



08/02/2021

County: Contra Costa - Contra Costa County

Daniel Barrios

30 Muir Road, Martinez, CA 94533, USA

Daniel.Barrios@dcdccccounty.us

Construction Site Well Review (CSWR) ID: 1012275

Assessor Parcel Number(s): 001031023, 001011013, 001011017, 001011033, 001011037

Property Owner(s): Keith Freitas

Project Location Address: 5698 Armstrong Road Byron, California 94514

Project Title: Byron Airport Development Program

Public Resources Code (PRC) § 3208.1 establishes well reabandonment responsibility when a previously plugged and abandoned well will be impacted by planned property development or construction activities. Local permitting agencies, property owners, and/or developers should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near oil, gas, and geothermal wells.

The California Geologic Energy Management Division (CalGEM) has received and reviewed the above referenced project dated 8/2/2021. To assist local permitting agencies, property owners, and developers in making wise land use decisions regarding potential development near oil, gas, or geothermal wells, the Division provides the following well evaluation.

The project is located in Contra Costa County, within the boundaries of the following fields:

Any Field

Our records indicate there are 3 known oil or gas wells located within the project boundary as identified in the application.

- Number of wells Not Abandoned to Current Division Requirements as Prescribed by Law and Projected to Be Built Over or Have Future Access Impeded by this project: 0
- Number of wells Not Abandoned to Current Division Requirements as Prescribed by Law and Not Projected to Be Built Over or Have Future Access Impeded by this project: 3
- Number of wells Abandoned to Current Division Requirements as Prescribed by Law and Projected to Be Built Over or Have Future Access Impeded by this project: 0
- Number of wells Abandoned to Current Division Requirements as Prescribed by Law and Not Projected to Be Built Over or Have Future Access Impeded by this project: 0

The Division categorically advises against building over, or in any way impeding access to, oil, gas, or geothermal wells. Impeding access to a well could result in the need to remove any structure or obstacle that prevents or impedes access including, but not limited to, buildings, housing, fencing, landscaping, trees, pools, patios, sidewalks, roadways, and decking. Maintaining sufficient access is considered the ability for a well servicing unit and associated necessary equipment to reach a well from a public street or access way, solely over the parcel on which the well is located. A well servicing unit, and any necessary equipment, should be able to pass unimpeded along and over the route, and should be able to access the well without disturbing the integrity of surrounding infrastructure.

There are no guarantees a well abandoned in compliance with current Division requirements as prescribed by law will not start leaking in the future. It always remains a possibility that any well may start to leak oil, gas, and/or water after abandonment, no matter how thoroughly the well was plugged and abandoned. The Division acknowledges wells plugged and abandoned to the most current Division requirements as prescribed by law have a lower probability of leaking in the future, however there is no guarantees that such abandonments will not leak.

The Division advises that all wells identified on the development parcel prior to, or during, development activities be tested for liquid and gas leakage. Surveyed locations should be provided to the Division in Latitude and Longitude, NAD 83 decimal format. The Division expects any wells found leaking to be reported to it immediately.

Failure to plug and reabandon the well may result in enforcement action, including an order to perform reabandonment well work, pursuant to PRC § 3208.1, and 3224.

PRC § 3208.1 give the Division the authority to order or permit the re-abandonment of any well where it has reason to question the integrity of the previous abandonment, or if the well is not accessible or visible. Responsibility for re-abandonment costs may be affected by the choices made by the local

permitting agency, property owner, and/or developer in considering the general advice set forth in this letter. The PRC continues to define the person or entity responsible for reabandonment as:

1. The property owner - If the well was plugged and abandoned in conformance with Division requirements at the time of abandonment, and in its current condition does not pose an immediate danger to life, health, and property, but requires additional work solely because the owner of the property on which the well is located proposes construction on the property that would prevent or impede access to the well for purposes of remedying a currently perceived future problem, then the owner of the property on which the well is located shall obtain all rights necessary to reabandon the well and be responsible for the reabandonment.
2. The person or entity causing construction over or near the well - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and the property owner, developer, or local agency permitting the construction failed either to obtain an opinion from the supervisor or district deputy as to whether the previously abandoned well is required to be reabandoned, or to follow the advice of the supervisor or district deputy not to undertake the construction, then the person or entity causing the construction over or near the well shall obtain all rights necessary to reabandon the well and be responsible for the reabandonment.
3. The party or parties responsible for disturbing the integrity of the abandonment - If the well was plugged and abandoned in conformance with Division requirements at the time of plugging and abandonment, and after that time someone other than the operator or an affiliate of the operator disturbed the integrity of the abandonment in the course of developing the property, then the party or parties responsible for disturbing the integrity of the abandonment shall be responsible for the reabandonment.

