Appendix E

# AB 52 Tribal Consultation Correspondences

CITY OF
Fremont

June 12, 2019

The Ohlone Indian Tribe
Attn: Andrew Galvan, Chairperson
P.O. Box 3388
Fremont, CA 94539

**RE: <u>Assembly Bill 52 Consultation</u> for the Morrison Canyon Road Traffic Safety Project (City File Number: PWC8581), Location: as shown in Attachment 1, the approximately 1.2-mile portion of Morrison Canyon Road in the City of Fremont between Mission Boulevard and Vargas Road. (Niles Quadrangle. Township 4S, Range 1W, Sections 22 and 23).**

Dear Mr. Galvan,

This letter is intended to notify you of the proposed Morrison Canyon Road Traffic Safety Project at the location shown in Attachment 1 – the approximately 1.2-mile portion of Morrison Canyon Road in the City of Fremont between Mission Boulevard and Vargas Road. (Niles Quadrangle. Township 4S, Range 1W, Sections 22 and 23). A brief summary of the proposed project is provided below:

***Morrison Canyon Road Traffic Safety Project***
The City of Fremont is proposing to permanently close to private automobile use the above noted 1.2 miles of Morrison Canyon Road, from the Proposed Western/Bottom Closure to the Proposed Eastern/Top Closure. The City has not determined the precise closure mechanism at this time but anticipates installation of a gate structure at the bottom of Morrison Canyon Road. Emergency vehicles would be able to pass through the gate. In addition, Morrison Canyon Road would remain open to pedestrian and bicycle use. Therefore, the gate structure would also be installed in a manner that would also allow continued access by pedestrians and bicyclists. At Vargas Road, the top of the proposed closed section, automobile traffic would be restricted from entering by a combination of creating a mountable curb and signage. Emergency vehicles would be able to pass over the mountable curb. All improvements are anticipated to occur within the existing public right-of-way.

**Background**
Morrison Canyon Road is a bi-directional road. The roadway has been historically a dirt/gravel trail that has received a chip seal maintenance treatment over the years, as necessary. It is winding and nine feet in width at its most narrow point within the subject 1.2 mile area. The roadway cuts through steep slopes that have often resulted in closures due to erosion and landslides. Bi-directional automobile traffic has recently increased along this route, as weekday commuters have sought to avoid traffic along Interstate 680 and/or Mission Boulevard. Given the narrow winding nature of the roadway, the increase in automobile trips has contributed to a considerable increase in vehicle conflicts, as many sections lack width for two cars to pass by each other. The increased automobile traffic also presents additional safety concerns for pedestrians and bicyclists, who frequent the road to access Vargas Plateau Regional Park, which is accessible from a location east of Vargas Road.

Assembly Bill 52 (AB 52), which became law January 1, 2015, requires that, as part of the CEQA review process, public agencies provide early notice of a project to California Native American Tribes, and if formally requested in writing by a Tribe, consult with Tribes in regards to the project. With this letter, the City is hereby providing notice per AB 52 and as part of the CEQA process for the project.

The purpose of AB 52 and the consultation, if requested, is to identify and consider potential impacts to a new category of resources called Tribal Cultural Resources (TCRs)[1], and take into account tribal cultural values in addition to scientific and archaeological values when determining possible impacts and mitigation. An impact to a TCR may result in a significant impact under CEQA and require avoidance or minimization of the impacts.

No evidence has been identified to indicate that a TCR is present in or adjacent to the project area. The result of the Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was negative.

To request consultation under AB 52 for the project, please contact me within 30 days of receipt of this letter. Failure to respond within this timeframe means that the City is not required to enter into consultation with you on this matter.

If you have any questions or comments regarding this project, please contact me directly at (510) 494-4450 or broth@fremont.gov.

Sincerely,

Bill Roth
Senior Planner

Attachments: Aerial Map of Project Site and Surroundings

---

[1] Public Resources Code (PRC) Section 21074(a) defines Tribal Cultural Resources as either of the following:

• Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either: (1) included or determined to be eligible for inclusion in the California Register of Historical Resources; or (2) included in a local register of historical resources as defined in subdivision (k) of PRC Section 5020.1; or

• A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1.

