

**California Environmental Protection Agency
Tribal Consultation Protocol
February 2020**



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PURPOSE

The purpose of this Tribal Consultation Protocol (Protocol) is to establish a step-by-step process that will assist the California Environmental Protection Agency (CalEPA) and each of its boards, departments, and office, in engaging with California Native American Tribes (Tribes) broadly and in government-to-government consultations. The Protocol builds upon CalEPA's 2015 update to its Tribal Consultation Policy by providing CalEPA, its boards, departments, and office, with a process for determining which, if any, Tribes or tribal communities their actions might affect. The Protocol establishes a set of best practices for CalEPA to use when engaging with Tribes regarding the potential effects its actions and the actions of its boards, departments, and office might cause, in a meaningful, inclusive, and mutually respectful way.

This Protocol sets forth minimum process requirements that each board, department or office and its staff should follow, in addition to all other separately applicable legal, procedural, and substantive requirements, as well as additional best practices that are specific to particular programs. In some instances, the Protocol may not have the level of detail required for each of the Agency's boards, departments, and office. Each board, department, and office may therefore elaborate on the Protocol's requirements where necessary, by developing a more appropriately tailored set of principles and practices for use in their specific programs and should communicate those principles and practices to CalEPA's executive office.

DISCLAIMER

This document does not create, expand, limit, waive, or interpret any legal rights or obligations. Rather, CalEPA intends that its boards, departments, and offices use the document as a guide to conducting meaningful consultations with Tribes throughout the performance of their duties.

BACKGROUND

Federal statutes generally guide government-to-government relations with Tribes. The State of California, nonetheless, plays a critical role in working with Tribes and their governments and share a range of common interests and responsibilities with Tribes. These include, but are not limited to: using natural resources efficiently and with appropriate environmental and human health protections; protecting communities and their resources from the effects of climate change, pollution, and health burdens; ensuring access to clean air, clean water, and equitable benefits for all Californians; and increasing environmental and cultural literacy throughout the State to safeguard and protect the State's shared environmental, historic, and cultural resources. Because of these common interests, the State and its agencies must engage with Tribes to identify opportunities for collaboration and communication.

CalEPA adopted a Tribal Consultation Policy in 2009, in an effort to improve communication and collaboration between the agency and California Tribes, and to further the agency's mission to restore, protect, and enhance the environment, and to ensure public health, environmental quality, and economic vitality.¹ The 2009 Tribal Consultation Policy declared CalEPA's commitment to improving its understanding of, and connection to, all California Tribes. This commitment includes educating staff at CalEPA and at each of its boards, departments, and office, about California's over 100 distinct and individual Tribes, their physical and cultural settings, their histories, their unique knowledge of ecology and ethnography, and their connection to all lands (whether on or near each Tribe's current reservation lands) as well as their concern for environmental issues.

In 2011, Governor Edmund G. Brown Jr. issued Executive Order B-10-11 requiring all state agencies and departments to encourage early communication and consultation with California Tribes in developing legislation, regulations, rules, and policies on matters that may affect Tribes and their communities. In 2014, the California Legislature passed Assembly Bill 52 (AB 52), which aims to address the potential significant and detrimental environmental impacts to Tribal cultural resources and sacred places, both on and off Tribal lands, because of insufficient opportunities for Tribes to engage in environmental decision making. AB 52 amended the California Environmental Quality Act (CEQA) to require lead agencies to consider the potential impacts that a project subject to CEQA's requirements will have on Tribal cultural resources. Pursuant to AB 52, lead agencies must now consult with Tribes traditionally and culturally affiliated with the geographic area of any proposed project that is subject to CEQA review.² Together, Executive Order B-10-11 and AB 52 instruct all state and local agencies to engage in early communication with Tribes whose members may be affected by their decision making.

Building on the Governor's Executive Order and AB 52, CalEPA updated its Tribal Consultation Policy to incorporate government-to-government consultation with Tribes, in 2015.³ The updated policy document specified that CalEPA would develop a protocol designed to implement the policy throughout all of the programs that each of its boards, departments, and offices administer. This Protocol has been prepared in furtherance of that goal.

In June of 2019, Governor Newsom reaffirmed and elaborated upon the findings and declarations of Executive Order B-10-11 by recognizing the legacy of state action as it relates to Tribes and tribal communities across the state. Executive Order N-15-19 marks the first formal state apology in the state of California, for the intentional and systematic wrongdoings of the state against its Native American people. The Order also directs that a truth and healing commission be established by the Office of the Governor's Tribal Advisor, and acknowledges

¹ See, CalEPA Policy for Working with California Indian Tribes, October 19, 2009, The California Environmental Protection Agency, Sacramento, CA, available at [CalEPA Tribal Affairs website](#).

² Pub. Resources Code, §§ 21080.3.1, 21080.3.

³ See, CalEPA Policy on Consultation with California Native American Tribes, August 20, 2015, The California Environmental Protection Agency, Sacramento, CA on [CalEPA Tribal Affairs website](#).

the significance of the survival of Native American traditions, cultural practices, language and land and natural resource stewardship.

This Protocol and CalEPA's policies reflect the evolving nature of the state's relationship with California Native American Tribes, and the paramount importance of honoring the history and knowledge of the state's first people.

CONSULTATION

There is no universally accepted definition for the term "consultation;" however, the term generally refers to a process that provides for timely and meaningful notification to Tribes from government agencies, and facilitates government agency engagement with Tribes in a manner that recognizes the concept of tribal sovereignty. Consultation generally involves the consideration and mutually respectful discussion of concerns raised by Tribes in response to government action(s), inaction, or activities. Some state laws and executive orders, including those described above, refer to the concept of consultation, but many do not define the scope of the term's meaning in the context of government-to-government relations.

The California Legislature has provided a definition of the term "consultation" in Senate Bill 18 (Burton, Ch. 905, Stats. of 2004) (SB 18). SB 18 requires cities and counties to contact and consult with Tribes before adopting or amending a general plan, or when designating land as open space for the purpose of protecting Native American cultural places. In describing the consultation process, SB 18 added Government Code section 65352.4, which references important principles of meaningful input, respect for government sovereignty, and development of partnerships in pursuit of consensus where feasible.

For the purpose of this Protocol, consultation shall have the same meaning as provided in Government Code section 65352.4.

[T]he 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.

Gov. Code, § 65352.4.

DEFINING THE SCOPE AND TYPE OF CONSULTATION

CalEPA and staff across each of its boards, departments, and office should consider the following factors, among others, in assessing the scope of a potential consultation as early as possible in any agency decision-making process:

1. Tribal political structure.
2. Tribal preference and Tribal policies, where applicable.
3. Subject matter, and the scale and scope of potential effects on Tribes, and their members.
4. Number of Tribes affected.
5. Underlying statutory, regulatory, or policy requirements.
6. Nature and complexity of the issues.

While many Tribes frequently engage in the consultation process with federal government agencies, each may recognize consultation in different forms. Some Tribes will only recognize consultation as a formal meeting that takes place between high-ranking government officials and Tribal leaders. Others may recognize consultation as being comprised of more informal meetings and communications between state agency representatives and lower level Tribal officials, staff, or Tribal members that have been designated as points of contact on behalf of their respective Tribes.

Whether formal or informal, consultation with Tribes provides a necessary process for sharing information, developing relationships and mutual trust. The type and extent of CalEPA's engagement in communication with Tribes through the consultation process should reflect the scope and impact of the matter, action, or set of activities at issue. For example, a large-scale action with a substantial direct effect on several Tribes might require a coordinated approach with ongoing engagement and a series of meetings between high-ranking State and Tribal officials. For more routine operational matters, or matters that do not have a substantial direct effect on Tribes, a less formal process such as webinars, phone calls, or face-to-face interactions between mid-level State and Tribal officials may be sufficient.

At the outset of any consultation, CalEPA and each of its boards, departments, and office must determine the specific legal parameters or requirements that apply to the consultation process. As noted above, the two primary State law requirements are the CEQA-specific requirements of AB 52, and the early consultation and communication requirements of Executive Order B-10-11.

AB 52 consultations are required where a lead agency undertakes a discretionary approval process, subject to CEQA, that involves or may affect Tribal natural or cultural resources, and the affected Tribe(s) have requested notification and consultation.⁴ The Public Resources Code contains strict timelines for compliance with CEQA's tribal consultation provisions.⁵ Each board, department or office and any of its regional or local entities acting as a CEQA lead agency, should review these Public Resources Code sections as early as possible in the CEQA process to assure compliance with all applicable procedural and substantive Tribal consultation requirements.

Executive Order B-10-11 generally governs consultations that are not subject to AB 52. This Order provides a broad policy goal and general guidance to encourage cooperative relationships between Tribes and State agencies; however, it does not provide detail on how state agency staff should conduct or approach these consultations. For these consultations, CalEPA and its boards, departments, and office staff should refer to the CalEPA Tribal Consultation Policy, any applicable board, department or office policy, and this Protocol, for guidance.

⁴ Pub. Resources Code, § 21080.3.1, subd. (b).

⁵ See *id.*, subds. (b), (d), and (e).

COMMUNICATION

Tribes are sovereign entities, each with a unique set of needs, concerns, and environmental, cultural, and religious interests. As with any partnership, cultivating and maintaining positive Tribal relationships requires communication. However, in general, Tribes will not recognize mere communication as constituting consultation, or government-to-government engagement. Rather, communication serves as a means for the exchange of information, and plays a critical role in developing positive relationships.

For the purpose of this Protocol, communication refers to:

The dissemination, exchange or sharing of information between CalEPA – including its six boards, departments, and office – and California Native American Tribes.

A “best practice” approach to communicating with Tribes is to determine, early in the consultation process, what form(s) of communication (e.g., phone, email, mail) the Tribe and its representatives prefer.

Where applicable, CalEPA and its boards, departments, and office staff should refer to a Tribe’s own consultation policy, to determine what processes and procedures the Tribe requires, in addition to the CalEPA or appropriate board, department or office policy/ies or protocol(s). Staff should also identify and/or verify through the Tribe’s leadership, or authorized representative directly, the appropriately designated point(s) of contact for the Tribe’s engagement in the consultation process as a first step in engaging in the consultation process.

