

NATIVE AMERICAN HERITAGE COMMISSION  
Cultural and Environmental Department  
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December 12, 2019

Mark Hungerford  
City of Fremont

VIA Email to: [mhungerford@fremont.gov](mailto:mhungerford@fremont.gov)

RE: Native American Tribal Consultation, Pursuant to the Assembly Bill 52 (AB 52), Amendments to the California Environmental Quality Act (CEQA) (Chapter 532, Statutes of 2014), Public Resources Code Sections 5097.94 (m), 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2 and 21084.3, Omaha Way Homes Project, Alameda County.

Dear Mr. Hungerford:

Pursuant to Public Resources Code section 21080.3.1 (c), attached is a consultation list of tribes that are traditionally and culturally affiliated with the geographic area of the above-listed project. Please note that the intent of the AB 52 amendments to CEQA is to avoid and/or mitigate impacts to tribal cultural resources, (Pub. Resources Code §21084.3 (a)) ("Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.")

Public Resources Code sections 21080.3.1 and 21084.3(c) require CEQA lead agencies to consult with California Native American tribes that have requested notice from such agencies of proposed projects in the geographic area that are traditionally and culturally affiliated with the tribes on projects for which a Notice of Preparation or Notice of Negative Declaration or Mitigated Negative Declaration has been filed on or after July 1, 2015. Specifically, Public Resources Code section 21080.3.1 (d) provides:

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.

The AB 52 amendments to CEQA law does not preclude initiating consultation with the tribes that are culturally and traditionally affiliated within your jurisdiction prior to receiving requests for notification of projects in the tribe's areas of traditional and cultural affiliation. The Native American Heritage Commission (NAHC) recommends, but does not require, early consultation as a best practice to ensure that lead agencies receive sufficient information about cultural resources in a project area to avoid damaging effects to tribal cultural resources.

The NAHC also recommends, but does not require that agencies should also include with their notification letters, information regarding any cultural resources assessment that has been completed on the area of potential effect (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 that have already been recorded on or adjacent to the APE, such as known archaeological sites;
  - 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;
  - Whether the records search indicates a low, moderate, or high probability that unrecorded cultural resources are located in the 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 result of any Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was negative.
  
4. Any ethnographic studies conducted for any area including all or part of the APE; and
  
5. Any geotechnical reports regarding all or part of the APE.

Lead agencies should be aware that records maintained by the NAHC and CHRIS are not exhaustive and a negative response to these searches does not preclude the existence of a tribal cultural resource. 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 event that they do, having the information beforehand will help to facilitate the consultation process.

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our consultation list remains current.

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

Sincerely,



Nancy Gonzalez-Lopez

Staff Services Analyst

Attachment

**Native American Heritage Commission  
Native American Contacts List  
December 12, 2019**

Amah Mutsun Tribal Band of Mission San Juan Bautista  
Irene Zwieler, Chairperson  
789 Canada Road  
Woodside, CA 94062  
amahmutsuntribal@gmail.com  
(650) 851-7489 Cell  
(650) 332-1526 Fax

Ohlone/Costanoan

The Confederated Villages of Lisjan  
Corrina Gould, Chairperson  
10926 Edes Avenue  
Oakland, CA 94603  
corrinagould@gmail.com  
(510) 575-8408

Ohlone/Costanoan

Costanoan Rumsen Carmel Tribe  
Tony Cerda, Chairperson  
244 E. 1st Street  
Pomona, CA 91766  
rumsen@aol.com  
(909) 524-8041 Cell  
(909) 629-6081

Ohlone/Costanoan

The Ohlone Indian Tribe  
Andrew Galvan  
P.O. Box 3388  
Fremont, CA 94539  
chochenyo@AOL.com  
(510) 882-0527 Cell  
(510) 687-9393 Fax

Ohlone  
Bay Miwok  
Plains Miwok  
Patwin

Indian Canyon Mutsun Band of Costanoan  
Ann Marie Sayers, Chairperson  
P.O. Box 28  
Hollister, CA 95024  
ams@indiancanyon.org  
(831) 637-4238

Ohlone/Costanoan

Muwekma Ohlone Indian Tribe of the SF Bay Area  
Charlene Nijmeh, Chairperson  
20885 Redwood Road, Suite 232  
Castro Valley, CA 94546  
cnihmeh@muwekma.org  
(408) 464-2892  
(408) 205-9714

Ohlone / Costanoan

North Valley Yokuts Tribe  
Katherine Erolinda Perez, Chairperson  
P.O. Box 717  
Linden, CA 95236  
canutes@verizon.net  
(209) 887-3415  
(209) 649-8972

Ohlone/Costanoan  
Northern Valley Yokuts  
Bay Miwok

This list is current 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, or Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans Tribes for the proposed:  
Omaha Way Homes Project, Alameda County.