Department of Conservation Tribal Consultation & Engagement Policy

Purpose

The California Department of Conservation (DOC or Department) is committed to meaningful, respectful, and transparent consultation and engagement with California Native American tribes (tribes)[1] as we strive to fulfill our vision for a "safe, sustainable environment for all Californians." The Department respects tribal sovereignty[2] and cultural sovereignty[3] and recognizes California tribes as sovereign governments with inherent rights to self-governance, cultural preservation, and protection of their ancestral lands, waters, and resources.

The Department recognizes that tribes possess unique cultural, historical, ecological, and place-based knowledge. California tribes have stewarded and cared for these lands since time immemorial. Tribal knowledge and leadership, cultural practices, and environmental stewardship are essential to the responsible management and protection of California's environment and natural resources. DOC recognizes that its actions may impact tribal cultural resources, sacred sites, traditional use areas, ancestral and tribal lands and landscapes, and community well-being. The Department seeks to ensure that tribal voices are heard, understood, and respected in decisions affecting lands, natural resources, energy development, mining, and cultural heritage, and are reflected in our policies, programs, and decisions.

Through ongoing consultation and relationship-building, DOC strives to ensure that tribal voices meaningfully inform departmental actions, decisions, policies, programs, and projects. DOC is dedicated to building trust, advancing equity, honoring tribal

[1] Per CNRA Tribal Consultation Policy, Appendix 1 - California Native American tribe is defined: California Native American tribes are those that are either recognized by the federal government pursuant to the annual list published under the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. Sec. 5131) in the Federal Register or non-federally recognized tribes located in California. Per Public Resources Code Section 21073 and for the purposes of the California Environmental Quality Act (CEQA), a California Native American tribe "means a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission for the purposes of the purposes of Chapter 905 of the Statutes of 2004."

[2] Tribal sovereignty refers to the inherent sovereignty of tribes to govern their nations, make decisions affecting their peoples, lands, cultures, and resources, and the right to engage in government-to-government relationships.

[3] Cultural sovereignty refers to the inherent right of tribes to preserve, protect, maintain, revitalize, and practice its cultures, traditional knowledge, languages, ceremonies, sacred and traditional places, and relationships and access to ancestral lands and waters.

sovereignty and cultural sovereignty, and fostering long-lasting partnerships with California tribes.

The Tribal Consultation & Engagement Policy (Policy) establishes a department-wide framework for meaningful, early, and ongoing tribal consultation and engagement across the Department. The Policy affirms DOC's commitment to engaging in respectful partnerships with tribes.

This Policy applies when DOC actions, projects, programs, activities, and decisions may have tribal implications or could impact tribal rights or interests, including but not limited to potential impacts to tribal cultural resources, tribal communities, tribal rights, sacred sites, traditional use areas, lands and landscapes, waters, and ancestral territories. DOC's actions and decisions may involve, but are not limited to, environmental, land, and resource conservation, economic vitality, energy, oil and gas, geothermal, carbon capture and sequestration projects and programs, or projects involving mining activities, including remediating abandoned mines. DOC actions or decisions may also involve the development and implementation of DOC regulations, grant programs and guidelines, and enforcement orders.

Each DOC division, in coordination with the Office of Tribal Affairs, shall promote and support appropriate collaboration with tribes in the planning, development, and implementation of its programs, projects, activities, and actions, including early coordination, information sharing, and relationship-building with tribes.

DOC shall interpret this Policy broadly to ensure early, often, and meaningful consultation whenever a Department action may have tribal implications or could affect tribal rights or interests.

This Policy is intended to implement and operationalize the California Natural Resources Agency's (CNRA) Tribal Consultation Policy within the Department of Conservation. This Policy serves as an addendum and complement to the CNRA Tribal Consultation Policy, and shall align with Executive Orders B-10-11 and N-15-19, Assembly Bill 52, and other relevant laws and statutes. In the event of any conflict between this Policy and the CNRA policy, the CNRA policy shall govern.

