

3.9-3 SB-18 CONSULTATION LETTERS

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5390
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net



June 1 2012

Mr. Mark Teague, AICP

PMC

6020 Cornerstone Court West, Suite 350
San Diego, CA 92131

Sent by FAX to: 858-453-3628

No. of Pages: 4

Re: Sacred Lands File Search and Native American Contacts list for the proposed "Oak Creek General Plan/Specific Plan Amendment, Also a CEQA NOP – SCH#2012031064 draft EIR;" located in the City of Wildomar; Riverside County, California

Dear Mr. Teague:

Government Code §65352.3 requires local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of protecting, and/or mitigating impacts to cultural places. The Native American Heritage Commission is the state "trustee agency" designated for the protection of Native American Cultural Resource pursuant to CA Public Resources Code §21070. In the 1985 Appellate Court decision (170 Cal App 3rd 604), the court held that the NAHC has jurisdiction and special expertise, as a state agency, over affected Native American resources, impacted by proposed projects including archaeological, places of religious significance to Native Americans and burial sites

Attached is a consultation list of tribal governments with traditional lands or cultural places located within the Project Area of Potential Effect (APE). The tribal entities on the list are for your guidance for **government-to-government consultation** purposes. Pursuant to CA Public Resources Code §5097.95, please provide pertinent project information to the tribal consulting parties.

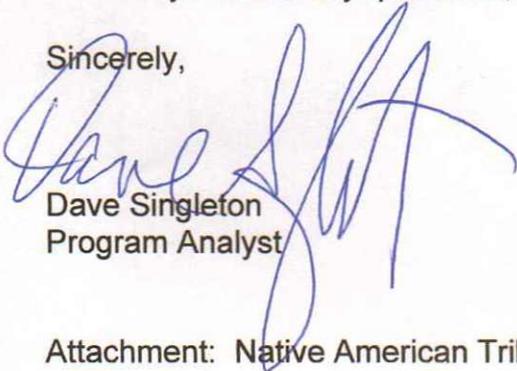
The NAHC did perform a Sacred Lands File search of the 'area of potential effect' (APE). Native American cultural resources were not Identified within the APE.. Consulting with Native American tribes is the appropriate protocol.. Tribal Governments have 90 days to comment from the receipt of the County's letter inviting consultation.

The Native American Heritage Commission works with Native American tribal governments regarding its identification of 'Areas of Traditional Use,' The Commission may adjust the submitted data defining the 'Area of Traditional Use' in accordance with

documentation provided by consulting tribes, generally accepted ethnographic, anthropological, archeological research and oral history.

If you have any questions, please contact me at (916) 653-6251.

Sincerely,



Dave Singleton
Program Analyst

Attachment: Native American Tribal Government Consultation List

California Native American Tribal Consultation List
Riverside County
June 1, 2012

Los Coyotes Band of Mission Indians
Shane Chapparosa, Chairman
P.O. Box 189 Cahuilla
Warner , CA 92086
(760) 782-0711

Santa Rosa Band of Mission Indians
John Marcus, Chairman
P.O. Box 391820 Cahuilla
Anza , CA 92539
(951) 659-2700
(951) 659-2228 Fax

Pala Band of Mission Indians
Tribal Historic Preservation Office/Shasta Gaughen
35008 PalaTemecula Road, PMB Luiseno
50 , Cupeno
Pala, CA 92059
(760) 891-3515
sgaughen@palatribe.com

Rincon Band of Mission Indians
Bo Mazzetti, Chairperson
P.O. Box 68 Luiseno
Valley Center , CA 92082
bomazzetti@aol.com
(760) 749-1051

Pauma & Yuima Reservation
Randall Majel, Chairperson
P.O. Box 369 Luiseno
Pauma Valley , CA 92061
paumareservation@aol.com
(760) 742-1289

Morongo Band of Mission Indians
Robert Martin, Chairperson
12700 Pumarra Road Cahuilla
Banning , CA 92220 Serrano
(951) 849-8807
(951) 755-5200

Ramona Band of Cahuilla Mission Indians
Joseph Hamilton, Chairman
P.O. Box 391670 Cahuilla
Anza , CA 92539
admin@ramonatribe.com
(951) 763-4105

Pechanga Band of Mission Indians
Mark Macarro, Chairperson
P.O. Box 1477 Luiseno
Temecula , CA 92593
tbrown@pechanga-nsn.gov
(951) 770-6100

Soboba Band of Mission Indians
Scott Cozaet, Chairperson; Attn: Carrie Garcia
P.O. Box 487 Luiseno
San Jacinto , CA 92581
carrieg@soboba-nsn.gov
(951) 654-2765

La Jolla Band of Mission Indians
James Trujillo, Vice Chair
22000 Highway 76 Luiseno
Pauma Valley , CA 92061
rob.roy@lajolla-nsn.gov
(760) 742-3796

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.