ROLES AND RESPONSIBILITIES

This Protocol does not establish or describe designated Tribal representatives, as each Tribe holds the authority to designate the appropriate representative(s) to engage in consultation and to represent the Tribe, and/or its governing body. As noted above, whenever approaching a consultation or early communication with Tribes, CalEPA and each of its boards, departments, and office should identify, based on input and direction from the affected Tribe(s), the appropriate Tribal representative(s) and point(s) of contact for the consultation. The following list of roles and responsibilities applies to CalEPA and its boards, departments, and office staff, when engaging in a tribal consultation.

| Role | Responsibilities |
|-------------------------------------|---|
| <p>Consultation Official</p> | <p>Consultation Officials generally direct the activities of CalEPA and each of its boards, departments, and office. As such, they have the authority to make decisions on behalf of CalEPA and/or CalEPA's respective boards, departments and office, and may consult directly with government officials, or leaders, representing a California Native American Tribe.</p> <p><u>CalEPA Consultation Officials:</u></p> <ul style="list-style-type: none"> ▪ Secretary for Environmental Protection ▪ Chair and Executive Officer of the Air Resources Board ▪ Chair and Executive Director of the State Water Resources Control Board ▪ Director of the Department of Pesticide Regulation ▪ Director of the Department of Toxic Substances Control ▪ Director of the Department of Resources, Recycling and Recovery ▪ Director of the Office of Environmental Health Hazard Assessment |
| <p>Authorized Designee</p> | <p>A Consultation Official may specifically identify and authorize an Authorized Designee to represent CalEPA and/or one of its boards, departments, or office during the consultation process. When authorized by a Consultation Official, an Authorized Designee has the authority to make decisions on behalf of CalEPA and/or any of its boards, departments, or office and can engage with Tribal government and other Tribal officials directly throughout the consultation process.</p> <p>In most circumstances, Consultation Officials may find that an Authorized Designee is necessary to engage in the decision-making required during the consultation process. Authorized Designees will often be executive, deputy, or program or division directors or managers, with some oversight responsibility over the matter, agency action or activity/ies underlying the consultation.</p> |

| Role | Responsibilities |
|--|---|
| | <p>Depending on the nature of the consultation and the issues raised, an Authorized Designee may even take an active role in all communication associated with the consultation. In instances where the Authorized Designee takes less of an active role, however, and where they delegate the day-to-day interactions associated with the consultation, they retain final decision-making authority with respect to the consultation. All substantive, and/or significant procedural decisions on the part of CalEPA and its boards, departments or office should, therefore, always come from the Authorized Designee, if not the Consultation Official directly.</p> |
| <p>Deputy or Assistant Secretary for Tribal Affairs</p> | <p>The Deputy or Assistant Secretary for Tribal Affairs reports directly to the Office of the Secretary for Environmental Protection and to the Secretary. The Deputy or Assistant Secretary works with staff at each of CalEPA's boards, departments, and office, to ensure effective government-to-government relations with Tribes, in accordance with CalEPA's Tribal Consultation Policy and this Protocol. The Deputy or Assistant Secretary provides advice on effective communication and consultation with Tribes, the development of any of board's departments' and office's own policies and protocols, and may participate in consultations. The Deputy or Assistant Secretary may also serve as a resource for Tribes to provide feedback on the effectiveness of consultations between Tribes, CalEPA and/or any of its individual boards, departments and office. When designated by the Secretary for Environmental Protection, the Deputy or Assistant Secretary may also act as an Authorized Designee for matters relating to CalEPA, or its boards, departments and office, as necessary.</p> |
| <p>Tribal Liaison</p> | <p>Each of the boards, departments and office within CalEPA should have at least one designated Tribal Liaison. This individual, or individuals, provide a main point of contact for Tribes and CalEPA, and/or its boards, departments, and office outside of the context of a specific consultation. A Tribal Liaison is generally responsible for responding to requests for information from Tribes; participating in outreach and/or other activities specific to Tribes, which include, but are not limited to: quarterly meetings with CalEPA's Tribal Advisory Committee and U.S. EPA's Region 9 Tribal Caucus, the State's annual Native American (Heritage) Day, and other events of interest to California Tribes. Tribal Liaisons are responsible for providing consistent briefings to the Deputy or Assistant Secretary for Tribal Affairs and their respective board, department or office Directors, regarding any developments, inquiries or concerns expressed by Tribal representatives with whom they are in contact. Tribal Liaisons may also receive requests or notice from Tribes seeking to learn about a specific project, agency action, or set of activities, and/or to engage in consultation. As such, they may (but are not required to) play a significant role during a consultation.</p> |

| Role | Responsibilities |
|----------------------------------|--|
| | <p>All Tribal Liaisons should maintain a regularly updated list of Tribal government contacts. Staff assigned to a consultation, including, but not limited to, a Staff Manager/Lead (defined below), should notify the Tribal Liaison about all initial contact with Tribes and their governments.</p> <p>Once the consultation process is underway, Tribal Liaisons are available to provide support to CalEPA and board, department or office staff, throughout the consultation process. Tribal Liaisons should also receive consistent briefings from a Staff Manager/Lead about the progress of consultations, and should provide reports on the same to the Deputy or Assistant Secretary for Tribal Affairs.</p> |
| Staff Manager/Lead | <p>A Consultation Official or their Authorized Designee should specifically identify a Staff Manager/Lead, as the staff member with the highest level of subject matter or project-specific expertise regarding the agency action, activity/ies, or lack thereof, underlying the need for consultation. When designated as such, this person is responsible for ensuring the timely communication of accurate and detailed project-specific information to the Tribe(s) involved in the consultation process. The Staff Manager/Lead will often be the project manager, permit writer, or lead staff person assigned to oversee a particular project, action or activity.</p> <p>Prior to making contact with any Tribe(s) participating in a potential or existing consultation, the Staff Manager/Lead <u>must</u> consult with the appropriate Tribal Liaison and/or the board's, department's, or office's, Authorized Designee to coordinate early communication with the potentially affected Tribe(s).</p> <p>With the support of the Tribal Liaison and/or the Deputy or Assistant Secretary for Tribal Affairs, the Staff Manager/Lead is responsible for ensuring that the Tribal representatives involved in consultation receive consistent progress or status reports regarding the matter underlying the consultation. The Staff Manager/Lead should convey these reports frequently, at a minimum, once a month, throughout the consultation.</p> |
| Governor's Tribal Advisor | <p>The Governor's Tribal Advisor serves as an important resource for all state agency and department staff engaged in any consultation process. The Governor's Tribal Advisor also serves as a direct link between California Native American Tribes and the Governor, and reviews state legislation and regulations affecting Tribes. CalEPA, and/or the appropriate board, department or office staff – the Consultation Official, Authorized Designee or the Deputy or Assistant Secretary for Tribal Affairs – must notify the Governor's Tribal Advisor of any proposed rule or other change in regulations that may affect California Tribes.</p> |

| Role | Responsibilities |
|--|---|
| <p>Point(s) of Contact for Consultation</p> | <p>In general, the Consultation Official, Authorized Designee, Tribal Liaison, and Staff Manager/Lead will closely coordinate communication with the appropriate Tribal contact(s) throughout the consultation process. Once the scope of the consultation has been determined, the Consultation Official or their Authorized Designee should decide who will serve as the consistent point of contact for the consultation. This role involves receiving and drafting all correspondence pertaining to the consultation, and ensuring timely and accurate project-specific communication to the appropriate tribal representative(s).</p> <p>As noted above, if the matter underlying the need for consultation is of a complex nature, and/or has the potential to significantly affect tribal resources, or a number of Tribe(s), the Consultation Official may wish to be involved in the consultation directly, or they may specify that the Authorized Designee do the same. In such circumstances, it may be appropriate for either the Consultation Official or the Authorized Designee to serve as the point of contact for consultation. In most situations, however, the Consultation Official or the Authorized Designee will determine whether the Tribal Liaison or the Staff Manager/Lead should serve as the point of contact. The Consultation Official or Authorized Designee should communicate their decision to the Deputy or Assistant Secretary for Tribal Affairs, who will sign off on the decision, or provide an alternative point of contact.</p> <p>No matter who serves as the point of contact during the consultation process, it is critical that CalEPA and each of its boards, departments and office maintain consistent communication with the Tribe(s) involved in the consultation, and that the point of contact ensure timely monthly reporting to the Deputy or Assistant Secretary for Tribal Affairs throughout the consultation.</p> |

PHASES OF CONSULTATION

Based largely on approaches used by the U.S. Environmental Protection Agency (U.S. EPA), this Protocol establishes four core phases of consultation that define CalEPA’s consultation process. A brief description of each phase is provided below, and a step-by-step flow chart can be found at Appendix A. As noted above, if an AB 52 consultation is required, specific deadlines set forth in CEQA, apply to the consultation. Those deadlines and related review requirements are not itemized or otherwise specifically described in this Protocol.

| Phase of Consultation | Brief Description of Each Phase in Consultation |
|------------------------------|--|
| Identification | CalEPA or its board, department or office staff identifies interested Tribes and evaluates whether the matter, proposed action or set of activities, has the potential to affect Tribes. During this phase, Tribal officials or representatives may also request consultation. |
| Notification | CalEPA or its board, department or office staff notifies Tribes of a matter, or matters, or proposed action or activity/ies that may be appropriate for consultation. CalEPA or its boards, departments or office will typically issue a notification letter to the affected Tribe(s), to notify them of the matter, project or activity that may affect them, their natural or cultural resources. |
| Input | Tribes provide input to CalEPA or the appropriate board, department or office staff, on the matter for which consultation is required. This may consist of a range of interactions including written communications, phone calls, and meetings, including a Leadership Meeting (described in the following). |
| Follow Up | CalEPA or its board, department or office staff, provide feedback to Tribes involved in the consultation, and explain how they considered their input in the final action or decision, in a letter signed by the appropriate Consultation Official. During this phase, staff should also provide a summary to the Deputy or Assistant Secretary for Tribal Affairs, which documents the consultation process, and explains any points of contention raised, as well as how Tribal concerns were addressed in the final decision. |

IDENTIFICATION OF INTERESTED TRIBES

Identifying Tribes for possible consultation may entail multiple steps. For instance, the potential effects of the matter, proposed agency action or activity/ies underlying the need for consultation may be of a regional scope, rather than centered at or around a specific location. In such circumstances, it may be necessary to inventory all Tribes that reside in the county or region where a particular project, action or activity may be located, and to identify them as potentially affected Tribe(s). In addition, because many Tribes were forcibly removed from their homelands, and others traditionally moved from place to place, both federally recognized and non-federally recognized Tribes may attach significance or interest to areas where they may not have physically resided for many years. To account for these circumstances, CalEPA and its boards, departments, and office should always make a reasonable and good faith effort to identify each Tribe with an interest in the county or region where a proposed action or the matter requiring consultation may have an effect. To facilitate this process, and for the purpose of this Protocol, CalEPA and its boards, departments, and office, should identify any Tribe that has formally communicated to the Native American Heritage Commission (NAHC), an express interest in the area where the agency action or activity/ies are located, as a potentially affected Tribe requiring notice, and possibly requiring consultation.⁶

| Steps | Considerations for Identifying Interested Tribes |
|------------------------------------|---|
| <p>Early Identification</p> | <p>The Early Identification process should generally consist of the following three steps, in order:</p> <ul style="list-style-type: none"> (1) Determining which Tribes might be affected by an agency action or activity/ies based on Tribal requests for information or consultation, and/or based on their participation in any ongoing decision-making processes relating to the matter, agency action or activity/ies as project proponents and/or real parties; (2) Referencing the List of Tribes by County that is contained in Appendix B and available on the CalEPA Tribal Affairs webpage, to determine which Tribes should receive notice of the matter, agency action or activity/ies;⁷ and (3) Submitting a request to NAHC for a list of potentially affected Tribes, notwithstanding those identified as potentially affected based on the above. |

⁶ There may be circumstances where the Tribe has received, and acknowledges receipt of notice, but declines consultation. Under such circumstances CalEPA staff and the staff and each of its boards, departments and office, should retain a copy of the Tribe's written declination in response to the notice and invitation to consult.

