

California Natural Resources Agency Tribal Stewardship Policy

Established: DATE

Vision and Purpose

The California Natural Resources Agency (“Agency”) and its departments, conservancies, and commissions (herein “departments”) are charged with stewarding California’s unique natural, cultural, and historic resources. To fulfill this responsibility, it is critical that Agency and its departments build meaningful partnerships with California Native American tribes.

As the original stewards of the lands and waters in California, tribes have exceptional expertise and experience managing our state’s environment and natural resources. Since time immemorial, California Native American tribes cared for their homelands and helped to maintain ecological balance and health. These traditional practices and knowledge are critical as we confront modern environmental challenges and can guide Agency’s own stewardship of California’s environment.

Collaborating with California Native American tribes requires first we acknowledge the state government’s historical treatment of California Native Americans. Over the last two centuries, the state has ignored this tribal stewardship and perpetuated historical wrongs, including forced removal of tribal communities from ancestral lands and criminalization of traditional practices. These actions greatly harmed the health and wellbeing of tribal communities. Further, the state’s actions also abandoned beneficial practices that maintained the health of our lands and waters.

In recent years, California has sought to establish a new era of tribal-state partnerships in the spirit of truth and healing. State leaders have acknowledged historic wrongs and many state agencies have worked to improve their own practices to enable effective, respectful collaboration with California Native American tribes. This progress includes strengthening tribal consultation practices, funding tribal ancestral land return, establishing tribal access agreements, and exploring models of collaborative tribal-state natural resources and land management relationships.

This Tribal Stewardship Policy helps Agency and its departments institutionalize these practices and build lasting tribal partnerships in the implementation of each’s respective missions, regulations, policies, and programs. This Policy does so by establishing the need and opportunity for tribal stewardship and providing standard practices for Agency to support tribal priorities. The associated Tribal Stewardship Toolkit builds the capacity of California Native American tribes, state agencies, and non-governmental entities to do this work together. The Toolkit takes form as a living website of recorded webinars, templates, case studies, and other information resources.

Original Stewards

All the lands, waters, and natural resources within the boundaries of what is now known as California, have been – and still are – stewarded by diverse California Native American tribes. Since time immemorial, California Native American tribes have developed and continue to practice deep place-based societies, laws, ceremonies, customs, management practices, and ways of life in the stewardship and care of lands and natural resources. Before colonization, Native Americans in what later became California spoke over 100 distinct languages, stewarded and thrived in the unique and biodiverse ecosystems, and represent an array of diverse governments, cultural practices, and ways of life. Tribes continue to assert their authority to make and enforce laws over their citizens and lands—an authority known as tribal sovereignty. Native Americans in California also have distinct and myriad cultural, spiritual, and religious relationships with these ancestral lands, with reciprocal relationships to the land and non-human beings. The strength of California Native American communities was due to this diversity and the dynamic and interconnected trading routes and economies across the continent.

Tribal stewardship expertise, commonly referred to as Traditional Knowledge or Traditional Ecological Knowledge, blends the complexity of hunting and gathering knowledge, study of biology, and keen attention to environmental cues and microclimate variations with active cultural, ceremonial, and management practices to live in close relation to the lands and waters. This knowledge and expertise are uniquely held by each tribe and their cultural practitioners, recognizing the tremendous cultural diversity of California Native American tribes.

Tribal societies rely on this expertise for physical, cultural, religious, and economic survival. The land and species have co-evolved with tribes and the application and care of Traditional Ecological Knowledge. The disruption of this expertise and relationship to the land not only impacts tribal communities' way of life but also affects the health and wellbeing of ecosystems that rely on tribal stewardship; and in turn all Californian's and the economy which are built on functioning ecosystems and natural resources.

