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## Appendix F

### Tribal Consultation

## Local Government Tribal Consultation List Request

### Native American Heritage Commission

1550 Harbor Blvd, Suite 100  
West Sacramento, CA 95691  
916-373-3710  
916-373-5471 – Fax  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)

#### Type of List Requested

- ☐ CEQA Tribal Consultation List (AB 52) – *Per Public Resources Code § 21080.3.1, subs. (b), (d), (e) and 21080.3.2*
- ☐ General Plan (SB 18) - *Per Government Code § 65352.3.*

#### Local Action Type:

\_\_\_ General Plan    \_\_\_ General Plan Element    \_\_\_ General Plan Amendment  
\_\_\_ Specific Plan    \_\_\_ Specific Plan Amendment    \_\_\_ Pre-planning Outreach Activity

#### Required Information

Project Title: \_\_\_\_\_

Local Government/Lead Agency: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

Email: \_\_\_\_\_

#### Specific Area Subject to Proposed Action

County: \_\_\_\_\_ City/Community: \_\_\_\_\_

#### Project Description:

#### Additional Request

- ☐ Sacred Lands File Search - *Required Information:*

USGS Quadrangle Name(s): \_\_\_\_\_

Township: \_\_\_\_\_ Range: \_\_\_\_\_ Section(s): \_\_\_\_\_

**NATIVE AMERICAN HERITAGE COMMISSION**

September 13, 2024

Eric Luther  
San Diego County Air Pollution Control District (SDAPCD)  
10124 Old Grove Road  
San Diego CA 92131

CHAIRPERSON  
**Reginald Pagaling**  
Chumash

VICE-CHAIRPERSON  
**Buffy McQuillen**  
Yokayo Pomo, Yuki,  
Nomlaki

SECRETARY  
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Miwok

PARLIAMENTARIAN  
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COMMISSIONER  
**Isaac Bojorquez**  
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**Stanley Rodriguez**  
Kumeyaay

COMMISSIONER  
**Laurena Bolden**  
Serrano

COMMISSIONER  
**Reid Milanovich**  
Cahuilla

COMMISSIONER  
**Bennae Calac**  
Pauma-Yuima Band of  
Luiseño Indians

EXECUTIVE SECRETARY  
**Raymond C.  
Hitchcock**  
Miwok, Nisenan

**NAHC HEADQUARTERS**  
1550 Harbor Boulevard  
Suite 100  
West Sacramento,  
California 95691  
(916) 373-3710  
[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)

**Re: 2024090037 Austal USA Floating Dry Dock Project, San Diego County**

Dear Mr. Luther:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines §15064.5 (b))). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines §15064 (a)(1))). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

**Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

**1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:**

Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
- b. The lead agency contact information.
- c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
- d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).

**2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).

- a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).

**3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

- a. Alternatives to the project.
- b. Recommended mitigation measures.
- c. Significant effects. (Pub. Resources Code §21080.3.2 (a)).

**4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

- a. Type of environmental review necessary.
- b. Significance of the tribal cultural resources.
- c. Significance of the project's impacts on tribal cultural resources.
- d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).

**5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).

**6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

- a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
- b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
  - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
    - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
    - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
  - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
    - i.** Protecting the cultural character and integrity of the resource.
    - ii.** Protecting the traditional use of the resource.
    - iii.** Protecting the confidentiality of the resource.
  - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
  - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
  - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
  - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
  - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
  - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: [http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation\\_CalEPAPDF.pdf](http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf)

## SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: [https://www.opr.ca.gov/docs/09\\_14\\_05\\_Updated\\_Guidelines\\_922.pdf](https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf).

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
  - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
  - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

## NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center ([https://ohp.parks.ca.gov/?page\\_id=30331](https://ohp.parks.ca.gov/?page_id=30331)) for an archaeological records search. The records search will determine:
  - a. If part or all of the APE has been previously surveyed for cultural resources.
  - b. If any known cultural resources have already been recorded on or adjacent to the APE.
  - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
  - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
  - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. 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.
  - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.

**3. Contact the NAHC for:**

- a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
- b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.

**4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.**

- a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, § 15064.5(f) (CEQA Guidelines § 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
- b.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
- c.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code § 7050.5, Public Resources Code § 5097.98, and Cal. Code Regs., tit. 14, § 15064.5, subdivisions (d) and (e) (CEQA Guidelines § 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address: [Pricilla.Torres-Fuentes@NAHC.ca.gov](mailto:Pricilla.Torres-Fuentes@NAHC.ca.gov).

