



# California Land Acknowledgement and Tribal Consultation Toolkit for Serving American Indian and Alaska Native Students

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RELATIONSHIP BUILDING WITH TRIBAL GOVERNMENTS  
AND PARTNERS THROUGHOUT THE STATE

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California  
Community  
Colleges



## PURPOSE

The purpose of this tribal consultation toolkit is to encourage all faculty, staff, administrators and students to acknowledge the original Nations on whose land we work, learn and live. The California Community Colleges recognize that land acknowledgements provide a foundation for consultation and relationship building with Tribal governments and partners throughout the state. This toolkit was created in collaboration with the National Indian Justice Center, California Indian Museum and Cultural Center, California Indian Culture and Sovereignty Center and Naqmayam Communications. The land acknowledgement statement was developed in partnership with the California Tribal Chairpersons' Association. Most importantly, this toolkit provides historical and political context, important demographics and the processes and protocols for meaningful and consistent consultation with California Indian Tribes.

California community colleges should use this toolkit as a guide but not as an alternative to partnership with their local tribal nations. This document should be reviewed in its entirety.

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# LAND ACKNOWLEDGEMENTS OVERVIEW

## What is a land acknowledgement?

A land acknowledgement is a formal statement that recognizes and respects the Indigenous peoples as traditional stewards of this land, the enduring relationship that exists between Indigenous peoples and their traditional lands. This is an act of conciliation that makes a statement recognizing the traditional land of the Indigenous people who have called and still call the land home before and after the arrival of settlers. It is critical that a land acknowledgement does not merely frame the presence of Indigenous people in their ancestral territory in the past tense. A land acknowledgement must recognize their continued presence and relationship to their ancestral lands since time immemorial.

## Why do we recognize the land?

To recognize the land is an expression of gratitude and appreciation to those whose homelands you reside on and a recognition of the original people who have been living and working on the land from time immemorial. All of California is Indian land. Unfortunately, the legacy of genocide has contributed to the erasure of California Indian people throughout the state. It is important to realize the longstanding history that has brought you to reside on the lands and to seek to appreciate your place within that history. Land acknowledgements do not exist in past tense or outside historical context. They are significant to creating a meaningful and lasting relationship with Tribal representatives whose lands you currently share. They create opportunities to elevate Indigenous voices, perspectives and expertise in these shared spaces. Colonialism is an ongoing process, and we need to build our mindfulness of our present participation. The use of a land acknowledgement statement also encourages individuals to think about what it means to occupy space on Indigenous lands and what actions can be taken to move towards reconciliation. It is also worth noting that acknowledging the land is Indigenous/Tribal protocol and the practice establishes a respectful routine to increase visibility of Tribal members and descendants within their own homelands.

How and by whom a land acknowledgment is delivered matters. It should not be a formulaic recitation. It is important to understand that the land was not given away to settlers, nor were Tribes given reservations. The federal government acknowledged ownership and inherent sovereignty of Indian Tribes through the creation and ratification of treaties. Consequently, all the treaties established with Indian Tribes were violated by the federal government. Non-Tribal land throughout the state of California is unceded territory. By acknowledging the Indigenous people who have survived, despite extreme adversity, we respect and honor their strength.

A land acknowledgment is not something you “just do” before an event. Rather, it is a reflective process. It should be planned and developed in consultation with representatives from the Tribe(s) that are included in the land acknowledgment.

### How do we acknowledge the land?

The person giving the acknowledgment should be the host of the event or meeting themselves. They should also invite Tribal representatives from the ancestral territory the land acknowledgment is being given upon. If those representatives are unavailable, they can defer to another Tribal representative participating in the event.

We also encourage groups to collectively read aloud together the land acknowledgment, when possible. If the land acknowledgment is in virtual space, encourage participants to include the names of the Tribes whose territories they reside upon in the chat.

Include a formal thank you in the form of an honorarium and/or gift to the host nation whenever making a presentation or holding a meeting, *whether or not Indigenous individuals are part of the meeting or gathering.*

If you do not know the name of the Nation on whose land you are on, reach out to a local Tribal museum or nonprofit organization for assistance.

Be respectful and practice saying the name out loud. Engage with language speakers to learn pronunciation.

### IMPORTANT TO KNOW

It is the responsibility of the college to work with all tribes in an area rather than who is most willing.

If there are no federally recognized tribes in your area then go to the Native Land website at [native-land.ca](https://native-land.ca) as a resource to begin to locate tribes in your area.

Include diverse tribal perspectives and recognition of shared ancestral territory.



## HOW TO PREPARE LAND ACKNOWLEDGEMENTS

<b>Reach Out</b>	<p>Reach out to local Tribal institutions and Community Representatives.</p> <p>Apologize and acknowledge cultural value.</p> <p>Cast a wide net. Don't assume you are in a position to decide who is the best group to consult with.</p> <p>Admit that it is a beginning, you don't have all the answers and be humble/you don't need to assert your sense of expertise.</p>
<b>Create Relationships</b>	<p>Address legacy of colonialism.</p> <p>Meet them where they are. This could be their homes, or community centers.</p> <p>Storytelling is the traditional mode of transferring knowledge.</p> <p>Invest in relationships and time.</p> <p>Learn cultural protocols.</p>
<b>Integrate Change</b>	<p>Address Colonizing/Triggering Place names or lack of representations.</p> <p>Create an Advisory Council, increase native staff, co-curation, community programming, staff training, eliminate historical bias, include oral history, establish MOUs and Honor Native Elders.</p> <p>Compensate advisors, cultural bearers and youth.</p>
<b>Long-Term Process</b>	<p>Build trust over time.</p> <p>Be regular and consistent.</p> <p>Don't let non response or complexity stop the process.</p>

## Important Things to Know About a land Acknowledgement Statement

### WHO CAN USE A LAND ACKNOWLEDGEMENT STATEMENT?

Appropriate representative from the ancestral territory being acknowledged. If those representatives are not available then other California Native people. Should neither of these options be available then other American Indian people.

### WHEN TO USE A LAND ACKNOWLEDGEMENT STATEMENT?

Protocols and terminology that support the use of land acknowledgement statements can be unique to each region. Local tribal representatives should provide input on the use and frequency of these statements so they move beyond performance and toward substantive partnership.

### EXAMPLES OF WHEN TO USE A LAND ACKNOWLEDGEMENT STATEMENT INCLUDE:

- Before a special meeting or event
- The opening of any campus video
- The first day of class
- Graduation
- Sporting events
- Special guest presentations

### WHERE TO USE A LAND ACKNOWLEDGEMENT STATEMENT (FOR EXAMPLE PURPOSES ONLY):

- **Campus websites, brochures and other official documents.**

A Land Acknowledgement Statement should be used at all on campus activities and events, however, it is recommended when students, staff and faculty are at conferences or events representing California community colleges that they acknowledge whose land the campus, office or other area where the event is taking place is located from the Tribe(s) that are included in the land acknowledgement.

- **Place it in your syllabus.**

EXAMPLE: We acknowledge that the land on which we gather is the traditional territory of the Southern Pomo and Coast Miwok people.

Today, the meeting place of the Santa Rosa Junior College and its surrounding areas is still home to the Pomo, Wappo and Miwok people.

- **Consider developing an assignment to have your students read and learn the toolkit.**

EXAMPLE: Develop a quiz at the beginning of the semester and create questions that must be answered only after the toolkit is read.

- **Consider developing a land acknowledgement statement to follow your signature in emails. These can be abbreviated statements with links to resources.**

EXAMPLE: Jane Smith, Ph.D., Assistant Professor Department of Mathematics  
Office: XXX-XXX-XXXX Email: XXXXXXXXXXX

A guest on traditional, unceded Kumeyaay land. For more information, please go to XXX. (Provide a link to a tribal website or other resource that provides additional information).

## VIRTUAL LAND ACKNOWLEDGEMENT STATEMENTS

### Faculty Example – Virtual Land Acknowledgment

We acknowledge that this virtual classroom is taking place throughout the unceded territory of California, home to dozens of Tribal nations. As we begin this event, we acknowledge and honor the original inhabitants of our various regions. A land acknowledgement is a critical step toward working with Native communities to secure a meaningful partnership and inclusion in the stewardship and protection of their cultural resources and homelands. Let's take a moment to honor these ancestral grounds that we are collectively gathered upon and support the resilience and strength that all Indigenous people have shown worldwide. I am currently teaching online from my home in xxxxx which is on the traditional unceded territory of the xxxxxxxxxxxx.

### Student Example – Virtual Land Acknowledgment

We acknowledge that this virtual classroom is taking place throughout the unceded territory of California, home to dozens of Tribal nations. I acknowledge and honor the original inhabitants of our various regions. A land acknowledgement is a critical step toward working with Native communities to secure a meaningful partnership and inclusion in the stewardship and protection of their cultural resources and homelands. I recognize and honor these ancestral grounds that I reside and learn upon and support the resilience and strength that all Indigenous people have shown worldwide. I am currently learning online from my home in xxxxx which is on the traditional unceded territory of the xxxxxxxxxxxx.



## MODEL LAND ACKNOWLEDGEMENTS: THREE CASE STUDIES

### Cosumnes River College

Cosumnes River College worked collaboratively with Tribal community representatives to develop a land acknowledgement that honors Tribal culture and continuity in their ancestral territory. Additionally, they designed educational resources elevating California Indian history, sovereignty and culture. Their land acknowledgement states the following:

*“We acknowledge the land currently occupied by Cosumnes River College as the traditional home of the Miwok and Nisenan people. These sovereign people have been caretakers of the area since time immemorial. The state of California is home to more than 109 Federally Recognized Indian Tribes, representing the most diverse set of Tribal nations anywhere in the United States. Despite centuries of genocide and occupation, the Miwok and Nisenan people continue as vibrant and resilient federally recognized Tribes, bands, and rancherias. The waters of the Sacramento, American, and Cosumnes Rivers have nourished Miwok and Nisenan Tribal communities with cultural and dietary sustenance throughout time. ‘Cosumnes’ of Cosumnes River derives from the Plains Miwok language. Stemming from the words “kosumu,” meaning salmon and “umne,” meaning the place of, it translates as “The Place of the Salmon.” Today, we celebrate our Miwok and Nisenan Tribal neighbors as the ancestral stewards of this land and honor their sustained existence. It is with their blessing and continued guidance that Cosumnes River College seeks to provide an accessible, equitable, and principled institution of learning.”*

Their [website](#) also features information about why land acknowledgements are important and how they foster a community of “Promoting Education Through Respect.” They highlight additional resources about Miwok and Nisenan peoples, Wilton Rancheria, Native American Higher Education Resources, their commitment to a diversity campaign called, “We Won’t Fall” and videos featuring contemporary Tribal dancers, culture bearers and Tribal leaders.



