

Statement of Feasibility for Tribal Co-Governance and Co-Management

The Tribal Cogovernance and Comanagement of Ancestral Lands and Waters Act states “At the request of a federally recognized tribe, the Secretary of the Natural Resources Agency or a delegate at the appropriate department, board, conservancy, or commission may, to the extent feasible within existing staffing and budget, within 90 days of the request, begin government-to-government negotiations on cogovernance and comanagement agreements with the tribe,” (Gov. Code § [11019.82](#), subd. (d).)

Pursuant to the Act and Governor Gavin Newsom’s Statement of Administrative Policy on Native American Lands, the state agencies are encouraged to enter into co-management and co-governance agreements upon tribal request that further the objectives outlined in the Tribal Stewardship Policy and comply with all applicable laws and regulations. Should the Secretary or a delegate determine that entering into such an agreement is not presently feasible due to staffing, budgetary limitations, and/or other legal, regulatory, and administrative reasons, this should be communicated, in writing, to the requesting tribe. The Secretary or delegate is encouraged to engage with the tribe to identify shared goals and alternative pathways for collaboration that are feasible in the case of limitations. Every effort should be made by state staff to maintain a collaborative relationship with the requesting tribe even if a particular agreement is not currently feasible.

The written communications regarding feasibility for the purposes of the Tribal Stewardship Policy will be titled as Statement of Feasibility for Tribal Co-Governance and Co-Management (also known as “Statement of Feasibility”). These statements of feasibility should include, but are not limited to, the following:

- A description of the projected staffing needs and budget limitations for a co-governance or co-management agreement and a brief description of how these determinations were made.
- A description of alternative pathways for collaboration. If the alternative pathways are not pursued, a description of the reasoning why the alternatives were not utilized.

The statement of feasibility should be shared with the requesting tribe as well as the Deputy Secretary of Tribal Affairs. The Deputy Secretary of Tribal Affairs shall use the statement of feasibility to track Agency and its departments’ needs for implementation of this Policy.