

Appendix F

Native American Consultation



SAN PASQUAL BAND OF MISSION INDIANS

SAN PASQUAL RESRVATION

April 5, 2021

Paul Bingham
Assistant Planner II
City of Escondido
201. N Broadway
Escondido CA. 92025

RE: Grand Avenue Vision Project PL 210055

TRIBAL COUNCIL

Stephen W. Cope
Tribal Chairman

Justin Quis Quis
Vice Chairman

Jenny Alto
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Treasurer

Roberta Cameron
Councilmember

Melody S. Arviso
Councilmember

Dear Mr. Bingham,

The San Pasqual Band of Mission Indians Tribal Historic Preservation Office has received your notification of the project referenced above. This letter constitutes our response on behalf of Desiree Morales Whitman THPO Officer. We have consulted our maps and determined that the project as described is not within the boundaries of the recognized San Pasqual Indian Reservation. It is, however, within the boundaries of the territory that the tribe considers its Traditional Use Area (TUA). Furthermore, we would like to engage consultation so that San Pasqual can have a voice in the developing the measures that will be taken to protect these sites and mitigate any adverse impacts. We would appreciate being given access to any cultural resource reports that have been or will be generated during the environmental review process so we can contribute most effectively to the consultation process.

We appreciate involvement with your initiative and look forward to working with you on future efforts. If you have questions or need additional information, please do not hesitate to contact me by telephone 760-803-5648 or by e-mail at Angelinag@sanpasqualtribe.org and please CC: THPO@sanpasqualtribe.org

Respectfully,

Angelina Gutierrez

Angelina Gutierrez
Tribal Historic Preservation Office, Monitor Supervisor
San Pasqual Band of Mission Indians

From: [Angelina Gutierrez](#)
To: [Adam Finestone](#)
Subject: [EXT] RE: Grand Avenue Vision Project consultation
Date: Tuesday, June 15, 2021 3:34:54 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender email address AND know the content is safe.

Hi Mr. Finestone,
San Pasqual is good with conclude consultation.

From: Adam Finestone <afinestone@escondido.org>
Sent: Tuesday, June 15, 2021 3:15 PM
To: Angelina Gutierrez <angelinag@sanpasqualtribe.org>
Subject: Grand Avenue Vision Project consultation

Good afternoon Angelina,

We are planning on releasing the MND for this project in the coming days and would like to conclude consultation. Please let me know if you would like to discuss further or if you are in agreement with closing out consultation. (We will be applying the cultural mitigation measures that were emailed to you a few weeks back.)

Thanks,



Adam Finestone, AICP
City Planner
Community Development Department | City of Escondido
760-839-6203
www.escondido.org

SAN LUIS REY BAND OF MISSION INDIANS

1889 Sunset Drive • Vista, California 92081

760-724-8505 • FAX 760-724-2172

www.slrmissionindians.org

April 8, 2021

Paul Bingham
Assistant Planner II
City of Escondido
201 N. Broadway
Escondido, CA 92025

VIA ELECTRONIC MAIL
pbingham@escondido.org

RE: Formal Request for Tribal Consultation Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code section 21080.3.1, subs. (b), (d) and (e) for the Grand Avenue Vision Project, Escondido, CA.

Dear Mr. Bingham:

This letter constitutes a formal request for tribal consultation under the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21080.3.1 subdivisions (b), (d) and (e)) for the mitigation of potential project impacts to tribal cultural resource for the above referenced project. The San Luis Rey Band of Mission Indians requested formal notice and information for all projects within your agency's geographical jurisdiction and received notification on March 3, 2021 regarding the above referenced project.

