

San Manuel Band of Mission Indians

May 29, 2015

California Office of Planning and Research
Sacramento, CA 95814

Dear Sir/Madam:

The San Manuel Band of Mission Indians welcomes this opportunity to provide comments on the draft technical advisory for tribal cultural resources and CEQA (AB 52).

San Manuel Band of Mission Indians

The San Manuel Band of Mission Indians (the “Tribe”) is a federally recognized American Indian tribe located near the city of Highland, San Bernardino County, California. Since 1891, the Tribe has been recognized as a sovereign nation with the right of self-government by the United States Federal Government. The Tribe, also known as the Yuhaviatam Clan, or “People of the Pines”, is one of several clans of the greater Serrano Indian Nation whose aboriginal territories encompass much of present-day San Bernardino County, southeast Kern County, Eastern Los Angeles County and northwestern Riverside County. The Tribe has maintained a close connection with its ancestral territories and has been designated as the Most Likely Descendants by the California Native American Heritage Commission on numerous occasions when inadvertent discoveries of human remains and cultural resources were made within its ancestral territory.

Comments and Concerns Related to the Technical Advisory

The Tribe is pleased that tribal cultural resources will now be included early in the CEQA process and submits these comments in an effort to aid the Governor’s Office of Planning and Research in developing these guidelines.

Identification of Public Agency Notice Party

The Tribe requests that the advisory identify a notice party (i.e., Planning Director, Chief Environmental Officer, General Manager) that is consistent across public agencies to receive notifications that the Tribe wishes to be notified of projects within its traditionally and culturally affiliated area. AB 52 now requires tribes to put public agencies on notice that it wishes to receive notifications of projects within its traditionally and culturally affiliated area to begin the consultation process, but it does not specify to which party in the lead agency such notice should be sent. As you are aware, the NAHC is tasked with providing a list of lead agencies, but that list is not due until 2016. As such, because there is no list and the advisory does not provide guidance on this issue, tribes are left with the option to send notices to all possible agency officials (i.e. mayors, city planners, attorneys, etc.) or risk that notification not be effectuated. To eliminate confusion and needless duplication, the Tribe respectfully requests the advisory identify a key official or officials of public agencies to accept these notices.

Provision of Maps and Records Searches to Assist in Consultation Decision

Determining whether consultation is appropriate will be most effective when tribes have a clear understanding of the exact location of the project. When agencies request information from tribes about Tribal Cultural Resources, it is often unclear exactly where the project is to be located. This makes it very difficult for the tribe to determine whether consultation is appropriate. Moreover, with over 10,000 years of prehistory, the assumption that tribes know the location of all their cultural sites is presumptuous and tribes likely do not have the results of records searches from the Archaeological Information Center readily available to assist in identifying such sites when presented with requests for consultation. To assist tribes in determining whether consultation is appropriate on a project-by-project basis, the Tribe respectfully requests that the advisory require that lead agencies provide (i) a project location map on the appropriate portion of the U.S.G.S. topographic map with the area of the project clearly defined, and (ii) the results of a Records Search from the appropriate Archaeological Information Center.

Government-to-Government Consultation on Proposed Regulations

Finally, the Tribe understands that regulations concerning AB 52 are currently being drafted. The Tribe wishes to work together in developing such regulations and believes we can provide insight and guidance on matters pertaining to the implementation of CEQA (AB 52) and how regulations can best assist our respective governments in achieving the goal of reducing adverse impacts to tribal cultural resources. In keeping with the spirit of government-to-government relations and consultation, the Tribe respectfully requests that tribal leaders be provided an opportunity to review and comment on any regulations relating to tribal cultural resources prior to the public comment period.

I invite your staff to consult with the Tribe toward further developing policy language for tribal cultural resources and CEQA (AB 52).

Sincerely,



Lynn R. Valbuena
Chairwoman