

A-15



COUNTY OF LAKE
COMMUNITY DEVELOPMENT DEPARTMENT
Courthouse - 255 N. Forbes Street
Lakeport, California 95453
Telephone 707/263-2221 FAX 707/263-2225

AGENDA ITEM

MAY 14 2013

MEMO

TO: Board of Supervisors

FROM: Richard Coel, Community Development Director

SUBJECT: Consideration of Letter Opposing Assembly Bill 52

DATE: May 8, 2013

ATTACHMENTS: A. Proposed Legislation; AB 52
B. Proposed Letter Opposing Passage of AB 52

SUMMARY

Assembly Bill 52, introduced by Assembly Member Gatto, proposes to amend the California Environmental Quality Act to require lead agencies to enter into consultations with local Native American Tribes for virtually any discretionary permit application deemed by a Tribe to potentially impact a cultural resource or sacred place. The Bill would mandate an onerous set of time consuming and potentially costly processes before many new development proposals could complete the entitlement process. If the amendments are approved, the County will lose a significant amount of control over how it processes and approves new public and private sector projects. The bill would specify that a project having a potential to cause a substantial adverse change in the significance of a tribal cultural resource, to be a project that may have a significant effect on the environment. It would only allow the County to issue a discretionary permit if: 1) the affected tribe agrees with proposed mitigation measures, 2) the tribe fails to comment during the comment period, or 3) the lead agency determines that there is an overriding environmental, public health, or safety reason that the project should be approved, which requires an Environmental Impact Report.

The Bill provides a broad definition of tribal cultural resource that includes:

"Tribal cultural resources include, but are not limited to, sites, features, places, or objects with cultural value to descendant communities, traditional culture properties, or tribal cultural landscapes consistent with the guidance of the federal National Park Services' Advisory Council on Historic Preservation."

Section 21084.2 of the Bill states:

"(a) A project may have a significant effect on the environment if the project has the potential of causing a substantial adverse change in the significance of a tribal cultural resource.

(b) Because Native American tribes may have expertise in identifying, interpreting, and determining significance of tribal cultural resources and whether an impact of a proposed project to a tribal

cultural resource is significant, the lead agency shall consult with the relevant Native American tribes in making a determination pursuant to subdivision (a).

Section 21097 of the Bill specifies the notification and consultation requirements between the Tribes and the lead agency, including actions to be taken when there is disagreement concerning mitigation. This section of the Bill is particularly concerning because it would require additional analysis in CEQA documents and would lead to Environmental Impact Reports being required in order to make findings of overriding consideration when a Tribe disagrees with the mitigation measures and recommendations proposed by the County for projects that would otherwise qualify for mitigated negative declarations. This would also result in significant project delays and increased costs for projects deemed by Tribes to impact a resource, including a sacred place. Also, there are no guidelines in the Bill addressing the consultation process, which could drag out for months. Also, it would be very difficult for project applicants to predict the time and expense required to navigate the permit process, particularly given the vague definition of what a Tribe can consider a resource to be.

A copy of AB 15 is included as Attachment A, and staff has highlighted the sections that are concerning. Staff is recommending that the Board of Supervisors provide a letter to state representatives expressing opposition to AB 52 as currently drafted, and has prepared a draft letter for your consideration, as Attachment B.



**COUNTY OF LAKE
BOARD OF SUPERVISORS**

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May 14, 2013

The Honorable Mariko Yamada
California State Assembly
PO Box 942849
Sacramento, CA 94249-0004

Re: Assembly Bill 52 (Alejo) Amendments to Public Resources Code related to Native Americans - OPPOSE

Dear Assembly Member Yamada:

The Lake County Board of Supervisors wishes to express its strong opposition to Assembly Bill 52. The Bill proposes amendments to the California Environmental Quality Act (CEQA) that would:

