

**ASSEMBLY BILL 52 NATIVE AMERICAN CONSULTATION RECORD**  
**Nakase Nursery/Toll Brothers Project EIR, Lake Forest, Orange County, California**

Date the Sacred Lands File Search request was submitted to the Native American Heritage Commission (NAHC): February 8, 2018

Date the NAHC responded: February 9, 2018

Results of the NAHC Sacred Lands File Search: The Sacred Lands File search was completed with **negative** results for the presence of Native American cultural resources in the Area of Potential Effect (APE); however the NAHC recommended that the 20 Native American individuals listed in the table below be contacted for information regarding cultural resources that could be affected by the project.

<b>Groups/Individuals Contacted</b>	<b>Date of Project Notification Letter</b>	<b>Date of Tribal Response to Letter</b>	<b>Date and Results of Follow-up Telephone Calls and/or Emails</b>
Campo Band of Mission Indians Ralph Goff, Chairperson <i>Kumeyaay</i>	04/24/2018	No response received.	
Ewiiapaayp Tribal Office Michael Garcia, Vice Chairperson <i>Kumeyaay</i>	04/24/2018	No response received.	
Ewiiapaayp Tribal Office Robert Pinto, Chairperson <i>Kumeyaay</i>	04/24/2018	No response received.	
Gabrieleno Band of Mission Indians – Kizh Nation Andrew Salas, Chairperson <i>Gabrieleno</i>	04/24/2018	05/04/2018: Mr. Salas’s group responded to the City of Lake Forest directly via email, stating that the project falls within their tribal territory and they would like to consult with the agency.	07/19/2018: A phone consultation was held between the City of Lake Forest, LSA, Toll Brothers, and members of the Tribe.  07/25/2018: A summary of the phone consultation meeting was sent to attendees.  08/27/2018: The City followed up with the Tribe to request the mitigation measures that the Tribe had offered to send for the project as recommendations. Mr. Salas responded that the information would be sent soon.  08/28/2018: The Administrative Specialist with the Tribe sent an email with the recommended mitigation measures attached.  06/11/2019: The City sent an email to Mr. Salas to

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			<p>summarize the timeline of the consultation process and inform the Tribe that the City had reformatted the mitigation measures for inclusion in the EIR. The City invited Mr. Salas to review the measures and respond with any questions or comments.</p> <p>08/14/2019: The City sent an email to Mr. Salas and Mr. Teutimez to inform the Tribe that the City has decided to revise the mitigation measure language out of a desire for consistency with similar mitigation measures used on another large-scale development project in the City. A copy of the revised mitigation measure was attached to the e-mail. The City also informed the Tribe of the City's intent to make the Draft EIR for the project available for a 45-day public review period starting August 20, 2019. The City invited the Tribe to review the measure and consider submitting written comments during the Draft EIR's public review period. The City also invited the Tribe to respond with any questions.</p>
Gabrieleno/Tongva San Gabriel Band of Mission Indians Anthony Morales, Chairperson <i>Gabrieleno</i>	04/24/2018	No response received.	
Gabrielino/Tongva Nation Sandonne Goad, Chairperson <i>Gabrielino</i>	04/24/2018	No response received.	
Gabrielino Tongva Indians of California Tribal Council Robert Dorame, Chairperson <i>Gabrielino</i>	04/24/2018	No response received.	
Gabrielino-Tongva Tribe Charles Alvarez <i>Gabrielino</i>	04/24/2018	No response received.	

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**Nakase Nursery/Toll Brothers Project EIR, Lake Forest, Orange County, California**

<b>Groups/Individuals Contacted</b>	<b>Date of Project Notification Letter</b>	<b>Date of Tribal Response to Letter</b>	<b>Date and Results of Follow-up Telephone Calls and/or Emails</b>
Jamul Indian Village Erica Pinto, Chairperson <i>Kumeyaay</i>	04/24/2018	No response received.	
Juaneño Band of Mission Indians Sonia Johnston, Chairperson <i>Juaneño</i>	04/24/2018	No response received.	
Juaneño Band of Mission Indians Acjachemen Nation – Belardes Matias Belardes, Chairperson <i>Juaneño</i>	04/24/2018	No response received.	
Juaneño Band of Mission Indians Acjachemen Nation – Romero Teresa Romero, Chairperson <i>Juaneño</i>	04/24/2018	No response received.	
La Posta Band of Mission Indians Javaughn Miller, Tribal Administrator <i>Kumeyaay</i>	04/24/2018	No response received.	
La Posta Band of Mission Indians Gwendolyn Parada, Chairperson <i>Kumeyaay</i>	04/24/2018	No response received.	
Manzanita Band of Kumeyaay Nation Angela Elliott Santos, Chairperson <i>Kumeyaay</i>	04/24/2018	No response received.	
Pauma Band of Luiseño Indians – Pauma & Yuima Reservation Temet Aguilar, Chairperson <i>Luiseño</i>	04/24/2018	No response received.	
San Fernando Band of Mission Indians John Valenzuela, Chairperson <i>Kitanemuk Serrano Tataviam</i>	04/24/2018	No response received.	
San Pasqual Band of Mission Indians Allen E. Lawson, Chairperson <i>Kumeyaay</i>	04/24/2018	No response received.	

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<b>Groups/Individuals Contacted</b>	<b>Date of Project Notification Letter</b>	<b>Date of Tribal Response to Letter</b>	<b>Date and Results of Follow-up Telephone Calls and/or Emails</b>
Sycuan Band of the Kumeyaay Nation Cody J. Martinez, Chairperson <i>Kumeyaay</i>	04/24/2018	No response received.	
Viejas Band of Kumeyaay Indians Robert Welch, Chairperson <i>Kumeyaay</i>	04/24/2018	No response received.	



BERKELEY  
CARLSBAD  
FRESNO  
IRVINE  
LOS ANGELES  
PALM SPRINGS  
POINT RICHMOND  
RIVERSIDE  
ROSEVILLE  
SAN LUIS OBISPO

February 8, 2018

Gayle Totton, M.A., PhD.  
Associate Governmental Program Analyst  
Native American Heritage Commission  
1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691

Subject: Senate Bill 18 and Assembly Bill 52 Consultation Lists and Sacred Lands File Search Request for the proposed Nakase Nursery/Toll Brothers EIR Project in Lake Forest, Orange County, California

Dear Dr. Totton:

Attached please find a Local Government Tribal Consultation List Request and a map showing the location of the proposed Nakase Nursey/Toll Brothers EIR Project (project) in Lake Forest, Orange County, California. Specifically, the project is depicted on the United States Geological Survey *El Toro, California* 7.5-minute topographic quadrangle map in Township 06 South, Range 08 West, Sections 1 and 12, San Bernardino Baseline and Meridian.

