A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE
California Environmental Quality Act

TITLE(S) 14

FIRST SECTION AFFECTED
Appendix G

2. REQUESTED PUBLICATION DATE
Upon Filing with OAL

3. NOTICE TYPE
Notice re Proposed
Regulatory Action
☑ Other

4. AGENCY CONTACT PERSON
Heather Baugh
TELEPHONE NUMBER 916-653-8152
FAX NUMBER (Optional) 916-653-8102

OAL USE ONLY
☑ Approved as Submitted
☐ Approved as Modified
☐ Disapproved/Withdrawn

NOTICE REGISTER NUMBER 2016 08 2
PUBLICATION DATE 2/19/2016

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S)
California Environmental Quality Act - Tribal Cultural Resources

2. SPECIFY CALIFORNIA CODES OF REGULATIONS TITLES AND SECTIONS (Including title 26, if toxics related)

SECTION(S) AFFECTED
(Appendix G)

3. TYPE OF Files
☑ Regular Rulemaking (Gov. Code §11346)
☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code §11346.1, 11346.4)
☐ Emergency (Gov. Code, §11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute.

☐ Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1(b))

☐ Other (Specify)

4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov Code §11347.1)
June 6, 2016 to June 21, 2016.

5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343, 11346.1, 11346.2, 11346.3, 11346.4, 11346.6, 11346.7, 11346.10)
☑ Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4)(a)
☐ Effective on filing with Secretary of State
☐ §100 Changes Without Regulatory Effect
☐ Other (Specify)

6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL, OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY
☐ Department of Finance (Form STD 399) (SAM 56650)
☐ Fair Political Practices Commission
☐ State Fire Marshal

7. CONTACT PERSON
Heather Baugh
TELEPHONE NUMBER 916-653-8152
FAX NUMBER (Optional) 916-653-8102
E-MAIL ADDRESS (Optional) heather.baugh@resources.ca.gov

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

NATURE OF PERSON HEAD OR DESIGNEE DATE 3/8/16

TYPED NAME AND TITLE OF SIGNATORY John Laird, Secretary
INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS

Use the form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS
Enter the name of the agency with the rulemaking authority and agency's file number, if any.

NOTICES
Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations and the statement of reasons. Upon receipt of the notice, OAL will place a number in the box marked "Notice File Number." If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS
When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Gov. Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS
When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the OAL file number(s) of all previously disapproved or withdrawn filings in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). Submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Gov. Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS
Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Gov. Code §11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION
When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A and insert the OAL file number(s) for the original emergency filing(s) in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B). OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE
When filing the certificate of compliance for emergency regulations, fill out Part B, including the signed certification, on the form that was previously submitted with the notice. If a new STD. 400 is used, fill in Part B including the signed certification, and enter the previously assigned notice file number in the box marked "Notice File Number" at the top of the form. The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION
When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and insert the OAL file number(s) related to the original emergency filing in the box marked "All Previous Related OAL Regulatory Action Number(s)" (box 1b. of Part B).

CHANGES WITHOUT REGULATORY EFFECT
When submitting changes without regulatory effect pursuant to California Code of Regulations, Title 1, section 100, complete Part B, including marking the appropriate box in both B.3. and B.5.

ABBREVIATIONS
Cal. Code Regs. - California Code of Regulations
SAM - State Administrative Manual

For questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law Reference Attorney at (916) 323-6815.
Final Text for tribal cultural resources update to Appendix G: Environmental Checklist Form

1. Add a box for Tribal Cultural Resources in the table of contents entitled “Environmental Factors Potentially Affected” between the “Transportation/Traffic” box and the “Utilities/ Service Systems” box.

☐ Tribal Cultural Resources

2. Add a statement to the Environmental Checklist Form at the beginning of Appendix G, which provides a general description and cover sheet for a proposed project:

[...]

11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.3.1? If so, has consultation begun?

Note: Conducting consultation early in the CEQA process allows tribal governments, lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to tribal cultural resources, and reduce the potential for delay and conflict in the environmental review process. (See Public Resources Code section 21083.3.2.) Information may also be available from the California Native American Heritage Commission’s Sacred Lands File per Public Resources Code section 5097.96 and the California Historical Resources Information System administered by the California Office of Historic Preservation. Please also note that Public Resources Code section 21082.3(c) contains provisions specific to confidentiality.

V. CULTURAL RESOURCES

Would the project:

a) Cause a substantial adverse change in the significance of an historical resource as defined in § 15064.5?

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?

d) Disturb any human remains, including those interred outside of formal- dedicated cemeteries?
XVII. TRIBAL CULTURAL RESOURCES

a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

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<tr>
<th>Potentially Significant Impact</th>
<th>Less Than Significant with Mitigation Incorporated</th>
<th>Less Than Significant Impact</th>
<th>No Impact</th>
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a) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or

b) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

XVIII. UTILITIES AND SERVICE SYSTEMS

Mandatory Findings of Significance

Authority: Public Resources Code sections 21083 and 21083.09
Reference: Public Resources Code sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21084.2 and 21084.3.