⁷ The California Department of Forestry and Fire Protection (CalFire) maintains a Native American Contact List in consultation with the Native American Heritage Commission for use by Registered Professional Foresters, CalFire's Project Managers, archaeologists, certified archaeological surveyors and consulting archaeologists. While this list cannot replace a list developed specifically for the purposes of any CalEPA activity or action with a Tribe, the list provides a framework of the minimum number of Tribes in any given County that may need to be contacted for a CalEPA tribal consultation.

| Steps | Considerations for Identifying Interested Tribes |
|--|--|
| | <ul style="list-style-type: none"> • A sample request form that can be used to request a list of potentially affected Tribes from NAHC is located in Appendix C. • The request to NAHC should be broad, and should cover the three areas specified above, including: <ol style="list-style-type: none"> (1) Tribes that may be potentially affected based on an expressed interest and/or involvement in the decision making process pertaining to the matter, agency action or activity/ies underlying the need for consultation; (2) Tribes that may be affected based on their presence on a County list; and (3) Tribes that may be affected based on their relationship to a specific geographic site or area, despite being located elsewhere. |
| <p>Contact and Consult with Native American Heritage Commission</p> | <p>Before moving beyond the identification stage, when an action has a specific location, consult with the NAHC to ensure that:</p> <ul style="list-style-type: none"> • No identified or cataloged sacred sites will be affected by the action or set of activities. (Pub. Resources Code, § 5097.94.) • No disturbance of a Native American archaeological or historic site will result from the action or set of activities. (Pub. Resources Code, § 5097.993.) • The appropriate Tribe(s) is identified for a potential consultation. <p>In the event that NAHC does not identify a sacred, cultural, archaeological or historic site, and does not present a recommendation for which Tribe(s) is/are appropriate for a potential consultation in a specific location, CalEPA may still consider consultation for those Tribes who have any interest in the county or region of the proposed action or activity/ies. CalEPA can identify those Tribes based on an interest in the matter, action or activity/ies expressed by the Tribe directly, or based on the Tribe appearing on a County list. In all circumstances, however, CalEPA staff, and the staff at any of its boards, departments and office, should consult with NAHC to first determine which Tribes have an expressed interest in the relevant geographic area, or may be potentially affected, based on the location of identified sacred, cultural, archeological and/or historic sites.</p> |

Resources: Appendix B – List of Tribes Available by County
 Appendix C – NAHC Sample Request Form

IDENTIFICATION OF MATTERS APPROPRIATE FOR CONSULTATION

CalEPA and its boards, departments, and office staff should consult with a Tribe when considering matters within the scope of Executive Order B-10-11 or subject to the requirements of AB 52. The Consultation Official, Authorized Designee and Staff Manager/Lead for CalEPA and/or the appropriate board, department or office will generally be responsible for consulting with the Deputy or Assistant Secretary for Tribal Affairs, and the appropriate Tribal Liaison, to determine whether a proposed matter, agency action or activities, affects Tribal communities. In addition to the advice and guidance received from the Deputy or Assistant Secretary for Tribal Affairs and the Tribal Liaison, the following factors should be considered in determining whether a matter warrants consultation:⁸

| Issues | Factors to Consider in Determining Whether a Matter Warrants Consultation: |
|--|---|
| <p>Matters Appropriate for Consultation</p> | <p>The broad scope of consultations described in Executive Order B-10-11 and required by AB 52 may involve a large number of regulatory and/or programmatic activities that are appropriate for consultation, including, but not limited to, the development of:</p> <ul style="list-style-type: none"> ▪ Legislation ▪ Regulations ▪ Rules ▪ Policies ▪ Permitting Decisions ▪ Data gathering ▪ Investments ▪ Infrastructure siting and design |
| <p>Determining Whether a Matter Affects a Tribe</p> | <p>In determining whether one or more Tribes may be affected by a proposed or ongoing matter, agency action or set of activities consider:</p> <ul style="list-style-type: none"> ▪ Whether the matter, agency action or set of activities concerns or is located in a county where a Tribe has identified an interest according to the NAHC. ▪ Whether the matter, agency action or set of activities has the potential to affect the public health, environmental quality, or economic vitality of a Tribal community. ▪ Whether the matter, agency action or set of activities has the potential to affect any cultural, traditional or subsistence resources of a Tribal community. ▪ Whether the matter has the potential to affect a Tribe’s trust resource(s) such as a water right, tourism, agriculture or other land interest. ▪ Whether the matter, agency action or set of activities relates to a facility owned or managed by a Tribe. |

⁸ It is important to note that in some instances, communication may be sufficient when considerations listed below are minimal or absent.

| Issues | Factors to Consider in Determining Whether a Matter Warrants Consultation: |
|--|---|
| | <ul style="list-style-type: none"> ▪ The amount of interest from Tribes generated from initial communication with Tribe(s). <p>A sample worksheet is located in Appendix D to help weigh these factors.</p> |
| Requests Initiated by Tribal Government | <p>Tribal governments may also request consultation on matters of their choosing. CalEPA and its boards, departments and office will attempt to honor a Tribal government's request, in consideration of the nature of the matter, agency action or activity, past consultation efforts, available resources, and timing considerations. In the event that CalEPA or one of its boards, departments, or office denies a Tribe's request to consult, CalEPA or the appropriate board, department or office should explain the reasons for denial in a formal denial letter that includes a named contact person, and their contact information for any questions.</p> <p>If not drafted by the Consultation Official directly, the appropriate Consultation Official should, at a minimum, review and sign any correspondence denying a request for consultation.</p> <p>In addition, before CalEPA or one of its boards, departments or office denies a Tribe's request to engage in consultation, the Deputy or Assistant Secretary for Tribal Affairs must be notified and must consent to denial of the request to consult after conferring with the appropriate Consultation Official about the basis for denial.</p> |

Resource: Appendix D – Sample Worksheet to Assess Consultation Factors

INITIATING CONSULTATION

Once a matter is determined to be appropriate for consultation, the Tribal Liaison or Authorized Designee should initiate the consultation process by sending a notification letter to each identified Tribe.

| Consultation Process Steps | Actions |
|---|--|
| Consultation Letter | <p>The consultation notification letter should:</p> <ul style="list-style-type: none"> ▪ Clearly describe the proposed matter, agency action or set of activities, and an applicable timeline for any agency decision making. ▪ If available, include maps, technical data, and other explanatory or supporting information. ▪ Define legal terms, technical terms, and acronyms. ▪ Propose timeframes for starting and ending the consultation. ▪ Identify a Staff Manager/Lead and a point of contact if the two are separate, who will work with the Tribe to arrange all aspects of the consultation. ▪ Request that the Tribe respond to the signatory of the notification letter within 30 days. ▪ Request that the Tribe provide the name of a Tribal representative who will serve as their point of contact for planning the consultation. ▪ Request any policy the Tribe may have regarding consultation with CalEPA and/or other federal and state agencies. ▪ Request that the Tribe provide any declination of consultation in writing. ▪ Include a courtesy copy to the CalEPA Deputy or Assistant Secretary for Tribal Affairs and the Governor’s Tribal Advisor. |
| Follow Up | <p>Whenever possible and depending on timing and number of Tribes involved, the consistent point of contact for the Tribe(s) – the Tribal Liaison, Staff Manager/Lead, or Authorized Designee – should follow up with a phone call or email to the Tribal representative(s) to ensure receipt of the letter and to encourage dialogue about the potential consultation. (See discussion above re: Point(s) of Contact.)</p> |
| Tribe Declines or Fails to Respond | <p>When a Tribe declines a request to consult or fails to respond, CalEPA’s consultation efforts will normally conclude. The point of contact should document steps taken to initiate consultation and the Tribe’s declination of consultation.</p> <p>In defining the time to respond to a request for consultation, CalEPA and its boards, departments, or office, should allow adequate time for a Tribe’s council meeting or other internal deliberations by the Tribe. Because many Tribal council meetings occur monthly, the time to respond should generally allow for a minimum of 30 days.</p> |

| Consultation Process Steps | Actions |
|--|--|
| Consultation Initiated by a Tribe | <p>CalEPA and its boards, departments, and office should generally consult with Tribes who request consultation when their action(s), activity/ies, or lack thereof, may affect the Tribe(s), according to the criteria outlined above. In some cases, it may be appropriate to defer the consultation until a later date when more information would be available to support a consultation process that is more effective and informed. When CalEPA or one of its boards, departments, or office receives a request to consult from a Tribe, the following steps should take place:</p> <ol style="list-style-type: none"> 1. Share the request for consultation. <ul style="list-style-type: none"> ○ Share the request with the Governor’s Tribal Advisor, the CalEPA Deputy or Assistant Secretary for Tribal Affairs, and the appropriate Tribal Liaison. 2. Acknowledge receipt of the consultation request. <ul style="list-style-type: none"> ○ After sharing with the Governor’s Tribal Advisor, the Deputy or Assistant Secretary for Tribal Affairs, and Tribal Liaison, the CalEPA or board, department or office staff listed above, should provide a written response to the Tribe within 14 days of receipt of the consultation request. The response letter should designate a point of contact to work with the Tribe and request that the Tribe identify a point of contact for the same purpose. The Governor’s Tribal Advisor, the CalEPA Deputy or Assistant Secretary for Tribal Affairs, and the applicable Tribal Liaison should be copied on the correspondence. 3. Refer to the criteria set forth in the Protocol, and applicable legal requirements set forth in AB 52, and elsewhere, and determine whether the matter has the potential to affect the Tribe(s) requesting consultation within 30 days of receipt the correspondence. 4. Send a written response to the identified Tribal official or point of contact, to confirm whether the Tribe’s request to consult has been accepted or denied. The response should come from, and be signed by, the Consultation Official. The Governor’s Tribal Advisor, the CalEPA Deputy or Assistant Secretary for Tribal Affairs, and the applicable Tribal Liaison should also receive a copy of the correspondence. |

PLANNING THE CONSULTATION

The Authorized Designee, Staff Manager/Lead or Tribal Liaison and authorized Tribal point of contact should address the following issues when planning for a consultation with the potentially affected Tribe(s).

| Planning Steps | Actions |
|--|---|
| Establishing Goals and Expectations | The Authorized Designee, Staff Manager/Lead or Tribal Liaison acting as the CalEPA point of contact, and the designated Tribal representative or contact, should work with their respective leadership to identify each party’s goals and expectations for the consultation. These should form the basis of the consultation plan and will guide the consultation process. |
| Consultation Polices | If the Tribe(s) involved in consultation have their own consultation policy/ies, the consultation parties should incorporate those policy/ies into the consultation planning and implementation. |
| Consultation Planning | <p>The CalEPA and board, department or office point(s) of contact and the Tribal representative(s) and/or point(s) of contact should work collaboratively to plan and structure the consultation process to address the parties’ identified goals and expectations in light of project or activity-related timelines.</p> <p>The parties should also discuss whether a written consultation plan is necessary, or whether verbal and email planning will suffice.</p> <p>The parties should use email or other form of correspondence to memorialize the consultation plan and to guide the consultation process based on the parties’ planning discussions.</p> |
| Scope and Number of Meetings | The consultation parties should use the planning process to determine whether they can discuss the matter(s) warranting consultation in a single meeting or series of meetings. They should also determine whether the matter, action, or activity/ies warrant the involvement of high-level leadership such as a program or division director, the Authorized Designee or Consultation Official – a Department Director, or the Secretary for Environmental Protection – and a high-level Tribal government representative. Even in such instances where high-level leadership involvement is not required throughout the entire consultation, it may be important to hold a leadership meeting with high-ranking officials as part of the consultation process. When requested by the Tribe engaged in consultation, a meeting with high-level officials should always be considered, and accommodated. |

| Planning Steps | Actions |
|--|---|
| Leadership Meeting and Location | <p>A leadership meeting is needed when requested by the Tribe(s) involved in the consultation, and/or when the need for one is identified based on the nature or extent of the potential or anticipated impact to Tribal resources.</p> <p>The need for or request for a leadership meeting should be determined as early as possible in the consultation process, and the date(s) should be set at the earliest opportunity.</p> <p>Leadership meetings should generally involve the Consultation Official directly, or their Authorized Designee; a program manager tasked with supervisory authority over the Staff Manager/Lead if appropriate; the board, department or office Tribal Liaison, or the Deputy or Assistant Secretary for Tribal Affairs; and Tribal government leaders or high-level representatives identified by the Tribe(s) involved in the consultation. Leadership meetings should occur in person whenever possible, and CalEPA staff should always consider conducting the leadership meeting on Tribal lands. When travel to a leadership meeting is impossible due to resources or time, the parties should consider meeting via video or telephone conference.</p> |
| Information Exchange | <p>The Authorized Designee or the Staff Manager/Lead and designated Tribal contact should discuss and determine, in detail, what information each party will need for effective consultation.</p> |
| Consultation Facilitation | <p>The Authorized Designee or the Staff Manager/ Lead and designated Tribal contact should discuss and agree on whether the consultation process, and/or the Leadership Meeting specifically, will require a facilitator. When a matter is large in scope or includes a high degree of complexity, the parties should consider hiring an independent third party to facilitate the consultation, if resources allow.</p> |
| Sensitive Information | <p>The Authorized Designee or the Designated Staff Manager/ Lead and the designated Tribal contact, in coordination with their respective leadership, should discuss confidentiality and public records at the outset of the consultation process. The Tribe may wish to share information that it considers sensitive and not for public release as part of the consultation. Some examples of cultural issues and resources may include protection of cultural and historic sites, protection of subsistence resources and traditional hunting, fishing and gathering areas, and protection of the ability of the Tribe to carry out traditional and cultural practices. Tribes may regard this information as highly confidential. ⁹ CalEPA and its boards, departments and office will protect</p> |

