



# SAN FRANCISCO PLANNING DEPARTMENT

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December 18, 2015

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

via email to: [CEQA.Guidelines@resources.ca.gov](mailto:CEQA.Guidelines@resources.ca.gov)

**Subject: Comments on OPR's Discussion Draft of Proposed Changes to Appendix G of the CEQA Guidelines Incorporating Tribal Cultural Resources, November 17, 2015**

Dear Ms. Roberson:

As the Environmental Review Officer for the City and County of San Francisco ("the City"), and on behalf of the San Francisco Planning Department, I am pleased to respond to the Governor's Office of Planning and Research ("OPR") request for comment regarding the *Discussion Draft of Proposed Changes to Appendix G of the CEQA Guidelines Incorporating Tribal Cultural Resources* ("Discussion Draft") dated November 17, 2015. The Environmental Planning Division of the San Francisco Planning Department, acting as a Lead Agency for the City, conducts California Environmental Quality Act ("CEQA") review for a wide variety of public and private projects, in both urban and natural environments. Additionally, the San Francisco Planning Department conducts CEQA review on an unusually high volume of projects because, within the City, most building permits are considered discretionary actions that may be subject to CEQA. The San Francisco Planning Department processes approximately 5,000 CEQA determinations per year, the majority of these cases being categorical exemptions. Therefore, we have a unique Lead Agency perspective to offer and we have a keen interest in helping to improve the clarity and effectiveness of the CEQA Guidelines.

## **Preferred Tribal Cultural Resources Question**

Of the three alternative sets of draft Appendix G questions related to tribal cultural resources ("TCRs"), we prefer Alternative One for several reasons:

1. The concise wording of this question is consistent with the level of detail provided in the other questions under the Cultural Resources section of Appendix G.
2. It is sufficient to cite the definition of TCRs in the Public Resources Code, rather than paraphrase it and/or include introductory language and procedural requirements. In order to comply with Assembly Bill ("AB") 52, lead agencies cannot rely solely upon

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Appendix G for guidance. They must read the statute in its entirety. It is therefore unnecessary to include more than the basic question.

3. Appendix G should be kept as concise as possible to minimize the length of initial studies and environmental impact reports.
4. Given that TCRs are a type of cultural resource, it is appropriate that the TCR question be placed under the Cultural Resources section of Appendix G. Adding a separate TCR section creates an unnecessary separation between these topics and lengthens the associated discussion.
5. In San Francisco, we have already modified our initial study checklist to use wording that is the same as that of Alternative One. Our experience since AB 52 became effective on July 1, 2015, indicates that this wording is of a sufficient level of detail to prompt the more detailed discussion of TCR impacts that we now routinely include in our initial studies for projects subject to AB 52.

### Separation of Paleontological Resources

The last sentence on page 2 of the Discussion Draft states that, "Each of these three options...separate out paleontological resources..." This does not seem to be the case, as both Alternatives One and Two include question "c" pertaining to paleontological resources. Please address this separation, as required by statute, and indicate where in Appendix G the paleontological question more properly belongs. In San Francisco, we have moved this question to the Geology and Soils section. We find this placement suitable, given the relationship of a site's paleontological sensitivity to soil conditions.

Thank you for this opportunity to provide input on what revisions should be made to Appendix G of the CEQA Guidelines in order to incorporate TCRs. We appreciate your consideration of our comments and welcome any questions or comments you might have. Please contact Lisa Gibson at (415) 575-9032 or at [Lisa.Gibson@sfgov.org](mailto:Lisa.Gibson@sfgov.org) regarding this matter.

Sincerely,



Sarah B. Jones  
Environmental Review Officer  
San Francisco Planning Department