

Date of Hearing: June 22, 2026

ASSEMBLY COMMITTEE ON NATURAL RESOURCES

Isaac G. Bryan, Chair

SB 1326 (Wahab) – As Amended June 11, 2026

**SENATE VOTE:** 33-0

**SUBJECT:** California Environmental Quality Act: tribal cultural resources: mitigation measures

**SUMMARY:** Revises definitions and procedures for tribal consultation and consideration of impacts to tribal cultural resources (TCRs) under the California Environmental Quality Act (CEQA), increasing deference to California Native American tribes regarding identification and protection of TCRs.

**EXISTING LAW:**

- 1) CEQA requires lead agencies with the principal responsibility for carrying out or approving a proposed project to prepare a negative declaration, mitigated negative declaration, or environmental impact report (EIR) for this action. (Public Resources Code (PRC) 21000 *et seq.*)
- 2) Defines “California Native American tribe” as a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission (NAHC) for the purposes of SB 18 (Burton), Chapter 905, Statutes of 2004. (PRC 21073)
- 3) Defines “tribal cultural resources” as either sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe, a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to specified criteria. Requires the lead agency to consider the significance of the resource to a California Native American tribe. (PRC 21074)
- 4) Requires, prior to the release of a negative declaration, mitigated negative declaration, or EIR for a project, the lead agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if: (1) the California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and (2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation. (PRC 21080.3.1)
- 5) Requires, as a part of the consultation, the parties may propose mitigation measures, including, but not limited to, those recommended capable of avoiding or substantially lessening potential significant impacts to a TCR or alternatives that would avoid significant impacts to a TCR. If the California Native American tribe requests consultation regarding alternatives to the project, recommended mitigation measures, or significant effects, requires the consultation to include those topics. (PRC 21080.3.2)

- 6) Requires public agencies, when feasible, to avoid damaging effects to any TCR. (PRC 21084.3)
- 7) Requires the NAHC to identify and catalog places of special religious or social significance to Native Americans and known graves and cemeteries of Native Americans on private lands. (PRC 5097.94)
- 8) Authorizes the NAHC to prepare an inventory of Native American sacred places that are located on public lands and review the current administrative and statutory protections accorded to such places. (PRC 5097.96)

**THIS BILL:**

- 1) Revises the definition of “tribal cultural resources” to include resources that are (a) included or eligible for inclusion in the National Register of Historical Places, (b) identified by the NAHC as a sacred place, (c) included in a local tribal register and provided to the lead agency by a consulting California Native American tribe.
- 2) Declares that TCRs are a separate category from cultural resources and archaeological resources, and that certain archaeological methods and standards may not be appropriate for identifying TCRs.
- 3) Requires the lead agency, if it decides to use archaeological methods and standards in the identification of TCRs instead of tribal methods and standards or tribal traditional knowledge submitted by a California Native American tribe during tribal consultation, to explain its decision, supported by substantial evidence, in the environmental documents for the project.
- 4) Requires the lead agency, when feasible, to adopt mitigation measures to avoid or minimize significant adverse impacts to TCRs.
- 5) Requires the lead agency to consider avoidance and preservation of the TCR in place when requested by the consulting California Native American tribe. Requires the lead agency, if avoidance and preservation of the resource in place are determined to not be feasible, to document the basis for that determination with substantial evidence and, when feasible, adopt mitigation measures to avoid or minimize significant adverse impacts to the resource.
- 6) Requires the lead agency, in developing mitigation and treatment measures, to consider and incorporate, to the extent feasible, culturally appropriate mitigation measures, identified by the consulting California Native American tribe.
- 7) Provides that curation of a TCR at private or public repository facilities may only occur if agreed upon by the consulting California Native American tribe and any curation may be subject to federal and state repatriation laws and repository fees.

**FISCAL EFFECT:** According to the Senate Appropriations Committee:

- The Governor’s Office of Land Use and Climate Innovation estimates one-time costs of about \$128,000 spread over two years to coordinate and work with the NAHC, tribes, and the public, as well as update the appropriate guidance documents.

