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December 17, 2015

Holly Roberson, Land Use Counsel
Office of Planning and Research
1400 10th Street
P.O. Box 3044
Sacramento, CA 95812-3044

Dear Holly Roberson,

First, I would like to thank you officially for your part in the training and information session on CEQA and AB52 at Bear River on December 7th, and also for coming out to Karuk lands for a meeting with Karuk staff and council members on December 8th. Both meetings were highly informative and enlightening, and clarified many of the relevant fine points of CEQA and AB52. In particular, I was impressed with your appreciation of the difficulty of squaring a legal statute with the Karuk world view. As a result of that meeting, we do differ from some other California Tribes in our reaction to the AB52 Technical Advisory. On a larger scale however we would still be very keen to see the development of guidelines on AB52, and would value the opportunity to take an active role in their development.

On the topic of Appendix G, I have further discussed the three presented options with DNR staff at the Karuk Tribe, with council members, and with THPOs of other Tribes. Among these diverse groups, there does seem to be a consensus in favor of a modified version of option 3. There is a likelihood that use of options 1 and 2 would relegate Tribal Cultural Resources to secondary consideration in the eyes of some Lead Agencies. We very much appreciate your insertion of an initial paragraph in option 3 about the importance of consultation with Tribes. As was discussed in the meeting in Orleans, the sentences in that paragraph that define cultural resources needs to be separated off, at the very least. We recognize the need for the suggested language in Appendix G to be compatible with the provisions in the statute itself.

In addition, to pay tribute to my father Richard Watts-Tobin, who taught me more about the English Language over the dinner table than I learned in 12 years of University education, I would point out that you can never have three "Alternatives". You can have three options, but only two alternatives: *alter* means "the other of two" in Latin.

Overall, we support the wording suggested by a number of other California Tribes for the Appendix G language, only with the deletion of the three words "a resource is" in section 1) c). Our recommended wording is as follows:

Option 3

TRIBAL CULTURAL RESOURCES.

Information submitted through consultation with a California Native American Tribe that has requested such consultation may 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), 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)?

Many thanks again for providing opportunities for informed comment on this topic.

Sincerely,

A handwritten signature in black ink that reads "A. Watts-Tobin". The signature is written in a cursive, flowing style.

Alex R. Watts-Tobin, Ph.D.
THPO / Archaeologist
Karuk Tribe