- Require all entitlement projects that could have an impact upon tribal cultural resources to be reviewed by local Native American Tribes through an onerous consultation process.
- Expand the definition of tribal cultural resources to include natural features and cultural landscapes, thereby creating ambiguity for the private and public sectors.
- Require that an Environmental Impact Report be prepared whenever a Tribe disagrees with proposed mitigations for a tribal cultural resource, even if that resource is a feature or landscape.
- Require probable future projects to be evaluated during the CEQA process whenever a tribal cultural resource could be impacted in some way, even if the resource is a feature or landscape.
- Create tremendous uncertainty for the local development community whenever new projects are proposed, with no practical way to predict the cost or time needed to complete the CEQA review process.
- Result in a significant increase in time spent by County planning staff to complete processing of development applications, and make it difficult to comply with Permit Streamlining Act deadlines.

While we agree that cultural resources need to be protected from impacts of new development, CEQA already provides adequate protective measures to accomplish this important objective. Unfortunately, Assembly Bill 52 goes too far in that it would result in the potential for Tribes significantly delay or stop many projects without having to take into consideration legal, social or economic benefits.

AB 52, Lake County Board of Supervisors Letter – OPPOSE

With seven (7) Federally Recognized Tribes in Lake County, we are extremely concerned about the impact this Bill would have to our entitlement process and the future of our local economy. We strongly oppose AB 52 and thank you for your consideration.

Sincerely,

Jeff Smith, Chair

CC Kathy Mannion, Regional Council of Rural Counties

AMENDED IN ASSEMBLY APRIL 19, 2013
AMENDED IN ASSEMBLY APRIL 8, 2013
AMENDED IN ASSEMBLY MARCH 19, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 52

**Introduced by Assembly Member Gatto
(Principal coauthor: Assembly Member Alejo)**

December 21, 2012

An act to amend Section 21083 of, and to add Sections 21073, 21074, 21083.09, 21084.2, 21084.3, and 21097 to, the Public Resources Code, relating to Native Americans.

LEGISLATIVE COUNSEL'S DIGEST

AB 52, as amended, Gatto. Native Americans: California Environmental Quality Act.

Existing law, the Native American Historic Resource Protection Act, establishes a misdemeanor for unlawfully and maliciously excavating upon, removing, destroying, injuring, or defacing a Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the California Register of Historic Resources.

The California Environmental Quality Act, referred to as CEQA, requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the

project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA requires the lead agency to provide a responsible agency with specified notice and opportunities to comment on a proposed project. CEQA requires the Office of Planning and Research to prepare and develop, and the Secretary of the Natural Resources Agency to certify and adopt, guidelines for the implementation of CEQA that include, among other things, criteria for public agencies to following in determining whether or not a proposed project may have a significant effect on the environment.

The bill would specify that a project having a potential to cause a substantial adverse change in the significance of a tribal resource, as defined, to be a project that may have a significant effect on the environment. The bill would require a lead agency to make best efforts to avoid, preserve, and protect specified Native American resources. The bill would require the lead agency to undertake specified actions if a project may adversely affect tribal cultural resources, or a tribal reservation or rancheria. The bill would require the office to revise the guidelines to include criteria for determining whether a proposed project has a significant effect on the environment to include effects on tribal cultural resources, including sacred places, or a tribal reservation or rancheria community. The bill would require the office to prepare and develop, and the secretary to certify and adopt, revisions to the guidelines relating to the identification and treatment of tribal cultural resources. By requiring the lead agency to consider these effects relative to Native Americans, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

1 (a) California had the largest aboriginal population in North
2 America before contact with non-Native Americans. Yet, California
3 Native American tribes suffered the greatest losses from
4 termination, removal, and assimilation policies, including the loss
5 of a majority of their lands and tribal cultural resources, including
6 sacred places. This devastation debilitated tribal religious practices
7 and cultural identity, and threatened the survival of California
8 Native Americans.

9 (b) Spiritual integrity, community identity, political sovereignty,
10 and governance processes are intertwined in the lifeways and
11 identity of the California Native American tribes.

