



April 25, 2025

The Honorable Juan Carrillo, Chair  
 Assembly Local Government Committee  
 1020 N Street, Room 157  
 Sacramento, CA 95814

**RE: AB 52 (Aguiar-Curry) Native American resources. (Amended 4/21/2025) – PROJECT KILLER - OPPOSE**

Dear Chair Carrillo:

The organizations listed below respectfully oppose AB 52. AB 52 significantly expands the California Environmental Quality Act (CEQA) consultation process with California Native American tribes in a way that creates a never-ending CEQA do-loop that ensures that no project in the state will have certainty that it can proceed – even after its environmental document is certified and all permitting agencies have approved it. This increases project finance and carrying costs, delays home construction, and ignores the robust tribal consultation process that the legislature established at the beginning of the project entitlement process precisely to ensure these important issues are raised and addressed up front to avoid unnecessary costs to homebuilders and ultimately home buyers. We greatly respect tribal sovereignty and the importance of working with California tribes to avoid and mitigate any potential impacts to tribal cultural resources. Unfortunately, AB 52 is simply unworkable.

As CEQA participants, we respect the values that are important to tribal representatives and our members work to accommodate their requests whenever possible. However, the changes to the CEQA consultation process contained in the current version of AB 52 exceed the bounds of reason.

Specifically, AB 52 extends tribal consultation until all mitigation measures are fully implemented. (AB 52, p. 38, lines 23-26). This occurs after the project has been approved and is under construction. Moreover, if multiple human remains (e.g., two bone fragments) are discovered during grading or trenching at the project site, the remains may not be relocated to another part of the site or another site, but the remains and the entire burial area site with a buffer of undetermined size, shall be designated open space and no construction on that part of the site may continue regardless of the project design approved by the lead agency. Importantly, under existing law, once formal consultation has concluded, homebuilders regularly continue to work with tribes during construction to ensure any remains or other resources that may be found are managed appropriately. It is also important to note that tribes are not required to identify known cultural resource locations so that planners and homebuilders can avoid them to begin with,

**AB 52 would take the unprecedented step of requiring the CEQA process to start over at the beginning upon the discovery of any remains.** (AB 52, pp 32-33). This converts CEQA into a never-ending process.

AB 52 imposes this process not just on home building but on all projects that trigger CEQA:

- New road and transit projects such as high speed rail
- Water conveyance and water delivery infrastructure
- Water storage facilities
- Flood control infrastructure
- Seismic retrofits to hospitals and other buildings
- Safety improvements to transportation systems
- Solar, wind and battery energy generation and storage facilities
- Ports
- Electrical undergrounding activities
- Linear utility improvements
- Construction of new schools or modernizing existing schools
- Construction of police stations

- City and County Facilities
- Wildfire protection and prevention activities such as fuel breaks, vegetation management plans, controlled burning
- New housing projects
- New employment centers

**In effect, AB 52 grants tribal representatives a veto over the decisions of local democratically elected members of city councils and county supervisors.** While it is appropriate for tribal representatives to identify and recommend treatment of tribal cultural resources, which should be followed if feasible just as with every other resource required to be analyzed and mitigated under CEQA.

In CEQA, a lead agency is required to use its independent judgment when implementing the statute. In addition, mitigation measures must be feasible. AB 52 transfers lead agency's role to California Native American tribes, effectively making untold number of home construction projects infeasible. Moreover, AB 52 usurps the role of those members of the community who have participated in the robust public process to provide input on shaping the project pursuant to CEQA. It also makes one impact supersede all others, resulting in potential adverse environmental impacts that the community may consider more valuable. We recognize that the state's tragic history sometimes puts elected officials in the difficult position of balancing growth with conservation of native American resources, as well as conservation of open space, species protection, and a host of other CEQA considerations. While tribes do and should continue to play a vital role at the very beginning of a project entitlement process in identifying resource concerns and working with their local counterparts (and ideally with project proponents) to recommend feasible mitigation, they cannot be given a veto or left with the ultimate decision as to how a project should proceed—in a democratic society, that must be left to the duly elected officials. AB 52, calls for consultation to be a formal two-way government-to-government process...conducted in a way that is mutually respectful of each party's sovereignty..." (p. 18, lines 17-24). **Allowing one government to upend a project after it has been approved by another government is simply not practical, workable, or democratic.**

AB 52 also requires California Native American tribes to receive unfinished administrative drafts of environmental documents...." (p. 18, lines 25-30, p. 35, lines 28-33). The Legislature has previously decided – for good reason – that administrative drafts are not part of the administrative record. Administrative drafts are not released to the public because they contain unverified or incomplete information that is more likely to mislead than inform. Sharing that information with any member of the public, tribe or not, is not helpful to anyone.

For all these reasons, AB 52 is a **PROJECT KILLER**, and we urge a **NO** vote.

Sincerely,

Karim Drissi, Senior Vice President of Legislative Affairs, California Building Industry Association

Skylar Wonnacott, Senior Director of Government Relations, California Business Properties Association, BOMA California, and NAIOP California

Jennifer C. Svec, Vice President of Public Policy and Advocacy, California Association of REALTORS®

Chris O'Connor, Senior Vice President, Government & Industry Affairs, Associated General Contractors of California

Eddie Sprecco, CEO, Associated General Contractors of America, San Diego Chapter

Louis Mirante, Vice President of Public Policy, Bay Area Council

Shannon Eddy, Executive Director, Large-Scale Solar Association

Tim Taylor, Policy Director, National Federation of Independent Business

Mike Roos, President, Southern California Leadership Council

Kiana Valentine, Policy Advocate on behalf of Transportation California

Amanda Walsh, Vice President of Government Affairs, Orange County Business Council

Jordan Blair, CEO, Sacramento Regional Builders Exchange and California Builders Alliance

Rana Ghadban, Chair, United Chamber Advocacy Network

Laurel Brent-Bumb, CEO, El Dorado County Chamber of Commerce

Debbie Manning, President & CEO, El Dorado Hills Chamber of Commerce

Angela Perry, President/CEO, Elk Grove Chamber of Commerce

Joe Gagliardi, Chief Executive Officer, Folsom Chamber of Commerce

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Diann Rogers, President & CEO, Rancho Cordova Chamber of Commerce

Robin Trimble, CEO, Rocklin Area Chamber of Commerce

Rana Ghadban, Chief Executive Officer, Roseville Area Chamber of Commerce

Colette Thiel, President, Shingle Springs/Cameron Park Chamber of Commerce

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Eddie Bernacchi, Legislative Advocate on behalf of United Contractors

Lori Holt Pfeiler, President & CEO, Building Industry Association of San Diego County

Dolores Taylor, Executive Director, Building Industry Association of Tulare/Kings Counties, Inc.

Jeff Montejano, CEO, Building Industry Association of Southern California, Inc.

Victoria Hernandez, Executive Director, South Orange County Economic Coalition

Sara Catalán, Executive Director, Orange County Taxpayers Association

cc Assembly Member Aguiar-Curry, Author  
Members, Assembly Local Government Committee  
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