

# Draft California Natural Resource Agency Tribal Grant Administration Guidelines

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Author: Anh Diep

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# Executive Summary-Tribal Grant Administration Best Practices

The California Natural Resource Agency (CNRA) Tribal Grant Administration Guidance is intended to provide CNRA and department grant administrators who are administering grant programs for which California Native American tribes are eligible with tangible best practices and guidance to better serve tribal partners. The following section summarizes the best practices discussed in the main body of this guidance document and is based on feedback and recommendations received from tribes during CNRA's early consultations on the Climate Bond (Proposition 4, passed 2024) and prior consultations for previous grant programs to date. The executive summary outlines best practices and recommended approaches but does not include comprehensive background or context. For more information and resources, see the complete guidance document and accompanying appendices.

**All grant staff working with tribal grantees and establishing grant programs where tribes are a primary applicant must complete the [California Department of Human Resources Tribal Consultations Training](#). All grant programs that California Native American tribes are eligible applicants must implement consultation and outreach consistent with the [CNRA Tribal Consultation Policy](#) on the draft grant guidelines and throughout the grant solicitation process. All staff creating or administering tribal grants shall connect and work closely with their department's tribal liaison(s).**

CNRA recommends reviewing and integrating best practices for your specific program where applicable and feasible. While some of the recommendations are program-specific (e.g., increasing capacity, supporting first-time applicants, etc.), many of the recommendations may apply to grantmaking broadly. The following best practices and recommendations outlined in this guidance document are not meant to supersede existing statutes or departmental purview over grant programs.

## **Comprehensive Tribal Grant Administration Best Practices: to Implement throughout the Grant Process**

- **Ensure grant staff and reviewers are trained and briefed to practice cultural humility** and are prepared to respectfully work with tribes and review tribal grant applications throughout the entire grant administration process.
  - Proper training helps grant staff to better understand tribal grantee-specific needs and challenges, which further supports more inclusive grant guideline development as well as grant administration delivery to tribal grantees. CNRA strongly recommends reviewing its [Tribal Consultation Policy and Best Practices](#) documents and the [California Department of Human Resources Tribal Consultations Training](#).
- **Conduct early, often, and meaningful tribal consultation, engagement, and outreach** throughout the grant process alongside public engagement where appropriate. (See CNRA Tribal Consultation Policy and Best Practices for more information.)
  - Grant Guideline Development:

- Ask tribes about their priorities for the funding, scoring considerations, and types of expertise they would like to see on grant review panels and incorporate where appropriate. If feasible, provide the scoring rubric in grant guidelines so applicants are aware of how their projects will be scored.
- Share information on the funding, draft grant guidelines, key policies, and other pertinent information as needed for tribes to provide informed feedback to help shape grant guidelines.
- If applicable, after conducting early consultation on grant program priorities, consider conducting consultation and outreach on the drafted guidelines for further review and comment to ensure priorities communicated in early consultation are reflected accurately in guideline language.
- Grant Application:
  - Communicate required documents and anticipated grant application timelines to allow for better planning and account for tribal governmental timelines and needs.
  - Provide early notice if limited waivers of sovereign immunity may be required along with a template limited waiver of sovereign immunity resolution so tribes may review the terms before deciding whether to apply. See Appendix B- Example Template Language for Limited Waiver of Sovereign Immunity Resolution.
- Grant Agreement Execution:
  - Communicate key steps and timeline approximations to grantees (what documents need review and feedback from grantee, how long reimbursement processes take, etc.).
  - Determining if a limited waiver of sovereign immunity is needed is done on a case-by-case basis. If it is determined one is needed, offer and commit to work closely with the tribe (and their legal counsel) to draft a narrow, limited waiver that applies only to the scope of the grant project, grant funds, and respects tribal law and priorities.
  - Clearly articulate what is within the grant team's programmatic purview and what other processes are outside of the team's control, for example timelines for processing Payment Requests.
- **Design grant programs to be inclusive** of tribal practices, Traditional Knowledge, worldviews, and where feasible, use definitions provided by tribes (during consultation and outreach) to outline inclusive eligibility project types and activities. For example, "agriculture" for a tribe could mean tending to an oak tree grove for a healthy acorn harvest.
  - Grant Guideline Development:

- If definitions are set by the funding source (legislation/state policy), identify areas of flexibility to accommodate tribal applicant needs and communicate any limitations as early as possible. Where definitions are not set or clearly defined by the funding source and where feasible, write definitions that are inclusive of tribal laws, policies, and practices.
- Grant Review and Awards:
  - Utilize scoring metrics and criteria provided or approved by tribes from consultation and outreach on grant guidelines.
  - Where feasible, include and recruit Tribal Knowledge Holders to serve on grant review panels or consult on scoring metrics and guidance. See Section 2: Recruiting Tribal Experts for Grant Panel Review.
- Grant Agreement Execution:
  - Encourage tribal grantees to articulate their work plan narratives using language that reflects their tribe's knowledge systems, cultural values, and community priorities. Incorporating tribal perspectives and expressions into the work plan ensures that the tribe's unique vision and approach are captured and integrated into the grant agreement.
- **Provide technical support** such as increased availability to assist tribal grantees throughout the entire grant process.
  - This could include hosting office hours, increasing staff availability to connect with potential grantees one-on-one, creating resources or support documents (e.g., FAQs and guides on invoicing and reporting for state grants), and increased site visits as funding allows.
- **Coordinate with fellow state agencies and align grant program priorities and processes** when feasible to ease administrative burden on tribal grantees.
  - Grant Guideline Development:
    - Coordinated alignment might include, but should not be limited to, utilizing similar grant applications formats, agreement language, invoicing and reporting requirements, etc. and adopting similar programmatic policies around the implementation of advanced pay, indirect cost rates, confidentiality, and limited waivers of sovereign immunity.
  - Grant Review and Awards:
    - Coordinate with other state departments early in the grant application review process to discuss applications proposing projects with potential overlap across different departments' authorities and purviews, ensuring consensus and support on projects through interagency coordination.

