

Attachment Q

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Ohlone/Costanoan-Esselen Nation



*Previously acknowledged as
The San Carlos Band of Mission Indians
The Monterey Band
And also known as
O.C.E.N. or Esselen Nation
P.O. Box 1301
Monterey, CA 93942*

www.ohlonecostanoanesselenation.org.

March 11, 2019

District 1 – Luis Alejo
District 2 – John M. Phillips
District 3 – Christopher Lopez
District 4 – Jane Parker
District 5 – Mary Adams
Board of Supervisors
Monterey County
168 W. Alisal Street
Salinas, California 93902

Re: Carmel Point basement projects and their destruction of Ohlone/Costanoan-Esselen Nation's Cemetery and Cultural Site

Ohlone/Costanoan-Esselen Nation is an historically documented previously recognized tribe. OCEN is the legal tribal government representative for over 600 enrolled members of Esselen, Carmeleno, Monterey Band, Rumsen, Chalon, Soledad Mission, San Carlos Mission and/or Costanoan Mission Indian descent of Monterey County. Though other indigenous people may have lived in the area, the area is the indigenous homeland of our people. Included with this letter please find a territorial map by Taylor 1856; Levy 1973; and Milliken 1990, identifying Tribal areas.

As Tribal Chair of Ohlone/Costanoan-Esselen Nation I have worked with Monterey County Planning Department in formal consultation based on AB52 effective July 1, 2015. OCEN has an agreement to meet monthly with a designated representative of Monterey County, RMA Department in MEANINGFUL CONSULTATION. With any change in the designated representative I have asked if the representative has the authority to make decisions that represent Monterey County RMA, I have always been advised that the new representative has that authority

OCEN has always requested and continues to request that our known cultural lands not be disturbed, yet never once has the Planning Dept. during formal AB52 Consultation agreed to halt any project. Every project is approved despite OCEN's objection. "Ohlone/Costanoan-Esselen Nation objects to all excavation in known cultural lands, even when they are described as previously disturbed, and of no significant archaeological value." This request is on every letter requesting consultation.

Originally requested by John Ford, during AB52 Consultation OCEN was asked to work with Monterey County on projects therefore **additional** consultation mitigation agreements were requested for consultation (documents for Mitigation Measure No. 12 and 14 attached, emailed by Bob Schubert, April 9, 2018):

OCEN request consultation with the lead agency and with all soil disturbance.

OCEN's Tribal leadership desires to be provided with:

Archaeological reports/surveys, including subsurface testing, and presence/absence testing.

OCEN request to be included in mitigation and recovery programs,

OCEN request that Cultural and Tribal mitigation measures reflect request for OCEN Tribal Monitor,

Reburial of any of our ancestral remains, burial artifacts,

Placement/return of all cultural items to OCEN, and that

A Native American Monitor of Ohlone/Costanoan-Esselen Nation, approved by the OCEN Tribal Council is used within our aboriginal territory.

I am also attaching a revised Tribal Cultural Resources report removing the consultation agreements during AB52 consultation with myself and the RMA Staff for these projects. It is my understanding that the removal of AB52 consultation mitigation agreements listed under Mitigation Measure Action 4b were removed by the Planning Commission. I was notified of these changes last week.

Until late 2018, OCEN and Salinan Nation were the only tribes requesting Consultation under AB52, with the County of Monterey, therefore the removal of previous consultation mitigation measures as provided in the attached email from Bob Schubert, (cc. Craig Spencer and A. Quenga) resulted in less than MEANINGFUL CONSULTATION WITH THE COUNTY OF MONTEREY.

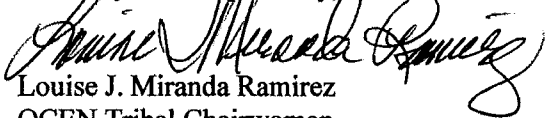
It was in AB52 consultation that I was requested by Jacquelin Onacio and Craig Spencer that I was requested to place my objections to basement projects within Carmel Point in writing. That request resulted in the letter sent to the Board of Supervisors on March 29, 2018.

OCEN continues to request that the Board of Supervisors not approve basement project within Carmel Point. This cemetery and village site areas is dated more than 9000 years old and a known area where our Ancestors were held as prisoners of San Carlos Borromeo de Carmelo during the California Mission Period beginning in 1770. At one time signs at this mission declared that more than 2000 Native Americans were buried within the boundaries of the mission.

We ask that the Board of Supervisors respect our Ancestors in this known cemetery. The history of our Ancestors is the history of Monterey County. Respect as you would respect current day cemeteries.

Thank you,

Sincerely and Respectfully,



Louise J. Miranda Ramirez
OCEN Tribal Chairwoman
2653 McLaughlin Ave.
San Jose, CA 95121

Cc: OCEN Tribal Council
Native American Heritage Commission
Gavin Newson, California Governor
file

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January 7, 2019

Monterey County Board of Supervisors

Monterey County Planning Commission, Monterey,

Native American Heritage Commission, Sacramento, CA

Re: Who is OCEN and why are we included in consultation?

