



Alejandro Huerta <alejandro.huerta@lacity.org>

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## Follow-up Tribal Consultation

1 message

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**Alejandro Huerta** <alejandro.huerta@lacity.org>

Fri, Feb 19, 2016 at 4:14 PM

To: Stephanie Eyestone-Jones <s.eyestone@eyestoneeir.com>, Kyndra Joy Casper <Kcasper@linerlaw.com>

See our attached letters that went out today. They are two letters PDFd together titled "AB52\_Consultation": one to the tribe and one to the applicant. Call me or Luci to discuss if you have questions.

Also forwarded the companion email from the tribe that is referenced in the letters (I think I had already forwarded).

Best,

Alejandro A. Huerta

Environmental Analysis • Major Projects

(213) 978-1454



----- Forwarded message -----

From: **Caitlin Gulley** <cgulley@tataviam-nsn.us>

Date: Mon, Jan 25, 2016 at 9:29 AM

Subject: Re: Tribal Consultation: Crossroads Hollywood Project

To: Alejandro Huerta <Alejandro.Huerta@lacity.org>

Mr. Huerta,

Thank you so much for sending the materials over. I have reviewed and would like to proceed with consultation. Our AB 52 approach to consultation is a bit different than it has been in the past. Attached is a letter and our consultation form, which we ask you to forward to the applicant. After the applicant completes the form, we review the data and deliver our findings and mitigation requests. If all goes well, an in person meeting with the City and applicant may not even be necessary. Please feel free to call me with any questions you may have.

Also, we request that language similar to the following be adopted by the City:

"Prior to the issuance of a grading permit, the applicant shall complete the formal consultation process with the Fernandeño Tataviam Band of Missions Indians in accordance with Public Resources Code section 21080.3.1 subdivisions (b), (d) and (e). In addition, the applicant shall implement any mitigation measures that are identified in the consultation process to the satisfaction of the City of Los Angeles Planning Department."

Respectfully,

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### 3 attachments



**AB 52 Assessment Phase Letter.pdf**

255K



**Consultation Form Cat. 4.pdf**

1150K



**AB52\_Consultation.pdf**

251K



Fernandeano Tataviam Band of Mission Indians  
**Tribal Historic & Cultural Preservation**

Rudy Ortega Jr.  
*Tribal President*

*Tribal Historic & Cultural  
Preservation Committee*

Steve Ortega  
*Chairman*

Arturo Paredes Jr.  
David Ortega

January 25, 2016

Alejandro Huerta  
Los Angeles Department of City Planning  
Plan Implementation Division  
200 N. Spring Street, Room 750  
Los Angeles, CA 90012

**RE: Tribal Consultation Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code section 21080.3.1, subdivision (b), (d) and (e) for Crossroads Hollywood Project; Case No. ENV-2015-2026-EIR**

Dear Mr. Huerta,

This letter constitutes the conclusion of the Fernandeano Tataviam Band of Mission Indians (Tribe) Initial Review and the beginning of the Tribe's assessment of the potential impacts to tribal and cultural resources for the Project. The Tribe requests that the lead agency please forward this letter and associated attachments to the applicant.

The applicant is advised that the Tribe must charge a fee for consultation in order to defray the Tribe's costs associated with its participation in consultation activities. The attached Consultation Form contains information about the applicable fee.

Assessing the Project's potential impact also requires a lengthy review of dense documentation and analysis of specialized tribal information, including but not limited to the following:

- Tataviam Sacred Sites
- Tribal resources (such as botanicals or ritual sites)
- Gathering places
- Hunting zones
- Habitation sites
- Villages
- Burials
- Elders Council review

The lead agency is advised that the Tribe must receive a completed Consultation Form from the applicant or a designated agent to conduct consultation in a timely manner and provide mitigation recommendations for the Project. Please contact the Caitlin Gulley with any questions or comments.