- If awarding department intends to share application with sibling department(s) for project funding consideration, communicate this clearly in the grant guidelines and ensure applicant consent for application sharing between departments.
- When tribes enter into grant projects with multiple department partners, coordinate internally to designate a lead granting department to develop a single grant agreement with the tribal grantee when feasible.
- Grant Agreement Execution:
  - Utilize similar reporting templates and use consistent messaging when training grantees to state processes, to ease the burden of learning new grant management processes.
- **Respect data sovereignty and requests for confidentiality** when tribes share knowledge in confidence or note sensitive information that warrants special protection.
  - Offer and commit to work closely with the tribe should confidential information need to be shared (during grant application stage and during reporting for deliverables) and have state legal teams briefed and prepared to provide support in the development of confidentiality agreements.
  - Work with tribes to ensure grant deliverables are mutually agreed upon and uphold cultural sensitivity, data sovereignty, and confidentiality (e.g. allowing tribes to provide summarized information rather than spatially explicit data). (See Data Confidentiality and Data Sovereignty Section for more details).

#### **Grant Guideline and Program Development**

- **Maximize timeline flexibility** in solicitation opening and closing (e.g., early notice of solicitation, rolling deadlines, if possible, etc.) Provide ample time to consult and engage with tribes during grant guideline development. CNRA recommends following best practices outlined in the CNRA Tribal Consultation Policy and Best Practices Appendix.
  - Whenever possible, set solicitation periods for at least 3 calendar months to allow for internal tribal processes, including tribal council review.
  - Schedule solicitation releases accordingly, if possible, and avoid releases during holiday seasons and summertime ceremony seasons. Tribal ceremonies and seasons may differ between tribes and regions. Staff are encouraged to ask tribes what months/seasons to avoid during consultation on the grant guidelines.
  - The most flexible approach, if possible, is to use rolling deadlines to allow tribes to prepare and submit grant applications when they are ready.
- **Implement a phased or multi-step application process**, such as a short, high-level pre-application followed by an invitation to submit a full application; similar application styles may include having applicants submit a letter of intent and outlining project goals before an invitation

to submit a full proposal. These approaches can minimize both state and tribal staff time and efficiency.

- **Create tribal set-asides within a funding pot** to allow for direct funding to tribes and tribal communities. This ensures there is dedicated funding where tribal applicants would not compete against well-resourced, larger non-tribal entities.
- **Set realistic award amounts** including minimums and maximums that reflect the on-the-ground reality of what is needed to accomplish project activities that align with grant priorities. CNRA recommends soliciting feedback on grant award ranges to better understand and hear directly from tribal applicants on appropriate and inclusive funding ranges.
- **Ensure demographic information does not exclude or inaccurately reflect tribal community information** and reflects a comprehensive, on-the-ground reality for the communities the grant aims to serve. For many resources, Census tools do not accurately reflect tribal communities, populations, and socio-economic realities and should not be fully relied on.
  - See CNRA Climate Bond Guidance document for a list of tools and their advantages and limitations.
- **Allow for advances** within the grant administration process. Advances ensure lower-capacity and less-resourced tribes can benefit from funds, without jeopardizing cash flow in a typical reimbursement-only style grant.
- **Offer flexible Indirect Cost (IDC) Rates** within the grant administration process. Where possible, allow tribes the option to use federally negotiated rates, as well as rates more suitable for their day-to-day work operations. Offering higher IDC rates also supports lower-capacity tribes to fund daily operations and staff required to successfully implement grant deliverables.
- **Allow for contingency** or unprogrammed project allocations within the grant budget where possible and within reason to support program priorities and project success.
  - Contingency provides tribes with greater flexibility should unforeseeable circumstances occur during the performance period of a grant (e.g., a contractor's rates are unexpectedly higher, or a restoration project ends up requiring more funds to complete.)
  - Grant administrators should consult with tribes to better understand what percentage of contingency is beneficial towards supporting grant project success and integrate as appropriate into grant guidelines.

#### **Grant Reviewing and Awards**

- **Verify any claims of tribal partnership or benefits** from a non-tribal applicant by requiring a letter from the tribal chairperson or a tribal resolution confirming the partnership.
  - Grant administrators may also request a joint meeting with all collaborators to better understand the partnership and each party's role in the proposed project, if appropriate.
- **Require a community benefits plan or a community benefits assessment** if the applicant is a non-tribal entity claiming partnership or project benefits on behalf of a tribe.



- Requiring written documentation of the above helps to articulate how project priorities and proposed activities directly tie into tribal priorities and where and how the tribe fits into the project in terms of project deliverables and task responsibility.
- **Consider partial awarding** for projects that are less competitive but still align with program goals and connect applicants to other grant programs that might be able to contribute additional funding.
- **Provide state staff and non-tribal grant reviewers with relevant definitions, contextual information, and materials** to help them effectively prepare for application reviews.
- **Ensure scoring metrics are inclusive** for all forms of knowledge and practices, by utilizing feedback from tribes during roundtables and consultation and making metrics public, if appropriate.
- **Be available to answer any questions from grant reviewers and facilitate open discussion** on grant scoring.

#### **Grant Agreement Execution and Administration**

- **Provide templates and examples** such as a completed work plan and budget, invoice, and grant report to serve as a reference. This helps grantees include the necessary level of detail and structure to facilitate effective implementation and project management.
- **Proactively follow up and maintain open lines of communication**, particularly with smaller or lower-capacity tribes where administrative bandwidth may be limited and delays more common.
- **Commit to collaborative engagement** with tribal grantees when reviewing grant agreement language, especially where special provisions, modifications, or culturally specific considerations may need to be incorporated.
  - Connect with legal counsel to understand grant agreement requirements and collaborate on requested language edits.
  - Communicate state limitations to applicants and awardees openly and in a timely manner and offer to convene additional experts to collaborate when appropriate.
- **Exercise respect for tribal protocols** and internal processes by recognizing that all draft agreements typically undergo multiple layers of review, including project managers, legal counsel, and tribal council approval.
  - Grant administrators are encouraged to connect with tribal grantees directly to learn about council approval timelines and processes, where appropriate, to better serve the grantee and promote tribal-government relations.
- **Implement creative reporting and invoicing grant administration practices** to help eliminate burden on tribes.
  - For example, grant administrators could meet with grantees quarterly and prepare invoice forms and perform edits and corrections together in real time.

- For sensitive data, grant administrators should work closely with grantees to fulfil reporting requirements while respecting tribal data sovereignty (See Section 1: Best Practices to Uphold Data Confidentiality and Data Sovereignty for more detail).

