

**NATIVE DIRECTIONS INC. HEADQUARTERS:**  
13505 South Union Road Manteca, CA 95623  
**MAILING ADDRESS:**  
PO Box 1552 Manteca, CA 95336



**Native Directions Inc.**

**PHONE:**  
(209) 858-2421

**EMAIL:**  
rvaladez@natedirections.org

**WEBSITE:**  
www.natedirections.org

**HOMECA HEADQUARTERS:**  
5899 Dolomite Drive, El Dorado, CA 95623  
**MAILING ADDRESS:**  
2201 Francisco Drive, Suite 140-237,  
El Dorado Hills CA 95762



**PHONE:**  
(855) 466-3978  
**EMAIL:**  
infohomeca.org  
**WEBSITE:**  
www.homeca.org

September 19, 2024

Karen Garner  
Director  
El Dorado County Building and Planning Department  
2850 Fairlane Court, Building C  
Placerville, CA 95667

Dear Director Garner,

**Subject:** CEQA Statutory Exemption and Issuance of Permit  
**Project:** Youth Perinatal Residential Facility  
**Location:** 2716 Sands Road, Rescue, CA

I hope this message finds you well.

First, we want to extend our deepest appreciation to you and your team, particularly the staff in Building and Planning, for the ongoing support and guidance throughout the permitting process. Your department's professionalism and responsiveness have been invaluable, and we truly appreciate the timely feedback we've received. The Fire Department has also been helpful in guiding us through the necessary fire mitigation measures to ensure the highest level of safety at our facilities. We have fully incorporated their recommendations into the building design, and we are deeply appreciative of their expertise and support.

In response to your letter from May 3, 2024, which raised concerns about compliance with local zoning, CEQA and the letter of support, we promptly addressed these issues in our May 17, 2024 reply. While we have not yet received our permits, we were encouraged to see approval from the Fire and Building Departments, as well as the estimated permit fees in the County Portal.

Our project is statutorily exempt from CEQA, and we are therefore requesting that you issue the Notice of Exemption (NOE) to facilitate the necessary permits and allow us to move forward with construction on these critical tribal projects.

### **1. Compliance with Local Zoning**

The project is exempt from local zoning regulations under a specific statewide exemption established by the statute enacting the Behavioral Health Continuum Infrastructure Program, as outlined in Welfare and Institutions Code Section 5960.3(a). This statute states:

*"Notwithstanding any other law, a facility project funded by a grant pursuant to this chapter is considered consistent and in conformity with any applicable local plans, standards, or requirements, and is permitted*

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*as a use within the designated zone. It is not subject to a conditional use permit, discretionary permit, or any other discretionary reviews or approvals.”*

## **2. CEQA Exemption**

Strengthening the Case for CEQA Statutory Exemption – Item #9

We believe we have clearly met #1 to #9 of the Welfare and Institutions Code (WIC) § 5960.3(b), but are aware of concerns regarding # 9, which requires that the project “*not result in any increase in the existing onsite development footprint of structures or improvements.*”

To clarify, the property at 2716 Sands Road, Rescue, CA, is *raw and undeveloped, with no existing structures or improvements. Therefore, there is no “existing onsite development footprint” that could be increased.* The plain reading of the statute, particularly the terms “increase” and “existing,” clearly applies to projects intending to expand or enlarge existing structures. Our project, by contrast, involves creating a new footprint on previously undeveloped land. As there is no existing footprint to expand, we are confident that this does not violate Item #9’s stipulations.

## **Legislative Intent and Public Benefit**

The legislative intent behind Welfare and Institutions Code § 5960.3(b)(9) is clear: its purpose is to prevent unnecessary expansions of existing developments, not to hinder essential new projects on undeveloped land. Our project is designed to provide critical behavioral health services to underserved populations, with a focus on Native Americans. This aligns directly with California’s policy of expanding access to care for vulnerable communities.

