

Tribal Consultation

AB 52 Best Practices



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GOVERNOR'S OFFICE**

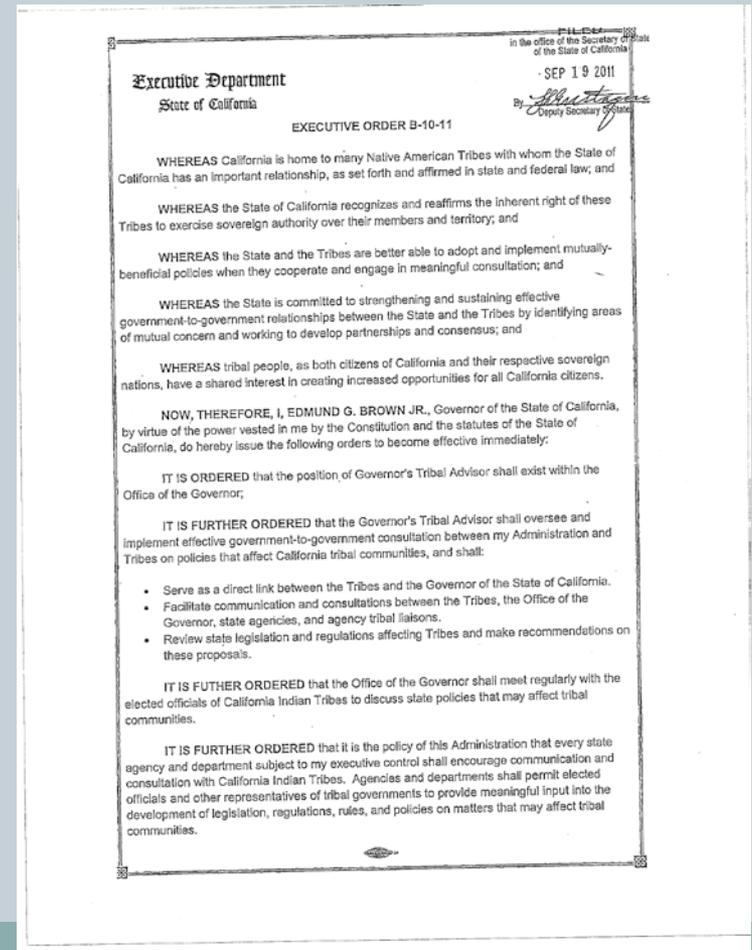


State Agency Tribal Consultation

Governor's Executive Order



- 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>
- **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 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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