Policy Objectives

- Establish consistent tribal consultation and engagement implementation practices across DOC.
- Institutionalize early, often, and meaningful tribal consultation as a standard practice.
- Promote collaborative problem-solving, partnerships, and respect for tribal sovereignty and cultural sovereignty.

- Define roles and responsibilities of DOC's Office of Tribal Affairs and DOC staff engaging with tribes.
- Encourage tribal engagement beyond formal tribal consultation to build lasting relationships with tribes.

Office of Tribal Affairs

The Office of Tribal Affairs (Office or OTA) serves as the Department's central point of contact and coordination for tribal consultation and engagement. The Office cultivates relationships with tribes and carries out the Department's commitment to building and maintaining meaningful, respectful, and transparent relationships with tribal nations across the state, in alignment with the Governors' Executive Orders, CNRA's Tribal Consultation Policy, and state laws protecting tribal sovereignty, tribal cultural resources, and self-determination.

The OTA provides department-wide leadership, oversight, support, and coordination to ensure DOC divisions and programs consistently implement this Policy. The OTA shall work to ensure that tribal perspectives are meaningfully integrated into DOC's projects, programs, and decision-making processes. This includes facilitating early consultation, strengthening tribal understanding and coordination, and aligning DOC practices with principles of cultural humility, tribal and environmental stewardship, and historical accountability.

The Office of Tribal Affairs:

- Leads tribal consultation and engagement on behalf of the Department.
- Provides guidance on implementing tribal consultation and engagement.
- Develops tools and resources to support staff working with tribes.
- Tracks and reports on consultation meetings and outcomes to promote accountability.
- Supports transparency by communicating how tribal input informs decisions.
- Advances partnerships that honor tribal sovereignty and cultural sovereignty and support co-stewardship of California's lands, waters, air, and resources.
- Supports alignment with CNRA's tribal policies such as the Tribal Consultation Policy, Tribal Grant Administration Guidance, and Tribal Stewardship Policy.

The Office functions as a liaison and resource; it bridges DOC's scientific and regulatory background with traditional knowledge, priorities, and values of California tribes and tribal communities.

Roles.™.Responsibilities

Tribal Liaison

CNRA requires DOC to appoint a department tribal liaison. DOC's Tribal Liaison serves on the executive team and is DOC's primary point of contact with tribes and tribal leaders. As required by CNRA's Tribal Consultation Policy, the Tribal Liaison is formally designated by the Department Director to lead tribal consultation on behalf of the Department. The Tribal Liaison has authority to coordinate Department-wide tribal consultation activities and provide guidance and support to divisions and programs engaging with tribes, ensuring compliance with this Policy and CNRA policy.

The Tribal Liaison serves as the Department's lead for:

- Overseeing the implementation of this Policy across DOC.
- Administering and overseeing tribal consultation and engagement processes with tribes.
- Ensuring tribal perspectives are included in DOC's work, policies, programs, projects, and decisions.
- Serving as point of contact for California tribes, tribal leaders, and tribal communities.
- Developing and implementing policies, procedures, systems, and tools to ensure compliance with the Governors' and CNRA's directives for tribal affairs work.
- Providing tribal affairs training and resources to DOC staff.
- Supporting division/office/program liaisons and staff in tribal engagement efforts.
- Escalating concerns to Department leadership and/or the CNRA Deputy Secretary for Tribal Affairs when consultation obligations are not being met or when significant tribal concerns remain unresolved.
- Coordinating with CNRA Tribal Affairs, the Governor's Office of Tribal Affairs, and as necessary, other state tribal affairs offices and programs.

Division/Office/Program Liaisons

Each DOC division, office, program, and district office shall, as applicable, designate a liaison(s) to:

- Serve as a point of contact to the Office of Tribal Affairs on behalf of its respective division, program, office, team, or project.
- Work with the OTA to ensure engagement with tribes is early and done meaningfully.
- Coordinate with the OTA prior to issuing tribal notifications or public notices with potential tribal implications.
- Identify projects, programs, or matters that may require tribal consultation or tribal input.

