

Budget Change Proposal - Cover Sheet

Fiscal Year: 2020-21

Business Unit: 0540

Department: California Natural Resources Agency

Priority Number: [Click or tap here to enter text.](#)

Budget Request Name: 0540-015-BCP-2020-GB

Program: 0320

Subprogram: [Click or tap here to enter text.](#)

Budget Request Description: Environmental Justice and Tribal Affairs

Budget Request Summary: The California Natural Resources Agency requests \$360,000 Environmental License Plate Fund (ELPF) ongoing to establish 2.0 positions for an Assistant Secretary for Environmental Justice and an Assistant Secretary for Tribal Affairs. These resources will support and expand the Agency's effort to institutionalize environmental justice and tribal consultation practices into its program planning, development, and implementation decisions.

Requires Legislation: Yes No

Code Section(s) to be Added/Amended/Repealed: [Click or tap here to enter text.](#)

Does this BCP contain information technology (IT) components? Yes No

If yes, departmental Chief Information Officer must sign.

Department CIO Name: [Click or tap here to enter text.](#)

Department CIO Signature:

Signed On Date: [Click or tap here to enter text.](#)

For IT requests, specify the project number, the most recent project approval document (FSR, SPR, S1BA, S2AA, S3SD, S4PRA), and the approval date.

Project Number: Click or tap here to enter text.

Project Approval Document: Click or tap here to enter text.

Approval Date: Click or tap here to enter text.

If proposal affects another department, does other department concur with proposal?

Yes No

Attach comments of affected department, signed and dated by the department director or designee.

Prepared By: Elizabeth Williamson

Date: January 8, 2020

Reviewed By: Joshua Nelson

Date: January 8, 2020

Department Director: Click or tap here to enter text.

Date: Click or tap here to enter text.

Agency Secretary: Bryan Cash

Date: January 8, 2020

Department of Finance Use Only

Additional Reviews: Capital Outlay: ITCU: FSCU: OSAE:

Department of Technology:

PPBA: Sergio Aguilar

Date submitted to the Legislature: January 10, 2020

A. Budget Request Summary

The California Natural Resources Agency requests \$360,000 Environmental License Plate Fund (ELPF) in FY 2020-21 and ongoing to establish 2.0 positions for an Assistant Secretary for Environmental Justice and an Assistant Secretary for Tribal Affairs. These resources will support and expand the Agency's effort to institutionalize environmental justice and tribal consultation practices into its program planning, development, and implementation decisions.

B. Background/History

In 2012, the Agency adopted a Tribal Consultation Policy (http://resources.ca.gov/docs/tribal_policy/Final_Tribal_Policy.pdf) with the purpose to ensure effective government-to-government consultation between the Agency, its Departments of the Agency, and Indian Tribes and tribal communities to provide meaningful input into the development of regulations, rules, policies, programs, projects, plans, property decisions, and activities that may affect tribal communities. The goal of the policy is to engage in the timely and active process of respectfully seeking, discussing, and considering the views of California Indian Tribes, Tribal communities, and Tribal consortia in an effort to resolve concerns of as many parties as possible.

The implementation of the Tribal Consultation Policy states the following:

1. Outreach. The Agency and Departments must identify the Native American tribes to consult at the earliest possible time in the planning process and allow a reasonable opportunity for tribes to respond and participate. Each Department is responsible for meaningful consultation with Native American tribes that promote regular and early consultation through communication and collaboration. Each Department will identify participants in the process – including the decision-makers and staff with an appropriate level of responsibility – that can ensure that tribal concerns will be brought forward.

Each Department shall disseminate public documents, notices and information to California Indian Tribes, Tribal communities and Tribal consortia, minimally by contacting tribal government officials. The documents, regarding the topic for consultation, shall be made readily accessible to tribes and be provided at the earliest opportunity. Notification should include sufficient detail of the topic to be discussed to allow tribal leaders an opportunity to fully engage in a substantive dialogue. In the event the Department makes an attempt to initiate contact and does not receive a response, the Department should make reasonable the periodic efforts throughout the process to repeat the invitation.

Each Department should conduct meetings, outreach and workshops at times and locations that facilitate tribal participation as much as possible. The Departments will be

open to communication opportunities initiated by Tribes and seek opportunities for collaboration by communicating regularly with tribes. Each Department should establish a mechanism to request relevant and available information, studies and data from tribes when conducting research or studies that relate to, or could impact, tribal lands on cultural resources. The Department should seek to protect any confidential information provided to the fullest extent allowed by the law, recognizing that the Departments are subject to the California Public Records Act.

