



THE METROPOLITAN WATER DISTRICT
OF SOUTHERN CALIFORNIA

Board Information

- **Board of Directors**
Legislation and Communications Committee

7/14/2026 Board Meeting

9-1

Subject

Report on AB 1881 (Ramos, D – Highland): California Indian Freedom Act of 2026 (May 19, 2026); AB 2218 (Kalra, D – San Jose): Water policy: California Native American tribes (April 16, 2026); and SB 1326 (Wahab, D – Hayward): California Environmental Quality Act: tribal cultural resources: mitigation measures (June 11, 2026)

Executive Summary

California Native American tribes have a longstanding history of tribal tradition, practices, and cultural knowledge that have accumulated over centuries and serve as the foundations of tribal life. Existing law establishes various requirements for tribal consultation and incorporation of tribal knowledge, and protections for tribal religious freedom and beneficial uses of water. In light of past injustices and tribal experiences under existing laws, tribal groups continue to advocate for expanded protections for tribal practices and tribal cultural resources.

Three bills are advancing through the California Legislature seeking to expand California Native American tribes' access to and control over sacred sites on state lands, and augment protections of tribal religious liberty, involvement in decisions on water use, environmental review, and protection of sacred sites. If enacted, these proposals could impact Metropolitan and its member agencies.

AB 1881 (Ramos) (**Attachment 1**) as amended on May 19, 2026, would enact the California Indian Freedom Act of 2026, which expands protections for religious practices and sacred sites on state lands, including requiring tribal consent to any state project that may pose a risk to a tribal sacred site and creating a private right of action in any court or state or local agency administrative proceeding for alleged burdens on religious freedom.

AB 2218 (Kalra) (**Attachment 2**) as amended on April 16, 2026, would establish a state policy to address identified historic inequities in California Native American tribes' access to and control over water through financial assistance, consultation, and protection of tribal water uses when revising, adopting, or establishing water-related permits, regulations, policies, and grant criteria. It also requires tribal consultation on all State Water Resources Control Board water right investigations in tribal ancestral lands.

SB 1326 (Wahab) (**Attachment 3**) as amended on June 11, 2026, would revise the existing AB 52 tribal consultation requirements under the California Environmental Quality Act (CEQA) to expand the definition of a tribal cultural resource to include anything listed in a local tribal register and provided to the lead agency by a consulting tribe, included or eligible for inclusion in the National Register of Historic Places, or locations identified by the Native American Heritage Commission as a sacred place, including tribal cemeteries or burial areas.

Metropolitan has met with the authors' offices and sponsors to better understand the issues the bills are intended to address and to discuss Metropolitan's concerns, consistent with Board-adopted legislative priorities and principles. Metropolitan has provided amendment language with some success. Metropolitan staff are now bringing an information item to the Board for awareness and discussion.

Fiscal Impact

Unknown. AB 1881 and AB 2218 apply to state agencies, but implementation of both bills could have fiscal impacts on Metropolitan by delaying or preventing State Water Project-related projects, permits, and programs, resulting in reduced water supplies or increased costs. SB 1326 could increase Metropolitan's project costs by delaying projects, increasing the number of required consultations, and increasing the cost of mitigation.

Applicable Policy

Not applicable

Related Board Actions

By Minute Item 54347, dated December 9, 2025, Metropolitan's Board adopted its Legislative Priorities and Principles for 2026.

Details and Background

Background on Existing Tribal Protections

Existing federal and state laws provide protections for tribal religious practices and tribal cultural resources, such as ceremonial sites, graves, and artifacts. Federal protective legislation includes the National Historic Preservation Act, the Archaeological Resource Protection Act, the Native American Graves Protection and Repatriation Act, the American Indian Religious Freedom Act of 1978, and the Religious Land Use and Institutionalized Persons Act of 2000.

State protective laws include prohibiting damage of Native American cemeteries and sacred sites located on state lands, or local agency lands located outside the agency's boundaries, and prohibits public agencies and private parties from interfering with the free expression or exercise of Native American religion, as provided in the United States Constitution and California Constitution and further prohibiting removal or possession of Native American artifacts from any grave (Pub. Resources Code § 5097.99). AB 52 (Gatto, 2014) created a process under CEQA for California Native American tribes to consult with lead agencies early and added a new category of tribal cultural resources to CEQA for lead agency analysis with the goal of avoiding or mitigating significant impacts.

If enacted, the three bills pending this session would expand and clarify tribal protections beyond what is in existing federal and state law.

Expansion of Tribal Protections

AB 1881 (Ramos, 2026) seeks to expand state and federal religious freedom protections to bolster California Native American tribes' ability to protect and access sacred sites on state lands.

- If passed in its current version, AB 1881 would require a state governmental agency to obtain the free, prior, and informed consent of a California Native American tribe before undertaking a project on state land that may pose a risk to tribal sacred sites through either physical destruction or alteration; loss of access, privacy, or quiet use; or long-term environmental degradation affecting religious and spiritual practices. It would also require all state governmental agencies to allow California Native Americans and tribes to access sacred sites on state lands for Native American religious, ceremonial, or cultural activities, except where public safety or resource protection make access impossible.
- In addition, AB 1881 would prohibit a state governmental agency from substantially burdening a California Native American tribe or its individual members' exercise of religious beliefs or spiritual practices on state lands, unless the governmental agency demonstrates that application of the burden is both: (1) in furtherance of a compelling governmental interest; and (2) the least restrictive means of furthering that interest. The bill would hold government actions that infringe upon religious exercise to a heightened standard of review, or a "strict scrutiny standard," even when the government action stems from a law of general applicability. California Native American tribes, or their individual members, would be given standing in any court or administrative proceeding to enforce this prohibition.

AB 2218 (Kalra, 2026) would declare it a state policy to recognize and address the inequities regarding tribal access to and control over water through financial assistance, protection of tribal water uses, consultation on water projects, plans, and policies, and incorporation of indigenous knowledge to restore and protect ecosystems. The bill would also expand the tribal consultation state agencies must engage in when making decisions relating to water.

