

Exhibit 8-A — Cultural and Tribal Consultation

Violations Summary Box

Poverty Flats Ranch UP 23-09 / IS 23-20 (PL 25-198)
Chapter 8 — Cultural Resources and Tribal Consultation
(Sorted by jurisdictional severity — Federal → State → County/Local)

Federal / Cross-Jurisdictional Violations

Citation	Brief Description
Archaeological Resources Protection Act (ARPA) § 9(a)	Protects archaeological materials and data from unauthorized disclosure or disturbance; grading occurred without qualified archaeological monitoring or tribal participation.
Native American Graves Protection and Repatriation Act (NAGPRA)	Mandates notification and repatriation protocol for any human remains or associated cultural items; no NAGPRA-aligned plan submitted.

State Law / CEQA / Tribal Consultation Compliance

Citation	Brief Description
Pub. Res. Code §§ 21080.3.1 – 21082.3 (AB 52)	Requires lead agency to notify tribes within 14 days and conduct government-to-government consultation within 30 days of request; Elem Indian Colony consultation was abandoned after one meeting without resolution or agreement.
PRC § 21082.3(d)(1)	Prohibits adoption of an MND until consultation is completed in good faith; Lake County adopted the ISMND despite incomplete consultation.
CEQA Guidelines § 15064.5	Requires identification and evaluation of tribal cultural resources beyond archaeological artifacts; County failed to

	include documented Elem sites (Schindler Creek, High Valley Ridge, Timber Road).
CEQA Guidelines § 15125(a)	Mandates accurate environmental setting; Cultural Assessment misattributed the Patwin tribe as occupants instead of Elem Pomo, creating a false baseline.
CEQA Guidelines § 15126.2(a)	Omission of impact discussion for known tribal sites and practices constitutes prejudicial CEQA error.
CEQA Guidelines § 15126.4(a)(1)	Requires feasible mitigation developed in consultation with tribes; none was proposed or negotiated.
Pit River Tribe v. County of Fresno (2006) 140 Cal.App.4th 1420	Failure to consult in good faith is a prejudicial abuse of discretion invalidating approval.
Madera Oversight Coalition v. County of Madera (2011) 199 Cal.App.4th 48	Cultural shortcuts invalidate CEQA documents where full review and consultation were required.
Golden Door Properties v. County of San Diego (2020) 50 Cal.App.5th 467	Confirms failure to act in good faith under AB 52 triggers EIR requirement.
California Clean Energy Comm’n v. San Diego (2014) 220 Cal.App.4th 1063	Substituting informal or applicant-led processes for formal consultation renders CEQA approval invalid.

County / Local Violations

Citation	Brief Description
Lake County Code Ch. 21 (Zoning – Use Permits)	Major Use Permit approved without completed tribal consultation or verified mitigation measures.
County Administrative Practice	Substituted 'tribal sensitivity training' for formal consultation contrary to PRC §§ 21080.3.1 – 21080.3.2 requirements.
Planning Commission Record	Staff slide ('AB 52 Tribal Notification') misrepresented single-day meeting as

	completed consultation, misleading decision-makers.
CDD and Consultant Errors	Cultural report misidentified tribal ancestry (Patwin instead of Elem Pomo) and omitted documented sacred sites.
Gov. Code § 6200 / Pen. Code § 118	False representation or concealment of consultation records constitutes felony offense.

Summary Note: This exhibit summarizes the tribal consultation and cultural resource deficiencies documented in Chapter 8. The record shows that Lake County abandoned government-to-government consultation with the Elem Indian Colony after one inconclusive meeting and misrepresented this as a completed process. The Cultural Assessment misidentified tribal ancestry, omitted sacred sites, and substituted an unauthorized training program for formal consultation. These failures violate Public Resources Code §§ 21080.3.1 – 21082.3 and CEQA Guidelines §§ 15064.5, 15125(a), and 15126.2(a). Under AB 52 and CEQA case law (Pit River Tribe, Golden Door), the ISMND is procedurally invalid and must be replaced with a recirculated Environmental Impact Report that includes direct Elem Tribal consultation and field verification.