LSA is assisting Marie Luna (mluna@lakeforestca.gov), Senior Planner for the City of Lake Forest, in preparing for Native American consultation for the project per Senate Bill 18 and Assembly Bill 52. As indicated on the attached request, please conduct a Sacred Lands File search, notify us of any Native American cultural resources that might be impacted, and include a consultation list of Native Americans that may be contacted for the Senate Bill 18 and Assembly Bill 52 Native American consultation processes.

Thank you very much for your assistance. If you have any questions or comments, please contact me at (949) 553-0666, or at kerrie.collison@lsa.net.

Best Regards,

**LSA Associates, Inc.**

Kerrie Collison, RPA  
Archaeologist

Attachments: Local Government Tribal Consultation List Request  
Figure 1 – Project Location Map



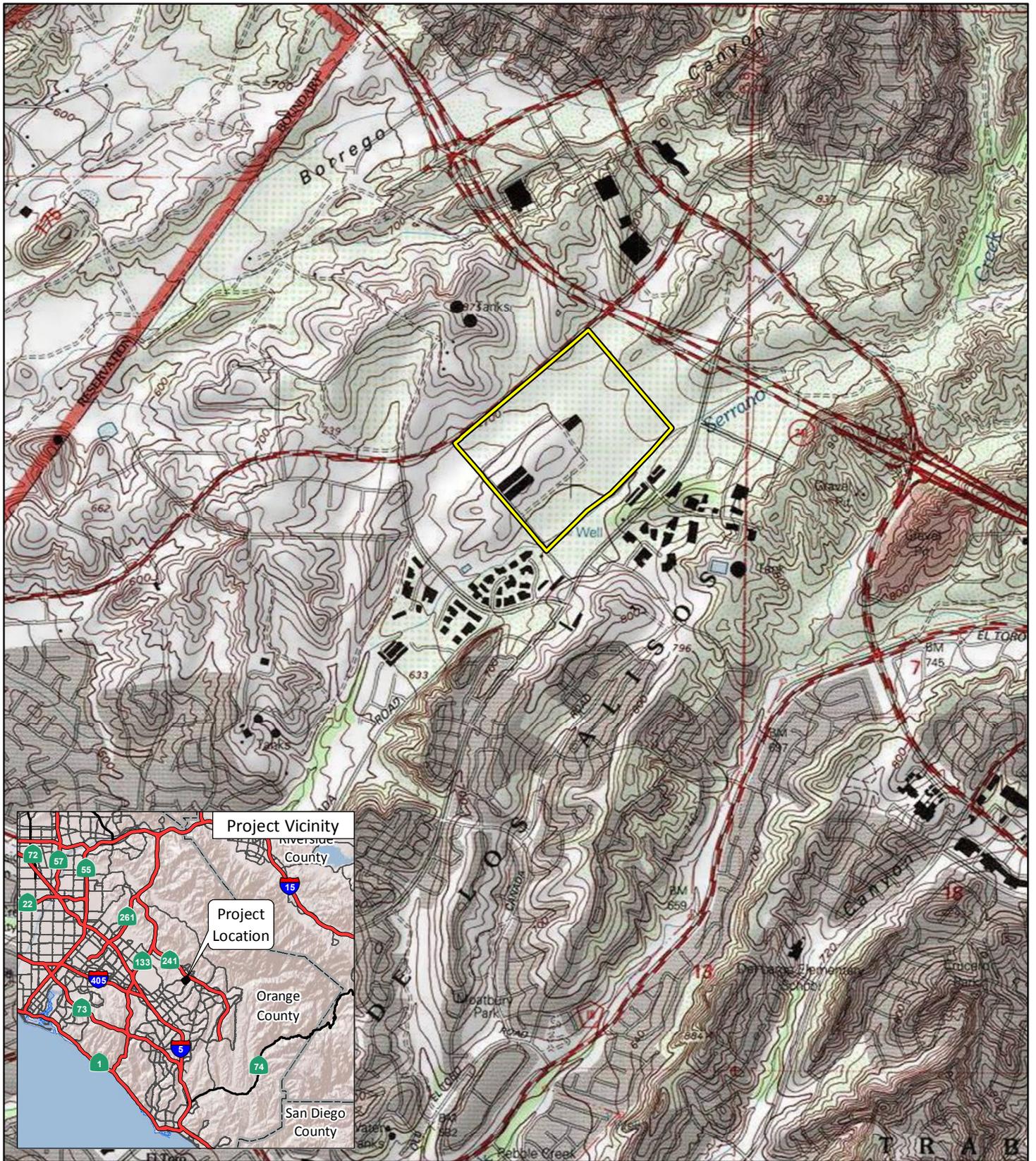


FIGURE 1

LSA

LEGEND

 Project Location



0 1000 2000  
FEET

SOURCE: USGS (2017)

\\vcorp12\images\CLF1801\GIS\ProjectLocation.mxd (2/6/2018)

**NATIVE AMERICAN HERITAGE COMMISSION**

Cultural and Environmental Department  
1550 Harbor Blvd., Suite 100  
West Sacramento, CA 95691  
(916) 373-3710



February 9, 2018

Marie Luna, Senior Planner  
City of Lake Forest

Sent via e-mail: mluna@lakeforestca.gov

RE: Proposed Nakase Nursery/ Toll Brothers Project, City of Lake Forest; El Toro USGS Quadrangle, Orange County, California

Dear Ms. Luna:

Attached is a Consultation List of tribes with traditional lands or cultural places located within the boundaries of the above referenced project.

Government Code §65352.3 (SB-18) **requires local governments** to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of avoiding, protecting, and/or mitigating impacts to cultural places in creating or amending general plans, including specific plans. As of July 1, 2015, Public Resources Code Sections 21080.3.1 and 21080.3.2 (AB-52) require **public agencies to consult** with California Native American tribes identified by the NAHC for the purpose mitigating impacts to tribal cultural resources:

Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, **the lead agency** shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section. (Public Resources Code Section 21080.1(d))

The law does not preclude agencies from initiating consultation with the tribes that are culturally and traditionally affiliated with their jurisdictions. The NAHC believes that in fact that this is the best practice to ensure that tribes are consulted commensurate with the intent of the law.

In accordance with Public Resources Code Section 21080.1(d), formal notification must include a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation. The NAHC requests that lead agencies include in their notifications information regarding any cultural resources assessment that has been completed on a potential "area of project affect" (APE), such as:

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. A search of the SFL was completed with negative results.
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.

Lead agencies should be aware that records maintained by the NAHC and CHRIS is not exhaustive, and a negative response to these searches does not preclude the existence of a cultural place. A tribe may be the only source of information regarding the existence of a tribal cultural resource.

This information will aid tribes in determining whether to request formal consultation. In the case that they do, having the information beforehand will help to facilitate the consultation process.