This list is applicable only for consultation with Native American tribes under Government Code Section 65352.3. and 65362.4.

**California Native American Tribal Consultation List
Riverside County
June 1, 2012**

Cahuilla Band of Indians
Chairperson
PO Box 391760
Anza, CA 92539
tribalcouncil@cahuilla.net
915-763-5549

Cahuilla

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.

This list is applicable only for consultation with Native American tribes under Government Code Section 65352.3. and 65362.4.
at 000

Ben J. Benoit, Mayor
Timothy Walker, Mayor Pro Tem
Bob Cashman, Council Member
Bridgette Moore, Council Member
Marsha Swanson, Council Member



23873 Clinton Keith Rd, Ste 201
Wildomar, CA 92595
951.677.7751 Phone
951.698.1463 Fax
www.CityofWildomar.org

June 19, 2012

Los Coyotes Band of Mission Indians
Shane Chapparosa, Chairman
P.O. Box 189
Warner, CA 92086

Subject: Native American Consultation (SB 18 Consultation) for the Oak Creek Canyon Residential Project

Dear Mr. Chapparosa,

The City of Wildomar has received an application for the above referenced project and is requesting your review of the proposed Oak Creek Canyon Residential project to determine if formal consultation is appropriate pursuant to Government Code Section 65352.3 (Senate Bill 18). The project involves several planning applications described as follows:

- 1) **Specific Plan Amendment (SPA)** – An amendment to the Farm Specific Plan to create special development standards, architectural design guidelines, landscape design guidelines, etc., for a 275-lot single family residential subdivision project (with private parks), including a 3.5 acre commercial retail component.
- 2) **Change of Zone (CZ)** – An amendment to the City's Zoning Map from R-1 (One- Family Dwelling) to R-4 (Planned Residential Zone) and C/1-C/P (General Commercial) to accommodate the development.
- 3) **Tentative Tract Map No. 36388** – A proposed subdivision of 151.23 acres into 275 lots (including a 3.5 acre commercial site – Lot L) for the development of single family residential dwelling units with lot sizes ranging from 4,000 square feet to 7,200 square feet with private parks.
- 4) **Environmental Impact Report (EIR)** - This project is subject to the requirements of the California Environmental Quality Act (CEQA) guidelines and an Environmental Impact Report (EIR) will be prepared:

I have attached the location map and tentative subdivision map as submitted to the City.

If you have any questions, feel free to contact me at your convenience. I can be reached by phone at 951-677-7751 or via email at mbassi@cityofwildomar.org.

Sincerely,

Matthew C. Bassi
Planning Director

Ben J. Benoit, Mayor
Timothy Walker, Mayor Pro Tem
Bob Cashman, Council Member
Bridgette Moore, Council Member
Marsha Swanson, Council Member



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June 19, 2012

Ramona Band of Mission of Cahuilla Mission Indians
Joseph Hamilton, Chairman
P.O. Box 391670
Anza, CA 92539

Subject: Native American Consultation (SB 18 Consultation) for the Oak Creek Canyon Residential Project

Dear Mr. Hamilton,

The City of Wildomar has received an application for the above referenced project and is requesting your review of the proposed Oak Creek Canyon Residential project to determine if formal consultation is appropriate pursuant to Government Code Section 65352.3 (Senate Bill 18). The project involves several planning applications described as follows:

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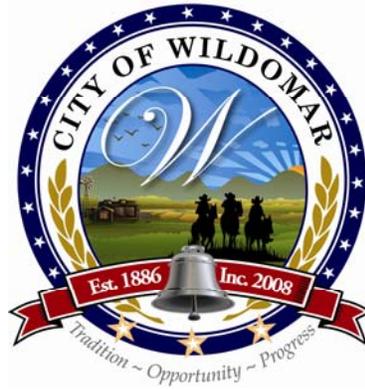
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Sincerely,

