



MEMORANDUM

DATE: May 20, 2022

TO: Advisory Committee
San Francisco Bay Restoration Authority

FROM: Jessica Davenport, Deputy Program Manager
Erica Johnson, Project Manager

SUBJECT: Tribal Engagement Policy Development for the San Francisco Bay
Restoration Authority

Staff are committed to advancing the San Francisco Bay Restoration Authority's (Authority) equity and justice goals, which include our engagement of the region's Tribes in Authority-funded projects. Our agency serves a region that encompasses the unceded homelands of the Ohlone, Miwok, Wappo, and Patwin speaking people, who were the original inhabitants and stewards of these lands for thousands of years. Their descendants are represented today by approximately 30 Tribal bands. We acknowledge that state sanctioned genocide, enslavement, obstruction of Tribal sovereignty, and the ongoing cultural erasure of and racism toward Native people continue to cause trauma and limit access to resources for Native communities in our region and across the country.

With the help of the region's diverse communities, including Tribes, Authority staff have learned to recognize the privilege and the power we hold in the San Francisco Bay Area by funding the protection and restoration of shoreline habitats, and associated flood protection and public access. We also recognize our responsibility to support Tribes and participate in actions that help heal historical and ongoing trauma. Staff have therefore decided to develop a Tribal Engagement Policy with the goal of working with Tribes to provide equitable access to the Measure AA grant program. Tribes have expressed a strong interest in protecting and restoring natural resources in the region, and it is in the region's best interest to increase the number of projects developed with strong Tribal leadership and/or partnership. Authority staff have prepared this memo in advance of reaching out to Tribes in order to take advantage of other agencies' listening sessions. We take this approach to alleviate the burden of requests to Tribes to provide input that they have previously provided to many other agencies who are undergoing a similar process. **We plan on directly engaging Tribes of the San Francisco Bay Area region before recommending any policies or best practices for adoption by the Authority.**

Lessons Learned from the Development of the Equity Recommendations for Economically Disadvantaged Communities (EDCs)

In July 2020, the Authority passed Resolution 70, accepting the recommendations developed by the Advisory Committee (AC) to guide its implementation of Measure AA in a manner that

benefits economically disadvantaged communities (EDCs¹). (These recommendations are often referred to as “the equity recommendations.”)

During the development of the equity recommendations, AC members and staff recognized the importance of engaging Tribes and encouraging their participation in the Measure AA grant program but determined that it would be best to pursue this effort at a later date. Tribes are different from EDCs and the Authority needs to engage with them effectively and respectfully as distinct and sovereign entities. The equity recommendations were accepted by the Governing Board, and staff have been implementing them for almost two years. Staff are now beginning development of a Tribal Engagement Policy that is intended to reach all Tribes of the region regardless of federal or state recognition status.

Key themes addressed by the equity recommendations include the following:

- Guide community-based organizations, EDCs and others into the Measure AA Grant process.
- Foster healthy relationships based on trust, meaningful engagement, and authentic partnerships.
- Remove barriers through a revised grant process including amending scoring criteria to incorporate social and racial justice principles into required criteria.

These themes, particularly building relationships and trust, as well as removing barriers to participation, are equally important to engaging Tribes in our work.

Recommendations from Other California Agencies’ Tribal Listening Sessions

Tribal members have expressed some of their needs in prior listening sessions, focus groups, survey responses, or public workshops held by other state and regional agencies in California. Authority staff intend to use these insights as a starting point with which to develop a draft Tribal engagement policy to present to our region’s Tribes for more targeted input. These insights, along with their relevance to the Authority’s grant programs, are summarized below:

- **Set aside funds for Tribes** - Tribes often do not have the capacity to compete for funding or navigate the complexities of different agency requirements. More Tribal partnerships can arise with dedicated grant funds and technical support for tribes. The Authority will need to consider whether to expand the Community Grants Program to include Tribes or create a dedicated grant program for Tribes. The Authority will also need to consider its potential role in the movement to return lands to Tribes. We anticipate that the opportunities to do so within our jurisdiction will be limited and costly but will consider how we could provide our support should the opportunity arise.

¹ The Authority defines an EDC as a census tract with a median household income less than 80% of the area median income. Within this set of low-income communities, the Authority further defines high priority EDCs as groups that are historically underrepresented in environmental policymaking and/or projects; most economically and environmentally impacted by heavy industrial activity and development; most vulnerable to climate change impacts, due to lack of resources required for community resilience; and severely burdened by housing costs, increasing the risk of displacement.

