

Tribal Stewardship Policy
Comments Received on Drafts and Agency Response
March 2026

Introduction

The California Natural Resources Agency (CNRA or Agency) has developed the Tribal Stewardship Policy and Toolkit with the goal to institutionalize efforts to increase tribal access, collaboration, and ancestral land return across the work of Agency. This document provides a summary of how Agency incorporated the feedback received on the first and second drafts of the Policy.

After nearly a year of early consultation with tribes, Agency released the first draft version of that Policy for a 90-day public comment period in June 2025. During that time, Agency conducted 12 tribal roundtables and consultations, held three public meetings for public comment, and received numerous written comments. CNRA heard from 51 California Native American tribes, four tribally-led organizations, and 175 non-tribal entities. A special thanks to the Cahuilla Band of Indians, Jamul Indian Village of Kumeyaay Nation, Fernandeano Tataviam Band of Mission Indians, the Pit River Tribe, and Elk Valley Rancheria for hosting regional roundtables for tribal leaders and representatives to meet with Agency staff and discuss the Tribal Stewardship Policy.

Agency then published a revised draft of the Policy, incorporating the feedback received to date, in November 2025 for a 45-day comment and tribal consultation period. During this time, Agency held two virtual tribal roundtables, one public listening session, conducted two individual tribal consultations, and received six written comment submissions. Agency then incorporated these comments into the final draft of the Policy. Agency is grateful for the time that tribes and commenters have taken to read the Policy and to provide thoughtful recommendations for improvements.

Below, Agency has provided summaries of the comments received on both the first and second drafts of the Policy, and descriptions of how they were incorporated into the final Policy, and if not, why. Comments described under “General Comments” are those that were broad and did not comment on a specific section. Comments that pertain to a specific section are described under the most relevant section header.

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General Comments

- Commenters shared that the use of three “sections”—Ancestral Land Return, Collaboration, and Access—could imply that the stewardship pathways are separate and individual, and recommended that Agency emphasize that these tools create a spectrum.
 - Agency developed a graphic representation of the spectrum of Tribal stewardship pathways as well as call-out boxes highlighting successful uses of various pathways.
- Commenters noted that the policy landscape is constantly shifting, and new tools may come as a result of legislative changes. Agency should edit the policy to clarify that this policy is written at a moment in time, and definitions should not preclude the use of future tools for tribal stewardship that are in the spirit of the policy.
 - Agency made edits throughout the Policy to reflect this.
- Commenters stated that this Policy should be limited to state authority, and should not extend to the federal government, local governments, non-profit organizations, conservancies, land trust, colleges and universities, philanthropy, other states, and private landowners.
 - Agency made edits to the structure of the document and to language throughout to clarify that the Policy applies to CNRA and its Departments, but that partnership by other non-tribal landowners in California is critical to achieving the Policy goals, and that they are encouraged to adopt the standards and frameworks set forth in the Policy.
- Several commenters recommended Agency include language and guidance related to tribal data sovereignty in the Policy and Toolkit.
 - Agency added a reference to tribal data sovereignty to the Policy and is planning a Toolkit entry on tribal data sovereignty.
- A commenter requested Agency update the definition of “California Native American tribe” to be limited to tribes listed on the Native American Heritage Commission list.
 - Agency must limit the use of the Native American Heritage Commission list to instances where it is required by law. The definition makes it clear that the Policy applies to tribes listed on the NAHC list as required by specific laws.
- A commenter advised Agency to strike the entire “Feasibility of Co-management and Co-governance tools” appendix. The commenter advised that this Appendix oversteps the Policy by attempting to include procedures as to how consultation and government-to-government negotiations under AB1284 are to be conducted and operationalized by the Agency. More specifically, the draft Statement of Feasibility appears to conflate the statutory requirement to assess feasibility of initiating negotiations with and assessment of the feasibility of

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implementing projects or programs that might ultimately occur under a co-governance and co-management agreement. This interpretation is inconsistent with both the plain language of the statute and the legislative intent of AB 1284. Government Code Section 11019.82(d) is expressly limited to the obligation of the Secretary of the Natural Resources Agency, or a delegate to "begin government-to-government negotiations" within 90 days of a tribal request "to the extent feasible within existing staffing and budget." The subdivision was added during the legislative process in direct response to concerns raised by State representatives regarding capacity to engage in negotiations, not concerns related to project delivery, programmatic implementation, or operational responsibilities that may arise after an agreement is reached.

- Agency made edits to the Appendix to clarify its scope. Agency must also comply with AB900, which requires reporting how Agency is meeting the State's 30x30 goal.
- A commenter recommended that Agency add a clear and expanded definition of Indigenous Knowledge to the Policy glossary that includes Traditional Knowledge (TK), Traditional Ecological Knowledge (TEK), and Indigenous Knowledge (IK), and ensure these terms are used consistently throughout the Tribal Stewardship Policy, in part to create a clearer connection to the Delta Reform Act's requirement to use Best Available Science, which explicitly recognizes Traditional Knowledge as one of the standards of Best Available Science.
 - Agency made the recommended revision.
- Multiple commenters noted that Agency does not emphasize tribal sovereignty to the appropriate extent and advised that the Policy make it clear that tribes are not "stakeholders," but are sovereign governments.
 - Agency made edits throughout the document to address this recommendation.
- The Tribe suggested that a review and renewal timeline be implemented with this Policy, stating that the state should provide a forum, perhaps every 2-3 years, for California Native American tribes to assess the Policy's implementation thus far and recommend opportunities for improvements and updates. The Tribe stated that the Policy should be viewed as a living, working document. This will give tribes more of a voice in making the Policy meaningful and in helping to institutionalize the Policy statewide.
 - Agency revised the Policy to direct Agency to review and revise the Policy in consultation with California Native American tribes every five years.
- One commenter noted that science and conservation biology should take priority over Indigenous environmental management strategies, and that wildlife should take priority over humans.
 - Agency reviewed the Policy to clarify the commitment to thriving wildlife through the implementation of this Policy, as it is aligned with the 30x30 and Nature-based Solutions initiatives that have informed this Policy, as well as the Governor's Statement of Administration Policy on Native American Ancestral Lands.
- A department employee commented that the Policy should mandate resource allocation throughout state agencies to ensure there is capacity to meaningfully support tribes.

