



James Irrigation District Solar Project #1

Responses to Comments on the Draft IS-MND

prepared by

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Responses to Comments on the Draft IS-MND

This section includes comments received during the circulation of the Draft Initial Study Mitigated Negative Declaration (IS-MND) prepared for the James Irrigation District Solar Project #1 (project).

The Draft IS-MND was circulated for a 30-day public review period that began on March 16, 2022 and ended on April 15, 2022. James Irrigation District received no comment letters on the Draft IS-MND.

For the Final IS-MND, the following updates, shown in ~~strikeout~~/underline format, were made to Section 18, *Tribal Cultural Resources*, to reflect the conclusion of the Assembly Bill (AB) 52 tribal consultation process.

On February 17, 2022, the Tribal Chairman of the Dumna Wo Wah Tribal Government responded to JID stating that the Tribe had encampments within and around the project site in the 1800s. The Chairman stated that the Chief would bury cultural and/or spiritual objects within the area of the project site and would traverse the area for gatherings and use the vicinity for medicinal use and camping. Because the area is within the traditional use area and identified as sensitive for tribal cultural resources, the Dumna Wo Wah Tribal Government requested tribal monitoring for the project. ~~As of February 25, 2022, JID has not received responses from any other Tribes, and t~~The Dumna Wo Wah Tribal Government has ~~did~~ not provided any further comment. Native American Tribes wishing to partake in AB 52 consultation ~~are~~ were required to respond by March 21, 2022. Pursuant to AB 52, tribal consultations must be complete prior to finalization of the CEQA documentation. The final results of the JID's AB 52 consultation efforts will be included in the Final IS-MND. No other responses from Native American Tribes were received in response to JID's notification letters.

- a. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074 that is 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)?*
- b. *Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074 that is 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?*

The SLF search was returned on January 12, 2022 with negative results for sacred lands within the project site, and no Native American Tribes ~~have~~ requested consultation under AB 52 ~~as of February 25, 2022~~. Although the Dumna Wo Wah Tribal Government has expressed concerns due to the sensitivity of the project site and requested tribal monitoring by the Dumna Wo Wah Tribal Government monitors, no official consultation request has been received. No other Native American Tribes responded to JID's notification letters. However, the AB 52 consultation process is ongoing and not completed. Furthermore, t There is always the possibility of encountering unanticipated tribal cultural resource deposits and/or human remains during ground-disturbing activities associated with construction (such as grading and excavation), especially if those activities occur in less-disturbed buried sediments.

Consequently, impacts to tribal cultural resources would be potentially significant. ~~Implementation~~ of Mitigation Measures TCR-1 and TCR-2, as well as Mitigation Measures CR-1 through CR-3 as discussed in Section 5, *Cultural Resources*, would be ~~required~~ implemented to reduce impacts to tribal cultural resources to a less-than-significant level.