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## Introduction

California Native American tribes (tribes) have historically been marginalized from state grant opportunities. This is due to historical injustices creating the modern context in which tribes currently exist and operate within. These injustices have created unique barriers and challenges for tribes participating in California grant programs.

Improving CNRA grant processes for tribal grantees work to address historical wrongs, while fostering stronger, more effective partnerships that benefit all parties. By ensuring that tribal grantees can navigate the complexities of the state grant programs with greater ease, we create a grant process where everyone, regardless of background, has the opportunity to succeed.

**The objectives of this guidance are to support CNRA grant programs in:**

1. Developing grant solicitation and applications, grant agreements, and grant execution for tribal grantees.
2. Highlighting barriers and challenges commonly faced by tribes and the state at various stages throughout the grant process.
3. Providing tools, sample language, considerations, and best practices for grant administrators to utilize when working with tribal grantees.
4. Encouraging inter-agency collaboration and alignment on processes when feasible.

Accompanying resources for this guidance include:

Appendix A-Key Definitions in Tribal Grant Administration

Appendix B-Example Limited Waiver of Sovereign Immunity Resolution

## Section 1: Grantmaking for Tribes and Tribal Applicants

**All grant staff working with tribal grantees and establishing grant programs where tribes are a primary applicant must complete the [California Department of Human Resources \(CalHR\) Tribal Consultations Training](#).<sup>1</sup> All grant programs that California Native American tribes are eligible applicants must implement consultation and outreach consistent with the [CNRA Tribal Consultation Policy](#) on the draft grant guidelines and throughout the grant solicitation process. All staff creating or administering tribal grants shall connect and work closely with their department's tribal liaison(s).**

This section summarizes other relevant background and factors that grant administrators should strongly consider when designing grants, especially those seeking to uplift tribes and promote tribal applications. Important factors include understanding the unique background and barriers that California Native American tribes face when applying for and receiving grant funds. Note, this section does not include a complete history of tribes in California. **CNRA strongly recommends staff creating or administering**

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<sup>1</sup> AB-923 directs Tribal Liaisons to complete the CalHR Tribal Consultations Training and encourage the state and its agencies to consult with tribes.

**tribal grants working closely with their department's tribal liaisons.** CNRA also recommends connecting with tribes in both formal and informal venues to learn directly from tribal representatives.

## Brief History and Background

The State of California was founded through the theft of tribal lands and the state-sanctioned genocide of California Native people. This included forced removal from ancestral territories, widespread violence, and deliberate policies aimed at eradicating Native cultures, governance systems, and land stewardship practices.

In the decades since, tribes have fought relentlessly to protect their sovereignty and demand recognition of their inherent rights as sovereign nations. Tribes continue to work to serve their communities, preserve and revitalize their cultures, and reclaim their traditional lands and practices. This work takes place within state systems that were not designed to accommodate tribal governance and lifeways, and, in many cases, were explicitly structured to exclude them.

In recent years, state agencies have increasingly recognized the impacts of these historical wrongs on the health and wellbeing of tribal communities and the environment. To address these present-day harms, state agencies are shifting policies and programs to reflect the value of Indigenous Knowledge (IK), Traditional Ecological Knowledge (TEK), and traditional practices in areas such as land ownership and stewardship, fire management, and ecological restoration. While this represents a meaningful shift, it must be accompanied by intentional, respectful engagement in the grant making and administrative process. This means ensuring tribes are eligible applicants to receive state funding, protecting tribal intellectual property, ensuring that cultural resources and information are safeguarded, and respecting tribal sovereignty.

For the purposes of this guidance document, the term “Traditional Knowledge” will be used to refer to the unique bodies of knowledge, including but not limited to IK, TEK, held by tribes for purposes of brevity and succinct discussion. CNRA recognizes and affirms that every tribe has a unique and placed-based definition for IK, TEK, and Traditional Knowledge. Please see Appendix A-Key Definitions in Tribal Grant Administration for additional information.

## Barriers and Challenges to Tribal Participation in CNRA Grant Funding Programs and Potential Solutions

As a result of historical injustices, many tribes face significant barriers in accessing state grant funds. These include limited administrative capacity, limited funding, and competing for oversubscribed funding processes that tribes are often placed at a disadvantage compared to better-resourced entities. These challenges are not due to any lack of ability or commitment on the part of tribes but are the direct result of policies and systems built on dispossession and exclusion. The following subsection discusses barriers and challenges to tribal participation in grant programs across the CNRA and provides potential solutions.

### Capacity

Tribes are often under-resourced and may not have the same number of staff or resources for grant applications as well-resourced nonprofits, academia, or local government agencies, thus limiting their ability to participate competitively within a state granting process. Many tribal staff members serve

multiple roles within their government while also acting as grant-writer and manager, limiting individual staff capacity for participation. Also, due to geographic constraints, it may be difficult for tribes, especially tribes in rural communities, to participate in-person at state-hosted workshops and meetings where key information and/or resources are provided.

#### Possible solutions:

- **Provide technical support** such as office hours for CNRA staff to connect with tribal applicants on questions and/or to provide feedback.
- **Streamline applications** by editing grant application questions to be as clear as possible and remove unnecessary questions.
- **Verify tribal support and benefit** if a well-resourced non-tribal entity is applying on behalf of, in support of, and/or claiming partnership with a tribe, request proof of partnership in the form of a letter from the tribal council or tribal chair. Grant administrators may also request a joint meeting with all parties to better understand and discuss partnership roles and request ongoing joint meetings to check-in on project progress. Grant programs can also provide template letters or resolutions for tribal councils to utilize.
- **Implement a phased application process or a 2-step application** such as a short, high-level pre-application followed by an invitation to submit a full application. This phased approach allows applicants to preview an application and submit a project concept for an initial eligibility check, minimizing tribal staff time if a project does not meet a program's basic requirements.
- **Plan and conduct in-person outreach** where feasible and choose meeting locations that are as centrally located as possible to maximize participation. Grant administrators may consider partnering with a local tribe to host a grant workshop meeting at a tribally owned facility (See the [Tribal Consultation Best Practices](#) for outreach best practices).
- **Align on and share programmatic priorities and processes** across agencies and departments, where possible. Grant programs should endeavor to increase departmental coordination and adopt centralized processes.
  - For example, utilizing similar grant application formats, agreement language, reporting requirements, templates, etc. and adopting similar programmatic policies around the implementation of advanced pay, indirect cost rates, confidentiality, and limited waivers of sovereign immunity

## Timelines

Due to budgetary and legislative time constraints, grant application cycles may not provide adequate turnaround time from open to close or align with tribal council calendars, giving tribes little to insufficient time to apply to CNRA grant programs.