- **Support capacity building for Tribes** - Capacity is a major barrier for effective engagement and partnership with Tribes to address environmental issues. Resources for building their capacity should include, but are not limited to, grant funds that allow for capacity building, compensation for Tribal members' time when participating in consultations on projects, technical support to develop eligible projects, and an Authority staff member whose job is to serve as a liaison with Tribes and educate other Authority staff on how to respectfully engage with and serve Tribes in a culturally competent manner. The guidelines for such grants would be similar to those for the Community Grants Program, in that the Authority could support such projects only if they are designed to lead to on-the-ground projects.
- **Build capacity of the Authority** - The Authority must also improve our capacity to be able to engage with Tribes. Tribes have advised agencies to consult with Tribes in decision making processes with adequate time for Tribes to follow their internal processes of review and decision making; coordinate communication from the Authority and/or across agencies to address overlapping issues and asks; and understand what communication pathways work best for each tribe and use them consistently. The Authority can tap into the best practices being developed by staff of the San Francisco Estuary Partnership, which has been engaging with Tribes as part of the Disadvantaged Community and Tribal Involvement Program (DACTIP), funded by Proposition 1 through the Department of Water Resources. The Authority can also build on the work of State Coastal Conservancy staff, who have been engaging Tribes in their grant programs for several years, through Tribal consultations, grants to Tribes, and through funding nonprofits and agencies that partner with Tribes on their projects.
- **Promote culturally relevant restoration work** - Tribes are stewards of natural resources and hold a wealth of knowledge, but their practices are not widely understood or accepted due to cultural erasure and exclusion. Tribes have called for traditional ecological knowledge, ethnobotany, and Tribal management practices to be included in projects and education. They have also called for the restoration of areas that have cultural or spiritual value to Tribes to be considered a priority. The Authority can support this by incentivizing restoration-focused agencies and organizations funded by Measure AA to partner with Tribes. The Authority can also host networking sessions for Tribes and other organizations, at which Tribes can highlight examples of successful partnerships to bring Tribal management practices to public lands and land trust-owned properties.

Authority staff will continue to compile the recommendations that Tribes have provided to other natural resource agencies and will plan on engaging with the region's Tribes directly for more targeted input. In the coming months, staff will look into each recommendation to develop a process and a policy that engages all of the region's Tribes regardless of federal or state recognition. The Authority will also engage in formal consultation with Tribes to the extent possible.

Tentative Timeline for Tribal Engagement Policy Development

Our tentative timeline outlines next steps in the process and future opportunities to comment on the proposed Tribal Engagement Policy, however the timeline is subject to change based on the availability and capacity of Tribes to participate:

May 2022	Tribal Engagement Policy Development memo presented to AC.
June 2022	Tribal Engagement Policy Development memo presented to Governing Board.
Fall 2022	Focus group and one-on-one meetings with Tribal representatives to get input on policy. Staff draft the policy.
Winter 2022	Comment period for Tribal representatives to vet the draft policy and follow-up meeting to discuss revisions.
Spring 2023	Draft Tribal Engagement Policy presented to AC. Draft Tribal Engagement Policy presented to Governing Board.
Summer 2023	Meeting with Tribal representatives to present revisions and seek additional input.
Fall 2023	Proposed Final Tribal Engagement Policy presented to AC to request recommendation of support.
Fall 2023	Proposed Final Tribal Engagement Policy presented to Governing Board for adoption.

Examples of Restoration Projects with Strong Tribal Leadership and Partnerships

Although Tribal engagement is a new area for the Authority, Tribes already have a long history of taking leadership and partnership roles in conservation and restoration projects in California. Some recent examples of Bay Area projects with strong Tribal leadership and partnership include:

- The Youth Engagement and Service Learning in East Oakland Project - funded by the Authority, the project consists of a partnership between Planting Justice and **Sogorea Te' Land Trust** to develop curriculum centered on topics including Bay habitat restoration, native shoreline plant identification, local environmental justice issues, permaculture, land rematriation and its connection to bay shoreline restoration, and Bay Area Native American history.
- Mount Umunhum Public Access Restoration - a partnership between Midpeninsula Open Space Trust District and the **Amah Mutsun Land Trust** resulted in the funding and construction of a sacred circle for Native people to hold ceremony and other public access improvements that revitalized the mountain top.

- Native Stewardship Corps - The **Amah Mutsun Land Trust** created an ecological restoration program whose sole participants are Tribal members. The program revitalizes culture and prepares participants for the work force by training young adults in traditional ecological knowledge and current techniques in restoration ecology. The Native Stewardship Corps has been working on the restoration of the San Vicente Redwoods in Santa Cruz County, in partnership with the Peninsula Open Space Trust, among other projects.
- Point Reyes National Seashore (Point Reyes) Partnership – The **Federated Indians of Graton Rancheria** and the National Park Service signed a 20-year government-to-government agreement sharing the responsibility in restoring Point Reyes, including the Tribe’s views and traditional ecological knowledge in management practices, and prioritizing areas in Point Reyes that are designated Native American Traditional Cultural Properties.

Other projects in the state that can serve as models include the following:

- Indian Creek Habitat Connectivity and Restoration Project - funded by the Coastal Conservancy, the project enabled the **Yurok Tribe** to prepare final designs for the restoration of Indian Creek and salmonid habitat.
- Establishment of the Kashia Coastal Reserve - The Trust for Public Land purchased the reserve and returned ownership to the **Kashia Band of Pomo Indians** (the Kashia). Ownership of the land has enabled the Kashia to implement a traditional management plan to restore the forest, a place to harvest and gather traditional plants, and a place for ceremonies.
- Other examples of lands returned to Tribes included partnerships with the following:
 - The **Yurok Tribe** and Western Rivers Conservancy worked together to repatriate about 50,000 acres on the Klamath River.
 - The **Esselen Tribe of Monterey County**, Western Rivers Conservancy, California Natural Resources Agency, and Big Sur Land Trust worked together to acquire and steward the Alder Ranch property, which the Esselen Tribe now holds title to.

Conclusion

Engagement with Bay Area Tribes offers great potential for advancing equity and improving the management of shoreline environments. We welcome input from the AC in the development of the Authority’s Tribal Engagement Policy and look forward to discussing it with you at this and future meetings.