



# Department of Conservation

## Tribal Consultation & Engagement Policy

### Purpose

The California Department of Conservation (DOC or Department) is committed to meaningful, respectful, and transparent consultation and engagement with California Native American tribes (tribes)<sup>1</sup> as we strive for a “safe, sustainable environment for all Californians.” The Department respects tribal sovereignty and recognizes California tribes as sovereign governments with inherent rights to self-governance, cultural preservation, and protection of their ancestral lands, waters, and resources.

California tribes have stewarded and cared for these lands since time immemorial. Tribal knowledge and leadership, cultural practices, and environmental stewardship are vital to the responsible management and protection of California's environment and natural resources. DOC recognizes that its actions may impact tribal cultural resources, sacred sites, traditional use areas, ancestral and tribal lands, and community well-being. The Department seeks to ensure that tribal voices are heard, understood, and respected in decisions affecting lands, natural resources, energy development, mining, and cultural heritage, and are reflected in our policies, programs, and decisions.

Through ongoing consultation and relationship-building, DOC strives to ensure that tribal voices meaningfully inform departmental decisions, policies, programs, and projects. DOC is dedicated to building trust, advancing equity, honoring tribal sovereignty, and fostering long-lasting partnerships with California tribes.

The Tribal Consultation & Engagement Policy (Policy) establishes a department-wide framework for meaningful, early, and ongoing tribal consultation and engagement across all of the Department. The Policy affirms DOC's commitment to engaging in respectful partnerships with tribes. Tribal consultation is a structured, formal process with a tracking and record system. Tribal consultation is required by law and policy. Consultation is distinct from engagement. Tribal engagement activities support relationship-building and information sharing. Both are valuable and essential and

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<sup>1</sup> Per CNRA Tribal Consultation Policy, Appendix 1 - California Native American tribe is defined: California Native American tribes are those that are either recognized by the federal government pursuant to the annual list published under the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. Sec. 5131) in the Federal Register or non-federally recognized tribes located in California. Per Public Resources Code Section 21073 and for the purposes of the California Environmental Quality Act (CEQA), a California Native American tribe “means a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of the purposes of Chapter 905 of the Statutes of 2004.”



better inform the Department's decision-making. Tribal engagement activities do not replace consultation.

This Policy applies when DOC actions, projects, programs, activities, and decisions may have potential impacts for tribal governments and/or to tribal cultural resources, tribal communities, rights, sacred sites, traditional use areas, lands, waters, and ancestral territories. DOC actions and decisions may involve, but are not limited to, environmental, land and resource conservation, energy, oil and gas, geothermal, carbon capture and sequestration projects and programs, or projects involving mining activities, including remediating abandoned mines. DOC actions or decisions may also involve the development and implementation of DOC regulations, grant programs and guidelines, and enforcement orders.

Each DOC division, in coordination with the Office of Tribal Affairs, shall promote and support appropriate collaboration with tribes in the planning, development, and implementation of its programs, projects, activities, and actions, including early coordination, information sharing, and relationship-building.

This Policy is intended to implement and operationalize the California Natural Resources Agency's (CNRA) [Tribal Consultation Policy](#) within the Department of Conservation. This Policy serves as an addendum and complement to the CNRA Tribal Consultation Policy, and shall align with Executive Orders [B-10-11](#) and [N-15-19](#), [Assembly Bill 52](#), and other relevant laws and statutes. In the event of any conflict between this Policy and the CNRA policy, the CNRA policy shall govern.

## Policy Objectives

- Establish consistent tribal consultation implementation practices across DOC.
- Institutionalize early, often, and meaningful tribal consultation as a standard practice.
- Promote collaborative problem-solving, partnerships, and respect for tribal sovereignty.
- Define roles of DOC's Office of Tribal Affairs and staff engaging with tribes.
- Encourage tribal engagement beyond formal tribal consultation to build lasting tribal relationships.

