



Smith River Rancheria

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Via e-Mail and U.S. Mail

Liane Randolph, General Counsel & Deputy Secretary
California Natural Resources Agency
1416 9th Street, Suite 1311
Sacramento, CA 95814
liane.randolph@resources.ca.gov

Re: California Natural Resources Agency Tribal Consultation Policy

Dear Ms. Randolph:

The Tolowa Dee-Ni' of the Smith River Rancheria wishes to provide comments for your consideration with respect to the California Natural Resources Agency proposed tribal consultation policy.

The "purpose of the policy" provides that consultation, communication and collaboration with tribes are to be improved "to the extent that a conflict does not exist with applicable laws or regulations." Smith River Rancheria would recommend that, in the event a conflict in state law or regulation is identified, tribes are made aware of the conflict, and options can be considered with respect to modifications within existing state law and regulations to alleviate the conflict.

During the June 26, 2012 consultation meeting, Smith River Rancheria representatives raised the concern with respect to legislative proposals. Far too many times, proposed state laws are written in a way that do not specifically provide for the involvement of federally recognized tribes, or the proposed law could have far-reaching implications upon federally recognized tribes, their lands and natural resources.

Although it is not a responsibility of the Natural Resources Agency to ensure tribal rights and interests are protected, Agency legislative liaisons responsible for the review of legislative proposals should be educated on tribal affairs, since they are in the best position to identify potential roadblocks to this consultation policy, as well as the potential impacts a proposed statute may have upon tribal interests. In consultation with tribes, any potential roadblocks can be addressed before they become law.

Waa-saa-ghitlh-'a~ Wee-ni Naa-ch'aa-ghitlh-ni

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With respect to “Outreach,” Smith River Rancheria recommends that introductory meetings between federally recognized tribes and all Agency departments begin prior to the commencement of a planning process. Tribal and state government representatives who work within the community would be well served by having a better understanding of their respective roles and responsibilities. Regular “in the field” meetings such as open houses in the community and Sacramento, including webinars and meetings on tribal lands, will create opportunities to establish an effective government-to-government collaborative process.¹

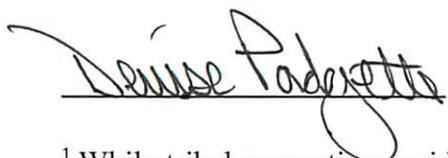
Because of the Agency’s size and broad mission, consultation amongst Agency entities will be a challenge unto itself.² Smith River Rancheria believes the Tribal Liaison Committee will play a critical role in the implementation of this policy. The Committee should be responsible for improving intra-agency coordination and communication. Experience has proven that policies and laws need to be modified over time in order to address issues not apparent during the initial implementation. The Committee should also be responsible for reviewing and modifying the consultation policy, in consultation with tribes. The consultation policy should be flexible enough to allow for modification over time, when needed.

Finally, I would first like to commend you and Resources Secretary John Laird for your efforts to establish a government-to-government relationship between your Agency and federally recognized California Indian tribes. Hopefully, your leadership in this effort will serve as an incentive for other California agencies to establish effective working relationships with California tribes, and the value of those relationships will become apparent over time. The Smith River Rancheria has been attempting to codify a consultation policy for all state agencies, and we welcome your Agency’s support in our future efforts.

If you have any questions, please contact Tribal Administrator Russ Crabtree at (707) 487-9255.

Sincerely,

Denise Richards-Padgette, Vice Chair
Smith River Rancheria



¹ While tribal consortia provide a valuable opportunity to bring together representatives of tribes and state governments, the Agency must be mindful of the fact that many tribal consortia may not consist of official tribal representatives. In order to embrace the governmental nature of this policy, Agency staff should consult directly with federally recognized tribes.

² The Natural Resources Agency consists of eight (8) departments, sixteen (16) boards & commissions, ten (10) conservancies, five (5) programs and projects, and six (6) divisions.

Waa-saa-ghitlh-'a~ Wee-ni Naa-ch'aa-ghitlh-ni

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