

Exhibit E

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Esselen Tribe of Monterey County
P.O. Box 95, Carmel Valley, Ca. 93924
831-214-5345 - Fax: 831-659-0111
tribalchairman@Esselentribe.org

A California Native American 501-C-3 Non-Profit Organization

October 15, 2023

Fiona Jensen, Senior Planner
County of Monterey Community Development Department
1441 Shilling Place, 2nd Floor
Salinas, CA 93901
Phone: (831) 758-7387
Email: JensenF1@co.monterey.ca.us

RE: ETMC Consultation Confirmation for the Offer of AB 52 and SB18 Tribal Cultural Resources Consultation in Support of the Salinas 101 LLC (The Sobel Company INC; PLN 180441) Project.

Dear Ms. Jensen,

The Esselen Tribe of Monterey County (ETMC) is responding to your consultation request dated September, 2023 for AB 52 and SB 18 consultation regarding the proposed Salinas 101 LLC , THE SOBEL COMPANY INC Project (Project). This letter confirms our intent and initiates our engagement in formal AB 52 and SB 18 Tribal consultation with the City of Salinas Community Development Department (Lead Agency) on this Project.

We have reviewed the proposed Project area and our cultural landscape database and conclude the Project area lies within ETMC's cultural and ancestral landscape in the District of Ensen and the 1925 mapped boundaries of the village of Mus-Tak. We have specific Tribal interest and authority for any development in this Project area.

The Project area has been previously exempt from CEQA level evaluations due to agricultural exemptions, and therefore standard Phase I evaluations of the large Project area will likely yield negative results. The Project area is bisected by a freshwater creek drainage and lies within the vicinity of productive historic freshwater drainages and marshes, significantly increasing the sensitivity of the Project area. The Project area is also defined geologically as Holocene alluvial fan: the potential for deeply buried cultural landscapes lie within this Project area, rendering Phase I surficial cultural evaluations of the Project area inadequate.

Our preliminary consultation recommendations for the Project are as follows:

- A comprehensive Phase I and Phase II geoarchaeological coring evaluation shall be conducted to determine the presence/absence and depth of deeply buried cultural landforms in the Project area.

- The Phase I and Phase II program shall be overseen and monitored by an ETMC cultural representative and a qualified archaeologist with extensive experience and demonstrated scholarship of Monterey County's unique regional archaeological contexts.
- ETMC shall be allowed to participate with the Lead Agency in the selection of cultural consultants responsible for CEQA evaluations for this Project.

Additionally, pursuant to California Government Code 65352.3 and California Public Resources Code Section 21080.3.1, we request consultation on the following topics below, which shall be included in consultation if requested (Public Resources Code section 21080.3.2):

- Alternatives to the Project
 - Alternatives to the Project may include 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 taking into account 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.
- Recommended mitigation measures for the Project
- All significant effects determined for Project

Additionally, ETMC shall be provided any cultural resources assessments or other assessments that have been completed thus far on all or part of the Project's potential "area of project effect" (APE), including, but not limited to:

1. Copies of 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. A listing of any and all known cultural resources have already been recorded on or adjacent to the APE;

- b. Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. Whether the records search indicates a low, moderate, or high probability that unrecorded cultural resources are located in the potential APE; and
 - e. If a Phase I survey and Phase II subsurface evaluation is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
2. The results of any archaeological inventory survey that was conducted within the Project's potential APE, including:
- a. Any report that may contain site forms, site significance, and suggested mitigation measures.
 - b. 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.
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 Project's potential APE;
5. Any geotechnical reports regarding all or part of the Project's potential APE;
6. Any biological reports regarding all or part of the Project's potential APE.

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.

ETMC expects to continued consultation on this Project with the Lead Agency within 30 days of your receipt of this letter. I, Tom Little Bear Nason, am ETMC's lead contact person for continued consultation on this Project. In consideration of the environment, we request future consultation correspondence is delivered electronically. Electronic correspondence shall include the following individuals:

Tom Little Bear Nason
Tribal Chairperson
PO Box 95
Carmel Valley, CA 93924
tribalchairman@esseletribe.org
(831)-214-5345