12 (c) California Native American tribes possess original natural
13 rights, from time immemorial, recognized in over 200 years of
14 federal jurisprudence, the Federal Constitution, federal and state
15 laws and administrative policies, and state actions, including,
16 tribal-state agreements.

17 (d) Included in these original natural rights is the right of tribal
18 governments to enact their own laws and be governed by them
19 and to engage in their own cultural and spiritual practices. It is a
20 fundamental obligation of each generation of California Native
21 Americans to cherish and protect these rights for their children
22 and for generations to come.

23 (e) California Native Americans have used, and continue to use,
24 natural settings in the conduct of spiritual practices, religious
25 observances, ceremonies, and cultural uses and beliefs that are
26 essential elements in tribal communities. Tribes consider these
27 sacred and cultural places, used by generations, as vital to their
28 existence, well-being, and identity.

29 (f) In addition to the lingering effects of historic termination,
30 removal, and assimilation policies, the continued loss of tribal
31 cultural resources, including sacred places and tribal lands in the
32 past 200 years has caused further debilitating impacts on the
33 religious practices, cultural traditions, tribal identity, and
34 self-governance rights of California Native American tribes.

35 (g) To uphold California Native American tribes' original natural
36 rights with regard to religious practices, cultural traditions, tribal
37 identity, and self-governance, it is essential that the natural setting
38 and essential integrity of these tribal cultural resources be protected
39 and the sacred places be preserved.

1 (h) Traditional tribal lands were diminished to reservations and
2 rancherias that exist today in California with local governments,
3 state lands, federal lands, and privately owned lands located
4 adjacent to, and in the vicinity of, tribal government reservations
5 and rancherias. The land use decisions concerning lands adjacent
6 to, and in the vicinity of, California Native American reservations
7 and rancherias affect those tribal communities in terms of
8 environmental impacts and tribal self-governance rights.

9 (i) The California Environmental Quality Act does not readily
10 or directly solicit, include, or accommodate California Native
11 American tribes' concerns and issues, which has resulted in
12 significant environmental impacts to tribal cultural resources,
13 including sacred places and tribal government reservations and
14 rancherias, leaving them unanalyzed and unmitigated. The result
15 has been significant and unmitigated cumulative impacts to those
16 resources and California Native American reservations and
17 rancherias to the detriment of those communities and California's
18 environment.

19 (j) California Native American tribes are experts concerning
20 their culturally affiliated resources, tribal history, and practices
21 concerning those resources. Tribal knowledge about the land and
22 the resources should be included in environmental assessments
23 pursuant to state environmental laws for projects that have a
24 potentially significant impact or effect on those resources.

25 (k) State environmental law should not only take into account
26 the scientific or archaeological value of cultural resources, but also
27 the tribal cultural values, tribal interpretations, and culturally
28 appropriate treatment when decisions are made concerning whether
29 or how to approve a project that may significantly impact or effect
30 those places and resources.

31 SEC. 2. Section 21073 is added to the Public Resources Code,
32 to read:

33 21073. "Native American tribe" means a federally recognized
34 Indian tribe located in California.

35 SEC. 3. Section 21074 is added to the Public Resources Code,
36 to read:

37 21074. (a) "Tribal cultural resource" means a resource that is
38 any of the following:

39 (1) A resource listed in, or determined to be eligible for listing
40 in, the California Register of Historical Resources, a local register

1 of historical resources, as defined in subdivision (k) of Section
2 5020.1, or a tribal register of historic resources.

3 (2) A resource deemed to be significant pursuant to subdivision
4 (g) of Section 5024.1.

5 (3) A resource deemed by the lead agency to be a tribal cultural
6 resource.

7 (b) Tribal cultural resources include, but are not limited to, sites,
8 features, places, or objects with cultural value to descendant
9 communities, traditional culture properties, or tribal cultural
10 landscapes consistent with the guidance of the federal National
11 Park Services' Advisory Council on Historic Preservation.

