

June 11, 2026

Stephanie Ocasio
Director of Community Development
Department of Community Development
City of Stockton
425 N. El Dorado St.
Stockton, CA 95202

Re: **Bear Creek South (APNS 120-020-270; -110; -120; -260; -300; -310; -320; 120-030-100; -060; -070; -090; 122-010-004 (PORTION OF); -005; 124-010-001; -003 and -007) (P23-0137)**

Dear Stephanie:

Buchalter, LLP, (“Buchalter”) represents TriPointe Homes, Inc. (“TriPointe Homes”), one of the three developers and landowners (collectively, the “Developers”) who have applied to the City of Stockton for entitlements to develop a portion of the Bear Creek South residential development project (the “Project”) located on an approximately 503.18-acre site in unincorporated San Joaquin County (the “Property”). The Property is located adjacent to the city limits of the City of Stockton (the “City”) and within the City’s sphere of influence. The Project consists of the development of 2,241 single-family homes, five parks, a lineal open space area, and associated public infrastructure consistent with the City’s General Plan designation of the Property for low- density residential development for decades.

We understand that the Planning Department completed its environmental review of the Project in accordance with the California Environmental Quality Act (“CEQA”) by relying on the City of Stockton’s Envision 2040 General Plan Update (“Stockton General Plan Update”) Environmental Impact Report (SCH#2017052062) (the “General Plan Update EIR”) as the foundation for its further environmental review of the Project. The Planning Department determined that the Project qualifies for the statutory exemption under Public Resources Code section 21083.3 and CEQA Guidelines section 15183 based on the analysis performed by De Novo Planning Group entitled “15183 Consistency Checklist for the Bear Creek South Project,” dated March 2026, and incorporated herein by reference (“Section 15183 Analysis”).

On April 9, 2026, the City of Stockton Planning Commission held a public hearing on the Project and at the conclusion of that hearing voted to adopt: a resolution recommending that the City Council approve the Developers' request to prezone the Project site to a mix of Residential, Low (RL), Public Facilities (PF), and Open Space (OS) zoning; a Resolution recommending that the City Council adopt an ordinance for a development agreement for the Project; and approving the Klein, Tri-Point and Arnaiz tentative maps for the Project. The day before the April 9th Planning Commission hearing, The Circle Law Group submitted a new comment letter on behalf of the Lisjan Nation commenting on the City's Section 15183 Analysis of the Project's impacts on Tribal Cultural Resources. Subsequently, on April 20, 2026, City resident, Mary Elizabeth, submitted an appeal of the Planning Commission Decision regarding the Commission's actions concerning Agenda Item 5.1-25-1167 to the City Council (the "Appeal"). Mary Elizabeth raised concerns about the Project's compliance with the Stockton General Plan Update and requested a workshop to discuss mitigation measures that were not included in the programmatic General Plan Update. Ms. Elizabeth also asked about the discrepancy in the date of the Section 15183 Report.

The purpose of this letter is to address the comments raised in The Circle Law Group Letter and the appeal filed by Ms. Elizabeth and to explain the Developers' approach to avoiding potential environmental impacts in accordance with the City's requirements as further explained and documented in the Section 15183 Analysis.

Responses to Comments from The Circle Law Group

The Circle Law Group submitted a letter to the Planning Commission dated April 8, 2026, on behalf of the Confederated Village of the Lisjan Nation ("Lisjan"), commenting that the City failed to acknowledge the concerns that the Lisjan previously raised ("April 8th Letter"). The Lisjan Nation representatives state that the City is obligated to continue consultation with the Tribe. The Tribe reiterated its prior request that it be granted access to the Property to conduct a site visit and perform an observational survey to ensure all Tribal Cultural Resources are adequately identified and proper avoidance and mitigation measures are included in the Project.

The Circle Law Group's April 8th letter raises the same comments that the Tribe raised in its March 18, 2026, letter which we addressed our March 20, 2026 letter incorporated herein by reference ("March 20th Letter"). As we noted in our March 20th Letter, all of the concerns that The Circle Law Group's March 18th Letter raised were addressed by the Project Requirements 6, 7, and 8 and the Peak & Associates Cultural Resources Assessment Report ("Cultural Resources Report") which evaluated the potential for the Project to impact Tribal Cultural Resources and considered the effectiveness of Project Requirements 6, 7 and 8 in avoiding significant impacts. The findings of the Peak & Associates Cultural Resources Assessment Report were summarized in the Cultural Resources and Tribal Cultural Resources sections in the Section 15183 Analysis

and confirmed that the Project would not result in significant impacts on Tribal Cultural Resources based on the Peak & Associates Cultural Assessment Report. As part of the overall CEQA evaluation and preparation of the Section 15183 Analysis, we understand that the City staff, the CEQA consultant and Project archaeologist and representatives for the Developers coordinated extensively with Peak & Associates to confirm that the Project Requirements complied with the City's self-mitigating General Plan Update policies and associated EIR mitigation measures.