- AB 2218 would require the State Water Resources Control Board, regional water quality control boards, the Delta Stewardship Council, the Governor's Office of Land Use and Climate Innovation, and the Natural Resources Agency and all its departments (including the Department of Fish and Wildlife and Department of Water Resources), conservancies, boards, commissions, and councils to implement this state policy when revising, adopting, or establishing policies, regulations, permits, or grant criteria to address identified inequities. The measure would also require the listed state governmental entities to identify and offer financial assistance to the tribes.

SB 1326 (Wahab, 2026) would revise the existing tribal consultation process required under CEQA to expand the definition of tribal cultural resources, give tribes more say in how mitigation is implemented under CEQA, and, where lead agencies disagree with tribes, require them to support their decisions with substantial evidence.

- If enacted in its current form, SB 1326 would revise and expand the definition of tribal cultural resources to include resources that are: (1) included in a local tribal register and provided to the lead agency by a consulting California Native American tribe, (2) included or eligible for inclusion in the California Register of Historical Resources or the National Register of Historic Places, (3) included in a local register of historical resources, and (4) identified by the Native American Heritage Commission as a sacred place, including tribal cemeteries or burial areas.
- SB 1326 would also require, when requested by a tribe, a lead agency to consider avoidance and preservation of a tribal cultural resource in place. If avoidance and preservation of the resource in place are not possible, the bill would require the lead agency to document the basis for that determination with substantial evidence and, when feasible, to adopt mitigation measures to avoid or minimize significant adverse impacts and incorporate culturally appropriate mitigation in consultation with the tribe.

Impacts on Metropolitan

AB 1881 presents several challenges and conflicts with Board-adopted legislative priorities and principles. While Metropolitan does not qualify as a governmental agency that would be directly impacted by the bill, the measure could have significant indirect impacts on Metropolitan's priority projects and programs, and the long-term operations of the State Water Project. Some of these concerns include, but are not limited to:

- Prior Consent Provisions – AB 1881 provides California tribes discretion to withhold consent for state governmental agency actions that may risk altering sacred sites. As water bodies such as rivers and tributaries may contain, or themselves be, sacred sites, California tribes who oppose certain projects or programs such as the updated long-term operations of the State Water Project could potentially withhold consent to critical aspects of those programs and projects.
- Strict Scrutiny Standard and Universal Standing – AB 1881 restricts state governmental agencies from actions that substantially burden a tribe or tribal member's right to religious practice on state lands to only situations where there is a compelling government interest met through the least restrictive means. This is an extremely high bar and burden of proof for state government agencies to meet. Tribes and their members would have standing to bring claims in any judicial or administrative proceeding, which risks multiple claims for the same conduct with potentially conflicting outcomes. While the spirit and intention of establishing greater religious freedom protections on state lands is worthy of consideration, the bill's expansion of standing for claims could lead to increased litigation and administrative proceedings against the state and potentially jeopardize programs critical for Metropolitan, such as future changes to the State Water Project's long-term operations.

- State Lands – In a helpful response to concerns raised by an opposition coalition, the author excluded “lands used for public infrastructure or services” from the bill. However, this exemption does not completely eliminate the risk because “public infrastructure or services” is undefined and may result in litigation over the bill’s scope.

AB 2218 also presents several challenges, including:

- Duplicative Consultation – CEQA already includes the AB 52 tribal consultation process that seeks to avoid mitigation project impacts to tribal cultural resources. Since AB 52’s passage, Metropolitan has engaged in cooperative and productive consultations with California tribes to limit impacts of drinking water infrastructure projects and engaged in mitigation when impacts do occur. AB 2218, however, is likely to result in duplicative consultation by state agencies that issue permits for water-related projects, which risks confusion, delay, and increased costs for critical Metropolitan and State Water Project permits or projects.
- Mandated Financial Assistance – AB 2218 would require the state agencies and regional water boards covered by the bill to identify and offer financial assistance to California Native American tribes. State-funded assistance could improve tribal communities’ access to water. However, no funding sources have been identified.
- Existing Water Rights – AB 2218 would establish state policy of addressing inequities through consultation on water projects but does not provide direction on how that policy would be implemented by State agencies which could lead to modification or impairment of existing water rights, entitlements, or permits, including those held by the Department of Water Resources or Metropolitan.

SB 1326 presents challenges, including:

- Expanded Definition of Tribal Cultural Resources – Adding resources identified in a local tribal register to the definition of tribal cultural resources in CEQA, without specifying standard criteria, could greatly increase the number of resources subject to AB 52’s requirement to avoid and minimize significant adverse impacts to the resource, when feasible. Additionally, without defined eligibility criteria in law, lead agencies and the public would not have the opportunity to understand the nature of the resource.

Continuing Advocacy/Proposed Amendments

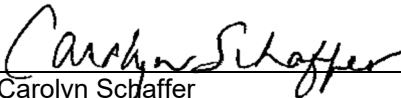
Consistent with Board-adopted legislative priorities and principles, Metropolitan staff have remained engaged in the ongoing conversations and efforts on these bills. Metropolitan staff also met with staff for Senator Aisha Wahab and the sponsoring tribes, staff for Assemblymember Ash Kalra and sponsoring tribes, and staff for Assemblymember James Ramos and have provided each author and sponsor group with suggested amendments that would address the primary concerns identified by Metropolitan.

Staff’s proposed amendments to AB 1881 attempt to maintain the broad architecture and vision of the author’s bill, while endeavoring to refine the scope with a more practical approach that includes clear definitions and timelines. Among other things, these amendments would define what qualifies as public infrastructure and public service under the bill’s exemption language to limit risks to priority projects and programs and future litigation. The amendments also seek to maintain the author’s intention of requiring tribal consent for certain qualifying undertakings but avoid creating the practical effect of giving tribes the absolute ability to veto a public infrastructure project or service that may impact a sacred site. Finally, staff proposed an amendment to ensure the bill applies prospectively for projects beginning after the bill’s effective date, should it be enacted.

Staff’s proposed amendments to AB 2218 attempt to bring further clarity to the obligations the bill would place on state and regional decision makers for water permitting and policy. The proposed amendments would require state agencies to consider implementing the bill’s policies instead of mandating that they be implemented. The amendments additionally attempt to clarify that the bill’s financial assistance requirement would not be imposed on state and local agencies seeking state permits or grant funding and would also insert a savings clause to ensure that when consultations on water rights occur with tribal partners, they would not result in impacts to existing rights or permits.