Cari Herthel
Tribal Vice Chair and Headwoman
vicechair@esseletribe.org

Susan Morley
Cultural Committee Chairperson
cultural-resources@esseletribe.org

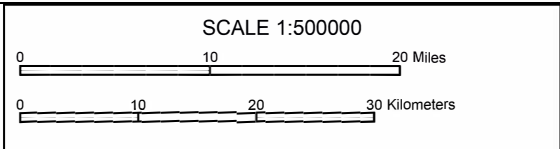
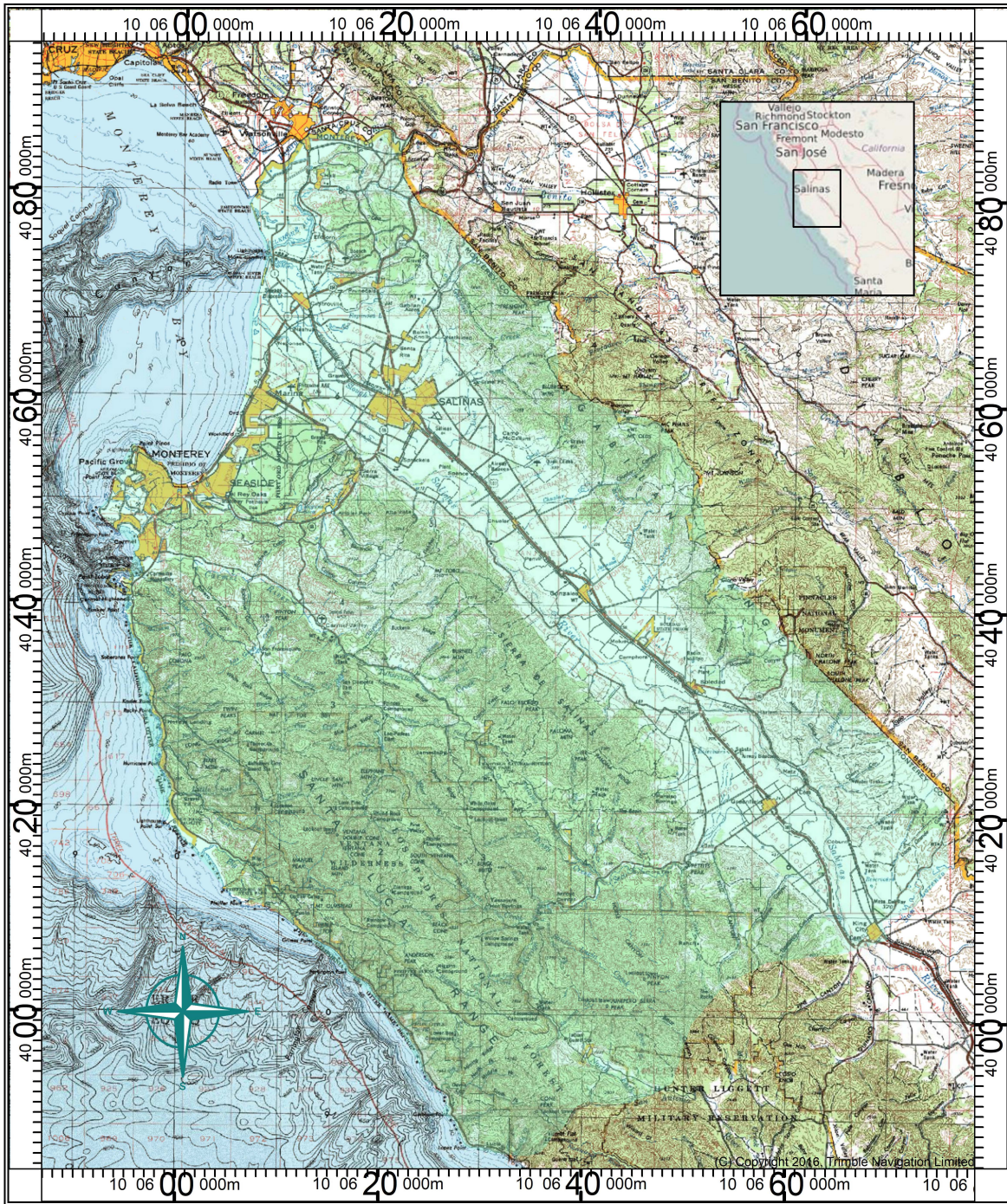
We look forward to continued consultation on this Project.

Sincerely,



Tom Little Bear Nason
Tribal Chairperson
Esselen Tribe of Monterey County
tribalchairman@esseletribe.org
(831)-214-5345

CC: Native American Heritage Commission
nahc@nahc.ca.gov



Esseen Tribe of Monterey Co.
 Costanoan/Rumsen, Esseen
 Sacred Lands Map (green overlay)

California Department of Transportation

CALTRANS DISTRICT 5
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October 26, 2023

MON/101/92.19
SCH#2023090503

Fionna Jensen
Senior Planner
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Salinas, CA 93901

REVISED COMMENTS FOR THE SALINAS 101 LLC MITIGATED NEGATIVE DECLARATION
(MND) – MONTEREY COUNTY, CA

Dear Ms. Jensen:

The California Department of Transportation (Caltrans) has revised the comments from our letter dated October 23, 2023. The updated comments come in lieu of working with the County of Monterey and Traffic Engineer Keith Higgins regarding our previous letter. Caltrans offers the following comments in response to the MND:

1. Caltrans has reviewed the US 101 Northbound Ramps and Sala Road Intersection Control Evaluation (ICE) Assessment Step 1 prepared by Keith Higgins dated October 24, 2023. The ICE Assessment Step 1 has been prepared to the satisfaction of the Caltrans District 5 ICE Coordinator. We concur that a traffic signal is the only feasible option at this location and a roundabout is not viable or practical to implement. ICE Assessment Step 2 will no longer be required to determine the appropriate intersection control type at the US 101 northbound ramps and Sala Road intersection.
2. After signal warrants are met in accordance with Chapter 4C of the 2014 California Manual on Uniform Traffic Control Devices, Caltrans looks forward to working with the applicant on the encroachment permit required for work within State right-of-way.

Fionna Jensen, Senior Planner
October 26, 2023
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Thank you for the opportunity to review and comment on the proposed project. If you have any questions, or need further clarification on items discussed above, please contact me at (805) 835-6543 or email christopher.bjornstad@dot.ca.gov.

Sincerely,

Christopher Bjornstad

Chris Bjornstad
Associate Transportation Planner
District 5 Local Development Review

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