CITY OF
Fremont

June 12, 2019

North Valley Yokuts Tribe
Attn: Katherine Erolinda Perez, Chairperson
P.O. Box 717
Linden, CA 95236

**RE:** **Assembly Bill 52 Consultation for the Morrison Canyon Road Traffic Safety Project (City File Number: PWC8581), Location: as shown in Attachment 1, the approximately 1.2-mile portion of Morrison Canyon Road in the City of Fremont between Mission Boulevard and Vargas Road. (Niles Quadrangle. Township 4S, Range 1W, Sections 22 and 23).**

Dear Ms. Perez,

This letter is intended to notify you of the proposed Morrison Canyon Road Traffic Safety Project at the location shown in Attachment 1 – the approximately 1.2-mile portion of Morrison Canyon Road in the City of Fremont between Mission Boulevard and Vargas Road. (Niles Quadrangle. Township 4S, Range 1W, Sections 22 and 23). A brief summary of the proposed project is provided below:

***Morrison Canyon Road Traffic Safety Project***
The City of Fremont is proposing to permanently close to private automobile use the above noted 1.2 miles of Morrison Canyon Road, from the Proposed Western/Bottom Closure to the Proposed Eastern/Top Closure. The City has not determined the precise closure mechanism at this time but anticipates installation of a gate structure at the bottom of Morrison Canyon Road. Emergency vehicles would be able to pass through the gate. In addition, Morrison Canyon Road would remain open to pedestrian and bicycle use. Therefore, the gate structure would also be installed in a manner that would also allow continued access by pedestrians and bicyclists. At Vargas Road, the top of the proposed closed section, automobile traffic would be restricted from entering by a combination of creating a mountable curb and signage. Emergency vehicles would be able to pass over the mountable curb. All improvements are anticipated to occur within the existing public right-of-way.

**Background**
Morrison Canyon Road is a bi-directional road. The roadway has been historically a dirt/gravel trail that has received a chip seal maintenance treatment over the years, as necessary. It is winding and nine feet in width at its most narrow point within the subject 1.2 mile area. The roadway cuts through steep slopes that have often resulted in closures due to erosion and landslides. Bi-directional automobile traffic has recently increased along this route, as weekday commuters have sought to avoid traffic along Interstate 680 and/or Mission Boulevard. Given the narrow winding nature of the roadway, the increase in automobile trips has contributed to a considerable increase in vehicle conflicts, as many sections lack width for two cars to pass by each other. The increased automobile traffic also presents additional safety concerns for pedestrians and bicyclists, who frequent the road to access Vargas Plateau Regional Park, which is accessible from a location east of Vargas Road.

Assembly Bill 52 (AB 52), which became law January 1, 2015, requires that, as part of the CEQA review process, public agencies provide early notice of a project to California Native American Tribes, and if formally requested in writing by a Tribe, consult with Tribes in regards to the project. With this letter, the City is hereby providing notice per AB 52 and as part of the CEQA process for the project.

The purpose of AB 52 and the consultation, if requested, is to identify and consider potential impacts to a new category of resources called Tribal Cultural Resources (TCRs)[1], and take into account tribal cultural values in addition to scientific and archaeological values when determining possible impacts and mitigation. An impact to a TCR may result in a significant impact under CEQA and require avoidance or minimization of the impacts.

No evidence has been identified to indicate that a TCR is present in or adjacent to the project area. The result of the Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was negative.

To request consultation under AB 52 for the project, please contact me within 30 days of receipt of this letter. Failure to respond within this timeframe means that the City is not required to enter into consultation with you on this matter.

If you have any questions or comments regarding this project, please contact me directly at (510) 494-4450 or broth@fremont.gov.

Sincerely,

Bill Roth
Senior Planner

Attachments: Aerial Map of Project Site and Surroundings

---

[1] Public Resources Code (PRC) Section 21074(a) defines Tribal Cultural Resources as either of the following:

• Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either: (1) included or determined to be eligible for inclusion in the California Register of Historical Resources; or (2) included in a local register of historical resources as defined in subdivision (k) of PRC Section 5020.1; or

• A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1.