## DOC Office of Tribal Affairs

The Department's Office of Tribal Affairs (Office or OTA) serves as the central point of contact and coordination for tribal consultation and engagement and provides oversight and guidance to ensure consistency with this Policy. The Office cultivates relationships with California Native American tribes and carries out the Department's commitment to building and maintaining meaningful, respectful, and transparent



relationships with tribal nations across the state in alignment with the Governors' Executive Orders, CNRA's Tribal Consultation Policy, and state laws protecting tribal sovereignty, tribal cultural resources, and self-determination.

The OTA provides department-wide leadership and coordination to ensure DOC divisions and programs consistently implement this Policy. The OTA shall work to ensure that tribal perspectives are meaningfully integrated into DOC's projects, programs, and decision-making processes. This includes facilitating early consultation, strengthening tribal understanding and coordination, and aligning DOC practices with principles of cultural humility, tribal and environmental stewardship, and historical accountability.

The Office of Tribal Affairs:

- Leads tribal consultation and engagement on behalf of the Department.
- Provides guidance on implementing tribal consultation and engagement.
- Develops tools and resources to support staff working with tribes.
- Tracks and reports on consultation meetings and outcomes to promote accountability.
- Supports transparency by communicating how tribal input informs decisions.
- Advances partnerships that honor tribal sovereignty and support co-stewardship of California's lands, waters, air, and resources.
- Supports alignment with CNRA's tribal policies such as the [Tribal Consultation Policy](#), [Tribal Grant Administration Guidance](#), and [Tribal Stewardship Policy](#)

The Office functions as a liaison and resource; it bridges DOC's scientific and regulatory background with traditional knowledge, priorities, and values of California tribes and tribal communities.

## ***Roles & Responsibilities***

### **Tribal Liaison**

CNRA requires DOC to appoint a department tribal liaison. DOC's Tribal Liaison serves on the executive team and is DOC's primary point of contact with tribes. As required by CNRA's Tribal Consultation Policy, the Tribal Liaison is formally designated by the Department Director to lead tribal consultation on behalf of the Department. The Tribal Liaison has authority to coordinate department-wide tribal consultation activities and provides guidance and support to divisions and programs engaging with tribes to ensure compliance with this Policy.

The Tribal Liaison serves as the Department's lead for:

- Overseeing the implementation of this Policy across DOC.
- Administering and overseeing tribal consultation and engagement processes with tribes.



- Ensuring tribal perspectives are included in DOC's work, policies, programs, projects, and decisions.
- Serving as point of contact for California tribes, tribal leaders, and tribal communities.
- Developing and implementing policies, procedures, systems, and tools to ensure compliance with the Governor's and CNRA's directives for tribal affairs work.
- Providing training and resources related to tribal affairs for DOC staff.
- Supporting coordinating liaisons and staff in tribal engagement efforts.
- Escalating concerns to Department leadership and/or the CNRA Deputy Secretary for Tribal Affairs when consultation obligations are not being met or when significant tribal concerns remain unresolved.
- Coordinating with CNRA Tribal Affairs, the Governor's Office of Tribal Affairs, and other state tribal affairs offices and programs as necessary.

## Coordinating Liaisons

Each DOC division, office, program, and district office shall, as applicable, designate a liaison(s) to:

- Serve as the point of contact to the Office of Tribal Affairs on behalf of its respective division, program, office, team, or project.
- Coordinate with the Office of Tribal Affairs prior to issuing tribal notifications or public notices with potential tribal implications.
- Identify projects or programs requiring tribal consultation or tribal input.
- Help ensure division compliance with state mandates related to tribal affairs and this Policy.
- Identify tribal concerns and issues relevant to their operations.
- Facilitate integration of tribal perspectives into their projects and programs.
- Include or update the Tribal Liaison on any projects or programs that involve tribes or tribal input.
- Work with the OTA to ensure engagement with tribes is early and done meaningfully.
- Include or update the Tribal Liaison on communications with tribes.
- Inform their division leader of tribal outcomes and updates.

Divisions and programs shall maintain their own tracking and record-keeping system for tribal consultation and engagement activities for purposes of their programs' needs and administrative records, if needed, and shall further ensure that the OTA has a copy or access to the Division's tribal engagement records. The OTA maintains the Department's official system of record for tribal consultation and engagement activities and ensures consistency, coordination, and institutional knowledge. If requested, the OTA shall support divisions and programs in developing its tracking system or provide a tribal consultation and engagement tracking system template.



