

Resolution No. 142

Tribal Consultation Policy

Whereas, the San Francisco Bay Restoration Authority (Authority) was created as a regional public entity pursuant to the San Francisco Bay Restoration Authority Act at California Government Code Sections 66700, et seq. (Act) to generate and allocate resources for the protection and enhancement of tidal wetlands and other wildlife habitat in and surrounding the San Francisco Bay; and

Whereas, the Act provides for a Bay Restoration Advisory Committee (“Advisory Committee”) to advise the Governing Board of the Authority; and

Whereas, California Native American Tribes (Tribes) have a unique relationship with California’s natural resources; and

Whereas, Tribes and Tribal communities have distinct cultural, spiritual, environmental, economic and public health interests, and traditional cultural and ecological knowledge about California resources; and

Whereas, in May 2024 the Authority passed Resolution 123 adopting the Tribal Engagement Recommendations, which serve as guidance for the Authority for engaging with tribes generally, and as a framework for implementing this consultation policy. The Recommendations state the Authority will strive to provide tribes with equitable access to the Measure AA Grant Program and the benefits that Measure AA projects provide, to build relationships with tribes, and to work to understand each tribes’ concerns, interests, capacity, and needs that could be met by Authority grant programs; and

Whereas, having operated under Resolution 108, the Interim Tribal Consultation Policy, since May 2023, the Authority has now gathered enough information to adopt a permanent policy to ensure effective consultation between the Authority and Tribes and Tribal communities regarding the development of projects that may affect them;

Whereas, for purposes of local land use planning and the California Environmental Quality Act, the State of California’s Native American Heritage Commission maintains a contact list of California Native American Tribes (Tribal Consultation List), which specifies the California counties for which Tribes would like to be contacted for consultation; and the Authority maintains a list of contacts of Tribes and Tribal organizations for consultation and engagement;

NOW, THEREFORE, BE IT RESOLVED that, to promote discussion with and consideration of the views of Tribes and Tribal communities and, where feasible, reach agreement on issues of concern, the Authority hereby establishes a Tribal Consultation Policy consisting of the following:

The Authority’s goal is for culturally sensitive outreach and the opportunity for consultation to occur early and regularly prior to the Authority’s decisions to fund projects. The Authority establishes the staff position of Tribal Liaison to serve as the main contact for Tribes and to help fulfill this goal. Before recommending projects to the Board for funding, staff shall send letters

to potentially interested tribes inviting consultation and collaboration on the potential Authority grants. Staff shall strive to send consultation letters at least 90 days before Board meetings to consider authorizing the grants, unless there are extenuating circumstances. If a tribe requests consultation, the Tribal Liaison will work with the tribe to arrange a meeting with the Executive Officer, or if less formal, with Authority staff members.

As a general practice, staff will send the consultation letters around the time when staff releases the preliminary list of projects they intend to bring to the Board for funding authorization in the coming year. If a project has been significantly changed prior to the meeting at which the Board will consider authorizing a grant, staff shall send another consultation letter regarding the potential grant.

After Board authorization of a grant, if staff plans to recommend that the Board authorize a significant change to the project or the grant, staff shall send out consultation letters to the tribes inviting another opportunity for consultation.

To determine which tribes might be interested in potential Authority grants, the Authority shall utilize the Native American Heritage Commission’s Tribal Consultation List, the Authority’s tribal contact list, and staff knowledge derived from existing relationships with tribes.

PASSED AND ADOPTED by the Governing Board of the San Francisco Bay Restoration Authority at its meeting on March 6, 2026, by the following vote:

AYES: Governing Board Members _____

NOES: Governing Board Members _____

ABSENT: Governing Board Members _____

ABSTAIN: Governing Board Members _____

John Gioia, Chair

I, Paul Johnson, Clerk of the Governing Board of the San Francisco Bay Restoration Authority, do hereby certify that the foregoing is a true and correct copy of the Resolution adopted by the Governing Board of the San Francisco Bay Restoration Authority at its meeting of March 6, 2026, which Resolution is on file in the office of this regional governmental entity.

Paul Johnson, Clerk