

Notice of Preparation (NOP)

- TO:** Interested Agencies, Organizations, and Individuals
- DATE:** October 11, 2022
- PROJECT:** Supplemental Environmental Impact Report to the 2022 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) for the Shasta Region
- LEAD AGENCY:** Shasta Regional Transportation Agency (SRTA)
- COMMENT PERIOD:** October 11, 2022, to November 9, 2022 (30 days)

Notice is hereby given that the Shasta Regional Transportation Agency (SRTA) will be the lead agency for the preparation of a Supplemental Environmental Impact Report (SEIR) for the 2022 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) for the Shasta Region. Pursuant to Section 15082 of the California Environmental Quality Act (CEQA), SRTA is soliciting views from your agency as to the scope and content of the environmental information which is germane to your agency's statutory responsibilities relating to the Proposed Project. SRTA will also accept written comments concerning the scope and content of the SEIR from interested persons of the public and organizations concerned with the Project. The Final Environmental Impact Report (EIR) for the 2015 RTP was certified in June 2015. A Final SEIR for the 2018 RTP/SCS was certified in October 2018. Both the Final EIR for the 2015 RTP and SEIR for the 2018 RTP/SCS can be found online at the following link <https://www.srta.ca.gov/142/Regional-Transportation-Plan>.

The SEIR for the 2022 RTP/SCS will be a supplement to the 2015 RTP Program EIR and 2018 RTP/SCS SEIR (State Clearinghouse # 2014022018). This is the appropriate level of environmental documentation for the 2022 RTP/SCS because changes to existing conditions (including regulatory updates), the transportation project list, and land use scenario evaluated in the 2022 RTP/SCS are expected to be minor relative to the 2015 RTP and 2018 RTP/SCS and would not substantially increase the severity of impacts previously identified. As stated in the State CEQA Guidelines, Section 15163(b), "the supplement to the EIR need contain only the information necessary to make the previous EIR adequate for the project, as revised." In addition, a more detailed or project-level environmental review (if required) of the projects included in the RTP/SCS will be conducted by the responsible agencies, including Caltrans, Shasta County, and the cities within the County, before each project is approved for construction and implementation.

The Project description, location, environmental review requirements, and probable environmental issues to be addressed in the SEIR are listed in this NOP.

The 2022 RTP/SCS will address all transportation modes including motor vehicles, public transit (commuter and local), passenger rail, goods movement (rail freight and trucking), bicycle and

pedestrian facilities and programs, aviation systems, intelligent transportation systems (ITS), and transportation systems management (TSM) programs and projects within the horizon year of 2042. Specifically, the RTP component is intended to meet the region's transportation goals regarding current and future mobility needs through the identification of policies, actions, and a list of projects which will address these needs. The RTP will guide the development of the Regional and Federal Transportation Improvement Programs (RTIP and FTIP) as well as other transportation programming documents and plans throughout the Shasta Region.

The 2022 RTP will include a Sustainable Communities Strategy (SCS) element, as required by California Senate Bill 375, the Sustainable Communities and Climate Protection Act of 2008 (SB 375). SB 375 mandates reductions in regional greenhouse gas (GHG) emissions from passenger cars and light-duty trucks in accordance with targets established by the California Air Resources Board (CARB) for each of the State's metropolitan planning organizations (MPOs). As the MPO for Shasta County, SRTA will prepare an SCS that demonstrates how GHG reduction targets will be met through integrated land use, housing, and transportation planning. SRTA will develop several possible growth scenarios to evaluate the effects of various land use and transportation choices and recommend a scenario that meets SB 375 targets of -4.0% for year 2035.

NOTICE OF SCOPING MEETING:

To maximize opportunity for participation, SRTA will host a virtual EIR scoping meeting for the 2022 RTP/SCS. The purpose of the scoping meeting is to share information on the Project and to solicit input on the scope and content of the environmental analysis that will be included in the Draft SEIR for the 2022 RTP/SCS. SRTA is interested in hearing your views on the following questions:

1. Are there any alternatives you believe SRTA should evaluate?
2. Are there any mitigation measures you think would help avoid or minimize potential environmental effects?

