

Mitigation Monitoring and Reporting Program (MMRP)

Mitigation measures included in an MMRP can be agreed upon during consultation and recommended for inclusion in the final CEQA environmental document.

Examples include:

- Avoidance and preservation of the resources in place
- Treating resource with culturally appropriate sensitivities
- Permanent conservation easements
- Protecting the resource

Resources for Tribes:

Sign up on CEQA Guidelines Update:

Listserve at www.opr.ca.gov

Timeline and Checklist:

[https://opr.ca.gov/ceqa/docs/20220223-Tribal Consultation Checklist.pdf](https://opr.ca.gov/ceqa/docs/20220223-Tribal%20Consultation%20Checklist.pdf)

Confidentiality FOIA FAQ Videos:

<https://www.foia.gov/faq.html>

Confidentiality PRC § 21082.3:

<https://codes.findlaw.com/ca/public-resources-code/prc-sect-21082-3.html>

CEQA Definitions

Environment

“The physical conditions which exist within the area which will be affected by a proposed project, including land, air, water, minerals, flora, fauna, noise, objects of historic or aesthetic significance.” (Pub. Resources Code § 21060.5)

Feasible

“Capable of being accomplished within a reasonable amount of time, taking into account economic, environmental, social and technological factors.” (PRC § 21061.1)

Lead Agency

“The public agency that has the principal responsibility for carrying out or approving a project that may have a significant effect upon the environment.” (Pub. Resources Code § 21067).

Mitigation Measures

“Changes the lead agency has either required in the project or made a condition of approval to mitigate or avoid significant environmental effects.” (PRC §§21002, 21002.1(b); Cal. Code. Regs., tit. 14, § 15074 (d)).

Significant Effect on the Environment

“A substantial, or potentially substantial, adverse change in the environment.” (PRC § 21068).

Consultation Guide for Tribes

CEQA

California

Environmental

Quality

Act



California
Rural Water Association



Watersheds Coalition
of **Ventura County**

What is a CEQA?

The California Environmental Quality Act (CEQA) is a California law that requires public agencies and local governments to evaluate and disclose the environmental impacts of development projects or other major land use decisions within the State's jurisdiction, and to limit or avoid those impacts to the extent feasible.

What is CEQA and Tribal Consultation?

Native American Historic Resource Protection Act AB 52 requires public agencies to conduct formal consultation with California tribes during the CEQA process.

If a tribe does not participate in AB 52 consultation, comment on environmental documents, or testify at public hearings to approve a project, the tribe's concerns will not be included in the administrative record for a court to consider.

AB 52 Procedures and Timelines:

- A Tribe requests to be on the Lead Agency's Notice List;
- Within 14 days of a decision to undertake a project or determination that a project application is complete, Lead Agency shall provide written notification to the tribes that requested placement on the Agency's Notice List;
- Notice to Tribes shall include brief project description, location, lead agency contact info, and statement that Tribe has 30 days to request consultation;
- A Lead Agency shall begin the consultation process within 30 days of receiving Tribe's request for consultation

Consultation ends when either:

1) Both Parties agree to measures to avoid or mitigate a significant effect on a Tribal Cultural Resource (TCR). Agreed upon mitigation measures shall be recommended for inclusion in the environmental document. Public Resources Code (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).

What is a Tribal Cultural Resource?

A tribal cultural resource includes "sites, features, places, cultural landscapes, and objects with cultural value to a California Native American tribe that are included or determined to be eligible for inclusion in the California Register of Historical Resources." (PRC § 21074(a)(1) (A).

How can a Tribe protect cultural resources with CEQA Consultation?

According to the Governor's Office of Planning and Research, evidence that may support a determination regarding the potential impacts of a project to TCRs could include, among other evidence:

- Elder testimony
- Oral history
- Tribal government archival information
- Testimony of a qualified archaeologist certified by the relevant tribe
- Testimony of an expert certified by the Tribal Government
- Official tribal government declarations or resolutions
- Formal statements from a certified Tribal Historic Preservation Officer
- Historical notes, and other anthropological records