#### Possible solutions:

- **Implement longer application cycles** and communicate and publish grant timelines or cycles as early as possible so tribes can plan accordingly, especially when tribal council approval is required for any part of an application process. CNRA recommends a minimum 3 calendar month application period to account for tribal council meeting schedules. Depending on the complexity of the application, consider extending application cycles to be as flexible as possible. Further, grant programs should avoid releasing solicitations during holiday seasons and

summertime ceremony seasons. Not all tribal ceremonies and seasons are the same. Grant programs should ask tribes to clarify what months/seasons to avoid or be aware of during consultation on grant guidelines.

- **Use diverse methods of outreach** to communicate grant information as widely as possible before and during open solicitation (grant website, social media, informational webinars) including at in-person events, if feasible, (such as tabling at events with potential grantees).
- **Use rolling deadlines**, when feasible, which allow tribes to approach grant programs when they are ready and fully prepared. Create tribal set-asides to ensure tribes have equal opportunity to access funds for best equitable outcomes when feasible.

## Limitations within Grant Guidelines

As CNRA increases grant opportunities to tribes, grant programs should endeavor to update existing grant guidelines or develop new grant guidelines in a way that is inclusive for tribal participation. Current grant guidelines, agency policy, or state laws may be written in a way that does not recognize or acknowledge tribal priorities like ancestral land return, tribally led economic development, and implementation of Traditional Knowledge as eligible or valid project activities. This limits a tribe's ability to participate authentically and diminishes the value of their priorities and bodies of knowledge and expertise. Grant guidelines should reflect tribal priorities and promote tribal participation wherever possible, but where policy or law does not align, grant programs should be clear about those limitations, so tribes understand and are aware upfront. This allows tribes to assess what grant programs they should apply to and prevent unnecessary workload on tribal staff.

Grant guidelines may also restrict the purchase of certain items that are otherwise necessary for tribes to engage in cultural practices. If the guidelines cannot be changed to support the eligibility of items/projects, due to policy or legislative mandates, then these limitations should be communicated clearly during tribal consultation, in the final grant guidelines, and throughout technical assistance to avoid surprises. For example, food is often a significant component of tribal gatherings, and state funding generally does not support the purchase of foods/refreshments/beverages as they would be considered a "gift of public dollars."

If state grant dollars come from a federal source, then federal restrictions would apply. See the California State Library Resource on [Restrictions of Use on Grant Funds](#).

### Possible solutions:

- **Ask about tribal needs and priorities** during grant program development, ask tribes to share how they would prefer to design projects and/or their priorities for the funding; these insights can then be used to inform and shape grant guidelines to support tribal projects.
- **Utilize tribal definitions and perspectives** during grant program development, ask tribes about their preferred terms and how to best include tribal perspectives into the grant guidelines.
- **Expand eligible sources of knowledge** by using inclusive definitions of expertise in grant guidelines that encompass a variety of tribal knowledge holders and practitioners.
- **Clearly communicate limitations under law and policy** by identifying grant funding restrictions and communicating as early as possible the limitations of grant funds to tribes. These limitations will often vary between grant programs.

## Administrative Efforts vs. Award Amount

While tribes may be interested in applying for a grant and may have an eligible project, there is the possibility that the amount of time and effort spent applying for the grant is not worth the award amount offered.

### Possible solutions:

- **Set realistic award amounts** including minimums and maximums that reflect the on-the-ground reality of what is needed to accomplish project activities that align with grant priorities. CNRA recommends soliciting feedback on grant award ranges to better understand and hear directly from tribal applicants on appropriate and inclusive funding ranges.
- **Create tribal set-asides within the funding pot** to allow for direct funding to tribes and tribal communities.
- **Implement partial funding awards** so projects that are not as competitive can receive some funding and connect applicants to other grant programs that can contribute additional funding.
- **Think long-term** where continual or subsequent funding is likely, consider prioritizing efforts that will set tribal grantees up well for potential future funding (e.g., planning efforts that will support later implementation projects).

## Understanding the Funding Source's Impact on Grant Programming

All state-administered grant funds come with conditions and requirements tied to the dispersal of state funds. General funds, special allocations, or dedicated funding sources such as voter-approved propositions or bond measures each carry unique stipulations such as:

- Allowable expenses
- Encumbrance and expenditure deadlines
- Required reporting metrics
- Eligible project activities
- Programmatic priorities
- Compliance expectations that may require technical assistance for successful implementation

A thorough understanding of your program's requirements is essential for effective administration of your grant and communication with tribal grantees. Grant administrators should be able to differentiate between statutory or legislatively mandated conditions (which are non-negotiable) and programmatic or administrative policies, which may offer greater flexibility. As sovereign nations, tribes will often desire to negotiate grant terms that support compliance with tribal law and better suit their unique needs.

To support tribal needs while meeting statutory and program requirements, CNRA recommends:

- **Solicit feedback** from potential tribal applicants during the development of the grant guidelines through consultation and outreach to better understand how funding can support tribal priorities and needs.
- **Communicate program requirements early** by ensuring that legislative and grant program requirements are reflected in grant design and clearly communicated to tribes early in the grant process. Early communication of funding requirements ensures tribes have the necessary

information to make an informed decision about whether to apply and reduces the likelihood of confusion or withdrawal later in the process.