Sincerely,

Pricilla Torres-Fuentes  
Cultural Resources Analyst

cc: State Clearinghouse

Native American Heritage Commission  
Native American Contact List  
San Diego County  
8/30/2024

County	Tribe Name	Fed (F) Non-Fed (N)	Contact Person	Contact Address	Phone #	Fax #	Email Address	Cultural Affiliation	Counties	Last Updated
San Diego	Barona Group of the Capitan Grande	F	Art Bunce, Attorney		(760) 489-0329		buncelaw@aol.com	Diegueno	Imperial,San Diego	7/25/2023
	Campo Band of Diegueno Mission Indians	F	Daniel Tsosie, THPO	36190 Church Road, Suite 1 Campo, CA, 91906	(619) 760-6480		dtsosie@campo-nsn.gov	Diegueno	Imperial,San Diego	5/24/2024
	Campo Band of Diegueno Mission Indians	F	Ben Dyche, Vice Chairperson	36190 Church Road, Suite 1 Campo, CA, 91906	(619) 478-9046		bdyche@campo-nsn.gov	Diegueno	Imperial,San Diego	5/24/2024
	Campo Band of Diegueno Mission Indians	F	Marcus Cuero, Chairperson	36190 Church Road, Suite 1 Campo, CA, 91906	(619) 478-9046		marcuscuero@campo-nsn.gov	Diegueno	Imperial,San Diego	5/15/2024
	Ewiiapaayp Band of Kumeyaay Indians	F	Robert Pinto, Chairperson	4054 Willows Road Alpine, CA, 91901	(619) 368-4382	(619) 445-9126	ceo@ebki-nsn.gov	Diegueno	Imperial,San Diego	
	Ewiiapaayp Band of Kumeyaay Indians	F	Michael Garcia, Vice Chairperson	4054 Willows Road Alpine, CA, 91901	(619) 933-2200	(619) 445-9126	michaelg@leaningrock.net	Diegueno	Imperial,San Diego	
	Iipay Nation of Santa Ysabel	F	Clint Linton, Director of Cultural Resources	P.O. Box 507 Santa Ysabel, CA, 92070	(760) 803-5694		clinton@redtailenvironmental.com	Diegueno	Imperial,San Diego	11/30/2023
	Inaja-Cosmit Band of Indians	F	Rebecca Osuna, Chairperson	2005 S. Escondido Blvd. Escondido, CA, 92025	(760) 737-7628	(760) 747-8568		Diegueno	Imperial,San Diego	
	Jamul Indian Village	F	Erica Pinto, Chairperson	P.O. Box 612 Jamul, CA, 91935	(619) 669-4785	(619) 669-4817	epinto@jiv-nsn.gov	Diegueno	Imperial,San Diego	
	Jamul Indian Village	F	Lisa Cumper, Tribal Historic Preservation Officer	P.O. Box 612 Jamul, CA, 91935	(619) 669-4855		lcumper@jiv-nsn.gov	Diegueno	Imperial,San Diego	9/5/2018
	La Posta Band of Diegueno Mission Indians	F	Gwendolyn Parada, Chairperson	8 Crestwood Road Boulevard, CA, 91905	(619) 478-2113	(619) 478-2125	LP13boots@aol.com	Diegueno	Imperial,San Diego	
	Manzanita Band of Kumeyaay Nation	F	Angela Elliott Santos, Chairperson	P.O. Box 1302 Boulevard, CA, 91905	(619) 766-4930	(619) 766-4957		Diegueno	Imperial,San Diego	
	Mesa Grande Band of Diegueno Mission Indians	F	Michael Linton, Chairperson	P.O Box 270 Santa Ysabel, CA, 92070	(760) 782-3818	(760) 782-9092	mesagrandeband@msn.com	Diegueno	Imperial,San Diego	
	San Pasqual Band of Diegueno Mission Indians	F	Allen Lawson, Chairperson	P.O. Box 365 Valley Center, CA, 92082	(760) 749-3200	(760) 749-3876	allenl@sanpasqualtribe.org	Diegueno	Imperial,San Diego	



Native American Heritage Commission  
Native American Contact List  
San Diego County  
8/30/2024

Sycuan Band of the Kumeyaay Nation	F	Bernice Paipa, Cultural Resource Specialist	Sycuan Cultural Center: 910 Willow Glen Drive El Cajon, CA, 92019	(619) 445-6917		bpaipa2@sycuan-nsn.gov	Kumeyaay	Imperial,San Diego	8/7/2023
Sycuan Band of the Kumeyaay Nation	F	Cody Martinez, Chairman	Sycuan Tribal Office: 1 Kwaaypaay Court El Cajon, CA, 92019	(619) 445-2613		cmartinez@sycuan-nsn.gov	Kumeyaay	Imperial,San Diego	8/7/2023
Viejas Band of Kumeyaay Indians	F	Ray Teran, Resource Management Director	1 Viejas Grade Road Alpine, CA, 91901	(619) 659-2312		rteran@viejas-nsn.gov	Kumeyaay	Imperial,San Diego	6/29/2023
Viejas Band of Kumeyaay Indians	F	Ernest Pingleton, THPO	1 Viejas Grade Road Alpine, CA, 91901	(619) 445-3810		epingleton@viejas-nsn.gov	Kumeyaay	Imperial,San Diego	6/29/2023

This list is current only as of the date of this document. 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 only applicable for consultation with Native American tribes under Public Resources Code Sections 21080.3.1 for the proposed Austal USA Floating Dry Dock Project, San Diego County.