⁹ (See, e.g., Gov. Code § 6254(r) [specifying that records of Native American graves, cemeteries, and sacred places, and records of Native American places, features, and objects, are protected from disclosure under the Public Records Act].)

| Planning Steps | Actions |
|---|--|
| | <p>confidential information to the extent allowed by law and will return sensitive information to the Tribe upon request once consultation has ended.</p> <p>The Authorized Designee or the Staff Manager/Lead and appropriate Tribal representative(s) should work together to ensure early planning for the appropriate protection of all sensitive information exchanged through the consultation process. The protection of cultural resources and confidentiality concerns may be addressed by outlining a confidentiality process before the consultation meeting(s) take place. For example, a Tribe may have mapped the general area of a cultural resource without identifying a specific location. In early planning, the parties may agree that CalEPA and/or its board, department or office staff, can consider that area in making decisions, but will not release any specific information regarding its precise location or significance.</p> |
| <p>Consulting with Multiple Tribes</p> | <p>When offering to consult with more than one Tribe, CalEPA or the appropriate board, department or office should send a notification letter to each Tribe individually, to notify them of the matter, agency action or activities that are the subject of the consultation.</p> <p>When consulting with multiple Tribes, the most feasible approach may be to carry out coordinated consultation meetings in a centralized location, or through a video or telephone conference. The selected approach will depend on practical considerations such as the number and location of the Tribes involved. Coordinated consultations should be arranged in areas that can accommodate a large meeting and are central to the maximum number of affected Tribes. The Authorized Designee or Designated Staff Manager/Lead should discuss the coordinated consultation with each Tribe involved, to ensure mutual understanding of the consultation process. The early planning of coordinated consultations is of particular importance if one or more Tribes request individual government-to-government consultation.</p> |
| <p>Translation or Recording</p> | <p>There may be instances when a translator may be required for meaningful consultation. It is important to discuss the need for a translator prior to the consultation. It is also important to discuss in advance of a consultation meeting, whether the meeting will be recorded.</p> |

CONDUCTING THE CONSULTATION

Consultation should be conducted in good faith and in a manner of mutual respect. CalEPA and each of its boards, departments, and office should make a concerted effort to understand the Tribe’s priorities, perspective, and constraints. CalEPA’s authority, and the authority of its boards, departments, and office, is often subject to specific statutory and regulatory limitations. The extent to which CalEPA or any of its boards, departments, or office can address Tribal expectations through the consultation process will vary on a case-by-case basis.

| Consultation Steps | Issues to Consider and Actions in Consultation |
|---------------------------|---|
| Leadership Meeting | <p>Effective consultation will often call for a meeting with the Tribe at a leadership level, i.e., including a Consultation Official directly, or at a minimum their Authorized Designee. The Authorized Designee or the Staff Manager/Lead should seek advice from the Tribal Liaison and Deputy or Assistant Secretary for Tribal Affairs when considering a leadership meeting. The Authorized Designee or the Staff Manager/ Lead and designated Tribal contact should also discuss and agree on the arrangements for a Leadership Meeting in advance of the meeting, including planning the agenda and recording of minutes. The agenda at a Leadership Meeting should include, at minimum:</p> <ul style="list-style-type: none"> ▪ Introductions ▪ Statement of meeting purpose and identification of the matter, agency action or activity/ies prompting consultation ▪ Statements from each party that cover goals and expectations for the consultation ▪ Presentation of information by CalEPA or the appropriate board, department or office staff ▪ Presentation of information by the Tribe ▪ Discussion and input ▪ Identification of next steps in the consultation process |
| Meeting Closure | <p>Before the Leadership Meeting concludes, the following items should be reviewed:</p> <ul style="list-style-type: none"> ▪ Were the agenda items fully covered? ▪ Did everyone have an opportunity to contribute? ▪ Did everyone understand the issues? ▪ Did everyone understand the process for the action, activity/ies, or matter under consideration? ▪ Did everyone understand next steps for the consultation? ▪ Did the participants make any commitments regarding next steps? |
| Follow Up | <p>After the Leadership Meeting, CalEPA or the board, department or office, should send a letter to the Tribe summarizing the key issues discussed and note any follow-up items.</p> |

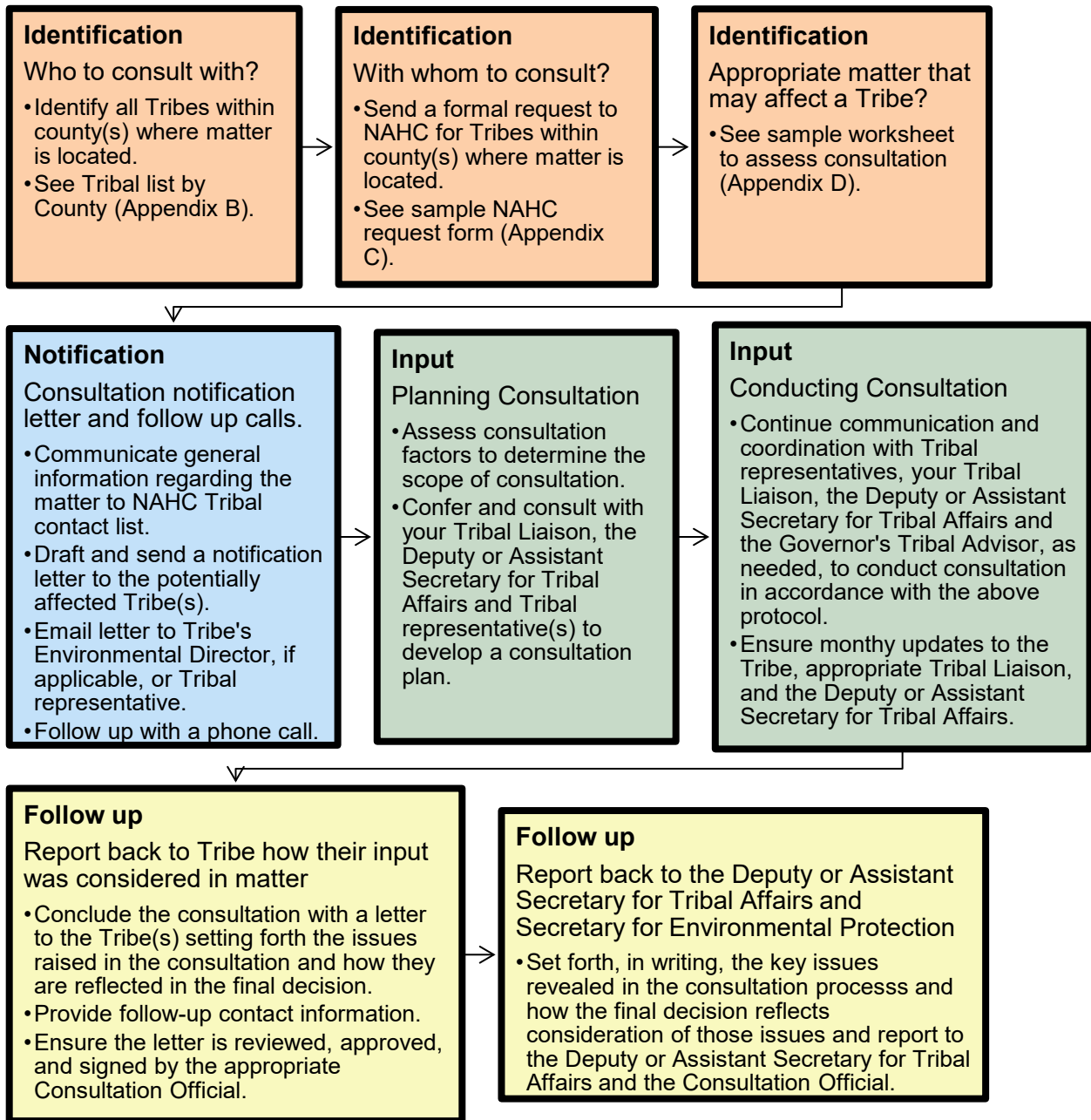
CONDUCTING THE CONSULTATION AND REPORTING BACK

When a consultation has concluded, CalEPA or its board, department or office staff should send a letter from the Consultation Official or Authorized Designee, to the most senior Tribal official involved in the consultation. In addition, the Staff Manager/Lead should prepare a summary of the consultation for the Deputy or Assistant Secretary for Tribal Affairs, and the Secretary for Environmental Protection, which contains the elements set forth below, and is reviewed and signed by the Authorized Designee or Consultation Official.

| Consultation Steps | Issues to Consider and Actions in Consultation |
|---|--|
| Consultation Summary Letter to Tribe | <ul style="list-style-type: none"> The follow-up letter after the conclusion of a consultation should be sent by a Consultation Official, to the most senior Tribal official or representative involved in the consultation and should include at least the following: An expression of thanks to the Tribe for its participation in the consultation; A summary of the Tribe’s input and concerns;¹⁰ A clear statement of the how the Tribe’s concerns were addressed; A statement of the final action taken; and A description of how the Tribe’s input and concerns were ultimately reflected in the final action. <p>A copy of the follow-up letter should be provided to the Secretary for Environmental Protection and the Deputy or Assistant Secretary for Tribal Affairs.</p> |
| Consultation Summary to Secretary for Environmental Protection | <p>After the consultation concludes, CalEPA or the appropriate board, department or office staff, including the Staff Manager/Lead and/or the Tribal Liaison, should prepare a summary of the consultation for the Secretary for Environmental Protection. The summary should include at least the following:</p> <ul style="list-style-type: none"> A clear description of the subject of the consultation. A concise description of the significant consultation meetings and communications; A summary of the Tribe’s input and concerns regarding the subject of the consultation; A description of the final action and how the Tribe’s input and concerns were considered in arriving at the final action; and Any necessary post-consultation action required of CalEPA or its boards, departments, or office. |

¹⁰ All confidential information, should remain only generally described in reporting.

Appendix A - Consultation Process Chart – Step by Step



APPENDIX B - LIST OF CALIFORNIA NATIVE AMERICAN TRIBES BY COUNTY

Below is a list of California Native American Tribes for reference. CalEPA recommends consulting with the California NAHC before communicating with Tribes to ensure the following: (1) no identified or cataloged sacred sites will be affected by the action. (Public Resources Code, § 5097.94); (2) no disturbance of a Native American archaeological or historic site will result from the action (Public Resources Code § 5097.993); and (3) the appropriate Tribe(s) is/are identified for a potential consultation. While this list can be used as a guide, CalEPA recommends each agency contact NAHC for the most updated list of Tribes.¹¹

Tribes with “NF” are non-federally recognized and the symbol ++ denotes more than one recipient requires notification and there may be more than one Tribe with the same name or similarly spelled name.

