Duncan, Lia@CNRA

om: Baugh, Heather@CNRA
ent: Monday, April 18, 2016 1:17 PM
To: Duncan, Lia@CNRA
Subject: FW: Karuk comments on CEQA guidelines changes pursuant to AB52
Attachments: 16-04-04CalNRAcomm.doc; 16-04-04Karuk-CalNRAsgn.pdf

For print

Heather C. Baugh, Assistant General Counsel
California Natural Resources Agency
1416 Ninth Street, Suite 1311
Sacramento, CA 95814
Telephone: 916-653-5656
Fax: 916-653-8102

Every Californian should conserve water. Find out how at:

Save Our Water

SaveOurWater.com · Drought.CA.gov

onfidentiality Notice: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

From: Alex Watts-Tobin [mailto:atobin@karuk.us]
Sent: Monday, April 04, 2016 6:15 PM
To: Baugh, Heather@CNRA
Cc: Gibson, Thomas@CNRA
Subject: Karuk comments on CEQA guidelines changes pursuant to AB52

Dear Heather Baugh,
I was not able to make the meeting about AB52 in Sacramento today, but would very much appreciate it if the Karuk THPO comments would be put into consideration. I have attached a word version and a signed version of the letter. Many thanks for requesting input from Tribes on this important matter. I would like to acknowledge input from Holly Roberson of OPR on this topic.

Sincerely,
Alex Watts-Tobin

EX R. WATTS-TOBIN, Ph.D.
HPO-Archaeologist
The Karuk Tribe's Department of Natural Resources

39051 Hwy 96, P. O. Box 282, Orleans, CA 95556
www.karuk.us

Office: (530) 627-3446 Ext. 3015
Fax: (530) 627-3448
Cell: (530) 643-9823
E-mail: atobin@karuk.us

Vúra yêeshiip kúma súpaah - Have a lovely day

Comment 1-10

Heather Baugh, Office of the General Counsel
California Natural Resources Agency
1416 9th Street 1311
Sacramento, CA 95814

April 4, 2016

Re: CEQA Guidelines updates pursuant to directives in AB52.

Dear Heather Baugh,

The Karuk Tribe THPO has already submitted comments to OPR December 17th, 2015, regarding the changes to CEQA Guidelines Appendix G, specifically concerning the wording for the proposed sheet on Tribal Cultural Resources. These comments were submitted during the OPR process, and the THPO recommended a modified version of option three, based on the wording choices presented. The Karuk THPO is now making a further recommendation. It has emerged from discussions about the legal background that there is a much more important issue at stake. That is, that the CEQA updates project needs to cover more than updates to Appendix G. Currently, OPR has no instructions beyond updating Appendix G and producing an updated lead agency list; the deadline for both of these initiatives is July 1st, 2016. By that time, the law will have been in effect for a year. There is a real danger that once these two projects have been completed, the implementation phase for AB52 would be considered complete.

The THPO would draw attention to comments given in March 2015 to the NAHC, and published on the OPR web site, which pointed out the lack of guidelines, and the resultant dangers to Tribal values. In the absence of guidelines, lead agencies will develop their own process for complying with AB52, which may or may not be compatible with the spirit and intent of the law. It is likely that conflicting interpretations will be settled in the courtroom. What is needed, is a more practical definition of what counts as a Tribal cultural resource, and an outline of the process for determining the significance of impacts to them. That is where the rubber meets the road in CEQA projects. It is worth noting that California PRC sec. 15064.5 outlines such a process for historical and archaeological resources. The "historical resources" section appears to refer to the built environment, a limitation which AB52 was designed to address. Tribal cultural resources need their own section in the Public Resources Code. 1-10.1 1-10.2

Accordingly, The Tribe is requesting a directive for a CEQA update that includes guidelines in PRC for practical definitions of Tribal cultural resources and for a process for determining impacts to them.

Sincerely,

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

Department of Natural Resources
39051 Highway 96
Post Office Box 282
Orleans, CA 95556
Phone: (530) 627-3446
Fax: (530) 627-3448

Karuk Tribe

Administrative Office
Phone: (530) 493-1600 • Fax: (530) 493-5322
64236 Second Avenue • Post Office Box 1016 • Happy Camp, CA 96039

Orleans Medical Clinic
325 Asip Road
Post Office Box 249
Orleans, CA 95556
Phone: (530) 627-3452
Fax: (530) 627-3445

Heather Baugh, Office of the General Counsel
California Natural Resources Agency
1416 9th Street 1311
Sacramento, CA 95814

April 4, 2016

Re: CEQA Guidelines updates pursuant to directives in AB52.

Dear Heather Baugh,

The Karuk Tribe THPO has already submitted comments to OPR December 17th, 2015, regarding the changes to CEQA Guidelines Appendix G, specifically concerning the wording for the proposed sheet on Tribal Cultural Resources. These comments were submitted during the OPR process, and the THPO recommended a modified version of option three, based on the wording choices presented. The Karuk THPO is now making a further recommendation. It has emerged from discussions about the legal background that there is a much more important issue at stake. That is, that the CEQA updates project needs to cover more than updates to Appendix G. Currently, OPR has no instructions beyond updating Appendix G and producing an updated lead agency list; the deadline for both of these initiatives is July 1st, 2016. By that time, the law will have been in effect for a year. There is a real danger that once these two projects have been completed, the implementation phase for AB52 would be considered complete.

The THPO would draw attention to comments given in March 2015 to the NAHC, and published on the OPR web site, which pointed out the lack of guidelines, and the resultant dangers to Tribal values. In the absence of guidelines, lead agencies will develop their own process for complying with AB52, which may or may not be compatible with the spirit and intent of the law. It is likely that conflicting interpretations will be settled in the courtroom. What is needed, is a more practical definition of what counts as a Tribal cultural resource, and an outline of the process for determining the significance of impacts to them. That is where the rubber meets the road in CEQA projects. It is worth noting that California PRC sec. 15064.5 outlines such a process for historical and archaeological resources. The "historical resources" section appears to refer to the built environment, a limitation which AB52 was designed to address. Tribal cultural resources need their own section in the Public Resources Code.

Accordingly, The Tribe is requesting a directive for a CEQA update that includes guidelines in PRC for practical definitions of Tribal cultural resources and for a process for determining impacts to them.

Sincerely,

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