- **Allow for advances<sup>2</sup>** within the grant administration process as this ensures lower-capacity and less well-resourced tribes can benefit from funds, without jeopardizing cash flow in a typical reimbursement-only style grant.
- **Offer flexible Indirect Cost (IDC) Rates** within the grant administration process as this allows tribes the option to use federally negotiated rates, as well as rates more suitable for their day-to-day work operations
  - Depending on the grant program's priorities, IDC rates may also be leveraged to assist smaller tribes with lower capacity and resources (such as providing a higher IDC to support the day-to-day operations and long-term success of project management and completion)
- **Consider implementing lower withholding amounts or not withholding funds**, if possible, for lower capacity and under-resourced tribes.
  - For example, smaller tribes and first-time grantees have articulated that the current withhold practice for advance to escrow requests for land acquisition puts the grantee in a difficult financial position. Often, tribes do not have the funds to front the 10% withhold, depending on the dollar amount. Grant programs should assess the grantee's financial needs and consider, if possible, forgoing the withhold of funds needed for acquisitions or high-cost deliverables in such cases.
  - For grant programs aimed at capacity building, using a lower withhold rate (such as 5%) can help smaller tribes with cash flow challenges and provide more financial flexibility.
- **Include land acquisition-associated costs as eligible grant expenditures**, where feasible.
  - For some tribes, funding for planning and long-term management is crucial for land acquisition project success. This may include environmental survey assessments, legal counsels to advise on special provisions, deed/title searches, property surveys, consultants for land management planning. This ensures that smaller, lower-capacity tribes can fully participate and supports long-term project success.

## Soliciting Feedback on Grant Guidelines

Tribal consultation and outreach provide an opportunity for grant administrators to better understand the distinct challenges, cultural perspectives, and funding goals of tribal governments and tribal communities. These insights are critical not only for designing equitable programs, but also for establishing trust and long-term relationships. Grant programs should initiate early, often, and meaningful tribal consultations well before grant guidelines are developed, drafted or finalized. Ideally, outreach should be done as soon as grant administrators know they are standing up a program. For tribal communities in particular, early involvement is essential. Historically, the State of California has engaged in minimal or procedural ("check-the-box") consultations, often limited to a single letter, email, or invitation.

When soliciting feedback from tribes, grant programs must be mindful of the same barriers that affect tribal participation in grant applications, such as limited staffing, timing constraints, and layered internal review processes, and design outreach and consultation strategies accordingly.

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<sup>2</sup> Pursuant to Government Code Section 11019.3, grant programs may implement advance payments of grant funds.



Intentional, well-planned engagement that accounts for barriers to participation is not only a matter of respect, but also a foundational step toward building more inclusive and effective grant programs that genuinely meet the needs of tribal governments and communities.

## General Best Practices for Tribal Outreach and Consultation on Grant Programs

### Conducting Consultations

Grant programs should engage in consultation before developing or significantly updating grant guidelines. Many of the challenges and barriers described above can be solicited for feedback from tribes during this process. For more detailed best practices for tribal outreach and consultation, please refer to the CNRA [Tribal Consultation Policy](#).

CNRA recommends utilizing the multi-stage consultation method, with an early consultation period to solicit feedback before grant guidelines are finalized. During early consultation, grant programs should share high-level programmatic goals and encourage tribes to describe their priorities to inform grant guideline language and grant administration processes.

Below are example questions to guide discussion:

- Ask tribes whether the program's priorities meet their tribal priorities.
  - Ex: For a restoration-activity-focused grant, ask tribes what kinds of tribal stewardship practices should be included as eligible restoration activities.
- Ask tribes for examples of existing programs or practices they would like to see your program implement in its grant execution.
- Ask tribes what particular concerns they have for accessing funding such as barriers and challenges.
- Ask tribes what tools and resources would be most helpful to complement the grant execution experience.

### Designing Grants for Tribal Applicants

The following considerations summarize specialized feedback and recommendations received from tribes during prior consultations for previous CNRA grant programs. CNRA recommends reviewing the suggestions below and integrating applicable best practices for your specific program.

### Special Considerations for Tribal Grants

#### Limited Waivers of Sovereign Immunity:

As sovereign nations, federally recognized tribes possess sovereign immunity, making them immune from suit by the state in the event of a breach of contract or grant agreement. Thus, CNRA and its departments often need to request a limited waiver of sovereign immunity to ensure state funds are appropriately expended within the authority that has been approved by the Legislature and when grant terms may need future enforcement. It should be noted that waiving sovereign immunity, even in a limited capacity, is a serious matter and takes considerable time and process for tribal staff and council

to review and approve. Further, for some tribes, all limited waivers of sovereign immunity have to be voted on by the full general membership at annual or bi-annual meetings.

Possible conditions that may likely necessitate a limited waiver of sovereign immunity include, but are not limited to, the following:

- Advance requests;
- Amount of funding awarded;
- Land acquisition projects; or
- Project deliverables or conditions that need to be maintained for long periods of time or in perpetuity (such as public access, conservation easements, etc.)

Determining when to require a limited waiver of sovereign immunity inherently requires an analysis of risk as well as legal obligations. For example, allowing advance requests, which many tribal grantees need, is a risk because the grantee may spend grant funds in a manner that is inconsistent with the grant. However, if grant funds are made available solely on a reimbursement basis, a limited waiver may not be necessary because the reimbursement process reduces risk of misspent funds

To better understand whether a limited waiver of sovereign immunity is required, grant programs should connect with their department's tribal liaison and grant program manager to determine what actions are low risk versus high-risk for the state and what accountability mechanisms can be utilized in lieu of a limited waiver of sovereign immunity. These thresholds may differ for different grants and thus triggers for limited waivers of sovereign immunity may vary. Grant programs are strongly encouraged to avoid requesting limited waivers of sovereign immunity when possible. If a waiver of sovereign immunity is required, it should be limited to the greatest extent practicable to ensure project outcomes are delivered and avoid unnecessarily infringement upon tribal sovereignty. Tribes should be given the opportunity to review draft language and provide edits to limited waivers of sovereign immunity language with grant programs. This typically includes tribal and state attorneys to meet and discuss appropriate language.

Due to the weighty implications of waiving sovereign immunity, federally recognized tribes must weigh the pros and cons of applying for a state grant that may require a waiver. Thus, it is essential to communicate the need for a limited waiver of sovereign immunity early in the process.

#### **Best Practices for Implementing Limited Waivers of Sovereign Immunity:**

- **Communicate whether limited waivers of sovereign immunity may be required** in the grant guidelines and as early on as possible to potential federally recognized tribal applicants.
- **Offer and commit to work closely with the tribe** and their legal counsel, to draft a narrow, limited waiver of sovereign immunity that applies only to the scope of the grant project and grant funds.
- **Provide a template limited waiver of sovereign immunity resolution** with grant guidelines so grantees are aware of the requirement of a limited waiver of sovereign immunity early on, can review the template language, and can see what conditions of the grant may trigger the need for a limited waiver of sovereign immunity and plan accordingly. A template resolution is provided in Appendix B- Example Template Language for Limited Waiver of Sovereign Immunity Resolution.
- **Brief and prepare department legal teams** so they might provide support in discussion with tribes regarding limited waivers of sovereign immunity.