The Challenge

California Native American tribes have survived multiple waves of colonialization from Russia, Spain, Mexico, and the United States that resulted in devastating impacts on the health and wellbeing of their communities and lands. The State of California's actions during its first three years of statehood from 1850 to 1853 began a long history of the state's historic wrongs committed against California Native American tribes. During this time:

- The State's first Governor, Peter Burnett, used his authority to advance a "war of extermination... between the races, until the Indian race becomes extinct," as illustrated in his annual message to the State Legislature in 1851. He and following California Governors called on and paid for civilian militias to attack Native Americans and advance this war of extermination.
- This Governor and the California Legislature passed the 1850 Act for the Government and Protection of Indians, also known as the Indian Indenture Act, that was used to indenture California Indian children and outlaw cultural and environmental stewardship practices of setting fire to prairies.¹
- In mid-March 1852, the California Legislature sent resolutions to the U.S. Senate opposing the ratification of the 18 treaties negotiated between the federal government and California Native American tribes across the state. Many tribes already felt that these treaties were inadequate, but facing the violence in their communities reluctantly agreed to them in good faith. In these treaties, the United States promised to forever reserve and protect approximately 7.5 million acres of land for the permanent homelands of California Native American tribes.² In a secret session, the U.S. Senate following the recommendation of the California Legislature refused to ratify the 18 treaties, thus breaking the previously agreed to promises. The fact that these treaties were not ratified was kept secret from tribes and the public for 50 years. During this time, tribes upheld their commitments made in the treaties and moved off much of their homelands.

These actions have had devastating impacts still felt today. Rejection of the treaties left tribes without secure homelands or access to resources. State militias and vigilante

¹ Kimberly Johnston-Dodds, Early California Laws and Policies Related to California Indians, (California Research Bureau, California State Library 2002), pp. 27-30. Available at https://www.csus.edu/college/education/engagement/internal/documents/indian_early_california_laws_and_policies_related_to_california_indians.pdf.

² Damon B. Akins and William J. Bauer Jr., *We Are The Land: A History of Native California*, University of California Press (2021), pp. 146.

campaigns to kill Native American people increased, advancing attempted extermination and genocide. This attempted extermination meant the loss of entire families and communities, lands, and cultural traditions. Moreover, while some reservations, rancherias, and trust lands were later formed under federal law for Native American tribes, the broken promise of approximately 7.5 million acres of secure homelands was never adequately remedied.

There were myriad ways lands were taken from tribes in California beyond those highlighted above. For example, in Southern California, the United States did not honor the provisions in the Treaty of Guadalupe Hidalgo ending the Mexican American War and requiring the federal government to maintain Native American ownership of lands granted to them by the Mexican Government. There were additional treaties beyond the 18 mentioned above that were negotiated but never delivered to Congress for ratification. In the 1950s, the federal policy of termination was implemented to end the recognition of tribes and to transfer jurisdictional authority over tribal lands to the states. This resulted in the termination of twenty-three rancherias and reservations in California and the loss of 10,037 acres of tribal land. Seventeen of the rancherias and reservations have reversed termination and are recognized today.

The displacement of tribes from their ancestral lands also disrupted tribal stewardship and management practices that co-evolved with the lands. For example:

- The suppression and criminalization of cultural fires and tribal forestry management practices have led to the increase of catastrophic fires across the State.³
- The establishment of private property ownership prevents basket weavers from accessing and caring for basketry materials, leading to the loss of biodiversity and diminishing historical range of California native plants.⁴
- The mass commercializing of hunting and fishing across California, unattuned to tribal ceremonial, cultural, economic, and conservation practices, disrupt ecosystem balance and led to species being at risk of or actual extinction.⁵

³ Karuk Tribe, “Good Fire II Report,” March 2024, <https://karuktribeclimatechangeprojects.wordpress.com/wp-content/uploads/2024/03/good-fire-ii-march-2024.pdf>; ; Char Miller, *Burn Scars: A Documentary History of Fire Suppression, from Colonial Origins to the Resurgence of Cultural Burning*, Oregon State University Press (2024).

⁴ M. Kat Anderson, *Tending the Wild: Native American Knowledge and the Management of California’s Natural Resources*, University of California Press (2005).

⁵ For example, the history of the abalone fishery. See Les W. Field, *Abalone Tales: Collaborative Explorations of Sovereignty and Identity in Native California*, Duke University Press (2008), pp. 150 – 158.

This stark history established a framework that, until recently, directed state agencies to resist tribal landownership, ignore tribal stewardship, undervalue Traditional Ecological Knowledge as a legitimate science, and to criminalize traditional practices. While the legacy of these harmful policies is still impacting tribal and non-tribal communities today, efforts are underway to understand and address historical wrongs in the spirit of present and future healing.

