans as my grandmother and my parents were apart of that gathering. It is highly recommended that the proposed project be monitored by a qualified archaeological firm and our Native Tribal Monitor.

Nototomne Cultural Preservation
Northern Valley Yokut/ Ohlone /Bay Miwuk
Katherine Perez
P. O Box
CA
Cell:
Email:

Sent from my iPhone

On Oct 17, 2018, at 11:17 AM, Neal Kaptain <Neal.Kaptain@lsa.net> wrote:

Hi Kathy,

Please see the attached request for comments.

Thank you. Hope your day is good.

Neal

Neal Kaptain, MA | Associate
Registered Professional Archaeologist 3799700 and Architectural Historian
LSA | 157 Park Place
Point Richmond, California 94801

510-236-6810 Tel
510-967-3932 Mobile
Website

<106 Consultation Letter Katherine Erolinda.pdf>