- The California Air Resources Board estimates unknown but potentially significant ongoing costs, possibly in the hundreds of thousands of dollars annually (General Fund) to expand its environmental impact analyses of the kinds of mitigation measures recommended for tribal cultural resources impacts, among other things.
- The California Natural Resources Agency, Department of Fish and Wildlife, and Department of Water Resources anticipate any costs would likely be minor and absorbable.

#### COMMENTS:

- 1) **Background.** Consideration of tribal cultural resources, as distinct from cultural, historical, or archaeological resources, has been an essential requirement of CEQA review since passage of AB 52 (Gatto), Chapter 532, Statutes of 2014. AB 52 created a process to identify California Native American tribes traditionally and culturally affiliated with a project site and an obligation for lead agencies to consult with the appropriate tribe(s) to identify the existence of TCRs and measures to avoid or mitigate significant impacts.

By requiring consideration of TCRs early in the CEQA process, the legislative intent was to ensure that local and tribal governments, public agencies, and project proponents would have information available early in the project planning process to identify and address potential adverse impacts. Further, AB 52 requires the NAHC to provide each California Native American tribe with a list of all public agencies that may be a lead agency under CEQA within the geographic area with which the tribe is traditionally and culturally affiliated, the contact information of those public agencies, and information on how the tribe may request the public agency to notify the tribe of projects within the jurisdiction of those public agencies for the purposes of requesting consultation.

AB 52 defines “California Native American tribe” as a Native American tribe located in California that is on the contact list maintained by the NAHC. Independent of AB 52 and CEQA, SB 18 requires cities and counties to consult with California Native American tribes for the preservation of, or the mitigation of impacts to, specified Native American “places, features, and objects” when developing or amending their General Plans.

This bill provides greater deference to California Native American tribes in the identification and protection of TCRs, while limiting the discretion of lead agencies to disregard tribal knowledge and recommendations. The bill requires the recognition of TCRs that are included in a local tribal register and provided to the lead agency during consultation. The bill requires a lead agency to justify, with substantial evidence, a decision to use archaeological methods and standards to identify TCRs, rather than tribal methods and standards or tribal traditional knowledge submitted by the tribe during consultation.

This bill further requires the lead agency to adopt mitigation measures, when feasible, to avoid or minimize significant adverse impacts to TCRs (which is consistent with prevailing CEQA requirements for mitigation of significant effects). The bill favors avoidance and preservation in place of TCRs when requested by the consulting tribe, requiring the lead agency to document with substantial evidence a determination that avoidance and preservation are not feasible. Finally, the bill requires the lead agency to explain its decision, supported by substantial evidence, if the lead agency does not adopt the treatment and mitigation measures submitted by the consulting tribe.

**2) Author's statement:**

California has taken significant steps to protect Native American culture and TCRs, including artifacts and objects, sacred places, and landscapes. However, CEQA lead agencies have interpreted the law related to the handling of TCRs narrowly, disrespecting a California Native American tribe's knowledge and failing to identify and protect TCRs. California Native American tribes, not CEQA project lead agencies, are best positioned to identify their own TCRs and how best to protect them. Relying on a project lead agency to determine the cultural significance of a TCR is problematic, insensitive, and can disregard tribal knowledge and Native American culture.

SB 1326 provides much needed clarity for CEQA lead agencies when identifying TCRs by reframing CEQA tribal consultation and revising the definition of a TCR to empower California Native American tribes, clarify qualifying resources, and reprioritize TCR avoidance and preservation. This vital bill provides uniformity for CEQA lead agencies to ensure TCR mitigation is developed by California Native American tribes that are best positioned to identify their own TCRs and know best how to protect the resource and preserve their culture.

**REGISTERED SUPPORT / OPPOSITION:****Support**

California Teachers Association  
Cloverdale Rancheria of Pomo Indians of California  
Dry Creek Rancheria Band of Pomo Indians  
Federated Indians of Graton Rancheria  
Lytton Rancheria  
Pechanga Band of Indians  
Picayune Rancheria of the Chukchansi Indians  
United Auburn Indian Community  
Yocha Dehe Wintun Nation

**Opposition (unless amended)**

Association of California Water Agencies (ACWA)  
California Building Industry Association  
California State Association of Counties (CSAC)  
League of California Cities  
Rural County Representatives of California (RCRC)

**Analysis Prepared by:** Lawrence Lingbloom / NAT. RES. /