The Opportunity

Today, it is clear tribal stewardship and traditional ecological practices are vital to confronting a range of environmental challenges. Repairing the relationship between tribes and the state can contribute to healing and will be crucial to responding to the changing environment. Tribal knowledge and practices are shaping state government efforts to build our resilience to climate change-driven threats like catastrophic wildfire, recover culturally important species like salmon, increase access to outdoors for underserved communities, prepare our coast for sea level rise, restore the health of our landscapes, reconnecting habitats, and so much more.

State agencies have an opportunity to learn from tribal leaders and communities, engage in respectful collaboration, and establish lasting tribal-state partnerships. Recent California Governors have ushered in a beginning of a new era of tribal-state partnership through executive orders and statewide policy. This Policy builds on this foundation, including:

- Governor Jerry Brown's Executive Order B-10-11 established the Governor Office's Tribal Advisor position and directed state agencies to communicate and consult with California Native American tribes to provide opportunities for meaningful input into the development of legislation, regulations, rules, and policies on matters that may affect tribal communities. (2011)
- Governor Gavin Newsom's Executive Order N-15-19 apologizing to California Native American tribes for the role of the State of California in committing historical wrongs and establishing a Truth and Healing Commission. (2019)
- Governor Gavin Newsom's Statement of Administrative Policy on Native American Lands directing all departments to identify opportunities for increased tribal access, co-management, and ancestral land return. Several departments have already returned state owned lands including California Department of Fish and Wildlife, State Lands Commission, and the Coachella Valley Mountains Conservancy. (2020)

- Governor Gavin Newsom’s Executive Order N-82-20 directing Agency to work with tribes in advancing the State’s nature-based solutions priorities, including advancing implementation of nature-based climate solutions and conserving 30% of lands and coastal waters by 2030, known as 30x30. (2020)

The California Legislature has passed significant legislation in furtherance of this new era of tribal-state partnership, including:

- California Government Code Section 11019.81, Assembly Bill 923 (Ramos 2022), encouraging “the State of California and its agencies to consult on a government-to-government basis with federally recognized tribes, and to consult with non-federally recognized tribes and tribal organizations, as appropriate, in order to allow tribal officials the opportunity to provide meaningful and timely input in the development of policies, processes, programs, and projects that have tribal implications.”
- California Civil Code Section 3333.8, Senate Bill 310 (Dodd 2024), authorizing the California Natural Resources Agency and local air districts to enter into agreements with federally recognized California Native American tribes for cultural burning in lieu of CAL FIRE and local air district permits.
- California Government Code Section 6502.3 and Section 11019.82, Assembly Bill 1284 (Ramos 2024), encouraging the California Natural Resources Agency and its departments to enter into meaningful co-management and co-governance agreements for the management of natural resources.
- California Government Code Sections 8899.90 - 8899.95, Assembly Bill 2022 (Ramos 2022), prohibiting the use of an offensive and derogatory term towards Native American women on places and features across California.
- California Public Resources Code Sections 71450 – 71452, Senate Bill 1402 (Min 2024) adopting the goal to conserve 30% of California’s lands and coastal waters by 2030 and the ten pathways to accomplish this goal, including “[s]upporting tribal engagement and leadership in implementing the 30x30 goal.”
- California Health and Safety Code Section 38561.5, Assembly Bill 1757 (Garcia 2022), requiring the State to develop nature-based solutions climate targets that contribute to California’s goals of achieving carbon neutrality and protecting Californians from the climate crisis. This law also requires reporting a summary of the benefits to low-income communities, disadvantaged communities, vulnerable communities, disadvantaged farmers, and Native American tribes.

- California Public Resources Code Section 71450, Assembly Bill 2278 (Kalra 2022), requires Agency to prioritize specific actions to achieve the 30x30 goal, including by supporting tribal engagement and leadership in implementing the goal.
- California Public Resources Code Section 71453, Assembly Bill 900 (Papan 2025), adds to existing law requiring the Secretary of Natural Resources Agency to prepare and submit an annual report to the Legislature on progress made toward achieving the 30x30 goal. This law requires the Agency to prepare a section on stewardship as part of the 2027 annual report that includes recommendations to reduce barriers and increase and improve stewardship of 30x30 lands in collaboration with stakeholders, California Native American tribes, and relevant state agencies. Specifically, to provide recommendations for increasing ancestral land return and advancing tribal stewardship in protecting conserved lands.

