



California Environmental Quality Act and AB 52 Consultation Milestones

The California Department of Water Resources (DWR) is conducting a series of Tribal consultations under AB 52 for the proposed Delta Conveyance Project (DCP). DWR is seeking input from Tribes that requested notification and consultation under the California Environmental Quality Act (CEQA) Section 21080.3.1 of the Public Resources Code, commonly referred to as "AB 52," on the development of project alternatives, identification of Tribal Cultural Resources (TCRs), assessment of impacts of the DCP

on TCRs or other resources, and whenever possible, agreement on mitigation for potentially significant impacts. Consultation is a continuous process that is intertwined with DWR's Tribal Engagement Policy and preparation of an Environmental Impact Report (EIR) under the CEQA process. Development of the TCR section of the CEQA EIR and consultation under AB 52 will generally follow the schedule presented below.

CEQA NOTICE OF PREPARATION AND PROJECT DEFINITION (Winter 2019 - Spring 2020)

- Prior to initiation of formal AB 52 consultation, DWR held two pre-AB 52 informational Tribal outreach meetings in late-2019, in accordance with DWR's Tribal Engagement Policy.
- After these meetings, and concurrent with the release of the Notice of Preparation (NOP) announcing the start of CEQA's scoping process for preparation of an EIR, letters were sent on January 15, 2020, formally inviting Tribes to consult on the project.
- The NOP initiated the process of developing an EIR and solicited input on potential alternatives to the proposed project, impact analysis and mitigation.
- DWR is in the process of conducting two separate consultation efforts. Under AB 52, DWR is engaged with Tribes who have requested consultation pursuant to AB 52. All other Tribes who either had not requested consultation under AB 52 or did not respond to DWR's AB 52 consultation invitation were invited to engage with DWR on the proposed DCP under DWR's Tribal Engagement Policy.
- This fact sheet is focused on and intended to describe the formal AB 52 consultation process only.

INITIATION OF AB 52 CONSULTATION

- DWR invites Tribes to consult on the DCP under AB 52. Tribes notify DWR in writing of their interest in consulting on the DCP under AB 52.

ENVIRONMENTAL DOCUMENT PREPARATION

- DWR prepared the NOP, selected an environmental consulting team and issued the NOP.
- Within 14 days of publishing the NOP, DWR notified those Tribes on record with DWR as AB 52 Tribes of the opportunity to consult on the DCP.

PREPARATION OF DRAFT EIR (April 2020 - Summer 2021)

- Consultation meetings with Tribes under AB 52 may cover any or all of the main topics of the EIR (development of project alternatives, identification of TCRs, assessment of project impacts and mitigation for potentially significant impacts).
- DWR will conduct these meetings as requested by each AB 52 consulting Tribe.





Preparation of Draft EIR continued

The following table illustrates how consultation on each topic will be incorporated into the CEQA environmental document.

ONGOING AB 52 CONSULTATION	ENVIRONMENTAL DOCUMENT PREPARATION
<ul style="list-style-type: none"> • Consultation with Tribes for identification of TCRs. 	<ul style="list-style-type: none"> • DWR/Consultant gathers data and conducts studies to inform the identification of the “Environmental Setting,” such as: <ul style="list-style-type: none"> • Native American Heritage Commission Sacred Lands File search • Info Center record search for previous studies and previously identified resources • Conduct technical studies, as needed
<ul style="list-style-type: none"> • Consultation with Tribes regarding identification of potential project impacts. 	<ul style="list-style-type: none"> • DWR refines project alternatives to avoid or reduce impacts to TCRs. • DWR/Consultant prepares the “Environmental Impact” assessment of proposed project and alternatives.
<ul style="list-style-type: none"> • Consultation with Tribes regarding mitigation of potential significant impacts. 	<ul style="list-style-type: none"> • As appropriate, DWR/Consultant incorporates mitigation measures reached through consensus with Tribes consulting under AB 52.

PUBLIC CIRCULATION OF DRAFT EIR (Spring 2022)

- The TCR chapter of the EIR, while maintaining confidentiality, documents the formal AB 52 Tribal consultation process. This chapter will also include, while maintaining confidentiality, information provided by Tribes who engage with DWR through Tribal Engagement Policy outreach.
- Tribes may choose to use information from consultations with DWR in preparation of public comments on the Draft EIR.
- DWR will work with Tribes to try to obtain concurrence on closure of AB 52 consultation before public release of the Draft EIR to allow time to address comments.
- The resulting Draft EIR will be circulated for public review and comment.

PUBLIC RELEASE OF FINAL EIR AND NOTICE OF DETERMINATION (Spring 2023)

- The Final EIR will include written responses to comments received by DWR during public review of the Draft EIR.
- The CEQA process is complete when DWR issues a Notice of Determination (NOD). The NOD documents the certification of the EIR and approval of the project if DWR determines that this is appropriate. The NOD also identifies that, if the project is approved, DWR has adopted findings for significant impacts identified for the project, a statement of overriding consideration if relevant and a mitigation monitoring and reporting program.

