



Local - Tribal Consultation

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Overview

- What is the county's role in consultation?
- What decisions do counties need to make?
- What are the roles of Supervisors versus planners?
- Confidentiality

County's Role in Consultation:

- Follow all the technical requirements of SB 18 and AB 52
- Negotiate in good faith
- Try to build relationships with tribes
- Maintain confidentiality
- Minimize legal liability
- Minimize further legislative changes

What decisions do counties need to make?

- Initial notification of GPA or project
- Initiation of consultation
- Conduct of consultation
- Conclusion of consultation
- Implementing the results of consultation

Government-to-Government Best Practices

- Respect tribal sovereignty
- Respect that each tribe is different
- High-level agency representatives
- Cannot rely upon applicant's consultant for consultation
- Project applicants can participate, but are bound by confidentiality requirements
- Good faith and reasonable effort
- Document everything

Role of Supervisors

- Communicate with tribal leaders
- Be conscious of tribal politics
- Potentially attend initial and final consultation meetings
- Support your staff
- Look for larger collaboration opportunities
- Be conscious when approving projects

Confidentiality

Q: What information must be kept confidential?

A: Any information submitted by a tribe during consultation or the environmental review process, except:

- Information that is publicly available
- Information lawfully possessed by the project applicant

Confidentiality

- Confidential Appendix
 - Confidential information obtained from a tribe should be contained in a confidential appendix to the environmental document
 - Includes communications, arch reports, etc.
 - **General description** goes into public document
- Tribal consent is required for public disclosure of any confidential information