- Help ensure division/office/program compliance with state mandates related to tribal affairs and this Policy.
- Help identify tribal concerns and issues relevant to their operations.
- Help facilitate integration of tribal perspectives into their projects and programs.
- Include or update the Tribal Liaison on any projects, programs, or matters that involve tribes or tribal input.
- Include or update the Tribal Liaison on communications with tribes.
- Inform their division leader of tribal outcomes and updates.

Divisions and programs shall maintain their own tracking and record-keeping system for tribal consultation and engagement activities for purposes of their programs' needs and administrative records, if needed, and shall further ensure that the OTA has a copy or access to the division or program's tribal engagement records. The OTA maintains the Department's official system of record for tribal consultation and engagement activities and ensures consistency, coordination, and institutional knowledge. If requested, the OTA will support divisions and programs in developing its tracking system or provide a tribal consultation and engagement tracking system template.

Division and program leadership are responsible for ensuring tribal consultation obligations are met, and that staff and liaisons coordinate with the Office of Tribal Affairs when projects or actions may have tribal implications or could impact tribal rights or interests.

Training & Capacity Building

Training is essential to ensure consistent and respectful relationship-building with tribes. The Tribal Liaison shall design and offer training, resources, and guidance for liaisons, DOC staff working with tribes, and DOC staff interested in expanding their knowledge of tribes. Divisions may, and are encouraged to, request resources, support, and training from the Office of Tribal Affairs. Training and resources may include but are not limited to the tribal consultation process and best practices, how to engage with tribes, cultural awareness, cultural humility, tribal sovereignty, cultural resources, Assembly Bill 52, and CNRA's Tribal Consultation Policy. The Office of Tribal Affairs should seek opportunities to develop and/or deliver tribal consultation training in partnership with tribes wherever practicable.

DOC contractors, consultants, and technical advisors who support DOC actions that have tribal implications shall receive appropriate direction regarding this Policy, confidentiality, tribal data sovereignty, and respectful tribal engagement practices and protocols.

CalHR Tribal Consultations Training: The Department Director, Chief Deputy Director, Tribal Liaison, Attorneys, Tribal Affairs staff, division/office/program liaisons, grant managers and staff of tribal grants and funding opportunities, archaeologists,

anthropologists, staff participating in tribal consultation meetings, and staff working or seeking to work with tribes shall complete the annual CalHR Tribal Consultations training. This training is open and available to all state employees; all DOC staff are encouraged to complete this training.

On-going learning: DOC staff are encouraged to participate in additional training and learning opportunities for greater understanding of California tribes, tribal cultures, and tribal histories.

Tribal Consultation & Engagement

Tribal Consultation[4]: the 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.

Tribal Engagement: Broader communication and information sharing, collaboration, and relationship-building with tribes. Tribal engagement activities may include direct outreach, roundtables, information or listening sessions, workshops, intertribal meetings, listservs, technical assistance or office hours, site visits, communications with tribal organizations, and partnership opportunities to ensure tribal perspectives are included in projects, programs, and policies.

It is the policy of DOC to consult and engage early, often, and meaningfully with tribes on DOC projects and actions that may have tribal implications or could affect tribal rights and interests. DOC will meaningfully consider tribal input throughout its decision-making processes, and where appropriate and within DOC's authority, incorporate tribal recommendations into Department actions and decisions. Where recommendations cannot be incorporated, DOC shall explain its basis for decisions when appropriate.

Tribal consultation is a formal process between DOC and a tribe(s) to meaningfully discuss potential tribal implications, including impacts to tribal cultural resources, lands and landscapes, rights, and other tribal interests, with the goal of reaching mutual understanding and where possible, consensus. Consultation is an ongoing process that includes timely notification to tribes, meaningful dialogue, consideration of tribal input, documentation and tracking, follow-up, and coordination with the consulting tribe. Tribal consultation may be required by law and policy and should meaningfully inform

[4] From CNRA Tribal Consultation Policy and under Government Code Section 65352.4

project planning, policy development, permitting, and other Department decisions by identifying opportunities to avoid, minimize, or appropriately address impacts to tribal rights and interests within DOC's authority. Where appropriate and within DOC's authority, consultation may identify project-specific measures, including tribal cultural resource monitoring, tribal review or advising, or other measures agreed upon.

