



December 13, 2021

Fernandeño Tataviam Band of Mission Indians  
Attn: Jairo Avila, Tribal Historic and Cultural Preservation Officer  
1019 Second Street, Suite 1  
San Fernando, CA 91340  
Via Email: Jairo.avila@tataviam.nsn.us

**RE: AB 168 Acknowledgement of Enforceable Agreement between the Fernandeño Tataviam Band of Mission Indians and the City of Burbank for the SB 35 Residential 921-1001 W. Riverside Drive, Burbank, Los Angeles County, California**

Dear Mr. Avila,

This letter is a follow up to the AB 168 tribal consultation concluded between the City of Burbank and the Fernandeño Tataviam Band of Mission Indians (FTBMI) regarding the proposed SB 35 residential project comprised of 96 three-story townhomes on a 5.1-acre site located at 921-1001 W. Riverside Drive in the City of Burbank.

Based on the information provided and FTBMI's Tribal Resource knowledge, the CRM Division has noted concerns regarding potential for impacts to cultural resources by the proposed Project. Per the Tribal Consultation between the City and the Fernandeño Tataviam Band of Mission Indians, the following language will be made part of the project's conditions of approval:

- **TCR-1:** The Project applicant shall retain a professional Cultural Resources monitor procured or selected by the Fernandeño Tataviam Band of Mission Indians to observe all clearing, grubbing, and grading operations of undisturbed soil below a depth of 5 feet within the proposed impact areas. If cultural resources are encountered, the Native American monitor will have the authority to request that ground-disturbing activities cease within 50 feet of discovery to assess and document potential finds in real time. One monitor will be required on-site for all ground-disturbing activities in areas designated through additional consultation. However, if ground-disturbing activities occur in more than one of the designated monitoring areas at the same time, then the parties can mutually agree to an additional monitor, to ensure that simultaneously occurring ground-disturbing activities receive thorough levels of monitoring coverage.
  - Any and all archaeological documents created as a part of the project (isolate records, site records, survey reports, testing reports, and monitoring reports) shall be provided to the Fernandeño Tataviam Band of Mission Indians.
  - The applicant and Lead Agency shall, in good faith, consult with the Fernandeño Tataviam Band of Mission Indians on the disposition and treatment of any Tribal Cultural Resource encountered during the Project implementation

- **TCR-2:** Applicant shall provide notice to FTBMI not less than 14 days prior to commencement of ground disturbing activities to ensure FTBMI has sufficient time to schedule adequate site monitoring personnel.
- **TCR-3:** FTBMI shall be responsible to retain sufficient monitoring personnel to meet its monitoring obligations during all phases of ground disturbing activities. The applicant may, but shall have no obligation to, stop ground disturbing activities in the event FTBMI is not able to attend or monitor the site.
- **TCR-4:** The Project applicant shall pay FTBMI a rate of \$125.00 per hour for all monitoring costs and expenses.
- **TCR-5:** The FTBMI Monitor shall complete monitoring logs on a daily basis, providing descriptions of the daily activities, including construction activities, locations, soil, and any cultural materials identified and available to the City upon request.. The on-site monitoring shall end when grading and excavation activities of native soil (i.e., previously undisturbed) are completed, or when the FTBMI Monitor has indicated that the site has a low potential for cultural resources, whichever occurs first. The City may request a copy of all field documentation from FTBMI Monitor. In addition, the FTBMI Monitor shall provide the City a “closeout report” that addresses the FTBMI Monitor’s role on the project and provides a summary of cultural findings, if any.
- **TCR-6:** FTBMI shall comply with applicant’s site access and workplace safety requirements
- **TCR-7:** If human remains or funerary objects are encountered during any activities associated with the project, work in the immediate vicinity (within a 100-foot buffer of the find) shall cease and the County Coroner shall be contacted pursuant to State Health and Safety Code §7050.5 and that code enforced for the duration of the project.

Per Government Code Section 65913.4(b), this concludes the Tribal Consultation process and documents the Enforceable Agreement with FTMBI. Please sign and return the letter acknowledging the Enforceable Agreement between the Fernandeano Tataviam Band of Mission Indians and the City of Burbank. Please contact me at (818) 238-5250 or via e-mail at framirez@burbankca.gov. Thank you for your assistance.