**Example Grant Guideline Language on Limited Waivers of Sovereign Immunity:**

*Additionally, projects may require limited waivers of sovereign immunity and post-project monitoring and reporting, which will be determined on a case-by-case basis and dependent on the type and scope of the project. The grant agreement will identify these important terms and conditions, including potential limited waiver of sovereign immunity, to ensure deed restrictions and other agreements may be enforced in case of default.*

*CNRA will avoid seeking a limited waiver of sovereign immunity when possible and will strive to notify applicants early in the grant application review process if it is anticipated a limited waiver of sovereign immunity will be necessary. CNRA is committed to working collaboratively with California Native American tribes on tailoring limited waiver of sovereign immunity terms and deed restrictions to support tribal priorities while also meeting the state's legal obligations.*

## **Data Confidentiality and Data Sovereignty**

The State has the right to reproduce, publish, and use work products and materials generated throughout the performance period of a grant, as a condition of accepting and utilizing state funds which are typically derived from taxpayer dollars. The intent is to prevent grantees from using taxpayer dollars to generate work that only they may benefit from and to maximize public benefit. By retaining intellectual property rights to works produced from a grant, the State may use these products for the furtherance of public goods.

Despite this present good intention by State entities seeking to partner with tribes, due to historical misuse and exploitation of tribal data and Traditional Knowledge, sharing sensitive tribal information is a cause for concern for tribal applicants and grantees. Sensitive data such as Traditional Knowledge, the location of cultural resources, the number of cultural resources, location of sacred sites and buried ancestors are all information that may be exploited if made available to the public.

Data sovereignty refers to the right of a nation to govern the collection, ownership, and application of its own data. As grant programs update guidelines and policies to be more inclusive and support tribal applicants, it is crucial to examine confidentiality and data sovereignty best practices to ensure appropriate protection and respect of tribal data.

Further, grant administrators should communicate and make tribes aware of the State's strict transparency requirements. The following are ways to consider tribal needs given competing public interests.

### **Best Practices to Uphold Data Confidentiality and Data Sovereignty:**

- **Communicate in the grant guidelines** and as early on as possible what information is required as part of the application package, including but not limited to demographic data, maps with project locations, inventories of resources, and environmental/cultural surveys.
- **Identify the data products required** for reporting and final delivery to satisfy the conditions of the grant agreement and uphold state and funding mandates, while minimizing potential harm and misuse of tribal data.

- Please note that as a cautionary default for all state entities, assume all materials and records are accessible through the Public Records Act (PRA)<sup>3</sup> and ensure grant staff are trained and briefed about what documents are exempt or subject to PRA. CNRA's Tribal Consultation Best Practices Appendix notes that a best practice for these scenarios is for state staff to not request sensitive information. If sensitive information must be obtained, for the purposes of grant execution, staff are encouraged to work with their legal counsels to determine appropriate protective measures.
- **Offer and commit to working closely with the tribe** should confidential information is shared and have state legal teams briefed and prepared to provide support in the development of confidentiality agreements.
- **Exercise discretion** in what data products are explicitly articulated within the grant agreement language and when defining deliverables within project work plan.
- **Design grant guideline language to set early expectations** of equal partnership and clearly outline roles and data management procedures if the grant program encourages collaboration between tribal grantees and non-native organizations, like universities.
- **Work closely with grantees to design creative reporting** solutions for sensitive data that helps meet statutory reporting requirements while protecting sensitive information.
  - For example, species monitoring data helps scientists understand species populations and behaviors to set protective policy and even regulatory protections, but if this is a significant, cultural species that is also vulnerable to poaching, grantees may report the approximate quantity (such as in a range) or location (such as approximate location within county) of the species but omit specifics (precise numbers, details on the observed species, exact coordinates, etc.). Previous state precedents and practices support the practice of reporting partial data.
  - For situations where the grantee is a non-tribal entity but their subgrantee or subcontractors are tribes, the responsibility of fulfilling data reporting requirements falls onto the grantee. In which case, grant administrators should still strive to implement the best practices articulated above to meet reporting requirements while ensuring no sensitive data is captured. Grant staff should be prepared to assist and articulate these best practices to their non-tribal grantee.

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<sup>3</sup> Note that other data acts such as the Open and Transparent Water Data Act (AB 1755) could impact reporting requirements. Grant administrators should work closely with their legal counsel to assess how their program can accommodate data sovereignty and confidentiality while meeting legal requirements.

**Example Grant Agreement Language to Support Data Sovereignty/Confidentiality:**

*The Grantee agrees that all data, plans, drawings, specifications, surveys, studies, and other written or graphic work produced in the performance of this Agreement, herein referred to as “materials” are subject to the rights of the State as set forth in this section. The State shall have the right to reproduce, publish, and use all such work, or any part thereof, in any manner and for any purposes whatsoever and to authorize others to do so. The Grantee shall inform the State if the Grantee anticipates any culturally sensitive or other confidential information that may be included in the written or graphic work produced before sending the materials to the State. The State, at its discretion, may request the Grantee to redact culturally sensitive or other confidential information from materials provided. The Parties agree that it is in the best interest of the State and the Grantee that certain culturally sensitive information is not shared as part of this agreement. Grantee will notify the State if they believe the State is requesting culturally sensitive information and the Parties will meet and confer to prevent unnecessary disclosure of culturally sensitive information while still meeting the objectives of the Agreement. The State will also utilize the exemptions provided under the Public Records Act where appropriate to prevent the disclosure of sensitive information.*

## Section 2: Tribal Grant Application Review and Awards

Inclusive grant guidelines are incomplete without equally inclusive grant review processes, rubrics, and methodologies. When evaluating grant applications from tribal governments or communities, it is essential that reviewers employ tools and scoring frameworks that not only accept, but actively uplift tribal knowledge and perspectives as equal to those of non-Native frameworks.

This section outlines best practices and key considerations for grant programs when assembling review panels and developing grant review rubrics to ensure an equitable and culturally responsive process.

