



Appendix F Assembly Bill 52 Consultation Documentation



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March 9, 2021

RE: Summary of Assembly Bill 52 Native American Consultation in Support of the Stockton Diamond Grade Separation Project, City of Stockton, San Joaquin County, California

The San Joaquin Regional Rail Commission (SJRRRC), on behalf of the California High Speed Rail Authority under assignment by the Federal Railroad Administration, is proposing the Stockton Diamond Grade Separation Project (Stockton Diamond Project or Project) to improve operational efficiency at the at-grade crossing of the Union Pacific Railroad (UPRR) and BNSF Railway (BNSF) freight lines (Stockton Diamond or Diamond) in the City of Stockton, San Joaquin County, California (Attachment A: Figure 1). The northern Project limit connects to the existing UPRR tracks between Main and Weber Streets. The southern Project limit is the UPRR Stockton Yard. Two BNSF mail line tracks run east to west through the proposed Project. The area is depicted on the United States Geological Survey (USGS) *Stockton West* 7.5-minute quadrangle (Attachment A: Figure 2). In support of Assembly Bill (AB), Native American consultation was conducted by the SJRRRC.

Methods

In support of AB 52 consultation for the Project, Paleo Solutions, Inc. requested a Sacred Lands File (SLF) search from the Native American Heritage Commission (NAHC) on May 8, 2020 to identify sensitive or sacred Native American resources that could be affected by the proposed Project. The NAHC responded on May 12, 2020 and reported that the search of the SLF revealed positive results for the relevant United States Geological Survey quadrangles. No additional information on the location or nature of the positive finding was provided; however, the NAHC recommended that the North Valley Yokuts Tribe be contacted for more information. Because the search does not include an exhaustive list of Native American cultural resources, the NAHC provided a list of two Native American tribal organizations who may have direct knowledge of cultural resources in or near the Project:

- North Valley Yokuts Tribe - Katherine Perez
- The Confederated Villages of Lisjan - Corrina Gould

Outreach letters were sent to tribal governments providing information about the Project and seeking input from the tribal community. Formal government-to-government consultation with tribal governments was initiated in November 2020. Copies of all correspondence to date is provided in Attachment B.

Results

As a result of the outreach efforts, two tribes have elected to become Consulting Parties for the Project. A summary of Native American outreach to date is presented in Table 1, below.



Table 1 Consultation Summary Table

Recipient	Response
<p style="text-align: center;">Katherine Perez North Valley Yokuts Tribe</p>	<p>November 9, 2020: Request to initiate AB 52 consultation sent by certified mail.</p> <p>December 21, 2020: Request to initiate Section 106 consultation sent by certified mail.</p> <p>November 22, 2020: A letter was received from Chairperson Perez initiating consultation.</p> <p>January 28, 2021: A consultation call was held between Ms. Perez, CHSRA, and the SJJRC. In attendance were Kathy Perez (North Valley Yokuts Tribe), Brett Rushing (CHSRA), Amy MacKinnon (CHSRA), Dan McKell (CHSRA), David Ripperda (SJRRC), Kevin Sheridan (SJRRC), Jelica Arsenijevic (HDR), Michael Higgins (HDR), and Liz Denniston (Paleo Solutions, Inc.).</p> <p>Mr. Higgins began the call by outlining the purpose and need for the Stockton Diamond Grade Separation Project (Project). He explained the various planned ground disturbing activities, including at-grade excavation in order to shift the existing tracks between Weber Avenue and Lafayette Street, flyover structure foundations, and retaining wall and embankments. The at-grade excavations will be shallow and confined to fill material, the flyover structure foundation could extend to a depth of 100 feet (depending on the geotechnical investigations), and the retaining wall and embankment columns would extend to a depth of 25-35 feet.</p> <p>Ms. Perez outlined her connection to the area, stating that she can trace her lineage in the area to the 1700s through genealogical records. She stated that, while there are no known resources within the Project limits, there are several known Native American burials within the Project vicinity. Historic-era construction activities in the area have disturbed several burials, which were simply pushed aside and not properly recovered and reinterred. The historic-era alteration of the Mormon Slough was also a concern, since it may now be closer to, or intersect, village sites within the area.</p> <p>Ms. Perez requested that certain mitigation measures (MMs) be implemented to ensure proper treatment of any inadvertent discoveries. These include: archaeological and tribal cultural resource training for all personnel working on the Project, outlined steps to be implemented should inadvertent discoveries be encountered, and archaeological and Native American monitoring during all ground disturbing activities.</p> <p>As a result of the meeting, Mr. Higgins will provide Ms. Perez additional Project renderings depicting ground disturbance and related excavation depths in greater detail. Additionally, a copy of the cultural resource assessment will be provided to Ms. Perez for review, once the draft is finalized.</p> <p>February 9, 2021: An email containing Project construction figures was sent to Ms. Perez. It was requested that Ms. Perez send additional questions or comments, if any.</p> <p>February 18, 2021: Ms. Perez replied, stating that they do not have any additional information at this time. She reiterated that, as explain in the consultation meeting, the Tribe feels that the proposed Project will yield more inadvertent burials than what is already known and it is their strong recommendation that a tribal monitor from the North Valley Yokuts Tribe be present during ground disturbance.</p>



