

## MEMORANDUM

**DATE:** September 22, 2020

**To:** Urban Planning Partners

**FROM:** LSA

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

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

### ASSEMBLY BILL 52

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

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

- (b) *Prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report for a project, the lead agency shall begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if: (1) the California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and (2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation. . . [emphasis added]*

The local agency maintains the AB 52 contact list, adds to it as requests are received, and uses it as a basis for consultation outreach. Without a tribe’s written request for inclusion on a lead agency’s AB 52 contact list, there is no requirement that the lead agency engage in AB 52 consultation with that tribe.

### Outreach Efforts

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

**Table B**

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

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

### SECTION 106

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

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

## Outreach Efforts

In October and November, 2018, and on behalf of HUD, LSA prepared and sent outreach letters to seven tribes included on the California Native American Heritage Commission (NAHC) Native American Contacts List for Alameda County (dated September 17, 2018 [Attachment B]); and one tribe listed on HUD’s Tribal Directory Assessment Tool.<sup>1</sup> The more inclusive contact list provided by the NAHC was used to ensure that the widest tribal audience was reached, including those tribes that were not included in the County’s AB 52 contact list, such as the Muwekma Ohlone Indian Tribe of the SF Bay Area.

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

**Table B**

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

<sup>1</sup> The Tribal Directory Assessment Tool provides contact information for tribal leaders and Tribal Historic Preservation Officers, along with counties where the tribes have current and ancestral interest.

Tribe/Organization Contact	Affiliation	Response(s)
Andrew Galvan PO Box 3388, Fremont, CA 94539 510/882-0527 (Cell); <a href="mailto:chochenyo@aol.com">chochenyo@aol.com</a>	The Ohlone Indian Tribe	No response received to date.
Ann Marie Sayers, Chairperson PO Box 28, Hollister, CA 95024 831/637-4238; <a href="mailto:ams@indiancanyon.org">ams@indiancanyon.org</a>	Indian Canyon Mutsun Band of Costanoan	No response received to date.

**SUMMARY**

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

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

**ATTACHMENT A**

Certified Mail Receipts for AB 52 Outreach Letters



U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

UNION CITY, CA 94587

Postage	\$	\$0.00
Certified Fee		\$0.00
Return Receipt Fee (Endorsement Required)		\$0.00
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$1.21



Sent To: Ramona Garibay, Representative  
 Trina Marine Ruano Family  
 30940 Watkins Street  
 Union City, CA 94587

PS Form 3800, August 2006 See Reverse for Instructions

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

HOLLISTER, CA 95024

Postage	\$	\$0.00
Certified Fee		\$0.00
Return Receipt Fee (Endorsement Required)		\$0.00
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$1.21



Sent To: Ann Marie Sayers, Chairperson  
 Indian Canyon Band of Costanoa  
 P.O. Box 28  
 Hollister, CA 95024

PS Form 3800, August 2006 See Reverse for Instructions

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

FREMONT, CA 94539

Postage	\$	\$0.00
Certified Fee		\$0.00
Return Receipt Fee (Endorsement Required)		\$0.00
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$1.21



Sent To: California Indian Water Commission  
 4305 39th Avenue  
 Sacramento, CA 95824

PS Form 3800, August 2006 See Reverse for Instructions

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

FREMONT, CA 94539

Postage	\$	\$0.00
Certified Fee		\$0.00
Return Receipt Fee (Endorsement Required)		\$0.00
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$1.21



Sent To: Andrew Galvan  
 The Ohlone Indian Tribe, Inc.  
 P.O. Box 3152  
 Fremont, CA 94539

PS Form 3800, August 2006 See Reverse for Instructions

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
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For delivery information visit our website at [www.usps.com](http://www.usps.com)

THERMAL, CA 92274

Postage	\$	\$0.00
Certified Fee		\$0.00
Return Receipt Fee (Endorsement Required)		\$0.00
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$1.21



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

PS Form 3800, August 2006 See Reverse for Instructions

U.S. Postal Service™  
**CERTIFIED MAIL™ RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

SACRAMENTO, CA 95824

Postage	\$	\$0.00
Certified Fee		\$0.00
Return Receipt Fee (Endorsement Required)		\$0.00
Restricted Delivery Fee (Endorsement Required)		\$0.00
Total Postage & Fees	\$	\$1.21



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

PS Form 3800, August 2006 See Reverse for Instructions

**ATTACHMENT B**

NAHC Native American Contacts List

**Native American Heritage Commission  
Native American Contacts  
September 17, 2018**

**Coastanoan Rumsen Carmel Tribe**

Tony Cerda, Chairperson  
244 E. 1st Street  
Pomona, CA 91766  
rumsen@aol.com

Ohlone/Costanoan

(909) 524-8041 Cell  
(909) 629-6081

**Indian Canyon Mutsun Band of Costanoan**

Ann Marie Savers, Chairperson  
P.O. Box 28  
Hollister, CA 95024  
ams@indiancanyon.org

Ohlone/Costanoan

(831) 637-4238

**Amah Mutsun Tribal Band of Mission San Juan Bautista**

Irenne Zwielerlein, Chairperson  
789 Canada Road  
Woodside, CA 94062  
amahmutsuntribal@gmail.com

Ohlone/Costanoan

(650) 851-7489 Cell  
(650) 851-7747 Office  
(650) 332-1526 Fax

**Muwekma Ohlone Indian Tribe of the SF Bay Area**

Monica Arellano, Vice Chairwoman  
20885 Redwood Road, Suite 2  
Castro Valley, CA 94546  
marellano@muwekma.org

(408) 205-9714

**North Valley Yokuts Tribe**

Katherine Erolinda Perez, Chairperson

P.O. Box 717  
Linden, CA 95236  
canutes@verizon.net

Ohlone/Costanoan  
Northern Valley Yokuts  
Bay Miwok

(209) 887-3415

**Muwekma Ohlone Indian Tribe of the SF Bay Area**

Charlene Niimeh, Chairperson  
20885 Redwood Road, Suite 2  
Castro Valley, CA 94546  
cnijmeh@muwekma.org

(408) 464-2892

(408) 205-9714

**The Ohlone Indian Tribe**

Andrew Galvan  
P.O. Box 3388  
Fremont, CA 94539  
chochenyo@AOL.com

Ohlone/Costanoan  
Bay Miwok  
Plains Miwok  
Patwin

(510) 882-0527 Cell

(510) 687-9393 Fax

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

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resource Section 5097.98 of the Public Resources Code.

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



**ATTACHMENT C**

Northern Valley Yokuts Tribe Response

**From:** [Kathy](#)  
**To:** [Neal Kaptain](#)  
**Subject:** Re: Request for comments  
**Date:** Thursday, October 18, 2018 5:22:59 AM

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Good morning Neal,

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

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

Sent from my iPhone

On Oct 17, 2018, at 11:17 AM, Neal Kaptain <[Neal.Kaptain@lsa.net](mailto:Neal.Kaptain@lsa.net)> wrote:

Hi Kathy,

Please see the attached request for comments.

Thank you. Hope your day is good.

Neal

**Neal Kaptain, MA** | Associate  
Registered Professional Archaeologist 3799700 and Architectural Historian  
[LSA](#) | 157 Park Place  
Point Richmond, California 94801

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510-236-6810 Tel  
510-967-3932 Mobile  
[Website](#)

<106 Consultation Letter\_Katherine Erolinda.pdf>