12 (c) A tribal cultural resource may also be a historic resource or
13 a unique archaeological resource.

14 (d) A tribal cultural resource does not include a resource
15 demonstrated by clear and convincing evidence to be historically
16 or culturally not significant.

17 SEC. 4. Section 21083 of the Public Resources Code is
18 amended to read:

19 21083. (a) The Office of Planning and Research shall prepare
20 and develop proposed guidelines for the implementation of this
21 division by public agencies. The guidelines shall include objectives
22 and criteria for the orderly evaluation of projects and the
23 preparation of environmental impact reports and negative
24 declarations in a manner consistent with this division.

25 (b) The guidelines shall specifically include criteria for public
26 agencies to follow in determining whether or not a proposed project
27 may have a "significant effect on the environment." The criteria
28 shall require a finding that a project may have a "significant effect
29 on the environment" if one or more of the following conditions
30 exist:

31 (1) A proposed project has the potential to degrade the quality
32 of the environment, curtail the range of the environment, or to
33 achieve short-term, to the disadvantage of long-term, environmental
34 goals.

35 (2) The possible effects of a project are individually limited but
36 cumulatively considerable. As used in this paragraph,
37 "cumulatively considerable" means that the incremental effects of
38 an individual project are considerable when viewed in connection
39 with the effects of past projects, the effects of other current projects,
40 and the effects of probable future projects.

1 (3) The environmental effects of a project will cause substantial
2 adverse effects on human beings, either directly or indirectly.

line 3 (4) A proposed project may have a significant effect on a tribal
line 4 cultural resource, including a sacred place, or a tribal reservation
line 5 or rancheria community.

6 (c) The guidelines shall include procedures for determining the
7 lead agency pursuant to Section 21165.

8 (d) The guidelines shall include criteria for public agencies to
9 use in determining when a proposed project is of sufficient
10 statewide, regional, or areawide environmental significance that
11 a draft environmental impact report, a proposed negative
12 declaration, or a proposed mitigated negative declaration shall be
13 submitted to appropriate state agencies, through the State
14 Clearinghouse, for review and comment prior to completion of the
15 environmental impact report, negative declaration, or mitigated
16 negative declaration.

17 (e) The Office of Planning and Research shall develop and
18 prepare the proposed guidelines as soon as possible and shall
19 transmit them immediately to the Secretary of the Natural
20 Resources Agency. The Secretary of the Natural Resources Agency
21 shall certify and adopt the guidelines pursuant to Chapter 3.5
22 (commencing with Section 11340) of Part 1 of Division 3 of Title
23 2 of the Government Code, which shall become effective upon the
24 filing of the adopted guidelines. However, the guidelines shall not
25 be adopted without compliance with Sections 11346.4, 11346.5,
26 and 11346.8 of the Government Code.

27 (f) The Office of Planning and Research shall, at least once
28 every two years, review the guidelines adopted pursuant to this
29 section and shall recommend proposed changes or amendments
30 to the Secretary of the Natural Resources Agency. The Secretary
31 of the Natural Resources Agency shall certify and adopt guidelines,
32 and any amendments to the guidelines, at least once every two
33 years, pursuant to Chapter 3.5 (commencing with Section 11340)
34 of Part 1 of Division 3 of Title 2 of the Government Code, which
35 shall become effective upon the filing of the adopted guidelines
36 and any amendments to the guidelines. However, guidelines may
37 not be adopted or amended without compliance with Sections
38 11346.4, 11346.5, and 11346.8 of the Government Code.