The Developers reiterated in the informal Tribal Consultation in which they participated with the Lisjan Nation representatives and City Staff in February 2026 that they agreed to implement Project Requirements 6 and 7 to assure that the Project construction would avoid disturbance of Tribal Cultural Resources. The Section 15183 Analysis evaluated the effectiveness of the Project design and Project Requirements and concluded that the Project would not result in any greater environmental impacts than those evaluated for the General Plan Update based on the implementation of General Plan policies designed to avoid such impacts. In fact, Project Requirements 6 – 8 were based on measures that the City developed in consultation with the Northern Yokut Tribe at the time the General Plan Update was underway as the Northern Yokut historically have been the Tribe designated as the Most Likely Descendant for the region. This information was documented in the Section 15183 Analysis. Just as stated in the Section 15183 Analysis and our prior correspondence, the Developers committed to implementing Project Requirements 6 and 7 with respect to the treatment of Tribal Cultural Resources, as specifically revised at the request of the Northern Yokut and the Lisjan. The Circle Law Group has not provided any evidence that the Developers' implementation of the standard avoidance measures and Project Requirements 6, 7 and 8 will not avoid impacts to such resources if they exist on the Property.

Specifically, the Developers agreed to conduct subsurface testing of the Property using non-invasive testing methods at the request of the Lisjan Nation as further clarified in Project Requirements 6 and 7, and the Developers agreed to engage a Tribal representative and qualified archaeologist during the testing, prior to construction activities. The Developers also agreed to conduct construction worker training prior to construction regarding appropriate avoidance and minimization measures, requirements for confidentiality and treatment in compliance with applicable State laws and regulations. Further, the Project is designed to include Project Requirement 7 consistent with State requirements to cease construction if human remains are encountered. The Developers have committed to implement these measures which are designed to assure that the Project will not cause any significant impacts to Tribal Cultural Resources consistent with the General Plan Update and EIR.

Please note that after the enclosed revised Project Requirement 6 was updated to address the Northern Yokut's request on March 16, 2026, that the reference to "Tribal Representative" be replaced with the Northern Valley Yokut representative because the Project is within their

ancestral tribal land, the Developers agreed in response to the new comments from The Circle Law Group in the April 8th letter to revert to the prior version of Project Requirement 6 that allows monitoring by a Tribal Monitor or Monitors that are knowledgeable about local recorded resources near the Project site (see attached revised Project Requirement 6). The Developers agreed to revert back to the prior language for Project Requirement 6 in response to the Lisjan Nation's concerns.

Following the Planning Commission meeting, the Developers retained Tremaine Associates, Cultural Resources Consulting, to conduct an independent third party peer review. On June 10, 2026. Ms. Kim Tremaine, M.A., RPA prepared the enclosed, "Peer Review — Cultural Resource Assessment Summary and Project Requirements for the Bear Creek South Residential Project, San Joaquin County, California (Peak & Associates, Inc., September 2024, revised February 2025). The Tremaine third party peer review analysis is referred to as the "Tremaine Memorandum". Based on their independent third party review, the Tremaine Memorandum determined that the Tribal Cultural Resources measures incorporated into the Project as Project Requirements 6, 7, and 8 are technically adequate and professionally sound. Project Requirement 6 will directly address the most significant archaeological concern raised by the site's resource history and soils conditions.

The Tremaine Memorandum also recommended three enhancements to the Project Requirements that consist of documenting specific measures to implement the Project Requirements through a treatment plan and protocol in further support of the Project Requirements included in the Project. These enhancements which are described on pages 5 and 6 of the attached Tremaine Memorandum further assure that the sound program will avoid impacts to Tribal Cultural Resources, strengthen the technical record, and provide a well-documented pre-construction framework in support of the City's CEQA determination. The Developers have voluntarily agreed to implement the Tremaine Memorandum recommendations as part of the Project in conjunction with the Project Requirements to further ensure that the Project does not result in significant impacts to Tribal Cultural Resources.

For these reasons, the Developers believe that they have complied with the City's and State's requirements for the proper treatment of Tribal Cultural Resource and engaged in reasonable good faith negotiations with the Lisjan Nation and the Northern Yokuts. While we understand that interested parties may at times request access to the property for any given reason, the Developers are not in a position to grant access at this time until recommended subsurface testing is conducted prior to actual construction activities start. The Developers have followed all required steps, including hiring a Cultural Resources expert, to prepare a report that provided them guidance in 2022 as to implementation of measures to avoid impacts to cultural resources. The Developers have agreed to allow Tribal monitor(s) and archaeologists to be present under Project Requirements 6 after the Project is approved, is annexed into the City of Stockton and a protocol is in place for the management of future grading and construction

activities on the Property consistent with standard construction protocols and measures to maintain the site in a safe and secure condition. Following these approvals, the Developers will conduct subsurface testing of the Property as described in Project Requirements 6 and 7, and the Developers agree to engage a Tribal representative and qualified archaeologist during the testing, prior to construction activities.