As part of this new era of tribal-state relations, the Newsom Administration and California Legislature have provided unprecedented funding to advance tribal stewardship, including the:

- Establishment and initial funding of \$100 million for the Tribal Nature-Based Solutions Grant Program to support approximately 49,000 acres of land to be returned to California Native American tribes.
- Establishment and initial funding of \$29 million for the Tribal Wildfire and Forest Resiliency Grant Program and has already supported 15 tribes' wildfire resilience and forestry management priorities.
- Establishment and initial funding of \$10 million for the Tribal Youth Conservation Corps Grant Program, creating five new programs and providing job training opportunities for tribal youth.
- Passage of the \$10 billion Climate Bond that provides for \$75 million in tribal set asides and the voter mandate of 40% of the bond funding to deliver meaningful and direct benefits to vulnerable populations, disadvantaged communities, and severely disadvantaged communities, including California Native American tribes. For specific programs in the Climate Bond, this funding can include support capacity, planning, and design implementation, as well as direct implementation projects.
- Many grant programs under Agency have awarded funding to support tribal stewardship priorities, including ancestral land return. These include, but are not limited to, programs administered by the Wildlife Conservation Board, State Coastal Conservancy, Sierra Nevada Conservancy, Santa Monica Mountains Conservancy,

Coachella Valley Mountains Conservancy, Department of Conservation, and Ocean Protection Council.

The California Natural Resources Agency has built up its internal capacity to ensure it can meet the opportunities in the new era of tribal-state relations, including:

- The establishment and appointment of the first ever California Natural Resources Agency Deputy Secretary for Tribal Affairs. This position is tasked with the development and implementation of Agency's tribal affairs policies and to provide resources and support to the tribal liaisons for the 27 departments, commissions, and conservancies under the Agency umbrella.
- Agency created the California Natural Resources Agency's Tribal Affairs Unit to have a full team of tribal affairs professional working towards strengthening partnerships with California Native American tribes. This team includes the Deputy Director for Tribal Affairs, Manager of Tribal Funding, Manager of Geographic Names, two Grant Administrators, and a fellowship program for new graduates to gain hands on tribal affairs experiences to support their future careers.
- The creation of full-time executive level tribal affairs positions at the Department of Water Resources, Department of Conservation, California Department of Forestry and Fire Protection, California Energy Commission, Department of Fish and Wildlife, Department of Parks and Recreation, and Sierra Nevada Conservancy. Many of these departments have developed tribal affairs programs and policies to support their work in strengthening partnerships with tribes.
- Agency updated its Tribal Consultation Policy to institutionalize early, often, and meaningful tribal consultations throughout Agency's work. To support the implementation of the Tribal Consultation Policy and other tribal affairs policies, Agency hosts monthly tribal liaison calls to improve coordination between departments, an annual in-depth tribal liaison training to provide resources to tribal affairs professionals, and an annual tribal affairs 101 training for all CNRA employees to build a strong baseline understanding of tribal affairs.
- Agency developed a Tribal Grant Administration Guidance document to provide additional resources and support to grant programs funding tribal priorities. This guidance works to reduce barriers tribes face in accessing state funding and is a tool to train grant programs on how to work with tribes.

State leaders have set forth a vision for a new era of tribal-state partnerships rooted in an acknowledgement of historic wrongs and progressing in the spirit of truth and healing. Agency has the directive to collaborate with the original stewards of these lands and waters

as we confront modern environmental challenges by advancing meaningful and durable tribal access, collaboration, and ancestral land return across the state. Agency and its departments must operationalize these directives by utilizing existing laws, regulations, investments, and policy to build durable partnerships with tribes, characterized by respectful collaboration and a whole-of-government approach, and advance tribal access, collaboration, and ancestral land return across the State.

I. Tribal Stewardship Policy

In partnership with California Native American tribes, and with the understanding that all of California was once tribal land, Agency and its departments, utilizing their existing authorities under California law and funding programs, will work to expand opportunities for tribal stewardship across the state.

Tribal stewardship is defined by each individual tribe through tribal constitutions, laws, resolution, programming priorities, cultural and religious practices, ceremonies, or other measures. Tribal stewardship can include actions to care for and manage specific areas of land, landscapes or watersheds, plant and animal communities, and natural resources for cultural and ecological objectives. While tribal stewardship may include stewardship over tribal trust and fee lands, it does not need to be limited and can include other public, federal, and private lands across California.