Sincerely,



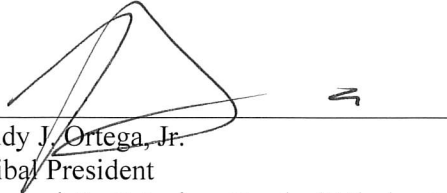
Fred Ramirez

Assistant Director of Community Development, City of Burbank, Planning Division

Attachment: FTBMI 2022 Tribal Monitoring Standard Rate



Jairo F. Avila, M.A., RPA.  
Tribal Historic and Cultural Preservation Officer  
Cultural Resources Management Division  
Fernandeño Tataviam Band of Mission Indians

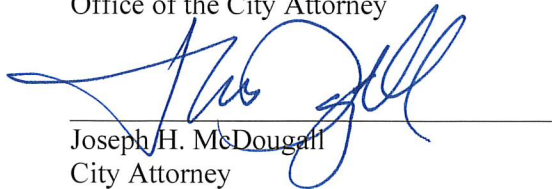


Rudy J. Ortega, Jr.  
Tribal President  
Fernandeño Tataviam Band of Mission Indians



Patrick Prescott, AICP  
Community Development Director

Approved as to Form  
Office of the City Attorney



Joseph H. McDougall  
City Attorney



Fernandeno Tataviam Band of Mission Indians  
**Tribal Historic & Cultural Preservation Department**  
Cultural Resources Management Division

Rudy J. Ortega, Jr.  
*Tribal President*

*Tribal Historic & Cultural  
Preservation Committee*

Lucia Alfaro  
*Chairperson*  
Richard Ortega  
Jesus Alvarez

December 13, 2021

Scott Plambaek  
Deputy City Planner  
150 N. Third Street  
P.O. Box 6459  
Burbank, CA 91510-6459

*Sent via email to [splambaek@burbankca.gov](mailto:splambaek@burbankca.gov)*

**Subject: Fernandeno Tataviam Band of Mission Indians Standard Rate for Native American Cultural-Archaeological Monitoring Services**

Dear Mr. Plambaek,

The Fernandeno Tataviam Band of Mission Indians (FTBMI) has maintained a professional Native American Monitoring (NAM) service for decades by aligning its traditional framework of preserving cultural, spiritual, and emotional ties to the land with effective options for mitigating potential damages to cultural resources.

The Tribal Historic and Cultural Preservation (THCP) Department's field services consist of Native American monitoring, tribal cultural resource oversight and consultation, and documentation of work activity and artifact discoveries through daily monitoring logs.

**PROFESSIONAL FEE STRUCTURE**

<u>Hourly Rate</u>	<u>Category</u>
\$125.00	Native American Monitoring

Standard rate for Native American Monitoring includes protective equipment, field necessities, vehicle mileage, and project workplace insurances. The THCP Officer shall oversee all Tribal coordination and correspondence, but is not necessarily a full-time and/or field position.

**NATIVE AMERICAN MONITOR QUALIFICATIONS**

- Occupational Safety and Health Administration (OSHA) Certified
- HAZWOPER 40 Certified
- Cardiopulmonary Resuscitation (CPR) Certified
- Cultural/Archaeological Resource Training Certification

All Native American Monitors adhere to the FTBMI Confidentiality Agreement pertaining to Project information and Project cultural resource discoveries.

## REPORTING

Upon request, the Client may receive a copy of all field documentation. The Client may also request a “closeout report” that addresses the FTBMI’s role on the project and provides a summary of cultural findings, if any.

### Contact Information

Jairo Avila  
1019 Second Street  
San Fernando, CA 91340  
Office Contact: 818-837-0794  
E-mail: [jairo.avila@tataviam-nsn.us](mailto:jairo.avila@tataviam-nsn.us)

The FTBMI request that the client provides a 5-business day notice, to the THCP Officer, in writing, prior to start date of ground disturbances.

Respectfully submitted,



Jairo F. Avila, M.A., RPA  
Tribal Historic and Cultural Preservation Officer

CC:

Rudy Ortega Jr. – Fernandeno Tataviam Band of Mission Indians  
Kimia Fatehi – Fernandeno Tataviam Band of Mission Indians