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- Agency is limited in its ability to mandate anything related to resource allocation without a directive from the Legislature. Agency created the draft Statement of Feasibility process to support Agency and departments in identifying gaps and barriers to co-management and access. Agency shared that it is helpful to track work and hours to inform department leadership's staffing and resource allocations.

Consultation

- Some commenters noted that including the paragraphs describing how consultation applies in the tribal stewardship setting could conflict with the Tribal Consultation Policy, which should take precedence.
 - Agency clarified that the Consultation Policy should take precedence.
- CNRA should not place itself in the role of mediating between sovereign tribal nations or making determinations, explicitly or implicitly, regarding competing or overlapping claims to ancestral territories. Such actions exceed the appropriate role of a state agency.
 - Agency added language to make this clear and also added language to direct Agency staff to create space for tribes with overlapping land claims to resolve those land claims only if requested by the relevant tribes. These paragraphs are not intended to imply that Agency staff should initiate mediation in the case of intertribal conflicts.
- Several commenters advised that Agency revise the Policy to ensure it is clear that the Policy does not infringe on the rights of federally recognized tribes.
 - Agency made edits throughout the Policy and in the Consultation section to clarify this.

Ancestral Land Return

- Commenters advised Agency to strengthen the language in the Ancestral Land Return section to emphasize that no encumbrances are the desired outcome here, and that where encumbrances are not required under state law they should be eliminated.
 - Agency made these edits.

Collaboration

- A commenter advised Agency remove "co-management" and "co-governance" agreements from examples of collaboration agreements because they are only applicable to federally recognized tribes.
 - Agency clarified the language to state that these particular tools are only available to federally recognized tribes.
- A commenter recommended Agency clarify that co-management and co-governance agreements go hand-in-hand and should be thought of as such when the State enters into agreements with Federally recognized Tribes that demonstrate a relationship of shared decision-making.

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- Agency did not make edits. The legislation authorizing co-management and co-governance agreements uses the term “or” when referring to both types of agreements. These agreements may often be implemented together, and some co-governance agreements may include co-management agreements or vice versa, but Agency also recognizes that the two agreements can be implemented separately, or without the other being in place.
- Commenters advised Agency to clarify that no further legislative authorization is needed for Agency’s departments to enter into agreements under AB1284.
 - Agency made this revision.

Access

- A commenter advised that Agency revise the “Access” definition to include activities that may include “management” activities like harvesting, which can be a part of management itself.
 - Agency added language in the Mutual Benefit section to clarify that tribal harvesting functions as a management practice with mutual benefits to all parties but did not edit the Access definition. The use of the word “manage” as an activity included under an access agreement could be confusing to readers. Agency believes that these practices are included under the Access agreements definition with the language “being in relation with.”

Respectful Agreements

- Commenters suggested Agency edit the “Respectful Agreements” section of the policy to add clear communication protocols, and to ensure that Agency understands that, for example, decisions about spraying pesticides without considering tribal priorities is both disrespectful as well as harmful to the health and well-being of tribal members. Participants also noted that the “Mutual Benefit” section should also emphasize that those actions (toxic pesticide spray) are not “mutually beneficial” to everyone.
 - Agency made these edits in the “Respectful, Durable, and Mutually Beneficial Agreements” section.

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General Comments

- Commenters recommended establishing a general policy goal of respect for tribes by state agencies.
 - This was added to the Tribal Stewardship Policy section and language was added throughout the Policy about respectful collaboration between state agencies and tribes.
- Commenters shared that this policy will be useful for tribes in garnering support from non-state entities.
 - No edits needed.
- Commenters shared that the order in which tools for collaboration are presented should be: 1) co-governance, 2) co-management, 3) co-stewardship
 - Agency made this update as requested.
- Commenters requested Agency frame the Policy as a reimbursement to tribes.
 - Agency addressed this request by editing the Policy to better connect the Policy as a tool for addressing past harms described in the Policy.
- Commenters shared that the ultimate goal of the Policy should be that tribes are decisionmakers on their ancestral lands.
 - Agency made edits to better emphasize tribal sovereignty, tribal priorities, and mutual benefits throughout the Policy.
- Commenters shared that the ultimate goal of the Policy should be land return with no strings attached.
 - Agency edited the Ancestral Land Return section to emphasize that land return with no strings attached is the most desirable and robust form of stewardship.
- Commenters shared concerns that the 7.5m acre land return number could become a “bumper sticker” and could be a limiting goal.
 - Agency edited the Policy throughout to state that the goal of the Policy is tribal stewardship over “at least” 7.5m acres.
- The policy should more clearly emphasize flexibility in choice of tools throughout.
 - Agency made clarifications throughout to better emphasize flexibility in choice of tools and stewardship pathways.
- The policy should invite federal agencies in and not create barriers to tribal-federal efforts. The state could play a role in bridging federal-tribal relationships.
 - Agency made edits to clarify the role of federal agencies in implementing this Policy.
- Commenters shared that Agency should be careful and have tribal permission when using tribal names and maps.
 - Agency made note of this. No tribal names and maps are being included in the Policy and will only be included in the Toolkit with explicit Tribal consent.
- Commenters suggested that the policy could be expanded to bring in a “rights of nature” context.
 - This is outside the scope of this Policy. No edits were made.

