LCI Tribal Roundtable Series #1: General Plan Guidelines (Roundtable 2)

Overview

The following document contains a high-level summary that reflects the perspectives shared by Tribal representatives who attended Roundtable 2. It is not intended to represent the views of all Tribes statewide, LCI, nor does it capture the full breadth of Tribal experiences with consultation or planning processes. Some points raised may differ among Tribes, and we recognize that practices and needs vary widely across communities. This summary is meant to accurately reflect what we heard, at a high level, in this single conversation and will help inform our broader understanding as we continue engaging with Tribes throughout future roundtables.

High-Level Summary

Participants emphasized that meaningful inclusion of Tribal priorities must occur during General Plan policy development, not deferred to project-level review. They stressed that SB 18 non-compliance, not confusion, is the central problem; therefore, updated guidelines must provide specific, enforceable processes, clearly defining Tribal roles and outlining what meaningful consultation and compliance look like.

Participants called for embedding the foundational truth that all lands, airs, and waters of California are Native throughout all planning elements, including land use, water, conservation, housing, transportation, and environmental justice. Current planning frameworks often exclude Tribal perspectives by assuming growth and development as inherently beneficial, relying on narrow Western definitions of environmental justice, and treating Tribal cultural resources primarily as archaeological rather than living cultural landscapes. Ancestral resources that are often coded "natural" and/or "archaeological" may also be Tribal Cultural Resources, and all rights and opportunities under that designation must be provided.

One participant urged us to recommend jurisdictions treat Tribes—including non-federally recognized Tribes—as sovereign with inherent rights and long-term stewardship responsibilities. Participants highlighted the need for accountability mechanisms, dedicated consultation processes, and policy tools such as Tribal cultural resource overlays, inadvertent discovery protocols, and codified consultation procedures, which prevent repeated project-by-project conflicts and reflect Tribal expertise.

Key missing perspectives in current General Plans include Indigenous definitions of environmental justice, Tribal relationships to water (including beneficial uses and sea-level–related groundwater impacts), open space priorities, and catastrophic event planning—areas in which Tribes face disproportionate harm and insufficient consultation. Participants emphasized that Tribes often lack the capacity to repeatedly defend their resources, making clear, directive, and accessible statewide guidance essential.

Overall, Tribes called for General Plan Guidelines that:

- Embed Tribal sovereignty and stewardship across all elements;
- Provide explicit process requirements that ensure meaningful consultation;
- Address longstanding gaps in water, EJ, land use, open space, and cultural resource protection;
- Reduce barriers created by limited Tribal capacity and inconsistent local government practices.

These improvements are necessary to create a planning framework that respects Tribal nations as long-term partners in shaping California's future.

Summary of Discussion – Tribal Roundtable 2

Question 1: What Tribal priorities are best addressed during General Plan policy development, rather than waiting until project-level environmental review or Tribal consultation?

Discussion:

1. Embedding foundational principles across all elements
The General Plan must begin from the truth that *all lands, airs, and waters of California are Native* and that this principle must be reflected throughout every element, not solely cultural resources.

2. Defining compliance with SB 18 clearly and specifically
Because non-compliance — not confusion — is the core issue, Tribes want guidelines to set out exactly what meaningful consultation looks like, what constitutes compliance, and where process failures create legal and financial risk.

3. Pre-identifying and protecting Tribal cultural resources at the policy stage
Policy tools cited as successful include:

- Tribal cultural resource land-use overlays
- Mandatory inadvertent discovery protocols

- Codified consultation processes
- Recognition of named traditional cultural properties within the plan itself

These tools remove ambiguity and prevent repeated project-by-project fights over significance. It is vital that Tribes are given the right of first refusal and provided the means to accomplish these tasks, and the authority to identify and select any related subject matter experts.

4. Addressing Environmental Justice with Tribal definitions
Tribes argued that EJ must be a required element and must use Indigenous frameworks for harm, pollution, and health — not narrow statistical Western criteria. Policy-level EJ definitions must foreground *avoidance* as the first priority.