Matthew C. Bassi
Planning Director

Ben J. Benoit, Mayor
Timothy Walker, Mayor Pro Tem
Bob Cashman, Council Member
Bridgette Moore, Council Member
Marsha Swanson, Council Member



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June 19, 2012

Santa Rosa Band of Mission Indians
John Marcus, Chairman
P.O. Box 391820
Anza, CA 92539

Subject: Native American Consultation (SB 18 Consultation) for the Oak Creek Canyon Residential Project

Dear Mr. Marcus,

The City of Wildomar has received an application for the above referenced project and is requesting your review of the proposed Oak Creek Canyon Residential project to determine if formal consultation is appropriate pursuant to Government Code Section 65352.3 (Senate Bill 18). The project involves several planning applications described as follows:

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Sincerely,

Matthew C. Bassi
Planning Director

Ben J. Benoit, Mayor
Timothy Walker, Mayor Pro Tem
Bob Cashman, Council Member
Bridgette Moore, Council Member
Marsha Swanson, Council Member



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June 19, 2012

Morongo Band of Mission Indians
Robert Martin, Chairperson
12700 Pumarra Road
Banning, CA 92220

Subject: Native American Consultation (SB 18 Consultation) for the Oak Creek Canyon Residential Project

Dear Mr. Martin,

The City of Wildomar has received an application for the above referenced project and is requesting your review of the proposed Oak Creek Canyon Residential project to determine if formal consultation is appropriate pursuant to Government Code Section 65352.3 (Senate Bill 18). The project involves several planning applications described as follows:

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Sincerely,

Matthew C. Bassi
Planning Director

Ben J. Benoit, Mayor
Timothy Walker, Mayor Pro Tem
Bob Cashman, Council Member
Bridgette Moore, Council Member
Marsha Swanson, Council Member



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June 19, 2012

Pala Band of Mission Indians
Tribal Historic Preservation Office Attn: Shasta Gaughen
35008 Pala Temecula Road, PMB 50
Pala, CA 92059

Subject: Native American Consultation (SB 18 Consultation) for the Oak Creek Canyon Residential Project

Dear Ms. Gaughen,

The City of Wildomar has received an application for the above referenced project and is requesting your review of the proposed Oak Creek Canyon Residential project to determine if formal consultation is appropriate pursuant to Government Code Section 65352.3 (Senate Bill 18). The project involves several planning applications described as follows:

- 1) **Specific Plan Amendment (SPA)** – An amendment to the Farm Specific Plan to create special development standards, architectural design guidelines, landscape design guidelines, etc., for a 275-lot single family residential subdivision project (with private parks), including a 3.5 acre commercial retail component.
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Sincerely,

Matthew C. Bassi
Planning Director

Ben J. Benoit, Mayor
Timothy Walker, Mayor Pro Tem
Bob Cashman, Council Member
Bridgette Moore, Council Member
Marsha Swanson, Council Member



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June 19, 2012

La Jolla Band of Mission Indians
James Trujillo, Vice Chair
22000 Highway 76
Pauma Valley, CA 9061

Subject: Native American Consultation (SB 18 Consultation) for the Oak Creek Canyon Residential Project

Dear Mr. Trujillo,

The City of Wildomar has received an application for the above referenced project and is requesting your review of the proposed Oak Creek Canyon Residential project to determine if formal consultation is appropriate pursuant to Government Code Section 65352.3 (Senate Bill 18). The project involves several planning applications described as follows:

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If you have any questions, feel free to contact me at your convenience. I can be reached by phone at 951-677-7751 or via email at mbassi@cityofwildomar.org.