**COSUMNES**  
RIVER COLLEGE

## MODEL LAND ACKNOWLEDGEMENTS: THREE CASE STUDIES, CONTINUED

### Palomar College

Palomar College developed their land acknowledgement in collaboration with regional tribal nations. The college engaged the guidance and support of a Native American Advisory council and consulted Professor Patricia Dixon, a member of their American Indian Studies faculty. The land acknowledgement states the following:

*“The resilient and continued presence of the Payómkawichum/Luiseño, the Kuméyaay/Ipai/Diegueño, the Kuupangaxwichem/Cupeño, and the Ívillyuatem/Cahuilla Nations compels Palomar College to take sustainable, respectful action to engage the land and its First People with justice and compassion as fellow human beings. Palomar College acknowledges it benefits from the unceded ancestral lands of these sovereign Nations and commits to promoting Indigenous knowledge systems and practices in its educational mission. Palomar College pledges to foster a successful learning environment that supports Indigenous students and engages the needs and concerns of the Nations who continue to occupy this land.”*

Professor Dixon has publicly expressed her support of the land acknowledgement, noting the importance of recognizing settler land dispossession but also highlighting the college’s commitment to future action. As a senior professor in American Indian Studies, Professor Dixon is committed to improving resources and support service for Native American students and believes that this type of land acknowledgement works to improve the campus climate in supporting Tribal community members.



## MODEL LAND ACKNOWLEDGEMENTS: THREE CASE STUDIES, CONTINUED

### College of the Redwoods

College of the Redwoods features a land acknowledgement at the beginning of each of their Board of Trustees meetings and publishes on the President/Superintendent’s blog. The land acknowledgement states the following:

*“We acknowledge that the land on which we are gathered today is unceded territory of the Wiyot people who continue to live and thrive on this land today. It is surrounded by the traditional, ancestral, and present homeland of several Indigenous nations including the Hupa, Karuk, Mattole, Tolowa, Wailaki and Yurok that makeup Humboldt and Del Norte Counties.”*

The land acknowledgement highlights the Wiyot peoples continued connection to their ancestral territory and is inclusive of regional Tribes and Tribal groups, both federally recognized and non-federally recognized. Additionally, the college took action in partnering with the Wiyot tribe to hold a cultural event to announce an annual “honor tax” to be paid by the college’s foundation in honor of the use of the Tribes ancestral land and to facilitate future partnerships around food sovereignty and interpretive signage educating campus community members about the tribe’s history and culture.



# TRIBAL MEANINGFUL CONSULTATION (TMC)

## Emphasizing Trust, Respect And Shared Responsibility

### **CONSULTATION WITH CALIFORNIA INDIAN TRIBES**

Consultation is a fundamental activity that the state of California undertakes. It should occur any time that a government action may impact a tribe, and there are specific laws and regulations that dictate when and how it is to occur. Without consultation, government actions may run counter to Tribal government's policies and hinder the cultural, social, and economic functions of Tribes. With consultation, Tribes have an opportunity to concretely impact public policy and real-life projects, thereby improving them.

Consultation with California Indian Tribes can include working with one or more federally recognized Tribes, non-federally recognized Tribes, and/or Tribal community representatives or descendants affiliated with the subject matter of the consultation. Non-federally recognized Tribes often have an elected Tribal governing body but may be organized as a nonprofit organization or other entity. California is home to approximately 200 Tribal groups. There are 109 federally recognized Tribes and at least 77 non-federally recognized Tribes. Additionally, there are thousands of individuals who are California Indians and can trace their lineage to Bureau of Indian Affairs census rolls but are not enrolled in either a federally recognized or non-recognized Tribe. Genocidal structures and institutional racism perpetuated complex definitions and categories of California Indian identities. Institutions must take time to understand these diverse experiences to successfully consult, collaborate and partner with California Indian communities.

Understanding the history and diversity among California Indians helps create a better working relationship between Tribes and California community colleges/districts. Every tribe is different and unique. Therefore, working with a Tribe will depend on meaningful consultation and addressing the individual needs of each tribe.

Let's explore consultation, federal and state laws and policies, and how consultation should occur.

### **CONSULTATION IN GENERAL**

Before engaging in consultation, it is important to understand what it is. According to the New Oxford American Dictionary, consultation is "the action or process of formally consulting or discussing."<sup>1</sup>

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<sup>1</sup> Oxford University Press, Inc., The New Oxford American Dictionary, 2005, Kindle E-Book copyright 2008.

Two things stand out from this definition:

- Consultation is a formal process.
- Consultation is a two-way discussion between parties.

Without either of these characteristics, consultation has not taken place. Consultation, then, should be an open and direct exchange of information between at least two parties.

While the law gives more guidance on consultation, it leaves much room for interpretation and adaptation for circumstances. Consultation is mentioned in several locations in both federal and state law, but formal definitions are few. One of the clearest definitions is found in Executive Order 13175 from November 2000: “An accountable process to ensure meaningful and timely input by Tribal officials in the development of regulatory policies that have Tribal implications.”<sup>2</sup> In short, agencies should work with Tribes when they develop policies, communicating and collaborating with them in an open, honest manner. The purpose of this is to see where the parties can identify potential inconsistencies or differences. The end goal of this process is, to a great extent, “strengthening the government-to-government relationship” with Tribes.<sup>3</sup>

When California community colleges/districts engage in activities or develop policies that affect California Indian Tribal rights, ancestral territories, cultural resources or community members they have a responsibility to act in a knowledgeable, sensitive and respectful manner.

### **CONSULTATION IS A PROCESS**

In addition, it is important to understand that consultation is a process, not a single event. As projects develop, they change according to the input received and changing situations. The following are important things to know about the process:

- The further a project or plan progresses, the more difficult it is to make changes and the more expensive the changes may be.
- To avoid this scenario, it is important for the project, policy, or plan proponent to seek input throughout the entire process from a Tribal government representative.
- As soon as a project is conceptualized and potential Tribal impacts are identified, the agency should contact the tribe.
- Tribes can take proactive measures to become involved, such as attending meetings and hearings, sending in comments, and reaching out to federal, state, and local agencies.

Indeed, agencies should engage Tribes from the outset to ensure that sincere, good faith efforts at consultation take place. The recommendations for consultation are the following:

- Communicating with the tribe early.
- Informing the tribe of any updates.
- Giving the Tribes opportunities to provide input into the process.
- Being completely honest with Tribal representatives

<sup>2</sup> Government Printing Office, “Executive Order 13175 – Consultation and Coordination with Indian Tribal Governments.” 2000, <https://www.gpo.gov/fdsys/pkg/WCPD-2000-11-13/pdf/WCPD-2000-11-13-Pg2806-2.pdf>, accessed on August 26, 2016.

<sup>3</sup> Barack Obama, Nov 5, 2009, “Presidential Memorandum on Tribal Consultation.” <https://obamawhitehouse.archives.gov/the-press-office/memorandum-tribal-consultation-signed-president>, accessed on August 26, 2016.

### TRIBAL MEMBERSHIP CAN ALSO BENEFIT FROM CONSULTATION

In addition to state and local agencies benefiting from consultation, Tribes stand to gain much through the consultation process. Tribal community members need access to many of the same vital services that non-Tribal people need: transportation to doctor's appointments, jobs, shopping, and socializing. Consultation allows all parties to develop government services that reflect their communities' needs and values. Moreover, state, and local agencies generally have larger tax bases than Tribes, and consultation allows Tribes to leverage those monies with Tribal monies to build projects or provide services that would otherwise have been out of reach.

### TRIBAL SOVEREIGNTY

One key concept underpinning relations with Indian Tribes is sovereignty. Sovereignty is the right to make one's own laws and be governed by them. Sovereignty is a right inherent to Tribes, which for the original inhabitants of California existed before the formation of the United States. Federal recognition of a tribe is the acknowledgment of this sovereignty by the federal government. The federal government also has a trust relationship with Tribes, which means that it has certain enforceable obligations to protect their interests for future generations.<sup>4</sup>

Through this trust over relationships and a tribe's inherent sovereignty, Tribes are able to engage in self-governance without interference from states. Self-governance allows American Indian Tribes to protect their unique land holdings, cultures, and identities and to remain viable as sovereign nations. Tribes exercise self-governance by passing ordinances, promoting cultural practices, and providing public services similar to those offered by states, cities, and counties. Although Tribal governments have the authority and responsibility to provide basic services to their members, including transportation services, some Tribes do not have the means or resources to do so.

Tribal sovereignty is a complex legal concept that is affected by laws and Supreme Court rulings. Tribes often must defend their sovereignty from intrusion by state and local governments, which often seek to enforce state laws on Tribal land. Jurisdiction, then, can be complex due to vague statutes or court rulings. One federal law, Public Law (P.L.) 280 (1953), gave California and several other states<sup>5</sup> criminal jurisdiction over Tribal lands but not civil regulatory jurisdiction. Because the distinction between criminal jurisdiction and civil regulatory jurisdiction can sometimes be complex, law enforcement on Tribal lands has become more complicated and problematic for both Tribes and the affected states under P.L. 280.

One legal principle that protects Tribal governments while carrying out duties is sovereign immunity. Sovereign immunity allows Tribal governments to carry out their governmental duties while being shielded from lawsuits challenging their actions or decisions. This means that they cannot be sued without their consent or congressional authorization. Tribal sovereign immunity thus makes cooperation between Tribes and state agencies vital to project development. Government agencies and Tribes should resolve disputes before project agreements are signed and implementation begins.

