



*Via Electronic Mail: [ceqa.guidelines@resources.ca.gov](mailto:ceqa.guidelines@resources.ca.gov)*

December 15, 2015

Holly Roberson, Land Use Counsel  
Governor's Office of Planning and Research  
1400 Tenth Street  
Sacramento, CA 95814

Re: Discussion Draft of Proposed Changes to Appendix G of the CEQA Guidelines  
Incorporating Tribal Cultural Resources

Dear Ms. Roberson,

This letter is submitted on behalf of Chairman, Greg Sarris of the Federated Indians of Graton Rancheria, a federally recognized tribal government located in Rohnert Park, California. We provide this letter in response to the Office of Planning and Research's letter of December 1, 2015 inviting the Tribe to participate in a pre-regulatory process on AB 52's requirement to modify the CEQA Guidelines environmental checklist form (Appendix G).

The Tribe appreciates the opportunity to comment on the proposed alternatives and in review of them found none of the proposed alternatives to be preferred, however, alternative 3 was favorable with substantial changes (see enclosure). A few brief comments are listed below in addition to the enclosure and submitted for the public record:

- **The legislature recognizes (in AB 52) that "California Native Americans tribes may have expertise with regard to their tribal history and practices, which concern tribal cultural resources with which they are traditionally and culturally affiliated..." Any checklist developed to aid professionals conducting CEQA compliance must incorporate in their analysis tribal knowledge of cultural and historical resources and utilize the tribal experts, should they opt to consult.**
- **Tribes who have assumed Tribal Historic Preservation Office (THPO) responsibilities must administer Tribal Historic or Heritage Registers for lands within their authority and lands within their ancestral territory. This is an option for determining eligibility of a Tribal Cultural Resource (TCR) but is not provided as a resource in the Appendix G checklist.**



FEDERATED INDIANS OF  
**GRATON**  
RANCHERIA

Thank you for your time and consideration of the Tribe's comments and proposed modifications to Alternative 3.

Sincerely,

Buffy McQuillen, Tribal Heritage Preservation Officer  
Federated Indians of Graton Rancheria

Enclosure – Sample Appendix G Checklist Form

cc: Cynthia Gomez, Executive Director, Native American Heritage Commission

## Federated Indians of Graton Rancheria Proposed 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 | Less Than Significant Impact | No Impact                |
|---|--------------------------------|---------------------------------------|------------------------------|--------------------------|
| 1) <u>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:</u>  | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>     | <input type="checkbox"/> |
| a) <u>Included or determined to be eligible for inclusion in the California Register of Historical Resources?</u>   | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>     | <input type="checkbox"/> |
| b) <u>Included in a local register of historical resources?</u>   | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>     | <input type="checkbox"/> |
| c) <u>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?</u>              | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>     | <input type="checkbox"/> |
| c) <u>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?</u> | <input type="checkbox"/>       | <input type="checkbox"/>              | <input type="checkbox"/>     | <input type="checkbox"/> |

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)?