No well work may be performed on any oil, gas, or geothermal well without written approval from the Division. Well work requiring approval includes, but is not limited to, mitigating leaking gas or other fluids from abandoned wells, modifications to well casings, and/or any other re-abandonment work. The Division also regulates the top of a plugged and abandoned well's minimum and maximum depth below final grade. CCR §1723.5 states well casings shall be cut off at least 5 feet but no more than 10 feet below grade. If any well needs to be lowered or raised (i.e. casing cut down or casing riser added) to meet this regulation, a permit from the Division is required before work can start.

The Division makes the following additional recommendations to the local permitting agency, property owner, and developer:

1. To ensure that present and future property owners are aware of (a) the existence of all wells located on the property, and (b) potentially significant issues associated with any improvements

near oil or gas wells, the Division recommends that information regarding the above identified well(s), and any other pertinent information obtained after the issuance of this letter, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property.

2. The Division recommends that any soil containing hydrocarbons be disposed of in accordance with local, state, and federal laws. Please notify the appropriate authorities if soil containing significant amounts of hydrocarbons is discovered during development.

As indicated in PRC § 3106, the Division has statutory authority over the drilling, operation, maintenance, and abandonment of oil, gas, and geothermal wells, and attendant facilities, to prevent, as far as possible, damage to life, health, property, and natural resources; damage to underground oil, gas, and geothermal deposits; and damage to underground and surface waters suitable for irrigation or domestic purposes. In addition to the Division's authority to order work on wells pursuant to PRC §§ 3208.1 and 3224, it has authority to issue civil and criminal penalties under PRC §§ 3236, 3236.5, and 3359 for violations within the Division's jurisdictional authority. The Division does not regulate grading, excavations, or other land use issues.

If during development activities, any wells are encountered that were not part of this review, the property owner is expected to immediately notify the Division's construction site well review engineer in the Northern district office, and file for Division review an amended site plan with well casing diagrams. The District office will send a follow-up well evaluation letter to the property owner and local permitting agency.

Should you have any questions, please contact me at (661) 334-3665 or via email at Rohit.Sharma@conservation.ca.gov.

Sincerely,

Rohit Sharma
Acting Northern District Deputy

cc: Colin Lawson - Submitter
cc: Daniel Barrios - Plan Checker
cc: Brian Grattidge - Project Manager
cc: Keith Freitas - Property Owner

Wells Not Abandoned to Current Division Requirements as Prescribed by Law & Not Projected to be Built Over or Have Future Access Impeded

The wells listed below are not abandoned to current Division requirements as prescribed by law, and based upon information provided, are projected to be built over or have future access impeded.

API	Well Designation	Operator	Well Evaluations
0401300237	Hannum Trust 1	Rinde Oil Co.	Insufficient hydrocarbon zone plug. Insufficient surface plug.
0401300238	Hannum Trust 2	Rinde Oil Co.	Insufficient surface plug.
0401300239	ROCO-Hannum Trust 2	Santa Fe Minerals	Insufficient hydrocarbon zone plug. Insufficient casing shoe plug. Insufficient base of fresh water plug. Insufficient surface plug.



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August 27, 2021

Daniel Barrios
Contra Costa County Department of Conservation and Development
30 Muir Road
Martinez, CA 94553

Re: Byron Airport Development Program, County File Numbers: GP12-0003, DP14-3008, State Clearinghouse Number: 2017092059

Mr. Barrios,

The Contra Costa Water District (District) appreciates the opportunity to comment on the Byron Airport Development Program EIR (EIR) dated June 2021. The project is located in southeastern Contra Costa County, south of Byron Hot Springs, west of the Clifton Court Forebay, north of the Harvey O. Banks Pumping Plan and east of Armstrong Road.

The District is submitting comments in relation to the Phase 2 Los Vaqueros Reservoir Expansion (Phase 2 Expansion), a project of state-wide importance. The Phase 2 Expansion is a collaborative regional project that will improve Bay Area water supply reliability and water quality while protecting Delta fisheries. The Phase 2 Expansion will also provide additional Delta ecosystem benefits as well as be able to deliver water to wildlife refuges through its regional intertie (Transfer-Bethany Pipeline).