2. Tribal Liaisons. Each Department should designate a tribal liaison, or liaisons, to serve as the central point of contact for Indian tribes. The role of the tribal liaison will be to ensure that Department outreach and communication efforts are undertaken in a manner consistent with this policy. Tribal liaisons should be encouraged and empowered to develop ongoing and regular communication with tribal representatives. Where possible and where consistent with Administration policy and guidance, tribal liaisons should use these ongoing relationships to inform tribes and issues of interest that may not necessitate consultation, such as legislative proposals that may affect tribal communities. Tribal liaisons should make an effort to provide feedback to the tribes on how information obtained from a consultation informed the Department's decision-making process.

3. Tribal Liaison Committee. The Agency hereby designates the CNRA Tribal Liaison Committee consisting of Department tribal liaisons that will meet on a regular basis in the Office of the Secretary to review tribal consultation efforts and opportunities in the Departments and share information.

4. Access to Contact information. The Agency shall work with the Native American Heritage Commission to maintain a contact list of tribal representatives from federally recognized and non-federally recognized California Indian Tribes.

5. Training. The Agency will provide training to tribal liaisons and executive staff, managers, and supervisors and employees on implementation of this policy.

In December 2018, Governor Edmund G. Brown Jr. issued Executive Order B-60-18 directing the Tribal Advisor to establish a taskforce that will oversee the development of the California Indian Heritage Center. The 2018-2019 State Budget allocated \$100 million to the development and construction of a California Indian Heritage Center under the operating budget of the Department of Parks and Recreation. The Center is intended to celebrate the living culture of California Native American peoples by preserving cultural and tribal traditions, nurturing contemporary expressions and facilitating research and education for California, the nation and the world. The taskforce shall be led and convened by the Governor's Tribal Advisor, the Natural Resources Agency and the Department of Parks and Recreation.

On June 18, 2019 Governor Gavin Newsom issued Executive Order N-15-19 and a formal apology to California's Native Americans for historical mistreatment, violence and neglect. He established a Truth and Healing Council to provide Native Americans a platform to clarify the historical record and work collaboratively with the state to begin the healing process, reaffirming the principles outlined in Executive Order B-10-11, requiring the Administration to engage in government-to-government consultation with California Native American tribes.

On October 9, 2003 the Natural Resources Agency released a Resources Agency Environmental Justice Policy. The policy defines Environmental Justice as "the fair treatment of people of all races, cultures and income with respect to the development, adoption, implementation and enforcement of environmental laws, regulations, and policies" (Government Code Section 65040.12 and Public Resources Code Section 72000). It is the policy of the Resources Agency that the fair treatment of people of all races, cultures and income shall be fully considered during the planning, decision-making, development and implementation of all Resources Agency programs, policies and activities. The intent of this policy is to ensure that the public, including minority and low-income populations, are informed of opportunities to participate in the development and implementation of all Resources Agency programs, policies, and activities, and that they are not discriminated against, treated unfairly, or caused to experience disproportionately high and adverse human health or environmental effects from environmental decisions. The policy encourages the following agency actions and implementation:

Agency Actions:

All Departments, Boards, Commissions, Conservancies and Special Programs of the Resources Agency must consider environmental justice in their decision-making process if their actions have an impact on the environment, environmental laws, or policies. Such actions that require environmental justice consideration may include:

- Adopting regulations
- Enforcing environmental laws or regulations
- Making discretionary decisions or taking actions that affect the environment
- Providing funding for activities affecting the environment
- Interacting with the public on environmental issues

Implementation

1. Identifying relevant populations that might be adversely affected by programs or projects submitted by outside parties, as appropriate.
2. Seeking out and consulting with community groups and leaders to encourage communication and collaboration prior to taking actions that may have an impact on the environment, environmental laws or policies.
3. Broadly distributing public information, in multiple languages if appropriate, to

encourage participation in public processes.

4. Ensuring that public documents and notices relating to environmental issues that may have an impact on human health are concise, understandable, and readily accessible to the public, printed in multiple languages if appropriate.
5. Holding required public meetings, hearings, and workshops at times in locations that encourage meaningful public participation by members of affected communities.
6. Working in conjunction with other federal, state, regional, and local agencies to ensure consideration of disproportionate impacts on relevant populations.
7. Fostering broad access to existing and proposed data sets and technology to better identify, analyze, and respond to environmental justice issues.
8. Providing appropriate training to staff on environmental justice issues so that recognition and consideration of such issues are incorporated into daily program activities.