CITY OF
Fremont

June 12, 2019

Muwekma Ohlone Indian Tribe
Attn: Charlene Nijmeh, Chairperson
20885 Redwood Road, Suite 232
Castro Valley, CA 94546

**RE: <u>Assembly Bill 52 Consultation</u> for the Morrison Canyon Road Traffic Safety Project (City File Number: PWC8581), Location: as shown in Attachment 1, the approximately 1.2-mile portion of Morrison Canyon Road in the City of Fremont between Mission Boulevard and Vargas Road. (Niles Quadrangle. Township 4S, Range 1W, Sections 22 and 23).**

Dear Ms. Nijmeh,

This letter is intended to notify you of the proposed Morrison Canyon Road Traffic Safety Project at the location shown in Attachment 1 – the approximately 1.2-mile portion of Morrison Canyon Road in the City of Fremont between Mission Boulevard and Vargas Road. (Niles Quadrangle. Township 4S, Range 1W, Sections 22 and 23). A brief summary of the proposed project is provided below:

***Morrison Canyon Road Traffic Safety Project***
The City of Fremont is proposing to permanently close to private automobile use the above noted 1.2 miles of Morrison Canyon Road, from the Proposed Western/Bottom Closure to the Proposed Eastern/Top Closure. The City has not determined the precise closure mechanism at this time but anticipates installation of a gate structure at the bottom of Morrison Canyon Road. Emergency vehicles would be able to pass through the gate. In addition, Morrison Canyon Road would remain open to pedestrian and bicycle use. Therefore, the gate structure would also be installed in a manner that would also allow continued access by pedestrians and bicyclists. At Vargas Road, the top of the proposed closed section, automobile traffic would be restricted from entering by a combination of creating a mountable curb and signage. Emergency vehicles would be able to pass over the mountable curb. All improvements are anticipated to occur within the existing public right-of-way.

**Background**
Morrison Canyon Road is a bi-directional road. The roadway has been historically a dirt/gravel trail that has received a chip seal maintenance treatment over the years, as necessary. It is winding and nine feet in width at its most narrow point within the subject 1.2 mile area. The roadway cuts through steep slopes that have often resulted in closures due to erosion and landslides. Bi-directional automobile traffic has recently increased along this route, as weekday commuters have sought to avoid traffic along Interstate 680 and/or Mission Boulevard. Given the narrow winding nature of the roadway, the increase in automobile trips has contributed to a considerable increase in vehicle conflicts, as many sections lack width for two cars to pass by each other. The increased automobile traffic also presents additional safety concerns for pedestrians and bicyclists, who frequent the road to access Vargas Plateau Regional Park, which is accessible from a location east of Vargas Road.

Assembly Bill 52 (AB 52), which became law January 1, 2015, requires that, as part of the CEQA review process, public agencies provide early notice of a project to California Native American Tribes, and if formally requested in writing by a Tribe, consult with Tribes in regards to the project. With this letter, the City is hereby providing notice per AB 52 and as part of the CEQA process for the project.

The purpose of AB 52 and the consultation, if requested, is to identify and consider potential impacts to a new category of resources called Tribal Cultural Resources (TCRs)[1], and take into account tribal cultural values in addition to scientific and archaeological values when determining possible impacts and mitigation. An impact to a TCR may result in a significant impact under CEQA and require avoidance or minimization of the impacts.

No evidence has been identified to indicate that a TCR is present in or adjacent to the project area. The result of the Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was negative.

To request consultation under AB 52 for the project, please contact me within 30 days of receipt of this letter. Failure to respond within this timeframe means that the City is not required to enter into consultation with you on this matter.

If you have any questions or comments regarding this project, please contact me directly at (510) 494-4450 or broth@fremont.gov.

Sincerely,

Bill Roth
Senior Planner

Attachments: Aerial Map of Project Site and Surroundings

---

[1] Public Resources Code (PRC) Section 21074(a) defines Tribal Cultural Resources as either of the following:

• Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either: (1) included or determined to be eligible for inclusion in the California Register of Historical Resources; or (2) included in a local register of historical resources as defined in subdivision (k) of PRC Section 5020.1; or

• A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1.