### CONSULTATION UNDER STATE LAW

At the state level, Governor Edmund G. Brown Jr. emphasized the importance of Tribal-state relations through the creation of the Office of the Tribal Advisor (Executive Order B-10-112) in 2010. Thus, there are several laws that mandate consultation with California Native American Tribes. Senate Bill 18 requires city and county governments to engage in consultation with Tribes to protect traditional Tribal cultural places through local land use planning. The California

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4 Internal Revenue Service, "FAQ #1 Answer-What is a 'Trust Relationship'?" 2015, <https://www.irs.gov/government-entities/indian-tribal-governments/faq-1-answer-what-is-a-trust-relationship>, accessed on August 26, 2016.

5 The original states were California, Minnesota, Nebraska, Oregon, Wisconsin, and Alaska (then a territory). This list now includes, in whole or part, the above states and Nevada, Florida, Idaho, Iowa, Washington, South Dakota, Montana, North Dakota, Arizona, Utah. See Jerry Gardner and Ada Pecos Melton, "Public Law 280: Issues and Concerns for Victims of Crime in Indian Country," No Date, <http://www.tribal-institute.org/articles/gardner1.htm>, accessed on August 26, 2016.

Legislature passed Assembly Bill 52 in September 2014. This law requires a lead agency under the California

Environmental Quality Act (CEQA) to analyze a project for impacts on Tribal Cultural Resources (TCR) and engage in consultation with those affected Tribes that have requested it. Potential Tribes include not only federally recognized Tribes but also other Tribes that are on the Native American Heritage Commission (NAHC) list established under Senate Bill (SB) 18 of 2004.<sup>6</sup> Since 2001, Assembly Bill 978, The California Native American Graves Protection and Repatriation Act (CalNAGPRA) requires consultation with California Native American Tribes for all state-funded agencies, including California community colleges/districts, and museums that have possession or control of Native American remains or cultural items. In 2018, Assembly Bill 2836 amended CalNAGPRA to further mandate consultation and system-wide policy reforms to be made specifically by the regents of the University of California. As recently as 2020, CalNAGPRA was again amended by Assembly Bill 275. This bill revised the definition of “California Indian tribe” to include both a tribe that meets the federal definition of an Indian tribe and a tribe that is not recognized by the federal government, but is a Native tribe located in California that is on the list maintained by the Native American Heritage Commission. It also requires further consultation with California Indian Tribes during the creation of the preliminary inventories and summaries and after submission to the Native American Heritage Commission by the state-funded institution.

### TIMELINE FOR TCR CONSULTATION

Each of these laws is specific to the requirements and timing of consultation and should be referenced if applicable to the circumstances. For example, according to SB 18, to ensure that consultation takes place, the Tribes must send a letter to a local agency saying that it would like consultation on TCRs for future projects. Further, AB 52 creates a timeline for TCR consultation as follows:

**Step 1:** A lead agency must notify the tribe within 14 days of the determination that an application is complete or of the decision to undertake a project.

**Step 2:** The tribe then has 30 days to request consultation on the project.

**Step 3:** The lead agency then has 30 days to begin consultation after it has received notice from the tribe.<sup>7</sup>

In total, the consultation notification process can take up to 74 days. Key to this process is the identification of projects within Tribal traditional areas. The NAHC has asked all the Tribes on its list to identify their traditional areas.<sup>8</sup> This process is important because a project is a point or area on a map. To determine consultation parties, it is necessary to have three things: the lead agency’s jurisdiction, the Tribal area, and the project area.

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<sup>6</sup> NAAC Meeting Notes, August 12, 2015.

<sup>7</sup> California Legislative Information, “AB-52 Native Americans: California Environmental Quality Act,” 2014, [http://leginfo.ca.gov/faces/billNavClient.xhtml?bill\\_id=201320140AB52](http://leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB52), accessed on August 26, 2016.

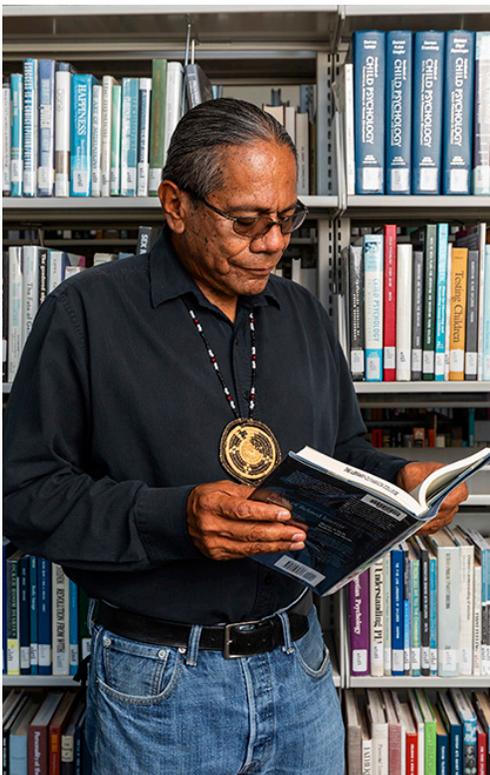
<sup>8</sup> NAAC Meeting Notes, August 12, 2015.

SB 18 requires that any local agency undertaking one of the above consult with Tribes on the NAHC list established by SB 18. In addition, SB 18 has the following to say about consultation:<sup>9</sup>

- Consultation “means 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...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.”

Further guidance on Tribal consultation is available from the Governor’s Office of Planning and Research. The Tribal Consultation Guidelines, the manual on SB 18 and consultation, is available at [https://opr.ca.gov/docs/011414\\_Updated\\_Guidelines\\_922.pdf](https://opr.ca.gov/docs/011414_Updated_Guidelines_922.pdf)

Aside from consultation being required by law, institutions should regularly engage the practice because it is the right thing to do. Consultation is not merely about righting the wrongs of the past it is about creating a positive future. And, it is about creating relationships with Tribal communities that foster cultural revitalization, environmental stewardship, and self-determination.



9 California Government Code, “Government Code Section 65350-65362,” Section 65352.4, <https://law.justia.com/codes/california/2007/gov/65350-65362.html>, access

## Tips for Tribal Meaningful Consultation

The guiding principles of consultation are the following:

- Step 1:** Engage in honest, open and meaningful conversation. This includes providing Tribes with the necessary information and the time to review it. Make sure that participants engage in active listening. Disagreements or limitations should not derail consultation efforts, both good and bad news should be discussed. Do not create expectations that cannot be fulfilled by both parties.
- Step 2:** Involve the support of both Tribal and institutional or agency leadership. The active presence of leadership from both sides contributes to meaningful, informed discussions and serves to strengthen government-to-government relationships. Make sure that the representatives being consulted are designated by the Tribal government to speak on behalf of the tribe. If there are multiple Tribes involved, make sure that all of them are consulted. To identify federally recognized Tribes in your area, we have created a map to show the tribes. Note that these are only federally recognized and that this is a starting point, but you will need to find the non-federally recognized Tribes in your area as well.
- Step 3:** Relationships should be supported by mutual respect and trust. Thus, there needs to be transparent, accurate, and open communication with a high degree of accountability. Make sure that Tribal confidentiality is respected when sensitive information is shared. Learn and respect Tribal cultural protocols. Draft a confidentiality agreement for staff, consultants, and contractors. Engage an institutional Tribal liaison, preferably a Tribal community representative.
- Step 4:** Collaborate with the tribe on planning the consultation meetings. Agree on a venue and time that maximizes travel and minimizes travel expenses. Evaluate whether the meeting is related to information that should be communicated in-person or may be inappropriate for an online platform. Develop and agree upon an agenda with the tribe in advance. If possible, research issues before the meeting. Share materials before the meeting with enough time for review.
- Step 5:** The consultation process should involve multiple contacts that begin early and continue throughout. Remember that consultation is about building lasting relationships.

### **CONSULTATION CAN BE A COMPLICATED TASK AT TIMES. THE FOLLOWING ARE SOME TIPS THAT WILL FACILITATE CONSULTATION:**

- Consultation notices and information should be clear and concise. They should state why consultation is important to the tribe or college/district. The notices should also clearly note the deadline for consultation.
- Consultation periods should allow a reasonable length of term for the tribe or college/district to consider the matter and respond.
- Single points of contact with Tribes and colleges/districts can facilitate communication because communication channels and foster transparency.
- Visual aids, such as maps and photographs, are helpful.
- Language free from unnecessary jargon or overly technical terms.
- Have the appropriate level of staff at the consultation meetings. As a rule of thumb, have the highest level of staff at the meeting as the matter dictates. Lower-level items can have lower-level management at a consultation meeting, and as the matter becomes more important, the higher level of management should attend. Also, if you know who the Tribal person coming will be, try to come up with a similar level of management to represent the college/district.
- Avoid cutting people off in meetings for time or imposing time constraints, as appropriate.
- When dealing with tribal governments and colleges/districts, remember that these entities face complex and sometimes confusing governing authorities. Allow for extra time to work through issues and educate all parties involved about specific limitations.
- Be sure that the people at the meeting have the authority to make the decisions they say that they are making.
- Colleges/Districts and Tribal governments are complex; several departments or Tribes may have stakes in an issue. Make sure that all relevant parties are represented.
- Project development can take a long time—Make sure to plan accordingly. Many decisions may be affected by multiple factors, making timeframes difficult to estimate.
- It is often helpful for the college/district to appoint or engage a Tribal liaison who is a tribal community member and/or has specific experience and expertise working with tribes.
- Make sure the appropriate campus representatives are engaged in this process



# LAND ACKNOWLEDGEMENT STATEMENT

## Approved California Community Colleges Systemwide Land Acknowledgment Statement

Below is the California Community Colleges systemwide land acknowledgement developed in partnership with California Tribal Chairpersons' Association. It is important that each college develop relationships with tribal entities on whose land their campus occupies to work collaboratively in developing individual campus land acknowledgement statements.

“

California Community Colleges honors and acknowledges that our 116 campuses throughout the state of California are located in the unceded territories of the 109 federally recognized tribes and the dozens of tribes throughout the state who are seeking recognition.