Chapter 360, Statutes of 2019 (AB 1628) updates California's definition of "environmental justice" to include the "meaningful involvement" of people of all races, cultures, incomes, and national origins with respect to the development, adoption, implementation, and enforcement of environmental laws, regulations, and policies to ensure low-income and minority communities are substantially involved in the decision-making process.

C. State Level Considerations

During Governor Gavin Newsom's inaugural speech he said, "our government will be progressive, principled, and always on the side of the people...we will be a California for all."

This has translated into a top priority of access, and specifically "access for all" at the Natural Resources Agency. Far too many Californians cannot access the natural, historical and cultural resources that we manage. We want to directly confront this inequity by expanding all Californians' access to parks, open space, nature and cultural amenities. Tribes and environmental justice groups commonly fall victim to barriers to access. The approval of this BCP will give the Agency needed increased capacity to work with tribal and environmental justice groups and to collaborate with other partners at state agencies, to develop and implement this priority.

The Assistant Secretary for Tribal Affairs will help support the Governor's Tribal Advisor's efforts and vision as many of the issues under the Tribal Advisor's purview are Resources-related.

D. Justification

The purpose of this request is to expand capacity to fully carry out the Tribal Consultation and Environmental Justice policies throughout the Resources Agency and its departments. Adding positions will support and expand the Agency's efforts to institutionalize environmental justice considerations and tribal consultation practices. The positions will provide more structured support to tribes and environmental justice groups and help streamline coordination amongst the departments. Strengthening the agencies dialogue and engagement with tribes and environmental justice groups will enhance the ability to gain consensus, receive valuable input, and better understand the issues facing the Agency.

The Natural Resources Agency has a tribal liaison, per the 2012 Tribal Consultation Policy that coordinates logistics with the tribal liaisons throughout the departments. To date, the Agency has used existing staff members to engage with tribes and environmental justice groups as the Agency is approached on an ad hoc basis. These staff members took this work on in addition to their regular assignments and workload. To fully carry out the Tribal Consultation and Environmental Justice policies, significant, ongoing outreach and communication needs to occur. It is not feasible to carry out and fully implement these policies and institutionalize updated practices within existing staff levels and resources.

The Agency requests two Assistant Secretary positions to further develop and implement the Tribal Consultation and Environmental Justice policies. There are key issues, projects and reports being undertaken by the Agency where tribal and environmental justice groups and knowledge needs to be engaged and coordinated for input. These positions will act as technical and program consultants to all levels of the Agency and its departments, as well as external entities. These positions will require travel to foster stronger relationships externally and convene and coordinate annual listening sessions with the Agency Secretary and Department Directors.

The Assistant Secretary for Tribal Affairs will assist the efforts to develop the new California Indian Heritage Center and taskforce that is led and convened by the Governor's Tribal Advisor, the Natural Resources Agency and the Department of Parks and Recreation. The Center's site design and development began in earnest with the commitment in the Governor's 2018-2019 budget to invest \$100 million in state funds. A campaign is underway to raise a matching donation of \$100 million for the phased buildout. This effort has an extensive public engagement process that will take place throughout the entire process and will require increased capacity to implement.

E. Outcomes and Accountability

The two positions will hold the Agency and its departments accountable to effectively engage tribes and environmental justice groups. Implementation of both policies will lead to more robust and inclusive public participation in the Agency's decision-making processes. Outcomes will include providing training for staff, conducting on-going communication and collaboration with environmental justice community groups and tribes through community meetings, webinars and direct communication, conducting public education and raising awareness of environmental and tribal concerns, expanding website access, and increased transparency.

F. Analysis of All Feasible Alternatives

Alternative 1: Approve \$360,000 ELPF ongoing and 2.0 permanent positions for an Assistant Secretary for Environmental Justice and an Assistant Secretary for Tribal Affairs.

Pros: This alternative would enable the Agency to carry out fully the Environmental Justice and Tribal Consultation policies.

Cons: The funding requested would not be available for other purposes.

Alternative 2: Deny this proposal.

Pros: The funding requested would be available for other purposes.

Cons: Agency would not have the needed resources to support and expand its efforts to institutionalize environmental justice and tribal consultation practices into its program planning, development, and implementation decisions.

Alternative 3: Approve \$180,000 and 1.0 permanent positions for a combined position.

Pros: Half of the funding requested would be available for other purposes.

Cons: This would result in increased support but not to the level needed to implement both policies.