CITY OF
Fremont

June 12, 2019

Costanoan Rumsen Carmel Tribe
Attn: Tony Cerda, Chairperson
244 E. 1st Street
Pomona, CA 91766

**RE: <u>Assembly Bill 52 Consultation</u> for the Morrison Canyon Road Traffic Safety Project (City File Number: PWC8581), Location: as shown in Attachment 1, the approximately 1.2-mile portion of Morrison Canyon Road in the City of Fremont between Mission Boulevard and Vargas Road. (Niles Quadrangle. Township 4S, Range 1W, Sections 22 and 23).**

Dear Mr. Cerda,

This letter is intended to notify you of the proposed Morrison Canyon Road Traffic Safety Project at the location shown in Attachment 1 – the approximately 1.2-mile portion of Morrison Canyon Road in the City of Fremont between Mission Boulevard and Vargas Road. (Niles Quadrangle. Township 4S, Range 1W, Sections 22 and 23). A brief summary of the proposed project is provided below:

***Morrison Canyon Road Traffic Safety Project***
The City of Fremont is proposing to permanently close to private automobile use the above noted 1.2 miles of Morrison Canyon Road, from the Proposed Western/Bottom Closure to the Proposed Eastern/Top Closure. The City has not determined the precise closure mechanism at this time but anticipates installation of a gate structure at the bottom of Morrison Canyon Road. Emergency vehicles would be able to pass through the gate. In addition, Morrison Canyon Road would remain open to pedestrian and bicycle use. Therefore, the gate structure would also be installed in a manner that would also allow continued access by pedestrians and bicyclists. At Vargas Road, the top of the proposed closed section, automobile traffic would be restricted from entering by a combination of creating a mountable curb and signage. Emergency vehicles would be able to pass over the mountable curb. All improvements are anticipated to occur within the existing public right-of-way.

**Background**
Morrison Canyon Road is a bi-directional road. The roadway has been historically a dirt/gravel trail that has received a chip seal maintenance treatment over the years, as necessary. It is winding and nine feet in width at its most narrow point within the subject 1.2 mile area. The roadway cuts through steep slopes that have often resulted in closures due to erosion and landslides. Bi-directional automobile traffic has recently increased along this route, as weekday commuters have sought to avoid traffic along Interstate 680 and/or Mission Boulevard. Given the narrow winding nature of the roadway, the increase in automobile trips has contributed to a considerable increase in vehicle conflicts, as many sections lack width for two cars to pass by each other. The increased automobile traffic also presents additional safety concerns for pedestrians and bicyclists, who frequent the road to access Vargas Plateau Regional Park, which is accessible from a location east of Vargas Road.

Assembly Bill 52 (AB 52), which became law January 1, 2015, requires that, as part of the CEQA review process, public agencies provide early notice of a project to California Native American Tribes, and if formally requested in writing by a Tribe, consult with Tribes in regards to the project. With this letter, the City is hereby providing notice per AB 52 and as part of the CEQA process for the project.

The purpose of AB 52 and the consultation, if requested, is to identify and consider potential impacts to a new category of resources called Tribal Cultural Resources (TCRs)[1], and take into account tribal cultural values in addition to scientific and archaeological values when determining possible impacts and mitigation. An impact to a TCR may result in a significant impact under CEQA and require avoidance or minimization of the impacts.

No evidence has been identified to indicate that a TCR is present in or adjacent to the project area. The result of the Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was negative.

To request consultation under AB 52 for the project, please contact me within 30 days of receipt of this letter. Failure to respond within this timeframe means that the City is not required to enter into consultation with you on this matter.

If you have any questions or comments regarding this project, please contact me directly at (510) 494-4450 or broth@fremont.gov.

Sincerely,

Bill Roth
Senior Planner

Attachments: Aerial Map of Project Site and Surroundings

---

[1] Public Resources Code (PRC) Section 21074(a) defines Tribal Cultural Resources as either of the following:

• Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either: (1) included or determined to be eligible for inclusion in the California Register of Historical Resources; or (2) included in a local register of historical resources as defined in subdivision (k) of PRC Section 5020.1; or

• A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1.

