

## **Advancing Tribal Health and Wellness through Meaningful Government-to-Government Consultation in State and Local Environmental Decision-Making**

State and local environmental agencies regularly make decisions with repercussions on the health and wellness of Tribes, particularly with respect to environmental health and the ability to maintain and continue to evolve traditional practices, language, and cultural identity. Meaningful government-to-government consultation has become a cornerstone to Tribal assertions of sovereignty, as Tribes have advocated for the passage of legislation that requires consultation on state decisions impacting their lands, economy, and culture.

Born out of an increasing frustration among California Native Tribes over Tribal priorities being overlooked by state and local agency decision-makers, Tribes advocated for the passage of two laws in California to improve Tribal government-to-government consultation. Senate Bill 18, enacted in 2004, requires cities and counties to notify and consult with Tribes prior to adopting or amending a general plan, to preserve or mitigate impacts to culturally significant places. Assembly Bill 52, enacted in 2014, amended the California Environmental Quality Act (CEQA) by setting out procedural and substantive requirements for lead agencies to consult with Tribes and consider potential impacts to “Tribal cultural resources” as part of the environmental analysis of a proposed project.

Over the last two years, the Environmental Law Institute (ELI) has been conducting this project to analyze Tribal consultation in the State of California through the perspective of Tribal health and wellness. ELI has focused on these California laws to examine how consultation policies promote Tribal sovereignty, increase the meaningful role of Tribes in environmental decision-making, have Tribally-relevant outcomes, and beneficially impact the holistic health of Tribal citizens. In doing so, the project team has developed a set of Indigenous Health Indicators (IHIs) for one partner Tribe and developed a series of whitepapers exploring the histories of SB 18 and AB 52, how they intersect with one another, case studies exploring how these laws operate in practice, and a survey of California Tribes’ experiences with consultation (a Table of Documents is provided below). Additionally, the project team developed a document that identifies gaps and opportunities within the existing legal consultation framework and has compiled recommendations and best practices from Tribes across the state, as well as from the research and case studies, that inform how state and local agencies can make meaningful improvements to their consultation processes.

## **Table of Documents**

### Summaries, Synthesis, and Analysis:

- Project Overview and Table of Documents
- Consultation Hub (Summary)
- Recommendations (Summary)
- Interview Synthesis (Rubric)
- Survey and Interview Analysis: Gaps and Recommendations (Analysis)

### Case Studies:

- Dry Creek Rancheria's Consultation Experience
- North Coast Resource Partnership
- Confidential Draft of Pechanga's Consultation Experience

### Overviews:

- AB 52
- CEQA
- Federal Tribal Consultation
- Hiring Preferences
- International Consultation
- Nexus Between AB 52 and SB 18
- SB 18 and Local Planning Framework

### Appendices

- AB 52 History (Appendix)
- Best Practices
- CA Tribal-relations History
- Cultural Resource Designations (Appendix)
- SB 18 History

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