Blocking or delaying this project due to a misinterpretation of the statute would harm those the legislation is designed to support—vulnerable pregnant Native American youth, who face the highest rates of teen pregnancy and have the most unmet needs of any ethnic group in California. In fact, this facility serving natives will be the first of its kind in the state. We are proud that El Dorado County will lead the way in pioneering this initiative once the Notice of Exemption is filed, and the permits are issued.

This project offers significant public benefits by addressing critical community needs, and we are fully committed to bringing it to fruition in Rescue.

## **3. Letter of Support**

### **Native Directions is a Tribal Entity**

I would like to clarify that Native Directions, Inc. (NDI) is a tribal entity, *and not merely a nonprofit entity within the State of California.* NDI is specifically an urban Indian organization (UIO), recognized under Section 5960.35(b)(2) of the California Welfare and Institutions Code (WIC). This section defines a

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*“tribal entity” as a federally recognized Indian Tribe, tribal organization, or urban Indian organization, as outlined in Section 1603(29) of Title 25 of the United States Code.*

While NDI is not a federally recognized Indian tribe, we have served as a legitimate urban Indian organization for more than 50 years, providing vital health, housing and wellness services to Native American communities throughout California. Our services extend across multiple tribes, supporting Native Americans from diverse tribal affiliations. The recognition by Indian Health Services (IHS) as an Urban Indian Organization underscores our critical role in delivering essential services, particularly within urban areas.

We have included fact sheets from CCUIH and NDI in this letter, which provide vital information on Urban Indian Organizations (UIOs), also referred to as Urban Indian Health Organizations (UIHOs), and their vital role in serving American Indians in California. It is also worth emphasizing that California has the largest population of American Indians in the U.S., with an estimated 800,000 according to the latest U.S. Census Bureau data. Additionally, California is home to 10 UIOs, representing one-third of the 34 UIHOs across the nation. Notably, *88% of American Indians in the state live in urban areas, compared to just 3% residing on reservations.*

### **Tribal Entity’s Letter of Support Comes from Tribal Board**

As a tribal entity, the grant applications required us to provide a letter of support from the NDI tribal board, rather than the County of El Dorado (EDC) Board of Supervisors, which we included as part of our submission. We also had to collaborate with EDC, including the Fire Department and Department of Building and Planning, to secure the NOE and obtain the necessary permits for construction.

We had no intention of bypassing El Dorado County; in fact, after securing the Program Funding Agreement, we planned to start contact with the El Dorado County Board of Supervisors. However, once the pushback from Rescue neighbors began, coupled with the spread of false information that alarmed the community, the situation became more challenging to navigate. Despite our efforts to release fact sheets clarifying our projects and the media’s verification of the facts, some Rescue neighbors continued to disseminate misinformation and work to rally legislators, and the Board of Supervisors, in an attempt to *push us off our land.*

## **4. Additional Information**

### **Collaboration with Shingle Springs Band of Miwok Indians**

We will confirm if the Shingle Springs Band of Miwok Indians in El Dorado County have changed their position, because in our meeting at their corporate headquarters in June 2023 we reached a mutual understanding—particularly as they, like the Rescue neighbors, initially believed we were constructing

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medical buildings. However, the lack of a formal partnership with the Shingle Springs Band of Miwok Indians does not diminish our legitimacy, as we serve a broad spectrum of Native American populations throughout California.

### **We Cannot Relocate: Grants Tied to the Land**

While some members of the Rescue community have suggested that we consider alternative sites, we want to re-emphasize that the land for these projects was part of our required 5% match for the grant and is directly tied to the funding. The grant did not cover the cost of the land, and neither the county nor the state contributed to its purchase, making relocation infeasible.

### **Ongoing Engagement with Board of Supervisors and Willingness to Mitigate**

NDI, HomeCA, and our design team have engaged in regular communication with local officials, including Supervisors Laine, Hidahl, and Parlin, with whom we met in July 2024. We are committed to addressing community concerns, as indicated in our correspondence with Supervisor Hidahl, which outlines our willingness to mitigate significant environmental impacts. Please find attached our letter to Supervisor Hidahl.