Recipient	Response
<p>Corrina Gould The Confederated Villages of Lisjan</p>	<p>November 9, 2020: Rrequest to initiate AB 52 consultation sent by certified mail.</p> <p>December 21, 2020: Request to initiate Section 106 consultation sent by certified mail.</p> <p>December 16, 2020: A letter was received from Chairperson Gould initiating consultation.</p> <p>February 5, 2021: A consultation call was held between the Confederated Villages of Lisjan, CHSRA, and the SJJRC. In attendance were Corrina Gould (Ms. Gould; The Confederated Villages of Lisjan), Deja Gould (The Confederated Villages of Lisjan), Cha-tah Ellem (The Confederated Villages of Lisjan), Brett Rushing (CHSRA), Amy MacKinnon (CHSRA), Dan McKell (CHSRA), David Ripperda (SJJRC), Kevin Sheridan (SJJRC), Jelica Arsenijevic (HDR), Michael Higgins (HDR), and Liz Denniston (Paleo Solutions, Inc.).</p> <p>Mr. Higgins began the call by outlining the purpose and need for the Stockton Diamond Grade Separation Project (Project). He explained the various planned ground disturbing activities, including at-grade excavation in order to shift the existing tracks between Weber Avenue and Lafayette Street, flyover structure foundations, and retaining wall and embankments. The at-grade excavations will be shallow and confined to fill material, the flyover structure foundation could extend to a depth of 100 feet (depending on the geotechnical investigations), and the retaining wall and embankment columns would extend to a depth of 25-35 feet.</p> <p>Ms. Gould stated that their main concern was the Mormon Slough area. She requested the depth of fill in the area and how design features would impact the area. Mr. Higgins stated that certain feature designs can be altered to help span the slough. Ms. Gould stated that there is a mound area within the Project vicinity. The area may have been impacted by previous construction activities, but it is still of high concern.</p> <p>Mr. Higgins showed a visual of the slough area and stated that while the location is firm, the exact method of construction is unknown. Ms. Gould was concerned about the overall Project footprint in the area and requested the depth of construction activities at the slough area. Mr. Higgins stated that he will provide a birds-eye view of the Project area at the slough. Ms. Gould stated that she would look over the visuals and provide any additional comments soon.</p> <p>February 9, 2021: An email containing Project construction figures was sent to Ms. Gould. It was requested that Ms. Gould send additional questions or comments, if any.</p> <p>February 18, 2021: A follow-up email was sent to Ms. Gould requesting any additional questions or comments, if any.</p> <p>February 24, 2021: Ms. Gould emailed stating that the Tribe does not have any additional questions or comments at this time.</p>



Should you have any questions, please contact Liz Denniston at the contact information provided below.

Sincerely,

A handwritten signature in blue ink, appearing to read "Liz Denniston".

