



"We are a welcoming, active and business-friendly rural foothill community built on California's rich gold rush history."

Planning Commission Memorandum

Meeting Date: August 19, 2025

Prepared By: Carole Kendrick, Director of Development Services

SUBJECT: Summary of AB 52 and SB 18 Tribal Consultation Requirements

This memo provides a concise summary of California's Assembly Bill 52 (AB 52) and Senate Bill 18 (SB 18) tribal consultation requirements to inform the Planning Commission's approach to land use planning and project reviews, ensuring compliance with state law and respect for tribal sovereignty.

Senate Bill 18 (SB 18) – Tribal Consultation for Local Planning

Enacted: 2004

Purpose: SB 18 mandates local governments (cities and counties) to consult with California Native American tribes during the adoption or amendment of general plans or specific plans to protect traditional tribal cultural places.

Key Requirements:

- **Applicability:** Applies to general plan or specific plan adoptions or amendments.
- **Tribes Involved:** Federally recognized and non-federally recognized California Native American tribes listed by the Native American Heritage Commission (NAHC) within the local government's jurisdiction and affected by the proposed plan.

Process:

- Local governments must contact tribes via the NAHC contact list before adopting or amending plans.
- Consultation is a collaborative process to seek mutually agreeable resolutions for preserving or mitigating impacts to tribal cultural places.
- Consultation must occur early in the planning process to allow for meaningful tribal input.

Timeline: Tribes have 90 days to respond to a consultation request, though extensions may be mutually agreed upon.

Outcome: The goal is to identify and protect tribal cultural places, which may include sites, features, or landscapes significant to tribes, through avoidance or mitigation measures.

Note: SB 18 consultation is separate from the California Environmental Quality Act (CEQA) process and focuses on long-term planning rather than specific development projects.

Assembly Bill 52 (AB 52) – Tribal Consultation in CEQA

Enacted: 2014

Purpose: AB 52 integrates tribal consultation into the CEQA process for all development projects, ensuring consideration of tribal cultural resources (TCRs) and their protection.

Key Requirements:

- **Applicability:** Applies to all projects subject to CEQA (e.g., development projects requiring environmental review).
- **Tribes Involved:** California Native American tribes traditionally and culturally affiliated with the project area that have requested formal notification from the lead agency.
- **Definition of TCRs:** Sites, features, places, cultural landscapes, sacred places, or objects with cultural value to a California Native American tribe, either:
- Listed or eligible for listing in the California Register of Historical Resources or a local register; or
- Determined significant by the lead agency based on substantial evidence, considering tribal input.

Process:

- Tribes must request notification in writing from the lead agency to be consulted.
- Within 14 days of deeming a project application complete, the lead agency must notify tribes.
- Tribes have 30 days to request consultation after receiving notification.
- Consultation must begin within 30 days of a tribe's request and occur before the release of CEQA environmental documents (e.g., EIR or MND).
- Consultation is a good-faith effort to reach agreement on avoiding or mitigating impacts to TCRs.

Documentation: Lead agencies must maintain a record of all consultation efforts, including correspondence, meetings, and mitigation discussions. A sealed appendix may be used to protect confidential tribal information.

Outcome: Meaningful consultation requires reciprocal communication, consideration of tribal expertise, and documentation of decisions regarding mitigation measures. Failure to consult adequately can invalidate CEQA approvals, as seen in *Koi Nation of Northern California v. City of Clearlake* (2025).

Note: AB 52 consultation is distinct from SB 18, as it applies to CEQA-governed projects, not just plan updates. AB 1561 (2020) extended tribal response times by 30 days for certain housing projects completed between March 4, 2020, and December 31, 2021.

Key Differences Between SB 18 and AB 52

Aspect	SB 18	AB 52
Scope	General/specific plan adoption or amendment	All CEQA projects (e.g., development)
Consultation Trigger	Plan adoption/amendment	Project application deemed complete
Tribes	NAHC-listed tribes in jurisdiction	Tribes requesting notification
Focus	Tribal cultural places	Tribal cultural resources (TCRs)
CEQA Integration	Not part of CEQA	Integrated into CEQA process

Conclusion

Compliance with SB 18 and AB 52 is critical to protecting tribal cultural resources and places while upholding tribal sovereignty. By engaging tribes early, documenting consultations thoroughly, and prioritizing meaningful dialogue, the Planning Commission can ensure compliance with state law and foster respectful partnerships with California Native American tribes.

ATTACHMENTS

- A. Assembly Bill 52
- B. Senate Bill 18
- C. Office of Land Use and Climate Innovation Tribal Consultation Process & Timelines

INCORPORATED BY REFERENCE

City of Placerville City Code
California Environmental Quality Act (CEQA)