Responses to Appeal from Ms. Elizabeth

Ms. Elizabeth's Appeal raises the following concerns about the Project and the Section 15183 Analysis:

- (i) it contradicts several General Plan policies discouraging urban sprawl and lacks evidence of consistency with the General Plan;
- (ii) the Section 15183 Analysis dated February 2026 wrongfully included a 4.9-acre storm basin in the 27.7-acre parkland;
- (iii) the Section 15183 Analysis did not include mitigation measures to address mosquitos;
- (iv) the City has not explained how it will monitor required mitigation under the SJC Habitat Conservation Plan, and
- (v) the Section 15183 Analysis does not address mitigation for the conversion of agricultural land.

Ms. Elizabeth attached a letter from the Sierra Club requesting that the City require 10% of the housing units to be low-income and all homes should include EV-ready outlets.

Contrary to Ms. Elizabeth's unsubstantiated claims, the Project aligns with the Stockton General Plan Update and the Stockton General Plan Update EIR adequately addresses environmental concerns required under CEQA. For the reasons set forth in the City's Section 15183 Analysis and summarized below, the City may properly rely on the prior General Plan Update EIR and the Section 15183 statutory exemption under CEQA.

The Project furthers goals and policies included in the Stockton General Plan Update

Ms. Elizabeth contends that the following statement included in the Project's proposed development agreement is not substantiated with evidence:

“Here, the proposed Project is consistent with the adopted Envision Stockton 2040 General Plan and its certified EIR (SCH# 2017052062), with City Council action taken on December 4, 2018. The Project is also consistent with the [applicable] general plan designation, density and all applicable general plan policies.”

Specifically, Ms. Elizabeth cites the following General Plan policies as “[discouraging] outfill” and therefore inconsistent with the Project:

- Policy LU-5.3: Define discrete and clear city edges that preserve agriculture, open space, and scenic views.
- Policy LU-6.2: Prioritize development and redevelopment of vacant, underutilized, and blighted infill areas.
- Policy LU-6.4: Ensure that land use decisions balance travel origins and destinations in as close proximity as possible, and reduce vehicle miles traveled (VMT).
- Policy TR-3.2: Require new development and transportation projects to reduce travel demand and greenhouse gas emissions, support electric vehicle charging, and accommodate multi-passenger autonomous vehicle travel as much as feasible.

Ms. Elizabeth does not further articulate or elaborate on the alleged inconsistency. The Project is located within the City’s Sphere of Influence (SOI) and the City’s Urban Services Boundary. The Stockton General Plan has designated the Property for residential uses for decades as further discussed on pages 6-7 and 124-235 in the Section 15183 Analysis. Aside from the fact that the Project is not a redevelopment project, Ms. Elizabeth provides no evidence for her assertion that the Project is inconsistent with the cited General Plan policies. To further support the analysis of the Project’s consistency with the Stockton General Plan, DeNovo Planning Group prepared a 10-page memorandum entitled, “Examination of Bear Creek South Project relative to the General Plan and General Plan EIR,” attached as Appendix G to the Section 15183 Analysis (“Consistency Analysis”). The Consistency Analysis explains how the Project was included in the General Plan and General Plan EIR assumptions regarding development potential and buildout of the General Plan and how the General Plan policies apply to the Project. As the April 9, 2026 Planning Commission Staff Report (File #: 25-1167) discusses and as further analyzed and documented in the Section 15183 Analysis, the Project will further multiple goals and policies of the General Plan.

Regarding the specific policies raised by Ms. Elizabeth, the Project addresses these concerns as follows:

- Policy LU-5.3: Define discrete and clear city edges that preserve agriculture, open space, and scenic views. *The Project is included within the City's SOI and is proposed for residential development consistent with the City's General Plan residential designation for the Project site. The Section 15183 Analysis explains on pages 45- 48 how the Project's effects on the conversion of agricultural land were previously addressed in the General Plan and General Plan EIR.*
- Policy LU-6.2: Prioritize development and redevelopment of vacant, underutilized, and blighted infill areas. *The Section 15183 Analysis explained how the Project site was already planned for residential development consistent with the General Plan.*
- Policy LU-6.4: Ensure that land use decisions balance travel origins and destinations in as close proximity as possible, and reduce vehicle miles traveled (VMT). *The Section 15183 Analysis evaluated Project-related VMT impacts on pages 147 and 148 based on the traffic analysis contained in Appendix E to the Section 15183 Analysis. As the traffic analysis demonstrates, the land use decision for this Project reflects the General Plan land use designation for the Project site.*
- Policy TR-3.2: Require new development and transportation projects to reduce travel demand and greenhouse gas emissions, support electric vehicle charging, and accommodate multi-passenger autonomous vehicle travel as much as feasible. *The Section 15183 Analysis evaluated Project-related transportation impacts on pages 141 through 148 based on the traffic analysis contained in Appendix E. As Appendix E demonstrates, the Project incorporates alternative forms of transportation to reduce vehicle travel consistent with applicable General Plan transportation policies. For example, conduit to the EV panel will be installed, and the panel will be sized to be retrofitted with power for EV charging so that homebuyers have that option. The community will not be gated so autonomous vehicles or others can access the subdivision using future public streets.*

Furthermore, state law does not require perfect conformity between a proposed project and the applicable general plan. (*Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755, 776.) As the Fifth District Court of Appeals noted,

“General and specific plans attempt to balance a range of competing interests. It follows that it is nearly, if not absolutely, impossible for a project to be in perfect conformity with each and every policy set forth in the applicable plan.... It is enough that the proposed project will be compatible with the objectives, policies, general land uses and programs specified in the applicable plan.” (*Id.*)

The City's analysis of the Project's consistency with the applicable General Plan policies is based on substantial evidence. Accordingly, Ms. Elizabeth failed to provide substantial evidence that the Project is inconsistent with General Plan policies. We respectfully request that the City Council reject Ms. Elizabeth's appeal on this basis because the Project is consistent with the applicable General Plan policies, and would not result in any new significant or substantially greater environmental impacts when compared to the General Plan EIR.