### **Rescue Neighbors Pushing for EIR Violates CEQA Process**

At the CEQA workshop held by the El Dorado County Planning Commission on July 27, 2024, it was clarified that an Environmental Impact Report (EIR) is only required if an initial study identifies significant environmental impacts that the applicant chooses not to mitigate. This is not the case for this project. Opponents of the Rescue project are pushing for an EIR prematurely, likely as a tactic to delay the project indefinitely. This approach not only violates the CEQA process but is also unfair and discriminatory.

### **Commitment to Environmental Mitigation**

Although we are confident in our project's eligibility for the CEQA statutory exemption, we remain open to addressing any significant environmental impacts identified by the County. We will continue to implement appropriate mitigation measures to ensure our project aligns with both community and environmental standards.

### **Next Steps and Filing of Notice of Exemption:**

Based on the clarifications provided in this letter, we respectfully request your office's confirmation that we have fulfilled the requirements under Item #9. We also ask that you proceed with the filing of the Notice of Exemption (NOE) at your earliest convenience.

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### **Meeting Request**

If you have any further questions or need additional clarification, we would be happy to arrange a meeting at your convenience. Please let us know your availability before September 21 or after October 2, as we will be unavailable between those dates.

Thank you once again for your time, consideration and ongoing collaboration. We look forward to your feedback and remain committed to working together to ensure the successful completion of this critical project.

Sincerely,

Patrick Prado, COO  
HomeCA Inc.

Ramona Valadez, Executive Director  
Native Directions Inc.





# Health Care for American Indians Living in Urban Communities in California

## What We Do:

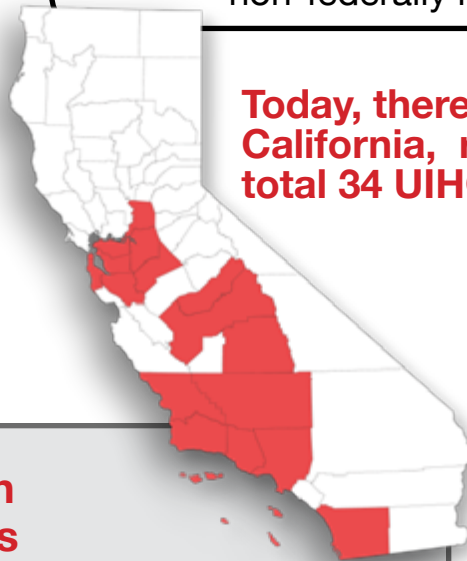
- Policy Monitoring and Advocacy
- Research and Evaluation
- Community Initiatives
- Training and Technical Assistance

## Urban Indian Health Organizations

(UIHOs) are independent, nonprofit, Indian-controlled organizations that contract with the Indian Health Service (IHS) to provide direct health care, referral/access services, inpatient and outpatient substance abuse treatment, and social service programs.

**California** is home to more American Indians than any other state in the country, including Urban Indian communities, and terminated, or non-federally recognized Tribes.

**Today, there are 10 UIHOs in California, representing 1/3 of the total 34 UIHOs in the U.S.**



**1 in 9 American Indians in the U.S. lives in a California city.**

## California State Health Care System for AIANs

The state administers Medicaid programs, funded by the federal government, to ensure access to health-care services for AIAN individuals.

- Health services for American Indians are based on a special historical legal responsibility identified in treaties with the U.S. government.
- California voluntarily accepted this responsibility by adopting Public Law (P.L.) 83-280 in 1954, which allowed for State jurisdiction of Indian affairs.
- [DHCS: Indian Health Program \(IHP\)](#) mission is to improve the health status of American Indians living in urban, rural, and reservation or rancheria communities throughout California.



## Table 1: American Indians in California

American Indians in CA that live in Urban Areas:	<b>88%</b>
American Indians in CA that live on Reservations:	<b>3%</b>
Federally Recognized Tribes in CA:	<b>110</b>
Non-Federally Recognized Tribes in CA:	<b>50</b>
CA State Tribes Petitioning for Federal Recognition:	<b>75</b>

## The Right to Health Care

American Indians have a special Trust relationship with the U.S. government, receiving essential resources such as healthcare. Title V of the Indian Health Care Improvement Act (1976) explicitly authorizes health services for Urban Indians.

