

## **Baldwin Hills and Urban Watersheds Conservancy**

### **Tribal Policy – Adopted 2/17/2023**

#### **Definitions**

For purposes of this policy, the following definitions shall apply:

**Tribe:** Refers to a California Indian tribe

**Federally Recognized Tribe:** A tribal entity that is recognized as having a government-to-government relationship with the United States; these entities are listed on the Federal Register and the current list is posted on the Governor’s Office of the Tribal Advisor’s website.

**Non-Federally Recognized Indian Tribe:** Those tribes that are not federally recognized and are on the list maintained by the Native American Heritage Commission.

**California Indian Tribe:** Refers to a federally-recognized California Indian Tribe, as listed in the Federal Register. Only in situations involving cultural resources will a non-federally recognized California Native American that is on the list maintained by the Native American Heritage Commission (“NAHC”) be included in this definition. The NAHC will provide a list of non-federally recognized California Native American Tribes for each instance.

**Tribal Leaders:** Refers to elected officials of Indian tribes and their designees.

**Tribal Sovereignty:** Refers to the unique political status of federally-recognized Indian tribes. Federally-recognized Indian tribes exercise certain jurisdiction and governmental powers over activities and tribal members within their respective territories. Some of these powers are inherent, and some have been delegated by the United States. Existing limitation on tribal sovereignty are defined through acts of Congress, treaties and federal court decisions.

## **Objective**

The purpose of this policy is to ensure effective government-to-government consultation between the Conservancy and tribes and tribal communities regarding the development of policies, programs, projects, plans, property decisions, and activities (collectively, “activities”) that may affect tribal communities. The goal is to promote discussion and consideration of the views of tribes and tribal communities in an effort to resolve concerns of as many parties as possible.

California Native American tribal governments and tribal communities have sovereign authority over their members and territory and a unique relationship with California’s resources. California tribes and tribal communities, whether federally recognized or not, have distinct cultural, spiritual, environmental, economic, and public health interests and valuable traditional cultural knowledge about California resources.

The Conservancy is committed to open, inclusive, and regular communication with tribal governments and communities to recognize and understand their needs and interests. The Conservancy will designate a Tribal Liaison to serve as the point of contact for communication and consultation with California Native American tribes to ensure proactive and meaningful consultation. This includes dedicated communication and outreach such as meetings, workshops, and advisory committees. We strive to continue effective collaboration and informed decision-making where all parties share a goal of reaching a decision together in order to:

- Ensure consultation with tribes occurs early in project development and throughout project implementation.
- Ensure tribal concerns are respected and archaeological and cultural resources are protected.
- Seek solutions to state contracting issues that affect the sovereignty of tribes.
- Assist tribes to regain entry to their ancestral lands through access programs.
- Work with tribes to enable traditional stewardship practices on ancestral land.
- Ensure interpretive, stewardship and ecological programs include indigenous leadership, and perspectives.

## **Process**

The Conservancy will seek to identify California indigenous tribes that may be affected by Conservancy activities, and to consult with the affected tribes at a time that allows a reasonable opportunity for tribes to comment and participate. The Conservancy will utilize the contact list from the Governor's Tribal Advisor for federally recognized tribes and the Native American Heritage Commission contact list for non-federally recognized tribes. The Conservancy will seek to disseminate public documents, notices, and information relevant to its activities to affected tribes. Notices will be designed to include sufficient detail of the topic to be discussed to allow tribal leaders an opportunity to fully engage. The Conservancy will identify agency staff, including decision-makers, associated with the activity in question, who can ensure that tribal concerns will be considered.

The Conservancy will seek to conduct meetings, outreach, and workshops at times and locations that facilitate tribal participation. The Conservancy will request information from tribes when conducting research or studies that pertain to or could affect tribal lands or cultural resources. The Conservancy will seek to protect confidential information provided by a tribe, recognizing that the Conservancy is subject to the California Public Records Act.

The Executive Officer of the Conservancy will designate a Tribal Liaison for the Conservancy to serve as the main contact for tribes. The Tribal Liaison will:

- a. Seek to ensure that outreach and consultation occur regularly and consistent with this policy.
- b. Advise the Executive Officer on policy matters relating to tribal affairs.
- c. Participate on the Tribal Liaison Committee of the California Natural Resources Agency, which reviews tribal consultation efforts and opportunities and shares information.
- d. Coordinate: (i) the training of Conservancy staff with regard to tribal affairs; (ii) the work of Regional Tribal Liaisons; and (iii) the Conservancy's tribal communication and consultation efforts.
- e. Maintain the Conservancy's Tribal Contact List.
- f. Respond to inquiries from, and participate in consultations with, Tribes.

The Conservancy will also work with the Native American Heritage Commission to obtain a contact list of tribal representatives of federally recognized and non-federally recognized California Indian Tribes. The Conservancy will provide to or obtain training for its tribal liaison and other staff, when appropriate, to implement this policy.

### **Disclaimers**

This policy is intended solely for the guidance of employees of the Conservancy. It is not intended, and should not be construed, to define the legal relationship between the Conservancy and California Native American tribes and tribal communities. This policy is not intended to replace or supplant obligations mandated by federal law. The policy defines provisions for improving Conservancy consultation, communication and collaboration with tribes to the extent that a conflict does not exist with applicable law or regulations. This policy is not intended as a regulation, or to create, expand, limit, waive, or interpret any legal rights or obligations.