Sincerely,

Matthew C. Bassi
Planning Director

Ben J. Benoit, Mayor
Timothy Walker, Mayor Pro Tem
Bob Cashman, Council Member
Bridgette Moore, Council Member
Marsha Swanson, Council Member



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June 19, 2012

Pechanga Band of Mission Indians
Mark Macarro, Chairperson
P.O. Box 1477
Temecula, CA 92593

Subject: Native American Consultation (SB 18 Consultation) for the Oak Creek Canyon Residential Project

Dear Mr. Macarro,

The City of Wildomar has received an application for the above referenced project and is requesting your review of the proposed Oak Creek Canyon Residential project to determine if formal consultation is appropriate pursuant to Government Code Section 65352.3 (Senate Bill 18). The project involves several planning applications described as follows:

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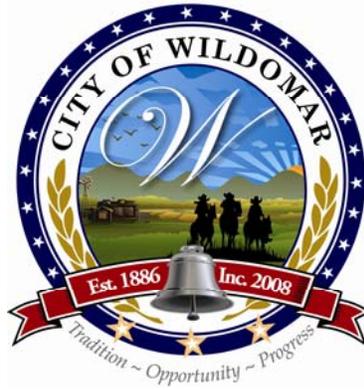
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Sincerely,

Matthew C. Bassi
Planning Director

Ben J. Benoit, Mayor
Timothy Walker, Mayor Pro Tem
Bob Cashman, Council Member
Bridgette Moore, Council Member
Marsha Swanson, Council Member



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Wildomar, CA 92595
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www.CityofWildomar.org

June 19, 2012

Soboba Band of Mission Indians
Scott Cozaet, Chairperson; Attn: Carrie Garcia
P.O. Box 487
San Jacinto, CA 92581

Subject: Native American Consultation (SB 18 Consultation) for the Oak Creek Canyon Residential Project

Dear Mr. Cozaet,

The City of Wildomar has received an application for the above referenced project and is requesting your review of the proposed Oak Creek Canyon Residential project to determine if formal consultation is appropriate pursuant to Government Code Section 65352.3 (Senate Bill 18). The project involves several planning applications described as follows:

- 1) **Specific Plan Amendment (SPA)** – An amendment to the Farm Specific Plan to create special development standards, architectural design guidelines, landscape design guidelines, etc., for a 275-lot single family residential subdivision project (with private parks), including a 3.5 acre commercial retail component.
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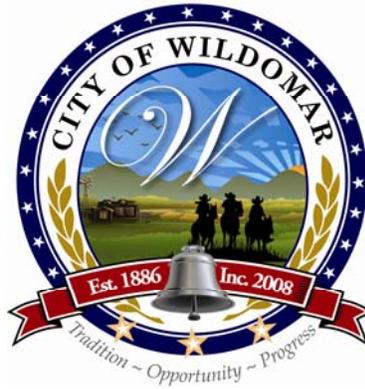
I have attached the location map and tentative subdivision map as submitted to the City.

If you have any questions, feel free to contact me at your convenience. I can be reached by phone at 951-677-7751 or via email at mbassi@cityofwildomar.org.

Sincerely,

Matthew C. Bassi
Planning Director

Ben J. Benoit, Mayor
Timothy Walker, Mayor Pro Tem
Bob Cashman, Council Member
Bridgette Moore, Council Member
Marsha Swanson, Council Member



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Wildomar, CA 92595
951.677.7751 Phone
951.698.1463 Fax
www.CityofWildomar.org

March 21, 2012

Ms. Anna Hoover, RPA, Cultural Analyst
Pechanga Band of Mission Indians
Cultural Resources Department
P.O. Box 2183
Temecula, CA 92593

Subject: Native American Consultation (SB 18 Consultation) for the Oak Creek Canyon Residential Project

Dear Anna,

The City of Wildomar has received an application for the above referenced project and is requesting your participation in the review of the proposed Oak Creek Canyon Residential project. The project involves several planning applications described as follows:

- 1) **Specific Plan Amendment (SPA)** – An amendment to the Farm Specific Plan to create special development standards, architectural design guidelines, landscape design guidelines, etc., for a 315-lot single family residential subdivision project (with private parks), including a 3.5 acre commercial retail component.
- 2) **Change of Zone (CZ)** – An amendment to the City's Zoning Map from R-1 (One- Family Dwelling) to R-4 (Planned Residential Zone) and C/1-C/P (General Commercial) to accommodate the development of a 315-lot single family residential subdivision project (with private parks), including a 3.5 acre commercial retail component.
- 3) **Tentative Tract Map No. 36388** – A proposed subdivision of 151.23 acres into 285 lots (including a 3.5 acre commercial site – Lot L) for the development of 315 single family residential dwelling units with lot sizes ranging from 4,000 square feet to 7,200 square feet with private parks.
- 4) **Environmental Impact Report (EIR)** - This project is subject to the requirements of the California Environmental Quality Act (CEQA) guidelines and an Environmental Impact Report (EIR) will be prepared:

Based on our previous discussions, please consider this letter as a formal request from the City of Wildomar to initiate the SB 18 consultation review with the Pechanga Band of Mission Indians, in compliance with the provisions of Government Code Section 65352.3 (Senate Bill 18). The City is seeking consultation with you concerning the potential Native American cultural resources that may be impacted by the Oak Creek Canyon project. You have already received the Cultural Resources report and we are requesting your feedback and input on this document.

