**Date**>

<**VIA [EMAIL] [FAX] [OVERNIGHTMAIL] [U.S. MAIL**]>

<**Name, Title**>

<**Lead Agency**>

<**Street Address or P.O. Box**>

<**City, CA Zip Code**>

Re: Compliance with the Assembly Bill 52 (Chapter 532, Statutes of 2014) Requirements of the California Environmental Quality Act ((Public Resources Code section 21000 et seq.) for <**Project Name**>

Dear <**Prefix, Surname**>

The <**Name of Tribe>**  has concerns regarding compliance with Assembly Bill 52 (AB 52) for the above-titled project. In order to protect any tribal cultural resources and ensure a legally compliant CEQA environmental review process, we would like to bring to your attention that following compliance issue(s):

I. Formal Notification Letter Initiating Tribal Consultation (Public Resources Code section 21080.3.1, subdivisions (b) and (d).

\_\_\_\_\_ The tribe sent a letter to the lead agency requesting notification of proposed projects in the geographic area to which the tribe is traditionally and culturally affiliated on <**Date**> but did not receive a formal notification letter from the lead agency initiating tribal consultation on this project. (**Attached please find a copy of the tribe’s letter to the lead agency requesting notification of proposed projects in the geographic area with which the tribe is traditionally and culturally affiliated, Public Resources Code section 21080.3.1, subdivision (b)**).

\_\_\_\_\_ The lead agency’s formal notification letter to the tribe was untimely. (Public Resources Code section 21080.3.1, subdivision (d)).

\_\_\_\_\_ Legally Deficient Formal Notification Letter: The formal notification letter lacks:

\_\_\_\_ A brief description of the proposed project

\_\_\_\_ The project’s location

\_\_\_\_ The lead agency’s correct contact information

\_\_\_\_ Notification that the tribe has 30 days from receipt of the formal notification letter (not 30 days from when the formal notification letter was sent) to request, in writing, consultation (Public Resources Code section 21080.3.1, subdivision (d)).

\_\_\_\_\_ The Formal Notification Letter requires information and/or action from the Tribe that AB 52 does not:

<**Provide details in the space below**>

1. Tribal Consultation (Public Resources Code sections 21080.3.1, 21080.3.2, 21082.3, 21084.3)

\_\_\_\_\_ Tribal consultation was not initiated within 30 days of the lead agency receiving the tribe’s request for consultation (Public Resources Code section 21080.3.1, subdivision (e)).

\_\_\_\_\_\_ The environmental document for this project was released before tribal consultation began. (Public Resources Code section 21080.3.1, subdivision (b)).

\_\_\_\_\_ Mandatory topics of consultation that the tribe requested be discussed were not discussed. (Public Resources Code section 21080.3.2, subdivision (a)).

 <**Provide details in the space below**

\_\_\_\_\_ The lead agency did not participate in the tribal consultation. (Public Resources Code sections 21080.3.1, subdivision (e); 21082.3, subdivision (d)(1)).

\_\_\_\_\_ Tribal consultation, once begun, was not concluded in compliance with Public Resources Code section 21080.3.2, subdivision (b), which requires either: (1) Agreement between the lead agency and the tribe on measures to mitigate or avoid a significant effect to, if a significant effect exists, on a tribal cultural resource; or (2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.

 <**Provide details in the space below**

\_\_\_\_\_\_ The confidentiality of protected, non-exempt information provided by the tribe during consultation and/or the environmental review process was breached. (Public Resources Code section 21082.3, subdivision (c)).

 <**Provide details in the space below**>

\_\_\_\_\_\_ The project has a significant impact on (an) identified tribal cultural resource(s) and the lead agency certified, or is prepared to certify, an environmental impact report, or adopted, or is prepared to adopt, a mitigated negative declaration without meeting one of the mandatory requirements regarding tribal consultation in Public Resources Code section 21082.3, subdivision (d).

 <**Provide details in the space below**>

1. The Environmental Document (Public Resources Code sections 21074, 21080.3.1, 21080.3.2, 21082.2, 21082.3, 21084.2)

\_\_\_\_\_ In deciding whether a cultural resource was a tribal cultural resource and applying the criteria of Public Resources Code section 5024.1, the lead agency did not consider the significance of the resource to a California Native American tribe. (Public Resources Code section 21074, subdivision (a)(2)).

 <**Provide details in the space below**

\_\_\_\_\_ An environmental impact report should have been required instead of a mitigated negative declaration because the project has an effect that may cause a substance adverse change in the significance of a tribal cultural resource. (Public Resources Code sections 21082.2, subdivision (d), 21084.2).

 <**Provide details in the space below**

\_\_\_\_\_ The environmental document was released before tribal consultation was initiated. (Public Resources Code section 21080.3.1, subdivision (b)).

\_\_\_\_\_ The project may have a significant impact on a tribal cultural resource and the environmental document failed to discuss both (1) whether the proposed project has a significant impact on an identified tribal cultural resource; and (2) whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to subdivision (a) of Public Resources Code section 21082.3, avoid or substantially lessen the impact on the identified tribal cultural resource. (Public Resources Code section 21082.3, subdivision (b)).

\_\_\_\_\_ Mitigation measures agreed upon in tribal consultation conducted pursuant to Public Resources code Section 21080.3.2 that were determined to avoid or lessen the impact to a tribal cultural resource pursuant were not recommended for inclusion in the environmental document and /or the mitigation monitoring and reporting program. (Public Resources Code section 21082.3, subdivision (a)).

 <**Provide details in the space below**

\_\_\_\_\_ There is substantial evidence before the lead agency demonstrating that the project will have a significant effect to a tribal cultural resource and the lead agency failed to consider feasible mitigation under the circumstances described in, and in compliance with, Public Resources Code section 21082.3, subdivision (d).

 <**Provide details in the space below**>

1. Other

<**Provide details in the space below>**

The <**Name of** Tribe> welcomes the opportunity to assist your agency in achieving compliance with AB 52. Please contact <**Name of staff member>** at <**phone number, email address>** if you need any assistance understanding the requirements of AB 52. **Please include this letter in the administrative record for the environmental review process for this project .**

Sincerely,

<**Name, Title**>

<**Name of Tribe**>