Sincerely,

Caitlin B. Gulley, Director  
Tribal Historic and Cultural Preservation Department  
[cgulley@tataviam-nsn.us](mailto:cgulley@tataviam-nsn.us)



**Fernandeno Tataviam Band of Mission Indians**  
Tribal Historic and Cultural Presevation Department

**CONSULTATION FORM PURSUANT TO THE CALIFORNIA  
ENVIRONMENTAL QUALITY ACT (CEQA)  
PUBLIC RESOURCES CODE 21080.3.1, SUBDS. (B), (D), AND (E)**

**FOR STAFF USE ONLY:**

Date Recv.: \_\_\_\_\_

File No.: \_\_\_\_\_

Project No.: \_\_\_\_\_

Zone: \_\_\_\_\_

Plan Category: \_\_\_\_\_

Previous/Pending cases: \_\_\_\_\_

**1. APPLICANT**

COMPANY		PROJECT MANAGER	
ADDRESS			TELEPHONE
CITY	STATE	ZIP	EMAIL

**2. AGENT if different from applicant**

COMPANY		PROJECT MANAGER	
ADDRESS			TELEPHONE
CITY	STATE	ZIP	EMAIL

**3. SUBJECT PROPERTY**

COUNTY		
ASSESSOR'S PARCEL NUMBER		TOWNSHIP AND RANGE
PROPERTY ADDRESS		
CITY	STATE	ZIP

#### 4. CULTURAL PROJECT AND PROPERTY DATA

Has the area been previously developed?

☐ Yes ☐ No

Were tribal monitors used during any past or present construction/ground disturbance? ☐ Yes ☐ No  
(If yes, please include copies of the monitor records)

Has the site been previously surveyed for archaeological resources? ☐ Yes ☐ No  
(If yes, please include copies of previous archaeological surveys.)

Is the project in or near an area containing known archaeological resources or containing features (drainage course, spring, knoll, rock outcroppings, or oak trees) that indicate potential archaeological sensitivity? ☐ Yes ☐ No

Has a Sacred Lands File or other cultural resource records search been completed? ☐ Yes ☐ No

##### SOURCE OF RECORDS

Did the search indicate the presence of cultural resources within the project site? ☐ Yes ☐ No

If no known archaeological resources were specified within the site, within how many feet of the site, are resources known or believed to be present? \_\_\_\_\_ ft.

#### 5. CONSULTATION SERVICES AND FEES

Through initial review and consultation with the lead agency, the Project has been designated as a Category 4 Please see the table below for details on how the Categories are determined:

<b>(1)</b> \$500 consultation fee for projects with an estimated 0.25 to 50 cubic yards of planned ground disturbance* and/or in areas of low sensitivity. The fee covers Services 1-3 listed below, plus mitigation recommendations, if found necessary	<b>(2)</b> \$2,545 consultation fee for projects with an estimated 50.01 to 1,000 cubic yards of planned ground disturbance* and/or in areas of low to medium sensitivity. The fee covers Services 1-6 listed below.
<b>(3)</b> \$3,750 consultation fee for projects with an estimated 1,000.01 to 10,000 cubic yards of planned ground disturbance* and/or in areas of medium to high sensitivity. The fee covers Services 1-8 listed below.	<b>(4)</b> \$5,560 for projects with an estimated 10,000.01 or greater cubic yards of planned ground disturbance* and/or in areas of high to extreme sensitivity. The fee covers Services 1-12 listed below.

\* "Ground Disturbance" is defined as: any man-made disturbance of the ground surface, which includes movements of soil, dirt, or rock. Ground disturbance includes, but is not limited to, grading, trenching, coring, boring, cutting, and sluffing.