Staff had some success with the author and sponsoring tribes in seeking clarifying amendments to SB 1326. Discussions with the author's staff and the sponsoring tribes were informative and helpful. Prior versions of SB 1326 appeared to mandate avoidance and mitigation measures regardless of feasibility, but that was not the author's intent. The bill was amended to clarify that lead agencies must only adopt avoidance and mitigation measures "when feasible." The author and sponsoring tribes also agreed to clarify that relevant resource information in tribal registers will be provided to lead agencies by the consulting tribe. Metropolitan appreciates these important clarifications, which dramatically reduce its concerns with the bill. Staff, however, are still seeking proposed amendments that would, among other things, require tribal cultural resources under CEQA to meet specific eligibility criteria and transparency requirements in order to provide lead agencies and the public with the opportunity to understand the nature of the resource.

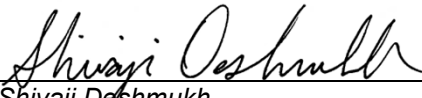
While these bills raise a number of concerns, the thoughtful inclusion of tribal knowledge and development of deeper tribal partnerships are important objectives for Metropolitan. Staff is hopeful these amendments will be seriously considered by the authors and our tribal partners. Staff will continue to monitor this legislation and work with the tribal sponsors and membership associations to encourage dialogue and to advance compromise amendments to address any potential impacts on Metropolitan and its member agencies.



Carolyn Schaffer
Group Manager, External Affairs

6/30/2026

Date



Shivaji Deshmukh
General Manager

6/30/2026

Date

**Attachment 1 – Bill Text of AB 1881 (Ramos): California Indian Freedom Act of 2026
(as amended May 19, 2026).**

**Attachment 2 – Bill Text of AB 2218 (Kalra): Water policy: California Native American tribes
(as amended April 16, 2026).**

**Attachment 3 – Bill Text of SB 1326 (Wahab): California Environmental Quality Act: tribal
cultural resources: mitigation measures (as amended June 11, 2026).**

AMENDED IN ASSEMBLY MAY 19, 2026

AMENDED IN ASSEMBLY MAY 18, 2026

AMENDED IN ASSEMBLY APRIL 16, 2026

AMENDED IN ASSEMBLY APRIL 8, 2026

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 1881

Introduced by Assembly Member Ramos
(Coauthors: Assembly Members Bauer-Kahan, Connolly,
Harabedian, Valencia, and Zbur)

February 12, 2026

An act to amend Section 7930.205 of the Government Code, and to add Chapter 1.79 (commencing with Section 5097.1000) to Division 5 of the Public Resources Code, relating to California Indians.

LEGISLATIVE COUNSEL'S DIGEST

AB 1881, as amended, Ramos. California Indian Freedom Act of 2026.

Existing law establishes various protections for California Native American tribes, including prohibiting a public agency or private party using or occupying public property or operating on public property from interfering with the free expression or exercise of Native American religion as provided in the United States Constitution and the California Constitution. Existing law also requires a local government to provide formal notification to each California Native American tribe that is traditionally and culturally affiliated with the project site as an invitation to consult on the proposed project, as provided. Existing law requires the local government, during the consultation, to give deference to the

tribal information, tribal knowledge and customs, and the significance of the resource to the California Native American tribe. Existing law prohibits any information, as described, that is submitted by a California Native American tribe during the environmental review process from being included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, as specified, without the prior consent of the tribe that provided the information.

Existing law, the California Public Records Act, requires each state and local agency, as defined, to make its records open to public inspection at all times during office hours, except as specifically exempted from disclosure by law. The act specifically exempts from disclosure records that are exempted or prohibited from disclosure by federal or state law and lists records subject to that exemption, specifying that the listed exemptions are not inclusive of all exemptions under the act.

This bill, the California Indian Freedom Act of 2026, would prohibit a governmental agency from substantially burdening a California Indian or California Native American tribe's exercise of religious beliefs or spiritual practices on state lands, including their access to and use of sacred sites and objects, and their ability to perform religious ceremonies and rites, even if the burden results from a rule of general applicability, unless the governmental agency demonstrates that application of the burden is in furtherance of a compelling governmental interest and is in the least restrictive means of furthering that interest. The bill would authorize a California Indian or tribe to assert a violation of these provisions as a claim or defense in any judicial or administrative proceeding, as specified. The bill would require a governmental agency to allow California Indians access to sacred sites on state lands, as specified. The bill would require a governmental agency to seek and document free, prior, and informed consent from affected tribes before undertaking any project action on state lands that may pose a risk to sacred sites, as specified. The bill would require the affirmation of consent from the governing body of the affected tribe to be in writing, as described.

This bill would require the Department of General Services, in coordination with the Capitol Protective Section, to the greatest extent possible, to uphold the religious freedom, ceremonial practices, sacred sites, cultural patrimony, and cultural landscapes of tribes when accessing the State Capitol Building Annex and grounds. The bill would

require the Capitol Protective Section, to the greatest extent possible, to avoid undue harm when handling tribal instruments and regalia.

This bill would provide that the application of the act is strictly limited to a governmental agency's management actions that involve only state lands, as specified.

This bill would require information identifying sacred sites, cultural landscapes, or religious practices obtained by a governmental agency for the purposes of the California Indian Freedom Act of 2026 to be confidential and would exempt this information from public record laws, including the California Public Records Act. The bill would revise the list of exempted records under the California Public Records Act to add the above-described exemption. The bill would prohibit the provisions of the act from being construed to limit or restrict the authority of the state or any state agency to enter into an agreement, memorandum of understanding, or other arrangement with any tribe to allow access to any state lands for the purpose of conducting religious, cultural, or ceremonial practices. The bill would define various terms for these purposes and would make related legislative findings.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. This act shall be known, and may be cited, as the
2 California Indian Freedom Act of 2026.

3
4 California Indian Freedom Act of 2026
5

6 SEC. 2. The Legislature finds and declares all of the following:

7 (a) California is home to the greatest number of California
8 Indians living in the United States, approximately 700,000
9 according to the 2025 United States Census.