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- Commenters shared that California agencies and departments need to communicate internally.
 - Agency made edits to note the need for internal communication and a “whole-of-government” approach when working with tribes in the implementation of this Policy.
- The Policy could better emphasize and affirm tribal sovereignty.
 - Agency made edits throughout the Policy to emphasize and affirm tribal sovereignty.
- A participant commented that the Policy should acknowledge that connecting land is a critical need.
 - Agency made updates to acknowledge this.
- Commenters noted that Agency should include measures to ensure equity across tribes in terms of being able to steward lands, for both federally and non-federally recognized tribes. Another participant, however, commented that federally-recognized tribes should come first in the Policy.
 - Agency clarified the Policy to state where tools are available to federally recognized tribes only as result of existing laws and regulations.
- Commenters suggested adding “first right of refusal” as a tool.
 - Agency did not make edits as this tool would be outside of the authority of Agency. Agency did include language in the related laws and policies appendix on Assembly Bill 1180 (2021-2022 Reg. Sess.) that adds federally recognized California Native American tribes as entities with right of first refusal when purchasing excess local government lands.
- Commenters suggested adding a section to emphasize the importance of respecting tribal timelines.
 - Agency added language to all sections about respecting tribal timelines. Agency also added a paragraph about "deference to tribes" and how Agency could respond to conflict.
- Commenters suggested adding something regarding the role of Agency in bridging tribal and inter-state relationships.
 - Agency added language throughout the Policy to more specifically name the role of other states in participating in the implementation of this Policy.
- Commenters shared that descriptions of Traditional Ecological Knowledge (TEK) should emphasize the equity of western science and TEK, and Agency staff should understand that TEK is owned by tribes and is not Agency's to share.
 - Agency added language to clarify this and added a section describing "respectful agreements." Agency also added a more robust definition of “Traditional Ecological Knowledge” to the Glossary appendix.
- A comment requested Agency include a step-by-step guide for CNRA staff to follow during project planning, consultation, and long-term stewardship efforts.
 - This is outside the scope of the Policy, but Agency is developing toolkit entries to provide additional guidance and resources for tribes and state staff.

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- Multiple comments noted that employees engaging in tribal consultation should be well-trained and have sufficient capacity and mechanisms should be in place to ensure relational stability when there is staff turnover in tribal liaison positions.
 - This is outside the scope of this Policy, but Agency has updated its Tribal Consultation Policy and Best Practices Appendix to provide addition policy and resources for state employees. Additionally, Agency provides two annual trainings for state staff in addition to the CalHR mandated tribal consultation training. Lastly, Agency is in the process of developing toolkit entries regarding building meaningful partnerships with tribes.
- A comment stated that CNRA should provide funding and support for tribes to reclaim and restore areas damaged by industry and resource extraction.
 - Agency added text in the Tribal Stewardship Policy section that says “and funding programs” to direct and encourage grant programs to utilize funds to support tribal restoration projects.
- A comment stated that there should be a waiver of state taxes to lands granted to tribes even if lands remain in tribal fee ownership.
 - This is outside the scope of this Policy, as Agency does not have the authority to waive state taxes.
- Agency should explore the idea of redirecting current funding to tribes to carry out land and resources management for a period of time on lands transferred or returned to tribes through this policy, because tribes are expected to carry out work previously done by state/federal workers without funding or a tax base.
 - Agency has updated the Policy to clarify that funding tribal stewardship where allowable under state law is encouraged.
- A comment suggested Agency create tribal stewardship funds to invest in and incentivize tribal stewardship.
 - This is outside of the scope of this Policy and would take an appropriation by the legislature.
- A comment requested Agency emphasize that catastrophic fires are occurring because of suppression of Indigenous stewardship and burning.
 - The Policy has been edited to clearly communicate how displacement disrupted tribal stewardship practices, including fire.
- A comment requested that the Policy state that cultural practices are grounded in rights of religious freedom.
 - This was accepted in part by addressing the importance of religious in stewardship policies in the TSP section of the Policy. Religious freedom laws are outside of the scope of this policy.
- A comment suggested Agency remove the numerical 7.5m acre goal, and replace it with a percent-based annual goal to ensure the policy can be implemented in perpetuity.