We are committed to supporting the ongoing relationships between these tribes, their ancestral territories and the resilience, strength and sovereignty that continues to be demonstrated by California's first peoples. We affirm our intentions for ongoing relationships with American Indian Tribal Nations and communities whose ancestral lands and students we educate.

A land acknowledgement is a critical step towards working with Native communities to secure meaningful partnership and inclusion in the stewardship and protection of their cultural resources and homelands. Our institutions were founded upon exclusions and erasures of Indigenous peoples. We honor and are grateful for the land we occupy and recognize the ongoing damage of settler colonialism.

We commit to pursuing continuous collaborations with the Tribal Nations of California. We strive to strengthen our awareness of historical and contemporary issues in California to reckon with our institutional legacy and its impact on the people, lands, waters of this place, which are, and always will be, inextricable.

”

## Guidelines for California Community Colleges/Districts Developing a Land Acknowledgement and Pursuing Partnerships with California Tribes

When developing a land acknowledgement and creating strategies to consult and collaborate with California Indian Tribes, California community colleges and districts should consider the legacy of genocide and colonization on students, faculty and surrounding Tribal communities. A comprehensive approach should address the following:

- Genocide
- Colonization
- Assimilation
- Institutional Racism
- Historical Bias
- Stereotypes
- Cultural Appropriation

### CHECKLIST

This guide provides some general guidelines; however, specific protocols for your community college land acknowledgement must be developed in partnership with regional Tribal representatives. There is no one-size-fits-all for land acknowledgements or building relationships with California tribes. Success is built upon meaningful partnerships and transparency.

### WHAT THE LAND ACKNOWLEDGEMENT SHOULD INCLUDE:

- Acknowledge and apologize.
- Recognize surrounding Tribes and diverse Tribal perspectives on shared ancestral territories.
- Engage appropriate Tribal, campus and community leadership. When conducting outreach to local Tribes, engage your campus American Indian representatives, including a Tribal Liaison, American Indian faculty, staff and student leadership. Due to the diversity of California and our complex histories, the following resource is not entirely accurate or inclusive but can be a beginning point to your research: <https://native-land.ca/>.
- Highlight the past, present and future of Tribal communities to their ancestral territories (move beyond past tense).
- Elevate California Tribal Historical and Cultural Perspectives on campus. For example, spotlight California Indian faculty, include local Tribal histories on campus websites, conduct a speaker series featuring regional cultural educators, promote food sovereignty through creating gardens and memorandum of understandings (MOUs) for Tribal gathering rights within campus properties, partner with local Tribal representatives on Tribal community curated exhibitions, consult Tribes on increasing access and establishing cultural protocols for Tribal collections (both digital, archival and objects of cultural patrimony), and/or engage in voluntary repatriation.
- Include correct pronunciation of names of places and people.
- Contextualize the land acknowledgement as a “beginning” to a meaningful partnership, collaboration, and consultation with California Tribes.

### ONCE YOU'VE DEVELOPED THE LAND ACKNOWLEDGEMENT STATEMENT, HERE ARE SOME IMPORTANT THINGS TO DO IN CONJUNCTION WITH PRESENTING THE STATEMENT:

- ☑ Commit to allyship and reciprocal relationships with California Tribal communities.
- ☑ Support American Indian students and faculty through improving culturally sustaining pedagogies, cultural awareness, and support services.
- ☑ Commit to future action including consultation, collaboration and engagement with Tribes and Tribal community representatives on courses, research, programming, collections, events and other actions that are related to or impact Tribal communities, ancestral territories, students or scholarships.
- ☑ Develop formal policies and protocols (how, who and when to engage with Tribal nations).

#### DO:

- **DO** develop processes and protocols for how the approved land acknowledgement statement should be used and include who, what, where, how, when, and why.
- **DO** establish a Native Advisory Council made up of internal faculty/staff/students/administrators and external tribal representatives.
- **DO** allow for time and patience to build authentic relationships with local tribal nations and their representatives.

#### DON'T:

- **DON'T** develop your own land acknowledgement without appropriate tribal engagement and cooperation.
- **DON'T** simply rely upon the systemwide statement (this can be used while one is being crafted in partnership with local tribal representatives and your campus leadership).
- **DON'T** simply ask any self-identified Indigenous person to deliver the land acknowledgement statement.

# Moving Forward Together

There are many proactive and practical actions that can work to move California community college campuses towards repatriation, representation and reciprocal exchange. The colleges and districts need to develop strategies that make space for California Tribal nations to see themselves reflected in the 116 college campus communities and their goals for the future. Admitting wrongdoings of the past and working with Tribal communities to rebuild more equitable relationships is an important beginning. However, these efforts can be perceived as performative or a form of optical allyship if they are not followed up by actions that combat erasure. AIAN visibility can be elevated in the return of land or land back, development of co-stewardship agreements, the naming of buildings, hiring of AIAN full-time faculty, hiring of AIAN staff, and serving AIAN students with programming and tuition waivers, the creation of AIAN student centers, AIAN studies curriculum and programming and more. Always lead with California Indian voices, perspectives and expertise. California Indians understand their community needs, cultural strengths and ancestral landscapes. Solidarity strengthens our capacity to lead in the protection of our communities, homelands and shared spaces.



### AMERICAN INDIAN ALASKA NATIVE (AIAN) LISTSERV

The California Community Colleges has created an AIAN LISTSERV (AI-AN@listserv.ccnex.net) for all California Community Colleges faculty, staff, administrators and students, as well as Tribal, community-based and partner organizations. The AIAN LISTSERV will facilitate discussions on topics such as enrollment/access, retention, and success, providing links to resources as available.

If you are interested in being added to the LISTSERV to share and receive information pertinent to AIAN community college students, please click [here](#) and follow the instructions to be added.

#### DESCRIPTION AND PURPOSE

The LISTSERV functions as an information clearinghouse to facilitate access, retention, success, and the overall experience for AIAN students in the California Community Colleges. The LISTSERV is managed by the California Community Colleges Chancellor's Office and was developed as a one-year pilot effort to focus attention on creating sustainable and Tribally appropriate systems of support for AIAN students. The LISTSERV will be evaluated during the pilot period to determine if any adjustments or changes are needed.

#### PARTICIPANTS

The LISTSERV is open to all current employees of the California Community Colleges with an emphasis on giving voice to system employees who are citizens of Tribal nations with historical political relationships with the United States and state governments. The LISTSERV is also open to Tribal and community partners.

In particular, the LISTSERV seeks instructional faculty, staff, counselors, administrators, program coordinators and Tribal and community partners who can constructively contribute to the discourse.

To foster constructive and respectful conversations related to AIAN student success on the LISTSERV, the following topics are suggested and allowable:

- Best practices for supporting AIAN students
- Program ideas at system and scale
- Sharing of events and happenings
- Scholarship information
- Information about potential partnerships and program connections

Any subscribers who share inappropriate information will be removed from the LISTSERV. The below list provides examples of communication that is NOT allowable:

- For-profit postings
- Personal rants or attacks
- Culturally offensive material or posts
- Not safe for work (NSFW) posts
- Political posts

### BELOW ARE SEVERAL TERMS AND CONDITIONS TO PROVIDE CONTEXT TO MATERIALS INCLUDED IN THIS TOOLKIT.

#### Consulting Parties

Consulting Parties are State Historic Preservation Officers, Tribal nations, local government agencies and others seeking to actively participate in the development of policies, procedures, and collaborative relationships.

#### Cultural Erasure

Cultural Erasure is the result of colonization and assimilation policies. Cultural Erasure is when the dominant society or “colonizers” force minority groups to adopt their historical narrative, language, attire, religion, food, birth names, economy and other customs. When minority groups are stripped of these aspects, they are forced to work for the members of the dominant society under a capitalist framework.

#### Culturally Sustaining Pedagogy (CSP)

CSP acknowledges that cultures and communities are dynamic and shifting. CSP recognizes that often the cultures being studied in the classroom are being changed by the students (also in the classroom) who are integral parts of those communities.

#### Decolonization

Decolonization is the process of deconstructing colonial ideologies of the superiority and privilege of Western thought and approaches. Decolonization involves dismantling structures that perpetuate the status quo and addressing unbalanced power dynamics.

Excerpted from link below with slight revisions:

<https://opentextbc.ca/indigenizationfrontlineworkers/chapter/decolonization-and-indigenization/>

For the California Community Colleges, decolonization involves valuing and revitalizing AIAN knowledge and approaches and weeding out settler biases or assumptions that have impacted American Indian ways of being.

For non-AIAN people, decolonization is the process of examining your beliefs about AIAN peoples and culture by learning about yourself in relation to the communities where you live and the people with whom you interact.

California Community Colleges work in systems that perpetuate colonial narratives and favor settler privilege. Decolonizing our institutions means we create spaces that are inclusive, respectful, and honor American Indian peoples. Decolonization is an ongoing process that requires all of us to be collectively involved and responsible.

#### Land Back

There are many legal arrangements that restore Tribal/American Indian jurisdictions, such as lands placed in trust, shared governance through land trusts, conservancies, co-management regimes and others that result in Tribal decision-making power.

## Indian

The term “Indian” may be used in an ethnological or in a legal sense. Thus, the term in reference to an American Indian can represent an ethnicity. However, membership in a federally recognized tribe has a specific political classification separate from a racial one. For example, if a person is three-fourths Caucasian and one-fourth Indian, that person would ordinarily not be considered an Indian for ethnological purposes, yet legally such a person may be an Indian. Tribal membership as determined by the Indian tribe or community itself is often an essential element.

Recognizing the diversity included in the definition of Indian, there is nevertheless some practical value for legal purposes in a definition of Indian as a person meeting two qualifications:

1. That some of the individual’s ancestors lived in what is now the United States before its “discovery” by Europeans.
2. That the individual is recognized as an Indian by his or her tribe or community.

