The State of AB 52
Association of Environmental Professionals

March 25, 2019
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Meet Our Panel

Merri Lopez-Keifer
Law Office of Merri Lopez-Keifer
Attorney and Chief Legal Counsel for the San Luis Rey Band of Mission Indians.

Marcos Guerrero, RPA
California Historic Preservation Services
Former Cultural Resources Manager for the United Auburn Indian Community (UAIC) and a registered professional archaeologist.

Adam Giacinto, RPA
Moderator
Cultural Resources Archaeologist and ethnographic specialist working throughout the western US

Carey Fernandes, AICP
CEQA Specialist
Project manager and expert in CEQA. Oversees projects throughout California and surrounding region.

Micah Hale, PhD, RPA
Cultural Resources
Cultural Resources Technical Lead at Dudek and a lead principal investigator with 22 years’ experience as an archaeologist and project manager.
Recognizes California Native American tribal government sovereignty and tribal expertise with regard to tribal history and practices.

New class of resources: Tribal Cultural Resources. Tribes hold the knowledge of these resources and how to manage them.

Establishes a formal government-to-government consultation process with tribes on the Native American Heritage Commission List

Consideration of Tribal Cultural Values in determination of project impacts and mitigation. Required Tribal notice and meaningful consultation

A substantial adverse change to a TCR is a significant effect on the environment

AB 52 Key Elements

Tribal Cultural Resources (TCRs) are:

Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a tribe that are either: Included or determined to be eligible for inclusion in the California Register of Historical Resources Included or in a local register of historical resources;

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 Section 5024.1 – taking into account the significance of the resource to a California Native American tribe
Assembly Bill 52 Timeline for Consultation

Within # of Days:

Lead Agency Sends Project Notification
- California Native American Tribe (Tribe) requests to be on Agency notification list. - PRC, § 21080.3.1(b)(1).
- Agency decides to Undertake Project or Determines Project Application is Complete.
- Lead agency provides formal notice to the Tribal contact on the list. - PRC, § 21080.3.1(d).

Tribes Requests Consultation
- The Tribe writes the lead agency requesting consultation on the project. PRC, § 21080.3.1 (b)(1).

Lead Agency Consults with Tribes
- Lead agency begins consultation with the Tribe PRC, § 21080.3.1(b).
- 1) Both Parties agree. Mitigation measures recommended for inclusion in the environmental document. PRC, § 21082.3(a) OR
- 2) A Party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. PRC, § 21080.3.2(b)(1)-(2), PRC, § 21080.3.1(b)(1).
THANKS FOR YOUR TIME