The EIR states on page 3-2, Cumulative Context, that "There are no currently proposed projects in the immediate project vicinity" and for this reason the County relied on the project method from adopted plans for its cumulative effect's analysis. However, the District is in the permitting phase of the Phase 2 Expansion which will increase the capacity of the existing 160-thousand acre foot (TAF) Los Vaqueros Reservoir to 275 TAF and, among other conveyance facilities, will construct the Transfer-Bethany Pipeline, an approximately 8.0 mile pipeline from the existing Transfer Facility, traversing the Byron Airport Property in the vicinity of Armstrong Road, and continuing south to terminate at the California Aqueduct. Accordingly, the District request that the Phase 2 Expansion, specifically the Transfer-Bethany Pipeline, be included in the cumulative context and effects analysis of the EIR (i.e., construction, operation and maintenance effects of the Transfer-Bethany Pipeline in the vicinity of the Byron Airport for resources areas where a cumulative condition is reasonably foreseeable).

On background, the U.S. Department of the Interior, Bureau of Reclamation, California – Great Basin Region (Reclamation) as the lead agency under the National Environmental Policy Act (NEPA) and the District as the lead agency under California Environmental Quality Act (CEQA) previously released a joint Draft EIS/EIR in

Daniel Barrios
Byron Airport Development Program, County File Numbers: GP12-0003, DP14-3008, State Clearinghouse
Number: 2017092059
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February 2009. The Draft EIS/EIR included analysis of four action alternatives: two that include a reservoir expansion to 275 TAF and a Transfer-Bethany Pipeline that traversed along Armstrong Road. Multiple County departments including the Department of Conservation and Development, Flood Control and Water Conservation District, and Public Works Department provided comments on the Draft EIS/EIR. The Final EIS/EIR (certified March 31, 2010), was later modified by the August 2013 EIR Addendum #1 (together, the Final EIS/EIR). The Final EIS/EIR analyzed, among other alternatives, a Timing Variant under which Los Vaqueros Reservoir would be expanded first to 160 TAF (Phase 1 Expansion) and later to 275 TAF (Phase 2 Expansion). Ultimately, the Phase 1 Expansion, which did not include the Transfer-Bethany Pipeline, was approved and completed in 2012.

On June 29, 2017, Reclamation and the District published the Draft Supplement to the Final EIS/EIR which disclosed that the Transfer-Bethany Pipeline would start at the same place on the north end and travel along the same alignment as proposed in the Final EIS/EIR for the first 7.1 miles to an area south of the Byron Airport. Beyond the 7.1-mile marker, the Transfer-Bethany Pipeline was modified, consistent with the Reclamation 2016 Value Planning Study, to fully avoid tunneling and terminate at the California Aqueduct rather than the Bethany Reservoir. The County Flood Control and Water Conservation District commented on the document. On March 8, 2018, in response to concern raised about the Transfer-Bethany Pipeline, the District and Reclamation held a meeting with the Department of Conservation and Development, Department of Public Works and Airports division.

On February 28, 2020, Reclamation and the District published the Final Supplement to the Final EIS/EIR. On May 13, 2020, the Final Supplement to the Final EIS/EIR was certified and the Phase 2 Expansion, including the Transfer-Bethany Pipeline, was adopted by the District' Board ([Resolution-No-20-006-PDF \(ccwater.com\)](#)). Reclamation plans to execute it's Record of Decision in early 2022. All environmental documents related to the Los Vaqueros Reservoir Expansion Project are available here: [Environmental Documents | Contra Costa Water District, CA \(ccwater.com\)](#).

Thank you for your consideration of District comments to include the Phase 2 Expansion in the cumulative context and effects analysis. The District looks forward to continued coordination with the various department at the County on the Transfer-Bethany Pipeline. If you have any questions about this letter or the Phase 2 Expansion please do not hesitate to contact me.