The date, time, and virtual location of the meeting is as follows:

Date: October 25, 2022
Time: 3:30 p.m.
Place: Virtual Zoom Meeting

Please click the link below to join the webinar by computer, tablet, or smartphone:

<https://us02web.zoom.us/j/85083959711?pwd=MDBHNO16bmIwZTJrdm91OWU5MTFZUT09>

And if prompted for a passcode, enter: **858073**

Or Telephone: Dial 1 (888) 788 0099 (Toll Free) and enter meeting ID: 850 8395 9711

SUBMITTAL OF WRITTEN COMMENTS:

SRTA is soliciting comments regarding the scope, content, and specificity of the SEIR for the 2022 RTP/SCS from all interested parties requesting notice, responsible agencies, agencies with

jurisdiction by law, trustee agencies, involved agencies, and the public. Written comments regarding this Notice of Preparation can be submitted to SRTA in the following ways:

- By email: srta@srta.ca.gov
- By mail:
Shasta Regional Transportation Agency
ATTN: Jenn Pollom, Senior Transportation Planner
1255 East Street, Suite 202
Redding, CA 96001

SRTA requests that written comments be provided as soon as possible, but no later than 5:00 p.m., on Wednesday, November 9, 2022. Written comments must include the following information to be accepted:

- For public agencies: Please include the name, phone number, postal address, and email address of a contact person at your agency.
- For individuals and businesses: Comments from the public must include name, phone number, and email or postal address.

For more information, visit us online at <https://www.srta.ca.gov/355/2022-RTP> or call us at 530-262-6190.

ACCOMODATIONS: In accordance with Title II of the Americans with Disabilities Act, SRTA does not discriminate. Closed captioning or other assistance may be provided upon request. Other services, such as translation between English and other languages, may be provided upon request. To ensure availability of services, SRTA requires at least three days (72 hours) notice prior to the meeting. If you have a request, please contact SRTA at 530-262-6190 or srta@srta.ca.gov.

PROJECT DESCRIPTION AND SCOPE OF ENVIRONMENTAL ANALYSIS

Project Title

Supplemental Environmental Impact Report for the 2022 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) for the Shasta Region.

Proposed Action

An update to the 2018 RTP/SCS for the Shasta Region.

Project Location

The geographical extent of the proposed 2022 RTP/SCS includes the area within the limits of Shasta County, California, including the incorporated cities of Anderson, Redding and Shasta Lake, and all unincorporated areas under the jurisdiction of the county of Shasta. Capital improvement projects identified in the 2022 RTP/SCS may be located on Interstate 5 (I-5), State highways, county roads, and local streets, as well as on airport property, transit agency property, federal lands, state lands, and tribal lands.

Project Description

The Proposed Project is the 2022 RTP/SCS for the Shasta Region, which updates SRTA's previous 2018 RTP/SCS, adopted in October 2018. SRTA is in the process of revising the RTP/SCS as required by California Government Code Section 65080 et seq., and federal guidelines pursuant to the federal transportation bills: Fixing America's Surface Transportation Act (FAST Act) and Infrastructure Investment and Jobs Act (IIJA). The 2022 RTP/SCS consists of a compendium of projects, policies, and programs that aim to meet the transportation needs of the region while reducing congestion, encouraging mode shift, building infrastructure resiliency, and maintaining or improving air quality. SRTA is required by federal law to develop an RTP that determines the needs of the transportation system and prioritizes proposed transportation projects. The RTP is also necessary to obtain and allocate federal funding for regional transportation projects. The SCS component seeks to coordinate local land use and transportation systems within the region to reduce emissions from light-duty passenger vehicles.

The 2022 update to the RTP/SCS is focused on implementation of the 2018 RTP/SCS, with minor updates to ensure consistency with federal, state, and local planning requirements. The 2022 RTP/SCS will also reflect changes in legislative requirements, local land use policies, and resource constraints since the 2018 RTP/SCS was adopted. The most notable changes that impact this RTP/SCS update include:

- Funding for transportation projects through California's Road Repair and Accountability Act of 2017 (SB 1) for ten years (through 2028) and the federal Infrastructure and Investment Jobs Act (IIJA) signed into law on November 16, 2021 (through 2026);
- Completion of the 2020 US Decennial Census, which provides updated population information for the region;
- Minor updates to transportation projects and land use development (specifically focused on growth that has taken place since the last RTP);
- Addition of components to the RTP to address state and federal efforts to move all vehicles to zero emission vehicles, including electric and hydrogen fuel-cell vehicles; and
- Adopted guidelines from the Governor's Office of Planning and Research for SB 743 implementation (Steinberg, 2013), which shifts the focus of transportation environmental impacts away from Level of Service (LOS) and focuses on vehicle miles traveled (VMT).

The 2022 RTP/SCS will show how SRTA intends to meet the transportation needs of the region for the period from 2022 to 2042, considering existing and projected future land use patterns as well as forecasted population and job growth. The 2022 RTP/SCS plans for, and programs revenues reasonably expected to be available to SRTA from all transportation funding sources over the course of the planning period. It identifies and prioritizes expenditures of anticipated funding for transportation projects that involve all transportation modes: highways; streets and roads; transit; rail; active transportation (bicycle and pedestrian); aviation; zero-emission vehicle infrastructure; as well as transportation demand management (TDM) and transportation system management (TSM) projects.