CITY OF
Fremont

June 12, 2019

Amah Mutsun Tribal Band of
Mission San Juan Bautista
Attn: Irene Zwierlein, Chairperson
789 Canada Road
Woodside, CA 94062

**RE: Assembly Bill 52 Consultation for the Morrison Canyon Road Traffic Safety Project (City File Number: PWC8581), Location: as shown in Attachment 1, the approximately 1.2-mile portion of Morrison Canyon Road in the City of Fremont between Mission Boulevard and Vargas Road. (Niles Quadrangle. Township 4S, Range 1W, Sections 22 and 23).**

Dear Ms. Zwierlein,

This letter is intended to notify you of the proposed Morrison Canyon Road Traffic Safety Project at the location shown in Attachment 1 – the approximately 1.2-mile portion of Morrison Canyon Road in the City of Fremont between Mission Boulevard and Vargas Road. (Niles Quadrangle. Township 4S, Range 1W, Sections 22 and 23). A brief summary of the proposed project is provided below:

***Morrison Canyon Road Traffic Safety Project***
The City of Fremont is proposing to permanently close to private automobile use the above noted 1.2 miles of Morrison Canyon Road, from the Proposed Western/Bottom Closure to the Proposed Eastern/Top Closure. The City has not determined the precise closure mechanism at this time but anticipates installation of a gate structure at the bottom of Morrison Canyon Road. Emergency vehicles would be able to pass through the gate. In addition, Morrison Canyon Road would remain open to pedestrian and bicycle use. Therefore, the gate structure would also be installed in a manner that would also allow continued access by pedestrians and bicyclists. At Vargas Road, the top of the proposed closed section, automobile traffic would be restricted from entering by a combination of creating a mountable curb and signage. Emergency vehicles would be able to pass over the mountable curb. All improvements are anticipated to occur within the existing public right-of-way.

**Background**
Morrison Canyon Road is a bi-directional road. The roadway has been historically a dirt/gravel trail that has received a chip seal maintenance treatment over the years, as necessary. It is winding and nine feet in width at its most narrow point within the subject 1.2 mile area. The roadway cuts through steep slopes that have often resulted in closures due to erosion and landslides. Bi-directional automobile traffic has recently increased along this route, as weekday commuters have sought to avoid traffic along Interstate 680 and/or Mission Boulevard. Given the narrow winding nature of the roadway, the increase in automobile trips has contributed to a considerable increase in vehicle conflicts, as many sections lack width for two cars to pass by each other. The increased automobile traffic also presents additional safety concerns for pedestrians and bicyclists, who frequent the road to access Vargas Plateau Regional Park, which is accessible from a location east of Vargas Road.

Assembly Bill 52 (AB 52), which became law January 1, 2015, requires that, as part of the CEQA review process, public agencies provide early notice of a project to California Native American Tribes, and if formally requested in writing by a Tribe, consult with Tribes in regards to the project. With this letter, the City is hereby providing notice per AB 52 and as part of the CEQA process for the project.

The purpose of AB 52 and the consultation, if requested, is to identify and consider potential impacts to a new category of resources called Tribal Cultural Resources (TCRs)[1], and take into account tribal cultural values in addition to scientific and archaeological values when determining possible impacts and mitigation. An impact to a TCR may result in a significant impact under CEQA and require avoidance or minimization of the impacts.

No evidence has been identified to indicate that a TCR is present in or adjacent to the project area. The result of the Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was negative.

To request consultation under AB 52 for the project, please contact me within 30 days of receipt of this letter. Failure to respond within this timeframe means that the City is not required to enter into consultation with you on this matter.

If you have any questions or comments regarding this project, please contact me directly at (510) 494-4450 or broth@fremont.gov.

Sincerely,

Bill Roth
Senior Planner

Attachments: Aerial Map of Project Site and Surroundings

---

[1] Public Resources Code (PRC) Section 21074(a) defines Tribal Cultural Resources as either of the following:

• Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either: (1) included or determined to be eligible for inclusion in the California Register of Historical Resources; or (2) included in a local register of historical resources as defined in subdivision (k) of PRC Section 5020.1; or

• A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1.

