

**PALA TRIBAL HISTORIC  
PRESERVATION OFFICE**

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December 17, 2015

Holly Roberson  
Land Use Counsel  
The 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,

Thank you for the opportunity to submit comments on the Discussion Draft of Proposed Changes to Appendix G of the CEQA Guidelines Incorporating Tribal Cultural Resources (TCRs). This letter is sent on behalf of Robert Smith, Chairman of the Pala Band of Mission Indians (PBMI) and the PBMI Executive Committee.

I have reviewed the language of the three proposed alternatives for addressing TCRs in the guidelines. I am not satisfied with any of the three alternatives; however, of the three, the third alternative is closest to what the PBMI would find acceptable. We would be willing to support that alternative if it incorporates the following changes:

### **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.

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?

~~e) 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)?

I am hopeful that OPR will strongly consider this recommended language, especially considering that it has been supported and agreed upon by numerous other California Tribes and California THPOs. Please feel free to contact me if you have any questions or concerns.

Sincerely,

A handwritten signature in black ink that reads "Shasta C. Gaughen". The signature is written in a cursive, flowing style.

Shasta C. Gaughen, PhD  
THPO, Pala Band of Mission Indians