The 2022 RTP/SCS project list will update the 2018 RTP/SCS project list by removing projects that have been completed since 2018, modifying some projects that continue to be on the list based on new information, and adding approximately thirty-five net new minor projects to the list. None of the modified or new projects on the 2022 RTP/SCS list would be substantially different

in terms of geographical location, type of project, or size of project from those on the 2018 RTP list. In addition, the land use scenario envisioned by the 2022 RTP/SCS is like that contained in the 2018 RTP/SCS. Therefore, it is anticipated that the 2022 RTP/SCS would result in similar impacts to those projects contained in the 2018 RTP/SCS.

RTP/ SCS Framework

The 2022 RTP/SCS will include the following key elements:

- A description of the region’s current and future challenges in accommodating growth and meeting mobility needs.
- A fiscally constrained transportation network that consists of US and State Highways, local roadways, bicycle and pedestrian facilities, public transit, airports, and passenger and freight rail.
- An integrated transportation and land use strategy for accommodating the region’s future employment and housing needs that protects sensitive habitat and resource areas.
- Intelligent Transportation System (ITS) and Transportation Demand Management (TDM) measures that improve system efficiency by influencing individual travel behavior.
- A financial plan that lays out the funding sources and mechanisms required to implement the strategies of the RTP/SCS. The financial plan will also consider additional innovative financing strategies that if implemented can carry out additional needed projects and programs.
- A transportation system performance evaluation that lays out the ability of the proposed strategies to address challenges.
- Additional strategies and “Planned Projects” that have little or no money programmed for funding. Funding sources have, however, been identified and the projects could be implemented within the timeframe of the RTP/SCS if they receive funding.

Sustainable Communities Strategy

The 2022 RTP will include a SCS component pursuant to the requirements of SB 375. Under SB 375, MPOs such as SRTA are required to develop an SCS as part of the RTP, showing how the region intends to reduce, to the extent feasible, GHG emissions from passenger cars and light-duty trucks through various strategies to meet a specified target for 2035. For the 2022 RTP/SCS, the CARB issued SRTA a regional GHG target of a four percent (-4%) reduction in per capita GHG emissions for the 2035 planning year, as compared to baseline per capita emissions levels in 2005. The year 2020 regional GHG reduction target remained at zero percent (0%). Since the 2020 year has now passed, SRTA must evaluate if the region was able to accomplish the year 2020 targets.

If SB 375 GHG reduction targets cannot be feasibly met, an Alternative Planning Strategy (APS) will be prepared by SRTA to show how the targets could be achieved through alternative development patterns, infrastructure, or additional transportation measures or policies without the limitations of fiscal or other constraints. SRTA’s intent is to achieve these targets with the 2022 RTP/SCS. The GHG reductions are expected to be achieved from fewer and/or shorter per capita automobile and light truck trips resulting from integrated transportation, land use, housing, and environmental planning, as well as increases in the use of zero-emission vehicles.

Furthermore, SB 375 requires that the SCS shall identify general land uses, residential densities, and building intensities, as well as areas to house future residents (see California Government Code Section 65080(b)(2)(B) for the full list of SB 375 requirements) consistent with local plans.

Issues to Be Addressed in the EIR

Based on the findings of the 2018 SEIR, the categories listed below have been identified for further analysis in the 2022 RTP/SCS SEIR.

- Air Quality
- Greenhouse Gas Emissions
- Transportation
- Tribal Cultural Resource
- Wildfire
- Mandatory Findings of Significance

In addition, the SEIR will address cumulative impacts, growth inducing impacts, alternatives, and other issues required by CEQA. Through the NOP, SRTA is seeking input on further categories of analysis or areas of focus within the specified categories above.

CEQA Streamlining

SB 375 contains CEQA incentives, or streamlining provisions at the project level, to encourage the implementation of coordinated land use and transportation planning within the RTP/SCS. Certain types of development projects (i.e., transit priority projects or residential/mixed use residential projects, as defined by the statute) may qualify for CEQA streamlining if the requisite criteria are met. This means that the proposed project seeking to utilize the CEQA incentives is determined to be consistent with an approved SCS. Consistency will be determined by the local city or county that is the lead agency for each project to be streamlined. SRTA's primary role is to include appropriate information in the SCS that will allow a lead agency to make a consistency determination with respect to appropriate streamlining options on a project-by-project basis. The programs and projects to be included in the 2022 RTP/SCS will be addressed programmatically in the SEIR. This will allow SRTA to analyze the regional or general impacts of the program and projects. A more detailed or project level environmental assessment, if required, will be conducted by the various responsible agencies, including Caltrans, Shasta County, and the cities within Shasta County, for the various projects included in the RTP, before the projects are approved for construction.