## Indian Country

Indian Tribal territory has always held a separate status under federal law. “Indian country” is defined comprehensively in 18 U.S.C. § 1151, enacted in 1948 as follows: Except as otherwise provided in sections 1154 and 1156 of this title, the term “Indian country,” as used in this chapter, means (a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders [sic] of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same. This statute appears in the federal criminal code section governing federal criminal laws applicable in Indian country. The Supreme Court has stated that the statute’s definition generally applies also to questions of federal civil jurisdiction and to Tribal jurisdiction.

## Indigenous

Indigenous describes any group of people Native to a specific region. In other words, it refers to people who lived there before colonists or settlers arrived, defined new borders, and began to occupy the land. The United Nations’s definition of Indigenous is as follows:

“Indigenous peoples are inheritors and practitioners of unique cultures and ways of relating to people and the environment. They have retained social, cultural, economic and political characteristics that are distinct from those of the dominant societies in which they live.”

<https://www.un.org/development/desa/indigenouspeoples/about-us.html>

Simply saying “Indigenous” isn’t quite the same as saying “Native American” or “American Indian.” When used in the United States, terms like “Indigenous art” or “Indigenous land” do usually refer to Native American art or land.

Still, it’s important to recognize that this term can have a much broader meaning. The more specific term “Indigenous American” carries the same general meaning as “Native American.” Both describe the original peoples of the North American continent.

### Institutional racism

Institutional racism is a complex set of policies, practices, and procedures that are embedded in structures and systematically facilitate unequal outcomes for groups of people.

### Native American Monitor

A Native American Monitor is typically a Tribal representative that works as a liaison between a state agency and the local Native American community with whom the agency may contract on a project-by-project basis to participate and obtain first-hand knowledge of archeological surveys, excavations, and construction in areas of potential or known cultural sensitivity to Native Americans. The Native American Monitor should be knowledgeable about his or her culture and its traditions and be familiar with archeological practices, federal and state laws, and regulations regarding Native American cultural concerns.

### Settler Colonialism

Settler colonialism is both a root and result of racism and capitalism. California Indians have survived waves of genocide by multiple groups of colonizers throughout history (Catholic Missions, Mexican period, gold rush miners and government-sanctioned militias). These individuals sought control of Tribal lands and resources while inflicting diseases, and indentured servitude upon California American Indian people. The colonizers that remained and their descendants are settlers because people whose heritage originates somewhere are not Indigenous.

### Colonialism

Colonialism is a root cause of many other “isms” and injustices.

- Colonization is at the root of racism. Colonizers justified land theft and genocide by asserting that they were religiously, culturally, and scientifically superior to Native people.
- Colonization by White Europeans introduced a strict Christianity-backed patriarchy that created and enforced gender roles and binary with the use of violence, indentured servitude with the mission system and gold rush period and sexual violence.

### Traditional Cultural Leaders

Traditional Cultural Leaders are American Indians who are acknowledged by their tribe, group, or community as having traditional knowledge of their culture are considered traditional cultural leaders.

### Tribe

The term tribe is commonly used in two senses, an ethnological sense, and a legal-political sense. For ethnological purposes, the term “tribe” depends upon a variety of technical considerations, for example, the nature of the social and political organization of its members. The term tribe has no universal legal definition.

In most instances, the question of Tribal existence can be resolved by reference to a treaty, statute, executive order, or agreement recognizing the specific tribe. In other cases, the definition of tribe, like many other such generic terms, will depend in part on the context and the purposes for which the term is used.

Tribes in California are generally categorized in one of two ways – federally recognized (listed in the Federal Register) and non-federally recognized (see California’s [Native American Heritage Commission](#) for more information). The main legal difference is that federally-recognized tribes’ governing bodies have an official relationship with the U.S. Government as political entities, and other governmental agencies are required to provide notice to, engage in consultation with and otherwise interact with them on a government-to-government basis.

### Non-Federally Recognized Tribes

Non-Federally Recognized or Unrecognized Tribes are Tribes that have established governing bodies, they do not have an official relationship with the U.S. Government. These Non-Federally Recognized Tribes are often similar to their Federally Recognized counterparts. They have membership and demonstrate continuity and connection to their cultures and ancestral lands. However, historical events created circumstances that prevented the facilitation of an official relationship with the federal government. Thus, federal governmental agencies are generally not required to provide notice, or engage in consultation with them, but they may do so as a matter of comity and is up to the discretion of the agency. California state agencies may be required to consult non-federally recognized Tribes according to specific legislation that includes reference to non-federally recognized Tribes included on the list maintained by the [California Native American Heritage Commission](#).

### California Native American Heritage Commission (NAHC)

[NAHC](#) is a nine-member body whose members are appointed by the Governor of California. The NAHC identifies, catalogs, and protects Native American cultural resources, including ancient places of special religious or social significance to Native Americans and known ancient graves and cemeteries of Native Americans on private and public lands in California. The NAHC is also charged with ensuring California Native American tribes’ accessibility to ancient Native American cultural resources on public lands, overseeing the treatment and disposition of inadvertently discovered Native American human remains and burial items, and administering the California Native American Graves Protection and Repatriation Act (CalNAGPRA), among many other powers and duties.

### Reconciliation

Reconciliation is the act of bringing people together. With respect to California Tribal communities, it includes strategies to overcome the unequal outcomes of settler colonialism and institutional racism.



## HISTORY, LAND, PEOPLE AND SOVEREIGNTY

The legal framework of federally and non-federally recognized Indian Tribes throughout California is complex and often misunderstood.

The United States Constitution acknowledges a distinct relationship between the federal government and Tribes in the “Indian Commerce Clause,” interpreted by the U.S. Supreme Court as granting to Congress broad authority to regulate commerce with Indian Tribes. The Supreme Court also interpreted this authority as giving Congress broad legislative power in Indian affairs. Federal Indian law is drawn from various fields of law, including but not limited to: constitutional, international, contracts, torts and other fields of law.

Because the needs of Tribes often differ sharply from the desires of state and local governments, Tribes have historically encountered obstacles to developing working relationships with state and local agencies. One of the most enduring conflicts involves ownership and control over land. Tribal communities exist within the exterior boundaries of states. During the westward expansion of the United States in the early years of our country, Indian lands were targeted for settlement. This expansion directly conflicted with territorial boundaries and rights established between Indian Tribes and the federal government.

Acquiescing to pressure from the states, Congress allowed states to obtain Indian lands, either directly by breaking treaties or indirectly through federal legislation such as the General Allotment Act. Originally, the U.S. Supreme Court held that state laws could not have any force or effect in Indian country. But, as the nature of Indian land holdings changed, and non-Indians began owning land within reservation boundaries, the nature and scope of state and Tribal jurisdiction have become untenable. Chairpersons’ Association. It is important that each college develop relationships with tribal entities on whose land their campus occupies to work collaboratively in developing individual campus land acknowledgement statements.

Much of the land within a reservation or rancheria is held in trust by the federal government for the benefit of a tribe and/or its members. Tribal trust land is generally not subject to state civil regulation, such as zoning or environmental laws, but is generally subject to federal and Tribal laws.

More recently, Congress has adopted a policy of self-determination for the Tribes - encouraging Tribes to make and enforce their own laws and

regulations in order to take the burden off the federal government and place control over matters of local concern with the Tribal governments.

When the tribe communally holds land, individual members may hold an “assignment.” The terms of an assignment are usually determined by the governing body of a tribe and may vary greatly in size, duration, and scope. State agencies have increasingly experienced problems in the planning, project development, construction, and operation of development projects on or near Indian reservations. Many of the problems they encounter stem from conflicts with Indian Tribes as a result of federal self-determination policies. The reluctance of state and local agencies at times to accept or understand Tribal sovereignty provides the basis of the conflict.

California is no exception. Because California’s Indian population is the largest in the nation and is very diverse in character (including federally-recognized Tribes, terminated, non-federally recognized Tribes, and urban Indian communities), the issues that arise between Tribes and California state agencies are particularly complex. There are 109 federally-recognized Tribes in California, ranging in population from a few families to several thousand members.

Several California Tribes have relatively large land bases, but many Tribes in this state have fewer than 100 acres, and several have no land at all. In addition to the federally-recognized Tribes, there are approximately 55 terminated or unrecognized Tribes, as well as large urban Indian communities that sprang up in the 1960s as a result of the federal Indian Relocation Program.

Although the terminated and unacknowledged Tribes and the urban Indian communities are not recognized by the federal government as distinct governmental entities, they comprise a socially, economically, culturally and politically significant group of California’s Indian citizens.

The legal and social concepts impacting California Indians have evolved over the past 200 years. Many shifts in the attitudes from Congress, the U.S. Supreme Court, the Office of the President, and the state of California during this period of time, have combined to create a complex, often contradictory, body of laws and policies.

While an in-depth examination of these issues is beyond the scope of this toolkit, it is important to examine some of the more significant laws and policies that currently impact government-to-government relationships in and around Tribal communities in California.

### Historical Overview

Prior to the arrival of the Spanish colonizers, California Indians were organized in several hundred separate and distinct bands. They enjoyed the sole use, occupancy and possession of all lands and resources in what is now called California. After the Mexican government removed the Spanish government from California and secularized the Catholic missions, California Indians were then indentured to the huge ranchos created by Mexican land grants to the Mexican elites.

In 1848, the Treaty of Guadalupe Hidalgo, which ended the Mexican-American War, resulted in a large cession of land to the United States, including lands that now comprise the state of California. It is important to note that there were no provisions in the Treaty of Guadalupe Hidalgo for protecting Indian land title in what later became the state of California.

The discovery of gold in California in 1849 halted attempts by the United States government to investigate and resolve the Indian title question following the Treaty of Guadalupe Hidalgo, as the influx of thousands of Anglo-Europeans immediately sought to eradicate Indians and their land claims. Additionally, the admission of California as a state in 1850 increased resistance by the state’s representatives to the Indians’ claims to their aboriginal lands.

However, the United States government recognized that California Tribes existed in the 1800s and that they were capable of entering into intergovernmental relations with the United States. Three treaty commissioners were sent from Washington, D.C. in 1851 to negotiate treaties with Indian leaders in California, promising them reservation territories and sovereign nation status in exchange for ceding lands to the United States government. Treaty negotiations ensued, during which time the commissioners met with some 402 Indian leaders representing approximately one-third to one-half of the California Tribes.