This Policy establishes the long-term goal to expand tribal stewardship of at least 7.5 million acres of land and coastal waters within California through the creation of meaningful and durable tribal access and collaborative agreements and the return of ancestral lands to tribal ownership. Advancing stewardship of at least 7.5 million acres of land and coastal waters by California Native American tribes is an important step in repairing the harms caused by the state's actions to oppose the ratification of the 18 treaties. While this is an important step, more work is needed to heal from historical wrongs.

To accomplish this Policy and in a manner that meets statutory goals and responsibilities, Agency and its departments will actively pursue partnerships with California Native American tribes, the federal government, local governments, non-profit organizations, conservancies, land trusts, colleges and universities, philanthropy, other states, and private landowners. Agency and its departments will work collaboratively with tribes to identify opportunities to advance mutually beneficial priorities and the stewardship goals of partnering tribes. A key step to begin collaborative work with tribes is early, often, and meaningful consultation. This Policy identifies three key pathways which may be used to advance meaningful and durable tribal stewardship: (1) Ancestral Land Return, (2) Collaboration, and (3) Access. The range of methods and pathways are detailed below and are accompanied by a Toolkit to support the implementation of this Policy.

Agency and tribes shall work collaboratively to identify efforts that achieve the objectives of this Policy and to report these efforts to CNRA Tribal Affairs. Agency shall prepare an annual report on the implementation of this Policy.

a. Tribal Consultation

Engaging in **early, often, and meaningful consultations** with California Native American tribes is essential for Agency and its departments to ensure tribes are collaborative partners and tribal priorities are integrated into the work of Agency and its departments. Agency's Tribal Consultation Policy, adopted September 25, 2025, provides additional information on early, often, and meaningful tribal consultation and a detailed best practices guide to support state staff engaging in tribal consultation. The Tribal Consultation Policy should be followed when carrying out work related to this Policy as it would be with any other Agency action.

When in the process of pursuing ancestral land return or entering into tribal access and collaborative agreements in shared ancestral territories, it is critical for non-tribal entities, including state staff and partners, to understand inter-tribal dynamics and engage in early tribal consultations. Consensus between multiple tribes should be a stated goal when pursuing partnerships in shared ancestral territories, but is not required.

Deference should be provided to tribes in the determination of a particular tribe's ancestral land boundaries. If there is a dispute or conflict between tribes on the boundaries of ancestral territories, non-tribal entities may consult with the tribes in the dispute and other neighboring tribes, set up inter-tribal working groups to discuss the conflict with the goal of finding a solution based on consensus, and work closely with tribal affairs professionals to conduct research of the history in the region. If a solution to the dispute is not available, state staff will and others are encouraged to work to develop a compromise that preserves future opportunities for tribal stewardship for all interested tribes.

Agency and its departments have a unique government-to-government relationship with federally recognized tribes. In this, Agency fully acknowledges federally recognized tribes as sovereign nations with self-determination to pursue conservation and economic opportunities and the authority to regulate their members and cultural practices. Coordination between tribal and state jurisdictions and laws is an opportunity to share resources and support mutual goals in the management and care of California lands and waters.

b. Ancestral Land Return

Ancestral Land Return is return or re-acquisition of property or property rights, and can include ownership of land, water, air, and mineral rights to a California Native American tribe within the tribe's ancestral territory. For durable and meaningful ancestral land return, acquisition by the tribe must include one of the following:

- Legally binding and enforceable property or other rights recorded on title of a specific parcel of land.
- Legally binding and enforceable property right to water. This may be recorded on title of a specific parcel of land or be committed to through a contract or other legally binding agreement.
- A specific parcel of land held in trust by the federal government for the benefit of a federally recognized tribe, which may include the transfer of federal lands from a federal agency into federal trust for the benefit of a federally recognized tribe as a form of ancestral land return.
- Specific adjudicated water rights held in trust by the federal government for the benefit of a federally recognized tribe or allottee.