Liz Denniston
Archaeological Principal Investigator
Paleo Solutions, Inc.
liz@paleosolutions.com
626.205.5444

Attachment:

Attachment A: Figures

Attachment A: Native American Correspondence



ATTACHMENT A: PROJECT FIGURES

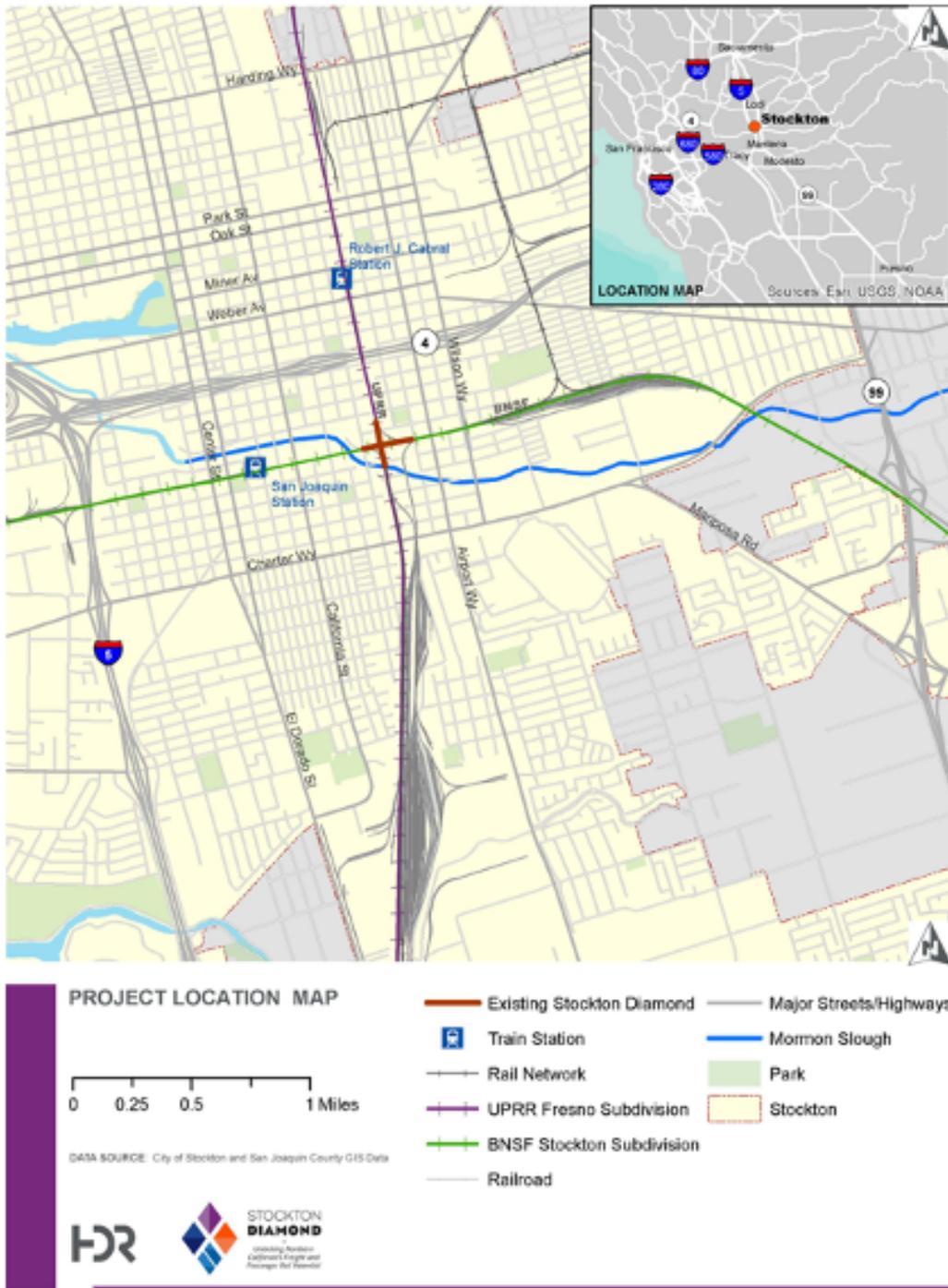
