

CALIFORNIA NATURAL RESOURCES AGENCY  
TRIBAL STEWARDSHIP POLICY



# APPENDIX 4



**STATEMENT OF FEASIBILITY FOR TRIBAL  
CO-GOVERNANCE AND CO-MANAGEMENT**

The **Tribal Cogovernance and Comanagement of Ancestral Lands and Waters Act** states “[a]t the request of a federally recognized tribe, the Secretary of the Natural Resources Agency or a delegate at the appropriate department, board, conservancy, or commission may, to the extent feasible within existing staffing and budget, within 90 days of the request, begin government-to-government negotiations on cogovernance and comanagement agreements with the tribe,” (Gov. Code § 11019.82, subd. (d).) The negotiation process should be managed by Agency and department staff on a case-by-case basis at the request of tribes. As stated in the Act, no further legislative authorization is needed to enter into comanagement and cogovernance agreements for areas under the jurisdiction of the Agency.

Pursuant to the Act and **Governor Gavin Newsom’s Statement of Administrative Policy on Native American Lands**, the state agencies are directed to begin negotiations to enter into co-management and co-governance agreements upon tribal request that further the objectives outlined in the **Tribal Stewardship Policy** and comply with all applicable laws and regulations. Should the Secretary or a delegate determine that initiating negotiations within 90 days of the request for such an agreement is not presently feasible due to staffing or budgetary limitations, this should be communicated, in writing, to the requesting tribe. The Secretary or delegate is encouraged to engage with the tribe to identify shared goals and alternative timelines for beginning negotiations on cogovernance and comanagement agreements that are feasible in the case of limitations. Every effort should be made by state staff to maintain a collaborative relationship with the requesting tribe even if beginning negotiations over a particular agreement is not currently feasible.

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

- A description of the projected staffing needs and budget needs for beginning negotiations on entering into a co-governance or co-management agreement and a brief description of how these determinations were made.
- A description of alternative pathways for collaboration that are currently feasible, or a description of an alternative timeline for beginning negotiations, if not able to begin negotiations within 90 days of the request. If the alternative pathways are not pursued, a description of the reasoning why the alternatives were not utilized.

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