Lead agencies or agencies potentially undertaking a project are encouraged to send more than one written notice to tribes that are traditionally and culturally affiliated to a potential APE during the 30-day notification period to ensure that the information has been received.

If you receive notification of change of addresses and phone numbers from tribes, please notify me. With your assistance we are able to assure that our consultation list contains current information.

If you have any questions, please contact me at my email address: [gayle.totton@nahc.ca.gov](mailto:gayle.totton@nahc.ca.gov).

Sincerely,



Gayle Totton, M.A., PhD.  
Associate Government Planning Analyst  
(916) 373-3714

**Native American Heritage Commission  
Tribal Consultation List  
Orange County  
2/9/2018**

**Campo Band of Mission Indians**

Ralph Goff, Chairperson  
36190 Church Road, Suite 1      Kumeyaay  
Campo, CA, 91906  
Phone: (619) 478 - 9046  
Fax: (619) 478-5818  
rgoff@campo-nsn.gov

**Ewilaapaayp Tribal Office**

Michael Garcia, Vice Chairperson  
4054 Willows Road      Kumeyaay  
Alpine, CA, 91901  
Phone: (619) 445 - 6315  
Fax: (619) 445-9126  
michaalg@leaningrock.net

**Ewilaapaayp Tribal Office**

Robert Pinto, Chairperson  
4054 Willows Road      Kumeyaay  
Alpine, CA, 91901  
Phone: (619) 445 - 6315  
Fax: (619) 445-9126

**Gabrieleno Band of Mission  
Indians - Kizh Nation**

Andrew Salas, Chairperson  
P.O. Box 393      Gabrieleno  
Covina, CA, 91723  
Phone: (626) 926 - 4131  
admin@gabrielenoindians.org

**Gabrieleno/Tongva San Gabriel  
Band of Mission Indians**

Anthony Morales, Chairperson  
P.O. Box 693      Gabrieleno  
San Gabriel, CA, 91778  
Phone: (626) 483 - 3564  
Fax: (626) 286-1262  
GTtribalcouncil@aol.com

**Gabrielino /Tongva Nation**

Sandonne Goad, Chairperson  
106 1/2 Judge John Aiso St.,      Gabrielino  
#231  
Los Angeles, CA, 90012  
Phone: (951) 807 - 0479  
sgoad@gabrielino-tongva.com

**Gabrielino Tongva Indians of  
California Tribal Council**

Robert Dorame, Chairperson  
P.O. Box 490      Gabrielino  
Bellflower, CA, 90707  
Phone: (562) 761 - 6417  
Fax: (562) 761-6417  
gtongva@gmail.com

**Gabrielino-Tongva Tribe**

Charles Alvarez,  
23454 Vanowen Street      Gabrielino  
West Hills, CA, 91307  
Phone: (310) 403 - 6048  
roadkingcharles@aol.com

**Jamul Indian Village**

Erica Pinto, Chairperson  
P.O. Box 612      Kumeyaay  
Jamul, CA, 91935  
Phone: (619) 669 - 4785  
Fax: (619) 669-4817

**Juaneno Band of Mission  
Indians**

Sonia Johnston, Chairperson  
P.O. Box 25628      Juaneno  
Santa Ana, CA, 92799  
sonia.johnston@sbcglobal.net

**Juaneno Band of Mission  
Indians Acjachemen Nation -  
Belardes**

Matias Belardes, Chairperson  
32161 Avenida Los Amigos      Juaneno  
San Juan Capistrano, CA, 92675  
Phone: (949) 293 - 8522

**Juaneno Band of Mission  
Indians Acjachemen Nation -  
Romero**

Teresa Romero, Chairperson  
31411-A La Matanza Street      Juaneno  
San Juan Capistrano, CA, 92675  
Phone: (949) 488 - 3484  
Fax: (949) 488-3294  
tromero@juaneno.com

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 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 Sections 65362.3, 65362.4 et seq. and Public Resources Code Sections 21080.3.1 for the proposed Nakase Nursery/ Toll Brothers Project, Orange County.

Native American Heritage Commission  
Tribal Consultation List  
Orange County  
2/9/2018

**La Posta Band of Mission  
Indians**

Javaughn Miller, Tribal  
Administrator  
8 Crestwood Road  
Boulevard, CA, 91905  
Phone: (619) 478 - 2113  
Fax: (619) 478-2125  
jmillier@LPtribe.net  
Kumeyaay

**La Posta Band of Mission  
Indians**

Gwendolyn Parada, Chairperson  
8 Crestwood Road  
Boulevard, CA, 91905  
Phone: (619) 478 - 2113  
Fax: (619) 478-2125  
LP13boots@aol.com  
Kumeyaay

**Manzanita Band of Kumeyaay  
Nation**

Angela Elliott Santos, Chairperson  
P.O. Box 1302  
Boulevard, CA, 91905  
Phone: (619) 766 - 4930  
Fax: (619) 766-4957  
Kumeyaay

**Pauma Band of Luiseno Indians  
- Pauma & Yuima Reservation**

Temet Aguilar, Chairperson  
P.O. Box 369  
Pauma Valley, CA, 92061  
Phone: (760) 742 - 1289  
Fax: (760) 742-3422  
Luiseno

**San Fernando Band of Mission  
Indians**

John Valenzuela, Chairperson  
P.O. Box 221838  
Newhall, CA, 91322  
Phone: (760) 885 - 0955  
tsen2u@hotmail.com  
Kitanemuk  
Serrano  
Tataviam

**San Pasqual Band of Mission  
Indians**

Allen E. Lawson, Chairperson  
P.O. Box 365  
Valley Center, CA, 92082  
Phone: (760) 749 - 3200  
Fax: (760) 749-3876  
allenl@sanpasqualtribe.org  
Kumeyaay

**Sycuan Band of the Kumeyaay  
Nation**

Cody J. Martinez, Chairperson  
1 Kwaaypaay Court  
El Cajon, CA, 92019  
Phone: (619) 445 - 2613  
Fax: (619) 445-1927  
ssilva@sycuan-nsn.gov  
Kumeyaay

**Viejas Band of Kumeyaay  
Indians**

Robert Welch, Chairperson  
1 Viejas Grade Road  
Alpine, CA, 91901  
Phone: (619) 445 - 3810  
Fax: (619) 445-5337  
jhagen@viejas-nsn.gov  
Kumeyaay

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 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 Sections 65352.3, 65362.4 et seq. and Public Resources Code Sections 21080.3.1 for the proposed Nakase Nursery/ Toll Brothers Project, Orange County.



April 24, 2018

Charles Alvarez  
Gabrielino-Tongva Tribe  
23454 Vanowen Street  
West Hills, CA 91307

Dear Mr. Alvarez:

Please consider this letter as formal notification of a proposed project as required under the California Environmental Quality Act, specifically Public Resources Code (PRC) Section 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., Assembly Bill 52). Please respond within 30 days, pursuant to PRC Section 21080.3.1(d), if you would like to consult on this project. Please provide a designated lead contact person if you have not provided that information to us already.

