

# Identifying Tribal Cultural Resources



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## Legislative Intent of AB52:

- (1) Recognize that California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in tribal cultural traditions, heritages, and identities.
- (2) Establish a new category of resources in the California Environmental Quality Act called “tribal cultural resources” that considers the tribal cultural values in addition to the scientific and archaeological values when determining impacts and mitigation.
- (3) Establish examples of mitigation measures for tribal cultural resources that uphold the existing mitigation preference for historical and archaeological resources of preservation in place, if feasible.
- (4) Recognize that California Native American tribes may have expertise with regard to their tribal history and practices, which concern the tribal cultural resources with which they are traditionally and culturally affiliated. Because the California Environmental Quality Act calls for a sufficient degree of analysis, tribal knowledge about the land and tribal cultural resources at issue should be included in environmental assessments for projects that may have a significant impact on those resources.

## Legislative Intent of AB52 (cont.):

- (5) In recognition of their governmental status, establish a meaningful consultation process between California Native American tribal governments and lead agencies.
- (6) Recognize the unique history of California Native American tribes and uphold existing rights of all California Native American tribes to participate in, and contribute their knowledge to, the environmental review process pursuant to the California Environmental Quality Act.
- (7) Ensure that tribal governments, public agencies, and project proponents have information available, early in the California Environmental Quality Act environmental review process, for purposes of identifying and addressing potential adverse impacts to tribal cultural resources and to reduce the potential for delay and conflicts in the environmental review process.
- (8) Enable California Native American tribes to manage and accept conveyances of, and act as caretakers of, tribal cultural resources.
- (9) Establish that a substantial adverse change to a tribal cultural resource has a significant effect on the environment.

# What are Tribal Cultural Resources?

Tribal Cultural Resources (TCRs) are an important type of cultural resource established by Assembly Bill 52 and added to the California Environmental Quality Act regulatory review process in 2014\*. TCRs include:

1. Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a Tribe that are listed, or determined to be eligible for listing, in the national or state register of historical resources, or listed in a local register of historic resources.”
2. A resource that the lead agency determines, in its discretion, is a Tribal cultural resource.

Considerations include:

- California Register of Historical Resources Criteria evaluation is still the primary method for TCR determination.
- Oral history and evidence from Tribal scholars and cultural experts greatly inform the determination.



\*Amends Section 5097.94 of, and to add Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3 to, the Public Resources Code,

## Steps that the lead agencies are taking to identify TCRs

1. Tribal consultation— speaking directly with FIGR representatives about the places that are important to them and published resources that FIGR would like to see used;
2. Ethnographic review— pulling information from published sources, maps, and research notes about potential TCRs;
3. Interviews with FIGR Tribal Scholars and Cultural Experts— at the discretion of the Tribe, following Tribal protocol;
4. Where accessible and appropriate, field visits with FIGR representatives to identify potential TCRs



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