1 (b) More than 100 Native Nations call California home, each
2 with distinct religions, spiritual traditions, and ceremonies that
3 long predate statehood and continue to be practiced to this day.

4 (c) California Indian religions and spiritual beliefs, like many
5 Indigenous religions, are exercised through land-based practices,
6 including sacred sites and ceremonies tied to specific geographies,
7 and require access to cultural landscapes that remain integral to
8 the continued survival of California Indian religions and spiritual
9 practices.

10 (d) Prior to the annexation of the California territory by the
11 United States of America, the Indigenous people of this land were
12 subjected to systems of conversion and enslavement under Spanish
13 rule until 1821 through the Franciscan mission system.

14 (e) During the Mexican administration of the province from
15 1821 to 1845, the ancestral homelands of California's Native
16 Nations continued to be carved up by migrating Mexican, United
17 States, British, and Canadian settlers, therefore, losing access to
18 their spiritual sites and the natural resources.

19 (f) Since the incorporation of California territory into the United
20 States of America in 1849, the relationship between the state and
21 California Indians was fraught with violence, exploitation,
22 dispossession, and the attempted destruction of tribal communities
23 and criminalization of Native religious and spiritual practices.

24 (g) In 1850, the State of California passed An Act for the
25 Government and Protection of Indians, which facilitated the
26 removal of Indigenous groups from their ancestral lands through
27 family separation and indentured servitude. The act also facilitated
28 the punishment of Indigenous people for minor crimes, and
29 prohibited the religious and spiritual practices of California Indians.

30 (h) Between 1850 and 1859, the State of California actively
31 engaged in violent conflicts against its Native population,
32 organizing private militias and calling up the state militia to
33 respond to what officials perceived as "Indian attacks."

34 (i) In 1851, Governor Peter Hardeman Burnett, California's first
35 governor, declared in his State of the State address that "a war of
36 extermination will continue to be waged between the two races
37 until the Indian race becomes extinct must be expected."

38 (j) Between 1854 and 1859, the state authorized a series of
39 military expeditions against Native communities in Humboldt,
40 Klamath, Modoc, Pit River, San Bernardino, and Tulare. These

1 campaigns generated an estimated cost of \$449,605.74. California
2 later submitted the expenses to Congress for reimbursement, but
3 only \$229,987.67 was ultimately approved and repaid under the
4 Congressional Appropriations Act of March 2, 1861.

5 (k) Between 1892 and 1974, California was home to 13 federal
6 Indian boarding schools that, under a federal mandate to assimilate
7 California Indian children into American culture, forcibly removed
8 thousands of Native children from their families, subjected them
9 to harsh discipline and cultural suppression, including the loss of
10 language, identity, and spiritual practices, and left a legacy of
11 profound intergenerational trauma that continues to affect the
12 well-being of California Native American tribes.

13 (l) Prior to 2022, more than 100 geographic features and places
14 in California carried the term “squaw,” along with other derogatory
15 names assigned to locations within the ancestral homelands of
16 Native Nations. These names reinforced harmful stereotypes, fueled
17 prejudice, and connected to the broader crisis of missing and
18 murdered Indigenous people.

19 (m) Government-sanctioned policies and actions that
20 dispossessed California Indian tribes from their lands normalized
21 a broader culture of mistreatment throughout the early 20th century,
22 and the consequences of these injustices remain visible and deeply
23 felt today.

24 (n) California Indian tribes continue to be separated from their
25 cultural items and the ancestral human remains.

26 (o) Existing federal protections for Native American religious
27 and spiritual practices, including the American Indian Religious
28 Freedom Act of 1978 (42 U.S.C. Sec. 1996) (AIRFA) and the
29 Religious Freedom Restoration Act of 1993 (42 U.S.C. Sec.
30 2000bb) (RFRA), are limited in scope, underenforced, or
31 inapplicable to state and private actions.

32 (p) Existing California laws do not require Indigenous consent
33 to state and local actions that would burden Native American
34 religious freedom or provide comprehensive protection for the free
35 exercise of Native American religious and spiritual practices,
36 sacred sites, or access to cultural landscapes.

37 (q) California has a compelling interest in safeguarding
38 Indigenous religious freedom, ceremonial practices, sacred sites,
39 cultural patrimony, and access to cultural landscapes as a matter
40 of human rights, cultural survival, and compliance with the United

1 Nations Declaration on the Rights of Indigenous Peoples
2 (UNDRIP), including Article 11 (right to practices and revitalize
3 cultural traditions), Article 12 (right to maintain, protect, and access
4 religious and cultural sites), Article 25 (right to maintain spiritual
5 relationships with traditional lands), and Article 32 (right to
6 determine and develop priorities for the use of lands and resources),
7 as endorsed by the United States in 2010.

8 (r) It is therefore necessary to enact comprehensive state-level
9 protections for California Indian religious and spiritual practice
10 freedom protections and sacred site protections, including
11 enforceable rights, consultation and consent requirements,
12 confidentiality measures, stewardship and comanagement
13 frameworks, and remedies.

14 SEC. 3. Section 7930.205 of the Government Code is amended
15 to read:

16 7930.205. The following provisions may operate to exempt
17 certain records, or portions thereof, from disclosure pursuant to
18 this division:

19 Information identifying sacred sites, cultural landscapes, or
20 religious practices of California Native American tribes, Section
21 5097.1002, Public Resources Code.

22 Taxpayer information, confidentiality, local taxes, Section
23 7925.000, this code.

24 Tax preparer, disclosure of information obtained in business of
25 preparing tax returns, Section 17530.5, Business and Professions
26 Code.

27 Teacher, credential holder or applicant, information provided to
28 Commission on Teacher Credentialing, confidentiality of, Section
29 44341, Education Code.