Alameda County

- Amah/Mutsun Tribal Band, NF, ++ [Alameda & Contra Costa, Monterey, San Benito, San Francisco, San Mateo, Santa Clara & Santa Cruz, & Merced]
- Costanoan Rumsen Carmel Tribe, NF [Monterey, San Francisco, San Mateo & Alameda]
- Indian Canyon Mutsun Band of Costanoan, NF [San Benito, Alameda, Contra Costa, Monterey, San Francisco, San Mateo, Santa Clara & Santa Cruz]
- Muwekma Ohlone Indian Tribe of the San Francisco Bay Area, NF [San Francisco, San Mateo, Alameda, Santa Clara, Santa Cruz & Contra Costa]
- The Ohlone Indian Tribe, NF [Alameda, Contra Costa, San Francisco, San Mateo & Santa Clara]

Alpine County

- Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches) [Alpine, El Dorado, Nevada, Placer, Sierra, Plumas & Lassen]
- Calaveras Band of Mi-Wuk Indians, NF, ++ [Calaveras, Amador, Alpine, San Joaquin & Stanislaus]

Amador County

- Buena Vista Rancheria of Me-Wuk Indians of California, NF [Amador, Sacramento, San Joaquin, Placer, El Dorado, Calaveras, Mariposa, Stanislaus & Tuolumne]
- Ione Band of Miwok Indians of California [Sacramento, Amador, San Joaquin, Calaveras & El Dorado]
- Jackson Rancheria of Me-Wuk Indians of California [Amador]
- Wilton Rancheria [Sacramento, San Joaquin, Amador, Calaveras, Contra Costa & El Dorado]
- Calaveras Band of Mi-Wuk Indians, NF (++) [Calaveras, Amador, Alpine, San Joaquin & Stanislaus]

¹¹ The California Department of Forestry and Fire Protection (CalFire) maintains a Native American Contact List in consultation with the Native American Heritage Commission for use by Registered Professional Foresters, CalFire's Project Managers, archaeologists, certified archaeological surveyors and consulting archaeologists. While this list cannot replace a list developed specifically for the purposes of any CalEPA activity or action with a California Native American Tribe, the list provides a framework of the minimum number of Tribes in any given County that may need to be contacted for a CalEPA Tribal consultation. The list may therefore serve as a useful as a reference for CalEPA and board, department or office staff when engaging in activities in any particular County.

Butte County

- Berry Creek Rancheria of Maidu Indians of California [Butte]
- Enterprise Rancheria of Maidu Indians of California [Butte, Yuba, Plumas, Tehama, Glenn, Colusa & Sutter]
- Greenville Rancheria [Plumas, Sierra, Butte, Lassen, Tehama & Shasta]
- KonKow Valley Band of Maidu, NF [Butte]
- Mechoopda Indian Tribe of Chico Rancheria [Butte & Sutter]
- Mooretown Rancheria of Maidu Indians of California [Butte]
- Maidu Nation, NF [Lassen, Plumas, Tehama, Yuba & Butte]
- T si-Akim Maidu T'Si-akim Maidu, NF, ++ [Plumas, Sierra, Nevada, Lassen, Butte, Yuba, El Dorado, Sacramento & Placer]

Calaveras County

- Buena Vista Rancheria of Me-Wuk Indians of California [Amador, Sacramento, San Joaquin, Placer, El Dorado, Calaveras, Mariposa, Stanislaus & Tuolumne]
- California Valley Miwok Tribe [San Joaquin, Calaveras, Madera & Stanislaus]
- Ione Band of Miwok Indians of California [Sacramento, Amador, San Joaquin, Calaveras & El Dorado]
- Wilton Rancheria [Sacramento, San Joaquin, Amador, Calaveras, Contra Costa & El Dorado]
- Calaveras Band of Mi-Wuk Indians, NF, ++ [Calaveras, Amador, Alpine, San Joaquin & Stanislaus]

Colusa County

- Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria [Colusa]
- Cortina Indian Rancheria of Wintun Indians of California [Colusa, Solano, Yolo & Napa]
- Enterprise Rancheria of Maidu Indians of California [Butte, Yuba, Plumas, Tehama, Glenn, Colusa & Sutter]
- Grindstone Indian Rancheria of Wintun-Wailaki Indians of California [Glenn & Colusa]
- Indian Canyon Mutsun Band of Costanoan, NF [San Benito, Alameda, Contra Costa, Monterey, San Francisco, San Mateo, Santa Clara & Santa Cruz]Paskenta Band of Nomlaki Indians of California [Colusa, Glenn & Tehama]
- Yocha Dehe Wintun Nation [Yolo, Colusa, Solano & Napa]

Contra Costa County

- Wilton Rancheria [Sacramento, San Joaquin, Amador, Calaveras, Contra Costa & El Dorado]
- Amah/Mutsun Tribal Band, NF, ++ [Alameda & Contra Costa, Monterey, San Benito, San Francisco, San Mateo, Santa Clara & Santa Cruz, & Merced]
- Indian Canyon Mutsun Band of Costanoan, NF [San Benito, Alameda, Contra Costa, Monterey, San Francisco, San Mateo, Santa Clara & Santa Cruz]
- Muwekma Ohlone Indian Tribe of the San Francisco Bay Area, NF [San Francisco, San Mateo, Alameda, Santa Clara, Santa Cruz & Contra Costa]
- The Ohlone Indian Tribe, NF [Alameda, Contra Costa, San Francisco, San Mateo & Santa Clara]

Del Norte County

- Elk Valley Rancheria [Del Norte]
- Resighini Rancheria [Del Norte]
- Smith River Rancheria [Del Norte]
- Yurok Tribe of the Yurok Reservation (++) [Del Norte & Humboldt]

El Dorado County

- Buena Vista Rancheria of Me-Wuk Indians of California [Amador, Sacramento, San Joaquin, Placer, El Dorado, Calaveras, Mariposa, Stanislaus & Tuolumne]
- Ione Band of Miwok Indians of California [Sacramento, Amador, San Joaquin, Calaveras & El Dorado]
- Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract) [El Dorado, Placer & Sacramento]
- United Auburn Indian Community of the Auburn Rancheria of California [Placer, El Dorado, Sacramento, Nevada, Yuba and Sutter]
- Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches) [Alpine, El Dorado, Nevada, Placer, Sierra, Plumas & Lassen]
- Wilton Rancheria [Sacramento, San Joaquin, Amador, Calaveras, Contra Costa & El Dorado]
- Nashville-El Dorado Miwok, NF [Sacramento & El Dorado]
- T si-Akim Maidu T'Si-akim Maidu, NF, ++ [Plumas, Sierra, Nevada, Lassen, Butte, Yuba, El Dorado, Sacramento & Placer]

Fresno County

- Big Sandy Rancheria of Western Mono Indians of California [Fresno]
- Cold Springs Rancheria of Mono Indians of California [Fresno]
- Santa Rosa Indian Community of the Santa Rosa Rancheria [Kings, Fresno, Tulare & Kern]
- Table Mountain Rancheria of California [Fresno & Kings]
- Dumna Wo-Wah Tribal Government, NF [Fresno, Madera & Merced]
- Dunlap Band of Mono Indians, NF [Fresno]
- Kings River Choinumni Farm Tribe, NF [Kings & Fresno]
- North Fork Mono Tribe, NF [Madera, Mariposa & Fresno]
- Traditional Choinumni Tribe, NF [Fresno]
- Wuksache Indian Tribe/Eshom Valley Band, NF [Madera, Fresno & Kings]

Glenn County

- Enterprise Rancheria of Maidu Indians of California [Butte, Yuba, Plumas, Tehama, Glenn, Colusa & Sutter]
- Grindstone Indian Rancheria of Wintun-Wailaki Indians of California [Glenn & Colusa]
- Paskenta Band of Nomlaki Indians of California [Colusa, Glenn & Tehama]

Humboldt County

- Bear River Band of the Rohnerville Rancheria [Humboldt]
- Big Lagoon Rancheria [Humboldt]
- Blue Lake Rancheria [Humboldt]
- Cher-Ae Heights Indian Community of the Trinidad Rancheria [Humboldt]
- Hoopa Valley Tribe [Humboldt & Trinity]]
- Karuk Tribe [Humboldt & Siskiyou]

- Round Valley Indian Tribes, Round Valley Reservation [Mendocino, Humboldt & Trinity]
- Wiyot Tribe [Humboldt]
- Yurok Tribe of the Yurok Reservation (++) [Del Norte & Humboldt]
- Tsnungwe Council, NF [Trinity & Humboldt]

Imperial County

- Campo Band of Diegueno Mission Indians of the Campo Indian Reservation [San Diego & Imperial]
- Chemehuevi Indian Tribe of the Chemehuevi Reservation [San Bernardino, Riverside & Imperial]
- Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California [Riverside, San Bernardino & Imperial]
- Ewiiapaayp Band of Kumeyaay Indians [San Diego & Imperial]
- La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation [San Diego & Imperial]
- Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation [San Diego & Imperial]
- Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona [Imperial & Riverside]
- Torres Martinez Desert Cahuilla Indians [Riverside & Imperial]
- Barbareno/Ventureno Band of Mission Indians, NF [Los Angeles, Imperial, Santa Barbara, San Luis Obispo & Ventura]
- Cocopah Indian Reservation, NF [Imperial & Riverside]
- Kwaaymii Laguna Band of Mission Indians, NF [San Diego & Imperial]

Inyo County

- Big Pine Paiute Tribe of the Owens Valley (++) [Inyo & Mono]
- Bishop Paiute Tribe (++) [Inyo & Mono]
- Death Valley Timbi-sha Shoshone Tribe [Inyo]
- Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation [Inyo]
- Lone Pine Paiute-Shoshone Tribe [Inyo]
- Kern Valley Indian Council, NF, ++ [Kern, Tulare, Inyo, San Bernardino, Los Angeles & Mono]
- Walker River Reservation, NF [Mono & Inyo]

Kern County

- Santa Rosa Indian Community of the Santa Rosa Rancheria [Kings, Fresno, Tulare & Kern]
- Tejon Indian Tribe [Kern]
- Tule River Indian Tribe of the Tule River Reservation [Tulare, Stanislaus, Kern & Kings]
- Chumash Council of Bakersfield, NF
- Kern Valley Indian Council, NF, ++ [Kern, Tulare, Inyo, San Bernardino, Los Angeles & Mono]
- Kitanemuk & Yowlumne Tejon Indians, NF [Los Angeles & Kern]
- San Fernando Band of Mission Indians, NF [Los Angeles, San Bernardino & Kern]
- Tubatulabals of Kern Valley, NF [Kern & Tulare]

Kings County

- Santa Rosa Indian Community of the Santa Rosa Rancheria [Kings, Fresno, Tulare & Kern]
- Table Mountain Rancheria of California [Fresno & Kings]
- Tule River Indian Tribe of the Tule River Reservation [Tulare, Stanislaus, Kern & Kings]
- Kings River Choinumni Farm Tribe, NF [Kings & Fresno]
- Wuksache Indian Tribe/Eshom Valley Band, NF [Madera, Fresno & Kings]