The 4.9-acre Storm Basin is not identified as a Park in the CEQA Checklist

Ms. Elizabeth cites a portion of the Project's Section 15183 Analysis which states that, "the proposed Project includes three Vesting Tentative Subdivision Maps for the Development Area. The tentative maps would result in the subdivision of 503.89 acres into 2,241 single-family residential units, five parks, and a storm basin facility. Total parkland is 27.7 acres" and contends that "the storm basin (4.9 acres) may be considered open space but should not be included in park acreage to comply with the General Plan." Ms. Elizabeth further asserts, "[evidence] that the proposed project compliance with these General Plan standards is not provided" and cites the relevant General Plan standard as the following:

The General Plan calls for the following: Park and community center standards provide a means to ensure that parks and recreation facilities are provided as the city develops. The City maintains the following park and community center standards:

- Neighborhood Parks: 2 net acres per 1,000 residents
- Community Parks: 3 net acres per 1,000 residents
- Regional Parks: 3 net acres per 1,000 residents
- City-Owned Community Centers: 1 center per 50,000 population

Ms. Elizabeth conflates the "Parks" and "Open Space Areas" land use designations. The Section 15183 Analysis distinguishes the two, stating that the Project includes approximately 27.7 acres of parks and 27.2 acres of Open Space Areas. (Section 15183 Analysis, p. 299 of the April 9th Planning Commission Staff Report.) The 4.9-acre storm basin is neither identified nor proposed as parkland. Accordingly, this assertion lacks any factual basis and does not require further consideration.

Alleged mosquito impacts lack specificity

Ms. Elizabeth contends that mitigation measures to avoid mosquitoes and potential mosquito-borne disease are unknown. This claim is not supported by any evidence. Mitigation measures are not required for effects which are not found to be significant. (CEQA Guidelines, §

15126.4(a)(3).) An EIR need not analyze every imaginable alternative or mitigation measure; its concern is with feasible means of reducing environmental effects. (*Santa Clarita Organization for Planning the Environment v. City of Santa Clarita* (2011) 197 Cal.App.4th 1042, 1055.) The project opponents thus bear the burden of proving that the EIR is legally inadequate. (*Id.* at 1050.)

The Project incorporates approved engineered treatment facilities (bioretention facilities or COSMUD-approved equivalent) for water quality treatment that reduces pollutants in post-development runoff consistent with the City of Stockton NPDES SWMP and the City of Stockton and County of San Joaquin Stormwater Quality Control Criteria Plan. (Section 15183 Analysis, Section 15183 Analysis, p. 505 of the April 9th Planning Commission Staff Report.) This design standard will ensure the water condition and prevent any vector-breeding environment. Absent evidence to the contrary, Ms. Elizabeth's speculative claim fails to establish that the Project does not comply with standard water quality control measures designed to address public health and safety considerations associated with vector abatement.

CEQA does not require the lead agency to provide a detailed plan for monitoring mitigation measures

Ms. Elizabeth believes the City should describe how the following conditions associated with compliance with the San Joaquin Valley Multi-species Habitat Conservation Plan ("SJMSCP") will be monitored by City staff. The appellant requested that the following statement be addressed: "The LOCAL JURISDICTION retains responsibility for ensuring that the appropriate Incidental Take Minimization Measures are properly implemented and monitored and that appropriate fees are paid in compliance with the SJMSCP.' There is no description of how the city will perform this monitoring or what fees will be paid."

The Section 15183 Analysis reiterates that the General Plan EIR "[directs] the City to continue to comply with the terms of the SJMSCP...and [requires] new development to implement best practices to protect biological resources including incidental take minimization measures and other federal and State requirements and recommendations, that are consistent with the SJMSCP...When considering development applications, these actions will ensure that any special status species or critical or sensitive habitats are identified for project-specific avoidance or mitigation, and they ensure that construction activity for such development protects sensitive resources throughout the construction period." (Section 15183 Analysis, p. 289 of the April 9th Planning Commission Staff Report.) CEQA Guidelines Section 15091(d) requires the adoption of a Mitigation Monitoring and Reporting Plan which is the vehicle for assuring that mitigation measures will be implemented and tracked. Thus, Ms. Elizabeth's claim does not require further analysis.