30 Teacher, certified school personnel examination results,
31 confidentiality of, Section 44289, Education Code.

32 Telephone answering service customer list, trade secret, Section
33 16606, Business and Professions Code.

34 Timber yield tax, disclosure to county assessor, Section 38706,
35 Revenue and Taxation Code.

36 Timber yield tax, disclosure of information, Section 38705,
37 Revenue and Taxation Code.

38 Title insurers, confidentiality of notice of noncompliance, Section
39 12414.14, Insurance Code.

1 Tobacco products, exemption from disclosure for distribution
2 information provided to the State Department of Public Health,
3 Section 22954, Business and Professions Code.
4 Tow truck driver, information in records of the Department of
5 the California Highway Patrol, Department of Motor Vehicles, or
6 other agencies, confidentiality of, Sections 2431 and 2432.3,
7 Vehicle Code.
8 Toxic Substances Control, Department of, inspection of records
9 of, Section 25152.5, Health and Safety Code.
10 Trade secrets, Section 1060, Evidence Code.
11 Trade secrets, confidentiality of, occupational safety and health
12 inspections, Section 6322, Labor Code.
13 Trade secrets, disclosure of public records, Section 3426.7, Civil
14 Code.
15 Trade secrets, food, drugs, cosmetics, nondisclosure, Sections
16 110165 and 110370, Health and Safety Code.
17 Trade secrets, protection by Director of Pesticide Regulation,
18 Sections 7924.300 to 7924.335, inclusive, this code.
19 Trade secrets and proprietary information relating to pesticides,
20 confidentiality of, Sections 14022 and 14023, Food and
21 Agricultural Code.
22 Trade secrets, protection by Director of Industrial Relations,
23 Section 6396, Labor Code.
24 Trade secrets relating to hazardous substances, disclosure of,
25 Sections 78480 to 78495, inclusive, and Section 78930, Health
26 and Safety Code.
27 Traffic violator school licensee records, confidentiality of,
28 Section 11212, Vehicle Code.
29 Traffic offense, dismissed for participation in driving school or
30 program, record of, confidentiality of, Section 1808.7, Vehicle
31 Code.
32 Transit districts, questionnaire and financial statement
33 information in bids, Section 99154, Public Utilities Code.
34 Tribal financial information, Section 8450, this code.
35 Tribal-state gaming compacts, exemption from disclosure for
36 records of an Indian tribe relating to securitization of annual
37 payments, Section 63048.63, this code.
38 Trust companies, disclosure of private trust confidential
39 information, Section 1602, Financial Code.

1 SEC. 4. Chapter 1.79 (commencing with Section 5097.1000)
2 is added to Division 5 of the Public Resources Code, to read:

3
4 CHAPTER 1.79. CALIFORNIA INDIAN FREEDOM ACT OF 2026

5
6 5097.1000. For purposes of this act, the following definitions
7 apply:

8 (a) "California Indian" means a Native American who is a
9 member or citizen of a California Native American tribe.

10 (b) "California Native American tribe" means a Native American
11 tribe located in California that is on the contact list maintained by
12 the Native American Heritage Commission for the purposes of
13 Chapter 905 of the Statutes of 2004.

14 (c) "Capitol Protective Section" means the division of the
15 Department of the California Highway Patrol that provides law
16 enforcement and safety services for the State Capitol Building and
17 grounds and for the State Capitol Building Annex and grounds.

18 (d) "Consultation" has the same meaning as defined in Section
19 65352.4 of the Government Code.

20 (e) "Cultural landscape" means a geographical area on state
21 lands that includes cultural and natural resources associated with
22 the spiritual and cultural practices of a California Native American
23 tribe.

24 (f) (1) "Exercise of religious beliefs or spiritual practices"
25 means any tribal traditional practice undertaken as part of
26 California Indian religious, spiritual, or sacred observance, whether
27 or not compelled by, or central to, a system of religious belief.

28 (2) This term includes California Indian spiritual and religious
29 practices tied to land, water, cultural landscapes, and sacred sites
30 on state lands, and the use, building, or conversion of real property
31 for religious or sacred purposes.

32 (3) This term includes actions and efforts associated with the
33 preparation in the exercise of California Indian religious or spiritual
34 practices, such as the gathering and collecting of California Indian
35 traditional foods and plants for ceremonial purposes.

36 (g) "Governmental agency" means any state agency, department,
37 board, or commission.

38 (h) "Least restrictive means" shall be interpreted consistent with
39 strict scrutiny jurisprudence of California.

(i) "Native Nation" or "tribe" means any federally recognized or nonfederally recognized California Native American tribe.

(j) "Sacred site" means any specific location, landscape, landform, waterbody, or area on state lands that is both of the following:

(1) Historically, culturally, or spiritually significant to a California Indian or tribe.

(2) Used, or has historically been used, for religious, ceremonial, or cultural purposes.

(k) (1) "State lands" means lands owned by the state or any state agency, excluding lands owned by or under the jurisdiction of any city, county, or district.

(2) "State lands" does not include private lands or lands used for public infrastructure or services, or authorized for private use or development.

(l) (1) "Substantial burden" means any government action or policy that occurs on or after January 1, 2027, that does any of the following:

(A) Significantly restricts, denies, or unreasonably interferes with gathering or collecting traditional foods and plants used in ceremonies, including funerals, feasts, and celebrations on state lands.

(B) Denies or unreasonably restricts access to sacred sites, ceremonial grounds, or other locations of religious or spiritual significance on state lands.

(C) Destroys, desecrates, materially alters, or otherwise interferes with sacred sites, cultural landscapes, or ceremonial items on state lands in a manner that prevents or substantially impedes the practice of sincerely held religious or spiritual beliefs.

(D) (i) Screens or restricts items of cultural, sacred, or religious significance, including, but not limited to, regalia, headdresses, eagle feathers, traditional medicines, gourd rattles, or other ceremonial items, when entering state government buildings.

(ii) The items shall be permitted and may only be inspected by hand or through other nontechnological means.

(iii) The items shall not be inspected by technological screening.

(2) Routine administrative procedures, minor restrictions, or actions that do not materially prevent or significantly interfere with a California Indian's or tribe's exercise of religious beliefs or spiritual practices shall not constitute a substantial burden.

1 5097.1001. (a) A governmental agency shall not substantially
2 burden a California Indian or California Native American tribe's
3 exercise of religious beliefs or spiritual practices on state lands,
4 including their access to and use of sacred sites and objects, and
5 their ability to perform religious ceremonies and rites, even if the
6 burden results from a rule of general applicability, unless the
7 governmental agency demonstrates that application of the burden
8 is both of the following:

9 (1) In furtherance of a compelling governmental interest.

10 (2) The least restrictive means of furthering that interest.

