



TRIBAL CONSULTATION POLICY

Preface

On September 19, 2011, Governor Edmund G. Brown, Jr. issued Executive Order B-10-11, which provides, among other things, that it is the policy of the administration that every state agency and Department subject to executive control to implement effective government-to-government consultation with California Indian Tribes. Department is defined as any department, board, commission, council or conservancy subject to executive control, and includes the California Conservation Corps. For the purposes of Executive Order B-10-11 and this Consultation Policy, the terms "Tribe," "California Indian Tribe," and "tribal" include all Federally Recognized Tribes and other California native Americans.

Background: California Conservation Corps (CCC)

The California Conservation Corps (CCC) was established in 1976 pursuant to the California Public Resources Code, Section 14000 et seq. and is mandated to provide work, educational and volunteer opportunities to young adults (Corpsmembers). These opportunities must allow Corpsmembers to develop a strong work ethic, marketable skills and competencies as well as self-confidence while gaining a deeper understanding of and protecting, improving, and enhancing the State's environmental resources. The CCC accomplishes its statutory mission by partnering with federal, state, tribal and local entities, local or statewide private organizations, and any person, firm, partnership, or corporation concerned with the objectives of performing environmental conservation and public service work (CA Public Resources Code, section 14306).





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Corpsmembers operate out of the more than twenty-five CCC facilities located throughout the state. Among other things, Corpsmembers restore, protect, and conserve California's natural resources (for example, construct and maintain trails, develop fish habitats, remove invasive species, and plant and safeguard trees), implement clean energy and energy efficiency measures, and respond to fires, floods and other emergencies. CCC projects are located in both urban and remote rural settings and have been conducted with a wide array of partners, including California Indian Tribes.

California Native American Tribes and tribal communities have sovereign authority over their members and territory and a unique relationship with California's resources. The CCC recognizes that all California Tribes and tribal communities, whether federally recognized or not, have distinct cultural, spiritual, environmental, economic and public health interests and unique traditional cultural knowledge about California resources.

CCC Consultation Policy

CCC endorses communication with Tribes with a strong emphasis on fostering mutual respect among all parties. This Consultation Policy embodies an ongoing process for establishing productive and long-lasting relationships with Tribes and is supported by the CCC Executive Director.

The CCC Consultation Policy broadly defines provisions for enhancing the consultation processes of CCC and its field units with Tribes. This Consultation Policy shall complement, not supersede, any existing laws, rules, statutes or regulations that guide consultation processes with Tribes. The CCC Consultation Policy shall not be construed to displace existing department policies.





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The CCC Consultation Policy was developed after reviewing the Tribal Consultation Policies drafted and adopted by other state entities. As part of this development process, the CCC reviewed the input other state entities received from Tribes and other stakeholders. Through this process the CCC recognized five common guiding principles: collaboration, communication, education, process, and timely notice. The CCC has determined that these guiding principles are to be executed by its management and department employees in a good-faith manner to facilitate effective consultation practices and promote cooperation and efficiencies relative to tribal consultation.

Consultation Policy Guidelines

Collaboration

The CCC is committed to the principle that interaction with Tribes shall be regarded as a "partnership" of mutual respect whereby the CCC Headquarters staff and CCC field units strive to ensure a sound and productive relationship with tribal governments by developing and maintaining a meaningful dialogue leading up to, during, and after any CCC-Tribal interactions.

Consultation is a process whereby parties meet and confer to exchange information, compromise, and reach understandings that, when possible, may result in the adoption of mutually beneficial policies and sustainable outcomes. CCC Headquarters staff and CCC field units will work together to identify and coordinate CCC policies and procedures when there are issues that may pertain to or impact Tribes.





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Communication

Open and respectful communication with tribal representatives is essential. It is strongly recommended that, whenever the CCC works with or may work with Tribes, communication take place early and often; occur on a regular basis; continue throughout changes in leadership; and be inclusive and transparent. When a matter involves confidential or culturally sensitive information, CCC Headquarters staff and the effected CCC field units will work with tribal representatives to address the sensitivity of such information to the fullest extent possible.

