Tribal Roundtable #4 SB 18 Tribal Consultation Guidelines

Understanding What is Working

October 27, 2026 | 2:00 pm via Zoom

GOVERNOR'S OFFICE OF LAND USE & CLIMATE INNOVATION · CA

LCI Planning Guidelines Update

Welcome

Rico Miranda, LCI Tribal Liaison

Roundtable #4 Agenda

- Welcome
- Introductions
- SB 18 Tribal Consultation Roundtable Overview
- What SB 18 Does
- What SB 18 Does Not Do
- LCI SB 18 Responsibility
- What LCI has heard so far…
- Facilitated Discussion: Part A-C SB 18 Tribal Consultation Guidelines

Zoom Technical Logistics

- How to participate today
  - Please use Q&A for anonymous questions and Chat for comments and questions
  - If you'd like to make a verbal comment, please use Raise Hand and our moderator will unmute you
  - We welcome comments and questions from Tribal leaders and representatives
  - Please keep comments respectful and focused on today's topic



- This meeting will NOT be recorded

PLEASE NOTE:

The Tribal Roundtables *do not* replace government-to-government Tribal Consultation with LCI.

Consultation letters were distributed via email and mail September 2025 and March 2026.

For meetings or to initiate government-to-government Tribal Consultation, please connect with LCI via email at *tribal.affairs@lci.ca.gov*.

Disclaimer

Where is the input from this session going?

- Feedback, comments, and expertise we hear in any of our engagements – whether it is in Consultation, an information session, or a Roundtable – will be directly informing the development of the General Plan Guidelines and Tribal Consultation Guidelines (and Toolkit)

- Input will be anonymized and we will implement an iterative process indicating where changes were made in the materials, based on input we received

Meet the LCI Team



Rico Miranda
Tribal Liaison



Patricia Kennedy
Policy Unit Manager



Brandon Harrell
Climate Equity Specialist



Araiya Shah
CivicSpark Fellow



Ricki McCarroll
NUNA Consulting Group

Tribal Leader Introductions



CA Governor's Office of
Land Use and
Climate Innovation

SB 18 Tribal Roundtable Themes

Roundtable 4

- **October 27, 2026**
- Review of Part A-C of Tribal Consultation Guidelines
- **Discussion lens:**
- What is currently working?
- What needs additional clarification or potential update?

Roundtable 5

- **October 28, 2026**
- Review of Part D-E of Tribal Consultation Guidelines
- **Discussion lens:**
- What is currently working?
- What needs additional clarification or potential update?

Roundtable 6

- **Date TBD**
- Review of Part F of Tribal Consultation Guidelines
- **Discussion lens:**
- What specific tools and trainings need to be developed?

What SB 18 Does

- **Supports protection of traditional Tribal cultural places** through local land-use planning
- **Requires cities and counties to notify relevant Tribes** before adopting or amending a general or specific plan — and to consult with Tribes that request it
- **Establishes consultation requirements for open-space designation** as well
- **Includes federally and non-federally recognized California Native American Tribes** on the NAHC contact list with traditional lands or cultural places in the affected area
- **Calls for meaningful, timely consultation** that respects Tribal sovereignty, cultural values, and the confidentiality of sacred places

What SB 18 Does Not Do

- **Does not apply to every developmental project –** it focuses on the adoption or amendment of ***general plans and specific plans***
- **Does not automatically trigger consultation –** Tribes must request consultation after receiving notification
- **Does not guarantee agreement –** consultation requires good-faith efforts to seek agreement where feasible, but does not predetermine the outcome
- **Does not replace meaningful dialogue with notification –** sending a letter or providing a public comment opportunity alone does not constitute consultation
- **Does not require Tribes to disclose confidential cultural information publicly –** consultation must respect the confidentiality of sacred places and cultural knowledge

LCI SB 18 Responsibility

Gov. Code § 65040.2(g) requires LCI to amend the General Plan Guidelines to advise local governments on consulting with California Native American tribes about:

•*Preservation* of, or the mitigation of impacts to*, cultural places specific to General Plans and Specific Plans under SB 18*.