Ancestral land return is the most robust form of tribal stewardship and is the stewardship pathway most closely aligned with the land status of the approximately 7.5 million acres of land promised in treaties to tribes would have had. In tribal consultations for this Policy, California Native American tribes have consistently and clearly communicated that the return of land with no or limited encumbrances is the strongest and most respectful form of ancestral land return. Where possible, it is the direction of this Policy to reduce and limit encumbrances on ancestral land return and to support tribes placing land into trust, when feasible. Additionally, due to varying legal authority and requirements on public funding and the Public Trust Doctrine, some ancestral land return projects pursued with state funding and authorities may require some conditions including deed restrictions, limitations of uses, contract obligations, limited waivers of sovereign immunity, or public access on the property. Agency and its departments will identify opportunities for flexibility and deference to California Native American tribes, while also upholding the requirements placed on state agencies under California law and policy.

c. Collaboration

Collaboration describes the act of building a relationship between one or more California Native American tribe(s) and one or more non-tribal entity to co-create, in good faith, a mutually beneficial shared priority or goal for the stewardship of a defined area, species, or natural resource. These relationships are built on respect, a desire to pursue shared goals that are mutually beneficial to all parties, and rely on inter-personal connections and relationships. Developing collaborative relationships and agreements may require time to build trust and should respect tribal timelines and decision-making processes.

Collaborative Agreements are written agreements entered into between one or more California Native American tribe(s) and one or more non-tribal entity(ies) for a defined area within the tribes' ancestral territory that sets forth the terms of mutually beneficial collaboration for the stewardship of a specific area, species, or natural resource. Collaborative agreements can take many forms including co-management agreements, co-governance agreements, memoranda of understanding, memoranda of agreements, cultural and/or conservation easements, joint powers agreements, and joint powers authorities. Additional tools to support collaborative agreements can include legislation, contracts, grants, leases, easements, and other written agreements. Collaboration agreements could also be used to define tribal collaboration in the planning, design, and implementation phases of a project, provided the durability and mutual benefit stipulations defined in this Policy are met.

In the private or non-profit context, collaborative agreements are often relationship-based and can be memorialized through memoranda of understanding, charters and bylaws, contracts, easements, and other written agreements. Some non-profits provide seats on their board for tribal leadership to help guide the priorities of the non-profit and build interconnection between the organization and collaborative tribe.

In the federal context, collaborative agreements are often characterized as co-stewardship agreements, a term which broadly refers to collaborative or cooperative arrangements between federal departments, bureaus, and offices and tribes related to shared interests in managing, conserving, and preserving federal lands and waters. The federal government enters into a co-stewardship agreement with both federally recognized tribes and non-federally recognized tribes.

In the state context, collaborative agreements can take many forms but often utilize memoranda of understanding to articulate the relationship between the state agency and a tribe. Additionally, under Assembly Bill 1284 (Ramos 2024), Agency and its departments can enter into co-governance and co-management agreements with federally recognized tribes. These legislatively defined relationships are:

- **Co-Governance**, as defined by California Government Code 11019.82 (b) (2), is governance that emphasizes collaboration and shared decision making on a government-to-government level. Co-governance occurs between a federally recognized tribe and a public agency for the shared responsibilities and authorities for governing ancestral lands. These relationships acknowledge tribes' inherent right of jurisdictional and regulatory authority over their tribal members and cultural practices.

- **Co-Management** is a specific relationship between a federally recognized tribe and other sovereign governments. As defined by California Government Code 11019.82 (b) (3), co-management “means a collaborative effort established through an agreement in which two or more sovereigns mutually negotiate, define, and allocate amongst themselves the sharing of management functions and responsibilities for a given territory, area, or set of natural resources.”

Some critical components to meaningful co-governance and co-management relationships include, but not limited to, recognition of federally recognized tribes as sovereign nations, legitimate communication and governance structures for tribes to be fully involved and active participants in early management decisions, recognition and incorporation of tribal expertise throughout the decision and management process, accountability between all parties of the relationship, and clear dispute resolution processes.

d. Tribal Access

Tribal Access means California Native American tribes have access to their ancestral lands and tribally approved activities geared at encouraging tribal members to experience, enjoy, use, and be in relation with their ancestral lands, the outdoors and environment, sacred sites, ceremonies, tribal cultural resources, and natural resources.

Tribal Access Agreement means an agreement entered into between one or more California Native American tribe(s) and non-tribal entity(ies) for a defined area within the tribes’ ancestral territory. Access agreements should be durable and ensure that tribes are able to access lands according to mutually beneficial tribal priorities, and in a way that is private, protected, safe from hazards, welcoming, convenient, affordable, and culturally relevant. Tribal access agreements may include, but are not limited to:

- Promote and encourage tribal access to lands and waters.
- Support tribally-led restoration, species recovery and management, and scientific data collection.
- Encourage tribally approved activities, events, and programs.
- Provide financial or other beneficial resources.
- Create privacy and other protective measures to support tribally approved activities and limit non-tribal interference.