Consultation is distinct from engagement. Tribal engagement complements consultation by supporting relationship-building, information sharing, and collaborative problem-solving; however, engagement shall not replace consultation or DOC's obligation to conduct formal consultation when consultation is required or appropriate. Both consultation and engagement are valuable and better inform the Department's decision-making.

Contractors and consultants may support tribal consultation by providing technical expertise, information, or other assistance as appropriate, but shall not lead consultation or serve as DOC's representative. DOC shall remain responsible and accountable for consultation, consideration of tribal input, and Department decision-making. Archaeological and technical studies, assessments, and reports shall not be viewed as tribal consultation or relied upon for determining whether a place, resource, or landscape has cultural significance to a tribe.

DOC's Tribal Consultation Process

DOC shall recognize each tribe's sovereign authority to determine who represents the tribe during consultation and how tribal decisions are made. The consultation process should occur in a manner that respects tribal protocols, schedules, and decision-making processes. The Office of Tribal Affairs is responsible for leading consultations with tribes. When seeking to engage or consult with tribes, DOC staff shall notify the Office of Tribal Affairs and Tribal Liaison. The Tribal Liaison conducts the tribal consultation meeting with a tribe on behalf of the Department with support from staff working on the project or action. Tribal consultation meetings shall be attended by staff deemed necessary to attend, and those with appropriate authority, project knowledge, or technical expertise to ensure informed and responsive dialogue.

When planning to consult with tribes, DOC shall identify the tribe(s) and locations that may be impacted by the project or action and provide written notice requesting consultation to potentially impacted tribes. DOC shall defer to tribes on how each tribe wishes to be consulted, including but not limited to its preferred points of contact, methods of communication, cultural protocols, and meeting formats and timelines when feasible. Consultation meetings may be conducted in-person at the tribe's office or headquarters, DOC offices, or remotely; DOC shall defer to the tribe's preference. DOC shall seek to identify opportunities for site or field visits or other collaborative discussions or events to improve shared understanding of potential impacts.

DOC shall initiate consultation at the earliest feasible point in a project or action when sufficient information is available to support meaningful tribal input and decision-making. Outreach to tribes includes adequate and reasonably developed information such as a clear project or program description, location, purpose and objectives, and known or potential impacts. When feasible, early consultation may begin during project conception or preliminary planning so that tribal perspectives can meaningfully inform project development.

Initial consultation notices to tribes should include, to the extent available: a plain-language project or action description; maps and GIS data; parcel, location, and Area of Potential Effect information; the DOC division, program, or decision involved and its timeline; DOC's role and authority; known statutory or regulatory deadlines; anticipated decision points; known or potential direct, indirect, and cumulative impacts; available environmental, cultural, technical, or planning documents; confidentiality procedures; the name and contact information for the DOC Tribal Liaison and project staff; and a clear explanation of how tribal input may inform DOC's decision.

To prepare for a tribal consultation meeting, DOC staff shall work with the Office of Tribal Affairs and Tribal Liaison to access training, resources, and guidance; develop an understanding of the tribe's background; and research potential tribal impacts. The Office of Tribal Affairs shall serve as a resource for staff preparation. Staff, in coordination with the OTA, shall track and record tribal outreach, consultation activities, engagement outcomes, and tribal requests to support transparency, accountability, and continuous improvement.

It is the policy of the Department to engage in good faith consultation and engagement with tribes and approach each as a collaborative process with genuine time to consider tribal perspectives and priorities.

Objectives.of.Consultation

DOC shall comply with CNRA's Consultation Objectives (CNRA Tribal Consultation Policy, "Objectives of Consultation," page 7):

1. Provide opportunities for tribal leadership and staff to express the tribe's priorities, views, and concerns, and in so doing, DOC staff to develop a clear understanding of tribal perspectives, needs, and concerns.
2. Share pertinent materials and data with a tribe in a timely fashion such that designated tribal leaders, representatives, and/or staff may make an informed decision on whether there are tribal implications and if, how, or when the tribe would like to consult.
3. Provide technical assistance and appropriate tribal consultation timelines that allow designated tribal leaders, representatives, and/or staff to process

information, schedule internal meetings, participate in external meetings, make informed decisions, and provide thoughtful comments and feedback.