Division and program leadership are responsible for ensuring tribal consultation obligations are met and that staff and liaisons coordinate with the Office of Tribal Affairs when projects or actions may have tribal implications.

## Training & Capacity Building

Training is essential to ensure consistent and respectful relationships with California Native American tribes. The Tribal Liaison shall design training, resources, and guidance for coordinating liaisons and DOC staff working with tribes. Divisions may, and are encouraged to, request resources, support, and training from the Office of Tribal Affairs. Training and resources may include but are not limited to the tribal consultation process and best practices, how to engage with tribes, cultural awareness, cultural humility, tribal sovereignty, Assembly Bill (AB) 52, and CNRA's Tribal Consultation Policy.

**CalHR Tribal Consultations Training:** The Department Director, Chief Deputy Director, Tribal Liaison, Attorneys, Tribal Affairs staff, coordinating liaisons, grant managers and staff of tribal grants and funding opportunities, archaeologists, anthropologists, staff participating in tribal consultation meetings, and staff working or seeking to work with tribes shall complete the annual CalHR Tribal Consultations training. This training is open and available to all state employees; DOC staff are encouraged to complete this training.

**On-going learning:** DOC staff are encouraged to participate in additional training and learning opportunities for greater understanding of California tribes, tribal cultures, and tribal histories.

## Tribal Consultation & Engagement

It is the policy of DOC to consult and engage early, often, and meaningfully with federally recognized California tribes, non-federally recognized California tribes, and as appropriate, a tribal organization representing a tribe on DOC projects and actions that may have tribal implications.

California Native American tribes may have their own unique definitions of tribal consultation. Tribal consultation is a formal process between DOC and tribes to meaningfully discuss potential impacts to tribal cultural resources, lands, or interests with the goal of reaching mutual understanding and where possible, consensus. Tribal consultation includes notice to tribes requesting formal consultation; participation from tribal leaders or representatives; discussion between the tribe(s) and DOC leadership and representatives, record of meeting and action, and follow-up response to tribes.



**Tribal Consultation<sup>2</sup>:** the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement. Consultation between government agencies and Native American tribes shall be conducted in a way that is mutually respectful of each party's sovereignty. Consultation shall also recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural significance.

**Tribal Engagement:** Broader communication, collaboration, and relationship-building with tribes. Tribal engagement activities may include direct outreach, roundtables, information sessions, workshops, meetings, technical assistance or office hours, site visits, and partnership opportunities to ensure tribal perspectives are included in projects, programs, and policies.

Tribal engagement activities shall not substitute for formal consultation under CNRA policy, statute, and this Policy.

### *Confidentiality & Data Protection*

DOC recognizes that tribal consultation may involve the sharing of sensitive cultural, historical, or traditional knowledge, sites, and information. DOC is committed to protecting such information to the fullest extent permitted by law. DOC shall not collect confidential information without first verifying that legal protections and internal processes are in place to ensure confidentiality is protected. Information shared by tribes during consultation that pertain to tribal cultural resources, sacred sites, traditional knowledge, or other culturally sensitive matters shall be treated as confidential, consistent with applicable state and federal law, and shall not be disclosed without written tribal consent.

DOC respects tribal data sovereignty and will work with tribes to determine appropriate handling, use, storage, and sharing of tribal information.

## Principles of Tribal Consultation

DOC follows CNRA's principles of "early, often, and meaningful" tribal consultation (CNRA Tribal Consultation Policy, page 8).

- **Early** means inviting tribal consultation from the onset of a department action, when tribal input may be effectively incorporated, inform the department actions and decisions, and before any major or irreversible decisions have been made or finalized. DOC should offer consultation as early as possible in the planning process to provide the maximum time available for tribes to consider

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<sup>2</sup> From CNRA Tribal Consultation Policy and under Government Code Section 65352.4



the invitation to consult and learn about and provide feedback on an action. Consulting as early as possible also gives the Department adequate time and flexibility to collaborate with tribes and incorporate and address tribal priorities, interests, and concerns into department decision-making.