Lake County

- Big Valley Band of Pomo Indians of the Big Valley Rancheria [Lake]
- Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria [Lake]
- Habematolel Pomo of Upper Lake [Lake]
- Koi Nation of Northern California [Lake]
- Middletown Rancheria of Pomo Indians of California [Lake]
- Robinson Rancheria Band of Pomo Indians [Lake]
- Scotts Valley Band of Pomo Indians of California [Lake]

Lassen County

- Greenville Rancheria [Plumas, Sierra, Butte, Lassen, Tehama & Shasta]
- Pit River Tribe (includes XL Ranch, Big Bend, Likely, Lookout, Montgomery Creek and Roaring Creek Rancherias) (++) [Shasta, Modoc, Lassen & Siskiyou]
- Susanville Indian Rancheria [Lassen & Plumas]
- Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches) [Alpine, El Dorado, Nevada, Placer, Sierra, Plumas & Lassen]
- Honey Lake Maidu, NF, ++, Lassen
- Maidu Nation, NF [Lassen, Plumas, Tehama, Yuba & Butte]
- T si-Akim Maidu T'Si-akim Maidu, NF, ++ [Plumas, Sierra, Nevada, Lassen, Butte, Yuba, El Dorado, Sacramento & Placer]
- Wadatkata Band of the Northern Paiute of the Honey Lake Valley, NF [Lassen]

Los Angeles County

- San Manuel Band of Mission Indians [San Bernardino, Los Angeles & Riverside]
- Barbareno/Ventureno Band of Mission Indians, NF [Los Angeles, Imperial, Santa Barbara, San Luis Obispo & Ventura]
- Costal Band of the Chumash Nation, NF [Santa Barbara, San Luis Obispo, Ventura & Los Angeles]
- Fernandeno Tataviam Band of Mission Indians, NF [Los Angeles & Ventura]
- Gabrieleno Band of Mission Indians, NF [Los Angeles & Orange]
- Gabrieleno/Tongva San Gabriel Band of Mission Indians, NF [Los Angeles & Orange]
- Gabrieleno Tongva Nation, NF [Los Angeles, Orange, Riverside & San Bernardino]
- Gabrieleno-Tongva Tribe, NF [Los Angeles & Orange]
- Kern Valley Indian Council, NF, ++ [Kern, Tulare, Inyo, San Bernardino, Los Angeles & Mono]
- Kitanemuk & Yowlumne Tejon Indians, NF [Los Angeles & Kern]
- Calaveras Band of Mi-Wuk Indians, NF, ++ [Calaveras, Amador, Alpine, San Joaquin & Stanislaus]
- San Fernando Band of Mission Indians, NF [Los Angeles, San Bernardino & Kern]

Madera County

- California Valley Miwok Tribe [San Joaquin, Calaveras, Madera & Stanislaus]
- Northfork Rancheria of Mono Indians of California [Madera & Mariposa]
- Picayune Rancheria of Chukchansi Indians of California [Madera]
- Dumna Wo-Wah Tribal Government, NF [Fresno, Madera & Merced]
- North Fork Mono Tribe, NF [Madera, Mariposa & Fresno]
- North Valley Yokuts Tribe, NF [San Joaquin, Stanislaus, Merced & Madera]
- Southern Sierra Miwuk Nation, NF [Mariposa, Madera, Stanislaus, Merced & San Joaquin]
- Wuksache Indian Tribe/Eshom Valley Band, NF [Madera, Fresno & Kings]

Marin County

- The Federated Indians of Graton Rancheria [Marin, Sonoma & Napa]

Mariposa County

- Buena Vista Rancheria of Me-Wuk Indians of California [Amador, Sacramento, San Joaquin, Placer, El Dorado, Calaveras, Mariposa, Stanislaus & Tuolumne]
- Northfork Rancheria of Mono Indians of California [Madera & Mariposa]
- North Fork Mono Tribe, NF [Madera, Mariposa & Fresno]
- Southern Sierra Miwuk Nation, NF [Mariposa, Madera, Stanislaus, Merced & San Joaquin]

Mendocino County

- Cahto Tribe [Mendocino]
- Coyote Valley Band of Pomo Indians of California [Mendocino]
- Guidiville Rancheria of California [Mendocino]
- Hopland Band of Pomo Indians [Mendocino]
- Kashia Band of Pomo Indians of the Stewarts Point Rancheria [Sonoma & Mendocino]
- Manchester Band of Pomo Indians of the Manchester Rancheria [Mendocino]
- Pinoleville Pomo Nation [Mendocino]
- Potter Valley Tribe [Mendocino]
- Redwood Valley or Little River Band of Pomo Indians of the Redwood Valley Rancheria California [Mendocino]
- Round Valley Indian Tribes, Round Valley Reservation [Mendocino, Humboldt & Trinity]
- Sherwood Valley Rancheria of Pomo Indians of California [Mendocino]
- Noyo River Indian Community, NF [Mendocino]

Merced County

- Amah/Mutsun Tribal Band, NF (++) [Alameda & Contra Costa, Monterey, San Benito, San Francisco, San Mateo, Santa Clara & Santa Cruz, & Merced]]
- Dumna Wo-Wah Tribal Government, NF [Fresno, Madera & Merced]
- North Valley Yokuts Tribe, NF [San Joaquin, Stanislaus, Merced & Madera]
- Southern Sierra Miwuk Nation, NF [Mariposa, Madera, Stanislaus, Merced & San Joaquin]

Modoc County

- Alturas Indian Rancheria [Modoc]
- Cedarville Rancheria [Modoc]
- Fort Bidwell Indian Community of the Fort Bidwell Reservation of California [Modoc]

- Pit River Tribe (includes XL Ranch, Big Bend, Likely, Lookout, Montgomery Creek and Roaring Creek Rancherías) (++) [Shasta, Modoc, Lassen & Siskiyou]
- Klamath Tribe, NF [Siskiyou & Modoc]
- Modoc Tribe of Oklahoma, NF [Siskiyou & Modoc]

Mono County

- Big Pine Paiute Tribe of the Owens Valley (++) [Inyo & Mono]
- Bishop Paiute Tribe (++) [Inyo & Mono]
- Bridgeport Indian Colony [Mono]
- Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation [Mono]
- Kern Valley Indian Council, NF (++) [Kern, Tulare, Inyo, San Bernardino, Los Angeles & Mono]
- Mono Lake Indian Community, NF [Mono]
- Walker River Reservation, NF [Mono & Inyo]

Monterey County

- Amah/Mutsun Tribal Band, NF (++) [Alameda & Contra Costa, Monterey, San Benito, San Francisco, San Mateo, Santa Clara & Santa Cruz, & Merced]
- Costanoan Rumsen Carmel Tribe, NF [Monterey, San Francisco, San Mateo & Alameda]
- Indian Canyon Mutsun Band of Costanoan, NF [San Benito, Alameda, Contra Costa, Monterey, San Francisco, San Mateo, Santa Clara & Santa Cruz]
- Ohlone/Costanoan-Esselen Nation, NF [Monterey]
- Salinan Tribe of Monterey, San Luis Obispo Counties, NF [Monterey & San Luis Obispo]
- Xolon Salinan Tribe, NF [Monterey, San Benito & San Luis Obispo]

Napa County

- Cortina Indian Rancheria of Wintun Indians of California [Colusa, Solano, Yolo & Napa]
- The Federated Indians of Graton Rancheria [Marin, Sonoma & Napa]
- Yocha Dehe Wintun Nation [Yolo, Colusa, Solano & Napa]

Nevada County

- Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches) [Alpine, El Dorado, Nevada, Placer, Sierra, Plumas & Lassen]
- T si-Akim Maidu T'Si-akim Maidu, NF (++) [Plumas, Sierra, Nevada, Lassen, Butte, Yuba, El Dorado, Sacramento & Placer]

Orange County

- Gabrieleno Band of Mission Indians, NF [Los Angeles & Orange]
- Gabrieleno/Tongva San Gabriel Band of Mission Indians, NF [Los Angeles & Orange]
- Gabrieleno Tongva Nation, NF [Los Angeles, Orange, Riverside & San Bernardino]
- Gabrieleno-Tongva Tribe, NF [Los Angeles & Orange]
- Juaneno Band of Mission Indians, NF (++) [Orange, Riverside & San Diego]
- Juaneno Band of Mission Indians Acjachemen Nation, NF (++) [Orange, Riverside & San Diego]

Placer County

- Buena Vista Rancheria of Me-Wuk Indians of California [Amador, Sacramento, San Joaquin, Placer, El Dorado, Calaveras, Mariposa, Stanislaus & Tuolumne]

- Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract) [El Dorado, Placer & Sacramento]
- United Auburn Indian Community of the Auburn Rancheria of California [Placer, El Dorado, Sacramento, Nevada, Yuba and Sutter]
- Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches) [Alpine, El Dorado, Nevada, Placer, Sierra, Plumas & Lassen]
- T si-Akim Maidu T'Si-akim Maidu, NF (++) [Plumas, Sierra, Nevada, Lassen, Butte, Yuba, El Dorado, Sacramento & Placer]

Plumas County

- Enterprise Rancheria of Maidu Indians of California [Butte, Yuba, Plumas, Tehama, Glenn, Colusa & Sutter]
- Greenville Rancheria [Plumas, Sierra, Butte, Lassen, Tehama & Shasta]
- Susanville Indian Rancheria [Lassen & Plumas]
- Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches) [Alpine, El Dorado, Nevada, Placer, Sierra, Plumas & Lassen]
- Maidu Nation, NF [Lassen, Plumas, Tehama, Yuba & Butte]
- T si-Akim Maidu T'Si-akim Maidu, NF (++) [Plumas, Sierra, Nevada, Lassen, Butte, Yuba, El Dorado, Sacramento & Placer]

Riverside County

- Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation [Riverside]
- Augustine Band of Cahuilla Indians [Riverside]
- Cabazon Band of Mission Indians [Riverside]
- Cahuilla Band of Mission Indians of the Cahuilla Reservation [Riverside]
- Chemehuevi Indian Tribe of the Chemehuevi Reservation [San Bernardino, Riverside & Imperial]
- Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California [Riverside, San Bernardino & Imperial]
- Fort Mojave Indian Tribe of Arizona, California & Nevada [San Bernardino & Riverside]
- La Jolla Band of Luiseno Indians [San Diego & Riverside]
- Los Coyotes Band of Cahuilla and Cupeno Indians [San Diego & Riverside]
- Morongo Band of Mission Indians [Riverside & San Bernardino]
- Pala Band of Luiseno Mission Indians of the Pala Reservation [San Diego & Riverside]
- Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation [Riverside & San Diego]
- Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation [Riverside, San Diego & San Bernardino]
- Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona [Imperial & Riverside]
- Ramona Band of Cahuilla [Riverside & San Bernardino]
- Rincon Band of Luiseno Mission Indians of the Rincon Reservation [San Diego & Riverside]
- San Manuel Band of Mission Indians [San Bernardino, Los Angeles & Riverside]
- Santa Rosa Band of Cahuilla Indians [Riverside]
- Soboba Band of Luiseno Indians [Riverside, San Bernardino & San Diego]
- Torres Martinez Desert Cahuilla Indians [Riverside & Imperial]

- Twenty-Nine Palms Band of Mission Indians of California [San Bernardino & Riverside]
- Cocopah Indian Reservation, NF [Imperial & Riverside]
- Gabrieleno Tongva Nation, NF [Los Angeles, Orange, Riverside & San Bernardino]
- Juaneno Band of Mission Indians, NF (++) [Orange, Riverside & San Diego]
- Juaneno Band of Mission Indians Acjachemen Nation, NF (++) [Orange, Riverside & San Diego]
- San Luis Rey Band of Mission Indians, NF [San Diego & Riverside]
- Serrano Nation of Mission Indians, NF [San Bernardino & Riverside]