39 SEC. 5. Section 21083.09 is added to the Public Resources
40 Code, to read:

1 21083.09. On or before January 1, 2015, the Office of Planning
line 2 and Research shall prepare and develop, and the Secretary of the
line 3 Natural Resources Agency shall certify and adopt, revisions to the
line 4 guidelines that do all of the following:

line 5 (a) Provide guidance on the implementation of Sections 21084.2
line 6 and 21084.3.

line 7 (b) Provide advice developed in consultation with the Native
line 8 American Heritage Commission, Native American tribes, related
line 9 to tribal cultural resources, including sacred places, for all of the
line 10 following:

line 11 (1) The preservation and protection of, or culturally appropriate
line 12 mitigation to impacts to, tribal cultural resources.

line 13 (2) Procedures for the protection of the confidentiality of
line 14 information concerning the specific identity, location, character,
line 15 and use of tribal cultural resources.

line 16 (3) Procedures to facilitate the voluntary participation of
line 17 landowners to preserve and protect the specific identity, location,
line 18 character, and use of tribal cultural resources.

line 19 (4) Procedures to facilitate the identification of, and culturally
line 20 appropriate treatment of, tribal cultural resources.

line 21 (c) Revising Appendix G of Chapter 3 (commencing with
line 22 Section 15000) of Division 6 of Title 14 of the California Code of
line 23 Regulations to ~~separate~~ *do both of the following:*

line 24 (1) *Separate* the consideration of paleontological resources
line 25 from cultural resources and ~~updating~~ *update* the relevant sample
line 26 questions.

line 27 (2) *Add consideration of tribal cultural resources, including*
line 28 *sacred places, with relevant sample questions.*

line 29 SEC. 6. Section 21084.2 is added to the Public Resources Code,
line 30 to read:

line 31 21084.2. (a) A project may have a significant effect on the
line 32 environment if the project has the potential of causing a substantial
line 33 adverse change in the significance of a tribal cultural resource.

line 34 (b) Because Native American tribes may have expertise in
line 35 identifying, interpreting, and determining significance of tribal
line 36 cultural resources and whether an impact of a proposed project to
line 37 a tribal cultural resource is significant, the lead agency shall consult
line 38 with the relevant Native American tribes in making a determination
line 39 pursuant to subdivision (a).

1 SEC. 7. Section 21084.3 is added to the Public Resources Code,
2 to read:

3 21084.3. If the lead agency determines that a project will have
4 a significant effect on places, features, and objects described in
5 Section 5097.9 or 5097.995 and listed in the California Native
6 American Heritage Commission Sacred Lands File pursuant to
7 Section 5097.993 or 5097.994, the lead agency shall make its best
8 effort to ensure that these resources be avoided, preserved, and
9 protected in place or left in an undisturbed state.

10 SEC. 8. Section 21097 is added to the Public Resources Code,
11 to read:

12 21097. (a) If a Native American tribe notifies a lead agency
line 13 prior to the commencement of the public review period established
line 14 by Section 21091, or if the lead agency determines pursuant to
line 15 Section 21084.3, that a project may adversely affect a tribal cultural
line 16 resource, including a sacred place, or a tribal reservation or
line 17 rancheria and that the tribe wishes to consult to resolve the
line 18 potentially adverse impacts, the lead agency shall engage in early
line 19 consultation with the affected tribe before or during the
line 20 environmental review process. The lead agency shall provide to
line 21 the affected tribe copies of any environmental document and its
line 22 technical reports. The affected tribe may request the Native
line 23 American Heritage Commission, the State Office of Historic
line 24 Preservation, and other relevant agencies or entities to participate
line 25 in the consultation process and to seek mutually agreeable methods
line 26 of avoiding or otherwise resolving the potential adverse effects.
line 27 As part of the consultation process, the parties may propose
line 28 mitigation measures capable of avoiding or substantially lessening
line 29 potential impacts to a tribal cultural resource, including a sacred
line 30 place, or a tribal reservation or rancheria. Any binding agreement
line 31 reached in this consultation shall be incorporated as mitigation
line 32 measures in the final environmental document.

line 33 (b) If no agreement is reached pursuant to subdivision (a), or if
line 34 an affected tribe identifies significant effects on a tribal cultural
line 35 resource, including a sacred place, or the affected tribe's reservation
line 36 or rancheria during the public comment period, the environmental
line 37 document shall include both of the following analyses:

line 38 (1) Whether the proposed project has a significant impact on
line 39 an identified tribal cultural resource, including a sacred place, or
line 40 a tribal reservation or rancheria.