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- Agency accepted this suggestion in part. The goal has been edited to be "at least" 7.5m acres and language has been edited to describe this as the first step toward healing and repair. A percent-based goal would be overly complicated in terms of implementation.
- A comment requested that Agency explicitly describe how it would work with federal and private landowners to implement the Policy.
 - While in the scope of this Policy, partnership with the federal government and private landowners will be determined on a case-by-case basis depending on the goals and priorities of the tribe(s) and the federal government and private landowners.
- A comment recommended the Policy identify to what extent and how much federal and private land is targeted for return to tribes.
 - While in the scope of this Policy, we are not in the position to identify number or acreage of federal and private land as it is dependent on multiple factors.
- A comment requested the Policy better recognize the sovereignty of tribes that don't have federal recognition.
 - Agency incorporated this into the definition of "sovereignty" added to the Glossary.
- A comment stated that timelines, performance metrics, and accountability metrics are needed.
 - These metrics will be assessed in an annual report, a newly added element of the Policy.
- A comment stated that funding equity provisions for non-federally recognized tribes should be included.
 - No edits were made, this is outside the scope of Agency authority.
- Several comments stated that capacity and funding are key to implementing this policy. Likewise, Agency received comments stating that tribal liaison capacity is often overextended.
 - Agency is in the process of developing toolkit entries to provide resources and information to support tribal and state capacity to implement this Policy. Additionally, funding programs are encouraged to prioritize and fund tribal stewardship. Lastly, it is out of the scope of this Policy to authorize new or additional tribal liaison positions. That said, Agency has developed an updated Tribal Consultation Policy and Best Practices appendix to provide additional policy support and clarity for tribal liaisons, provides at least two trainings a year in addition to the mandated CalHR tribal consultation training, and is developing toolkit entries to support tribal liaisons in the implementation of their duties.
- A comment stated that the Policy is a significant step to redress the historical wrongs by the state of California against tribes.
 - No edits needed.
- The Policy should include section numbers so that it is more easily citable.
 - Section numbers were added.
- A comment suggested the phrase "tribally owned non-profit organizations" be changed to "tribally chartered or controlled non-profit organizations" since non-profit organizations are technically not owned by anyone. Same change could be made to "tribally-owned trust lands."

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- Agency did not make these edits in the Policy, but clarified these terms in the Glossary.

Vision and Purpose

- A comment suggested Agency expand "Vision and Purpose" to include a detailed implementation strategy. This should include speaking directly to how CNRA will define and measure success and create accountability for Agency and its departments.
 - The Policy is intended to define what "counts" toward "tribal stewardship" and the Agency will be tracking the implementation of this Policy. The new requirement of an annual report may also address this.

The Challenge

- Commenters shared that colonialism is ongoing--this should be emphasized in "the challenge" and should draw a direct connection with Agency actions today.
 - Agency accepted this request and made edits to this section to emphasize the fact that colonialism is ongoing.
- Commenters requested Agency be more clear and direct about the genocide carried out by Agency.
 - Language throughout the Policy was modified to more specifically name that.
- Commenters shared that this section should more clearly emphasize tribal cultural, spiritual, and religious relationships with the land, and should highlight reciprocity and caring for non-human relatives as key aspects of tribal relationships with the land.
 - Agency made edits to reflect this.
- Commenters worried that 7.5m acres and focus on treaties could leave out tribes that were not a party to those treaties and lands that were not included. Commenters suggested Agency add a more expansive history beyond the 18 treaties, including treaties that were negotiated but never made it to Congress, the specific creation of California as a means of displacing tribes, histories of removal and displacement, the fact that many lands were never ceded, Spanish land grant history, non-federally recognized tribal ancestors who signed the unratified treaties, the Termination Act and Indian Claims Commission of 1959 and the California Land Claims Act of 1851. Commenters shared that there should be more emphasis on the diversity of experiences of tribes and that the Policy should include the fact that tribes did not know the treaties were not ratified for decades.
 - Agency updated this section to include the fact of the unratified treaties being withheld, and that tribes maintained their side of the treaties in good faith. Agency added more emphasis to describe the "war of extermination" and the number of people killed as well as impacts to family, community, land, cultural traditions. Agency accepted the requested additions including Termination, the Indian Land Claims Act, the history of the Claims Commission, and the history of Spanish land grants, and the Treaty of Guadalupe Hidalgo.

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- Commenters stated that the Policy should state that all of California is ancestral land to California Native American tribes.
 - This edit was made throughout the Policy.
- Commenters like the Policy emphasis on the first three years of California history in this Policy.
 - No edits needed.
- Commenters felt that the inclusion of The Challenge section is important.
 - No edits needed.
- The Challenge could better emphasize tribal connections across waters and lands.
 - Edits were made to clarify this.
- Commenters shared that the policy should be written so as to be useful in articulating to the public that this is not a Policy giving tribes “special” access, or race-based handouts, but rather is a direct response to the historic harms perpetrated by the state against tribes, that tribal citizens are taxpayers, and that this is a Policy that benefits all Californians.
 - Agency made edits to better connect the state’s goal of righting historical wrongs to the Policy, as well as the benefits that this Policy will have for carrying out Agency’s mission.
- Commenters suggested Agency and the state of California adopt the Canons of Construction in their relationships with tribes, and noted that, though the treaties were never ratified, the tribes signed them in good faith.
 - No edits were made—this is outside of the scope of this policy and of Agency’s authority.
- A commenter noted that the first three paragraphs of "The Challenge" are well-written and compelling, but that they do not fit under "The Challenge" and suggests moving these paragraphs to "Vision and Purpose" or "The Opportunity"
 - Agency created a new section per these suggestions.
- A comment requested the Policy include a commitment to training staff on California's historic treatment of tribes. Require Tribal Liaisons be full-time roles with specialized qualifications and background in working with tribes. All to ensure capacity is sufficient to uphold Policy.
 - Agency added a commitment to support staff capacity to the Toolkit section of the Policy. Additionally, the Policy has been edited to detail steps that have been taken thus far to increase Agency capacity.
- The Policy should state that the unratified treaties were inadequate to begin with.
 - Agency made this edit.
- Agency received one comment stating that the commenter believed 8.5m acres were the amount of land included in the unratified treaties.
 - Agency did not make this edit. All sources referenced by Agency (and provided in the Annotated Bibliography appendix) cite a number around 7.5m acres.
- Commenters recommend updating the section about un-ratified treaties that says the situation was "never remedied" to instead state "never adequately remedied" as cases seeking compensation did result in some judgments paying pennies on the dollar for the stolen land.
 - Agency made this edit.

