



# The State of AB 52

Association of Environmental Professionals

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March 25, 2019



# Overview

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**02** Brief Overview of AB 52

**03** Moderator Questions

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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.

# 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



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

# Assembly Bill 52 Timeline for Consultation

## Within # of Days:

14

### 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).

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### Tribes Requests Consultation

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

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### 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