The San Luis Rey Band of Mission Indians requests consultation on the following topics checked below, which shall be included in consultation if requested (Public Resources Code section 21080.3.2, subd. (a)):

- Alternatives to the project
- Recommended mitigation measures
- Significant effects of the project

The San Luis Rey Band of Mission Indians also requests consultation on the following discretionary topics checked below (Public Resources Code section 21080.3.2 (subd. (a)):

- Type of environmental review necessary
- Significance of tribal cultural resources, including any regulations, policies or standards used by your agency to determine significance of tribal cultural resources
- Significance of the project's impacts on tribal cultural resources

X Project alternatives and/or appropriate measures for preservation or mitigation that we may recommend, including, but not limited to:

- (1) Avoidance and preservation of the resources in place, pursuant to Public Resources Code section 21084.3, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks or other open space, to incorporate the resources with culturally appropriate protection and management criteria;
- (2) Treating the resources with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resources, including but not limited to the following:
 - a. Protecting the cultural character and integrity of the resource;
 - b. Protection the traditional use of the resource; and
 - c. Protecting the confidentiality of the resource.
- (3) 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.
- (4) Protecting the resource.

Additionally, the San Luis Rey Band of Mission Indians requests to receive any cultural resources assessments or other assessments that have been completed on all or part of the project's potential "area of project effect" (APE), including, but not limited to:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:
 - A listing of any and all known cultural resources have already been recorded on or adjacent to the APE;
 - Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the potential APE; and
 - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
2. The results of any archaeological inventory survey that was conducted, including:
 - Any report that may contain site forms, site significance, and suggested mitigation measures.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 in accordance with Government Code Section 6254.10.

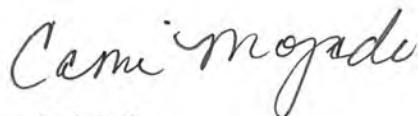
3. The results of any Sacred Lands File (SFL) check conducted through Native American Heritage Commission. The request form can be found at http://www.nahc.ca.gov/slf_request.html. USGS 7.5-minute quadrangle name, township, range, and section required for the search.
4. Any ethnographic studies conducted for any area including all or part of the potential APE; and
5. Any geotechnical reports regarding all or part of the potential APE.

We would like to remind your agency that CEQA Guidelines section 15126.4, subdivision (b)(3) states that preservation in place is the preferred manner of mitigating impacts to archaeological sites. Section 15126.4, subd. (b)(3) of the CEQA Guidelines has been interpreted by the California Court of Appeal to mean that “feasible preservation in place must be adopted to mitigate impacts to historical resources of an archaeological nature unless the lead agency determines that another form of mitigation is available and provides superior mitigation of impacts.” *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal.App.4th 48, disapproved on other grounds, *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439.

The San Luis Rey Band of Mission Indians expects to begin consultation within 30 days of your receipt of this letter. Please contact the San Luis Rey Band of Mission Indians lead contact person identified in our previous request for notification.

Name: Cami Mojado
Title: Cultural Resources Manager
Address: 1889 Sunset Drive, Vista, CA 92081
Office Phone Number: 760-724-8505
Direct Cell Phone Number: 760-917-1736
Office Fax Number 760-724-2172
Email Address: cjmojado@slrmissionindians.org

Sincerely,



Cami Mojado
Cultural Resources Manager
San Luis Rey Band of Mission Indians

Rincon Band of Luiseño Indians

CULTURAL RESOURCES DEPARTMENT

One Government Center Lane | Valley Center | CA 92082
(760) 749-1051 | Fax: (760) 749-8901 | rincon-nsn.gov



April 28, 2021

Sent via email: pbingham@escondido.org

City of Escondido
Planning Division
Paul Bingham
201 N. Broadway
Escondido, CA 92025

Re: Grand Avenue Vision Project; City Case Number: PL 21-0055

Dear Mr. Bingham,

This letter is written on behalf of the Rincon Band of Luiseño Indians (“Rincon Band” or “Band”), a federally recognized Indian Tribe and sovereign government. Thank you for the opportunity to consult on the project and for providing us with the requested documents including geotechnical report and archaeological site records.