11 (b) (1) A California Indian or tribe shall have standing and may
12 assert a violation of this section as a claim or defense in any judicial
13 or administrative proceeding.

14 (2) A California Indian or tribe may obtain either of the
15 following:

16 (A) Declaratory relief.

17 (B) Injunctive relief.

18 (3) A prevailing party asserting a claim under this act shall be
19 entitled to reasonable attorney's fees and costs, and any other
20 equitable remedies determined by the court.

21 5097.1002. (a) A governmental agency shall allow California
22 Indians access to sacred sites on state lands for Native American
23 religious, ceremonial, or cultural activities, except where public
24 safety or resource protection make access impossible.

25 (b) Consistent with United Nations Declaration on the Rights
26 of Indigenous Peoples (UNDRIP) Articles 11, 12, 25, and 32, a
27 governmental agency shall seek and document free, prior, and
28 informed consent of any affected tribe before undertaking any
29 project action on state lands that may pose a risk to sacred sites of
30 which the agency has actual knowledge or has been formally
31 notified that may result in any of the following:

32 (1) Physical destruction or alteration of a sacred site.

33 (2) Loss of access, privacy, or quiet use.

34 (3) Long-term environmental degradation affecting religious
35 and spiritual practices.

36 (c) (1) Affirmation of consent from the governing body of the
37 affected tribe shall be in writing.

38 (2) If a tribe does not respond within a reasonable timeframe
39 designated in the request, then the governmental agency may
40 interpret the lack of response as a grant of request.

(3) If a tribe responds to a request for consent by objecting to the undertaking, the governmental agency may request consultation with the tribe to see if issues raised by the tribe can be addressed.

(d) Information identifying sacred sites, cultural landscapes, or religious practices obtained by a governmental agency for the purposes of this chapter shall be confidential and exempt from public records laws, including, but not limited to, the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

5097.1003. (a) The Department of General Services, in coordination with the Capitol Protective Section, shall, to the greatest extent possible, uphold the religious freedom, ceremonial practices, sacred sites, cultural patrimony, and cultural landscapes of tribes when accessing the State Capitol Building Annex and grounds.

(b) The Capitol Protective Section shall, to the greatest extent possible, avoid undue harm when handling tribal instruments and regalia.

5097.1004. Nothing in this act shall be construed to limit or restrict the authority of the state or any state agency to enter into an agreement, memorandum of understanding, or other arrangement with any tribe to allow access to any state lands for the purpose of conducting religious, cultural, or ceremonial practices.

5097.1005. (a) *The application of this chapter is strictly limited to a governmental agency's management actions that involve only state lands, regardless of whether this limitation is specified in any provision in this chapter.*

(b) *This chapter has no application to any actions or direct or indirect effects arising out of, pertaining to, or relating to lands that are not state lands.*

(c) *To the extent there is a conflict between this section and any other provision of this chapter, this section shall control.*

SEC. 5. The provisions of this act are severable. If any provision of this act or its application is held invalid, that invalidity shall not affect other provisions or applications that can be given effect without the invalid provision or application.

SEC. 6. The Legislature finds and declares that Sections 3 and 4 of this act, which amend Section 7930.205 of the Government Code and add Chapter 1.79 (commencing with Section 5097.1000) to Division 5 of the Public Resources Code, respectively, impose

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1 a limitation on the public's right of access to the meetings of public
2 bodies or the writings of public officials and agencies within the
3 meaning of Section 3 of Article I of the California Constitution.
4 Pursuant to that constitutional provision, the Legislature makes
5 the following findings to demonstrate the interest protected by this
6 limitation and the need for protecting that interest:

7 The Legislature recognizes the state's destructive role in the
8 ability of California Indians to freely and safely practice their
9 religious and spiritual beliefs through its past legislative actions,
10 and that in order to both protect the privacy of California Indians
11 and California Native American tribes with regard to information
12 they may share with governmental agencies about the location and
13 significance of sacred sites, cultural landscapes, and the practices
14 of profound cultural, religious, and spiritual beliefs, it is necessary
15 that this act limit the public's right of access to that information
16 and for it to remain confidential.

AMENDED IN ASSEMBLY APRIL 16, 2026

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 2218

**Introduced by Assembly Member Kalra
(Principal coauthor: Assembly Member Rogers)**

February 19, 2026

An act to add Section 187 to the Government Code, and to amend Section 1051 of, and to add Section 106.2 to, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 2218, as amended, Kalra. Water policy: California Native American tribes.

Existing law establishes the sovereignty of the state.

This bill would require the state government to support California Native Americans to maintain cultural and linguistic traditions, practice ecosystem stewardship, and engage in good faith government-to-government consultations with all California Native American tribes regarding policies that may affect tribal communities.

Existing law establishes various state water policies, including the policy that the use of water for domestic purposes is the highest use of water and the human right to water. *Existing law requires the State Water Resources Control Board to act upon all applications for a permit to appropriate water.*

This bill would declare that it is the established policy of the state to ~~acknowledge and correct~~ *recognize and address the inequities caused by state-sanctioned acts of termination, removal, and assimilation inequities, as described,* inflicted upon all California Native American tribes through ~~compensation, legal recognition of rights, or replacement~~

~~of benefits lost. financial assistance, protection of tribal water uses, consultation on water projects, plans, and policies, and incorporation of indigenous knowledge to restore and protect ecosystems. The bill would require all relevant specified state agencies, including the Department of Water Resources and the State Water Resources Control Board, regional water quality control boards, and the Natural Resources Agency, to consider and incorporate this policy when revising, adopting, or establishing rights, policies, regulations, permits, or grant criteria to address identified inequities. inequities. The bill would require those state entities to identify and offer financial assistance to the tribes consistent with existing legal and policy requirements for financial assistance programs.~~

Existing law authorizes the board to conduct investigations and to issue information orders in administering water rights, as provided.