Respectfully,



Jennifer Johnson
Principal Planner



**Delta
Stewardship
Council**

A CALIFORNIA STATE AGENCY

August 30, 2021

Contra Costa County, Department of Conservation and
Development
Attn: Daniel Barrios
30 Muir Road
Martinez, Ca 94553

Delivered via email: Daniel.Barrios@dcd.cccounty.us

**RE: Comments on the Draft Environmental Impact Report for the Byron
Airport Development Program, SCH# 2017092059**

Dear Daniel Barrios:

Thank you for the opportunity to review and comment on the Byron Airport Development Program Draft Environmental Impact Report (Draft EIR) prepared by the Contra Costa County Department of Conservation and Development (DCD). The Delta Stewardship Council (Council) recognizes the objectives of the Byron Airport Development Program (project), as described in the Draft EIR: Contra Costa County intends to amend its Airport Land Use Compatibility Plan (ALUCP), Contra Costa County General Plan (General Plan), and Planned Unit District zoning to substantially broaden the range of uses allowed “by-right” on airport property. Of interest to the Council are areas located outside of the 2006 voter-approved urban limit line, including portions of the new safety/compatibility zones, specifically, B1 and B3 (new Safety Zone 2), and B2 (new Safety Zone 3).

The Council is an independent state agency established by the Sacramento-San Joaquin Delta Reform Act of 2009, codified in Division 35 of the California Water

715 P Street, 15-300
Sacramento, CA 95814

916.445.5511
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Code, sections 85000-85350 (Delta Reform Act). The Delta Reform Act charges the Council with furthering California's coequal goals of providing a more reliable water supply and protecting, restoring, and enhancing the Sacramento-San Joaquin River Delta (Delta) ecosystem. (Water Code, § 85054.) The Delta Reform Act further states that the coequal goals are to be achieved in a manner that protects and enhances the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place. The Council is charged with furthering California's coequal goals for the Delta through the adoption and implementation of the Delta Plan. (Wat. Code, § 85300.)

Pursuant to the Delta Reform Act, the Council has adopted the Delta Plan, a comprehensive long-term management plan for the Delta and Suisun Marsh that furthers the coequal goals. The Delta Plan contains regulatory policies, which are set forth in California Code of Regulations, Title 23, sections 5001-5015. A state or local agency that proposes to carry out, approve, or fund a qualifying action in whole or in part in the Delta, called a "covered action," is required to prepare a written certification of consistency with detailed findings as to whether the covered action is consistent with the Delta Plan and submit that certification to the Council prior to implementation of the covered action. (Wat. Code, § 85225.) Water Code section 85057.5, subdivision (a), defines a covered action as a plan, program, or project as defined pursuant to Section 21065 of the Public Resources Code that meets all the following conditions:

1. Will occur in whole or in part within the boundaries of the legal Delta (Water Code, §12220) or Suisun Marsh (Pub. Resources Code, § 29101). The approximate boundaries of these areas are publicly available on the Open Data Portal at <https://data.ca.gov/dataset/legal-delta-boundary> and <https://data.ca.gov/dataset/suisun-marsh-boundary>. *The eastern portion of Byron Airport is located within the Delta.*
2. Will be carried out, approved, or funded by the State or a local public agency. *Contra Costa County is the local public agency that will approve and carry out the project.*
3. Will have a significant impact on the achievement of one or both of the coequal goals or the implementation of a government-sponsored flood control program to reduce risks to people, property, and State interests in

the Delta. *The project would have a significant impact on the achievement of the coequal goal to protect, restore, and enhance the Delta ecosystem.*

4. Is covered by one or more of the regulatory policies contained in the Delta Plan (Cal. Code Regs., tit. 23, §§ 5003-5015). *Delta Plan regulatory policies that may apply to the project are discussed below.*

The State or local agency approving, funding, or carrying out the project must determine if the project is a covered action and, if so, submit a Certification of Consistency to the Council prior to project implementation. (Wat. Code, § 85225; Cal. Code Regs., tit. 23, § 5001(j)(3).)

COMMENTS REGARDING DELTA PLAN POLICIES AND POTENTIAL CONSISTENCY CERTIFICATION

The following section describes the Delta Plan regulatory policies that may apply to the proposed project based on the available information in the Draft EIR. This information is offered to assist DCD to prepare environmental documents that could be used to support a future Certification of Consistency for the project. This information may also assist DCD to describe the relationship between the project and the Delta Plan in the Final EIR.

