

DISCLAIMER: This document is intended solely as a template for documenting the tribal consultation concerning an urban infill housing development project that is or may be exempt from the California Environmental Quality Act (CEQA) under Public Resources Code Section 21080.66 (AB 130). It is not legal advice regarding any jurisdiction's specific policies or any proposed housing development project. Local staff should consult with their city attorney or county counsel when determining the applicability of these provisions to any proposed housing development project in their jurisdiction. This document was last updated on December 4, 2025.

Documentation of Tribal Consultation Pursuant to Public Resources Code Section 21080.66: Housing Development Projects Proposed at 1675 Bay Road, East Palo Alto

Public Resources Code Section 21080.66(b)(3)(E) requires that the City of East Palo Alto document the results of the tribal consultation required by Section 21080.66(b). The City undertook the following actions in accordance with Section 21080.66(b).

1. On October 24, 2025, the City provided a formal notification via certified mail and email to the following California Native American tribes which are traditionally and culturally affiliated with the project site, inviting the tribes to consult on the two proposed projects – [Four Corners Townhome project](#) and [Four Corners Mixed-Use project](#), its location, and the project's potential effects on tribal cultural resources:
 - a. Amah Mutsun Tribal Band
 - b. Amah Mutsun Tribal Band of Mission San Juan Bautista
 - c. Costanoan Rumsen Carmel Tribe
 - d. Indian Canyon Mutsun Band of Costanoan
 - e. Muwekma Ohlone Tribe of the SF Bay Area
 - f. Tamien Nation
 - g. The Ohlone Indian Tribe
 - h. Wuksachi Indian Tribe/Eshom Valley Band

2. The Muwekma Ohlone Tribe of the San Francisco Bay Area accepted the invitation to consult on October 25, 2025.
3. The Tamien Nation accepted the invitation to consult on November 4, 2025.
4. The Indian Canyon Band of Costanoan Ohlone People accepted the invitation to consult on November 18, 2025.
5. The Amah Mutsun Tribal Band did not respond to the invitation within the required 60-day period, which expired on December 23, 2025. As a result, the tribal consultation period concluded on December 23, 2025.
6. The Amah Mutsun Tribal Band of Mission San Juan Bautista did not respond to the invitation within the required 60-day period, which expired on December 23, 2025. As a result, the tribal consultation period concluded on December 23, 2025.
7. The Costanoan Rumsen Carmel Tribe did not respond to the invitation within the required 60-day period, which expired on December 23, 2025. As a result, the tribal consultation period concluded on December 23, 2025.
8. The The Ohlone Indian Tribe did not respond to the invitation within the required 60-day period, which expired on December 23, 2025. As a result, the tribal consultation period concluded on December 23, 2025.
9. The Wuksachi Indian Tribe/Eshom Valley Band did not respond to the invitation within the required 60-day period, which expired on December 23, 2025. As a result, the tribal consultation period concluded on December 23, 2025.
10. The applicant requested to participate in all the consultations.
11. The Muwekma Ohlone Tribe of the San Francisco Bay Area approved the applicant's participation in the consultation.
12. The Tamien Nation declined the applicant's participation in the consultation.
13. The Indian Canyon Band of Costanoan Ohlone People didn't officially decline the applicant's participation in the consultation.
14. The tribal consultation process for the two University & Bay projects between the City of East Palo Alto and the Indian Canyon Mutsun Band of Costanoan Ohlone People was initiated on December 4, 2025, starting a 45-day consultation period as required under AB 130. Despite multiple outreach attempts by the City, the official consultation period

concluded on January 18, 2026, without a formal meeting or a request for an extension from the Tribe within the time prescribed by AB 130. The Tribe requested a meeting, and the City held a courtesy consultation on January 30, 2026. The Tribe provided feedback on February 3, 2026, after the official period had ended. While constrained by the statutory deadlines of AB 130, the City worked to incorporate some of the Tribe's suggested language regarding the onsite memorialization of indigenous inhabitants into the project's proposed conditions of approval before scheduling it for a Planning Commission hearing on February 9, 2026.