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- Commenters recommend that, in the Consultation section, Agency add a reference to the sovereign authority of Indian tribes over their reservations and lands held in trust. The draft policy unintentionally suggests that tribal govt authority is limited to "their members and cultural practices."
 - Agency made this edit.

The Opportunity

- Comments requested that in "the opportunity" section, 7.5m acres be described as the floor, not the ceiling, and that it emphasize stewardship as important for the survival of tribes.
 - Agency added "at least" language about the goal, edited language to describe 7.5m acres of tribal stewardship as a first step in the TSP section.
- A comment requested Agency add colleges and universities to the list of partners in "the opportunity."
 - This language was added throughout the Policy.
- Comments requested this section frame land return and stewardship as reparations.
 - This request was accepted in part. The Policy acknowledges these actions as necessary to repair past harms.
- A comment requested Agency revise "The Opportunity" to focus on currently identified new opportunities for the Agency to operationalize existing directives and laws identified in the Policy. The comment recommended CNRA share its current insights on how Agency can advance 1) tribal partnerships, 2) legislative, technical, and financial support to tribes and 3) tribal sovereignty and tribes' inherent rights related to their homelands.
 - Agency is pursuing actions in all three categories above. The Toolkit will be an important space for Agency to share the work underway and provide resources and capacity support for its departments and partners to also advance policy in these areas.
- A comment requested Agency create a new section for existing content in "The Opportunity" or rename "The Opportunity" to "Past Efforts and Future Opportunities." This comment also stated that the legislative background fits in "The Opportunity" section.
 - Agency did not remove the legislative background or rename the section, but believes that other edits clarify the purpose of this section.
- A comment requested Agency clearly identify which tribal entities are included under each listed law or regulation referenced in the policy.
 - Agency did not do this in the Policy, but did add a Guide to Relevant Laws and Policies appendix which includes these details.

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- A comment requested Agency ensure accountability mechanisms are in place to ensure Agency and all departments are meeting the standards outlined in the Policy. This should include regular reporting, transparent evaluation of consultation practices, and mechanisms for tribes to raise concerns.
 - The Policy is intended to define what "counts" toward "tribal stewardship" and the Agency will be tracking the implementation of this Policy.
 - Agency added a stipulation for an annual report in this section. Reporting and accountability related to the implementation of cogovernance and comanagement agreements under state law are also captured in the reporting process are described in the new Feasibility appendix.
- A comment stated that the definition of "tribal stewardship" is good and is appropriately deferential to tribal sovereignty.
 - No edits needed.
- A comment recommended that Agency clarify that collaboration and access agreements are not conditions that need to be met before ancestral land return can be pursued.
 - Agency made this edit.

Tribal Consultation

- A comment requested Agency revise this section to reflect Agency's statutory obligations to consult with NAHC-listed non-federally recognized tribes and to explicitly name these responsibilities in the Tribal Consultation section of the Policy.
 - Agency added "California Native American tribes" to this section to clearly state who will be consulted, and references the Consultation Policy published in September 2025.
- A comment requested the Policy or Toolkit include guidance for navigating land return when multiple tribes have ancestral connection to the land.
 - Agency added language in the Consultation section regarding this.
- A comment requested Agency emphasize consultation beginning at the earliest stages of planning.
 - Agency references to the Tribal Consultation Policy, which addresses this.
- Agency received a comment that a mandatory training should be established for employees in regard to tribal consultation and the awareness that each tribe is unique.
 - Agency did not make edits to the Tribal Stewardship Policy. This is addressed through the Tribal Consultation Policy and associated training. Agency provides two annual trainings for state staff in addition to the CalHR mandated tribal consultation training. Agency is in the process of developing toolkit entries regarding building meaningful partnerships with tribes.
- All tribes with an interest in particular areas should be consulted in advance before the state enters into a stewardship agreement with a neighboring tribe.

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- Agency added language to address this.

Ancestral Land Return

- Commenters suggested coastal waters be included in the definition of ancestral land return.
 - Agency was unable to make edits according to this comment. Coastal waters are part of the Public Trust in the California Constitution and cannot be returned.
- Commenters suggested expanding the rights included in ancestral land return to include rights of ceremony and culture.
 - Agency did not make edits. These rights would come with fee title transfer acquisitions associated with ancestral land return, but would not alone count as ancestral land return.
- Many commenters recommended emphasizing the importance of land return with no strings attached as the most important and desired tool of stewardship in this Policy.
 - Agency edited the Ancestral Land Return section to state this.
- Commenters suggested Agency edit this language: “Native American tribes including” to “Native American tribes in addition to...” to clarify the definition of ancestral land return.
 - Edited to "California Native American tribes," and added a definition of California Native American tribes to the Glossary.
- Commenters requested the definition of ancestral land return also include “in perpetuity.”
 - Agency is not able to include “in perpetuity” as that would prevent tribes from making informed decisions to sell lands in the future if they so desire.
- Some commenters felt that easements and covenants that emphasize joint control could count as ancestral land return.
 - Agency did not make edits. These tools are included as options for Collaboration.
- Commenters recommended encouraging the inclusion of water rights in tribal stewardship agreements including coastal waters, spring waters, riverine and inland waters, and possibly islands. Commenters recommended encouraging the inclusion of mineral rights and air rights in tribal stewardship agreements.
 - Agency updated the Ancestral Land Return section to include land, water, air, and mineral rights. Coastal waters were not included because they are part of the Public Trust and cannot be returned. The glossary was updated to include a definition of “land” in Ancestral Land Return.
- A comment stated that the Ancestral Land Return section should be edited to clarify how it is aligned with federal versus state jurisdiction while centering tribal sovereignty.
 - In response to this comment, Agency added a clarifying paragraph in this section.
- A comment stated that CNRA should be transparent about funding conditions that may impose restrictions on land return, such as public access requirements, deed limitations, and/or conservation easements, and should commit to internal advocacy to minimize or remove such barriers whenever possible.