### Designing Grant Review Rubrics for Tribal Projects

Grant review rubrics are essential tools that provide a standardized framework for evaluating and scoring applications in a consistent, equitable manner and should be included in grant guidelines so applicants know what points are available and what is being prioritized. Rubrics can be used in both competitive and non-competitive contexts as they help reviewers assess each proposal against programmatic priorities, allow for proposal feedback based off defined criteria, and inform final award decisions.

Grant programs should consider the following when developing scoring rubrics:

- Program goals;
- Statutory requirements (as articulated in funding sources);
- Desired project outcomes;
- Tribal needs and priorities (as stated during prior consultations and outreach); and
- Relevant and applicable Traditional Knowledges.

Considering the above factors will allow for equitable tribal participation in competitive grant programs where tribes may have otherwise been unfairly compared to non-tribal grantees, resulting in underscored applications.

## Best Practices for Designing Tribal Grant Rubrics

- **Make scoring rubric or metrics clear within grant guidelines** so tribes may understand what will make a proposal more competitive.
- **Award more points to applications where tribal applicants are the grantee** to support direct funding to tribal applicants.
  - For further consideration, award points to non-tribal applicants if they can verify their partnership with a tribe, such as through a signed letter affirming partnership from a tribal chairperson or a tribal government resolution affirming the partnership.
- **Score the project's ability to meet both the grant's and a tribe's mutual goals.** For example, supporting tribal stewardship, traditional practices, restoration, renewable energy, etc.
  - Consider awarding more points for projects that protect sacred sites and cultural resources and support the reinterment of ancestors.
- **Use scoring metrics provided by tribes** during consultation to support projects uplifting tribal perspectives and priorities.
  - Use definitions provided by tribes when feasible to help reviewers appropriately understand how project activities tie back into programmatic priorities.
- **Award more points if the project benefits multiple communities of interest.**
  - Tribes are considered historically underserved and vulnerable communities due to historic injustice. If the project also serves a tribal community within an economically deprived area, a food desert, an area particularly vulnerable to wildfire, etc., grant programs may award more points for projects with multiple benefits serving multiple communities.
    - Tribes consistently serve as community hubs during emergencies or climate catastrophes for their local region. Further, tribal operations and projects bring resources and jobs to rural and underserved areas. Supporting tribes have ripple effects across California.
  - Grant programs could award bonus or more points if the applicant is a tribe or can demonstrate they are partnering authentically with and/or serving a tribe or a first-time applicant to a program and/or a smaller organization with less capacity and/or resources.
  - Consider awarding more points if the project overwhelmingly benefits a smaller tribal community with less capacity or resources.
    - This consideration avoids penalizing a small tribe who partners with an established NGO.
    - Grant programs can also determine what/how these benefits can be assessed; for example, the project is run by a well-resourced non-profit, but all the trainees are tribal youth as part of a professional development and skill-building project.
  - If feasible and appropriate, consider awarding more points if the project has a community engagement component that supports the grant program's priorities.

## Best Practices for Reviewing Tribal Grant Projects

Historically, state grant programs for restoration and conservation projects have relied on Western standards and metrics for evaluating anticipated project effectiveness and impact. Grant programs should uplift and include Traditional Knowledge and engage in these practices with cultural humility and an open-minded approach.

### *Educating Non-Tribal Reviewers and Normalizing Scoring Evaluations*

To ensure consistency and equity in the evaluation process, grant programs should consider designing detailed scoring rubrics that enable non-tribal reviewers to standardize or normalize their understanding of the evaluation criteria as it aligns with grant programmatic priorities. This ensures more standardized assessments across multiple reviewers, regardless of their individual backgrounds or areas of expertise. A well-defined rubric should act as a standardized framework, providing reviewers with a clear reference point to understand programmatic grant priorities, which based on the consultation and outreach efforts referenced in the sections above, should expressly include tribal priorities to the extent feasible.

However, scoring rubrics should not be the sole evaluation metric for funding considerations. For example, scoring rubrics can be used to facilitate discussion amongst reviewers and determine potential project impacts. To ensure a fair distribution of funds, reviewers should also consider other factors such as geographic distribution of funds (for statewide or region-wide projects), previous grant performance, the likelihood of successful project implementation, feasibility to accept partial funding, and other grants already awarded to the same entity. This flexibility allows for better equity and awarding discretion from the review team.

#### **As Best Practice, Grant-Programs should:**

- **Provide state and non-tribal reviewers with relevant definitions, contextual information, resources, and materials** that help them prepare effectively and help mitigate biases rooted in Western knowledge frameworks
  - For instance, this could include definitions or guidance provided by tribes through consultation.
  - This could include resources and training on Traditional Knowledge and practices relevant to your proposed project outcomes (especially important if the program aims to uplift and support projects in specific habitats and/or localities).
  - See Appendix A-Key Definitions in Tribal Grant Administration for more details.
- **Brief state and non-tribal reviewers on cultural humility and foundational knowledge** of the history of California Native American tribes.
  - This background information is critical for helping reviewers understand the historical context behind the state's grant processes.
- **Be prepared to answer any questions from reviewers and facilitate open discussion** on any scoring.



### Example Scoring Rubric for Grant Programs Serving Tribes

In this example below, the rubric provides both a scoring scale as well as context/definitions (highlighted below) to help guide scoring to better support the program's priorities.

Grant Application Question	Programmatic Priority	Rubric Scoring → translating programmatic goals into weighed/quantitative scoring metrics
Who is the applicant? (10 points possible)	Support California Native American Tribes	<ul style="list-style-type: none"> <li>• <b>California Native American Tribe</b> (10 pts)</li> <li>• <b>Tribally led/owned non-profit</b> (7-10 pts; award full points for non-profits directly associated with Tribal nations/governments with direct missions serving tribal communities; award partial points for tribally led non-profits serving tribal communities at large)</li> <li>• <b>Tribally led/owned Land Trust</b> (7-10 pts; award full points for land trusts directly associated with Tribal nations/governments with direct missions to increase access for tribal communities, award partial points for land trusts serving broader tribal communities.)</li> <li>• <b>Non-Tribal Entities</b> applying on behalf or in partnership with a tribe (5-10 pts; award full points if partnership can be verified and direct benefits to the tribe are clearly articulated; award partial points if partnership is verified but direct benefits are unclear; award no points if partnership claims cannot be verified)</li> <li>• <b>Non-Tribal Entities</b> not applying on behalf or in partnership with a tribe (0-5 pts; award full points if applicant articulates benefits for tribal communities; award no points if there is no tribal benefit or connection)</li> </ul>

*\* Note, the point system used above may differ based on grant program priorities.*

### Recruiting Tribal Experts for Grant Panel Review

From past consultations and tribal roundtables on CNRA grants, tribal participants impressed the importance of having tribal knowledge holders review tribal grant applications where the project is tribally led, aims to serve tribes, or implements Traditional Ecological Knowledge. Tribal Knowledge Holders possess unique perspectives and understandings about traditions, cultures, practices, and lifeways and are well-positioned to assess and comment on projects aiming to serve tribes and support traditional practices. Grant programs with external grant review panels should endeavor to support tribal knowledge holder recruitment and service.