15. The City of East Palo Alto initiated the AB 130 tribal consultation process by notifying the Muwekma Ohlone Tribe of the project on October 24, 2025. The Tribe requested to consult on October 25, and the formal 45-day consultation period began on October 28, 2025. After several communications, the Tribe requested and was granted a 15-day extension on December 11, 2025, moving the consultation deadline to December 27, 2025. A consultation was scheduled for December 15, but the Tribe informed the City that morning that they were unable to meet and would not be available again until January 1, 2026, which was after the extended deadline. The project applicant declined to grant an additional extension. The City attempted to schedule a new meeting before the December 27 deadline but received no further communications from the Tribe. Consequently, the AB 130 tribal consultation concluded on December 27, 2025.
16. The tribal consultation process for the University & Bay projects began after the project applicant formally requested the City proceed under the AB 130 exemption on October 14, 2025. The City of East Palo Alto notified the Tamien Nation of the project on October 24, 2025. The Tribe submitted a request to consult on November 6, 2025, and the City formally initiated consultation on November 18, 2025. The first consultation meeting was held on December 12, 2025, during which the City provided a draft of requested conditions to the Tribe. Following this meeting, the City made numerous outreach attempts via email and phone calls on December 15, 16, 17, 18, 23, and 31, 2025, and again on January 2, 7, and 12, 2026, to continue the process. The official consultation period concluded on January 2, 2026, and the letter explicitly states that no extension was requested by the Tribe. On January 20, 2026, after the consultation period had ended, the City received the Tribe's recommended conditions. Although the applicant declined to accept the late conditions, the City worked to incorporate measures supported by its General Plan, scheduling a Planning Commission hearing for February 9, 2026, to consider the project for approval.
17. The City is required to give deference to the tribal information, tribal knowledge and customs, and the significance of the resource to the California Native American tribe

(Public Resources Code Section 21080.66(b)(3)(B)) and to seek to find measures that would avoid significant impacts to a tribal cultural resource. (Public Resources Code Section 21080.66(b)(3)(D).) In addition, the project is required to include tribal monitoring during all ground-disturbing activities unless there is mutual agreement between the California Native American tribe and the project proponent not to include this requirement. (Public Resources Code Section 21080.66(b)(4)(B)(i).) During the consultation, the City and the project applicant engaged in a collaborative process with the Indian Canyon Mutsun Band, holding two meetings and exchanging several drafts of the project's Conditions of Approval. Consequently, at the conclusion of the tribal consultation, a mutual agreement was reached. The Tribe confirmed on April 12, 2024, that the final revised Conditions of Approval were acceptable, and these agreed-upon conditions were set to be imposed on the proposed project.

18. The City is required to give deference to the tribal information, tribal knowledge and customs, and the significance of the resource to the California Native American tribe (Public Resources Code Section 21080.66(b)(3)(B)) and to seek to find measures that would avoid significant impacts to a tribal cultural resource. (Public Resources Code Section 21080.66(b)(3)(D).) In addition, the project is required to include tribal monitoring during all ground-disturbing activities unless there is mutual agreement between the California Native American tribe and the project proponent not to include this requirement. (Public Resources Code Section 21080.66(b)(4)(B)(i).) The official AB 130 consultation period concluded on January 2, 2026. The Tamien Nation submitted its proposed mitigation measures after this deadline, and the project applicant declined to accept the late conditions. Consequently, the City, constrained by the statutory timeline, did not adopt the Tribe's late proposal. Instead, the City finalized conditions of approval that included measures supported by its General Plan, such as identifying the Tamien Nation for tribal monitoring and committing to work with the Tribe on an onsite memorialization for the project.
19. Pursuant to Public Resources Code Section 21080.66, the City provided formal notice of the University & Bay at 4 Corners projects to the Indian Canyon Mutsun Band of Costanoan Ohlone People on October 24, 2025, and initiated consultation on December 4, 2025, commencing the statutory 45-day consultation period. The consultation period concluded on January 18, 2026, with no request for extension submitted by the Tribe within the required timeframe. Although additional consultation requests and proposed conditions were provided after the statutory deadline, including during a courtesy consultation meeting held on January 30, 2026, the City worked in good faith to incorporate feasible measures consistent with AB 130 and applicable General Plan and Specific Plan policies. The final agreement includes enhanced conditions of approval

requiring work stoppage and notification procedures in the event of inadvertent discovery of tribal cultural resources or human remains, coordination with the Most Likely Descendant and Native American Heritage Commission, and on-site acknowledgement and memorialization recognizing the indigenous inhabitants of the area past and present (See [Staff Report Exhibit C – Conditions of Approval](#)). These measures reflect the City's commitment to protecting tribal cultural resources while complying with the procedural and timing requirements of AB 130 and constitute the full and final outcome of the tribal consultation process for the Project.