

ASSOCIATION OF  
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December 18, 2015

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Governor's Office of Planning and Research  
1400 Tenth Street  
Sacramento, California 95814  
CEQA.Guidelines@resources.ca.gov

**VIA E-MAIL**

**Re: AEP Comments on *Discussion Draft: Proposed Changes to Appendix G of the CEQA Guidelines Incorporating Tribal Cultural Resources***

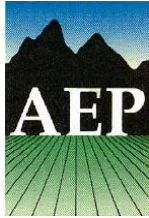
On behalf of the Association of Environmental Professionals (AEP), a non-profit organization of California's environmental professionals, I appreciate this opportunity to provide comments on the California Office of Planning and Research's November 17, 2015, *Discussion Draft of Proposed Changes to Appendix G of the CEQA Guidelines Incorporating Tribal Cultural Resources*.

The Discussion Draft presents three alternative sets of draft Appendix G questions regarding Tribal Cultural Resources. Upon reviewing each of the three alternatives, AEP supports Alternative 1, for the following reasons.

First, Alternative 1 directs a user to the statutory definition of Tribal Cultural Resources in Public Resources Code section 21074. In contrast, Alternative 2 and Alternative 3 reword or paraphrase the definition, and neither Alternative 2 nor Alternative 3 provide citation to Public Resource Code section 21074. In our opinion, the statutory citation is preferable because it avoids potential conflicts in interpretation.

Second, Alternative 1 is in a format that most closely matches those of the other Appendix G questions. For example, threshold questions V(a) regarding historical resources, and V(b) regarding archaeological resources, each direct a user to the regulatory language defining these resources, as opposed to rewording or paraphrasing those definitions. Similarly, threshold question II(c) directs a reader to the statutory definitions of forest land and timberland, threshold question VI(d) directs a reader to the regulatory definition of expansive soil, and threshold question VIII(d) directs a reader to the statutory list of hazardous materials sites. The threshold question for Tribal Cultural Resources should be drafted in the same format both for consistency and clarity.

Finally, Alternative 1 carries out the directive of the statute in the most clear, direct, and simplified manner. We believe that lead agencies, and environmental consultants, will be able to find the relevant statutory language (citation to which is provided clearly in Alternative 1), as



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well as OPR's relevant technical advisories, and implement AB 52's requirements in good faith and with professional responsibility. Thus the additional detail in Alternative 2 and Alternative 3 is not necessary, and given the potential for conflicts between the proposed threshold language and the statutory language, and the deviation from the format of other similar Appendix G thresholds, Alternative 1 is preferable.

Should you have any questions or need additional information regarding our comments, please do not hesitate to contact me or our Capital lobbyist, Will Gonzalez at (916) 930-0796 or [will@gqhlobby.com](mailto:will@gqhlobby.com).

Sincerely,

*Devon Muto*

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cc: Gene Talmadge, President