

From: Janet Eidsness

Sent: Tuesday, December 15, 2015 7:38 PM

To: Christopher Calfee; Holly Roberson; CEQA Guidelines@CNRA

Cc: Janet Eidsness; Jana Ganion; Tom Torma; Erika Cooper; Janet Eidsness

Subject: Blue Lake Rancheria comments on AB 52 - Appendix G checklist language for Tribal Cultural Resources

Dear Mr. Calfee, Ms. Roberson and team at OPR:

I am authorized by the Blue Lake Rancheria to submit these formal comments on the behalf of the Tribe regarding the subject CEQA checklist language for Tribal Cultural Resources.

The attached provides a modified version of OPR's draft Alternative 3 that incorporates the Tribe's concerns. Further, it incorporates suggestions from the Native American Heritage Commission (reflected in OPR's draft Alternative 2) consistent with existing state laws protecting Native American remains and grave sites and places listed on the Sacred Lands Inventory maintained by the NAHC. Further, it is important that Tribal Cultural Resources, as a newly identified environmental resource defined under AB 52, is placed under its own header with a number of supporting prompts.

We thank you for all your hard work on meeting this legislative requirement.

Alternative 3

TRIBAL CULTURAL RESOURCES.

Information submitted through consultation with a California Native American Tribe that has requested such consultation may is to be considered by assist a lead agency in determining what type of environmental document should be undertaken, identifying tribal cultural resources, determining whether the project may adversely affect tribal cultural resources, and if so, how such effects may be avoided or mitigated. Whether or not consultation has been requested, However, regardless of whether tribal consultation occurs or is completed, substantial adverse changes to a tribal cultural resource are to be identified, assessed and mitigated. Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.

Potentially Significant Impact	Less Than Significant with Mitigation Incorporated	Less Than Significant Impact	No Impact
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1) Would the project cause a substantial adverse change in a site, feature, place, cultural landscape, sacred place, or object, with cultural value to a California Native American Tribe, which is any of the following:

a) Included or determined to be eligible for inclusion in the California Register of Historical Resources?

b) Included in a local register of historical resources?

~~c) Determined by the lead agency, in its discretion and supported by substantial evidence, to be a tribal cultural resource, after applying the criteria in Public Resources Code §5024.1(c), and considering the Significance of the resource to a California Native American Tribe?~~

c) After considering the significance of the resource to a California Native American Tribe and applying the criteria in Public Resources Code §5024.1(c), a resource is determined by the lead agency, in its discretion and supported by substantial evidence, to be a tribal cultural resource?

2) Would the Project:

a) Potentially disturb any human remains, including those interred outside of dedicated cemeteries (see Cal. Public Resources Code, Ch. 1.75, §5097.98 and Health and Safety Code §7050.5(b))?

b) Potentially disturb any resource or place defined in Public Resources Code §5097.9 et seq (Native American Historical, Cultural and Sacred Sites)?