

# Briefing Materials

**Prepared for the July 2, 2024**

## **Meeting of the Sustaining Natural & Cultural Resources Subcommittee of the California Agricultural Land Equity Task Force**

The Sustaining Natural & Cultural Resources Subcommittee (Subcommittee) of the California Agricultural Land Equity Task Force (Task Force) was established on May 9, 2024. Subcommittee members include Emily Burgueno, Darlene Franco, and Lawrence Harlan.

In preparation for the first Subcommittee meeting on July 2, 2024, Strategic Growth Council (SGC) staff have compiled a list of resources (see “Additional Information”) that provide an introductory overview of existing State and federal legislation protecting natural and cultural resources. While not exhaustive, the resources presented here are intended to serve as the foundation for more focused discussion regarding the Subcommittee’s focus, goals, and desired outcomes.

## **Overview of Legislation Protecting Natural and Cultural Resources**

The terms “natural resources” and “cultural resources” have a range of meanings and are thus “protected” differently depending on the law or regulation in question. For example, the California Environmental Quality Act (CEQA), first passed in 1970, was [modified in 2014 with AB 52](#) to require public agencies to consult with tribes to determine impacts on tribal cultural resources alongside other forms of environmental assessment. In the context of AB 52, a tribal cultural resource (TCR)

is defined as a site feature, place, cultural landscape, sacred place or object, which is of cultural value to a Tribe and is either 1) on or eligible for the CA Historic Register or a local historic register, or 2) the lead agency, at its discretion, chooses to treat the resource as a TCR ([AB 522: A CEQA Guidelines Update for Tribal Cultural Resources](#)).

Recent directives such as the [2022 Natural and Working Lands Climate Smart Strategy](#) approach the protection of natural and cultural resources as complimentary activities by linking ecosystems restoration and conservation with cultural knowledge and practices. The Strategy does not explicitly define cultural resources, but lists the following as a priority: “Partner with California Native American tribes to increase co-management and tribal management authority; restore and enhance natural cultural resources, traditional foods, and cultural landscapes; and support tribes’ implementing tribal expertise and Traditional Ecological Knowledges and cultural easements” ([p. 26](#)).

The table below provides an introductory list of State and federal laws that address the protection of natural and cultural resources. As this table demonstrates, there is a wide variety of laws—with differing regulatory and enforcement mechanisms—that address a range of natural and cultural resources.

Understanding the outcomes of this legislation requires further research and analysis. To start, [this slide deck](#), part of the [Tribal Cultural Resources Law in California](#) training, provides helpful background information on the legislative process and its potential impacts on cultural resources.

## State and Federal Legislation Addressing Natural and Cultural Resources

*The following information is adapted from [Tribal Cultural Resources Law in California: A Training Series for Tribes](#) by Hon. Christine Williams and [Cultural Resource Laws and Practice: Fourth Edition](#) by Thomas F. King (Altamira Press, 2013). Please note that the list below is not fully comprehensive and is intended to provide key examples of the breadth of legislation addressing natural and cultural resources at the State and federal levels.*

<i>CA or Federal</i>	<i>Name or Bill Number &amp; Year</i>	<i>Topic or Resource Type</i>
Federal	National Historic Preservation Act (NHPA) (1966)	Establishes program for preservation of historic sites, including: spiritual places; culturally important landscapes, plants, animals, water, air, wind patterns, etc.; Native American graves; cultural items; songs, stories, and dances if place related; artifacts if place related; religious practices and traditional subsistence practices if place related
CA	California Environmental Quality Act (CEQA) (1970)	Requires state and local government agencies to inform decision makers and the public about the potential environmental impacts of proposed projects, and to reduce those environmental impacts to the extent feasible
Federal	National Environmental Policy Act (NEPA) (1970)	Requires federal agencies to assess environmental impacts, including: impacts on historic and spiritual places; culturally important landscapes, plants, animals, water, air, wind patterns, etc.; Native American graves; cultural items; social institutions and ways of life; religious practices and traditional subsistence practices
CA	AB 4239 (1976)	Created Native American Heritage Commission
Federal	American Indian Religious Freedom Act (1978)	Eliminates government interference with Native American religious practices and establishes the right to access spiritual places
CA	SB 297 (1982)	Native American human burial and skeletal remains
Federal	Native American Graves Protection and Repatriation Act (NAGPRA) (1990)	Native American graves, cultural items, and artifacts
CA	AB 12 (1991)	Repatriation Policy Statement

<i>CA or Federal</i>	<i>Name or Bill Number &amp; Year</i>	<i>Topic or Resource Type</i>
Federal	Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (1994)	Directs federal agencies to make environmental justice part of their missions, including protecting traditional subsistence patterns and social institutions in priority populations
Federal	Executive Order 13007, Indian Sacred Sites (1996)	Protects Native American sacred sites
CA	AB 978 (2001)	California Native American Graves Protection and Repatriation Act (CalNAGPRA)
CA	SB 1816 (2002)	Native American Historic Resources Protection Act
CA	SB 18 (2004)	General Planning Tribal Consultation
CA	SB 52 (2014)	Improved Consultation in California Environmental Quality Act (CEQA) process
CA	AB 2836 (2018)	UC Systemwide Policy for Repatriation
CA	Executive Order N-15-19 (2019)	Issues apology to California Native American Peoples and establishes Truth and Healing Council
CA	AB 275 (2020)	Strengthens repatriation under CalNAGPRA
CA	AB 168 (2020)	Cultural Resources Exempt from SB 35 Fast Track (2017)
CA	Executive Order N-82-20 (2020)	Establishes state goal of conserving 30% of California's lands and coastal waters by 2030. Further directives include protecting cultural practices and sites, such as "protecting California Native American tribal ancestral lands for cultural practice, ceremony, tribal management, and subsistence hunting and harvesting," as conservation priorities (Pathways to 30 x 30 California, p. 15).

# Additional Information

Below is a list of resources that provide additional information about key State and federal legislation and regulations related to the protection of natural and/or cultural resources in California. These resources add to or provide further context for the laws and regulations in the table above.

- The California Native American Heritage Commission published a series of training videos on [Tribal Cultural Resources Law in California](#). The training on [Land Use and Tribal Consultation](#) is particularly relevant to the work of the Task Force.
- The National Agricultural Law Center's [Indigenous Food and Agriculture](#) page provides a hyperlinked list of federal statutes and regulations related to a range of topics, including agricultural land, environmental law, forestry, and water.
- California State Parks provides a hyperlinked list of [State and Federal Preservation Laws, Codes, and Regulations](#) that protect historical and cultural sites.
- The Governor's Office of Planning and Research provides a range of resources on the [California Environmental Quality Act \(CEQA\)](#). As noted above, [AB 52 \(2014\) required an update to the CEQA guidelines](#) regarding impacts on tribal cultural resources.

## Conclusion

The table and resources listed above, while not exhaustive, provide a foundational overview of the complex landscape of State and federal legislation addressing a range of cultural and natural resources. During the July 2 meeting, Subcommittee members may wish to draw from these materials to guide their discussion of the Subcommittee's focus, goals, and contributions to the broader work of the Task Force.