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- This is addressed in the Ancestral Land Return and Limitations sections.
- A comment stated that the Policy should direct CNRA to actively work with tribes and the Legislature to address such barriers resulting from legislative directives (bills, codes, regulations) versus extra-legal internal agency guidance and precedent.
 - This is outside of the scope of this Policy. However, AB 900 (2025) provides for a similar set of actions, and Agency will work closely with tribes in understanding these barriers.
- A comment stated that Agency should minimize barriers to tribes while applying for grants (such as match requirements, and grants that do not consider costs related to outreach, capacity building, or multi-year projects).
 - This is outside of the scope of this Policy. Agency has developed the Tribal grant Administration Guidance document that provides resources and best practices to state grant programs to adjust their grant programs to reduce barriers tribes faces in state grant programs.
- A comment stated that Agency should refrain from requiring tribal applicants to consult with neighboring tribes regarding a proposed land return project.
 - This recommendation was not included in the Policy. As a state entity and pursuant to Agency's consultation policy, the Agency is required to consult with tribes when an action may impact a tribe's interest. Additionally, Agency has received comments from tribes asking for consultation on ancestral land return in shared ancestral territories. Agency has developed the Tribal Grant Administration Guidance document to provide additional resources and information for grant programs funding ancestral land return projects
- A comment requested that CNRA provide technical assistance for grant applicants and to ensure grant application processes are not onerous to tribal applicants.
 - This is outside the scope of this policy, but is relevant to the Tribal Grant Administration Guidance, published in fall 2025.
- A comment requested CNRA ensure acreage identified for land return is not encumbered in a way that would disallow donation of lands to another part or places significant burden on a tribe.
 - Agency added language stating "where possible, it is the direction of this Policy to reduce and limit encumbrances..."
- The Ancestral Land Return section could be clarified. It is not clear whether the bullet-pointed items are examples of the range of interests that could be returned under the ancestral land return component of the Policy, or whether those are examples of the forms of legal protection for land and property interests. Also unclear whether the list is intended to be exhaustive.
 - Agency made significant edits to clarify these points.
- A comment suggested this section should clarify the status of tribal trust lands in this Policy, noting that the Policy was confusing as written.
 - Agency made clarifying edits.

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Collaboration

- Agency received comments that the word "trust" in the Collaboration definition may not be appropriate if Limited Waivers of Sovereign Immunity are required. They suggested instead saying "mutual desire to pursue shared goals" or "respect."
 - Agency replaced "trust" with "respect."
- Commenters requested a correction to clarify that BLM and the USFS will enter into co-stewardship agreements with non-federally recognized tribes.
 - Agency made this correction.
- Commenters recommended editing the definition of collaboration to reflect an action, rather than just the existence of a relationship--i.e. "the act of working together in good faith to achieve mutually beneficial goals." Commenters shared that there is no collaboration until there is action together.
 - Agency accepted this in part--the word relationship was maintained, but Agency added "the act of building" before it.
- Commenters suggested that the definition of collaboration should include the balance of power and recognize all entities engaged in a relationship.
 - Agency added more language about relationships to address this comment.
- Commenters shared that collaboration means co-creating projects and early engagement.
 - Agency replaced "pursue" with "co-create."
- Commenters suggested editing the definition of collaboration to include non-human relatives.
 - This is outside the scope of the Policy, but could be included in an agreement created under this Policy.
- Commenters suggested framing collaboration as reparations for stolen land.
 - Edits have more clearly connected the policy with repairing past harms.
- Commenters requested Agency clarify that co-governance and co-management agreements, as established by AB 1284 (2024) (the Tribal Cogovernance and Comanagement of Ancestral Lands and Waters Act), are Collaborative agreement options under this policy. Commenters noted that this should emphasize that this is different than an access or gathering agreement.
 - Agency made edits to clarify this.
- Commenters noted the definition of collaboration could be modified to include opportunities for tribes in shared territories to collaborate as well.
 - Agency added the phrase "between one or more tribes."
- Commenters felt that collaborative agreements are an important part of the Policy and also that including co-stewardship and federal tools is important.
 - No edits needed.
- A comment recommended adding two other types of collaborative agreements to this section: Cultural Conservation Easements (sometimes referred to as Cultural Respect Agreements) and Tribal Beneficial Use Agreements.