4. Prioritize collaborative problem-solving as well as integration and advancement of tribal priorities and perspectives into DOC decision-making to the fullest extent possible.

When.to.Consult.with.Tribes.

DOC shall offer tribal consultation whenever a DOC action may have tribal implications or may affect tribal rights or interests. DOC shall take a broad, good faith approach in determining whether an action may have tribal implications. When uncertainty exists as to whether an action may have a tribal implication or whether consultation should be offered, DOC shall favor offering consultation. Consultation itself may assist DOC in identifying and understanding potential tribal implications.

Actions with potential tribal implications may include, but are not limited to, the development of policies, programs, guidelines, processes, projects, regulations, permitting, enforcement actions, strategic plans, planning documents, projects subject to CEQA review including consideration of actions that may be categorically excluded or exempted from CEQA or environmental review, funding and grant opportunities, memorandums of understanding, technical determinations, and actions required by legislation.

DOC shall apply a broad, good faith interpretation of potential tribal implications including consideration of direct, indirect, and cumulative impacts to tribal cultural resources, sacred sites, cultural landscapes, traditional use areas and gathering, ancestral lands or waters, tribal communities, religious or spiritual values, access to ancestral lands, tribal rights, trust lands, water rights, reserved rights, or other tribal interests. Potential impacts may include physical, cultural, spiritual, ceremonial, visual, ecological, intergenerational, or other impacts identified by the tribe.

When a DOC action may have tribal implications or affect tribal rights or interests, DOC shall offer consultation at the earliest feasible point and provide sufficient time and meaningful opportunity for tribal input before key decisions are made. DOC shall consider consultation needs and timelines early in the planning process, including key milestones and decision points, and provide tribes with meaningful opportunities to inform the action as it develops. Consultation should be ongoing, as appropriate, rather than limited to a single point in the decision.

Tribes may also initiate consultation outside of Department invitations. DOC shall make every reasonable effort to respond and coordinate a meeting with the requesting tribe within 30 days of receiving the request.

(CNRA's Tribal Consultation Policy, "Determining When to Offer Consultation" & "Action with Tribal Implications," page 9).

Consultation.Timeframes.™.Notification.Period

DOC shall provide sufficient time for meaningful tribal consultation before departmental actions are finalized. Early inclusion of tribal perspectives allows tribal knowledge, priorities, and concerns to inform project planning before key decisions are made or options become limited. As a best practice, DOC should plan for a 90-day consultation timeframe to provide tribes adequate opportunity to participate.

A shorter timeframe may be necessary for time-sensitive actions. A 60-day consultation period may be acceptable for time-sensitive matters or projects with approval from the Tribal Liaison and/or Director. A consultation period of 30 days or less shall be reserved for emergency actions with approval from the Tribal Liaison and/or Director. Shortened timelines should not limit ongoing consultation when a tribe is actively participating.

The consultation period begins when the invitation to consult is sent via letter or email or when a tribe requests consultation on a DOC action.

Emergency Notification

In emergency situations requiring immediate action to protect life, health, the environment, cultural resources, or property, DOC shall uphold the principles of early, often, and meaningful consultation to the fullest extent practicable. Where pre-action consultation is not feasible, DOC shall provide prompt notice to potentially affected tribes, make reasonable efforts to contact the tribe by both email and phone, and offer post-incident consultation or updates. The OTA shall maintain tribes' contact information and tribal emergency contact information. DOC staff shall coordinate with the Native American Heritage Commission and other appropriate sources, when needed, to identify potentially affected tribes and use lessons learned through emergency consultation to inform future emergency response protocols.