The California legislature opposed the ratification of the treaties and put pressure on the U.S. Senators from California to do the same. In 1852, the treaties were presented to the United States Senate and rejected in a secret session. Because the treaties were rejected in secret session, none of the Indians who negotiated the treaties knew they had been rejected. Contemporaneous with the treaty negotiations, Congress passed the Land Claims Act of 1851, which provided that all lands in California, the claims to which were invalid or not presented within two years of the date of the Act, would pass into the public domain.

Because the Tribes did not know their treaties had been rejected, they were not aware and were not notified of the need to present their claims. The Indians failed to meet the 1853 deadline. California Indians, with the exception of certain bands of Mission Indians that were protected in their occupancy by early Spanish and Mexican land grants, became homeless.

One of the first acts of the new California legislature was to pass “An Act for the Government and Protection of Indians,” originally entitled, “An Act relative to the protection, punishment and government of Indians.” Under this 1850 Act, an Indian could be arrested if he was “found loitering and strolling about.” Indians who were found to be “vagrant” under this Act could be arrested and could be “hired out” to the highest bidder.

California Indian children were also enslaved under this Act. Any “white man” could go before a Justice of the Peace and petition to obtain an Indian child for involuntary servitude. All he had to show was that the child was not “obtained” by compulsory means. Typically, the person would kill the parents, and then claim their children for servitude since they were orphans. This situation resulted in a generation of California Indians being forced into involuntary servitude.

The combined results of these various pieces of legislation and the failure of Congress to ratify the treaties were a death sentence for a majority of California Indians. Only a few of those who survived campaigns to remove, eradicate or enslave them in the 1850’s found refuge in four authorized reservations to which they were forcibly removed. In a span of twenty years, their numbers were cut in half; by the 1890s the population of Native Californians had been cut by nearly 90%.

Throughout the twentieth century, California Indians lived in poverty and continued to endure programs designed to assimilate them, including Indian boarding schools and an Indian Relocation Program that facilitated Indians to leave reservations and move to urban centers in the 1950s and 1960s.

## The Unique Relationship Between the U.S. Government and Indian Tribes

### FEDERAL-TRIBAL RELATIONS

Federal policy is central to Indian affairs because Congress has broad legislative (plenary) power over Indians, including the authority to decide who is, or is not, recognized officially as an Indian. State control over Indians is preempted by federal power; however, states and Tribes can voluntarily assume a government-to-government relationship as long as it does not offend the federal/Tribal relationship.

## Basic Elements of Federal Indian Law

### THE TRUST RELATIONSHIP

Indian Tribes are not foreign nations but constitute “distinct political communities” which the Supreme Court described as “domestic, dependent nations” whose “relation to the United States resembles that of a ward to his guardian.” This language gave rise to the doctrine of federal trusteeship in Indian affairs. One aspect of this relationship is that the federal government owns the legal title to Tribal lands in trust, with the Tribes being the beneficiaries. Therefore, the federal government must act in the best interests of the Tribes with respect to negotiations and other dealings involving trust assets.

### TRIBAL GOVERNMENTAL STATUS

Indian Tribes are inherently sovereigns as recognized in federal treaty making. According to Federal Indian law, Tribal government status is viewed as semi or quasi sovereign. State law does not apply within reservation boundaries without congressional consent or a federal power to the states. The Supreme Court has determined that Tribal sovereignty pre-dates the U.S. Constitution, Tribal governments are not bound by it. They are, however, subject to the Indian Civil Rights Act, described more fully below, which provides some similar protections for those dealing with Tribal governments.

### RESERVED RIGHTS DOCTRINE

Tribal rights, including rights to land and to self-government, are not granted to the tribe by the United States. Rather, under the reserved rights doctrine, Tribes retained (“reserved”) such rights as part of their status as prior and continuing sovereigns.

### CANONS OF CONSTRUCTION

Courts generally have adopted fundamental rules and principles that govern the interpretation of written documents such as treaties. In legal terminology, these rules and principles are known as “canons of construction.” Those that pertain specifically to Indian law generally have been interpreted to the benefit of Tribes. For example, the canons provide that treaties are to be construed broadly in determining the existence of Indian rights, but narrowly when considering the elimination or abrogation of those rights. Most of the special canons of construction dealing with treaty rights have also been applied to agreements, executive orders and statutes dealing with Indians.

### CONGRESS’ PLENARY POWER

Congress can abrogate rights established by treaty, or by other documents pursuant to its plenary power. Congress has exercised this power in the past by terminating the rights of several Tribes. Most notably during the Termination Era of the 1950’s and 60’s. Today the existence of Tribes as sovereigns can be terminated by federal legislative authority.

### EARLY FEDERAL STATUTES AND POLICY

Federal policies towards Tribes have undergone dramatic changes over time, and those policies are reflected in the various statutes that Congress has enacted.

## The General Allotment Act of 1887

Originally, most Tribes owned their reservation land communally. A few treaties before 1887 provided for “allotments,” that is, for some parcels of land to be held by Tribal members rather than by the tribe itself. Then, in 1887 Congress passed the General Allotment Act, or Dawes Act, one of the most significant federal statutes in the field of federal Indian law. The Act delegated authority to the Bureau of Indian Affairs to allot parcels of Tribal land to individual Indians - 160

acres to each family head, and 80 acres to each single person over 18 years of age. Each individual allotment remained in trust (exempt from state tax laws and other state laws) for 25 years, although that period could be shortened or extended. After the expiration of 25 years, if an individual Indian owner failed to pay state taxes on the property, the state could sell the property. Tribes lost significant amounts of reservation land to tax sales during the Allotment Era.

Congress enacted the General Allotment Act based on pressure from the states to allow non-Indians to settle on Indian lands. The General Allotment Act accomplished this goal by selling the non-allotted (“surplus”) land to homesteaders. Although the federal government paid compensation to the Tribes for the sale of these surplus lands, the primary effect was that Indian land holdings decreased from 138 million acres in 1887 to 48 million acres in 1934, a total loss of 90 million acres. Another result of allotment was that it created a “checkerboard” pattern of ownership by Tribes, individual Indians, and non-Indians within a single reservation. This caused serious jurisdiction and management problems that still persist today.

### Assimilation by Social Policy

The allotment of lands was one of several policies that the federal government implemented during this era for the purpose of assimilating Indians into the larger society. Bureau of Indian Affairs (BIA) boarding schools were another federal program designed to assimilate Indian children. In the boarding schools, Indian children were not permitted to speak their languages, wear their Native dress, or engage in their religious practices and other traditional customs. On reservations, the federal government suppressed Native religious practices, an extreme example being the suppression of the Ghost Dance, resulting in the Wounded Knee Massacre of 1890.

The federal government discouraged Tribal governments from exercising their governmental authority, so the local BIA superintendent, in effect, governed many reservations. Congress also enacted the Major Crimes Act in 1885, which gave the federal government jurisdiction over certain criminal acts, resulting in a serious erosion of Tribal sovereignty and an imposition of non-Indian philosophies of criminal jurisprudence on the Tribes.

### Indian Citizenship Act of 1924

Many Indians became United States citizens upon receiving allotments or by virtue of special provisions in treaties or statutes. As a means to both provide equity and promote assimilation, all Indians were made United States citizens in 1924.

### The Meriam Report

The Meriam Report of 1928 set the tone for the reform movement in Indian affairs of the 1930s. This influential study highlighted the failure of the allotment and assimilation policies.

The Report publicized the deplorable living conditions on reservations and recommended that Congress:

1. Increase funding for health and education on reservations
2. Immediately end allotment
3. Encourage Tribal self-government

## Indian Reorganization Act of 1934 (IRA)

Congress passed the Indian Reorganization Act in 1934, which translated into legislation some of the key recommendations of the Meriam Report. A primary thrust of the IRA was to stabilize the tribes' land holdings by providing that the federal government immediately cease allotting Indian lands and extend the trust period for existing allotments. The IRA sought to promote Tribal self-government by encouraging Tribes to adopt constitutions and to form federally-chartered corporations. The IRA also included a hiring preference for Indians in the BIA, established a revolving loan fund for Tribal development, expressly allowed the Secretary of the Interior to accept additional Tribal lands in trust, and included other provisions directed toward improving the lives of Indians.

## The Termination Era

### HOUSE CONCURRENT RESOLUTION 108 (HCR 108)

HCR 108, adopted in 1953, expressed Congress' policy regarding its trust relationship with Indian Tribes. That document called for ending such relationships as rapidly as possible.

### RANCHERIA ACT

Congress terminated the federal trust relationship status of 41 California Indian Rancherias through the Rancheria Act of 1958. These groups were singled out for what has become known as the termination experiment. Termination fundamentally altered the special federal-Tribal relationship in that the federal government:

- Sold Tribal lands to third parties (although with compensation to Tribal members); transferred the lands to private trusts; or transferred the lands to new Tribal corporations organized under state law.
- Discontinued all special federal programs to the Tribes and individual Indians (including health and education services).
- Imposed state legislative jurisdiction on the Tribes.
- Imposed state judicial authority, except in hunting and fishing rights, which courts determined had not been terminated in the cases of several Tribes.
- Ended exemptions from state taxing authority, for all practical purposes, ended Tribal sovereignty.

Congress has never expressly abandoned HCR 108's termination policy, but the more recent federal self-determination policies have implicitly repudiated termination. Furthermore, Congress or the courts have restored to federal status several terminated Tribes, including 21 of the above-mentioned 41 California rancherias as of 1987. Several additional California Tribes have since been restored to federal recognition or are otherwise no longer considered terminated.