The Section 15183 Analysis provides a mitigation measure regarding the conversion of agricultural land

Finally, Ms. Elizabeth believes that “there is no mention of mitigating the conversion of land used for agriculture.” This is not true. The Section 15183 Analysis addresses this issue in detail. Specifically, it provides that “the proposed Project is subject to the requirements of the Stockton Agricultural Lands Mitigation Program which will involve a contribution of conservation easement-protected land or payment of in-lieu fees to the Mitigation Program as compensation for the agricultural land conversion impacts of the Project.” (Section 15183 Analysis, page 268 of the April 9th Planning Commission Staff Report ,) Accordingly, this claim lacks factual basis and does not require further consideration.

The Sierra Club Requests that the Project include Affordable Housing.

The City of Stockton has not adopted an inclusionary zoning ordinance. At the time the Project was designed and applications prepared and submitted to the City of Stockton, the Stockton General Plan and Housing Action Plan, and all applicable governing rules were followed so the Project would be consistent with the General Plan and Zoning. Regarding any affordable housing element in any Project, the affordable housing element must be considered at the front end of the project in connection with the acquisition of the land and the pro forma required for the financing of the project. Asking for an affordable housing element at the end of the Project’s entitlement process is not an option given the previously approved financing and market projections.

The primary purpose of entering into a Development Agreement for the Bear Creek South Project was to document the roles and responsibilities associated with the timing of park construction, dedication of land and receipt of fee credits for design and construction. The Development Agreement has required the Developer to waive any reimbursement for the land for the four (4) parks which are required to be built up front and dedicated to the City with each phase of the development. This is a \$4.155 million value to the City.

We respectfully request that the City Council find the Section 15183 Analysis adequately addressed the Project’s environmental impacts based on the prior General Plan EIR. We also request that the City Council reject Ms. Elizabeth’s appeal of the Planning Commission’s recommendations concerning approval of the rezoning, development agreement, and approval of the tentative maps for the Project, and the challenges to the City’s reliance on the General Plan EIR under CEQA Guidelines Section 15183.

TriPointe Homes appreciates the City Council's deliberations, and looks forward to the City's issuance of the Project building permits in the very near future.

Regards,

BUCHALTER LLP

A handwritten signature in blue ink, appearing to be 'Alicia Guerra', with a long horizontal line extending to the right.

Alicia Guerra

AG:nj

Attachment

cc: Jason Cole
Matt Arnaiz
David Arnaiz
Jeff Klein
Trevor Smith

Project Requirement(s)

Revised Project Requirement 6: *As per the requirements of the General Plan Action LU-5.2.D, prior to the beginning of construction work, subsurface testing of the property shall be completed to determine if any buried sites are located on-site. If findings are made, particularly of human remains, a major archeological data recovery effort shall be required. A discovery excavation shall be done with backhoe trenching and/or other standard practices of excavating in areas identified by a qualified archeologist, including the use of hand tools, if necessary and feasible, and shall involve a tribal representative or representatives who are knowledgeable about local recorded resources near the project site.*

Subsurface testing shall be conducted extending to a depth of more than 60 inches to locate the location and extent of the buried sites using trenches or test units as per the recommendations of the Cultural Resources Assessment Summary of the site. The locations of the subsurface testing shall be determined by a qualified archaeologist. These resources may provide information on early man in this region.

Non-invasive testing such as ground penetrating radar or a magnetometer survey are not advised. There are not likely to be intact burials or subsurface features due to the long-term plowing over the last 175 years, deep ripping, development of orchards as well as other agricultural features such as ditches cut through the landscape, disturbing the soils. Non-invasive methods result in the need to open anomaly locations to determine what is there, turning those methods into roughly the same as excavated trenches.

There is always a possibility that a site may exist in the Project area, and be obscured by vegetation, siltation, or historic activities, leaving no surface evidence, even with testing. If artifacts, exotic rock, shell, or bone are uncovered during the construction, work in that area shall stop immediately and a qualified archeologist shall be contacted to examine and evaluate the deposit.

If the examination and evaluation reveals significant resources, a treatment plan in accordance with appropriate standards, such as the Secretary of the Interior's Standards for Treatment of Archaeological Sites would be prepared if the development cannot avoid an archaeological or paleontological deposit prior to construction.

Project Requirement 7: *As per the requirements of California Public Resources Code section 5097.98 and to Section 16.36.050 of the City's Municipal Code, in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area suspected to overlie adjacent remains. In accordance with the California Health and Safety Code (Section 7050.5), the San Joaquin County Sheriff/Coroner must be contacted immediately.*

The San Joaquin County Coroner shall determine whether the remains are subject to any provisions of law concerning investigation of the circumstances, manner and cause of death, and shall make recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative. The County Coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains.

If the Coroner determines the remains to be of Native American origin, the Coroner will notify the Native American Heritage Commission, which will in turn appoint a Most Likely Descendent (MLD) to act as a tribal representative. The MLD will work with the Project proponent/applicant and a qualified archaeologist to determine the proper treatment of the human remains and any associated funerary objects. Construction activities will not resume until either the human remains are exhumed, or the remains are avoided via Project construction design change.

After notification, the NAHC will follow the procedures outlined in Public Resources Code Section 5097.98. that include notifications of the MLDs, and recommendations for the treatment of the remains. The MLDs will have 48 hours after notification by the NAHC to make their recommendations (PRC Section 5097.98).