The City of Lake Forest proposes a project that will include a Development Agreement, an Area Plan, a Master Tentative Tract Map, a General Plan Amendment, and a Zone Change for a parcel encompassing 122 acres on what is currently known as the Nakase Nursery in Lake Forest, Orange County, California. Please see Figure 1 (attached) for the project's location.

If approved, the project would allow the development of: (1) approximately 600 to 800 residential units at a density ranging between 6 to 18 units per acre; (2) a senior affordable rental community; (3) parks; (4) open space and walking trails; (5) a recreation facility; and (6) an elementary school for approximately 1,000 Kindergarten through sixth grade students. School site locations are currently under review with the Saddleback Valley Unified School District and the California Department of Education. The school site may be located along either Bake or Rancho Parkways or a combination thereof.

A records search for the project area was completed at the South Central Coastal Information Center of the California Historical Resources Information System at California State University, Fullerton. The records search indicated there are no known prehistoric sites within the project area. Twenty-five cultural resources are located within 0.25 mile of the project. A Sacred Lands File search requested from the Native American Heritage Commission was negative for the project area.

If you have any questions or concerns about the project, please contact Marie Luna, Senior Planner for the City of Lake Forest, via email at [mluna@lakeforestca.gov](mailto:mluna@lakeforestca.gov) or by phone at (949) 461-3466.

Sincerely,

Marie Luna  
Senior Planner, City of Lake Forest

Attachment: Figure 1: Project Location Map

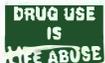
Mayor  
Dr. Jim Gardner

Mayor Pro Tem  
Leah Basile

Council Members  
Tom Cagley  
Dwight Robinson  
Scott Voigts

City Manager  
Debra DeBruhl Rose

EXAMPLE LETTER



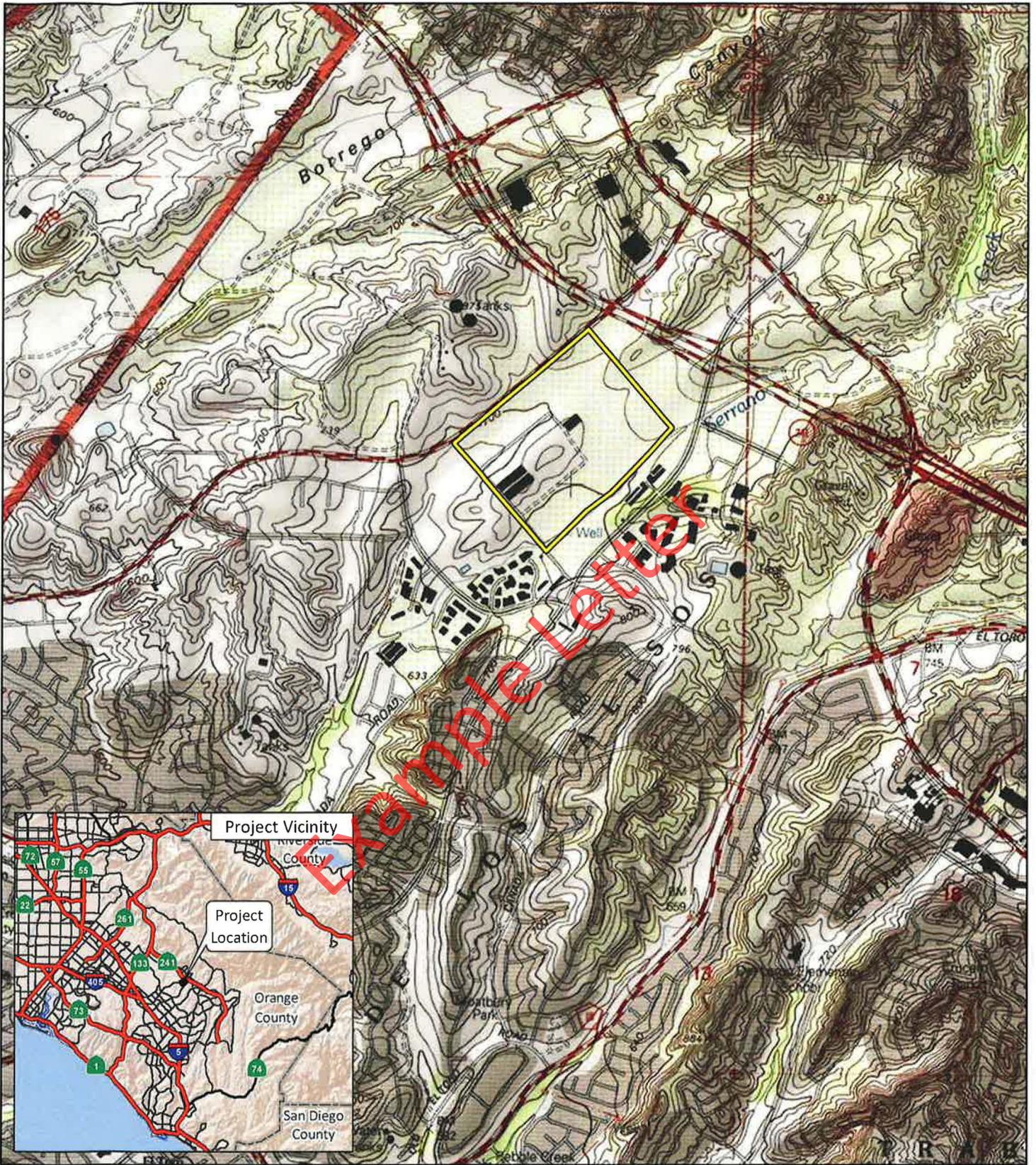


FIGURE 1

LSA

LEGEND

 Project Location



0 1000 2000  
FEET

SOURCE: USGS (2017)

\\vcorp12\images\CLF1801\GIS\ProjectLocation.mxd (2/6/2018)

**From:** Administration Gabrieleno Indians [<mailto:admin@gabrielenoindians.org>]

**Sent:** Friday, May 04, 2018 12:20 PM

**To:** Luna, Marie

**Subject:** LSA -Nakase Nursery/Toll Brothers Projects Environmental Impact Report Lake Forest Orange County CA

Thank you for your letter dated April 19, 2018 regarding the proposed project. This project does fall in our Tribal territory, therefor our Tribal Government would like to consult with your agency.