The bill would require the state board, in furtherance of an investigation and upon request, to consult with a tribe whose ancestral territory includes the water body or water bodies at issue for the claimed riparian or appropriative right.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 187 is added to the Government Code,
- 2 to read:
- 3 187. (a) The Legislature recognizes that the state historically
- 4 sanctioned over one century of depredations and prejudicial
- 5 policies against California Native Americans, including removal
- 6 from ancestral land. The Legislature apologizes on behalf of the
- 7 citizens of the state to all California Native Americans for the
- 8 violence, mistreatment, and neglect inflicted upon them.
- 9 (b) The Legislature declares that the state government shall
- 10 support California Native Americans to maintain cultural and
- 11 linguistic traditions, practice ecosystem stewardship, and engage
- 12 in good faith government-to-government consultations with all
- 13 California Native American tribes regarding policies that may
- 14 affect tribal communities.
- 15 SECTION 1.
- 16 SEC. 2. Section 106.2 is added to the Water Code, to read:

1 106.2. (a) It is hereby declared to be the established policy of
2 the state to ~~acknowledge and correct~~ *recognize and address* the
3 inequities *regarding access to, and control over,* water caused by
4 state-sanctioned acts of termination, removal, and assimilation
5 inflicted upon all California Native American tribes through
6 ~~compensation, legal recognition of rights, or replacement of~~
7 ~~benefits lost.~~ *financial assistance, protection of tribal water uses,*
8 *consultation on water projects, plans, and policies, and*
9 *incorporation of indigenous knowledge to restore and protect*
10 *ecosystems.*

11 (b) ~~All relevant state agencies, including the department and~~
12 ~~the state board, shall consider and incorporate this policy.~~ (1) *The*
13 *following state agencies shall implement the policy set forth in*
14 *subdivision (a) when revising, adopting, or establishing rights,*
15 *policies, regulations, permits, or grant criteria to address identified*
16 ~~inequities.~~ *inequities:*

17 (A) *The State Water Resources Control Board.*

18 (B) *Regional water quality control boards.*

19 (C) *The Natural Resources Agency and all its departments,*
20 *conservancies, boards, commissions, and councils.*

21 (D) *The Delta Stewardship Council.*

22 (E) *The Office of Land Use and Climate Innovation.*

23 (2) *The state agencies listed in paragraph (1) shall identify and*
24 *offer financial assistance to California Native American tribes*
25 *consistent with existing legal and policy requirements for financial*
26 *assistance programs.*

27 SEC. 3. *Section 1051 of the Water Code is amended to read:*

28 1051. (a) The board for the purpose of this division may:

29 (1) Investigate all streams, stream systems, portions of stream
30 systems, lakes, or other bodies of water.

31 (2) Take testimony in regard to the rights to water or the use of
32 water thereon or therein.

33 (3) Investigate and ascertain whether or not water heretofore
34 filed upon or any claimed riparian or appropriative right is valid
35 under the laws of this state.

36 (b) (1) (A) In furtherance of an investigation authorized
37 pursuant to this section, the board may issue an information order,
38 as executed by the executive director of the board.

39 (B) *In furtherance of an investigation authorized pursuant to*
40 *this section, upon request, the board shall consult with a California*

1 *Native American tribe whose ancestral territory includes the water*
2 *body or water bodies at issue for the claimed riparian or*
3 *appropriative right.*

4 (2) The information order may be issued to a water right holder
5 or claimant to provide the following information related to a
6 diversion and use of water:

7 (A) Information required to be reported pursuant to Part 5.1
8 (commencing with Section 5100).

9 (B) Information concerning the basis of the water right claimed.

10 (C) Information related to the patent date claimed for the place
11 of use, if the claimed right is a riparian right.

12 (D) Information concerning the notice date of the appropriation
13 and the date of actual delivery of water to beneficial use.

14 (E) Information concerning prior diversions and use, including
15 direct diversions and diversions to storage.

16 (3) (A) The information order may be issued to a diverter or
17 user of water to provide information concerning that diverter's
18 prior diversion or use, including direct diversions and diversions
19 to storage, or identification of the person or holder claiming the
20 right under which the water was diverted or used.

21 (B) Information obtained under this paragraph from a diverter
22 or user who is not the water right holder or claimant shall not be
23 binding on, or treated as an admission by, the water right holder
24 or claimant.

25 (c) The burden of any order issued under subdivision (b),
26 including costs, shall bear a reasonable relationship to the need
27 for the requested information and the benefits to be obtained from
28 the board receiving that information. In making a request, the board
29 shall do both of the following:

30 (1) Provide the person to whom the request is directed with a
31 written explanation with regard to the need for the information.

32 (2) Identify the evidence that supports requiring that person to
33 provide the information.

34 (d) A diversion or use of water ascertained to be unauthorized
35 may be enforced as a trespass under Section 1052, following notice
36 and opportunity for hearing as required under Section 1052, Section
37 1055, or Article 2 (commencing with Section 1831) of Chapter 12
38 of Part 2.

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- 1 (e) Nothing in this section shall limit any authority held by the
- 2 board under this code or any other provision of law.

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AMENDED IN ASSEMBLY JUNE 11, 2026

SENATE BILL

No. 1326

Introduced by Senator Wahab

February 20, 2026

An act to amend Sections 21074 and 21084.3 of the Public Resources Code, relating to environmental quality.

LEGISLATIVE COUNSEL'S DIGEST

SB 1326, as amended, Wahab. California Environmental Quality Act: tribal cultural resources: mitigation measures.

The California Environmental Quality Act (CEQA) requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report (EIR) on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment.

CEQA requires a lead agency, before releasing an environmental review document for a project, to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project, as provided. CEQA authorizes the parties, as a part of the consultation, to propose mitigation measures capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to a tribal cultural resource. CEQA defines a

tribal cultural resource as including, among other things, a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe that is included or determined to be eligible for inclusion in the California Register of Historical Resources or included in a local register of historical resources, as provided.

This bill would modify the definition of tribal cultural resource to, among other things, include a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe that is identified by the Native American Heritage Commission as a sacred place, as provided, or included in a local tribal ~~register.~~ *register and provided to the lead agency by a consulting California Native American tribe.*

CEQA requires public agencies, when feasible, to avoid damaging effects to tribal cultural resources and specifies mitigation measures that may be considered to avoid or minimize significant adverse impacts to tribal cultural resources if the consultation process fails to result in agreed-upon mitigation measures.