Sacramento County

- Buena Vista Rancheria of Me-Wuk Indians of California [Amador, Sacramento, San Joaquin, Placer, El Dorado, Calaveras, Mariposa, Stanislaus & Tuolumne]
- Ione Band of Miwok Indians of California [Sacramento, Amador, San Joaquin, Calaveras & El Dorado]
- Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract) [El Dorado, Placer & Sacramento]
- United Auburn Indian Community of the Auburn Rancheria of California [Placer, El Dorado, Sacramento, Nevada, Yuba and Sutter]
- Wilton Rancheria [Sacramento, San Joaquin, Amador, Calaveras, Contra Costa & El Dorado]
- Nashville-El Dorado Miwok, NF [Sacramento & El Dorado]
- T si-Akim Maidu T'Si-akim Maidu, NF (++) [Plumas, Sierra, Nevada, Lassen, Butte, Yuba, El Dorado, Sacramento & Placer]

San Benito County

- Amah/Mutsun Tribal Band, NF (++) [Alameda & Contra Costa, Monterey, San Benito, San Francisco, San Mateo, Santa Clara & Santa Cruz, & Merced]
- Gabrieleno Tongva Nation, NF [Los Angeles & Orange]
- Indian Canyon Mutsun Band of Costanoan, NF [San Benito, Alameda, Contra Costa, Monterey, San Francisco, San Mateo, Santa Clara & Santa Cruz]
- Xolon Salinan Tribe, NF [Monterey, San Benito & San Luis Obispo]

San Bernardino County

- Chemehuevi Indian Tribe of the Chemehuevi Reservation [San Bernardino, Riverside & Imperial]
- Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California [Riverside, San Bernardino & Imperial]
- Fort Mojave Indian Tribe of Arizona, California & Nevada [San Bernardino & Riverside]
- Morongo Band of Mission Indians [Riverside & San Bernardino]
- Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation [Riverside, San Diego & San Bernardino]
- Ramona Band of Cahuilla [Riverside & San Bernardino]
- San Manuel Band of Mission Indians [San Bernardino, Los Angeles & Riverside]
- Soboba Band of Luiseno Indians [Riverside, San Bernardino & San Diego]
- Twenty-Nine Palms Band of Mission Indians of California [San Bernardino & Riverside]
- Gabrieleno Tongva Nation, NF [Los Angeles, Orange, Riverside & San Bernardino]
- Kern Valley Indian Council, NF (++) [Kern, Tulare, Inyo, San Bernardino, Los Angeles & Mono]
- San Fernando Band of Mission Indians, NF [Los Angeles, San Bernardino & Kern]
- Serrano Nation of Mission Indians, NF [San Bernardino & Riverside]

San Diego County

- Campo Band of Diegueno Mission Indians of the Campo Indian Reservation [San Diego & Imperial]
- Capitan Grande Band of Diegueno Mission Indians of California: (Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation [San Diego])
- Ewiiapaayp Band of Kumeyaay Indians [San Diego & Imperial]
- Iipay Nation of Santa Ysabel [San Diego]
- Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation [San Diego]
- Jamul Indian Village of California [San Diego]
- La Jolla Band of Luiseno Indians [San Diego & Riverside]
- La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation [San Diego & Imperial]
- Los Coyotes Band of Cahuilla and Cupeno Indians [San Diego & Riverside]
- Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation [San Diego & Imperial]
- Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation [San Diego]
- Pala Band of Luiseno Mission Indians of the Pala Reservation [San Diego & Riverside]
- Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation [Riverside & San Diego]
- Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation [Riverside, San Diego & San Bernardino]
- Rincon Band of Luiseno Mission Indians of the Rincon Reservation [San Diego & Riverside]
- San Pasqual Band of Diegueno Mission Indians of California [San Diego]
- Soboba Band of Luiseno Indians [Riverside, San Bernardino & San Diego]
- Sycuan Band of the Kumeyaay Nation [San Diego]
- Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California [San Diego]
- Juaneno Band of Mission Indians, NF (++) [Orange, Riverside & San Diego]
- Juaneno Band of Mission Indians Acjachemen Nation, NF (++) [Orange, Riverside & San Diego]
- Ohlone/Costanoan-Esselen Nation, NF [Monterey]
- Kwaaymii Laguna Band of Mission Indians, NF [San Diego & Imperial]
- San Luis Rey Band of Mission Indians, NF [San Diego & Riverside]

San Francisco County

- Amah/Mutsun Tribal Band, NF (++) [Alameda & Contra Costa, Monterey, San Benito, San Francisco, San Mateo, Santa Clara & Santa Cruz, & Merced]
- Costanoan Rumsen Carmel Tribe, NF [Monterey, San Francisco, San Mateo & Alameda]
- Indian Canyon Mutsun Band of Costanoan, NF [San Benito, Alameda, Contra Costa, Monterey, San Francisco, San Mateo, Santa Clara & Santa Cruz]
- Muwekma Ohlone Indian Tribe of the San Francisco Bay Area, NF [San Francisco, San Mateo, Alameda, Santa Clara, Santa Cruz & Contra Costa]
- The Ohlone Indian Tribe, NF [Alameda, Contra Costa, San Francisco, San Mateo & Santa Clara]

San Joaquin County

- Buena Vista Rancheria of Me-Wuk Indians of California [Amador, Sacramento, San Joaquin, Placer, El Dorado, Calaveras, Mariposa, Stanislaus & Tuolumne]

- California Valley Miwok Tribe [San Joaquin, Calaveras, Madera & Stanislaus]
- Ione Band of Miwok Indians of California [Sacramento, Amador, San Joaquin, Calaveras & El Dorado]
- Wilton Rancheria [Sacramento, San Joaquin, Amador, Calaveras, Contra Costa & El Dorado]
- Calaveras Band of Mi-Wuk Indians, NF, (++) [Calaveras, Amador, Alpine, San Joaquin & Stanislaus]
- North Valley Yokuts Tribe, NF [San Joaquin, Stanislaus, Merced & Madera]
- Southern Sierra Miwuk Nation, NF [Mariposa, Madera, Stanislaus, Merced & San Joaquin]

San Luis Obispo County

- Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation [Santa Barbara, Ventura & San Luis Obispo]
- Barbareno/Ventureno Band of Mission Indians, NF [Los Angeles, Imperial, Santa Barbara, San Luis Obispo & Ventura]
- Costal Band of the Chumash Nation, NF [Santa Barbara, San Luis Obispo, Ventura & Los Angeles]
- Northern Chumash Tribal Council, NF [San Luis Obispo]
- Salinan Tribe of Monterey, San Luis Obispo Counties, NF [Monterey & San Luis Obispo]
- Xolon Salinan Tribe, NF [Monterey, San Benito & San Luis Obispo]

San Mateo County

- Amah/Mutsun Tribal Band, NF (++) [Alameda & Contra Costa, Monterey, San Benito, San Francisco, San Mateo, Santa Clara & Santa Cruz, & Merced)]
- Costanoan Rumsen Carmel Tribe, NF [Monterey, San Francisco, San Mateo & Alameda]
- Indian Canyon Mutsun Band of Costanoan, NF [San Benito, Alameda, Contra Costa, Monterey, San Francisco, San Mateo, Santa Clara & Santa Cruz]
- Muwekma Ohlone Indian Tribe of the San Francisco Bay Area, NF [San Francisco, San Mateo, Alameda, Santa Clara, Santa Cruz & Contra Costa]
- The Ohlone Indian Tribe, NF [Alameda, Contra Costa, San Francisco, San Mateo & Santa Clara]

Santa Barbara County

- Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation [Santa Barbara, Ventura & San Luis Obispo]
- Barbareno/Ventureno Band of Mission Indians, NF [Los Angeles, Imperial, Santa Barbara, San Luis Obispo & Ventura]
- Costal Band of the Chumash Nation, NF [Santa Barbara, San Luis Obispo, Ventura & Los Angeles]

Santa Clara County

- Amah/Mutsun Tribal Band, NF (++) [Alameda & Contra Costa, Monterey, San Benito, San Francisco, San Mateo, Santa Clara & Santa Cruz, & Merced)]
- Indian Canyon Mutsun Band of Costanoan, NF [San Benito, Alameda, Contra Costa, Monterey, San Francisco, San Mateo, Santa Clara & Santa Cruz]
- Muwekma Ohlone Indian Tribe of the San Francisco Bay Area, NF [San Francisco, San Mateo, Alameda, Santa Clara, Santa Cruz & Contra Costa]
- The Ohlone Indian Tribe, NF [Alameda, Contra Costa, San Francisco, San Mateo & Santa Clara]

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Santa Cruz County

- Amah/Mutsun Tribal Band, NF (++) [Alameda & Contra Costa, Monterey, San Benito, San Francisco, San Mateo, Santa Clara & Santa Cruz, & Merced]]
- Costanoan Ohlone Rumsen-Mutsen Tribe, NF [Santa Cruz]
- Indian Canyon Mutsun Band of Costanoan, NF [San Benito, Alameda, Contra Costa, Monterey, San Francisco, San Mateo, Santa Clara & Santa Cruz]
- Muwekma Ohlone Indian Tribe of the San Francisco Bay Area, NF [San Francisco, San Mateo, Alameda, Santa Clara, Santa Cruz & Contra Costa]

Shasta County

- Greenville Rancheria [Plumas, Sierra, Butte, Lassen, Tehama & Shasta]
- Pit River Tribe (includes XL Ranch, Big Bend, Likely, Lookout, Montgomery Creek and Roaring Creek Rancherias) (++) [Shasta, Modoc, Lassen & Siskiyou]
- Quartz Valley Indian Community of the Quartz Valley Reservation of California [Siskiyou & Shasta]
- Redding Rancheria [Shasta, Tehama & Trinity]
- Nor-Rel-Muk Nation, NF [Trinity & Shasta]
- Roaring Creek Rancheria, NF [Shasta]
- Shasta Nation, NF [Siskiyou & Shasta]
- Winnemem Wintu Tribe, NF [Shasta & Siskiyou]
- Wintu Tribe of Northern California, NF [Shasta, Siskiyou, Trinity & Tehama]

Sierra County

- Greenville Rancheria [Plumas, Sierra, Butte, Lassen, Tehama & Shasta]
- Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches) [Alpine, El Dorado, Nevada, Placer, Sierra, Plumas & Lassen]
- T si-Akim Maidu T'Si-akim Maidu, NF, (++) [Plumas, Sierra, Nevada, Lassen, Butte, Yuba, El Dorado, Sacramento & Placer]

Siskiyou County

- Karuk Tribe [Humboldt & Siskiyou]
- Pit River Tribe (includes XL Ranch, Big Bend, Likely, Lookout, Montgomery Creek and Roaring Creek Rancherias) (++) [Shasta, Modoc, Lassen & Siskiyou]
- Quartz Valley Indian Community of the Quartz Valley Reservation of California [Siskiyou & Shasta]
- Klamath Tribe, NF [Siskiyou & Modoc]
- Modoc Tribe of Oklahoma, NF [Siskiyou & Modoc]
- Shasta Nation, NF [Siskiyou & Shasta]
- Winnemem Wintu Tribe, NF [Shasta & Siskiyou]
- Wintu Tribe of Northern California, NF [Shasta, Siskiyou, Trinity & Tehama]

Solano County

- Cortina Indian Rancheria of Wintun Indians of California [Colusa, Solano, Yolo & Napa]
- Yocha Dehe Wintun Nation [Yolo, Colusa, Solano & Napa]