Thank you

Sincerely,

Admin Specialist  
Gabrieleno Band of Mission Indians - Kizh Nation  
PO Box 393  
Covina, CA 91723  
Office: 844-390-0787  
website: [www.gabrielenoindians.org](http://www.gabrielenoindians.org)

---

**From:** Luna, Marie [<mailto:mluna@lakeforestca.gov>]  
**Sent:** Wednesday, July 25, 2018 2:03 PM  
**To:** [matthew.teutimez@gabrielenoindians.org](mailto:matthew.teutimez@gabrielenoindians.org); [admin@gabrielenoindians.org](mailto:admin@gabrielenoindians.org)  
**Cc:** Ackerman, Gayle; Wetzel, Niki; Lauffer, Amanda; Winterswyk, Alisha; Ryan Bensley  
**Subject:** Nakase - Tribal Consultation Meeting Notes

Hi Matt,

Attached are the meeting notes from the tribal consultation on July 19, 2018.  
Please review them and let me know if any edits are required. Also, please send me the mitigation measures you would like us to consider.

In addition, please send me the correct e-mail address for Dr. Gary Stickel. I have tried to send information to him twice and both times my e-mails have bounced back undelivered.

Thank you!  
~Marie

*Marie Swami Luna*  
Senior Planner  
City of Lake Forest  
[mluna@lakeforestca.gov](mailto:mluna@lakeforestca.gov)  
949.461.3466/fax: 949.461.3511

## MEMORANDUM

**DATE:** July 25, 2018

**TO:** Marie Luna, Senior Planner, City of Lake Forest

**FROM:** Ryan Bensley, Project Manager, LSA

**SUBJECT:** Tribal Consultation Call with the Gabrieleno-Kizh Nation related to the Nakase Property Area Plan

The following provides a summary of key points discussed during the City's tribal consultation call held with the Gabrieleno-Kizh Nation on July 19, 2018 related to the Nakase Property Area Plan. The call was conducted pursuant to Senate Bill 18 and Assembly Bill 52 tribal consultation requirements.

The consultation call included the following participants:

- Marie Luna, Senior Planner, City of Lake Forest
- Amanda Lauffer, Assistant Planner, City of Lake Forest
- Alisha Winterswyk, City Attorney, City of Lake Forest
- Niki Wetzl, Assistant Director of Community Development, City of Lake Forest
- Andrew Salas, Tribal Chairman, Kizh Nation
- Dr. Gary Stickel, Tribal Archaeologist, Kizh Nation
- Matt Teutimez, Tribal Biologist, Kizh Nation
- Ryan Bensley, Associate, LSA
- Ashley Davis, Principal, LSA
- Alicia Guerra, Attorney, Toll Brothers

The tribal representatives noted that the Sacred Lands File and CHRIS databases only reflect information that has been added to them. Lake Forest is between two sites that were sacred to the Gabrieleno-Kizh (the Saddleback [traditionally known by the tribe as Har-wo-vet] and geoglyphs in the Laguna Hills area [which have since been destroyed]).

Cogstones, which the tribe referred to as "sunstones," were important to the tribe's culture. Some sunstones have been found along Aliso Creek.

The tribe will provide United States Geological Survey (USGS) maps showing the waterway and other tribal cultural resources (TCRs). The information should help City staff understand how the topographic nature of this area provided for the human activity here. There were many springs in the hills. The springs were used for what the fabric of life was – trade. Every family was involved in trade activity. Trade existed because they were provided gifts (on land and ocean), compared to

other tribes. Trade did not exist strictly for sustenance or to make a living. In Taos, they have the abalone clan – they self-identified because of the abalone that came from the shores of the tribe’s ancestral territory. The creeks and the drainages/waterways were all their paths. They either used the upland component or the creek itself (with boats) to transport commodities. These routes are heavily used over thousands of years. During this time, any amount of accidents can happen. Unfortunately, accidents happen and they lead to deaths. The tradition back then was to bury persons where they died. The idea is that the creator took you from the Earth in that spot so that we will honor that spot by putting the person back there. The highest numbers of random burials are along trade routes. Many times, burials are associated with waterways because of the aesthetics of the waterways – the birds singing and the willows providing shade. It makes for a nice place to pray and visit your ancestors.

So, because this project is adjacent to the historic waterways that are identified on USGS maps, the tribe has higher concerns than normal about uncovering anything. The tribe’s main type of burial was cremation rather than full human burial. Cremation can still leave evidence that can be discovered – bone fragments and discoloration of the soil; oily sheen on the soil.

The tribe wants monitors on site during site disturbing activities.

The tribe (Matt) will send the City a summary of the mitigation that they would like to see incorporated into a tribal cultural resource protection plan on 7/19/18. The tribe will also provide the screenshots for the City’s records.

The tribe would like to hold a follow-up call with the City after they have had a chance to review the Initial Study.

There is a wetland plant that the tribe uses to cure cancer (sweet leaf or marsh fleabane [*Pluchea Odorata*]). This water source area was thought of as sacred because this is how one of the tribe’s members cured his mom of cancer and the plant came from the spring. Plant life today – where it is today – gives them an indication of where it was prehistorically. But, for the tribe, the plants provide certain indications to them.

---

**From:** Luna, Marie [<mailto:mluna@lakeforestca.gov>]

**Sent:** Tuesday, August 28, 2018 10:17 AM

**To:** Andrew Salas

**Cc:** [matthew.teutimez@gabrielenoindians.org](mailto:matthew.teutimez@gabrielenoindians.org); Ryan Bensley; Ashley Davis; Winterswyk, Alisha; Administration KNRM

**Subject:** RE: Nakase Tribal Consultation - Mitigation Measures

No worries Andrew; we look forward to receiving your information and continuing to work with you.  
My condolences to your family.

Take care,  
~Marie

---

**From:** Andrew Salas [<mailto:gabrielenoindians@yahoo.com>]

**Sent:** Monday, August 27, 2018 8:55 PM

**To:** Luna, Marie

**Cc:** [matthew.teutimez@gabrielenoindians.org](mailto:matthew.teutimez@gabrielenoindians.org); Ryan Bensley; Ashley Davis; Winterswyk, Alisha; Administration KNRM

**Subject:** Re: Nakase Tribal Consultation - Mitigation Measures

Hello Marie it's Andy sorry for the delay in responding . We had a Few deaths in the family so that kept us a little busy . I will have Matt or one of staff members forward you that mitigation and any other info needed. Again Sorry for the delay .

Sent from my iPhone

On Aug 27, 2018, at 6:21 PM, Luna, Marie <[mluna@lakeforestca.gov](mailto:mluna@lakeforestca.gov)> wrote:

Hi Matt,

I reached out to you on two prior occasions in July after our tribal consultation meeting with you over the phone on July 19, 2018, regarding the Nakase development project in the City of Lake Forest. You offered to send me the mitigation measures you would like to see implemented, and indicated you would like us to have a second consultation with you.

Unfortunately, I have not received any additional communication from you, but I would like to reach out to you again as I think it's important to have your input. To facilitate your response, I am attaching documents previously e-mailed to you so that you can take a fresh look at them. They include the Initial Study, the Notice of Preparation, and a summary of our consultation with you on July 19<sup>th</sup>.

