

LADWP Environmental Planning and Assessment

California Environmental Quality Act (CEQA)

Assembly Bill (AB) 52 Tribal Consultation Procedure

Within 14 days of a decision to undertake a project, LADWP's Environmental Planning and Assessment Group will initiate tribal consultation with the following steps:

- 1. Compile a list of tribes to notify:**
 - Refer to our list of tribes that have submitted a written request to be notified of projects within their culturally or traditionally affiliated areas.
 - Submit a request to the Native American Heritage Commission to obtain a list of California Native American tribes culturally or traditionally affiliated with the area of the proposed project site.
- 2. Submit a consultation invitation letter, reply form, and project location map to all identified tribes.**
- 3. Collect responses from interested tribes for a period of 30 days.**
- 4. Within 30 days of a consultation confirmation from a California Native American Tribe, the lead agency (LADWP) shall begin formal consultation.**
- 5. Proceed with consultation as described in Government Code § 6532.4:**
 - *“Consultation” means the 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. Consultation between government agencies and Native American tribes shall be conducted in a way that is mutually respectful of each party’s sovereignty. Consultation shall also recognize the tribe’s potential needs for confidentiality with respect to places that have traditional tribal cultural significance.’*
- 6. Incorporate a Tribal Cultural Resources Section to the Environmental Checklist that outlines potential impacts, best management practices, and/or mitigation measures in the environmental document.**
 - Mitigation measures may be incorporated in the document but specific information about the tribal cultural resources shall not be disclosed for public review in order to maintain confidentiality.
- 7. The environmental document may be considered for Board approval after consultation is considered complete from either of the following outcomes (Public Resources Code §21080.3.1):**
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource, or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.