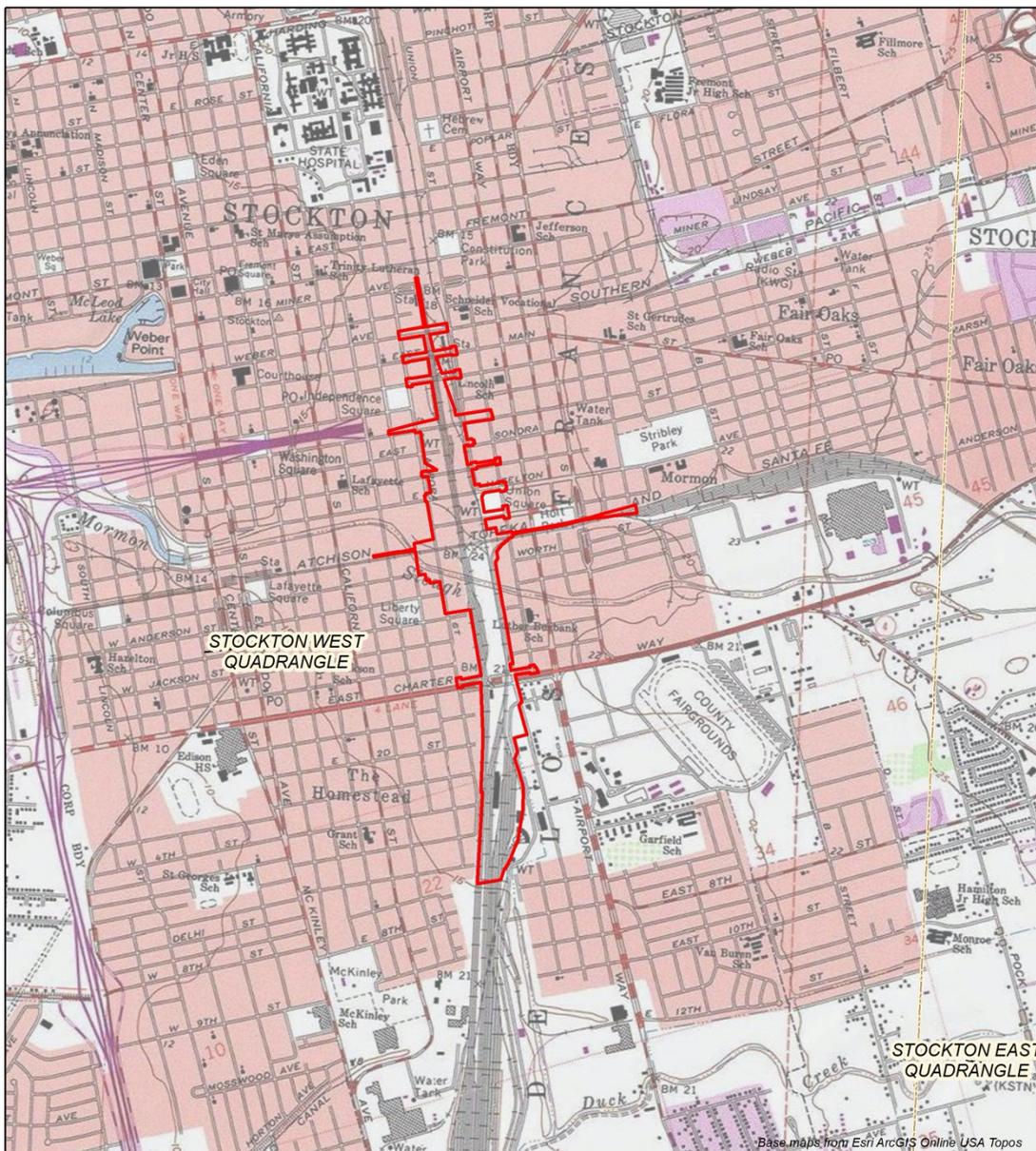


Figure 1 Project Vicinity



Stockton Diamond Railroad Grade Separation Project

- Project Area
- USGS 7.5' Quadrangle

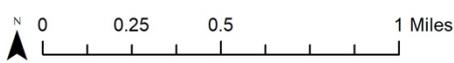


Figure 2 Project Location



ATTACHMENT B:
NATIVE AMERICAN CONSULTATION
CORRESPONDENCE