If I can answer any questions, please give me a call. I look forward to hearing from you soon.

Thank you!  
~Marie

*Marie Swami Luna*  
Senior Planner  
City of Lake Forest  
[mluna@lakeforestca.gov](mailto:mluna@lakeforestca.gov)  
949.461.3466/fax: 949.461.3511

<Nakase Initial Study\_July.pdf>

<Final Notice of Preparation.pdf>

<Final 7-19-18 Tribal Consultation Memo.pdf>

**From:** Administration Gabrieleno Indians [<mailto:admin@gabrielenoindians.org>]

**Sent:** Tuesday, August 28, 2018 3:58 PM

**To:** Luna, Marie

**Cc:** [GAckerman@lakeforestca.gov](mailto:GAckerman@lakeforestca.gov); Wetzal, Niki; Lauffer, Amanda; Winterswyk, Alisha; Ryan Bensley; Ashley Davis; Matthew Teutimez; [gabrielenoindians@yahoo.com](mailto:gabrielenoindians@yahoo.com)

**Subject:** Re: FW: Nakase - Tribal Consultation with Gabrieleno Indians

Ms. Luna,

Thank you for your patience in this matter and we apologize for the delay in communications. Attached are the mitigation measures recommended by our Tribal Government for use with this project. If you have any questions or would like to discuss these measures further, please do not hesitate to call or email. Thank you

Sincerely,  
Admin Specialist  
Gabrieleno Band of Mission Indians - Kizh Nation  
PO Box 393  
Covina, CA 91723  
Office: 844-390-0787  
website: [www.gabrielenoindians.org](http://www.gabrielenoindians.org)





## Gabrieleno Band of Mission Indians – Kizh Nation

### *Protection of Tribal Cultural Resources (TCRs)*

#### **Most Important Things for Agencies to Know About AB52:**

- An EIR, MND or ND can not be certified, until AB-52 tribal consultation has concluded
- Agreed mitigation measures with the tribe, **MUST** be recommended for inclusion in the environmental document.
- Signature confirming acceptance of these mitigation measures recommended by our Tribal Government is required within 14 days of receipt to conclude AB52 consultation.

#### **Tribal Cultural Resources Mitigation Measures within Kizh Nation Tribal Territory:**

Note: To avoid compliance issues with the following laws, all Native American Monitoring shall be conducted by a documented lineal descendant from the ancestral Tribe of the project area.

- The Native American Graves Protection and Repatriation Act (NAGPRA), Public Law-101-601, 25 U.S.C. 3001 et seq., 104 Stat. 3048.
- CEQA Guidelines Section 15064.5, PRC 5097.98 (d)(1).
- The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP).

*If you are receiving these measures, The Gabrieleno Band of Mission Indians Kizh -Nation are the direct lineal descendants of your project area. The Kizh Nation ONLY responds and consults on projects within their ANCESTRAL tribal territory. Therefore, to remain in compliance with above referenced laws and to enable our Tribe with the ability to protect and preserve our last remaining and irreplaceable Tribal Cultural Resources, it is recommended that the project applicant retain a qualified professional tribal monitor/consultant from the Gabrieleno Band of Mission Indians Kizh -Nation. The Kizh Nation possesses Tribal archives including documented historical information as well as multiple members who possess unique knowledge derived from oral tradition passed down through generations of the Tribe in order to provide the expertise needed to identify whether a project is located within a culturally sensitive area given its proximity to village areas, commerce areas, recreation areas, ceremonial areas, and burial locations.*

#### **Native American Heritage Commission (NAHC) Guidelines for Native American Monitors/Consultants**

**(approved 9/13/05):** By acting as a liaison between Native American, archaeologist, developers, contactors and public agency, a Native American monitor/consultant can ensure that cultural features are treated appropriately from the Native American point of view. This can help others involved in a project to coordinate mitigation measures. These guidelines are intended to provide prospective monitors/consultants, and people who hire monitors/consultants, with an understanding of the scope and extent of knowledge that should be expected.

**Mitigation Guidelines for Tribal Cultural Resources (TCRs):** CEQA now defines TCRs as an independent element separate from archaeological resources. Environmental documents shall address a separate Tribal Cultural Resources section that includes a thorough analysis of the impacts to only TCRs and includes separate and independent mitigation measures created with tribal input under AB-52 consultations. Therefore, all agreements, mitigation, and conditions of approval regarding TCRs shall be handled solely with the Tribal Government and conversely all agreements, mitigation, and conditions of approval regarding Archaeological Resources shall be handled by an Archaeological resource company.



**Retain a Native American Monitor/Consultant:** The Project Applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both approved by the Gabrieleño Band of Mission Indians-Kizh Nation Tribal Government and is listed under the NAHC's Tribal Contact list for the area of the project location. This list is provided by the NAHC. The monitor/consultant will only be present on-site during the construction phases that involve ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching, within the project area. The Tribal Monitor/consultant will complete daily monitoring logs that will provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.

**Unanticipated Discovery of Tribal Cultural and Archaeological Resources:** Upon discovery of any archaeological resources, cease construction activities in the immediate vicinity of the find until the find can be assessed. All archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist and tribal monitor/consultant approved by the Gabrieleño Band of Mission Indians-Kizh Nation. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe will request reburial or preservation for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource", time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be available. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and

**Public Resources Code Sections 21083.2(b)** for unique archaeological resources. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. Any historic archaeological material that is not Native American in origin shall be curated at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material. If no institution accepts the archaeological material, they shall be offered to a local school or historical society in the area for educational purposes.

**Unanticipated Discovery of Human Remains and Associated Funerary Objects:**

Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, called associated grave goods in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC) and PRC 5097.98 shall be followed.



### **Resource Assessment & Continuation of Work Protocol:**

Upon discovery, the tribal and/or archaeological monitor/consultant/consultant will immediately divert work at minimum of 50 feet and place an exclusion zone around the burial. The monitor/consultant(s) will then notify the Tribe, the qualified lead archaeologist, and the construction manager who will call the coroner. Work will continue to be diverted while the coroner determines whether the remains are Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner will notify the NAHC as mandated by state law who will then appoint a Most Likely Descendent (MLD).

### **Kizh-Gabrieleno Procedures for burials and funerary remains:**

If the Gabrieleno Band of Mission Indians - Kizh Nation is designated MLD, the following treatment measures shall be implemented. To the Tribe, the term "human remains" encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. These remains are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects.

### **Treatment Measures:**

Prior to the continuation of ground disturbing activities, the land owner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Tribe will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. The Tribe will work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure completely recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does NOT authorize any scientific study or the utilization of any invasive diagnostics on human remains.

Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on site if possible. These items should be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location mitigated between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.



