

Sent: Monday, June 01, 2015 12:02 PM
To: CEQA Guidelines@CNRA
Subject: Draft AB52 Technical Advisory

To Whom It May Concern:

In reference to the Draft AB 52 Technical Advisory I submit the following comments:

III.B. Consultation

- While I applaud the use of timelines for initial consultation, I recommend adding definitions or examples of reasonable and good faith effort to avoid abuses on behalf of either party.

III.C.1 Timing in the CEQA Process and Consultation Steps

- How will the Native American Heritage Commission determine which geographic area that each tribe has traditional and cultural affiliation. It is recommended that this be based on Ethnographic studies following professional guidelines and standard practices, rather than self nomination which is the current practice.

III.D. Confidentiality

- It should be made explicit that information provided by the tribes that is also available from other sources that may or may not be generally available to the public, e.g. the California Information Centers which store information on cultural resources, can be shared.
- Letters and other communications from Tribes that do not include specific information about tribal cultural resources should not be made confidential. e.g. initial responses from tribes requesting consultation on a project.

III.E. Mitigation

- There is no provision for mitigating effects to resources that does not include protection of the resource. There will be times when an agency may determine that the public good is more important than the protection of the resource. There should be contingencies built in for this eventuality.

Thank you for taking my comments and questions under consideration.

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