Pechanga SB 18 Consultation Letter
Oak Creek Canyon residential Project
March 21, 2012
Page 2

The City of Wildomar feels that your assistance is vital to the preservation and conservation of potential ancestral tribal sites within the City of Wildomar. I am providing a copy of the Notice of Preparation for the DEIR which also includes the proposed tract map exhibit. As you may recall, I also sent you full size plans of the project and application a few months ago. Please forward any comments you may have regarding the NOP and the Cultural Resources report to the Wildomar Planning Department no later than April 16, 2012. Please keep in mind that you will also receive a copy of the DEIR when it is released for the required 45-day public review period.

If you have any questions, feel free to contact me at your convenience. I can be reached by phone at 951-677-7751 or via email at mbassi@cityofwildomar.org.

Sincerely,

Matthew C. Bassi
Planning Director

Cc: Mark Teague, Senior Project Manager

Attachment:
11-0261 NOP/TTM

NOTICE OF PREPARATION FOR A DRAFT ENVIRONMENTAL IMPACT REPORT

To: Responsible and Trustee Agencies; Interested Organizations and Individuals

From: Matthew C. Bassi, Planning Director, City of Wildomar

Subject: **Notice of Preparation of a Draft Environmental Impact Report (EIR):**
A Notice of Preparation for Planning Application No. 11-0261 for a proposed amendment to Specific Plan No. 116 (Amendment No. 4), a Change of Zone and Tentative Tract Map No. 36388 – Oak Creek Canyon Residential Project.

The City of Wildomar (City) will serve as the Lead Agency under the California Environmental Quality Act (CEQA) and will be responsible for the preparation of an Environmental Impact Report (EIR) for the project referenced above. The EIR will evaluate the potential significant environmental impacts that may result from granting entitlements for the subdivision of 151.23 acres into 285 lots for residential development, including private park areas (Oak Creek Canyon Residential Project – Mr. Bill Lo, Applicant). The project also includes a 3.5 acre neighborhood commercial site and provides for the realignment of Bundy Canyon Road through the project. The property is generally located along Bundy Canyon Road between Oak Canyon Drive and Sunset Avenue (Assessor Parcel Numbers: 362-070-001, 003, 006, 010, 013, 018, 021, 023, 024; 362-080-004, 005, 007, 008, 009, 012; 362-090-009, 015).

Project Description:

While a single proposal for processing by the City, the proposed project requires three (3) distinct development actions more specifically described as follows:

- 1) **Specific Plan Amendment (SPA)** – An amendment to the Farm Specific Plan No. 116 to create special development standards, architectural design guidelines, landscape design guidelines, etc., for a 315-lot single family residential subdivision project (with private parks), including a 3.5 acre commercial retail component.
- 2) **Change of Zone (CZ)** – An amendment to the City's Zoning Map from R-1 (One- Family Dwelling) to R-4 (Planned Residential Zone) and C/1-C/P (General Commercial) to accommodate the development of a 315-lot single family residential subdivision project (with private parks), including a 3.5 acre commercial retail component.
- 3) **Tentative Tract Map No. 36388** – A proposed subdivision of 151.23 acres into 285 lots (including a 3.5 acre commercial site – Lot L) for the development of 315 single family residential dwelling units with lot sizes ranging from 4,000 square feet to 7,200 square feet with private parks.

The City has determined that the proposed project will have the following potentially significant environmental impacts as a result construction and occupancy: air quality due to grading of the property during construction as well as through vehicle use by the residents, biological resources from grading and development of the site, cultural resources, greenhouse gases, hydrology and water quality, traffic/transportation, utilities and service systems.