This bill would revise and recast those provisions to instead require ~~a public agency~~ *lead agency, when feasible, to adopt mitigation measures* ~~measures, as provided,~~ to avoid or minimize the significant adverse impacts to tribal cultural resources. The bill would require avoidance and preservation of the resource in place to be considered when requested by the consulting California Native American tribe, and if avoidance and preservation are determined to not be feasible, the bill would require the lead agency to ~~demonstrate and~~ document the basis for that determination with substantial evidence ~~and~~ *and, when feasible,* to incorporate other measures to avoid or minimize significant adverse impacts to the resource consistent with CEQA. The bill would authorize the consulting California Native American tribe to identify culturally appropriate mitigation measures, which the bill would require the lead agency to consider and incorporate, to the extent feasible, in developing mitigation and treatment measures.

~~This bill would also require the lead agency, if it elects not to use tribal methods and standards or tribal traditional knowledge in the identification of, and the adoption of avoidance, mitigation, and treatment measures for, tribal cultural resources, to explain its decision, supported by substantial evidence, in the environmental documents for the project.~~

This bill would require the lead agency, if archaeological methods and standards are used in the identification of tribal cultural resources

instead of tribal methods and standards or tribal traditional knowledge submitted by a California Native American tribe during tribal consultation, to explain its decision to use archaeological methods and standards. The bill would require the lead agency, if treatment and mitigation measures preferred and submitted by a California Native American tribe during tribal consultation are not recommended for adoption by the lead agency, to explain its decision.

By imposing additional duties on local agencies in their implementation of CEQA, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21074 of the Public Resources Code is
2 amended to read:

3 21074. (a) "Tribal cultural resources" include any of the
4 following:

5 (1) A site, feature, place, cultural landscape, sacred place,
6 including a sanctified cemetery, cemetery, or burial area of a
7 California Native American tribe, or object with cultural value to
8 a California Native American tribe that is any of the following:

9 (A) Included or eligible for inclusion in the California Register
10 of Historical Resources or the National Register of Historical
11 Places.

12 (B) Included in a local register of historical resources as defined
13 in subdivision (k) of Section 5020.1.

14 (C) Identified by the Native American Heritage Commission
15 as a sacred place pursuant to Section 5097.94 or 5097.96.

16 (D) Included in a local tribal ~~register~~; *register and provided to*
17 *the lead agency by a consulting California Native American tribe.*

18 (2) A cultural landscape that meets the criteria of paragraph (1)
19 to the extent that the landscape is geographically defined in terms
20 of the size and scope of the landscape.

(3) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 that conforms with the criteria of paragraph (1).

(4) A resource determined by the lead agency to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1.

(b) Tribal cultural resources are a separate category from cultural resources and archaeological resources, and certain archaeological methods and standards may not be appropriate for *identifying* tribal cultural resources. ~~If the lead agency elects not to use archaeological methods and standards are used in the identification of tribal cultural resources instead of tribal methods and standards or tribal traditional knowledge to identify tribal cultural resources, it submitted by a California Native American tribe during tribal consultation, the lead agency shall explain its decision, supported by substantial evidence, in the environmental documents for the project.~~

SEC. 2. Section 21084.3 of the Public Resources Code is amended to read:

21084.3. (a) Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.

(b) If the lead agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process provided in Section 21080.3.2, the lead agency ~~shall~~ *shall, when feasible*, adopt mitigation measures to avoid or minimize the significant adverse ~~impacts, which impacts. Those mitigation measures may include, but are not limited to, any of the following:~~ *following examples:*

(1) Avoidance and preservation of the resource in place, including, but not limited to, planning and construction to avoid the resource and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resource with culturally appropriate protection and management criteria.

(2) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:

1 (A) Protecting the cultural character and integrity of the
2 resource.

3 (B) Protecting the traditional use of the resource.

4 (C) Protecting the confidentiality of the resource.

5 (3) Permanent conservation easements or other interests in real
6 property, with culturally appropriate management criteria for the
7 purposes of preserving or utilizing the resource or place.

8 (4) Reburying or relocating the resource on the project property
9 in a location that will be protected from further disturbance or
10 harm in perpetuity.

11 (5) Relinquishing the resource to the consulting California
12 Native American tribe.

13 (6) Providing the consulting California Native American tribe
14 access to the resource for purposes of cultural practices, continued
15 heritage teachings, stewardship, or ~~comanagement~~ *comanagement*,
16 *as defined in Section 11019.82 of the Government Code*, of lands.

17 (c) Avoidance and preservation of the tribal cultural resource
18 in place shall be considered when requested by the consulting
19 California Native American tribe. If avoidance and preservation
20 of the resource in place are determined to not be feasible, the lead
21 agency shall ~~demonstrate~~ and document the basis for that
22 determination with substantial evidence and ~~incorporate other~~ *and*,
23 *when feasible, adopt mitigation* measures to avoid or minimize
24 significant adverse impacts to the resource consistent with this
25 division.

26 (d) The consulting California Native American tribe may
27 identify culturally appropriate mitigation measures, which the lead
28 agency shall consider and incorporate, to the extent feasible, in
29 developing mitigation and treatment measures.

30 (e) Curation of a tribal cultural resource at private or public
31 repository facilities may only occur if agreed upon by the
32 consulting California Native American tribe and any curation may
33 be subject to federal and state repatriation laws and repository fees.

34 (f) Tribal cultural resources are a separate category from cultural
35 resources and archaeological resources, and certain archaeological
36 methods and standards may not be appropriate for *treatment and*
37 *mitigation of* tribal cultural resources. If the lead agency elects not
38 to use tribal methods and standards or tribal traditional knowledge
39 in the adoption of avoidance, mitigation, and treatment measures
40 for tribal cultural resources, it *treatment and mitigation measures*

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1 *preferred and submitted by a California Native American tribe*
2 *during tribal consultation are not recommended for adoption by*
3 *the lead agency, the lead agency shall explain its decision,*
4 supported by substantial evidence, in the environmental documents
5 for the project.

6 SEC. 3. No reimbursement is required by this act pursuant to
7 Section 6 of Article XIII B of the California Constitution because
8 a local agency or school district has the authority to levy service
9 charges, fees, or assessments sufficient to pay for the program or
10 level of service mandated by this act, within the meaning of Section
11 17556 of the Government Code.