##### SERVICES

1. Retrieval and Review of Cultural and Archaeological Documents/Surveys/Reports from the lead agency
2. Tribal Record Search
3. Project Review
4. Cultural Resource Analysis Report
5. One of the following: Declaration of Need for Native American Monitoring, Declaration of Need for Limited Native American Monitoring, Declaration of Need for Daily Tribal Inspections Only, or Declaration of No Native American Monitoring or Tribal Inspections Required
6. Fernandeno Tataviam Band of Mission Indians Ethnography-Excerpt (excerpt only and provided for inclusion in cultural reports produced for the project)
7. Tataviam Elders Council Review
8. Negative Declaration or Negative Mitigated Declaration, with mitigation recommendations included, if applicable
9. Tribal Historic and Cultural Preservation Committee Hearing (held on behalf of the project, which is found to require additional consultation within the tribal government)
10. Declaration of Archaeologist Needed Onsite or Declaration of Archaeologist Not Needed Onsite
11. Fernandeno Tataviam Band of Mission Indians Ethnography (localized to the project area and provided for inclusion in cultural reports produced for the project)
12. Consultation Status Reports

☐ Enclosed is a check addressed to the Fernandeno Tataviam Band of Mission Indians for the amount of \$5,560

## 6. APPLICANT CONSENT

I have read, understand, and consent to the submission of this form to begin consultation with the Fernandño Tataviam Band of Mission Indians. If an agent/consultant signs for the applicant, please submit a letter of authorization from the applicant with original signature(s):

SIGNATURE

DATE

If the record owner is a company, corporation, or association, include a copy of Statement by Domestic Corporation. It is the responsibility of the owner to notify the Tribe of any changes in ownership during processing.

## 7. APPLICANT OR AGENT CERTIFICATION

I hereby certify that:

1. The information provided in this application, including all attachments, are accurate and correct; and
2. I have carefully reviewed all items under Section 5 and 6 and included all applicable required information; and
3. I understand that the submittal of inaccurate or incomplete information and plans may result in extension of the consultation period.

SIGNATURE

DATE

## 8. DOCUMENT DISTRIBUTION

The Services provided (see Section 5) include the forwarding of documentation to the applicant or agent. If the designated recipient of documentation has already been listed above in Section 1 or 2, please be certain that the contact information is accurate and mark one of the following to receive service documentation: ☐ Applicant ☐ Agent

If the designated recipient of documentation is different than the identified Applicant or Agent, please fill out the following:

NAME

ADDRESS

EMAIL

TELEPHONE

CITY

STATE

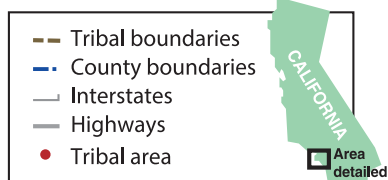
ZIP

Which form of document distribution should be used? (choose one)

☐ Certified Mail ☐ Email



## Fernandeano Tataviam Band of Mission Indians Historical Tribal Territory



Tribal boundary depicted is based on registered tribal citizens' ancestral villages. Due to kinship networks and social exchange, this hard boundary does not include all of the abundant locations associated with Tataviam cultural resources and ancestry. Therefore, the overlap yellow boundary accommodates the natural mobility of ancestral and contemporary Tataviam people, which are also known to be well associated with the tribe and sensitive cultural resources.

All projects breaking soil within the tribal boundary are subject to Tataviam jurisdiction, whereas any projects occurring within the yellow boundary may be subject to further analysis by other surrounding Tribal Governments.

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CITY PLANNING**

**CITY PLANNING COMMISSION**

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**CITY OF LOS ANGELES  
CALIFORNIA**



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INFORMATION  
<http://planning.lacity.org>

February 19, 2016

Caitlin B. Gulley, Director  
Fernandeño Tataviam Band of Mission Indians  
Tribal Historic and Cultural Preservation Department  
1019 Second Street, Suite 1  
San Fernando, CA 91340

RE: AB 52 Tribal Consultation Process  
Crossroads of World complex at 6665-6713 ½ Sunset Boulevard  
(Case No. ENV-2015-2026-EIR)(“Proposed Project”)

Dear Ms. Gulley:

Thank you for making time to talk last week. This letter memorializes the start of the AB 52 tribal consultation process for the Proposed Project that began on February 12, 2016. During this telephone conversation, we discussed the receipt of your letters dated January 14, 2016 and January 25, 2016. The first letter requested a formal request for consultation and for the City to send the tribe several documents related to the Proposed Project. All the documents you requested – the Project Application, Initial Study, Site Plans and total amount of grading and excavation – were sent to you on January 20, 2016. The second letter requested the City forward that letter and its attachments, including a Consultation Form, to the applicant. The City has complied with your request to forward your materials.