Project Requirement 8: *Consistent with Section 16.36.050 of the City's Municipal Code, if presently undocumented buried archaeological deposits are encountered during construction activities, work must cease within a 50-foot radius of the discovery. A qualified archaeologist must be retained to document the discovery, assess its significance, and recommend treatment in accordance with appropriate standards, such as the Secretary of the Interior's "Standards for Treatment of Archaeological Sites."*

June 10, 2026

Via Electronic Mail
Stephanie Ocasio
Director of Community Development
Community Development Department
City of Stockton
345 N. El Dorado Street
Stockton, CA 95202

Re: Peer Review — Cultural Resource Assessment Summary and Project Requirements for the Bear Creek South Residential Project, San Joaquin County, California (Peak & Associates, Inc., September 2024, revised February 2025)

Dear Ms. Ocasio:

Tremaine & Associates, Inc. (“TREMACHINE”) has been retained by De Novo Planning Group, Inc. (“De Novo”), to conduct an independent peer review of the Cultural Resource Assessment Summary (“Assessment”) prepared by Peak & Associates, Inc., for the Bear Creek South Residential Project (“Project”), together with the associated cultural resources Project Requirements (Requirements 6, 7, and 8) that have been incorporated into the Project as conditions of approval. This peer review was also undertaken with reference to the tribal consultation comments submitted by the Confederated Villages of Lisjan Nation (“Lisjan Nation”) through its legal counsel, The Circle Law Group, P.C., dated April 8, 2026, and the developer response letter from Buchalter, LLP, on behalf of TriPointe Homes, Inc., dated March 20, 2026, and the supplemental letter from Buchalter, LLP, dated May 6, 2026, addressing the Lisjan Nation’s April 8, 2026 comments and the appeal of the Planning Commission’s April 9, 2026 approval filed by Ms. Mary Elizabeth.

The purpose of this peer review is to evaluate whether the Assessment and the cultural resources Project Requirements, taken together, provide an adequate and professionally sound basis for the City’s CEQA determination, and to identify any remaining technical concerns along with practical measures that can be implemented prior to construction.

1.0 SCOPE OF PEER REVIEW

This peer review encompassed: (1) the Cultural Resource Assessment Summary prepared by Peak & Associates, Inc. (September 2024, revised February 2025); (2) Project Requirements 6, 7, and 8 addressing cultural resources; (3) the Lisjan Nation’s comment letter dated April 8, 2026; (4) the developer response letter from Buchalter, LLP, dated March 20, 2026; (5) the supplemental letter from Buchalter, LLP, dated May 6, 2026, responding to the Lisjan Nation’s April 8, 2026 letter and to the appeal of the Planning Commission’s April 9, 2026, decision filed

by Ms. Mary Elizabeth; and (6) applicable regulatory requirements under CEQA, the City of Stockton Envision 2040 General Plan, and California cultural resources law. No independent field survey was conducted as part of this peer review.

2.0 SUMMARY OF THE ASSESSMENT AND PROJECT REQUIREMENTS

2.1 Cultural Resource Assessment Summary

The Assessment covers the 503.89-acre Development Area located in unincorporated San Joaquin County adjacent to the City of Stockton's northern city limits. The work included a records search through the Central California Information Center (CCIC), a check of the Native American Heritage Commission (NAHC) Sacred Lands files (SLF), and a pedestrian field survey conducted over four days in April 2022 by archaeologist Michael Lawson under the direction of principal investigator Melinda A. Peak.

The records search identified five previously recorded resources within the Project area, two of which are significant for purposes of this review. Site CA-SJO-315/H (P-39-004641) is a multi-component prehistoric, protohistoric, and historic period site with surface artifacts covering approximately 12,000 square meters; it appears to be associated with a former historic-period residence and may overlie a deeper prehistoric deposit. Site CA-SJO-253 (P-39-000005) contains bone and chipped stone and was interpreted by the original recorder as a possible small village site; the original site record notes that boundaries could not be determined due to dense crops and that the site is in a disturbed condition, with a metate thought to have been pulled from a deeply buried cultural sediment. The field survey identified prehistoric artifacts in three locations but was unable to relocate either of the two primary recorded sites.

The soils analysis identifies approximately 90 percent of the Project area as Jacktone clay (rated "high" for buried site potential) and approximately 10 percent as Stockton clay along Bear Creek (rated "very high" for buried site potential). The Assessment concludes that the Project area has a meaningful potential for buried prehistoric resources, particularly below approximately five feet depth, and recommends pre-development subsurface testing and construction monitoring.

2.2 Cultural Resources Project Requirements

The Project Requirements addressing cultural resources — Requirements 6, 7, and 8 — establish a substantive framework for supplemental resource identification efforts prior to construction, as well as protection should cultural resources be encountered during Project implementation.

Project Requirement 6 requires mandatory pre-construction subsurface testing of the property prior to the beginning of any construction work. The requirement also mandates pre-construction worker training on avoidance and minimization measures, confidentiality, and applicable state law. In the event resources are encountered during construction, work must stop immediately and both a qualified archaeologist and the tribal representative must be contacted; if significant resources are confirmed, a treatment plan consistent with the Secretary of the Interior's (SOI's) Standards must be prepared before work can resume.

