

To: Board Members
Through: Liane M. Randolph, Chair
From: Shannon Dilley, Assistant Chief Counsel and Tribal Liaison
Date: August 29, 2022
Re: Tribal Engagement on the 2022 Scoping Plan Update

Pursuant to Executive Order B-10-11, CARB is committed to strengthening and sustaining effective and respectful government-to-government relationships between the State of California and tribes by working to develop partnerships and consensus. Below outlines the tribal engagement that CARB staff have completed to engage with and include tribes in the Scoping Plan process to date.

Assembly Bill 52 (AB 52) (Gatto, Stats. 2014, ch. 532) Notification

- CARB sent AB 52 letters in July 2021 to tribes requesting notice for the “Notice of Preparation of Draft Substitute Environmental Document.”
- CARB received no responses.
- CARB sent AB 52 letters to tribes requesting notice in May 2022 for the “Notice of Preparation of Draft Environmental Analysis and Opportunity to Comment under CEQA.”
- CARB received one letter in response indicating the tribe “does not require consultation at this time” and indicating the tribe would like a copy of the final Environmental Analysis.

Natural & Working Lands Tribal Webinars

- CARB worked with the Bureau of Indian Affairs (BIA) to obtain their most current map of Reservation and Rancheria boundaries within California.
- CARB held two webinars for tribes to consider the BIA map of tribal land ownership for business-as-usual land management modeling for the Draft 2022 Scoping Plan Update.
- The webinars occurred on October 11, 2021 and October 14, 2021.
- 33 people attended total.
- CARB received feedback relating to exclusion of non-federally recognized tribes from the special data and tracking of individual tribal member ownership.
- CARB explained we are limited in our ability to identify individual properties that may be owned and managed by individuals that have any indigenous affiliation. CARB is not aware of any map of individual or non-federally recognized tribal lands. CARB also communicated that if tribes have maps of non-federally recognized tribally owned property boundaries, CARB would welcome that data for consideration.

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- After considering feedback from these two tribal webinars, the BIA map was selected to represent forest, shrubland and grassland that is directly managed by a California, federally-recognized tribal government.

Tribal Outreach Campaign

- On July 20, 2022, CARB physically mailed letters to all tribes in California asking them for consultation on the Draft 2022 Scoping Plan Update.
- On this same date, CARB emailed all tribal Chairpersons and Chiefs to let them know electronically as well.
- CARB also emailed 500 tribal representatives through its tribal listserv.
- CARB posted on its "Tribal Relations" website in the "What's New" section.
- CARB also sent the request letter to the following agencies and organizations:
 - Governor's Office
 - California Environmental Protection Agency (CalEPA)
 - CalEPA Tribal Advisory Committee
 - National Tribal Air Association
 - Native American Heritage Commission
 - Tribal Chairperson's Association (including all regional associations)
 - Native American Environmental Protection Coalition
- To date, CARB received seven responses total: four responses indicated that the tribes will not be requesting consultation and three responses requested consultation.

Tribal Listening Session

- CARB held a Tribal Listening Session on the Draft 2022 Scoping Plan Update on August 24, 2022.
- 38 people attended.
- CARB received feedback relating to ensuring tribal sovereignty is respected, protecting tribal landownership, best ways to create partnerships, opportunities for partnerships as well as things that could impact those partnerships, wildfire, life-cycle analysis, prioritization of in-state resources, and opportunities to get involved in the implementation phase.
- CARB responded with assurances that we support tribal sovereignty and respect tribal landownership, welcome partnerships and want to explore ways to make that happen, explained some technical aspects, and explained that each of the measures will provide another opportunity for tribes to get involved and consult.

Tribal Consultations

- Three tribes have requested consultation and CARB is in the process of scheduling these three consultations. CARB's Tribal Liaison mailed out consultation initiation letters, made phone calls, and engaged in emails for scheduling.

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- One tribal member indicated her tribe will be requesting consultation but has not sent the consultation request yet and has indicated that one other tribe intends to request consultation. CARB has not received consultation from either tribe. CARB has followed up but has received no response. When CARB receives these letters, CARB will schedule the consultations.
- CARB will also be consulting with southern California tribes from August 29, 2022 through August 30, 2022 in San Diego in a joint agency consultation (with California Public Utilities Commission and California Energy Commission).

EJAC

- CARB appointed its first tribal representative, Jill Sherman-Warne, to the AB 32 Environmental Justice Advisory Committee in March 2022 (<https://ww2.arb.ca.gov/news/carb-appoints-first-native-american-tribal-representative-environmental-justice-advisory>)

Next Steps

- CARB is collecting all tribal comments, requests, and suggested revisions.
- CARB plans to add language into the final Scoping Plan update in response to the concerns and comments raised as part of our consultation efforts.