PART 1

INITIAL PROJECT ASSESSMENT AND TRIBAL CONSULTATION INITIATION

Pre-CEQA Consultation Phase

All pre-permit communications between planning staff and (potential) project proponents should include Tribal representatives

PROJECT INITIATION

Does project require CEQA review?

- **YES** → **Lead agency identified**
- **NO** → **No CEQA required**

Could project affect Tribal sovereignty, resources, cultural practices, or Tribal jurisdiction?

- **YES** → **Send Contact Request Letter to Tribe**

  Must include:
  - Project overview and need
  - Scope and impact analysis
  - Maps of project area
  - Project timeline
  - Agency contact information

- **NO** → **Standard CEQA Scoping Process** → **Continue to Part 3: CEQA Environmental Review**

Does the Tribe wish to consult?

- **YES** → **Optional: Schedule Pre-Consultation Meeting (Before CEQA Environmental Review)** → **Continue to Part 2: Tribal Consultation process**
- **NO** → **If no response, follow up.** (loops back to "Does the Tribe wish to consult?")

Tribe declines → **Tribe provides recommendations as public comment only** → **Continue to Part 3: CEQA Environmental Review**

PART 2
TRIBAL CONSULTATION PROCESS (GOVERNMENT-TO-GOVERNMENT)

From Part 1: Tribe wishes to consult

CONSULTATION MEETING(S)

Agency provides:

- Technical and legal issues discussion
- USGS maps and area definition
- Previous studies review
- Detailed project timeline
- Review packet preparation
- Optional: Pre-Consultation Meeting

Tribe's internal process

Schedule Formal Government-to-Government Consultation meeting

Confirm meeting seven days prior and 24 hours prior

Formal Consultation meeting

Must address:

- Format for consultation process
- Consultation schedule
- Any site sensitivity and confidentiality requirements
- Technical and legal issues
- Barriers to Tribal participation

Agreement reached between parties?

YES

Tribal Leadership Authorization

Agreement must ensure:

- No trust obligation waiver
- No sovereign immunity waiver
- Alignment with Tribal goals
- Formal resolution or letter

Tribal certification of completed consultation process and/or execution of agreement documents

Continue to Part 3: CEQA Environmental Review

NO

Ongoing Consultation Meetings per schedule

- Field trips to project sites
- Sub-committee meetings
- Staff-level coordination
- Other information as needed

Outline protocol in case of impasse

In case of inadvertent discovery, hold Emergency Consultation

- Contact Tribal designee immediately
- Summary of actions and impacts
- Shortened agreed timelines
- Emergency meeting with Tribal leadership or designee

PART 3
CEQA ENVIRONMENTAL REVIEW PROCESS WITH TRIBAL INTEGRATION

From Parts 1 & 2: CEQA Process with Tribal Consultation Results

CEQA Scoping Process: Integrate Tribal consultation findings and agreements

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Initial Study Preparation: Include all Tribal consultation results and recommendations

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Significant environmental impact identified?

- **YES** ←
- → **NO**

YES

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Environmental Impact Report required

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Notice of Preparation
Distribute to all consulted Tribes and other affiliated Tribes

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EIR Scoping Meeting
Invite Tribal participation and input on scope

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Draft EIR Preparation must include:
- Tribal access to document
- Consultation on draft findings
- Address tribal concerns

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Respond to All Comments
Specifically address Tribal concerns and recommendation

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Final EIR Preparation
Include complete Tribal consultation documentation

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EIR Certification by Lead Agency

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Project Approval Decision
Consider all Tribal input and consultation agreements

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Statement of Overriding Considerations if needed

→ **Project Implementation with Ongoing Tribal Coordination as agreed**

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Mitigation Monitoring and Reporting Program Implementation
Include:
- Tribal-specific measures
- Ongoing coordination protocols
- Monitoring requirements

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Post - Project Monitoring
Include Tribal coordination when applicable per consultation agreements

NO

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Negative declaration or mitigated negative declaration.
Must include:
- Tribal consultation outcomes
- Any agreed mitigation measures
- Ongoing coordination requirements

This resource was developed for the "By Tribes, for Tribes" Consultation Policy Template Project, by California Tribal authorities and University of California Berkeley with funding from the California Department of Cannabis Control, Grant #65304.