G. Implementation Plan

These two new positions will be recruited for and hired once the budget is final in July 2020.

H. Supplemental Information

- Natural Resources Agency Tribal Consultation Policy
- Natural Resources Agency Environmental Justice Policy

I. Recommendation

The Agency recommends approval of Alternative 1: \$360,000 ELPF ongoing and 2.0 permanent positions for an Assistant Secretary for Environmental Justice and an Assistant Secretary for Tribal Affairs to implement the Environmental Justice and Tribal Consultation policies.

BCP Fiscal Detail Sheet

BCP Title: Environmental Justice and Tribal Affairs

BR Name: 0540-015-BCP-2020-GB

Budget Request Summary

Personal Services

Personal Services	FY20 Current Year	FY20 Budget Year	FY20 BY+1	FY20 BY+2	FY20 BY+3	FY20 BY+4
Positions - Permanent	0.0	2.0	2.0	2.0	2.0	2.0
Total Positions	0.0	2.0	2.0	2.0	2.0	2.0
Earnings - Permanent	0	240	240	240	240	240
Total Salaries and Wages	\$0	\$240	\$240	\$240	\$240	\$240
Total Staff Benefits	0	104	104	104	104	104
Total Personal Services	\$0	\$344	\$344	\$344	\$344	\$344

Operating Expenses and Equipment

Operating Expenses and Equipment	FY20 Current Year	FY20 Budget Year	FY20 BY+1	FY20 BY+2	FY20 BY+3	FY20 BY+4
5301 - General Expense	0	4	4	4	4	4
5302 - Printing	0	2	2	2	2	2
5304 - Communications	0	2	2	2	2	2
5306 - Postage	0	1	1	1	1	1
5320 - Travel: In-State	0	5	5	5	5	5
5322 - Training	0	1	1	1	1	1
5324 - Facilities Operation	0	1	1	1	1	1
Total Operating Expenses and Equipment	\$0	\$16	\$16	\$16	\$16	\$16

Total Budget Request

Total Budget Request	FY20 Current Year	FY20 Budget Year	FY20 BY+1	FY20 BY+2	FY20 BY+3	FY20 BY+4
Total Budget Request	\$0	\$360	\$360	\$360	\$360	\$360

Fund Summary

Fund Source

Fund Source	FY20 Current Year	FY20 Budget Year	FY20 BY+1	FY20 BY+2	FY20 BY+3	FY20 BY+4
State Operations - 0140 - California Environmental License Plate Fund	0	360	360	360	360	360
Total State Operations Expenditures	\$0	\$360	\$360	\$360	\$360	\$360
Total All Funds	\$0	\$360	\$360	\$360	\$360	\$360

Program Summary

Program Funding

Program Funding	FY20 Current Year	FY20 Budget Year	FY20 BY+1	FY20 BY+2	FY20 BY+3	FY20 BY+4
0320 - Administration of Natural Resources Agency	0	360	360	360	360	360
Total All Programs	\$0	\$360	\$360	\$360	\$360	\$360

Personal Services Details

Positions

Positions	FY20 Current Year	FY20 Budget Year	FY20 BY+1	FY20 BY+2	FY20 BY+3	FY20 BY+4
0159 - Asst Secretary (Eff. 07-01-2020)	0.0	2.0	2.0	2.0	2.0	2.0
Total Positions	0.0	2.0	2.0	2.0	2.0	2.0

Salaries and Wages

Salaries and Wages	FY20 Current Year	FY20 Budget Year	FY20 BY+1	FY20 BY+2	FY20 BY+3	FY20 BY+4
0159 - Asst Secretary (Eff. 07-01-2020)	0	240	240	240	240	240
Total Salaries and Wages	\$0	\$240	\$240	\$240	\$240	\$240

Staff Benefits

Staff Benefits	FY20 Current Year	FY20 Budget Year	FY20 BY+1	FY20 BY+2	FY20 BY+3	FY20 BY+4
5150350 - Health Insurance	0	11	11	11	11	11
5150450 - Medicare Taxation	0	7	7	7	7	7
5150500 - OASDI	0	15	15	15	15	15
5150630 - Retirement - Public Employees - Miscellaneous	0	71	71	71	71	71
Total Staff Benefits	\$0	\$104	\$104	\$104	\$104	\$104

Total Personal Services

Total Personal Services	FY20 Current Year	FY20 Budget Year	FY20 BY+1	FY20 BY+2	FY20 BY+3	FY20 BY+4
Total Personal Services	\$0	\$344	\$344	\$344	\$344	\$344