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- Tribal beneficial use agreements would fall under the Access stewardship pathway, cultural conservation easements were added as a tool within the Collaborative Agreements section.
- A comment stated that “Collaboration” should include tribal participation in planning, design, and implementation.
 - Agency added these activities and stated that it should be implemented through a formal agreement.
- A comment stated that, since the passage of AB 1284 (2024), state agencies have expressed uncertainty about the scope of their authority with regard to co-management and co-governance. Commenters encourage Agency to proactively interpret the legislature's intent and to reject suggestions that other statutory language impairs the ability of agencies to enter into agreements.
 - Agency is in the process of developing Toolkit entries regarding co-management and co-governance agreements to provide additional resources and support for state staff implementing AB 1284 (2024). Because AB 1284 (2024) encourages—instead of directs—Agency actions, departments are still tasks to balance other statutory and legal mandates with co-management and co-governance.
- A comment suggested that the definition of co-management should not be limited to lands and waters, but should also include wildlife, such as elk, as well as wildland fire management.
 - The legislative definition of co-management includes "natural resources," which would include wildlife.
- A comment requested Agency clarify what type of legislation, contract, grant, lease, or easement would count as a Collaborative Agreement.
 - Agency made the requested clarifications.
- A comment noted that co-governance and co-management should be described as going hand-in-hand.
 - Agency did not make edits the Policy, which just lists the legal definitions for each type of relationship. Agency expanded on these relationships in the Glossary. Additionally, Agency is in the process of developing Toolkit entries regarding co-management and co-governance agreements to provide additional resources and support for state staff implementing AB 1284 (2024).
- A comment requested that Agency address tribes’ inherent right over tribal members and cultural practices in the definition of co-governance.
 - This edit was made.
- A comment stated that that co-governance can only be made between federally-recognized tribes and the state.
 - This is already addressed in the Policy.
- A comment stated that the inclusion of "co-stewardship agreements" in the policy is confusing and recommended Agency clearly state why the tool is being included.
 - Agency made edits to clarify this.

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Tribal Access

- "Access" should include the protection of tribal use, ceremony, and events. In other words, "Access" should include the protection of the exercise of access rights by tribes. This includes from hazards and from the public, particularly for ceremonial events.
 - These comments were addressed by adding the terms "safe from hazards" and "privacy," and by clarifying the language throughout this definition.
- Increase flexibility in "Access" so as not to exclude modern-day tribal practices or make non-tribal entities arbiters of "tradition." Commenters suggested this definition instead say "tribally-approved" activities, and have less emphasis on "cultural" activities. Commenters suggested removing the word "sustainable" as that could also be used to limit tribal activities. Commenters also noted that "culturally important natural resources" could be limiting, and suggested expanding the definition to include all natural resources.
 - These comments were addressed. "Culturally important resources" was replaced with "natural resources." Agency added "mutually beneficial tribal priorities" so that activities can be flexible. Also added "tribally-approved activities."
- Commenters stated that access should be framed as an inherent right. Commenters suggested removing "in a way that is..." because the state should not be imposing conditions on how the tribes are using the land. Commenters noted that this language could be included in a toolkit entry for example agreement policies. Commenters also suggested this "inherent right" could be reflected through the use of "have" instead of "can" in the definition of access. Other commenters recommended that instead of the word "access," Agency could instead use the work "engagement," "entreat," "admit," or "passage." Commenters recommended removing the phrase "can access lands." These edits could help ensure tribes with access agreements are not treated as subservient.
 - Agency reframed the definition and removed "in a way that is" and replaced "can" with "have."
- Commenters expressed concerns that the word "safe" could be used to limit tribal activities on land--particularly given the history of its use in California history to ban cultural burning. Commenters suggested making edits to the word "safe" to more specifically address privacy, safety of tribal members from toxics and pesticides in hunting and gathering, and access to clean water. Commenters also suggested removing the word "safety" and instead including a clause to ensure that tribal members are "informed" and "aware" of any hazards, so that they are able to make a choice, especially so that safety from hazards does not result in limits in access.
 - Safe was clarified as "safe from hazards" and was reframed so as not to be used as a condition for access. The term "privacy" was also added.
- Commenters offered suggestions for clarifying the word "use" in the "Access" definition and suggested Agency include examples in the definition, noting that "use" could be walking through the property, or might mean access to gather materials. Commenters agreed that "use" must be

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included in the definition. Commenters suggested that examples of "use" also include viewscape of a particular area.

- Agency added examples of what "use" could mean, and also included "mutually beneficial tribal priorities" to provide additional flexibility.
- While some commenters suggested making this definition shorter, others offered many suggested additions. Suggestions included concepts of communal ownership, spiritual and cultural protocols; the addition of "protection" and "conservation" activities; the inclusion of "access to knowledge," in addition to land. Commenters also suggested addressing how climate change could, but should not, limit access. Others suggested including that the definition states that tribal members should not have their presence questioned. Others requested the inclusion of the concept of "ethical space" and the balancing of tribal and non-tribal priorities in shared spaces. Other suggestions included the right to be present, trust building to heal past wounds, and clarification that access could be within or outside of ancestral lands. Other suggestions included adding a temporal or seasonal element to this definition.
 - These suggestions were largely outside of the scope of this policy, which Agency intends to leave flexibility for tribes to implement more specific stipulations in access agreements if that is what they desire.
- Commenters liked the use of the word "encourage" in the definition and the inclusion of language about removing barriers to access. Commenters agreed that access should be maintained as its own type of stewardship, separate from collaboration and ancestral land return.
 - No edits were needed.
- Commenters suggested Agency reconsider the use of the word "affordable," which some commenters suggested could be offensive.
 - Affordable was reframed as "beneficial financial resources."
- Tribal commenters felt that having a robust definition of "access" would be helpful.
 - No specific edits needed.
- Commenters requested the inclusion of a requirement that agencies enter into agreement upon request by a tribe.
 - Agency cannot make this a requirement, but can strongly encourage.
- Agency received one comment that "tribal access" is a peculiar term and requesting a different term be used.
 - Agency did not make any changes. This term is pulled from the Outdoors for All Strategy and relying on broader state policy for including equitable access for all.
- A comment stated that tribes should not be required to get permits to do gathering or fishing in their ancestral lands.
 - Agency added language to address this comment, including that Agency should identify ways to support and reduce permitting barriers. Agency does not have the authority to remove permitting requirements.