### PUBLIC LAW 280 (P.L. 280)

P.L. 280, passed in 1953, transferred to the states of California, Minnesota, Nebraska, Oregon, Wisconsin, and in 1958, Alaska, "jurisdiction over offenses committed by or against Indians" in these states "to the same extent that such State . . . has jurisdiction over offenses committed elsewhere within the State . . . , and the criminal laws of such State . . . shall have the same force and effect within such Indian country as they have elsewhere within the State . . ." (18 U.S.C. § 1162(a)). This portion of P.L. 280 is known as the "criminal provision," and it made the General Crimes Act and Major Crimes Act inapplicable in these states. In addition to transferring most of the criminal jurisdiction to P.L. 280 states, the statute also transferred jurisdiction from the federal government to the specified states over some civil matters. The civil portion of P.L. 280 grants jurisdiction to the states over civil causes of action "to which Indians are parties" that arise in Indian country within the state "to the same extent that such State . . . has jurisdiction over other civil causes of action." This section also provides that state laws of "general application" will apply to Indian reservations in the state

in the same manner that those statutes apply to the rest of the state. Courts have interpreted this latter provision to exclude Indian lands from local regulations, such as zoning, rent control and gambling.

Section 1360(b) of the civil provision of P.L. 280 specifically exempts from state regulatory jurisdiction the sale, encumbrance or taxation of Tribal lands held in trust by the federal government. In *Bryan v. Itasca County*, 426 U.S. 373 (1976), the U.S. Supreme Court held that the language in this section means that states cannot apply their laws or enforce state court judgments in a way that would result in the alienation, encumbrance, or taxation of trust property. The statute also prohibits the state from regulating the use of such trust land if the regulation is inconsistent with any federal treaty, agreement, or statute with respect to the land.

P.L. 280 had a devastating impact on Tribal infrastructures. Not only were Tribes in P.L. 280 states discouraged from developing their regulatory and judicial capacities, these Tribes were, and are, often excluded from federal funding sources on which other Tribes rely to create and sustain their governmental infrastructures.

### The “Self-Determination” Era

The abuses of the termination era led to the reforms of the 1960’s, 1970’s, and 1980’s, just as the Indian Reorganization Act (IRA) was a reaction to the negative impact of the allotment era. This period has been characterized by expanded recognition and application of the powers of Tribal self-government by the general exclusion of reservations from state authority.

#### LEGISLATIVE ACTS

*Indian Civil Rights Act of 1968 (ICRA)* - Because Tribes pre-date the U.S. Constitution, Tribal governments are not subject to the Bill of Rights. This fact came to the attention of Congress in the 1960’s, and they passed the ICRA. The purpose of the ICRA was to afford basic civil rights protections to those who interact with Tribal governments. The ICRA applies to all people, not just Tribal members. Although ICRA includes many of the same protections as the Bill of Rights, it does not contain all of them. For example, while Tribes must allow criminal defendants the right to counsel, the tribe does not have to pay for public defenders.

*Public Law 93-638 - Indian Self-Determination and Education Assistance Act of 1975*, as amended - The purpose of this Act is to promote maximum Indian participation in the government and education of Indian people; to improve and perpetuate the government-to-government relationship between Indian Tribes and the United States; and to strengthen Tribal control over federal funding and program management. The Act allows Tribes to contract with the federal government to obtain direct funding and oversight over certain federal programs that are “for the benefit of Indians because of their status as Indians.”

*Indian Child Welfare Act of 1978 (ICWA)* - Congress recognized the disproportionate removal of Indian children from their families, often due to differences in cultural norms between Indian communities and non-Indian social service workers. ICWA requires higher burdens of proof for the removal of Indian children and specific placement preferences for Indian children placed outside of their homes.

*American Indian Religious Freedom Act of 1978 (AIRF)* - AIRF explicitly recognizes the importance of traditional Indian religious practices and directs all federal agencies to ensure that their policies do not abridge the free exercise of Indian religions.

*Indian Health Care Improvement Act, Amendments of 1988* - The Indian Health Care Amendments of 1988 recognized that eligibility for health care benefits under the Indian Health Care Improvement Act must be extended to all California Indians, regardless of whether or not they are members of a federally-recognized tribe.

*Indian Gaming Regulatory Act of 1988 (IGRA)* - IGRA sets out the parameters of gaming on Tribal lands. The land on which the gaming occurs must be federal trust land, and each tribe operating a gaming facility that includes “Class III” gaming must have a compact with the state in which the gaming facility is located. IGRA also prohibits the Department of the Interior from taking land into trust for the purpose of Indian gaming after 1988. Only a specific act of Congress can circumvent this provision.

### **TRIBAL SOVEREIGNTY AND GOVERNMENTAL AUTHORITY – THE CENTRAL CONCEPTS**

Today, federally-recognized Indian Tribes exercise limited “tribal sovereignty,” which should be defined as the inherent power and authority to govern within the exterior boundaries of their territories. It is different from the sovereign powers of states because states derive their sovereignty from the U.S. Constitution. In contrast, Tribal sovereignty flows from the existence of Tribes as their own nations prior to the formation of the U.S. government. Indian governmental powers, therefore, with some exceptions, are not delegated powers; they are inherent powers of limited sovereignty that have never been extinguished. This doctrine was first articulated in this country by Chief Justice John Marshall in *Worcester v. Georgia*, 31 U.S. (6 Pet.) 515 (1832). The U.S. Constitution specifically defines the scope of federal authority and reserves all other authority to the states. It does not, however, discuss the scope of tribal authority over either internal or external matters. As a result, Tribal sovereignty has been subject to the interpretations of the courts and congressional legislation.

In early judicial decisions, the Supreme Court described Tribes as “domestic, dependent nations” and “distinct, independent, political communities.” Because the Court has held that their sovereign powers pre-dated the U.S. Constitution, Tribal governments are not subject to the Bill of Rights. However, Tribal authority exists at the sufferance of Congress, which has plenary, or broad legislative power over Indian affairs. Over the years, Congress has exercised this plenary power to destroy the federal status of Tribes by legislatively “terminating” them. Federal recognition is critical for Tribes because, without it, they lack access to federal funding and programs and cannot have a land base for housing, economic and community development.

In modern times the Supreme Court has found that Tribal governments are unique aggregations possessing attributes of sovereignty over both their members and their territory. Powers not limited by federal statute, treaty, and restraints implicit in the protectorate relationship or inconsistency with their dependent status remain with Tribal governments or reservation communities. Certain implied divestitures of Tribal powers have occurred where the tribes’ independent freedom to determine their external relations is deemed necessarily inconsistent with their dependent status. For example, by 1831 *Johnson v. McIntosh*, 21 U.S. (8 Wheat.) 543 (1823) and *Cherokee Nation v. Georgia*, 30 U.S. (5 Pet.) 1 (1831) had established firmly that Indian Tribes impliedly had been divested of the power to alienate (sell) their lands without the prior approval of the federal government and the power to make treaties with foreign nations.

In 1978, the U.S. Supreme Court held in *Oliphant v. Suquamish Indian Tribes*, 435 U.S. 191 (1978), that Tribes lack criminal jurisdiction over non-Indians. Furthermore, Tribes are limited in the punishment they can impose on those who violate their criminal laws to one year imprisonment and/or a \$5,000 fine. Because California is a P.L. 280 state, generally speaking, Tribes exercise concurrent criminal jurisdiction with the state. But as a practical matter, few California Tribes exercise extensive criminal jurisdiction. P.L. 280 states are generally excluded from accessing federal law enforcement funding sources. Those California Tribes that do exercise criminal jurisdiction usually have an agreement with local law enforcement agencies to house suspects and prisoners and provide other related services that are not cost-effective for Tribes to maintain on a small scale.

The extent of Tribal civil jurisdiction over non-Indians is much less clear. Tribes generally have regulatory and adjudicatory jurisdiction over civil matters arising on trust property (see *Merrion v. Jicarilla Apache Tribe*, 455 U.S. 130 (1982)). Jurisdiction over civil matters arising on fee land and involving non-Indians is evaluated on a case-by-case basis utilizing the factors set out in *Montana v. United States*, 450 U.S. 544 (1981).

### Fundamental Powers of Indian Tribes

As distinct sovereigns, Tribes have the authority to create and enforce laws, levy taxes, provide services, determine Tribal membership and enter into government-to-government relations with the federal, state, local and other Tribal governments. The structure of a tribe's government varies from tribe to tribe. Many Tribes operate under constitutions or other governing documents, a large number of which were created pursuant to the Indian Reorganization Act of 1934. Although a few Tribes may still operate under a traditional system, current federal programs require some form of written governing document that defines basic governmental functions and jurisdiction. Tribes often have their own written laws that address the particular needs of the Tribal community. In some instances, such as environmental regulation, Tribes may have the same status as a state in their ability to enforce these laws.

#### FUNDAMENTAL TRIBAL GOVERNMENTAL POWERS INCLUDE:

- Power to establish a form of government.
- Power to determine membership.
- Police power (authority to enact and enforce laws).
- Power to administer justice.
- Power to exclude non-members (as long as they don't own land on the reservation/rancheria).
- Power to charter business organizations.

In addition to standard governmental functions such as regulating, taxing and delivering services, Tribal governments also act to preserve and protect Tribal culture and the Tribal community. Tribal governments are also responsible for the development, management and operation of Tribal economic enterprises.

#### TRIBAL GOVERNMENTAL FUNCTIONS MAY INCLUDE:

- Executive actions (similar to those taken by the governor of a state or the President of the United States).
- Legislative actions (similar to those taken by the state legislature or Congress).
- General government administration (personnel management, budgeting, capital programming, intergovernmental affairs).
- Public safety (police protection, Tribal courts and prosecution, other legal services, fire suppression, emergency medical response).
- Health care (medical services, mental health counseling, dental services, environmental health).
- Public works/engineering/infrastructure development (roads, sewers, water, cable television, facilities management, etc.).
- Planning and community development (comprehensive planning, zoning and land development regulation, environmental protection).
- Education (Headstart, K-12 schooling, remedial schooling and GED testing, vocational training, higher education, scholarship support).
- Social services (daycare services, recreation services, youth and elderly services, child welfare and protection services).

## Sovereign Immunity

Indian Tribes, like other sovereigns, cannot be sued without an “unequivocally expressed” waiver of sovereign immunity. In the case of Tribes, the consent to suit can come from Congress. It is unclear whether Tribal consent provisions in business contracts are sufficient, without congressional approval, to allow suit. A recent U.S. Supreme Court decision held that a tribe that drafted a contract in which there was an arbitration provision had waived its sovereign immunity for purposes of a state court action to enforce an arbitration award arising out of an alleged breach of an off-reservation contract (*C & L Enterprises, Inc. v. Citizen Band of Potawatomi Indian Tribe of Oklahoma*, 532 U.S. 411 (2001)). Tribal sovereign immunity does not extend to Tribal officials acting outside of their official capacity.