- Reduce or remove administrative, permitting, fiscal, logistical, or other barriers tribes face in experiencing, enjoying, using, and being in relation with an area and its resources.

Tribal access agreements can take many forms including memoranda of understanding, memoranda of agreements, and other written agreements. Additional tools to support access agreements can include legislation, contracts, grants, leases, easements, permits, and other written documents. Developing access agreements may require time to build trust and should respect tribal timelines.

e. Mutually Beneficial, Durable, and Respectful Agreements

The collaboration and access agreements and ancestral land return projects established with California Native American tribes pursuant to this Policy should be mutually beneficial, durable, and respectful:

Mutual Benefit means all parties in an agreement or relationship gain value or advancement in individual or shared priorities or goals. The designation of what is mutually beneficial for tribes can only be determined by tribal leadership and their communities utilizing their internal decision-making processes. For this Policy, prioritizing and understanding tribal stewardship is beneficial to all Californians. All parties in an agreement or relationship gain value through restoring tribal stewardship because it benefits tribal and non-tribal communities alike through improving the health of California's ecosystems, building resiliency to a changing climate, improving biodiversity, and healing historical wrongs. For this Policy, non-tribal entities are directly and indirectly benefiting from the promotion of tribal sovereignty; nurturing traditional foods; implementation of Traditional Ecological Knowledge; receipt of Traditional Knowledge and tribal expertise; and the opportunity to meet state policy goals and obligations, among other things.

Durable Agreements means California Native American tribes can rely on the relationship built and reflected in a written document. Durable agreements should be long-lasting, survive changes in leadership and staffing, and iterate commitment between the parties to maintain a collaborative relationship into the future. For an agreement to be considered durable, it must include at least one of the following:

- A **robust dispute resolution clause** with the goal of collaborative problem-solving and preserving commitments made between the parties. While some dispute resolution clauses are not legally binding, the agreements should include a detailed

process the parties will follow to discuss disputes and tangible steps the parties will take with the goal of preserving the partnership and commitments made.

- A **public process** to gather input and evaluate a proposed action to amend or terminate an agreement. This may include an act of the California Legislature, U.S. Congress, an agency hearing or public meeting(s), or court to reverse the commitments made in the agreement. These agreements may include statutes, regulations, executive orders, or proclamations that establish and/or authorize commitments between the parties.
- A **legally binding agreement**, deed, or other document with legally enforceable terms preserving commitments made between the parties. Typically most ancestral land return projects will have a legally binding commitment through the transfer of a deed or permanent easement recorded on a deed.

Respectful Agreements means California Native American tribes, timelines, process, data, expertise, oral histories, culture, spirituality, and privacy is respected in ways defined and controlled by tribes. Information shared by tribes to non-tribal entities should not be shared outside of the partnership without explicit permission from tribal leadership. Non-tribal entities shall disclose to tribes when California law may require disclosure, for example the California Public Records Act.

II. Tribal Stewardship Policy Toolkit

Agency will maintain a website **[LINK]** that will be regularly updated with topic specific entries to provide information and capacity support in the implementation of this Policy. Specifically, entries will be provided explaining specific tools to advance tribal access, collaboration, and ancestral land return. Additionally, Toolkit entries will be developed to support state staff and other non-tribal entities' capacity including training opportunities on the history of California Native American tribes, tribal consultations, and cultural humility. These entries may include recordings of webinars, trainings, roundtables, and other gatherings; templates and examples of written documents, FAQs, website links, and bibliographies, and educational materials to provide resources for specific topics to advance tribal access, collaboration, and ancestral land return.

III. Limitations of this Policy

This Policy is intended for Agency and its departments. This Policy invites other state agencies, the federal government, local governments, non-profit organizations,

conservancies, land trusts, colleges and universities, philanthropy, other states, and private landowners to help advance tribal stewardship through meaningful and durable tribal access, collaboration, and the return of ancestral lands back to California Native American tribes.

This Policy is not intended, and should not be construed, to define the legal relationship between Agency and its departments and California Native American tribes or tribal communities. This Policy is not a regulation, and it does not create, expand, limit, or waive any laws, legal rights, or legal obligations, nor is it intended to be punitive such that it alters any existing collectively bargained for employment rights or memoranda of understanding between unions and the state.