

January 12, 2024



The Honorable Chris Holden  
Chair, Committee on Appropriations  
California State Assembly  
1021 O Street, Suite 8220  
Sacramento, CA 95814

**RE: Support for Assembly Bill 1284 (Ramos) - Tribal Co-governance of Ancestral Lands and Waters Act.**

Dear Chair Holden, Vice Chair Sanchez, and Committee Members -

The Pew Charitable Trusts writes to express support for Assembly Bill 1284 (Ramos) regarding co-management agreements with Tribal Nations and encourages the Committee to consider the bill favorably in January.<sup>i</sup>

Tribal Nations and Indigenous Peoples actively steward their ancestral lands and waters and have done so since time immemorial— for food, medicine, ceremony, and other customary uses in accordance with traditional practice. Despite a legacy of “violence, exploitation, dispossession, and the attempted destruction of tribal communities”, as acknowledged by Governor Gavin Newsom on behalf of the State of California via a 2019 executive order,<sup>ii,iii</sup> many Tribal communities have persevered, survived, and are recognized as sovereign governments.

The enactment of AB 1284 would accomplish four things. First, it provides the State of California an opportunity to honor the sovereignty of Tribal Nations, without additional fiscal pressures, by defining and operationalizing the principle of co-management in statute. The legislation would also align California law with the U.S. federal government’s trust and treaty responsibilities and unique government-to-government relationships with Tribal Nations<sup>iv</sup>. Finally, the bill seeks to foster durable relationships between agencies, commissions, and other state entities by formally recognizing Tribal knowledge of natural resource management, which will more effectively support incorporating this valuable information into decisions affecting public trust resources. We discuss each in more detail below.

- 1) Enacting AB 1284 will build on current momentum across California government to better recognize the sovereignty of Tribal Nations by defining and operationalizing “co-management” in statute.**

The legislation is a natural extension of, and helps to cohere, recent actions by Governor Newsom and state agency leaders. As a follow up to the aforementioned 2019 executive order, Governor Newsom established a new administrative policy on Native American Ancestral Lands in 2020 to “encourage every State agency, department, board and commission (collectively, “entities”) subject to my executive control to seek opportunities to support California tribes’ co-management of and access to natural lands that are within a California tribe’s ancestral land and under the ownership or control of the State of California, and to work cooperatively with California tribes that are interested in acquiring natural lands in excess of State needs.”<sup>v</sup>

A definition for co-management was adopted in February 2020 by the California Fish and Game Commission after three years of public discourse through the Commission's Tribal Committee and consultation processes between Tribal Nations and the State of California.<sup>vi</sup> AB 1284 includes this same definition of co-management: "a collaborative effort established through an agreement in which two or more sovereigns mutually negotiate, define, and allocate amongst themselves the sharing of management functions and responsibilities for a given territory, area or set of natural resources."<sup>vii</sup>

**2) AB 1284 does not create new or additional fiscal pressures on the state and may work to streamline future co-management efforts.**

As described above, the legislation aims only to codify recent, existing, and planned actions to ensure implementation beyond the current Administration.<sup>viii,ix</sup> Articulating the key definitions and clarifying authorities does not itself create or envision "new" work for the state. Furthermore, the clarity provided by the proposed legislation regarding terms and roles can reduce time and costs for future initiatives. We encourage further dialogue among Tribes and the Administration as AB 1284 progresses if additional clarity is needed on the fiscal impact of the bill.

**3) AB 1284 aligns with the trust and treaty responsibilities of the United States government and adheres to the unique government to government relationship afforded federally recognized Tribes.**


The legislation's focus on federally recognized Tribes is consistent with recent actions by the federal government to reaffirm its trust and treaty obligations to federally recognized Tribal Nations and refine its operations as a result. For example, in 2022 the Secretaries of Agriculture, Interior, and Commerce issued a Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters, to ensure "management is consistent with the nation-to-nation relationship between the United States and federally recognized Indian Tribes; and that such management fulfills the United States' unique trust obligation to federally recognized Indian Tribes and their citizens."<sup>x</sup> And the Bureau of Land Management (BLM)<sup>xi</sup>, National Park Service<sup>xii</sup>, and U.S. Fish and Wildlife Service (FWS)<sup>xiii</sup> have recently updated their operational guidance on agreements with Tribes.

**4) Recognizing Tribal knowledge in natural resource management will benefit California and Tribal Nations. AB 1284 can help facilitate these relationships.**

Thousands of years of traditional knowledge and cultural practices by Tribal Nations can, and should, play a key role in supporting Tribal Nations and the State of California as they tackle the myriad challenges of climate change and biodiversity loss.<sup>xiv,xv</sup> Recognizing as much, Governor Newsom issued an executive order in October 2020 which directed the California Natural Resources Agency (CNRA) to collaborate with tribal partners to incorporate tribal expertise and traditional ecological knowledge to better understand threats to biodiversity. As a result, strengthening Tribal partnerships is one of three core commitments of California's 30x30 initiative, given "Tribes have a sovereign right to their traditional foods, which necessitates accessing and utilizing traditional food sources and expanding tribal access, management, and restoration to enable continuation and revitalization of tribes' cultural lifeways, foods, and ecosystems."<sup>xvi</sup> The mutual agreements encouraged by AB 1284 will foster stronger partnerships between Tribal Nations and the state of California, thereby increasing the likelihood that shared decision-making and culturally-specific practices persist into the future.

