



CIVICWELL

Tribal Consultation in Environmental & Land-Use Planning

What SB 18 and AB 52 mean for planners — lessons from 40 interviews
with California planners and tribal leaders

Source: Zuñiga, Méndez, Carroll, & Monroy (2026). Journal of Urban Affairs.

California's consultation stakes are the largest in the nation

1.4M

Native American residents in California — the largest total of any state

109

Federally recognized tribes; ~65 more are not recognized by the U.S. government

2

State laws in play: general plan updates (SB 18) and environmental review (AB 52)



Given the U.S. history of expropriating Indigenous lands, tribal consultation isn't just a box to check — it's a mechanism for procedural equity and a chance to build genuinely reparative relationships.

Two laws, working in tandem

SB 18 (2004)

General Plan Consultation

- Triggered when a city or county updates its general plan
- Agency must notify tribes traditionally/culturally affiliated with the area
- Tribes have 45 days to respond with feedback

AB 52 (2014)

CEQA Environmental Review

- Triggered whenever a general plan amendment activates CEQA review
- Applies to any CEQA lead agency — public agencies, districts, local jurisdictions
- Tribes have 30 days to request a consultation meeting

Together, these laws aim to elevate tribes as sovereign decision-making partners — not general stakeholders.

*The recent court case *Koi Nation v. City of Clearlake* (2025) illustrates shortcomings with such legal mandates. Land-use attorneys urge planners to take the ruling seriously and underscore that many local governments' current consultation practices may be seen as inadequate in protecting tribal cultural resources (Moshref-Danesh, APA Conference Panel, 2025).*

ABOUT THIS RESEARCH

The first statewide evaluation of SB 18 & AB 52

70+

Planners in a statewide listening session, co-sponsored session (APA CA & CPR)

40

Interviews: 21 planners, 2 state reps, 17 tribal leaders

67

General plans reviewed statewide

92%

Of CA's Native American population covered by scope



Fieldwork ran January 2024–November 2025, targeting jurisdictions with the highest environmental-health burdens and Native American population concentrations.

FINDING 1

Tribal communities are poorly represented in general plans

12 of 67

plans did not mention tribal communities at all

39 of 67

failed to link tribes with natural resources or conservation

58 of 67

did not include tribal perspectives on parks & recreation

9 of 67

referenced tribes in EJ sections or climate action strategies

Bottom line: legal mandate does not equal meaningful inclusion in plan content.

FINDING 2

The limiting factor is capacity, not willingness.

Planners face:

- Tight deadlines for reports & feedback
- Multiple competing responsibilities
- Pressure from developers & officials to fast-track projects

Tribal leaders face:

- Weekly floods of consultation requests
- Full-time jobs on top of leadership duties
- Often uncompensated time and travel

“Sometimes when planners are busy, they’re not thinking about meaningful consultation. It becomes a matter of checking it off the list.”

— Southern California planner

FINDING 3

Tribal sovereignty is often misunderstood by planners

“It took me a while to think of [the tribe] as a separate country, like a separate sovereign entity, over which I have no bearing. And I think a lot of people in municipal government just see them as a watchdog group, not a sovereign entity, empowered with rights and power.”

— Southern California planner

What this means in practice:

- Federally recognized tribes are politically distinct governments — consultation is government-to-government, not a public comment period
- Tribal chairs hold a status comparable to a head of state in that relationship, not a stakeholder representative
- Many attorneys and planners alike report gaps in sovereignty training

FINDING 4

Recognition status creates real tension in the room

Federally recognized tribes

- Politically distinct sovereign governments
- Can set environmental regulation on their lands
- Some leaders feel consulting non-recognized tribes dilutes that status

Non-federally recognized tribes

- ~65 in California; some legally treated like nonprofits
- Worry that policy changes could unfairly favor recognized tribes
- Often report being deprioritized by local jurisdictions

Case in point: LA County wildfire recovery (2025)

With no federally recognized tribes in the county, FEMA brought in a federally recognized tribe from another area to oversee recovery — disappointing local tribes who sought to care for their own ancestral lands.

FINDING 5

“Environmental justice” isn’t always the right frame

Planners often frame consultation as an environmental-justice mechanism. Many tribal leaders see it differently — their relationship to land is about traditional ecological knowledge (TEK) and sovereignty, not a diversity/equity category.

“We really don’t use environmental justice, because it’s not justice. It’s birthright.”

— Southern California tribal leader

For planners: lead with TEK, cultural resources, and sovereignty — not just an EJ/Climate Adaptation checklist item.

Models worth borrowing from

SANDAG

Partnered with 17 tribal nations since 2007; the Southern California Tribal Chairmen's Association holds a board seat.

LA County Office of Tribal Affairs

Launched Nov. 2025 to support Indigenous land stewardship and integrate TEK into climate planning.

San Diego County

Tribal Community of Practice builds staff knowledge of sovereignty and culturally relevant planning.

Del Norte County

Standing tribal seats on technical committees, including environmental review and transportation.



Land back & co-management: consultation becomes partnership

Mariposa Creek Parkway

Local tribes, land trusts, and conservancies return land and reintroduce cultural burning, supporting wildfire resilience and traditional harvest.

City of LA Climate Vulnerability Assessment

City planners partner with tribal communities on infill development that includes housing tailored for Native Americans and partnerships with Indigenous nonprofits bring adobe cooling centers and agriculture to vacant lots as climate mitigation.

Consultation done well doesn't end at the legal deadline — it becomes an ongoing relationship.

What planners can do

1

Dedicate time to relationship-building

Treat consultation as ongoing, not tied to a single project timeline. In-person visits and repeated contact build the trust that formal notices can't.

2

Offer a standing seat at the table

Give tribal leaders standing positions on advisory committees, working groups, and commissions — not one-off invitations.

3

Get trained in tribal sovereignty

Push for mandatory training like AB 923 requires of state officials or form a Tribal Community of Practice locally.

What planners can do — continued

4

Fund and advocate for tribal liaison positions

Liaisons are consistently named as the single biggest driver of meaningful consultation, yet few jurisdictions have one.

5

Build in flexible, longer timelines

Statutory minimums (30–45 days) rarely match tribal capacity. Extended review windows reduce rushed, checkbox consultation.

6

Push for accountability mechanisms

Koi Nation v. City of Clearlake (2025) confirms courts expect documented, substantive engagement — not just notice-and-wait.

- **Push for the adoption of formal tribal engagement plans within general plan updates**

KEY TAKEAWAY

The law creates the mandate. Relationships create the outcome.

SB 18 and AB 52 open the door. Whether consultation is meaningful or just a compliance formality depends on relationship-building, sovereignty literacy, and sustained capacity on both sides.

Questions & discussion

Source: Zuñiga, M. E., Méndez, M., Carroll, C., & Monroy, K. (2026). Tribal consultation in environmental and land-use planning: Lessons from planners and tribal leaders. Journal of Urban Affairs.