Saleki Atsa,

Ohlone/Costanoan-Esselen Nation is an historically documented previously recognized tribe. OCEN is the legal tribal government representative for over 600 enrolled members of Esselen, Carmeleno, Monterey Band, Rumsen, Chalon, Soledad Mission, San Carlos Mission and/or Costanoan Mission Indian descent of Monterey County.

Under SB18 – Identify Tribal/Local Government Resources, page 73

Provide time to share the history of the Tribe

Items addressed by the public and Planning Commission

This item was addressed by Attorney Anthony Lombardo – stating that OCEN objects to all disturbance

In addressing this paragraph Mr. Anthony Lombardo is correct it is OCEN's request that there be no disturbance within known Archaeological and Cultural Sites. Yet, even with this request no project has ever been avoided or not approved. We are aware that our request will not be honored even with consultation based on AB52 or SB18, requirement of meaningful consultation. We continue to advise that we request respect for our Ancestors.

Ohlone/Costanoan-Esselen Nation objects to all excavation in known cultural lands, even when they are described as previously disturbed, and of no significant archaeological value. Please be advised that it is our priority that our ancestor's remains be protected and undisturbed. We desire that all sacred burial items be left with our ancestors on site or as culturally determined by OCEN. We request all cultural items returned to Ohlone/Costanoan-Esselen Nation. We ask for the respect that is afforded all our current day deceased, by no other word these burial sites are cemeteries, respect for our ancestors as you would expect respect for your deceased family members in today's cemeteries. **Our definition of respect is no disturbance.**

As stated in AB52 and SB18, OCEN must submit written request for consultation with Lead Agencies and each project.

OCEN request consultation with the lead agency and with all soil disturbance.

Consultation Protocols requested by OCEN as stated in SB18 and AB52

OCEN's Tribal leadership desires to be provided with:

Archaeological reports/surveys, including subsurface testing, and presence/absence testing.

OCEN request to be included in mitigation and recovery programs,

OCEN request that Cultural and Tribal mitigation measures reflect request for OCEN Tribal Monitor,

Reburial of any of our ancestral remains, burial artifacts,

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A Native American Monitor of Ohlone/Costanoan-Esselen Nation, approved by the OCEN Tribal Council is used within our aboriginal territory.

The OCEN Tribal Council submitted the NAHC required letter requesting consultation according to – California Environmental Quality Act Public Resources Code section 21080.3, subd. (b) Request for Formal Notification of Proposed Projects within the Ohlone/Costanoan-Esselen Nation's Geographic Area of Traditional and Cultural Affiliation as required effective July 1, 2015. OCEN has participated in Meaningful Consultation from that date. OCEN is identified as requesting consultation within Monterey County. Until now no other Tribe other than the Salinan had requested consultation. It is OCEN's understanding that the Planning Commission removing OCEN's name from what was considered meaningful consultation between the lead agency and OCEN is disrespectful and violates our sovereignty.

SB18 page 67

Acknowledge and respect a Tribe's cultural and spiritual values and rights.

Provide the earliest possible notice to Tribes.

Provide meaningful consultation with Tribes.

Protect confidentiality of site records.

The Tribe determines the importance of the place

Tribal partnership in Management and protection

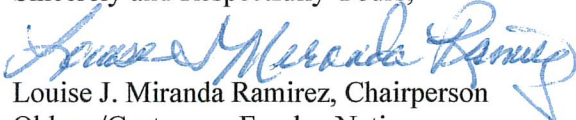
Process for acquisition or conservation of cultural places.

There is so much more information I choose to discuss. I have requested numerous times during consultation to meet with the Planning Commission to provide information on OCEN, as I was advised that the Commission did not accept my letter because you wanted me to identify why the site was sacred to our people and it is our choice to maintain that information confidential.

Do I live in San Jose, yes, but that does not determine my genealogy. As a child my family lived in Salinas, I attended Roosevelt School, Sacred Heart Church and lived at 25 West Market. I lived in Seaside, King City, Castroville and Monterey, but as a child I moved with my parents. Therefore, your statements that I lead a San Jose Group is incorrect, I am the proud leader of Tribal Members that can all prove the genealogy to Mission Carmel and Mission Soledad, as the first families forced into the Missions. Your statement that "we don't want our artifacts going to San Jose is insulting" these are our family's property, except that a law of colonization steals them from us. It is OCEN desire to have a place to share our history and display our culture within our homeland.

I hope that will accept the disc I am providing about OCEN and choose to meet. Please feel free to contact me at (408) 629-5189. Nimasianexelpasaleki. Thank you

Sincerely and Respectfully Yours,



Louise J. Miranda Ramirez, Chairperson
Ohlone/Costanoan-Esselen Nation

(408) 629-5189 Cc: OCEN Tribal Council