Project Requirement 7 establishes a comprehensive human remains protocol consistent with California Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98, and the City's Municipal Code. The requirement mandates immediate cessation of work, notification of the San Joaquin County Coroner, and — if remains are determined to be of Native American origin — notification of the NAHC and appointment of a Most Likely Descendant (MLD) to work with the project proponent and a qualified archaeologist on treatment and disposition. Construction may not resume until remains are either exhumed or avoided through a design change.

Project Requirement 8 establishes a response protocol for any undocumented buried archaeological deposits encountered during construction, requiring cessation of work within a 50-foot radius, retention of a qualified archaeologist, and preparation of treatment recommendations consistent with the SOI's Standards before work can resume.

3.0 EVALUATION

3.1 Overall Assessment of the Cultural Resources Program

Having reviewed the Assessment and the cultural resources Project Requirements as an integrated package, it is my professional opinion that the program, taken as a whole, establishes a technically sound and legally defensible framework for the identification, evaluation, and treatment of cultural resources for this Project. The following elements are particularly noteworthy.

The mandatory pre-construction subsurface testing requirement in Project Requirement 6 is the most significant protective measure in the program. Requiring subsurface testing prior to the beginning of construction work — rather than relying solely on construction monitoring — reflects sound professional practice and directly addresses the elevated buried site potential identified by the soils analysis. The principal technical issue identified in this peer review concerns Peak's conclusion regarding the limited value of non-invasive geophysical testing, as quoted below. Recommendations addressing this issue are provided in Section 4.0.

Non-invasive testing such as ground penetrating radar or a magnetometer survey are not advised. There are not likely to be intact burials or subsurface features due to the long-term plowing over the last 175 years, deep ripping, development of orchards as well as other agricultural features such as ditches cut through the landscape, disturbing the soils. Non-invasive methods result in the need to open anomaly locations to determine what is there, turning those methods into roughly the same as excavated trenches.

The requirement to involve a tribal representative throughout the testing process is consistent with current best practices in California cultural resources management. Their involvement provides a meaningful mechanism for tribal knowledge to inform the identification and treatment of cultural resources.

The pre-construction worker training requirement in Project Requirement 6 is an important and often undervalued protective measure. Construction workers who understand what to look for

and what to do when they encounter cultural materials are a critical component of any effective resource protection program, and this requirement directly addresses that need.

The human remains protocol in Project Requirement 7 is comprehensive and fully consistent with applicable state law. The requirement to halt work, notify the Coroner, engage the NAHC, and work with the MLD prior to resuming construction represents the legally required and professionally appropriate approach to this sensitive issue.

The inadvertent discovery protocol in Project Requirement 8 provides a clear and workable mechanism for responding to unexpected finds during grading and construction, with appropriate thresholds for work stoppage, professional evaluation, and treatment planning.

3.2 Response to Concerns Raised by the Lisjan Nation

The Lisjan Nation raises concerns in its April 8, 2026, letter that merit professional evaluation in the context of the Project Requirements.

The Tribe's primary concern — that the Project's cultural resources program relies only on construction-phase mitigation and provides no opportunity for pre-construction identification — is directly addressed by Project Requirement 6. The requirement that subsurface testing be completed prior to the beginning of construction work is precisely the pre-construction mechanism the Tribe has called for. The testing program will be conducted under the oversight of a qualified archaeologist and with tribal representative involvement, providing the technical and cultural framework necessary to locate the boundaries of the known sites (CA-SJO-315/H and CA-SJO-253) and identify any additional subsurface deposits before grading begins.

The Tribe's concern that the General Plan EIR's approach to cultural resources constitutes "salvage archaeology" rather than mitigation is a fair characterization of excavation-and-removal as a stand-alone mitigation measure. However, the Project Requirements go beyond that framework by requiring pre-construction testing, tribal involvement throughout, and the preparation of a treatment plan consistent with the SOI's Standards. Data recovery conducted under those Standards — when conducted systematically by a qualified archaeologist with tribal monitoring — constitutes professionally accepted mitigation that preserves the scientific and cultural information contained in archaeological deposits. The Project Requirements therefore provide a more robust protective framework than the General Plan EIR mitigation measures standing alone.

The Tribe's concern regarding invasive testing prior to construction, as discussed in Peak's Assessment Report, is understandable and merits consideration. The recommendations provided in Section 4.0 offer a practical approach that is consistent with current professional archaeological standards.

The Tribe's request for independent access to the Project site prior to construction is a property access matter that falls outside the scope of the formal archaeological program. The pre-construction subsurface testing required by Project Requirement 6, conducted by a qualified

archaeologist with tribal participation, constitutes an appropriate and legally sufficient mechanism for pre-construction resource identification at this site.