### LANDS

Most lands occupied by California Indian communities are very small compared to Tribes in other states. In California, American Indian lands are usually referred to as reservations or rancherias. From a legal standpoint, there is no distinction between these two terms. Land within a Tribal community can be owned in one of several ways, each of which has distinct legal ramifications. Land can be owned in fee or trust. If the land is held in fee, it is subject to all of the state and county regulations. It may also be subject to Tribal regulations if the land is owned by the tribe itself or an individual Indian. If the land is held in trust, which is often referred to as “Indian land,” this means that the federal government holds legal title to the land for the benefit of either the tribe or an individual Indian (or group of Indians).

Trust land is not subject to state laws, even in a P.L. 280 state such as California. (Although the land is not subject to state or local laws, the people who live on the land are subject to state criminal laws in California.) “Indian” or trust land does not include the purchase and ownership of real property in the public market by an individual American Indian. Such property is held in fee and is freely disposable.

When the tribe communally holds land, individual members may hold an “assignment.” The terms of an assignment are usually determined by the governing body of a tribe and may vary greatly in size, duration and scope. Allotted land, on the other hand, is fee or trust land held for either an individual or group of Indians. Under various statutes, particularly the General Allotment (Dawes) Act of 1887 (25 U.S.C. §331, et seq.), Congress divided reservations into individual allotments of 160 acres. Many allotments passed out of trust status during this era because, after a certain period, usually 25 years, the land became an alienable and taxable fee interest. Many of these lands were sold to non-Indians or lost to the local governmental taxing authority due to the lack of payment of taxes, a practice with which most American Indians at the time were unfamiliar.

Although the Indian Reorganization Act ended the allotment of Indian lands, many of the effects of allotment persist today. Because the allotments resulted in “surplus” land being sold to non-Indians, many reservations are a “checkerboard” of fee and trust lands under both Indian and non-Indian ownership. Regulation of these lands has been an ongoing issue. For instance, a fee parcel owned by a non-Indian is subject to county zoning laws. If the tribe also has zoning and land use regulations, the state and Tribal laws often conflict. There is also a problem with the fractionalization of allotments because some allotments are owned by several, sometimes even hundreds, of descendants of the original Indian allottees.

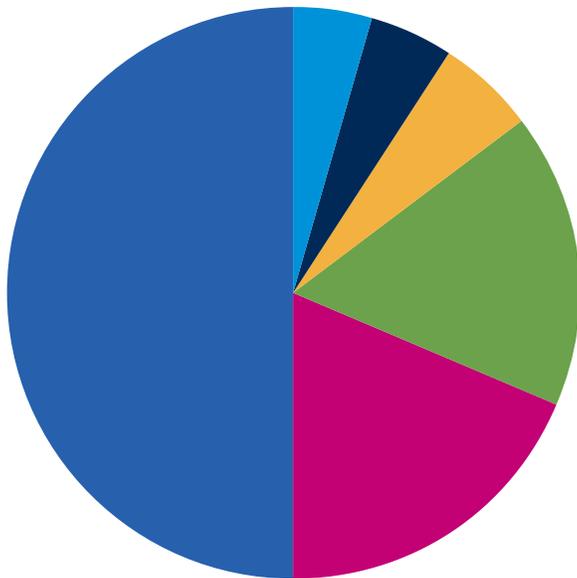


## AIAN DEMOGRAPHICS IN THE STATE OF CALIFORNIA

There are nearly 200 Tribal groups throughout the state of California. There are 109 federally recognized Tribes, at least 77 federally unrecognized Tribes and thousands of individuals who are California Native but not enrolled in a federally recognized or non-recognized Tribe. Genocidal structures have created a past and present that creates a complex spectrum of California Indian experiences and identities. Additionally, California is home to the largest population of American Indians out of any other state in the U.S. Federal policies that crafted Termination and Relocation efforts during the 1950s targeted California for the elimination of forty-one California Indian Rancherias and moved American Indians from reservations all over the United States to cities such as Oakland, San Francisco, Los Angeles and Sacramento. Thus, while the California Indian population was diminished, the American Indian population increased throughout the state.

According to the 2020 U.S. Census, California represents 15 percent of the total American Indian population (approximately 1.4 million) who identify themselves as American Indian. However, today California Indians remain the minority of the American Indian population in their own homeland. This fact makes California Indian representation challenging especially when what the dominant society thinks it understands about Native culture is out of touch with our reality. Diversity efforts should seek to elevate California Indian perspectives in addition to other American Indian representation on campus.

## AMERICAN INDIAN ALASKA NATIVE (AIAN) DEMOGRAPHICS IN THE STATE OF CALIFORNIA



- Other Tribes (54%)
- California Tribes (20%)
- Cherokee (18%)
- Apache (6%)
- Navajo (5%)
- Choctaw (5%)

- As of 2021, the U.S. Census Bureau reports there are more than 1.4 million AIAN in California.
- The majority of individuals who identify as AIAN represent out-of-state Tribes: Cherokee (18%); Apache (6%); Navajo (5%); and Choctaw (5%).
- Los Angeles County has the highest population of AIAN.
- California has 20% of all Tribes in the nation.

- As of January 2021, there are 574 federally-recognized American Indian and Alaska Native Tribes and villages in the United States.
- There are 109 federally recognized Tribes in California.
- 104 Tribes have lands within California and an additional five Tribes have lands (Indian Country) in California as well as a neighboring state.
- As of 2021, the U.S. Census Bureau reports that 6.79% of the population is American Indian in the United States.
- More than 95% of AIAN students attend public schools. The remaining 5% attend Bureau of Indian Education (BIE) schools.



# LIST OF LAWS, EXECUTIVE ORDERS, AND OTHER POLICIES ABOUT TRIBAL CONSULTATION

FEDERAL	WEBLINK
FAST Act	<a href="https://www.congress.gov/114/bills/hr22/BILLS-114hr22enr.pdf">https://www.congress.gov/114/bills/hr22/BILLS-114hr22enr.pdf</a>
NAGPRA	<a href="http://www.nps.gov/nagpra/">http://www.nps.gov/nagpra/</a>
NHPA (Section 106)	<a href="https://www.achp.gov/protecting-historic-properties/section-106-process/introduction-section-106">https://www.achp.gov/protecting-historic-properties/section-106-process/introduction-section-106</a>
EO 13084	<a href="https://www.govinfo.gov/content/pkg/WCPD-1998-05-18/pdf/WCPD-1998-05-18-Pg869.pdf">https://www.govinfo.gov/content/pkg/WCPD-1998-05-18/pdf/WCPD-1998-05-18-Pg869.pdf</a>
EO 13175	<a href="https://www.gpo.gov/fdsys/pkg/FR-2000-11-09/pdf/00-29003.pdf">https://www.gpo.gov/fdsys/pkg/FR-2000-11-09/pdf/00-29003.pdf</a>
Memo for Heads of Departments	<a href="http://www.justice.gov/archive/otj/Presidential_Statements/presdoc1.html">http://www.justice.gov/archive/otj/Presidential_Statements/presdoc1.html</a>
DOT Order 5301.1	<a href="https://www.transportation.gov/sites/dot.gov/files/docs/DOT%205301.1.pdf">https://www.transportation.gov/sites/dot.gov/files/docs/DOT%205301.1.pdf</a>
23 USC §134	<a href="https://www.gpo.gov/fdsys/pkg/USCODE-2011-title23/html/USCODE-2011-title23-chap1-sec134.html">https://www.gpo.gov/fdsys/pkg/USCODE-2011-title23/html/USCODE-2011-title23-chap1-sec134.html</a>
23 USC §135	<a href="https://www.gpo.gov/fdsys/pkg/USCODE-2011-title23/html/USCODE-2011-title23-chap1-sec135.html">https://www.gpo.gov/fdsys/pkg/USCODE-2011-title23/html/USCODE-2011-title23-chap1-sec135.html</a>
23 CFR 450.316	<a href="https://www.gpo.gov/fdsys/pkg/CFR-2011-title23-vol1/xml/CFR-2011-title23-vol1-sec450-316.xml">https://www.gpo.gov/fdsys/pkg/CFR-2011-title23-vol1/xml/CFR-2011-title23-vol1-sec450-316.xml</a>
23 CFR 450.322(f)(7)	<a href="https://www.gpo.gov/fdsys/pkg/CFR-2011-title23-vol1/xml/CFR-2011-title23-vol1-sec450-322.xml">https://www.gpo.gov/fdsys/pkg/CFR-2011-title23-vol1/xml/CFR-2011-title23-vol1-sec450-322.xml</a>

STATE/LOCAL	WEBLINK
AB 52	<a href="http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB52">http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB52</a>
CalSTA Consultation Policy	<a href="https://calsta.ca.gov/-/media/calsta-media/documents/docs-pdfs-2014-tribal-consultation-policy-as-adopted-june-2014-a11y.pdf">https://calsta.ca.gov/-/media/calsta-media/documents/docs-pdfs-2014-tribal-consultation-policy-as-adopted-june-2014-a11y.pdf</a>
2017 California RTP Guidelines	<a href="https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/2017rtpguidelinesforrtp-as-a11y.pdf">https://dot.ca.gov/-/media/dot-media/programs/transportation-planning/documents/2017rtpguidelinesforrtp-as-a11y.pdf</a>
SB 18	<a href="https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=200320040SB18">https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=200320040SB18</a>
AB 978	<a href="https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=200120020AB978">https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=200120020AB978</a>
AB 275	<a href="https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB275">https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB275</a>
AB 2836	<a href="https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2836">https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2836</a>
Indigenous Ally Toolkit	<a href="https://segalcentre.org/common/sitemedia/201819_Shows/ENG_AllyToolkit.pdf">https://segalcentre.org/common/sitemedia/201819_Shows/ENG_AllyToolkit.pdf</a>