**Professional Standards:** Archaeological and Native American monitoring and excavation during construction projects will be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator working with Native American archaeological sites in southern California. The Qualified Archaeologist shall ensure that all other personnel are appropriately trained and qualified.

Acceptance of Tribal Government Recommended Mitigation Measures:

By \_\_\_\_\_  
Lead Agency Representative Signature

Date: \_\_\_\_\_

Revised: August 2018



## Attachment A

Kizh Nation Ancestral Tribal Territory extended along the coast from Malibu Creek in Los Angeles County down to Aliso Creek in Orange County and encompassed the Channel Islands of Catalina (Pimugna), San Nicolas (Haraasnga), and San Clemente (Kiinkenga). Our inland border was the San Gabriel Mountains (Hidakupa) and eastwardly our territory extended to parts of San Bernardino (Waatsngna), Orange, and Riverside counties.



**From:** Luna, Marie [<mailto:mluna@lakeforestca.gov>]

**Sent:** Tuesday, June 11, 2019 5:49 PM

**To:** Andrew Salas

**Cc:** Nicole Dubois; Ryan Bensley; Winterswyk, Alisha; Ackerman, Gayle; Wetzel, Niki

**Subject:** Nakase - Tribal Mitigation Measures for the Nakase Project proposed in the City of Lake Forest

Dear Mr. Salas,

On July 19, 2018, we engaged in a tribal consultation call related to the Nakase Property Area Plan with you and other representatives from the Gabrieleno-Kizh Nation. The call was conducted pursuant to Senate Bill 18 and Assembly Bill 52 tribal consultation requirements. On August 28, 2018, we received a list of mitigation measures from you for incorporation into the project environmental impact report (EIR). The project EIR is being prepared by LSA, the City's environmental consultant for the Nakase project. The Nakase EIR will provide environmental documentation related to project applications filed by Toll Brothers for an Area Plan , a General Plan Amendment (GPA 05-17-5033), and a Zone Change (ZA 05-17-5034). We have reviewed the mitigation measures you provided and reformatted them for inclusion in the EIR. Please review the mitigation measures attached, and let me know if you have any questions or comments.

Thank you,

~Marie

*Marie Luna*

Senior Planner

City of Lake Forest

[mluna@lakeforestca.gov](mailto:mluna@lakeforestca.gov)

949.461.3466/fax: 949.461.3511

## GABRIELEÑO BAND OF MISSION INDIANS – KIZH NATION MITIGATION MEASURES

MM TCR-1: The Project Applicant shall be required to retain the services of a qualified Native American Monitor(s) (Monitor) approved by the Tribal Representatives from the Gabrieleño Band of Mission Indians–Kizh Nation. The Monitor must be present during all construction related ground disturbance activities. Ground disturbance is defined as rough grading and remediation excavation activities within the Project area. The Monitor will complete monitoring logs on a daily basis. The logs will provide descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end at the earliest of when either the Project Site rough grading and remediation excavation activities are completed, or when the Tribal Representatives and monitor have indicated that the site has a low potential for archeological resources.

MM TCR-2: All archaeological resources unearthed by Project construction activities shall be evaluated by the Monitor. If the resources are Native American in origin, the Tribe shall coordinate with the landowner regarding treatment and curation of these resources. The preferred treatment will be reburial or preservation in place.

MM TCR-3: If any human skeletal material or related funerary objects are discovered during ground disturbance, the Monitor will immediately divert work at minimum of 50 feet and place an exclusion zone around the burial. The Monitor will then notify the construction manager who will call the coroner. Work will continue to be diverted while the coroner determines whether the remains are Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the remains are Native American, the coroner will notify the Native American Heritage Commission (NAHC) as mandated by state law who will then appoint a Most Likely Descendent. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. The preferred treatment will be to keep the remains in situ and protected. If that treatment is not feasible, as determined by the applicant, the burials may be removed. The Tribe will work closely with the Qualified Archaeologist to ensure that the excavation is treated carefully, ethically, and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations will either be removed in bulk or by means as necessary to ensure complete recovery of all material. Once complete, a final report of all activities is to be submitted to the NAHC.

**From:** [Luna, Marie](#)  
**To:** [Matthew.Teutimez@gabrielenoindians.org](mailto:Matthew.Teutimez@gabrielenoindians.org); [Andrew Salas](#)  
**Cc:** [Nicole Dubois](#); [Ryan Bensley](#); [Winterswyk, Alisha](#)  
**Subject:** Nakase - Tribal Mitigation Measures  
**Date:** Wednesday, August 14, 2019 5:23:47 PM  
**Attachments:** [Mitigation Measure 4.5.1.docx](#)

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Hello Matt and Andrew,

As you may recall, we held a tribal consultation via conference call with you and other representatives from the Gabrieleno-Kizh Nation on July 19, 2018 regarding proposed development on the Nakase property in the City of Lake Forest. The Nakase property is approximately a 122-acre site located at the intersection of Bake Parkway and Rancho Parkway at the west and north, respectively. The call was conducted pursuant to Senate Bill 18 and Assembly Bill 52 tribal consultation requirements.

On August 28, 2018, we received a list of mitigation measures from you for incorporation into the project environmental impact report (EIR). The project EIR is being prepared by LSA, the City's environmental consultant for the Nakase project. The Nakase EIR will provide environmental documentation related to project applications filed by Toll Brothers for an Area Plan, a General Plan Amendment (GPA 05-17-5033), and a Zone Change (ZA 05-17-5034). We reviewed the mitigation measures you provided, reformatted them for inclusion in the EIR, and sent them to you for input on June 11, 2019. We did not receive any return comments from you, and upon closer review we decided to revise the mitigation measures we had previously sent. The reason for revising the mitigation measures was due to our desire for consistency with similar mitigation measures used on another large-scale development project (Portola Center) also located in the City of Lake Forest. A copy of the revised mitigation measures are attached.

We would like to make you aware of these revised mitigation measures, and let you know that they will appear in the Draft EIR which will be made available for public review on Tuesday, August 20, 2019. You will receive a copy of the Draft EIR, and will have an opportunity to provide written comments on these mitigation measures and/or any other aspects of the Draft EIR. The Draft EIR will be available for public review for the legally required 45-day review period. During that time we ask that you submit written comments to me at the City of Lake Forest. In the meantime, if you have any questions, please call or e-mail me.

