

SUMMARY OF COMMENTS

June 26, 2012 Public Meeting

California Natural Resources Agency Draft Tribal Consultation Policy

INTRODUCTION

Secretary of Natural Resources John Laird started the meeting and emphasized his leadership and support for improved tribal relations with the Natural Resources Agency. He noted that the Natural Resources Agency consists of 24 different departments, conservancies and commissions and the real implementation of the policy will be handled on the department level. He also noted that the current budget realities are that this work will have to be done primarily with existing resources. He expressed a commitment to working hard to ensure the success of the policy. Agency staff noted that the formal comment period for the policy ends on July 15 and the Agency will be accepting comments in any form until that time.

SUMMARY

The following comments were provided by the commenters in attendance at the meeting. This is merely a summary and not a transcript of all of the comments. As a result, each and every comment may not be fully related in this document but it captures the majority of the topics discussed.

The type of consultation necessary frequently depends on the task and the issue at hand. It is important for state agencies to communicate who is the appropriate decision-maker and what is the process.

In the policy, make it clear what kind of lands you are talking about – including Rancherias and allotment lands.

There was discussion of how to communicate with tribes. Many of the formal contact lists are outdated. Agency staff noted that they intend to work with the Governor's tribal advisor, Cynthia Gomez, to assist her in developing communication lists and databases to foster effective information sharing. Commenters noted, however, that databases are not a substitute for developing personal relationships and making clear information available. One commenter reminded the Agency to take note of the digital divide and ensure that information is available not only via website and e-mail, but also with hard copies.

It was noted that implementation which will be more effective when parties get to know one another. Tribal governments should be participants in the process.

It was also noted that liaisons in the individual departments can be helpful in identifying potential legislative issues that may not immediately come to the attention of tribes.

Commenters added that the policy should not be about checking the boxes but about making sure it is a living policy that creates an institutional culture and memory that fosters working relationships with the tribes. Not all tribes will be interested in every issue that comes up so developing relationships where the departments get to know a tribe well enough to know when to flag an issue for them is important. Tribes need to be kept informed of changes in staffing that may affect their communication.

The parties discussed accountability. The policy should ensure that the individual departments are reporting on their steps towards implementation.

There was also discussion of how to ensure that tribes have a place to go if the tribal liaison is not effective. Some liaisons are very effective and have a lot of experience while others are not well-trained or effective. Successful implementation of the policy will require that liaisons are trained and held accountable. There was a suggestion to identify the most effective tribal liaisons and ensure that newer liaisons are able to take advantage of their expertise.

There was discussion of ensuring that the policy will be effectively implemented at the regional and district levels. Both Agency staff and meeting participants emphasized that much of the day to day interaction between tribes and departments happens on the local level and the policy and goals of effective interaction need to be communicated and implemented at that local level. It will take time for this shift to happen.

The rules and responsibilities of the tribal liaisons should be carefully defined. The Agency should consider training sessions that will provide basic information about the departments and how they function so that tribes know where to go for different issues. The Resources Agency should look to the models of successful advisory committees and consider creating a Resources Agency Tribal Advisory Committee. They should also consider coordinating with other state agencies to co-host meetings so participants do not have to travel more often.

One commenter noted that she considered the park closures to be one example that would have benefitted from better tribal consultation. She noted that the tribes were not consulted and did not have the opportunity to put ideas on the table, such as converting some of the parks to tribal trust property.

Two commenters noted that the Agency has an opportunity to reach many tribes by working through consortia, such as the Intertribal Council of California. The Agency should do more outreach to consortia in an effort to communicate more effectively with the member tribes.

There are also opportunities to reach out through regional tribal EPA groups, land trust organizations and advisory groups.

One commenter noted that there should be coordination with federal agencies.

It was also noted that consultation should happen on a wide variety of issues, including major land acquisitions, memoranda of understanding, and implementation of the Endangered Species Act.

The tribes and the state should share knowledge such as archeological knowledge and GIS data. In some instances, state agencies are the best source of information and in other instances tribes may have information that can assist agencies in doing their jobs. That information should be shared.

There was a request that the state public agencies respect and recognize the deep cultural link to the land that tribes have. The tribes were here first and will always be linked to the land in a unique manner that the departments must respect and understand.

Agency staff committed to follow up by incorporating as many suggestions as possible into the policy itself or the implementation and communicating that information to the formal mailing lists and the list of attendees.