DOC shall initiate early consultation at the earliest feasible point in a project or action when sufficient information is available to support meaningful tribal input and decision-making. DOC should ensure that initial outreach includes adequate and reasonably developed information such as a clear project or program description, location, purpose and objectives, and known or potential impacts.

- **Often** means that DOC should be building and maintaining relationships with tribes on an ongoing basis, before consultation is needed. However, for any actions with potential tribal implications, DOC should offer consultation at a frequency that is conducive to allowing tribes multiple opportunities to provide input throughout the development process of a department's decision-making and as new information becomes available. Typically, 90-day consultation periods are best practice.

Roundtables, working groups, email listservs, and other intertribal spaces can be utilized to help provide updates, share information, and support intertribal and department coordination. These practices are helpful to address capacity constraints but cannot be used in lieu of tribal consultation.

- **Meaningful** consultation requires that DOC prioritize listening with the intent to hear, understand, respect, and consider tribal feedback and comments. It requires that tribal input be genuinely considered and incorporated into decision-making wherever feasible. Accordingly, consultation must happen well in advance of any major decisions. Meaningful consultation should help prevent or mitigate potential conflicts by addressing concerns proactively and should actively endeavor to build trust between the Department and tribes.

"Meaningful" should include a process of reciprocal communication and consideration but does not imply that both parties will come to consensus and reach agreement. However, a consensus-seeking approach should be sought throughout the consultation process where feasible. If consensus is not reached, the Department should provide a clear explanation of why tribal recommendations were not fully integrated and explore alternative solutions in collaboration with tribal leadership and representatives.

Meaningful consultation also requires that DOC document how tribal perspectives were incorporated or where not incorporated, and provide tribes



with a clear understanding of how their feedback will be used in the development of final decisions, actions, or policies following consultation.

## DOC's Tribal Consultation Process

The tribal consultation process shall be conducted early, often, and meaningfully. Consultation should occur in a manner that respects tribal protocols, schedules, and decision-making processes. The Office of Tribal Affairs is responsible for leading consultations with tribes. When seeking to engage or consult with tribes, DOC staff shall notify the Office of Tribal Affairs and Tribal Liaison. The DOC Tribal Liaison will conduct tribal consultation meetings with tribes on behalf of the Department with the support of staff working on the project or action. Tribal consultations shall be attended by staff deemed necessary to attend, and those with appropriate authority, project knowledge, or technical expertise to ensure informed and responsive dialogue. Tribes determine their own representatives and decision-making processes in consultation meetings.

When planning to consult with tribes, DOC shall identify the tribe(s) and locations that may be impacted by the project or action and provide written notice requesting consultation to potentially impacted tribe(s). DOC shall defer to tribes on how each tribe wishes to be consulted, including but not limited to its preferred points of contact, methods of communication, cultural protocols, and meeting formats and timelines when feasible. Consultation meetings may be conducted in-person at the tribe's office or headquarters, DOC offices, or remotely; DOC shall defer to the tribe's preference.

DOC staff shall adequately prepare for the meeting via training, resources, tribal background, research, and understanding of potential tribal impacts. The Office of Tribal Affairs shall serve as a resource for staff preparation. Staff, in coordination with the Office of Tribal Affairs, shall track and record tribal outreach, consultation activities, engagement outcomes, and tribal requests to support transparency, accountability, and continuous improvement.

It is the policy of the Department to engage in good faith consultation and engagement with tribes and approach each as a collaborative process with genuine time to consider tribal perspectives and priorities.

### *Consultation Conclusion & Close-Out*

Tribal consultation concludes when DOC has engaged in good faith consultation, meaningfully considered tribal input, and clearly communicated decisions and next steps.

The Office of Tribal Affairs shall review and provide concurrence for the administrative close-out of consultation. Consultation close-out does not require concurrence from a



tribe; it shall occur only after the Department has made good-faith effort to address tribal concerns and has documented the consultation outcomes.