Urban Indians are individuals of American Indian ancestry who have moved to cities either by choice seeking employment, education, and housing, or by force through the federal government's relocation policies starting in the 1940's. This has resulted in the vast majority of Urban Indians being unable to access their tribes for health services. Urban Indian Health Organizations are a key lifeline for the population.



**Studies show that many American Indians **fail to seek treatment** at non-Indian facilities due to **historical trauma, experienced prejudice, and misconceptions** about American Indian health problems.**

### Urban Indian Health Status

Factors including economic, systemic, historical, and access to health care have all led to severe health disparities among the Urban Indian population. American Indians in urban areas suffer from chronic health conditions and health disparities that are vastly disproportionate to the health status of the general population.

Racial misclassification is a common occurrence on vital health statistics and census reports for American Indians in urban settings. These discrepancies lead to the ongoing underestimation of the population size and health status of Urban Indians in California.

### Urban Indian Health Organizations (UIHOs)...

- Are uniquely positioned to identify health issues and diseases prevalent in the Urban Indian community.
- Offer culturally competent health, wellness, and prevention services.
- Are one-stop health centers that combine medical, dental, behavioral health and prevention with traditional healing practices. These factors result in American Indian patients seeking treatment earlier and more often than in non-Indian health facilities.





# Native Directions Inc.: An Urban Indian Organization Fact Sheet

## Understanding the Role of an Urban Indian Organization

### Tribal Entity Status

Under Section 5960.35 (b)(2) of the California Welfare and Institutions Code (WIC), Native Directions Inc. is a tribal entity, and specifically an Urban Indian Organization as defined in section 1603 of Title 25 of the United States Code.



#### 1. Location

Native Directions Inc. primarily operates in urban areas, particularly in Manteca and Stockton, California. Recently, NDI has extended its services to El Dorado County and Amador County. Unlike organizations that focus on serving Native Americans on reservations, Native Directions Inc. is dedicated to supporting Native American populations living in urban environments or outside reservation boundaries.



#### 2. Serving the Native Population

For over 52 years, Native Directions Inc. has been dedicated to providing essential services to Native Americans living in both urban and rural areas, including those outside reservation boundaries. These individuals may belong to federally recognized tribes, state-recognized tribes, or have Native American ancestry, even if they are not affiliated with a specific tribe.



#### 3. Health and Social Services

The organization's primary mission is to deliver health care services. In addition, it provides a broad range of social, educational, and cultural support tailored to the unique needs of Native Americans in urban environments, ensuring culturally appropriate care and assistance.



#### 4. Recognition and Funding

Native Directions Inc. is recognized and funded by Indian Health Services (IHS), a division of the U.S. Department of Health and Human Services. This recognition allows the organization to participate in programs designed for tribal entities, helping to address health disparities and other challenges faced by urban Native Americans.

NDI addresses the unique challenges faced by Native Americans who reside in urban areas. Historically, NDI has served Native Americans in need across California and has extended its services to individuals from other states, including Florida, New York, New Mexico, Nevada, Arizona, and beyond.

## The Role of Native Directions Inc.

As an Urban Indian Organization, Native Directions Inc. has played a crucial role for over five decades in ensuring that Native Americans living away from their traditional homelands have access to the services and support they need. The organization is a vital part of the broader effort to improve the well-being of Native populations in urban settings.

### Tribal Affiliations

Members of Native Directions Inc. are of Native American descent and are affiliated with a diverse range of tribes, reflecting the extensive heritage within the organization. These tribes include:

- Fort Sill Chiricahua Apache Tribe of Oklahoma
- Comanche
- Chiricahua Apache (CA)
- Iroquois
- Pee-Posh from Gila River, Phoenix, Arizona (CA)
- The Barbareño/Ventureño Band of Mission Indians (CA)
- Hopi
- Pascua Yaqui
- Acoma Pueblo
- Maya
- Omaha
- Ponca
- Cherokee
- Ho-Chunk
- Paiute (CA)
- Potawatomi
- Miwok (CA)

This diversity underscores the significant role Native Directions Inc. plays in serving the urban Indian community, a responsibility it has fulfilled with dedication for over 52 years.