•*Identifying* the appropriate tribes through the NAHC

•Protecting the *confidentiality* of identity, location, character, and use of cultural places

•Facilitating voluntary landowner participation in protecting cultural places

What We've Heard So Far

- All California lands, airs, and waters are Tribal lands, airs, and waters
- Non-compliance, not confusion, is the central barrier to effective consultation
  - Agencies treat consultation as procedural rather than substantive
  - Consultation is a statutory obligation
  - Engagement is often initiated too late in planning processes, rather than at the policy level
- Lack of understanding and respect
  - Planners often lack cultural humility
  - Tribal expertise is minimized in favor of archaeological or Western scientific frameworks
  - Jurisdictions must consult with all Tribes with ties to a place, not just one
- Procedural flaws
  - Communication methods are inconsistent and informal notification methods often used
  - Short timelines don't account for Tribal capacity, seasonal ceremonies, or staff turnover
  - No response is often misinterpreted as consent

FACILITATED DISCUSSION LENS

What is currently working?

What needs additional clarification or potential update?

Tribal Consultation Guidelines Section by Section Review

- **Part A** SB 18 Context and Basic Requirements
- **Part B** When and How to Consult with California Native American Tribes
- **Part C** Pre-Consultation

Senate Bill 18: https://bit.ly/SB18Text

Tribal Consultation Guidelines (2005): https://bit.ly/2005TCG

Part A SB 18 Context and Basic Requirements

Sections I through III of the 2005 Supplement provide background information to familiarize local government agencies with the intent of Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) and the importance of protecting California Native American traditional tribal cultural places. Local governments will be better prepared to enter into consultations with tribes if they have a basic knowledge of tribal concerns and the value of cultural places to tribes. The key provisions of SB 18 are also outlined in table and text form.

I. Introduction

II. Background Information

- *California Native American Cultural Places*
- *California Native American Tribes*

III. Basic Requirements of SB 18

- *Responsibilities of OPR*
- *Responsibilities of Local Governments*
- *Responsibilities of NAHC*
- *Other Elements of SB 18*
- *Process Overview: General Plan or Specific Plan Adoption or Amendment*

Key Discussion Considerations for Part A:

- Please provide feedback specific to SB 18 materials.
- Dates and notice requirements that are set by statute cannot be amended in this process.
- LCI respects the processes of our sister agencies. We are unable to comment on those processes or provide any current status updates.

Pages 3-11

in Tribal Consultation Guidelines

Looking ahead: Roundtable 5

- We want to continue this great discussion and find solutions that work for you within LCI's capability.
- Hope to create a record of feedback in a document to share with you all and truly want you to see yourself faithfully represented.
- Tomorrow our discussion continues with a deep dive into Sections B & C.

Next Steps

Tribal Roundtables:
Tribal Consultation Guidelines

SB 18 Tribal Consultation Guidelines & Toolkit

This Tribal Roundtable presentation and meeting summary will be made available via the LCI Planning Update website after attendee review:

https://planningupdate.lci.ca.gov/

Additional materials and follow ups will be provided via email to all Tribal Roundtable attendees.

Register for Upcoming Roundtables

Next Tribal Consultation Guidelines Tribal Roundtable (Roundtable #5)
Oct. 28, 2026, at 2 p.m.
Zoom Link

Eyaay ahan	Míyu	Haminat
Kaqinaš	Oppun towih?	Behne
au?au?	Kwichkamadu um	Dv-laa-ha~
Miyaxwa	Mun-a-hoo	He'ba’lo
He:yung	Manahuu	Oyuukwi
Ayukii	Chiin tha eh	Thank you
Haawka		

Code Reference List

- Government Code §65300 et seq
- Government Code §65450 et seq
- Government Code §65352
- Government Code §65453
- Public Resources Code §5097.9
- Public Resources Code §5097.995
- Public Resources Code §5097.996
- Public Resources Code §5097.9999
- Penal Code §622.5
- Health and Safety Code §7050.5, §7052
- Public Resources Code 5097.2
- California Executive Order W-26-92
- Public Resources Code §5097.9
- 25CFR81
- Government Code §65092
- Government Code §65352.3
- Government Code §65092
- Government Code §65562.5
- Government Code §65040.2(g)
- Government Code §65352.3