CITY OF
Fremont

June 12, 2019

Amah Mutsun Tribal Band
Attn: Valentin Lopez, Chairperson
P.O. Box 5272
Galt, CA 95632

**RE: <u>Assembly Bill 52 Consultation</u> for the Morrison Canyon Road Traffic Safety Project (City File Number: PWC8581), Location: as shown in Attachment 1, the approximately 1.2-mile portion of Morrison Canyon Road in the City of Fremont between Mission Boulevard and Vargas Road. (Niles Quadrangle. Township 4S, Range 1W, Sections 22 and 23).**

Dear Mr. Lopez,

This letter is intended to notify you of the proposed Morrison Canyon Road Traffic Safety Project at the location shown in Attachment 1 – the approximately 1.2-mile portion of Morrison Canyon Road in the City of Fremont between Mission Boulevard and Vargas Road. (Niles Quadrangle. Township 4S, Range 1W, Sections 22 and 23). A brief summary of the proposed project is provided below:

***Morrison Canyon Road Traffic Safety Project***
The City of Fremont is proposing to permanently close to private automobile use the above noted 1.2 miles of Morrison Canyon Road, from the Proposed Western/Bottom Closure to the Proposed Eastern/Top Closure. The City has not determined the precise closure mechanism at this time but anticipates installation of a gate structure at the bottom of Morrison Canyon Road. Emergency vehicles would be able to pass through the gate. In addition, Morrison Canyon Road would remain open to pedestrian and bicycle use. Therefore, the gate structure would also be installed in a manner that would also allow continued access by pedestrians and bicyclists. At Vargas Road, the top of the proposed closed section, automobile traffic would be restricted from entering by a combination of creating a mountable curb and signage. Emergency vehicles would be able to pass over the mountable curb. All improvements are anticipated to occur within the existing public right-of-way.

**Background**
Morrison Canyon Road is a bi-directional road. The roadway has been historically a dirt/gravel trail that has received a chip seal maintenance treatment over the years, as necessary. It is winding and nine feet in width at its most narrow point within the subject 1.2 mile area. The roadway cuts through steep slopes that have often resulted in closures due to erosion and landslides. Bi-directional automobile traffic has recently increased along this route, as weekday commuters have sought to avoid traffic along Interstate 680 and/or Mission Boulevard. Given the narrow winding nature of the roadway, the increase in automobile trips has contributed to a considerable increase in vehicle conflicts, as many sections lack width for two cars to pass by each other. The increased automobile traffic also presents additional safety concerns for pedestrians and bicyclists, who frequent the road to access Vargas Plateau Regional Park, which is accessible from a location east of Vargas Road.

Assembly Bill 52 (AB 52), which became law January 1, 2015, requires that, as part of the CEQA review process, public agencies provide early notice of a project to California Native American Tribes, and if formally requested in writing by a Tribe, consult with Tribes in regards to the project. With this letter, the City is hereby providing notice per AB 52 and as part of the CEQA process for the project.

The purpose of AB 52 and the consultation, if requested, is to identify and consider potential impacts to a new category of resources called Tribal Cultural Resources (TCRs)[1], and take into account tribal cultural values in addition to scientific and archaeological values when determining possible impacts and mitigation. An impact to a TCR may result in a significant impact under CEQA and require avoidance or minimization of the impacts.

No evidence has been identified to indicate that a TCR is present in or adjacent to the project area. The result of the Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was negative.

To request consultation under AB 52 for the project, please contact me within 30 days of receipt of this letter. Failure to respond within this timeframe means that the City is not required to enter into consultation with you on this matter.

If you have any questions or comments regarding this project, please contact me directly at (510) 494-4450 or broth@fremont.gov.

Sincerely,

Bill Roth
Senior Planner

Attachments: Aerial Map of Project Site and Surroundings

---

[1] Public Resources Code (PRC) Section 21074(a) defines Tribal Cultural Resources as either of the following:

• Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either: (1) included or determined to be eligible for inclusion in the California Register of Historical Resources; or (2) included in a local register of historical resources as defined in subdivision (k) of PRC Section 5020.1; or

• A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1.