209-858-2421



rvaladez@natedirections.org



natedirections.org





07/25/24

Dear Supervisor Hidahl,

I hope this email finds you well. Thank you for meeting with us on Monday, July 22, 2024, and sharing your expertise, especially on fire mitigation. Your insights were invaluable in highlighting important areas, many of which we had already considered and incorporated into our building design and fire-safe landscaping plans. We appreciate your guidance and are grateful for your assistance. Below is a recap of the items we discussed, which will help guide our future actions.

One outstanding item was contacting the Rescue Fire Council and we sent an email to them already and awaiting response.

### **Fire Department Coordination**

Anthony Lee Mull, the architect of HomeCA's Design Team, summarized their coordination with Fire Captain Joel Warman from Rescue Fire. They have been in discussions with Captain Warman since March 6, 2024, initially consulting him about the appropriate fire sprinkler system for their project. Captain Warman confirmed they could use an NFPA 13R fire sprinkler system, and they followed his recommendations. Additionally, they received guidance from him on driveway widths and onsite water storage, all of which were incorporated into the project design. Throughout March, Mull and the fire sprinkler design team, Elite Automatic, maintained ongoing communication with Captain Warman via email, discussing the pump system, water storage, and other design-related queries. All recommendations were included in the design. In May, they submitted a complete set of plans and permit numbers to the Fire Department for review. Following further communication in July, Captain Warman confirmed the building permit approval on July 8. By July 16, they received minor comments from the Fire Department's review agency, which Elite Automatic is addressing. Overall, Captain Warman has been consistently helpful, responsive, and supportive, providing technical assistance and ensuring all fire department requirements were met.



### **Fire Safety and Mitigation**

Regarding fire safety and mitigating fire risk, our Fire Safety and Mitigation Plan includes establishing a 200-foot defensible space around the property, using fire-resistant construction materials such as a metal roof and other fire retardant materials, installing a fire sprinkler system with large water containers that release water to eliminate fire when triggered, and installing a fire alarm. We also have a Fire Mitigation Volunteer Consultant, a retired Fire Captain, included in our team to provide expert guidance.

### **Evacuation Procedures**

For evacuation procedures, we conduct monthly fire drills at various times to ensure residents are prepared. Residents must have a backpack ready for quick evacuation containing important documents, medication lists, and other essentials. We maintain an accessible road with four-way access for efficient evacuation for the Youth Perinatal and Adult Residential Facilities in Rescue. Facilities in Shingle Springs are located next to Highway 50, providing efficient evacuation routes.

### **Water Supply**

To ensure an adequate water supply, our wells provide 80 gallons per minute for the Youth Perinatal Facility and 45 gallons per minute for the Adult Residential Facility. Facilities near Highway 50 will be connected to the El Dorado Irrigation District (EID) for water supply.

### **Traffic Mitigation Plan**

Our Traffic Mitigation Plan aims to minimize traffic by consolidating grocery shopping trips to Costco every two weeks. Amazon and other delivery services will have minimal impact, as residents do not have the financial means to place orders frequently. Additionally, residents usually do not own cars, reducing overall vehicle traffic. Staff members who live on-site may own cars, but their presence will have a limited impact on traffic flow.



### 911 System Utilization

Regarding 911 system utilization, our facilities are non-medical, and 911 is called only in life-threatening situations. For non-emergency situations, staff will transport residents to their doctor's appointments.

Thank you once again for your time and valuable input. We look forward to continuing our engagement and addressing any further concerns as we proceed with these important projects.

Warm regards,

*Patrick Prado*

Patrick Prado, COO  
HomeCA Inc.

*Ramona Valadez*

Ramona Valadez, Executive Director  
Native Directions Inc.

Native Directions Inc. and HomeCA