General Policy 1: Detailed Findings to Establish Consistency with the Delta Plan

Delta Plan Policy **G P1** (Cal. Code Regs., tit. 23, § 5002) specifies what must be addressed in a Certification of Consistency for a covered action. The following is a subset of policy requirements which a project shall fulfill to be considered consistent with the Delta Plan:

Mitigation Measures

Delta Plan Policy **G P1(b)(2)** (Cal. Code Regs., tit. 23, § 5002(b)(2)) requires covered actions not exempt from the California Environmental Quality Act (CEQA) must include all applicable feasible mitigation measures adopted and incorporated into the Delta Plan as amended April 26, 2018 (unless the measures are within the exclusive jurisdiction of an agency other than the agency that files the Certification of Consistency), or substitute mitigation measures that the agency finds are equally or more effective. These

mitigation measures are identified in Delta Plan Appendix O and are available at: <https://deltacouncil.ca.gov/pdf/delta-plan/2018-appendix-o-mitigation-monitoring-and-reporting-program.pdf>.

The Draft EIR proposes project mitigation measures for potentially significant impacts to aesthetics; air quality; biological resources; cultural resources; geology, soils, and minerals; greenhouse gas emissions; hazards and hazardous materials; hydrology and water quality; and transportation and traffic. The mitigation measures adopted in the Final EIR must be equally or more effective than applicable feasible Delta Plan mitigation measures. In a future Certification of Consistency for the project, DCD should document how the adopted mitigation measures are equally or more effective than the applicable mitigation measures contained in Delta Plan Appendix O.

Best Available Science

Delta Plan Policy **G P1(b)(3)** (Cal. Code Regs., tit. 23, § 5002(b)(3)) states that actions subject to Delta Plan regulations must document use of best available science as relevant to the purpose and nature of the project. The Delta Plan defines best available science as “the best scientific information and data for informing management and policy decisions.” (Cal. Code Regs., tit. 23, § 5001 (f).) Best available science is also required to be consistent with the guidelines and criteria in Appendix 1A of the Delta Plan (<https://deltacouncil.ca.gov/pdf/delta-plan/2015-appendix-1a.pdf>).

Delta as Place Policy 1: Locate New Urban Development Wisely

Delta Plan Policy **DP P1** (Cal. Code Regs., tit. 23, § 5010) places certain limits on new urban development within the Delta. New residential, commercial, or industrial development must be limited to areas that city or county general plans designate for such development as of the date of the Delta Plan’s adoption (May 16, 2013). In Contra Costa County, new residential, commercial, and industrial development within the Delta must be limited to areas within the 2006 voter-approved urban limit line (ULL) (Cal. Code Regs., tit. 23, § 5010(a)(2)). This policy is intended to strengthen existing Delta communities while protecting farmland and open space, providing land for ecosystem restoration needs, and reducing flood risk.

Contra Costa County, Department of Conservation and Development

Attn: Daniel Barrios

August 30, 2021

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According to the Draft EIR, the General Plan designations for the Byron Airport property are Public/Semi-Public (PS) and Open Space (OS) (Draft EIR, p. 2-6). Although most of the Byron Airport is located within the ULL, the portion of the Airport designated as Open Space is outside the ULL. This area is subject to Delta Plan Policy **DP P1** (Cal. Code Regs., tit. 23, § 5010). Although the Draft EIR states that the General Plan designation for the existing airport property will not change, ALUCP Policy 5-77 would be amended to reflect the new compatibility zone (Zone B-1 would become Safety Zone 2) designations and additional uses at the airport that may be found compatible under the updated ALUCP for Byron Airport (Draft EIR p. 2-6).

The project proposes acquisition of an 11.7-acre property on Armstrong Road that is currently designated for Agricultural use and update the general plan designation to PS (Draft EIR, p. 2-6). This proposed acquisition is located within the ULL, and is therefore not subject to DP P1.

Based on review of the Draft EIR, the locations of the project site and the ULL, and the existing and proposed General Plan designations, the project may be consistent with DP P1, although DCD must identify this in a Certification of Consistency for the project. DCD should revise the Final EIR to identify DP P1 requirements in the regulatory setting of the Land Use and Planning section.

CLOSING COMMENTS

The Council will continue to track the Byron Airport Development Program's progress and invites DCD to engage in early consultation as future program updates are considered, in order to discuss project features and mitigation measures that would promote consistency with the Delta Plan.

More information on covered actions, early consultation, and the certification process can be found on the Council website, <https://coveredactions.deltacouncil.ca.gov>. Please contact Avery.Livengood@deltacouncil.ca.gov, Environmental Program Manager, with any questions.