DOC shall send a consultation close-out letter to tribes invited to consult. The letter may include information pertaining to the project's next steps, ways to stay engaged, Office of Tribal Affairs contact information, summary of consultation activities, tribal concerns, and how tribal feedback was considered or addressed. The Office of Tribal Affairs will maintain records of consultation activities and outcomes and share with respective divisions, and in manner that protects confidential tribal information.

When a tribe is actively participating in consultation, the consultation shall remain open and shall not close due to the passage of time or closure of the notification period. DOC shall engage in consultation with the goal of reaching mutual understanding, and where possible, consensus with tribes regarding potential impacts, concerns, and appropriate actions. Consultation does not require agreement or consensus. When consensus cannot be reached, DOC shall clearly communicate its decisions, rationale, and how tribal input were addressed in its decision-making process.

Consultation shall remain open when impacts are ongoing, mitigation measures and tribal commitments are unresolved, or a tribe requests continued consultation and engagement.

### ***Coordination with the Public Review/Comment Processes***

When a tribe has engaged in the consultation process on a DOC project or action, and the Department subsequently initiates a public review or public comment period, including a draft Initial Study/Mitigated Negative Declaration or similar document, DOC shall notify participating tribes of the public review period and provide relevant information on how to participate.

Public comment periods are not a substitute for tribal consultation. Tribal consultation shall remain a distinct, formal process and may occur before, during, or after public review periods, as appropriate.

### ***Consultation Responsibilities When DOC is Not Lead Agency***

DOC recognizes its obligation to consult with tribes as an important duty and when its actions or decisions may have tribal implications.

When DOC is not the lead agency on a project or action, the Department shall independently assess whether tribal concerns related to DOC's authorities, permits, funding, or decisions have been adequately addressed and shall evaluate impacts and next steps within DOC's scope.

DOC shall not rely solely on another agency's consultation record when making decisions within its authority. DOC will coordinate with lead agencies and other



responsible agencies to ensure tribal concerns are appropriately addressed and that consultations are aligned where possible. Consistent with CNRA Tribal Consultation Policy<sup>3</sup>, when DOC is taking an action or has any authority over an action that has potential for tribal implications, DOC shall offer tribal consultation. Such consultation may be conducted solely by DOC or in collaboration with the lead agency. DOC may coordinate consultation with other agencies to support efficiency.

## *Consultation & Legal Timelines*

DOC will make every reasonable effort to conduct consultation early and allow for sufficient time for meaningful tribal engagement.

Where statutory or regulatory timelines apply, DOC shall seek to integrate consultation into those timelines while still striving to engage tribes as early as feasible and prior to final decision-making. The Department will seek consensus with tribes where possible; consultation does not require agreement where legal obligations require a decision within a defined timeframe.

## *Notification Period*

Tribal consultation of DOC projects and actions shall be conducted with adequate time to hear tribal perspectives and before any departmental actions are finalized. DOC's best practice is to provide a 90-day consultation period.

A 60-day consultation period may be acceptable for time-sensitive matters or projects with approval from the Department Director and/or Tribal Liaison. Consultation periods of 30 days or less shall be reserved for emergency actions with approval from the Department Director and/or Tribal Liaison. The consultation period begins when the invitation to consult is sent via letter or email or when a tribe requests consultation on a DOC action.

## *When to Consult with Tribes*

When determining if and when to offer consultation with tribes, DOC shall determine if a project or action has potential implications for tribes, may be of interest to tribes, or may have impacts to tribal or ancestral lands, waters, cultural or natural resources, representatives, religious or spiritual values, or tribal communities. If there is a potential tribal implication, DOC shall develop a timeline to allow for early, often, and meaningful tribal consultation; identify key milestones, needs, and timing associated with the action; and identify where in that process to seek consultation with tribes allowing tribes to have multiple opportunities to provide meaningful and timely input to inform the decision-making of an action. DOC shall take a broad approach when determining whether an action may have tribal implications including consideration of direct,

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<sup>3</sup> CNRA's Tribal Consultation Policy, "Officials with Authority to Consult with Tribes," page 14



indirect, and cumulative impacts to tribal cultural resources, lands, waters, community well-being, and tribal interests.