5. Water, open space, conservation, and working lands
Policy-level direction is needed because:

- All water has Tribal beneficial uses; the burden of proof should not fall on Tribes.
- Open space designations routinely overlook Tribal resources and sacred places.
- Working lands (including timber, ranching, agriculture) and water elements are currently optional and need stronger policy framing.

6. Clarifying definitions (e.g., "Tribal Cultural Resources")
Tribes request these definitions be written at least as broadly as state historical resource definitions to prevent archaeologists and non-Tribal entities from controlling cultural interpretations

Question 2: How can jurisdictions meaningfully engage Tribes as long-term planning partners in shaping community vision, stewardship, resilience, and future growth?

Discussion:

1. Treat Tribes as sovereign regardless of federal recognition
Jurisdictions must understand that sovereignty is inherent and established by law (e.g., the Montoya case), not dependent on federal recognition. Guidance documents should explicitly educate local governments.

2. Build Tribal roles explicitly into planning processes
Participants stressed that rights exist within *process*. General Plans must outline Tribal roles step-by-step across all elements — not rely on ad hoc project-level practices.

3. Establish consistent government-to-government relationships

Policies should call for ongoing, good-faith collaboration beyond cultural resources, extending to housing, economic development, environmental stewardship, emergency planning, and other areas.

4. Ensure accountability mechanisms

Local governments must face consequences for failures to consult or engage meaningfully. Tribes emphasized that accountability drives compliance more than goodwill.

5. Improve accessibility and communication

Jurisdictions should:

- Provide clear materials early and in accessible formats (e.g., ADA compliance)
- Avoid creating extra burden through iterative consultations without support
- Offer options such as ex-officio Tribal seats on planning boards

6. Support Tribal capacity and reduce resource burdens

Many Tribes lack staff, legal teams, or planners. Clear guidelines must compensate for disparities so Tribal priorities do not depend on resource availability.

7. Recognize and integrate Indigenous environmental justice and cultural knowledge

Jurisdictions must adopt broader definitions of resilience, stewardship, and EJ that incorporate Tribal relationships to place, water, and landscapes. This includes understanding Tribal interpretations of pollution, harm, and historical violence.

Question 3: Where are Tribal perspectives missing from current General Plan discussions?

Discussion:

1. Narrow Western framings of "growth" and "development"

Plans assume growth is inevitable and beneficial without interrogating who benefits and who pays the cost — often Tribal communities. Tribes ask for reframing growth discussions to reflect Indigenous worldviews.

2. Water as a central cultural and ecological priority

Water is often absent or underdeveloped across planning elements. Tribal relationships to water, including beneficial uses, ocean and bay resources, and groundwater impacts (e.g., sea level rise) are not integrated.

3. Open space and conservation planning

Current open space discussions exclude Tribal resource protection needs and often ignore required

consultation under SB 18. Tribes regularly face “flat refusals” when requesting open space designations that protect cultural resources.

4. Emergency planning and catastrophic event scenarios
Tribes note that emergency declarations frequently waive environmental and cultural laws, leaving Tribal resources unprotected — yet this major issue is absent from General Plan resiliency and hazard planning.

5. Indigenous Environmental Justice
EJ elements do not reflect Indigenous definitions of harm, collective continuance, or cultural pollution. EJ policies ignore the intersections among historical trauma, water, air quality, cultural resources, and health.

6. Tribal sovereignty and Nation-building aspirations
General Plans overlook Tribal nation-building needs, including land reacquisition, Tribal village development, wildlife protection, and cultural landscape restoration. Tribes also suggest that General Plans acknowledge aboriginal title and mechanisms similar to trust land status for non-recognized Tribes.

7. The limits of archaeology-driven cultural resource frameworks
Current plans rely heavily on archaeological inventories that fail to recognize Tribally known places, cultural landscapes, or non-visible resources. Tribes emphasized that archaeologists do not define Tribal cultural resources.