From the provided information, the Rincon Band understands that the purpose of this project is “to build on the identity of historic Grand Avenue by creating a pedestrian-friendly and aesthetically appealing corridor, including period-appropriate light fixtures, street furnishings and decorate fencing to improve walkability and accessibility”. We strongly encourage incorporating Luiseño motifs in the design planning such as:

- native scrubs, trees, vegetation;
- Luiseño motifs in landscaping;
- Luiseño motifs in concrete patterns (walls, sidewalks);
- Luiseño art in proposed art features.

The Rincon Band would like to work closely with you to suggest culturally appropriate designs to be considered throughout the design planning. We believe such designs would emphasize the City’s striking for cultural diversity and inclusion.

We understand that ground disturbing activities will include the removal of existing pavement, vegetation including tree stumps and roots. The depths of the ground disturbing activities is assumed to be less than five feet. The Band reviewed the geotechnical report and archaeological sites records. The geotechnical report points out that test borings identified fill soil and old alluvium. However, the archaeological record search identified pre-contact resources within a one-mile radius of the project site, including a significant habitation site, which justifies assumptions that the proposed project area has potential to contain subsurface deposits. The Rincon Band recommends archaeological and tribal monitoring for all ground disturbing activities, a monitoring report, and protocols for discovery of cultural material and human remains. Furthermore, we ask that imported commercial fill should be sterile (free of cultural resources). We understand that other Tribes potentially have knowledge particular

Bo Mazzetti
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Laurie E. Gonzalez
Council Member

John Constantino
Council Member

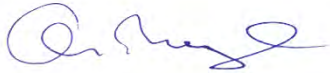
Joseph Linton
Council Member

to this project site and may request additional measures. Please note that the Rincon Band supports all efforts to completely avoid cultural resources as preferred mitigation.

Please notify the Rincon Band of any changes in project plans. In addition, we request a copy of the final monitoring report, when available and ask that Rincon be afforded the opportunity to monitor the ground disturbances associated with this project.

If you have additional questions or concerns, please do not hesitate to contact our office at your convenience at (760) 297-2635 or via electronic mail at cmadrigal@rincon-nsn.gov. We look forward to working together to protect and preserve our cultural assets.

Sincerely,

A handwritten signature in blue ink, appearing to read "Cheryl Madrigal".

Cheryl Madrigal
Tribal Historic Preservation Officer
Cultural Resources Manager

Rincon Band of Luiseño Indians

CULTURAL RESOURCES DEPARTMENT

One Government Center Lane | Valley Center | CA 92082
(760) 749-1092 | Fax: (760) 749-8901 | rincon-nsn.gov



June 16, 2021

Sent via email: afinestone@escondido.org

City of Escondido
Community Development Department
Adam Finestone
201 N. Broadway
Escondido, CA 92025

Re: Grand Avenue Vision Project; City Case Number: PL 21-0055

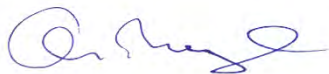
Dear Mr. Finestone,

This letter is written on behalf of the Rincon Band of Luiseño Indians (“Rincon Band” or “Band”), a federally recognized Indian Tribe and sovereign government. Thank you for providing the Rincon Band with the proposed mitigation measures for the above referenced project. The identified location is within the Territory of the Luiseño people, and is also within Rincon’s specific area of Historic interest.

We agree to apply the City’s standard mitigation measures as circulated on May 18, 2021. We have no further comments regarding this project and can conclude consultation at this time. As stated with our letter from April 28, 2021, we are looking forward to further working with the City to incorporate Luiseños motifs in the design planning to highlight our continuous affiliation with the area today known as Escondido. Please notify the Rincon Band of any project changes.

If you have additional questions or concerns, please do not hesitate to contact our office at your convenience at (760) 297-2635. Thank you for the opportunity to protect and preserve our cultural assets.

Sincerely,



Cheryl Madrigal
Tribal Historic Preservation Officer
Cultural Resources Manager