1 (2) Whether the alternatives or mitigation measures proposed
line 2 by the parties pursuant to subdivision (a) or during the public
line 3 comment period avoid or substantially lessen the impact to the
line 4 identified cultural resource, including a sacred place, or a tribal
line 5 reservation or rancheria.

6 (c) (1) Any information, including, but not limited to, the
line 7 location, nature, and use of the place, feature, site, or object that
line 8 is submitted by an affected tribe regarding a tribal cultural resource,
line 9 including a sacred place, may not be included in the environmental
line 10 impact report or otherwise disclosed by the lead agency or any
line 11 other public agency to the public without the prior consent of the
line 12 tribe that provided the information. The submitted information
line 13 shall be published in a confidential appendix to the environmental
line 14 document. This subdivision is not intended, and may not be
line 15 construed, to prohibit the confidential exchange of the submitted
line 16 information between public agencies that have lawful jurisdiction
line 17 over the preparation of the environmental document.

18 (2) *This subdivision does not affect or alter the application of*
line 19 *subdivision (r) of Section 6254 of the Government Code.*

20 (d) The lead agency and any responsible agency for the proposed
line 21 project may issue a permit for a project with a significant impact
line 22 on an identified tribal cultural resource, including a sacred place,
line 23 or a tribal reservation or rancheria only if one of the following
line 24 occurs:

line 25 (1) Mitigation measures agreed to pursuant to subdivision (a)
line 26 have been incorporated into the final environmental document.

line 27 (2) The affected tribe accepts the mitigation measures proposed
line 28 in the draft or final environmental document.

line 29 (3) The affected tribe has received notice of, and has failed to
line 30 comment on, the proposed mitigation measures during the comment
line 31 period established in Section 21091 and any public hearing required
line 32 by or held pursuant to this division.

line 33 (4) The lead agency determines that there is no legal or feasible
line 34 way to accomplish the projects purpose without causing a
line 35 significant effect upon the sacred place, that all feasible mitigation
line 36 or avoidance measures have been incorporated, and that there is
line 37 an overriding environmental, public health, or safety reason based
line 38 on substantial evidence presented by the lead agency that the
line 39 project should be approved. These findings may be made only
line 40 after the lead agency provides 30 days' notice of hearing to the

line 1 affected tribe and an opportunity for the affected tribe to review
line 2 and comment on the proposed finding.

line 3 (e) If an agreement is not reached pursuant to subdivision (a)
line 4 and if it can be demonstrated that a project will cause significant
line 5 effect to a tribal cultural resource, including a sacred place, or a
line 6 tribal reservation or rancheria, the lead agency may require all
line 7 reasonable efforts to be made to treat the tribal cultural resource,
line 8 including a sacred place, or a tribal reservation or rancheria in a
line 9 culturally sensitive manner. Examples of culturally sensitive
line 10 treatment include, but are not limited to, the following:

line 11 (1) Planning construction to avoid those resources or places.

line 12 (2) Deeding resources or places into permanent conservation
line 13 easements.

line 14 (3) Planning parks, greenspace, or other open space to
line 15 incorporate those resources or places.

line 16 (4) Adopting culturally appropriate mitigation measures that
line 17 take into account the tribal value and meaning of the resource or
line 18 place.

line 19 (f) In determining the presence of tribal cultural resources,
line 20 including sacred places, or a tribal reservation or rancheria
line 21 community, the lead agency shall use the most current and
line 22 up-to-date technology, research, and resources including, but not
line 23 limited to, tribal, local, state, and national registers, the Native
line 24 American Heritage Commission Sacred Lands File, mapping and
line 25 Geographic Information System data, current cultural resources
line 26 reports, foot surveys, ethnographic assessment, noninvasive study
line 27 techniques, and information submitted by an affected tribe. The
line 28 lead agency shall make all reasonable efforts and complete the
line 29 research and identification efforts prior to the release of the draft
line 30 environmental document and, in any case, no later than the
line 31 finalization of the environmental document.