Record: PROJ-2024-004527  
Report Type: AB52 GIS  
Counties: San Diego  
NAHC Group: All

**From:** [Torres-Fuentes, Pricilla@NAHC](mailto:Torres-Fuentes,Pricilla@NAHC)  
**To:** [Luther, Eric](#)  
**Subject:** [External] Austal USA Floating Dry Dock Project  
**Date:** Friday, August 30, 2024 10:06:26 AM  
**Attachments:** [Austal USA Floating Dry Dock request.pdf](#)  
[Austal USA Floating Dry Dock list.xlsx](#)

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Good morning,

Attached is the response to the project referenced above. If you have any additional questions, please feel free to contact our office email at [nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov).

Regards,

***Pricilla Torres-Fuentes***

Native American Heritage Commission

1550 Harbor Blvd. Suite 100

West Sacramento, CA 95691

[Pricilla.Torres-Fuentes@nahc.ca.gov](mailto:Pricilla.Torres-Fuentes@nahc.ca.gov)

(916)373-3714 Direct

(916)373-3710 Office

# Sacred Lands File & Native American Contacts List Request

## Native American Heritage Commission

1550 Harbor Blvd, Suite 100

West Sacramento, CA 95691

916-373-3710

916-373-5471 – Fax

[nahc@nahc.ca.gov](mailto:nahc@nahc.ca.gov)

*Information Below is Required for a Sacred Lands File Search*

**Project:** \_\_\_\_\_

**County:** \_\_\_\_\_

**USGS Quadrangle Name:** \_\_\_\_\_

**Township:** \_\_\_\_\_ **Range:** \_\_\_\_\_ **Section(s):** \_\_\_\_\_

**Company/Firm/Agency:** \_\_\_\_\_

**Street Address:** \_\_\_\_\_

**City:** \_\_\_\_\_ **Zip:** \_\_\_\_\_

**Phone:** \_\_\_\_\_

**Fax:** \_\_\_\_\_

**Email:** \_\_\_\_\_

**Project Description:**

**From:** [Luther, Eric](#)  
**To:** [Luther, Eric](#)  
**Subject:** Austal Floating Dry Dock Project - Environmental Impact Report  
**Date:** Thursday, October 31, 2024 2:53:15 PM

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Hello, I have received your contact information from the Native American Heritage Commission. This email is a follow-up to a previous mailing that you should have received pertaining to the Austal Floating Dry Dock project. Please see this notice:

**Attention:** A Notice of Preparation (NOP) for a draft Environmental Impact Report (EIR) has been issued by the San Diego County Air Pollution Control District (District).

The District will be the Lead Agency and will prepare an (EIR) for the Austal USA Floating Dry Dock project, which is located at 1313 Bay Marina Drive, National City, CA 91950. Austal USA is a U.S. Government and commercial contractor that specializes in repair and maintenance of ships for the U.S. Department of the Navy, other governmental entities, and commercial customers. The objective of the proposed project is to add a new floating dry dock (FDD) to support operations at a location adjacent to the Naval Base San Diego. The FDD has two emergency power generators, a control house, a lavatory, two cranes, and fixed lighting. The proposed project includes the construction of a wharf, mooring dolphin piers and the drydock emplacement. The full project description, location, and the potential environmental effects are addressed in the Initial Study, which can be accessed at <https://www.sdapcd.org/content/sdapcd/planning/ceqa.html>.

If you have any concerns about adverse impacts or have knowledge of cultural resources within the proposed project area please let me know.

Thanks,

Eric Luther  
Supervising Air Resources Specialist  
San Diego County Air Pollution Control District  
[Eric.Luther@sdapcd.org](mailto:Eric.Luther@sdapcd.org)



## NATIVE AMERICAN HERITAGE COMMISSION

October 31, 2024

Eric Luther  
San Diego County Air Pollution Control District

Via Email to: [Eric.Luther@sdapcd.org](mailto:Eric.Luther@sdapcd.org)**Re: Austal USA Floating Dry Dock Project, San Diego County**

To Whom It May Concern:

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information you have submitted for the above referenced project. The results were negative. However, the absence of specific site information in the SLF does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Attached is a list of Native American tribes who may also have knowledge of cultural resources in the project area. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated; if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call or email to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from tribes, please notify me. With your assistance, we can assure that our lists contain current information.

If you have any questions or need additional information, please contact me at my email address: [Andrew.Green@nahc.ca.gov](mailto:Andrew.Green@nahc.ca.gov).

Sincerely,

Andrew Green  
Cultural Resources Analyst

Attachment

CHAIRPERSON  
**Reginald Pagaling**  
Chumash

VICE-CHAIRPERSON  
**Buffy McQuillen**  
Yokayo Pomo, Yuki,  
Nomlaki

SECRETARY  
**Sara Dutschke**  
Miwok

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COMMISSIONER  
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COMMISSIONER  
**Bennae Calac**  
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