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- Agency received one comment that “Access” is not clear and should be part of Collaboration and should not be its own pathway.
 - Agency did not make any edits. These are two separate stewardship pathways with different implications for tribal stewardship.
- Commenters suggested that the paragraph describing the kinds of access agreements include specific examples of tribal use and enjoyment of their ancestral lands, such as fishing, hunting, gathering and cultural activities. This will give more context for why such access is so important.
 - Agency made the suggested edits.

Mutual Benefit and Durable

- Commenters suggested editing the definition to direct Agency to listen before taking action that respects tribal needs and stated that Agency should not waste tribes' time.
 - This is addressed through the addition of "respectful agreements" in the Mutual and Durable section.
- Commenters recommended that the Durable Agreements section emphasize that Agency is held accountable. Some commenters also commented that tribes and Agency be held to the same level of accountability. Some suggested that this be implemented in Policy through the inclusion of a tribal exit clause in templates.
 - This was incorporated in part, and Agency is developing Toolkit entries to provide further resources and capacity in the development of template agreements.
- A comment suggested adding the phrase “in good faith.”
 - Agency added this recommendation.
- Commenters requested an edit to clarify only one type of durability laid out in the policy is required to make the agreement durable.
 - Agency clarified this, adding the phrase "include at least one of the following."
- Commenters suggested Agency edit the definition of durable agreement to note that even if there is the dissolution of a tribal non-profit or tribal entity that is party to agreement, steps should be taken to maintain the intent of agreement with another entity. This should be stated in the policy and provided for in example templates. The Nature Based Solutions grant may have example language.
 - Agency accepted this and made changes, including the phrase "survive changes..."
- Commenters stated that the durable agreements section should lay out a review and amendment timeline.
 - No edits to Policy, but Agency noted that the related toolkit entries should include tools for review and amendment clauses.
- Commenters stated that "mutual benefits" should better emphasize the benefits of tribal stewardship to all of California, the watersheds, and non-human relatives. Commenters suggested the policy more explicitly state “the non-tribal party is gaining value from tribal

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stewardship.” This could also include a statement that the implementation of TEK through tribal stewardship is good for all of California.

- Agency added language that "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."
- A commenter shared that mutual benefits were important and could prevent tribes from harming the air quality with cultural burns.
 - No edits needed.
- A participant noted that “understanding” could be added before the language about “mutual benefits.”
 - This comment was addressed through other edits.
- Commenters suggested also adding language regarding the benefits to health outcomes and traditional foods to the definition of mutual benefit.
 - Agency added "health to our communities" added to this section.
- Commenters requested guidance for Agency staff on how to implement "mutually beneficial" agreements when there are inter-tribal disputes regarding the agreement.
 - Agency did not edit the Policy—this would be better addressed in the Toolkit.
- Commenters suggested that this section could better emphasize cultural site stewardship.
 - No edits were made. Stewardship over cultural sites is addressed in the stewardship sections.
- Commenters suggested updating the “Mutual Benefits” definition to make it clear that “mutuality” and “shared goals or priorities” do not need to be embedded in agency vision statements or policy before they can be written into agreements with tribes. Commenters suggested referencing back to the Law and Policies slide and stating, “mutual beneficial goals promoted by these state laws and policies.”
 - This clarification has been made.
- A comment strongly recommended Agency revise this section to make clear that non-tribal partners are receiving benefit by the intersection of California’s Native peoples with the policies, procedures, and work of these various agencies and that such benefit is more than sufficient. Furthermore, it should be clearly stated that benefits to tribes must be identified and defined by tribes only.
 - Agency edited this section to address this recommendation.
- Agency received one comment that “mutual benefit” is a peculiar term and requesting a different term be used.
 - Agency did not make any edits. This term is tied to broader state policy.
- A comment stated that returned lands should be valuable and useful for tribes.
 - Agency has addressed this by stating that stewardship under the Policy should be “mutually beneficial.”
- "Robust dispute resolution" is a good component of the requirements for durable agreements.

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- No edits needed.
- A comment stated that durable agreements are key to the success of the Policy.
 - No edits needed.
- A comment stated that “mutual benefit” must recognize that restoring tribal sovereignty benefits both tribal communities and California's ecosystem health.
 - This edit was incorporated.
- A comment stated that the bullets felt repetitive and stated that a robust dispute resolution clause is the principal means by which agreements are made legally binding and enforceable and suggested those points be combined into a single bullet point.
 - Edits have been added to the two bullets for clarity. No edits made to the dispute resolution agreements as the suggested edits would be overly limiting.

Tribal Stewardship Policy Toolkit

- A comment requested that the Toolkit document explain the 7.5m acre goal in more detail and describe how acreage would be counted toward the goal.
 - Language was clarified in the Tribal Stewardship Policy section to more clearly connect the acreage to the unratified treaties. The Policy now includes the publication of an annual report.
- Agency should include robust templates and training that are deferential to sovereignty and aligned with legislative intent to de-burden tribes.
 - This will be addressed through the Toolkit and provision of detailed templates.

Suggestions for the Glossary

All of these comments were accepted and added to the Glossary.

- Commenters stated that a definition was needed for California Native American tribes--should include federally recognized and non-federally recognized. Should not be based on NAHC list. Should account for removed tribes. Should clarify what federal recognition means.
- Definition needed for "Ancestral land return." Should be inclusive of non-federally recognized tribes, should state that all of CA is ancestral land.
- Definition needed for tribal non-profit.
- Definition needed for "sovereignty"
- Definition needed for TEK.
- Definition needed for co-stewardship and reference to federal laws and policies needed.
- Definition needed for government-to-government
- Definition needed for "feasible."
- Definition needed for MOU and MOA.