Sonoma County

- Cloverdale Rancheria of Pomo Indians of California [Sonoma]
- Dry Creek Rancheria Band of Pomo Indians [Sonoma]

- Kashia Band of Pomo Indians of the Stewarts Point Rancheria [Sonoma & Mendocino]
- Lytton Rancheria of California [Sonoma]
- The Federated Indians of Graton Rancheria [Marin, Sonoma & Napa]

Stanislaus County

- Buena Vista Rancheria of Me-Wuk Indians of California [Amador, Sacramento, San Joaquin, Placer, El Dorado, Calaveras, Mariposa, Stanislaus & Tuolumne]
- California Valley Miwok Tribe [San Joaquin, Calaveras, Madera & Stanislaus]
- Tule River Indian Tribe of the Tule River Reservation [Tulare, Stanislaus, Kern & Kings]
- Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California [Tuolumne & Stanislaus]
- Calaveras Band of Mi-Wuk Indians, NF (++) [Calaveras, Amador, Alpine, San Joaquin & Stanislaus]
- North Valley Yokuts Tribe, NF [San Joaquin, Stanislaus, Merced & Madera]
- Southern Sierra Miwuk Nation, NF [Mariposa, Madera, Stanislaus, Merced & San Joaquin]

Sutter County

- Enterprise Rancheria of Maidu Indians of California [Butte, Yuba, Plumas, Tehama, Glenn, Colusa & Sutter]
- Mechoopda Indian Tribe of Chico Rancheria [Butte & Sutter]
- United Auburn Indian Community of the Auburn Rancheria of California [Placer, El Dorado, Sacramento, Nevada, Yuba and Sutter]
- Strawberry Valley Rancheria, NF [Yuba & Sutter]

Tehama County

- Enterprise Rancheria of Maidu Indians of California [Butte, Yuba, Plumas, Tehama, Glenn, Colusa & Sutter]
- Greenville Rancheria [Plumas, Sierra, Butte, Lassen, Tehama & Shasta]
- Paskenta Band of Nomlaki Indians of California [Colusa, Glenn & Tehama]
- Redding Rancheria [Shasta, Tehama & Trinity]
- Maidu Nation, NF [Lassen, Plumas, Tehama, Yuba & Butte]
- Wintu Tribe of Northern California, NF [Shasta, Siskiyou, Trinity & Tehama]

Trinity County

- Hoopa Valley Tribe [Humboldt & Trinity]
- Redding Rancheria [Shasta, Tehama & Trinity]
- Round Valley Indian Tribes, Round Valley Reservation [Mendocino, Humboldt & Trinity]
- Nor-Rel-Muk Nation, NF [Trinity & Shasta]
- Tsnungwe Council, NF [Trinity & Humboldt]
- Wintu Tribe of Northern California, NF [Shasta, Siskiyou, Trinity & Tehama]

Tulare County

- Santa Rosa Indian Community of the Santa Rosa Rancheria [Kings, Fresno, Tulare & Kern]
- Tule River Indian Tribe of the Tule River Reservation [Tulare, Stanislaus, Kern & Kings]
- Kern Valley Indian Council, NF (++) [Kern, Tulare, Inyo, San Bernardino, Los Angeles & Mono]
- Tubatulabals of Kern Valley, NF [Kern & Tulare]

Tuolumne County

- Buena Vista Rancheria of Me-Wuk Indians of California [Amador, Sacramento, San Joaquin, Placer, El Dorado, Calaveras, Mariposa, Stanislaus & Tuolumne]
- Chicken Ranch Rancheria of Me-Wuk Indians of California [Tuolumne]
- Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California [Tuolumne & Stanislaus]

Ventura County

- Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation [Santa Barbara, Ventura & San Luis Obispo]
- Barbareno/Ventureno Band of Mission Indians, NF [Los Angeles, Imperial, Santa Barbara, San Luis Obispo & Ventura]
- Costal Band of the Chumash Nation, NF [Santa Barbara, San Luis Obispo, Ventura & Los Angeles]
- Fernandeno Tataviam Band of Mission Indians, NF [Los Angeles & Ventura]

Yolo County

- Cortina Indian Rancheria of Wintun Indians of California [Colusa, Solano, Yolo & Napa]
- Yocha Dehe Wintun Nation [Yolo, Colusa, Solano & Napa]

Yuba County

- Enterprise Rancheria of Maidu Indians of California [Butte, Yuba, Plumas, Tehama, Glenn, Colusa & Sutter]
- United Auburn Indian Community of the Auburn Rancheria of California [Placer, El Dorado, Sacramento, Nevada, Yuba and Sutter]
- Maidu Nation, NF [Lassen, Plumas, Tehama, Yuba & Butte]
- Strawberry Valley Rancheria, NF [Yuba & Sutter]
- T si-Akim Maidu T'Si-akim Maidu, NF (++) [Plumas, Sierra, Nevada, Lassen, Butte, Yuba, El Dorado, Sacramento & Placer]

TRIBES WITHIN CALIFORNIA, ARIZONA AND/OR NEVADA

(These Tribes are included within the Counties above.)

Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California [Riverside, San Bernardino & Imperial]

Fort Mojave Indian Tribe of Arizona, California & Nevada [San Bernardino & Riverside]

Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona [Imperial & Riverside]

Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches) [Alpine, El Dorado, Nevada, Placer, Sierra, Plumas & Lassen]

APPENDIX C - NATIVE AMERICAN HERITAGE COMMISSION REQUEST FORM

Sacred Lands File & Native American Contacts List Request

Native American Heritage Commission
1550 Harbor Blvd, Suite 100
West Sacramento, CA 95691
916-373-3710
916-373-5471 – Fax
nahc@nahc.ca.gov

Information Below is Required for a Sacred Lands File Search

Project: _____

County: _____

USGS Quadrangle Name: _____

Township: _____ **Range:** _____ **Section(s):** _____

Company/Firm/Agency: _____

Street Address: _____

City: _____ **Zip:** _____

Phone: _____

Fax: _____

Email: _____

Project Description:

APPENDIX D - SAMPLE WORKSHEET TO ASSESS CONSULTATION

This document is an internal planning tool intended to assist staff in determining whether a consultation may be required, and to prepare to seek advice from the appropriate Tribal Liaison, and/or the Deputy or Assistant Secretary for Tribal Affairs, in accordance with CalEPA's Tribal Consultation Policy, its Protocol and, relevant legal requirements.

I. Initial Determination if matter is the type appropriate for consultation and may affect Tribes.

a. Determine if the proposed matter falls under the following non-exclusive list of categories that may be appropriate for consultation:

- Legislation
- Regulation, rule or policy development
- Permitting decision or other permitting action
- Other – provide explanation below

b. Determine if the CalEPA matter in question may affect a Tribe or Tribes in any of the following ways:

- Geographic Considerations:** Matters within a county where a Tribe has identified an interest according to the Native American Heritage Commission. A Tribal interest may include a Tribe's historical preservation areas, resources, rights, or traditional way of life, including properties of cultural or historical significance to a Tribe.
- Matters that may affect the **public health, environmental quality, or economic vitality** of a Tribal community.
- Tribal Resources:** Matters that may impact Tribal resources, health, cultural, traditional or subsistence resources of a Tribe or a Tribe's way of life.
- Tribal Ownership:** Matters related to a facility owned or managed by a Tribal government.
- Other** – provide explanation below.

c. If the matter involves other state or federal partners, list them below:

II. Type and Level of Consultation Assessment (If the assessment above determines that a CalEPA board, department or office matter may affect a Tribe, then assess what type of consultation might be appropriate and check the appropriate box.)

| Type of Consultation | High Level | Medium Level | Low Level |
|--|------------|--------------|-----------|
| Complexity of the Matter | | | |
| Potential Implications for Tribes | | | |
| Time and Resource Constraints Relevant to Consultation Process | | | |
| Magnitude of Potential Tribal Impacts | | | |
| Number of Potentially Impacted Tribes | | | |
| Involvement of Tribal Sovereignty | | | |

III. Evaluation of Assessment of Potential Consultation (Evaluation of assessment in Section II above):¹²

| Level | Recommendation of What Type of Consultation May Be Appropriate |
|-------------------|---|
| All Low | Consultation issues can likely be addressed through an informal information exchange (mail or email) and communication with and a Tribe's authorized representative(s). |
| Low/Medium | Consultation may require informal teleconference meetings with the appropriately authorized Tribal representative(s) to exchange information regarding the matter, agency action or activities. |
| All Medium | Consultation may require a teleconference or in person meeting(s) with the authorized Tribal representative(s), the board, department or office Staff Manager/Lead, and, if appropriate or necessary, the Tribal Liaison, Deputy or Assistant Secretary for Tribal Affairs, or other Authorized Designee to support the Staff Manager/Lead. |

¹² In approaching all matters where consultation may be required, the staff's determination is subject to review and input from the appropriate Tribal Liaison, and/or the Deputy or Assistant Secretary for Tribal Affairs, Consultation Official, or Authorized Designee.

| Level | Recommendation of What Type of Consultation May Be Appropriate |
|-------------|---|
| Medium/High | Consultation may require in person meetings with authorized Tribal representative(s), the Staff Manager/Lead, a Tribal Liaison or the Deputy or Assistant Secretary for Tribal Affairs, and if appropriate or requested, an Authorized Designee or Consultation Official. |
| All High | Consultation may require higher level in person meetings, facilitated as appropriate, with authorized Tribal representative(s), including Tribal government leaders, a Consultation Official or Authorized Designee, the Staff Manager/Lead, and Tribal Liaison, or Deputy or Assistant Secretary for Tribal Affairs. |

IV. Tribal Consultation Process and Timeline: Consider consultation in the context of the project timeline for the matter, agency action or activity/ies requiring consultation, beginning with the date that the formal notification letter was sent to the Tribe, and including any dates where agency action is anticipated for the matter requiring consultation. This information should be incorporated into the notification letter.

| Date | Event |
|------|-------|
| | |
| | |
| | |
| | |
| | |
| | |

V. **Designated Staff Manager/Lead Recommendation for Consultation:** Based on the initial assessment the Designated Staff Manager/Lead recommends the following:

Tribal consultation is recommended

Tribal consultation is not recommended

Staff Manager/Lead recommends the following actions to accompany the process decision:

Briefing with Deputy/Assistant Secretary for Tribal Affairs is recommended

Briefing with CalEPA Secretary is recommended

Briefing with Governor's Tribal Advisor is recommended

Adoption

The California Environmental Protection Agency and its boards, departments and office hereby establish a Tribal Consultation Protocol (Protocol) to guide the agency's intergovernmental consultation and communication with California Native American Tribes.

By adopting this Protocol CalEPA intends to establish a process that recognizes the unique governmental status and historical relationship that Tribes have with the state, its agencies, and our shared natural and cultural resources; respects the interests and roles of Tribes and tribal leaders; and ensures the level of confidentiality required for the protection of tribal cultural resources. California Native American Tribes are experts in the location and preservation of some of the state's most valuable cultural resources. Their longstanding cultural and spiritual stewardship support us all in protecting those resources from harm.

We have much to continue to learn from our Tribal colleagues as stewards of our lands and as co regulators tasked with protecting health and the environment, as we are. It is our hope and intent that this Protocol serves to further enhance our partnership with Tribes across our state.

This Tribal Consultation Protocol was duly passed and adopted by the California Environmental Protection Agency in Sacramento, California, on February 20, 2020. This Protocol shall become effective upon the date from the signature of the Secretary of Environmental Protection.

Original signed Jared Blumenfeld
Secretary for Environmental Protection

February 20, 2020