

AB 52 Background Goals & Intent

Native Americans: California Environmental Quality
Act

AB 52 – Legislative Findings and Intent

□ Key Sections:

- That the CEQA process previously did not readily or directly include CA Native American Tribes' knowledge and concerns which resulted in significant environmental impacts to TCRs and sacred places, including cumulative impacts to the detriment of tribes and the environment;
- Establishes a new category of resources in CEQA called TCRs that considers tribal cultural values *in addition to* scientific and archaeological values when determining significance, impacts and mitigation;
- Recognizes that CA Native American Tribes may have expertise with regard to their tribal history and practices and that such knowledge should be included in environmental documents for projects that may have a significant impact on such resources.

AB 52 – Consultation Definition

- Consultation has the same meaning as provided in Government Code section 65352.4 (SB 18):
 - Meaningful and timely process of seeking, discussing and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement;
 - Shall be conducted in a way that is mutually respectful of each party's sovereignty;
 - Shall recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural significance.

AB 52 – Consultation Topics

□ Consultation must include:

- If Tribe requests consultation on alternatives, mitigation measures or significant effects, consultation shall include those topics

□ Consultation may include:

- Mitigation measures, including those capable of avoiding or substantially lessening potential significant impacts to a TCR
 - Alternatives that would avoid significant impacts to a TCR
 - Type of environmental review necessary, significance of the TCR, significance of the project’s impacts, appropriate measures for preservation or mitigation that the Tribe recommends
- ✓ Consulting parties themselves will determine case-specific topics (not “one size fits all” approach).

Consultation Best Practices

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Consultation Best Practices

- NAHC PPT (pages 23-33)
 - <http://nahc.ca.gov/2015/10/tribal-consultation-under-ab52-requirements-and-best-practices-presentation/>
- Relationship Building
- Collaborative Government to Government
- Cultural Sensitivity, Respect, Trust