Per CNRA's policy, actions with potential tribal implications may include, but are not limited to, the development of policies, programs, guidelines, processes, projects, regulations, strategic plans, planning documents, projects undergoing CEQA review (including projects that may otherwise be categorically excluded or exempted), funding and grant opportunities, memorandums of understanding, and as required by legislation.

Tribes may also initiate consultation outside of department invitations. DOC shall make every reasonable effort to respond and coordinate a meeting with the requesting tribe within 30 days of receiving the request.

(CNRA's Tribal Consultation Policy, "Determining When to Offer Consultation" & "Action with Tribal Implications," page 9).

### ***Tribal Capacity & Response***

It is important to note that capacity constraints may prevent a tribe from responding to a consultation invitation, even if the tribe is interested in the issue or matter.

Nonresponse from a tribe does not indicate consent, lack of interest, or lack of concern regarding a DOC action. DOC shall continue to engage and offer consultation as the project progresses. DOC shall continue to notify tribes of updates as the project or action progresses. If a tribe clearly states that it has no interest in the DOC project or action, DOC will no longer contact the tribe on the particular action. However, if at a later time, the tribe seeks to reengage in consultation, DOC shall include the tribe in future considerations and notifications.

(CNRA Tribal Consultation Policy, "Definition of Tribal Consultation," page 6-7)

### ***Objectives of Consultation***

DOC shall comply with CNRA's Consultation Objectives (CNRA Tribal Consultation Policy, "Objectives of Consultation," page 7):

1. Provide opportunities for tribal leadership and staff to express the tribe's priorities, views, and concerns, and in so doing, DOC staff to develop a clear understanding of tribal perspectives, needs, and concerns.
2. Share pertinent materials and data with a tribe in a timely fashion such that designated tribal leaders, representatives, and/or staff may make an informed decision on whether there are tribal implications and if, how, or when the tribe would like to consult.
3. Provide technical assistance and appropriate tribal consultation timelines that allow designated tribal leaders, representatives, and/or staff to process



information, schedule internal meetings, participate in external meetings, make informed decisions, and provide thoughtful comments and feedback.

4. Prioritize collaborative problem-solving as well as integration and advancement of tribal priorities and perspectives into DOC decision-making to the fullest extent possible.

## Department-wide Commitments

DOC leadership is committed to ensuring that tribal consultation is integrated across departmental programs, policies, projects, and decisions and that staff are equipped with tools and support necessary to engage respectfully and effectively with tribes.

This Policy applies to all DOC divisions, offices, programs, teams, and staff, and shall be integrated into departmental planning, project development, rulemaking, permitting, grant administration, and other DOC processes.

DOC commits to:

- Respecting tribal sovereignty.
- Engaging with tribes early and in good faith to understand tribal perspectives and meaningfully consider tribal input prior to final decisions.
- Providing transparency by sharing clear, accessible, and timely information throughout its processes.
- Supporting tribal participation through accessible meetings, culturally appropriate communications, and consideration of tribal priorities and tribal capacity needs.
- Protecting confidentiality for sensitive and cultural information.
- Building capacity and accountability.

DOC is committed to continually improving its tribal consultation and engagement practices and strengthening relationships with tribes. The Office of Tribal Affairs will periodically evaluate this Policy and its implementation and may identify opportunities for improvement in collaboration with DOC divisions, programs, and tribal partners. The OTA may develop guidance, tools, or training updates as needed to support effective implementation of this Policy.

Failure to adhere to this Policy may result in project delays, progressive discipline or corrective action, or elevation to Executive leadership for resolution.

### **Additional Resources for Staff:**

- [Resources to be added upon finalization of Policy]
- [CNRA Tribal Consultation Policy](#)
  - Appendix 1 – [Definitions](#)
  - Appendix 2 – [Tribal Consultation Best Practices](#)



- [Appendix 3 – Cultural Humility](#)
- [Governor's Office of Tribal Affairs](#)
- [CNRA Tribal Affairs](#)
- [Native American Heritage Commission](#)

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