4.0 FINDINGS AND TARGETED RECOMMENDATIONS

Based on my peer review, I find that the Assessment and cultural resources Project Requirements provide a professionally adequate and legally defensible basis for the City's environmental determination. The following targeted recommendations are offered to further strengthen the program. Each is designed to be implemented as part of the pre-construction process already required by Project Requirement 6 — none requires City Council to impose additional conditions of approval or delay the project entitlement.

1. **Develop a Written Pre-Construction Testing Plan Prior to Issuance of Grading Permits.** Project Requirement 6 requires subsurface testing prior to construction but does not specify a written testing plan as a pre-grading permit deliverable. I recommend that the City require the project archaeologist to prepare and submit a brief written testing plan — identifying proposed testing locations, depth targets, excavation methods, and tribal coordination protocols — for City review and approval prior to issuance of grading permits. This plan can be prepared within a matter of weeks and will ensure that the testing program is systematically focused on the highest-priority areas identified by the soils analysis and the locations of the known recorded sites. A written plan also provides a clear and reviewable record of the pre-construction process that supports the City's CEQA documentation. This is a pre-construction administrative measure consistent with the intent of Project Requirement 6 and does not require any change to the conditions of approval.

TREMAINE recommends that the written testing plan incorporate a non-invasive and minimally invasive subsurface testing approach to supplement the prior pedestrian surveys. This approach should address the Lisjan Nation's concerns while also providing the developer with subsurface data that may be useful for planning purposes. If this testing indicates that buried cultural resources may be present, additional invasive testing may be warranted.

2. **Establish Data Recovery as the Treatment Standard for Significant Subsurface Discoveries.** Project Requirement 6 states that if subsurface testing identifies significant resources, a treatment plan shall be prepared consistent with the SOI's Standards. Given the Project's land use objectives and the nature of the known resource types at this location, professionally conducted data recovery excavation — conducted by a qualified archaeologist with tribal monitoring — is the appropriate and practicable treatment standard for any significant archaeological deposits identified during pre-construction testing. Data recovery under the SOI's Standards preserves the scientific and cultural information value of archaeological resources through systematic excavation, documentation, analysis, and reporting, and constitutes recognized and legally defensible

mitigation under CEQA. TREMAINE recommends that the written testing plan required by Recommendation 1 include a data recovery protocol to be implemented in the event significant resources are identified, so that a treatment framework is in place before testing begins and construction scheduling is not delayed by the need to develop a treatment approach after the fact.

3. **Confirm Tribal Coordination Protocol in Project Documentation.** As documented in the May 6, 2026, supplemental letter from Buchalter, LLP, Project Requirement 6 has been revised to refer to a “Tribal Monitor or Monitors” rather than specifying a single tribal group by name. TREMAINE recommends that, prior to initiating pre-construction subsurface testing, the City and the Project archaeologist confirm in writing the identity of the designated Tribal Monitor or Monitors and their respective roles under Project Requirements 6, 7, and 8. This pre-construction coordination step ensures operational clarity for all parties without requiring any change to the conditions of approval. If human remains are found during construction, the NAHC will assign the role of MLD at that time. The MLD assigned by the NAHC may not necessarily be affiliated with the tribal group selected to conduct monitoring. If that occurs, the MLD may assume the lead role in consultation regarding treatment and disposition of the remains or may defer to the Tribe already engaged in monitoring, as appropriate.

5.0 CONCLUSION

Based on my independent peer review of the Cultural Resource Assessment Summary and Project Requirements 6, 7, and 8, it is my professional opinion that the cultural resources program established for the Bear Creek South Residential Project is technically adequate and professionally sound. The pre-construction subsurface testing requirement in Project Requirement 6 is the cornerstone of the program and directly addresses the most significant archaeological concern raised by the site’s resource history and soil conditions. The revised Project Requirement 6 provision for a Tribal Monitor or Monitors — ensures that tribal monitoring throughout the testing, construction, and response process reflects both professional archaeological standards and the tribal knowledge most directly relevant to this project area. The human remains and inadvertent discovery protocols in Project Requirements 7 and 8 are fully consistent with applicable state law and professional standards.

The recommendations in Section 4.0 of this letter are offered as practical enhancements to an already sound program. Each is implementable within the existing conditions of approval and the pre-construction timeframe established by Project Requirement 6, without any delay to resolution of the pending appeal or City Council action on the Project. The City has established a clear record of consultation efforts with all tribal parties, and the Project Requirements reflect the outcome of that process. The supplemental response from Buchalter, LLP, dated May 6, 2026 further documents the Developers’ good-faith engagement with tribal parties and their ongoing commitment to implementing Project Requirements 6, 7, and 8. Adoption of the recommendations above would further strengthen the technical record and provide a well-

documented pre-construction framework that supports the long-term defensibility of the City's CEQA determination.

I am available to discuss the findings of this peer review with City staff, the project applicants, or tribal representatives at the City's convenience. Please feel free to contact me at ktremaine@tremaine.us or (707) 333-5288.

Respectfully submitted,

A handwritten signature in cursive script that reads "Kim Tremaine".

Kim Tremaine, M.A., RPA

Principal Archaeologist

Tremaine & Associates

Registered Professional Archaeologist #3872

cc: Steve McMurtry, De Novo Planning Group, Inc.