The CCC Executive Director has designated the CCC Chief Counsel, with the assistance of the CCC's Corpsmember Development Manager, to act as a Native American Liaison for the purpose of policy coordination between CCC, the California Natural Resources Agency (CNRA), and Tribes. As such, the CCC Chief Counsel and the CCC's Corpsmember Development Manager will be the initial points of contact for participating in the Natural Resources Agency Tribal Liaison Committee and will assist CCC field units in communications with tribal representatives. Field units are expected to contact the CCC Chief Counsel whenever they are working on tribal land and/or are developing or being deployed to project sites or program opportunities that may impact, include, or involve tribal issues or members.

- Such communication should begin with an email to CCC Chief Counsel. The email should briefly describe the project or program opportunity and identify the Tribe(s) involved. CCC Chief Counsel will then follow-up as appropriate.





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Education

The CCC Chief Counsel will encourage Headquarters staff and field units to seek ongoing training designed to improve the Department's capacity for promoting collaboration with Tribes. Education and training should emphasize communication, tribal sovereignty, the unique distinctions of Tribes, and the skills and tools necessary for collaborative engagement.

CCC leadership at all levels shall endeavor to instill an awareness of tribal culture and respect within their units. Additionally, the CCC will cooperate with CNRA in the provision of any training necessitated by this policy or by the CNRA's Tribal Consultation Policy

Process

The project and program activity catalogues of the CCC's field units are extensive. Each field unit is responsible for implementing a wide range of work force development activities, natural resources, energy efficiency, and emergency response work, and educational, life skills, and job training programs that are subject to scores of federal and state laws, regulations, guidelines and restrictions. Within such mandates every attempt will be made to interrelate with Tribes in a manner that is timely and respectful and which clearly identifies internal processes and timeline expectations for the parties involved. Consultation at the field, project management, and executive staff level is strongly encouraged so that information is available early in the planning process. This policy defines provisions for improving California Conservation Corps consultation, communication and collaboration with tribes to the extent that a conflict does not exist with applicable law or regulations.





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Timely Notice

This Consultation Policy recognizes that Tribes are located in diverse and sometimes remote regions throughout the state, thereby necessitating the need for clear and adequate notice/outreach prior to consultation or meetings that may require travel by members and/or leaders of Tribes. Contact with Tribes should be initiated as early as possible, preferably with 30-days or more advance notice, to provide ample time for Tribes to respond, particularly on substantive matters.

Moreover, the CCC must recognize that in many instances, Native American people are being asked to volunteer their time to provide CCC and other state entities with information. Accordingly, CCC should consider steps to overcome financial impediments which might prevent Tribes from effectively participating in the consultation process. These steps may include scheduling meetings in places and times that are convenient for the consulting parties.

This Consultation Policy respects the sovereignty of Tribes and shall not be deemed to waive any rights, including treaty rights, immunities, or jurisdiction on the part of the State of California, the CCC or Tribes. This Consultation Policy does not diminish any rights or protections afforded Tribes under state or federal law. Through this Consultation Policy, the intent of the CCC is to strengthen its ability to successfully resolve issues of mutual concern collectively with Tribes. While the relationship described by this policy provides increased ability to solve problems, it likely will not result in a resolution of all issues. Therefore, inherent in this Consultation Policy is the right of the CCC and Tribes to elevate an issue of importance to any decision-making authority of another entity, including, where appropriate, the highest





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levels of state and tribal government. This Consultation Policy is intended to govern the process with which CCC will engage in consultation with Tribes.

Effective Date

The CCC Tribal Consultation Policy shall be effective on the date executed by the CCC Executive Director and shall be posted on the CCC website. It shall be subject to periodic review to ensure provisions are current and consistent with state policy and enacted legislation.

Pursuant to Executive Order B-10-11 dated September 16, 2020, the California Conservation Corps hereby adopts this Tribal Consultation Policy.