This transmittal constitutes the official Notice of Preparation (NOP) for the proposed Project DEIR and serves as a request for environmental information that you or your organization believe should be included or addressed in the proposed DEIR document. Please be sure to address the scope and content of environmental information or issues that may relate to your agency's statutory responsibilities in connection with the proposed project.

Purpose of the Notice of Preparation:

The purpose of this NOP is to fulfill legal notification requirements, and inform the public and CEQA Responsible and Trustee Agencies that an DEIR is being prepared for the proposed project by the City. This NOP solicits agency and interested party concerns regarding the potential environmental effects of implementing the proposed residential subdivision at the project location. CEQA encourages early consultation with private persons and organizations that may have information or may be concerned with any potential adverse environmental effects related to physical changes in the environment that may be caused by implementing the project. Responses to the NOP that specifically focus on potentially significant environmental issues are of particular interest to the City of Wildomar. All written responses to this NOP will be included in the appendices to the DEIR. The content of the responses will help guide the focus and scope of the DEIR in accordance with State CEQA Guidelines.

Public Comment Period:

Based on the time limits defined by CEQA, the 30-day public review/comment period on the Notice of Preparation will commence on Thursday, March 15, 2012 and will conclude on Monday, April 16, 2012. Any responses must be submitted to the City of Wildomar, Planning Department at the earliest possible date, but no later than the April 16 deadline. Comments must be submitted in writing, or via email, to:

Mr. Matthew Bassi, Planning Director
City of Wildomar, Planning Department
23873 Clinton Keith Road, Suite 201
Wildomar, CA 92595
(951) 677-7751
mbassi@cityofwildomar.org

Ben J. Benoit, Mayor
Timothy Walker, Mayor Pro Tem
Bob Cashman, Council Member
Bridgette Moore, Council Member
Marsha Swanson, Council Member



23873 Clinton Keith Rd, Ste 201
Wildomar, CA 92595
951.677.7751 Phone
951.698.1463 Fax
www.CityofWildomar.org

June 19, 2012

[VARIOUS]

Subject: Native American Consultation (SB 18 Consultation) for the Oak Creek Canyon Residential Project

Dear [FROM LIST],

The City of Wildomar has received an application for the above referenced project and is requesting your review of the proposed Oak Creek Canyon Residential project to determine if formal consultation is appropriate pursuant to Government Code Section 65352.3 (Senate Bill 18). The project involves several planning applications described as follows:

- 1) **Specific Plan Amendment (SPA)** – An amendment to the Farm Specific Plan to create special development standards, architectural design guidelines, landscape design guidelines, etc., for a 275-lot single family residential subdivision project (with private parks), including a 3.5 acre commercial retail component.
- 2) **Change of Zone (CZ)** – An amendment to the City's Zoning Map from R-1 (One- Family Dwelling) to R-4 (Planned Residential Zone) and C/1-C/P (General Commercial) to accommodate the development.
- 3) **Tentative Tract Map No. 36388** – A proposed subdivision of 151.23 acres into 275 lots (including a 3.5 acre commercial site – Lot L) for the development of single family residential dwelling units with lot sizes ranging from 4,000 square feet to 7,200 square feet with private parks.
- 4) **Environmental Impact Report (EIR)** - This project is subject to the requirements of the California Environmental Quality Act (CEQA) guidelines and an Environmental Impact Report (EIR) will be prepared:

I have attached the location map and tentative subdivision map as submitted to the City.

If you have any questions, feel free to contact me at your convenience. I can be reached by phone at 951-677-7751 or via email at mbassi@cityofwildomar.org.

Sincerely,

Matthew C. Bassi
Planning Director

Ben J. Benoit, Mayor
Timothy Walker, Mayor Pro Tem
Bob Cashman, Council Member
Bridgette Moore, Council Member
Marsha Swanson, Council Member



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June 19, 2012

Pauma & Yuima Reservation
Randall Majel, Chairperson
P.O. Box 369
Pauma Valley, CA 92061

Subject: Native American Consultation (SB 18 Consultation) for the Oak Creek Canyon Residential Project

Dear Mr. Majel,

The City of Wildomar has received an application for the above referenced project and is requesting your review of the proposed Oak Creek Canyon Residential project to determine if formal consultation is appropriate pursuant to Government Code Section 65352.3 (Senate Bill 18). The project involves several planning applications described as follows:

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Sincerely,

Matthew C. Bassi
Planning Director