NATIVE AMERICAN HERITAGE COMMISSION

October 13, 2022

Jenn Pollom
Shasta Regional Transportation Agency
1255 East Street, Suite 202
Redding, CA 96001

Re: 2014022018, Supplemental Environmental Impact Report to the 2022 Regional Transportation Plan and Sustainable Communities Strategy (RTP/SCS) for the Shasta Region Project, Shasta County

Dear Ms. Pollom:

The Native American Heritage Commission (NAHC) has received the Notice of Preparation (NOP), Draft Environmental Impact Report (DEIR) or Early Consultation for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code §21000 et seq.), specifically Public Resources Code §21084.1, states that a project that may cause a substantial adverse change in the significance of a historical resource, is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit.14, § 15064.5 (b) (CEQA Guidelines § 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an Environmental Impact Report (EIR) shall be prepared. (Pub. Resources Code §21080 (d); Cal. Code Regs., tit. 14, § 5064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources within the area of potential effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code §21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code §21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code §21084.3 (a)). **AB 52 applies to any project for which a notice of preparation, a notice of negative declaration, or a mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. §800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments.

Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.



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AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

- 1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project:** Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

 - a.** A brief description of the project.
 - b.** The lead agency contact information.
 - c.** Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code §21080.3.1 (d)).
 - d.** A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code §21073).
- 2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report:** A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code §21080.3.1, subs. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or Environmental Impact Report. (Pub. Resources Code §21080.3.1 (b)).

 - a.** For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code §65352.4 (SB 18). (Pub. Resources Code §21080.3.1 (b)).
- 3. Mandatory Topics of Consultation If Requested by a Tribe:** The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:

 - a.** Alternatives to the project.
 - b.** Recommended mitigation measures.
 - c.** Significant effects. (Pub. Resources Code §21080.3.2 (a)).
- 4. Discretionary Topics of Consultation:** The following topics are discretionary topics of consultation:

 - a.** Type of environmental review necessary.
 - b.** Significance of the tribal cultural resources.
 - c.** Significance of the project's impacts on tribal cultural resources.
 - d.** If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code §21080.3.2 (a)).
- 5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process:** With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code §6254 (r) and §6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code §21082.3 (c)(1)).
- 6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document:** If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:

 - a.** Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b.** Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code §21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code §21082.3 (b)).

- 7. Conclusion of Consultation:** Consultation with a tribe shall be considered concluded when either of the following occurs:
- a.** The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b.** A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code §21080.3.2 (b)).
- 8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document:** Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code §21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code §21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code §21082.3 (a)).
- 9. Required Consideration of Feasible Mitigation:** If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code §21084.3 (b). (Pub. Resources Code §21082.3 (e)).
- 10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:**
- a.** Avoidance and preservation of the resources in place, including, but not limited to:
 - i.** Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii.** Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b.** Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i.** Protecting the cultural character and integrity of the resource.
 - ii.** Protecting the traditional use of the resource.
 - iii.** Protecting the confidentiality of the resource.
 - c.** Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d.** Protecting the resource. (Pub. Resource Code §21084.3 (b)).
 - e.** Please note that a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code §815.3 (c)).
 - f.** Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code §5097.991).
- 11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource:** An Environmental Impact Report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
- a.** The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code §21080.3.1 and §21080.3.2 and concluded pursuant to Public Resources Code §21080.3.2.
 - b.** The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c.** The lead agency provided notice of the project to the tribe in compliance with Public Resources Code §21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code §21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code §65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf.

Some of SB 18's provisions include:

1. Tribal Consultation: If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code §65352.3 (a)(2)).
2. No Statutory Time Limit on SB 18 Tribal Consultation. There is no statutory time limit on SB 18 tribal consultation.
3. Confidentiality: Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code §65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code §5097.9 and §5097.993 that are within the city's or county's jurisdiction. (Gov. Code §65352.3 (b)).
4. Conclusion of SB 18 Tribal Consultation: Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>.

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (https://ohp.parks.ca.gov/?page_id=30331) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.

- b.** The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
- 3.** Contact the NAHC for:
- a.** A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.
 - b.** A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
- 4.** Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
- a.** Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, §15064.5(f) (CEQA Guidelines §15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c.** Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code §7050.5, Public Resources Code §5097.98, and Cal. Code Regs., tit. 14, §15064.5, subdivisions (d) and (e) (CEQA Guidelines §15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions or need additional information, please contact me at my email address:
Cameron.Vela@nahc.ca.gov.

Sincerely,

Cameron Vela

Cameron Vela
Cultural Resources Analyst

cc: State Clearinghouse