Tribal Consultation

AB 52 Best Practices

CYNTHIA GOMEZ, TRIBAL ADVISOR
GOVERNOR’S OFFICE
Executive Order B-10-11
Directs State Agencies to consult, collaborate and coordinate better with tribal governments.
Created Tribal Advisor position.
Out of 11 agencies, 7 have final policies, 2 will be final this year and 2 are in draft form.
Tribal Consultation - *What’s In It For You?*

- Getting it right from the beginning makes your job easier.
- Build strong relationships with tribes that you will work with for the long term.
- Taking the time to do it right from the beginning ensures fewer problems down the road.
- Tribal consultation is a two way street. You will not only be learning about the tribal governments, they will be learning about your organization and value system.
- Success stories will be viewed as models for other lead agencies.
- You will likely use this experience throughout your professional career.
Preparing for Tribal Consultation

- Take initiative to understand tribal sovereignty and why tribes have this special legal designation as independent sovereign nations
  - Not an ethnic group or a special district.
  - Tribal sovereignty training on CalEPA website for FREE.
    - [http://www.calepa.ca.gov/Tribal/Training/default.htm](http://www.calepa.ca.gov/Tribal/Training/default.htm)
- Know the tribes that you’re consulting with
  - Consultation is about building relationships.
  - Visit tribal websites.
  - Tribal council page and general history.
- Tribal Directory available to order from Tribal Advisor’s office
  - General reference tool, should not replace a specific contact list.
  - Call (916)373-3710 OR email nahc@nahc.ca.gov
State Agency Tribal Consultation – *Best Practices*

- **Formal consultation is always with the Tribal Chairman or his officially delegated appointee.**
  - Tribal consultation must begin with a letter from Tribal Chairman/Tribal Council outlining specific issue and request.
  - Associations, non-profits, or other entities do not represent the tribe, unless explicit authority is given in writing from the Tribal Chairman and/or Tribal Council for that specific tribe.
  - If verbal request from tribal staff, ask for the letter from Chair.
  - Letter needs to include:
    - Specific topics requested to be covered
    - Background information
    - Who will be attending from the Tribe
    - Other items discussed in advance etc.
- **Ensure your staff attending consultation are the decision makers.**
Tribal Consultation Notice Format – *What’s the Difference?*

- **General Notices**
  - To Whom It May Concern vs. Honorable Tribal Leader.
  - Address directly to Tribal Leaders.
    - Tribal Leaders should be addressed differently than general public.
  - If it’s not a personal invitation, could go unnoticed.
  - You can cc staff from tribe.

- **Public Forum vs. Tribal Consultation**
  - Tribal Consultation should be separate from public forums. Can run parallel to public process.

- **SB Guidelines useful when looking for process**
Tribal Consultation Sessions – Effective Consultation

• **Meaningful Consultation is the GOAL**

• **Agenda**
  - Should include decision makers at the table.
  - Work out agenda in advance with Tribal partners.
  - As much research done on issues prior to the meeting and possible solutions is key to a successful consultation meeting.
  - Share materials in advance so either party is not seeing things for the first time.

• **Process**
  - Introductions at the beginning to - recognize leadership in the room. They are leaders of sovereign nations, greet as such.
  - Process depends on topic of the meeting.
  - Requesting input should be formal in consultation.
    - First: Tribal Chairman/ Tribal Council
    - Second: Tribal Designees
    - Third: Open Forum

• **Follow Up**
  - Note takers are important.
    - Provide a few clerical staff to take notes and capture key issues and action items
    - Some tribes may ask for copy of notes
    - Professional services have been used ie. Court reporter, facilitator
    - Solidify agreements for plan of action and deadlines at conclusion of the meeting
Tribal Consultation Policies – *Tribes May Create Their Own*

- **Karuk Tribe issued their own policy**
  - This is helpful to you as it provides a road map.
  - Other tribes have discussed creating their own.

- **State Informal policy for working with these:**
  - Following tribal consultation policies are appropriate for one on one consultations.
  - For broader consultation notices (ie. annual consultations, regulations) follow your agency/dept. policy.
  - When working with the Karuk Tribe, notify Chairman Attebery of process if deviates from their policy.
Thank you!

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