Thank you!  
~Marie

*Marie Luna*  
Senior Planner  
City of Lake Forest  
[mluna@lakeforestca.gov](mailto:mluna@lakeforestca.gov)  
949.461.3466/fax: 949.461.3511

#### **Mitigation Measure 4.5.1**

**Archaeological Resources, Tribal Cultural Resources, and Human Remains.** Prior to issuance of a grading permit for any site within the Project area, a qualified archaeologist shall be retained by the Applicant for that grading permit to provide professional archaeological services. The archaeologist shall be present at the pre-grading conference to establish procedures for archaeological resource surveillance. Those procedures shall include provisions for temporarily halting or redirecting work to permit sampling, identification, and evaluation of resources deemed by the archaeologist to potentially be historical resources or unique archaeological resources under the California Environmental Quality Act (CEQA). The archaeologist also shall conduct on-site archaeological monitoring for the grading operation. Should historical resources or unique archaeological resources be discovered during the grading operation, grading activities shall be modified to allow expeditious and proper analysis and/or salvage of the resources. Disposition of the resources shall be within the discretion of the City of Lake Forest.

Prior to Approval of Grading or Improvement plans, the Applicant shall implement a grading monitoring plan to mitigate potential impacts to undiscovered buried archaeological resources and tribal cultural resources on the Nakase Nursery/Toll Brothers Project to the satisfaction of the City of Lake Forest. This program shall include, but shall not be limited to, the following actions:

1. Provide evidence to the Lead Agency that a qualified archaeologist has been contracted to implement a grading monitoring program to the satisfaction of the City of Lake Forest. A letter from the Project Archaeologist shall be submitted to the City of Lake Forest Director of Community Development. The letter shall include the following guidelines:
  - a. The consulting archaeologist shall contract with a Native American monitor to be involved with the grading monitoring program.
  - b. The qualified archaeologist/historian and Native American monitor shall attend the pre-grading meeting with the contractors to explain and coordinate the requirements of the monitoring program.
  - c. The consulting archaeologist shall monitor all areas identified for development.

- d. An adequate number of monitors (archaeological/historical/Native American) shall be present to ensure that all earth-moving activities are observed and shall be on site during all grading activities.
- e. During the original cutting (used in this mitigation to refer to the “cut” part of “cut and fill”) of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor(s) shall be on site full time. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections shall be determined by the Principal Investigator.
- f. During the cutting of previously disturbed deposits, the archaeological monitor(s) and Native American monitor(s) shall be on site as determined by the Principal Investigator of the excavations. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections shall be determined by the Principal Investigator in consultation with the Native American monitor.
- g. Isolates and clearly non-significant deposits shall be minimally documented in the field, and the monitored grading can then proceed.
- h. In the event that previously unidentified, potentially significant cultural resources are discovered, the archaeologist shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow for evaluation. The archaeologist shall contact the City of Lake Forest Director of Community Development at the time of discovery. Disposition of the resources shall be within the discretion of the City of Lake Forest. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the consulting archaeologist, then carried out using professional archaeological methods.
- i. If any human bones are discovered, the Principal Investigator shall contact the County Coroner. In the event the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the

Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains.

- j. Before construction activities are allowed to resume in the affected area, the artifacts shall be recovered and features recorded using professional archaeological methods. The Principal Investigator shall determine the amount of material to be recovered for an adequate artifact sample for analysis.
  - k. In the event that previously unidentified cultural resources are discovered, all cultural material collected during the grading monitoring program shall be processed and curated at a facility that meets federal standards per 36 CFR Part 79, and therefore shall be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to the John D. Cooper Archaeological and Paleontological Curation Center, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.
  - l. In the event that previously unidentified cultural resources are discovered, a report documenting the field and analysis results and interpreting the artifact and research data within the research context shall be completed and submitted to the satisfaction of the City of Lake Forest prior to the issuance of any building permits. The report shall include California Department of Parks and Recreation Primary and Archaeological Site Forms.
  - m. In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the City of Lake Forest by the consulting archaeologist that the grading monitoring activities have been completed.
2. Provide evidence to the City of Lake Forest that the following notes have been placed on the Grading Plan:
- a. The qualified archaeologist/historian and Native American monitor shall attend the pre-construction meeting with the

contractors to explain and coordinate the requirements of the monitoring program.

- b. During the original cutting of previously undisturbed deposits, the archaeological monitor(s) and Native American monitor(s) shall be on site to perform full-time monitoring as determined by the Principal Investigator of the excavations. The frequency of inspections shall depend on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features.
- c. During the cutting of previously disturbed deposits, the archaeological monitor(s) and Native American monitor(s) shall be on site as determined by the Principal Investigator of the excavations. Inspections will vary based on the rate of excavation, the materials excavated, and the presence and abundance of artifacts and features. The frequency and location of inspections shall be determined by the Principal Investigator in consultation with the Native American monitor.
- d. In the event that previously unidentified, potentially significant cultural resources are discovered, the archaeologist shall have the authority to divert or temporarily halt ground disturbance operations in the area of discovery to allow for evaluation. The archaeologist shall contact the City of Lake Forest Director of Community Development at the time of discovery. Disposition of the resources shall be within the discretion of the City of Lake Forest. For significant cultural resources, a Research Design and Data Recovery Program to mitigate impacts shall be prepared by the consulting archaeologist, then carried out using professional archaeological methods.
- e. The consulting archaeologist shall monitor all areas identified for development.
- f. If any human bones are discovered, the Principal Investigator shall contact the County Coroner. In the event the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission, shall be contacted in order to determine proper treatment and disposition of the remains.

- g. Prior to rough grading inspection sign-off, provide evidence that the field grading monitoring activities have been completed to the satisfaction of the City of Lake Forest. Evidence shall be in the form of a letter from the Project Archaeologist.
- h. Prior to final grading release, submit to the satisfaction of the City of Lake Forest a final report that documents the results, analysis, and conclusions of all phases of the Archaeological Monitoring Program. The report shall also include the following:
  - 1) California Department of Parks and Recreation Primary and Archaeological Site Forms.
  - 2) Evidence that all cultural materials collected during the grading monitoring program have been curated, and therefore shall be professionally curated and made available to other archaeologists/researchers for further study. The collections and associated records shall be transferred, including title, to the John D. Cooper Archaeological and Paleontological Curation Center, to be accompanied by payment of the fees necessary for permanent curation. Evidence shall be in the form of a letter from the curation facility identifying that archaeological materials have been received and that all fees have been paid.
- 3. In the event that no cultural resources are discovered, a brief letter to that effect shall be sent to the City of Lake Forest by the consulting archaeologist that the grading monitoring activities have been completed.
- 4. The qualified archaeologist retained shall prepare monthly progress reports to be filed with the site developer(s) and the City of Lake Forest.
- 5. Artifacts recovered shall be prepared, identified, and cataloged before donation to the accredited repository designated by the City of Lake Forest. Any artifacts determined to be insignificant shall be offered to local schools for use in educational programs.
- 6. The qualified archaeologist retained shall prepare a final report to be filed with the site developer(s) and the City of Lake Forest. The report shall include a list of specimens recovered,

documentation of each locality, and interpretation of artifacts recovered, and shall include all specialists' reports as appendices.