Contra Costa County, Department of Conservation and Development

Attn: Daniel Barrios

August 30, 2021

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Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Henderson", with a long horizontal flourish extending to the right.

Jeff Henderson, AICP

Deputy Executive Officer

Delta Stewardship Council



July 14, 2021

Contra Costa County
Department of Conservation and Development
30 Muir Road
Martinez, CA 94553

RE:

To whom it may concern,

This letter constitutes a formal request for tribal consultation under the provisions of Senate Bill 18 for the participation in land use decisions and for the mitigation of potential project impacts to tribal cultural resource for the above referenced project.

The Tribe requests consultation on the following topics checked below, which shall be included in consultation if requested (Public Resources Code section 5097.9 and 5097.995):

- Open space designations
- Recommended mitigation measures
- Significant effects of the project
- Architectural design and/or landscape design, signage, historical landmarks, and land acknowledgments

The Tribe also requests consultation on the following discretionary topics checked below (Public Resources Code section 21080.3.2, subd. (a):

- Type of environmental review necessary
- Significance of tribal cultural resources, including any regulations, policies or standards used by your agency to determine significance of tribal cultural resources.
- Significance of the project's impacts on tribal cultural resources
- Project alternatives and/or appropriate measures for preservation or mitigation that we may recommend, including, but not limited to:

(1) Avoidance and preservation of the resources in place, pursuant to Public Resources Code section 21084.3, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

(2) Treating the resources with culturally appropriate dignity considering the tribal cultural values and meaning of the resources, including but not limited to the following:

- a. Protecting the cultural character and integrity of the resource.

- b. Protection the traditional use of the resource; and
 - c. Protecting the confidentiality of the resource.
- (3) 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.
- (4) Protecting the resource.

Additionally, the Tribe would like to receive any cultural resources assessments or other assessments that have been completed on all or part of the project's area of potential effect (APE), and area surrounding the APE including, but not limited to:

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 have already been recorded on or adjacent to the APE.
 - Copies of all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response.
 - If the probability is low, moderate, or high that cultural resources are in the APE or surrounding the APE.
 - Whether the records search indicates a low, moderate, or high probability that unrecorded cultural resources are in the potential APE or surrounding the APE; and
 - If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
 - ✦ The Tribe requests to be present at any survey conducted on the Applicants behalf.
2. The results of any archaeological inventory survey that was conducted, including:
 - Any reports that may contain site forms, site significance, and suggested mitigation measures.
 - Any reports or inventories found under the Native American Graves Protection and Repatriation Act.
 - ✦ 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. All Wilton Rancheria correspondences shall be kept under this confidential section and only shared between the Tribe and lead agency.
3. The results of any Sacred Lands File (SFL) check conducted through Native American Heritage Commission. The request form can be found at http://www.nahc.ca.gov/slf_request.html. USGS 7.5-minute quadrangle name, township, range, and section required for the search.
4. Any ethnographic studies conducted for any area including all or part of the potential APE or areas surrounding the APE; and
5. Any geotechnical reports regarding all or part of the potential APE or areas surrounding the APE.

- The Tribe shall be notified before any geotechnical testing is planned. Geotechnical testing has potential to impact Tribal Cultural Resources and should be part of this consultation.
6. Aerial Map of the APE that depicts infrastructure, utility and/or trenching routes, enter and exit routes for equipment, staging areas, and any other proposed ground disturbance.
 7. A diagram of known soil types with depths of each type i.e., borrowed soils, fill, or Native soils.

The information gathered will provide us with a better understanding of the project and will allow the Tribe to compare your records with our database.

We would like to remind your agency that CEQA Guidelines section 15126.4, subdivision (b)(3) states that preservation in place is the preferred manner of mitigating impacts to archaeological sites. Section 15126.4, subd. (b)(3) of the CEQA Guidelines has been interpreted by the California Court of Appeal to mean that “feasible preservation in place must be adopted to mitigate impacts to historical resources of an archaeological nature unless the lead agency determines that another form of mitigation is available and provides superior mitigation of impacts.” *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal.App.4th 48, disapproved on other grounds, *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439.

Please contact the Cultural Preservation Department, via email at cpd@wiltonrancheria-nsn.gov to set up a meeting.

Sincerely,

Wilton Rancheria