In summary, enactment of AB 1284 in 2024 recognizes the sovereignty of Tribal Nations, opens doors to innovative partnerships and resource management that can strengthen resilience of California's ecosystems and communities to the impacts of climate change, in line with the state's 30 x 30 goals. We urge the Committee to favorably consider this important legislation and advance it to the full Assembly.

Sincerely,



Bobby Hayden  
Officer, U.S. Conservation  
The Pew Charitable Trusts



Jos Hill  
Project Director, U.S. Conservation  
The Pew Charitable Trusts

cc:

The Honorable Kate Sanchez, Vice Chair, Assembly Appropriations Committee  
Members, Assembly Appropriations Committee  
The Honorable Robert Rivas, Assembly Speaker  
The Honorable James Ramos

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<sup>i</sup> 2023-2024 California Legislative Session. AB 1284 - Tribal ancestral lands and waters: co-governance and co-management agreements. [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202320240AB1284](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202320240AB1284)

<sup>ii</sup> Executive Order N-15-19 from California Governor Gavin Newsom (June 2019). <https://www.gov.ca.gov/wp-content/uploads/2019/06/6.18.19-Executive-Order.pdf>

<sup>iii</sup> Cowan, Jill. "It's Called Genocide': Newsom Apologizes to the State's Native Americans," The New York Times, June 19, 2019. <https://www.nytimes.com/2019/06/19/us/newsom-native-american-apology.html>

<sup>iv</sup> See Secretary of the Interior, Sally Jewel (2014), Secretarial Order 3335: Reaffirmation of the Federal Trust Responsibility to Federally Recognized Indian Tribes and Individual Indian Beneficiaries. Signed August 20, 2014. <https://www.doi.gov/sites/doi.gov/files/migrated/news/pressreleases/upload/Signed-SO-3335.pdf>

<sup>v</sup> Governor Gavin Newsom. Statement of Administration Policy - Native American Ancestral Lands. September 25, 2020. <https://www.gov.ca.gov/wp-content/uploads/2020/09/9.25.20-Native-Ancestral-Lands-Policy.pdf>

<sup>vi</sup> California Fish and Game Commission. Co-Management Vision Statement and Definition. February 2020. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=184474#:~:text=The%20vision%20of%20tribes%2C%20the,the%20health%20and%20sustainable%20use>

<sup>vii</sup> *ibid.*

<sup>viii</sup> See Winnemem Wintu Tribe and California Department of Fish and Wildlife (CDFW). Agreement and Co-Management Framework for Reintroduction of Anadromous Salmonids in the Tribal Cultural Landscape of the Winnemem Wintu Tribe along the McCloud River Watershed. 2023. <https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=212724&inline>

<sup>ix</sup> See Memorandum of Understanding (MOU) Washoe Tribe of Nevada and California and the Sierra District of California State Parks. January 28, 2023. Media advisory: <https://washoetribe.us/articleblogpage/2058-Page-washoe-mou-signing-ceremony> and media story, Tahoe Daily Tribune, Feb 17, 2023 <https://www.tahoe-daily-tribune.com/news/washoe-tribe-signs-historic-agreement-to-co-manage-lands-with-california-state-parks/>

<sup>x</sup> United States Departments of Interior, Agriculture, and Commerce. Joint Secretarial Order on Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters. November 21, 2022.

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<https://www.doi.gov/sites/doi.gov/files/elips/documents/so-3403-joint-secretarial-order-on-fulfilling-the-trust-responsibility-to-indian-tribes-in-the-stewardship-of-federal-lands-and-waters.pdf>

<sup>xi</sup> United States Department of Interior - Bureau of Land Management. Co-Stewardship with Federally Recognized Indian and Alaska Native Tribes Pursuant to Secretary's Order 3403. September 13, 2022.

<https://www.blm.gov/sites/default/files/docs/2022-09/PIM2022-011%20+%20attachment.pdf>

<sup>xii</sup> United States Department of Interior - National Park Service. Fulfilling the National Park Service Trust Responsibility to Indian Tribes, Alaska Natives, and Native Hawaiians in the Stewardship of Federal Lands and Waters. September 12, 2022. [https://www.nps.gov/subjects/policy/upload/PM\\_22-03.pdf](https://www.nps.gov/subjects/policy/upload/PM_22-03.pdf)

<sup>xiii</sup> United States Department of Interior - US Fish and Wildlife Service. Director's Order Fulfilling the Trust Responsibility to Indian Tribes, Alaska Natives, and Native Hawaiians in the Stewardship of Federal Lands and Waters. September 8, 2022. <https://www.fws.gov/sites/default/files/documents/076566-USFWS-DO.pdf>

<sup>xiv</sup> For recent discourse on this from Tribal Nations, see the CA Natural Resources Agency Speaker Series - Native Voices on Traditional Ecological Knowledge, November 14, 2023.

<https://www.youtube.com/watch?v=ZyBMIZ7CjbA>

<sup>xv</sup> Cultural fire, using prescribed burns to manage landscapes, is an example. See Marks-Block et al (2019). Effects of understory fire management treatments on California Hazelnut, an ecocultural resource of the Karuk and Yurok Indians in the Pacific Northwest. *Forest Ecology and Management*, Volume 450, 2019, 117517,

<https://doi.org/10.1016/j.foreco.2019.117517>

<sup>xvi</sup> California Natural Resources Agency. Pathways to 30x30. April 22, 2022. p20.

<https://canature.maps.arcgis.com/sharing/rest/content/items/8da9faef231c4e31b651ae6dff95254e/data>