

Best Practices for Consultation with California Indian Tribes

Honest, Open, and Meaningful Conversation

- Includes providing tribes/agencies with necessary information and the time to review it and active listening.
- Disagreements or limitations do not derail consultation efforts, so both good and bad news can be openly shared and discussed.

Involvement and Support of Tribal and State Leadership

- The active presence of tribal and state leaders contributes to meaningful, informed discussion during consultations and further strengthens the government-to-government relationship by demonstrating the involvement of members with policy-making authority from both the state and tribes.
- Make sure that the person you are consulting with is designated by the tribal government to speak on behalf of the tribe.

Relationship Marked by Mutual Respect and Trust

- Characterized by transparent, accurate, and open communication and a high degree of accountability.
- Respecting tribal confidentiality when handling sensitive information (consider including a provision about respecting tribal confidentiality in agreements with consultants and contractors). Understand that the discussion of confidential sacred site locations, burial locations, and tribal practices touches on spiritual matters and would not occur but for the possibility of protecting the tribe's cultural resources; think of how you would want your spiritual beliefs and practices respected and act accordingly.
- Existence of an agency tribal liaison
- Adopting a culturally appropriate perspective, underscored by familiarity with a tribe's culture and history.
- Early consultation on other related projects (i.e. state transportation planning)
- Tribes want to be involved in planning, not convinced to adopt the agency's plan
- Research cultural resources in the area before determining to undertake a project
- Be familiar with and respect tribal sovereignty

Collaborate on Planning the Consultation Meeting

- Agree on a venue that maximizes participation and minimizes travel expenses for all parties.
- Develop an agenda with the tribe in advance, agenda is straightforward
- To the extent possible, research any issues raised by either side before the meeting
- Share materials before the meeting

Multiple Contacts that Begin Early in the Process and Continue Throughout