Consultation.Conclusion?Close_out?™.Transparent.Decision_making

DOC shall engage in consultation with the goal of reaching mutual understanding, and where possible, consensus with tribes regarding potential impacts, concerns, and appropriate actions. Consultation may conclude when DOC has engaged in good faith consultation efforts, meaningfully considered tribal input, and clearly communicated decisions and next steps. Consultation does not require agreement or consensus. When consensus cannot be reached, DOC will clearly communicate its decisions, rationale, and how tribal input was addressed in its decision-making process. When recommendations cannot be adopted due to legal, technical, or statutory restraints, DOC should explain those constraints when appropriate.

Consultation shall not be administratively closed solely because agreement has not been reached. Where tribal concerns remain unresolved, DOC shall make a good faith effort to address those concerns within its authority, communicate any constraints, and

identify any commitments or follow-up actions before consultation is closed. When a tribe requests continued consultation, DOC shall consider the request in good faith, consistent with applicable legal requirements and decision-making timelines.

Before administratively closing consultation, DOC shall provide the consulting tribe with a written summary identifying tribal concerns and recommendations, describing how input was considered or addressed, identifying any remaining unresolved issues, and providing reasonable opportunity to respond. Consultation close-out does not require concurrence from a tribe. Closing consultation shall occur only after the Department has made good faith efforts to address tribal concerns and has documented the consultation outcomes.

DOC will send a consultation close-out letter, when necessary, to tribes invited to consult on a project. The letter may include information pertaining to the project's next steps, ways to stay engaged, Office of Tribal Affairs contact information, project staff contact information, summary of consultation activities, note tribal concerns, and explain how tribal feedback was considered or addressed. The Office of Tribal Affairs maintains records of consultation activities and outcomes and will share with respective divisions, and in manner that protects confidential tribal information. During consultation close-out, DOC staff should identify and track ongoing commitments, follow-up actions, monitoring responsibilities and contracting, and future engagement opportunities.

When a tribe is actively participating in consultation, the consultation shall not be administratively closed solely due to the passage of time or closure of the notification period.

The Office of Tribal Affairs shall review and provide concurrence for the administrative close-out of consultation.

Coordination.with.the.Public.Review–Comment.Processes.

When a tribe has engaged in the consultation process on a DOC project or action, and the Department subsequently initiates a public review or public comment period, including a draft Initial Study, Mitigated Negative Declaration, Environmental Impact Report, or other document, DOC shall notify participating tribes of the public review period and provide relevant information on how to participate.

Public comment periods are not a substitute for tribal consultation. Tribal consultation shall remain a distinct, formal process and may occur before, during, or after public review periods, as appropriate.

Consultation.Responsibilities.When.DOC.is.Not.Lead.Agency

DOC recognizes its obligation to consult with tribes as an important duty when its actions or decisions may have tribal implications.

DOC shall independently determine whether consultation is required for actions within DOC's authority, including permits, funding decisions, approvals, enforcement orders, technical determinations, rulemakings, and other discretionary decisions, including projects that may be exempt or categorically excluded.

Consultation conducted by another agency does not automatically satisfy DOC's consultation responsibilities. DOC shall independently evaluate whether additional consultation is appropriate for decisions within DOC's authority and whether tribal concerns relevant to that authority have been meaningfully considered. DOC may coordinate with lead agencies and other responsible agencies to ensure tribal concerns are appropriately addressed and that consultations are aligned where possible. Consistent with CNRA Tribal Consultation Policy[5], when DOC is taking an action or has any authority over an action that has potential for tribal implications, DOC shall offer tribal consultation. Such consultation may be conducted solely by DOC or in collaboration with the lead agency. DOC may coordinate consultation with other agencies to support efficiency.

Consultation.™.Legal.Timelines

DOC will make every reasonable effort to conduct consultation early and allow for sufficient time for meaningful tribal participation.

Where statutory or regulatory timelines apply, DOC shall seek to integrate consultation into those timelines while still striving to engage tribes as early as feasible and prior to key or final decision-making. The Department should seek consensus with tribes where possible. Consultation does not require agreement where legal obligations require a decision within a defined timeframe.