line 32 (g) This section is not intended, and may not be construed, to
line 33 do either of the following:

line 34 (1) Prohibit any person or entity from seeking any damages or
line 35 injunction authorized by law.

line 36 (2) Limit consultation between the state and tribal governments,
line 37 existing confidentiality provisions, or the protection of religious
line 38 exercise to the fullest extent permitted under state and federal law.

line 39 *SEC. 9. This act does not alter or expand the applicability of*
line 40 *the California Environmental Quality Act (Division 13*

1 *(commencing with Section 21000) of the Public Resources Code*
2 *for projects occurring on Native American tribal reservations or*
3 *rancherias.*

4 ~~SEC. 9.~~

line 5 ~~SEC. 10.~~ No reimbursement is required by this act pursuant to
line 6 Section 6 of Article XIII B of the California Constitution because
line 7 a local agency or school district has the authority to levy service
line 8 charges, fees, or assessments sufficient to pay for the program or
line 9 level of service mandated by this act, within the meaning of Section
line 10 17556 of the Government Code.

Here is the link to the full text of AB 52: http://www.leginfo.ca.gov/pub/13-14/bill/asm/ab_0051-0100/ab_52_bill_20130419_amended_asm_v96.pdf

RCRC urges member counties to express their opposition to AB 52 to their Assembly Members. Please forward copies of any letters sent to Kathy Mannion at kmannion@rcrcnet.org.

Richard Coel
Community Development Director
707-263-2221

From: Lars Ewing
Sent: Friday, April 26, 2013 2:10 PM
To: Scott DeLeon; Richard Coel; Emily Gonsalves; Will Evans
Subject: FW: The Barbed Wire -- April 26, 2013

Has the County considered submitting an opposition letter to AB 52?

From: RCRC [<mailto:RCRC@rcrcnet.org>]
Sent: Friday, April 26, 2013 1:15 PM
Subject: The Barbed Wire -- April 26, 2013



*A publication of the **Rural County Representatives of California***

April 26, 2013

IN THIS ISSUE:

CEQA/Native American Legislation Would Impact Local Land Use Authority

Assembly Bill 52 by Assembly Member Gatto would place new requirements on lead agencies relating to consultation before or during the California Environmental Quality Act (CEQA) process and require the inclusion in CEQA documents of specified analyses if a tribe does not agree with the lead agency. The measure would only allow a lead agency to issue a permit if: 1) the affected tribe agreed with proposed mitigation measures, 2) the tribe fails to comment during the comment period, or 3) the lead agency determines that there is an overriding environmental, public health, or safety reason that the project should be approved. Local lead agencies could no longer balance competing priorities – giving consideration to economic, legal, social, technological, or other benefits when making their decision. AB 52 passed the Assembly Natural Resources Committee on April 15 and will be heard next in the Assembly Appropriations Committee which is chaired by Assembly Member Gatto. [Read More....](#)

Assembly 2014 Water Bond Hearing Next Week

Three recently amended water bond study bills will be heard in the Assembly Water Parks & Wildlife Committee on Tuesday, April 30. The hearing will start the 2014 Water Bond conversation in the Assembly, but discussions in earnest are not expected to take place until after the passage of the 2013-14 State Budget. The Senate has previously held several hearings related to 2014 Water Bond. [Read More..](#)

Environmental Health Screening Tool Released

The California Environmental Protection Agency (Cal/EPA) and the Office of Environmental Health Hazard Assessment (OEHHA) released its first version of the California Communities Environmental Health Screening Tool (CalEnviroScreen 1.0). The intent of the tool is to identify disadvantaged communities and provide state decision makers with information that will enable them to focus