However, your second letter raised an important concern for the City as it reads in part: “the lead agency is advised that the Tribe must receive a completed Consultation Form from the applicant or a designated agent to conduct consultation in a timely manner and provide mitigation recommendations.” The City’s position is that this separate request of the applicant should not delay or impede the consultation process started last week. This same letter also stated that the tribe must charge a consultation fee of the applicant. It is our understanding that AB 52 does not actually require the applicant to participate in the consultation process, complete any application, or pay any fees. AB 52 describes the consultation process as fundamentally between the City, as the lead agency, and the tribe. Based on our reading of AB 52, we do not believe the City has the authority to delay the EIR review or project approval if the developer does not pay the fee or provide the requested information.



In addition, the City asked both specific and general questions about the nature of the tribe's research process, what the fee would be spent on, and the presence of any tribal cultural resources at this site, and the degree to which the tribe's research for the Proposed Project could inform other projects in the City. To date, it remains unclear to the City whether there is substantial evidence supporting potential impacts to tribal cultural resources at this specific project site that would necessitate any specific mitigation measures. If you have additional information or evidence, we welcome you to request an additional meeting, and/or submit that information/evidence to the City. As the lead agency, we further ask that the City be invited to be part of any future discussion between you and the applicant as it pertains to the presence of tribal cultural resources.

Please do not hesitate to contact us at your earliest convenience.

Respectfully,



Luciralia Ibarra  
Sr. City Planner  
Major Projects  
Department of City Planning

CR: LI:AH:dn

cc: Parissh Knox

CRE-HAR Crossroads SPV, LLC

Stephanie Eyestone-Jones, Eyestone Environmental, LLC

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CITY PLANNING**

**CITY PLANNING COMMISSION**

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INFORMATION  
<http://planning.lacity.org>

February 19, 2016

CRE-HAR Crossroads SPV, LLC  
c/o Bill Myers  
6363 Wilshire Boulevard, Suite 600  
Los Angeles, CA 90031

RE: AB 52 Tribal Consultation Process  
Crossroads of World complex at 6665-6713 ½ Sunset Boulevard  
(Case No. ENV-2015-2026-EIR)("Proposed Project")

Dear Mr. Myers:

This letter informs you that on February 12, 2016, the City of Los Angeles began its AB 52 tribal consultation process with the Fernandeno Tataviam Band of Mission Indians about the Proposed Project, as identified above.

The tribe has requested the City forward you a copy of a letter dated January 25, 2016 sent to us and its related attachments, including a Consultation Form. (Please see enclosed.) The tribe's letter states that the tribe must charge a fee for consultation. This form and this requested fee are not requirements of the City.

We recommend that you seek your own legal counsel for advice as to whether you must complete this form and/or pay this fee pursuant to AB 52. Public Resources Code section 21080.3.2(d) states "if the project proponent or its consultants participate in the consultation, those parties must respect the principles set forth in this section." As a result, the law recognizes that the applicant may elect to participate in the consultation, but is not required to do so.

If you wish to formally participate in the City's AB 52 tribal consultation process, please contact our staff at your earliest convenience:

Alejandro A. Huerta  
200 N. Spring St., Room 750  
Los Angeles, CA 90012  
(213) 978-1454  
[alejandro.huerta@lacity.org](mailto:alejandro.huerta@lacity.org)

As the lead agency, we ask that the City be invited to be part of any future discussion between you and the tribe as it pertains to the presence of tribal cultural resources at this project site. If you elect to not participate in the AB 52 tribal consultation process, please let us know so that we can inform the tribe.

Please let us know if you have any additional questions.

Respectfully,



Luciralia Ibarra  
Sr. City Planner  
Major Projects  
Department of City Planning

Attachments (Enclosed)

CR:LI:AH:dn

cc: Parissh Knox

CRE-HAR Crossroads SPV, LLC

Stephanie Eyestone-Jones, Eyestone Environmental, LLC