CITY OF
Fremont

June 12, 2019

Indian Canyon Mutsun Band of Costanoan
Attn: Ann Marie Sayers, Chairperson
P.O. Box 28
Hollister, CA 95024

**RE: <u>Assembly Bill 52 Consultation</u> for the Morrison Canyon Road Traffic Safety Project (City File Number: PWC8581), Location: as shown in Attachment 1, the approximately 1.2-mile portion of Morrison Canyon Road in the City of Fremont between Mission Boulevard and Vargas Road. (Niles Quadrangle. Township 4S, Range 1W, Sections 22 and 23).**

Dear Ms. Sayers,

This letter is intended to notify you of the proposed Morrison Canyon Road Traffic Safety Project at the location shown in Attachment 1 – the approximately 1.2-mile portion of Morrison Canyon Road in the City of Fremont between Mission Boulevard and Vargas Road. (Niles Quadrangle. Township 4S, Range 1W, Sections 22 and 23). A brief summary of the proposed project is provided below:

***Morrison Canyon Road Traffic Safety Project***
The City of Fremont is proposing to permanently close to private automobile use the above noted 1.2 miles of Morrison Canyon Road, from the Proposed Western/Bottom Closure to the Proposed Eastern/Top Closure. The City has not determined the precise closure mechanism at this time but anticipates installation of a gate structure at the bottom of Morrison Canyon Road. Emergency vehicles would be able to pass through the gate. In addition, Morrison Canyon Road would remain open to pedestrian and bicycle use. Therefore, the gate structure would also be installed in a manner that would also allow continued access by pedestrians and bicyclists. At Vargas Road, the top of the proposed closed section, automobile traffic would be restricted from entering by a combination of creating a mountable curb and signage. Emergency vehicles would be able to pass over the mountable curb. All improvements are anticipated to occur within the existing public right-of-way.

**Background**
Morrison Canyon Road is a bi-directional road. The roadway has been historically a dirt/gravel trail that has received a chip seal maintenance treatment over the years, as necessary. It is winding and nine feet in width at its most narrow point within the subject 1.2 mile area. The roadway cuts through steep slopes that have often resulted in closures due to erosion and landslides. Bi-directional automobile traffic has recently increased along this route, as weekday commuters have sought to avoid traffic along Interstate 680 and/or Mission Boulevard. Given the narrow winding nature of the roadway, the increase in automobile trips has contributed to a considerable increase in vehicle conflicts, as many sections lack width for two cars to pass by each other. The increased automobile traffic also presents additional safety concerns for pedestrians and bicyclists, who frequent the road to access Vargas Plateau Regional Park, which is accessible from a location east of Vargas Road.

Assembly Bill 52 (AB 52), which became law January 1, 2015, requires that, as part of the CEQA review process, public agencies provide early notice of a project to California Native American Tribes, and if formally requested in writing by a Tribe, consult with Tribes in regards to the project. With this letter, the City is hereby providing notice per AB 52 and as part of the CEQA process for the project.

The purpose of AB 52 and the consultation, if requested, is to identify and consider potential impacts to a new category of resources called Tribal Cultural Resources (TCRs)[1], and take into account tribal cultural values in addition to scientific and archaeological values when determining possible impacts and mitigation. An impact to a TCR may result in a significant impact under CEQA and require avoidance or minimization of the impacts.

No evidence has been identified to indicate that a TCR is present in or adjacent to the project area. The result of the Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was negative.

To request consultation under AB 52 for the project, please contact me within 30 days of receipt of this letter. Failure to respond within this timeframe means that the City is not required to enter into consultation with you on this matter.

If you have any questions or comments regarding this project, please contact me directly at (510) 494-4450 or broth@fremont.gov.

Sincerely,

Bill Roth
Senior Planner

Attachments: Aerial Map of Project Site and Surroundings

---

[1] Public Resources Code (PRC) Section 21074(a) defines Tribal Cultural Resources as either of the following:

• Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either: (1) included or determined to be eligible for inclusion in the California Register of Historical Resources; or (2) included in a local register of historical resources as defined in subdivision (k) of PRC Section 5020.1; or

• A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1.

# Attachment 1