Tribal.Capacity.™.Response

DOC recognizes that tribes may have varying staffing levels, capacity constraints, and consultation workloads that may prevent a tribe from responding to a consultation invitation, even if the tribe is interested in the issue or matter. DOC also recognizes that tribal capacity may fluctuate throughout the consultation process and shall strive to provide flexibility in scheduling meetings, sharing information, and project timelines when practicable to support meaningful participation.

Nonresponse from a tribe shall not be interpreted as consent, concurrence, or lack of interest or concern. As appropriate, DOC should continue to engage, provide project updates, and opportunities for consultation or engagement as the action or project progresses.

[5] CNRA's Tribal Consultation Policy, "Officials with Authority to Consult with Tribes," page 14

If a tribe clearly states that it has no interest in the DOC project or action, DOC will no longer contact the tribe on the particular action. However, if at a later time, the tribe seeks to reengage in consultation, DOC shall include the tribe in future considerations and notifications.

(CNRA Tribal Consultation Policy, "Definition of Tribal Consultation," page 6-7)

Confidentiality.™.Data.Protection

DOC recognizes that tribal consultation may involve the sharing of sensitive cultural, historical, or traditional knowledge, sites, and information. DOC is committed to protecting such information to the fullest extent permitted by law. DOC shall not collect confidential information without first verifying that legal protections and internal processes are in place to ensure confidentiality is protected. Information shared by tribes during consultation that pertain to tribal cultural resources, cultural landscapes, sacred sites, traditional knowledge, or other culturally sensitive matters shall be treated as confidential, consistent with applicable state and federal law, and shall not be disclosed without written tribal consent.

DOC shall avoid requesting detailed confidential cultural information unless necessary for the specific decision at issue and unless the tribe agrees to share such information. Before receiving confidential tribal information, DOC shall discuss with the tribe how the information will be used, stored, labeled, segregated, shared internally, protected from disclosure, and returned or destroyed where appropriate. DOC shall not include confidential tribal information in public documents, administrative records, GIS layers, databases, or public-facing materials without the tribe's prior written consent. DOC shall protect confidential tribal information from disclosure permitted by applicable law. If DOC believes disclosure may be legally required, DOC shall provide advance notice to the tribe and a meaningful opportunity to object, seek protection, or propose redactions.

DOC respects tribal data sovereignty and will work with tribes to determine appropriate handling, use, storage, and sharing of tribal information.

Department-wide Commitments

DOC leadership is committed to ensuring that tribal consultation and engagement are integrated across departmental programs, policies, projects, and decisions and that staff are equipped with the tools and support necessary to engage respectfully and effectively with tribes.

This Policy applies to all DOC divisions, offices, programs, teams, and staff, and shall be integrated into departmental planning, project development, rulemaking, permitting, grant administration, and other DOC processes.

DOC commits to:

- Respecting tribal sovereignty and cultural sovereignty.
- Engaging with tribes early and in good faith to understand tribal perspectives and meaningfully consider tribal input prior to final decisions.
- Providing transparency by sharing clear, accessible, and timely information throughout its processes.
- Supporting tribal participation through accessible meetings, culturally appropriate communications, and consideration of tribal priorities and tribal capacity needs.
- Protecting confidentiality for sensitive and cultural information.
- Building capacity and accountability.

DOC is committed to continually improving its tribal consultation and engagement practices and strengthening relationships with tribes. DOC and the Office of Tribal Affairs will periodically evaluate this Policy and its implementation and may identify opportunities for improvement in collaboration with DOC divisions, programs, and tribal partners. The OTA may develop guidance, tools, or training updates, as needed or requested, to support effective implementation of this Policy.

Failure to adhere to this Policy may result in project delays, progressive discipline or corrective action, additional training, revised procedures, or elevation to Executive leadership for resolution. DOC shall treat compliance with this Policy as a Department-wide responsibility and shall use implementation reviews, staff training, and executive oversight to promote accountability and continuous improvement.

Additional Resources for Staff:

- CNRA Tribal Consultation Policy
    - Appendix 1 – Definitions
    - Appendix 2 – Tribal Consultation Best Practices
    - Appendix 3 – Cultural Humility
- Governor's Office of Tribal Affairs
- CNRA Tribal Affairs
- Native American Heritage Commission