Whenever feasible, grant programs should ensure regional representation within the review panel to reflect the diversity of tribes statewide. This is especially important due to the place-based nature of Traditional Ecological Knowledge. Much like how it would be incongruent for a physicist to weigh in on an environmental biology study, it would be incongruent for a Tribal Knowledge Holder from the Northern California Coast to weigh in on a restoration project using techniques from tribes in the Southern California Deserts.



### Challenges to Recruiting Tribal Knowledge Holders

Tribal Knowledge Holders (or tribal experts) are invaluable for creating equitable and effective tribal grant programs. They can round out the information provided by other technical expertise during the evaluation phase of a solicitation by sharing unique tribal perspectives and knowledge that are otherwise difficult or impossible to obtain in traditional civil service, or the wider scientific community. Similarly, tribal experts may be able to explain tribal needs and goals in a way that may help other state evaluators understand contextually what tribes are seeking and why they have proposed certain projects or approaches. However, there are often challenges to recruiting tribal representatives or members to participate in the grant review process, particularly with respect to potential conflicts of interest and compensation.

**Compensation.** If the state asks Tribal Knowledge Holders to assist with a grant process, whether by providing training or reviewing materials, state staff should remember that Tribal Knowledge Holder's time is as valuable as any other expert's time. They should be duly compensated for their services and should not be asked to take on the capacity of a state employee or to volunteer excessive time or expertise. If a grant program is authorized to offer per diem, it should reasonably cover the Tribal Knowledge Holder's associated costs of aiding the state.

When requesting tribal expertise, staff should carefully consider the scale and type of service requested such that the state requests services appropriate to the Tribal Knowledge Holder's expertise, provides fair compensation for the services rendered, and does not duplicate existing state or agency services. Threshold administrative screening should be provided by state staff, while tribal experts should focus on those issues and areas the state feels would be augmented with additional understanding in the same way other experts are focused on their areas of expertise.

The following may be ways to help address questions around compensating tribal experts:

- Consider whether the state has authority to offer per diem payments, and scale any work requested of tribal efforts to reflect that payment.
- Consider whether an expert tribal consultant is appropriate and consider the contractual process for obtaining those services.
- Consider whether state budget processes should attempt to prioritize and include new positions and classifications for tribal experts—even for limited term positions—and advocate for those changes through future budget requests.
- Consider whether tribal experts can provide leveraged training to multiple units so that the knowledge they are sharing can have the widest possible impact across programming.

**Conflicts of Interest.** All state grant reviewers will be subject to state conflict law. A Tribal Knowledge Holder may be an excellent candidate to serve on the review panel, but their tribe may be an applicant, they may be associated with an applicant tribe, or they may benefit from a proposed project financially in a manner that violates State law. This puts the knowledge holder into a difficult position where they must decide whether serving on the review panel is worth conflicting out and thus preventing their tribe from applying and receiving grant funds. Depending on the knowledge holder's employment status with their tribe or the revenue they received from their tribe, recusing oneself from reviewing a grant application may not be enough and the reviewer may be barred from participating entirely if the tribe wishes to submit a grant application. As best practice, grant programs should:

- **Work closely with their department's legal** counsel to better understand the conditions that would prevent a potential reviewer or a potential reviewer's tribe from participating in the grant program.
  - Grant programs should then communicate these conditions to the applicant tribe and tribal knowledge holder so they may decide the best path forward.
- **Consider recruiting knowledge holders to provide feedback** on grant scoring rubric and guidance and educate non-tribal grant reviewers on relevant Traditional Knowledges.
  - This avenue provides an alternative form of participation that is less time-consuming and would be more flexible for the experts.
  - CNRA recommends grant administrators discuss this option with legal to ensure willing experts, who may be unable to serve on a review panel for the reasons above, also have this alternative avenue for participation

**Trust and Collaborative Partnership.** A common concern amongst tribes is that sharing knowledge with non-tribal entities often does not benefit, and historically actively harmed, tribal communities. In addition, tribal knowledge holders do not always receive recognition or credit for their work. Thus, tribal knowledge holders may be understandably reticent to participate in state grant programs or share knowledge with non-tribal entities. As tribal knowledge and expertise are increasingly sought after, it is vital for grant programs to work with and respect tribal knowledge-holders and experts in ways that honor the confidentiality and data sovereignty of those shared knowledges. Grant programs should seek to uphold data confidentiality and data sovereignty practices articulated in Section 1: Data Confidentiality and Data Sovereignty. To address trust and collaborative partnership, CNRA grant programs should:

- **Credit and acknowledge Tribal Knowledge Holders and experts** who give feedback on grant materials, where appropriate and with the consent of the knowledge holder.
- **Articulate clearly how provided knowledge and input will be used** and their benefits to tribes and tribal communities.

**Capacity.** Tribal knowledge holders are busy and often oversubscribed, for their expertise and serving multiple roles for their tribes and communities. Participating in a grant review panel usually means having to take time off work to do so or participating during personal time. Both options come at a cost for the reviewer. **Burdensome State Onboarding Processes.** The state process for onboarding Non-State-Employee grant reviewers is lengthy and burdensome. Currently at the CNRA, Non-State-Employee reviewers must submit to an onboarding similar to CNRA employees, such as filing Form 700 Conflict of Interest Statements, filing numerous HR forms, and taking required training. All these requirements combined require the reviewer to spend additional personal, unpaid time. As best practice to address capacity and burdensome state processes, grant programs should:

- **Evaluate and streamline, where feasible, the necessary steps to recruit Tribal Knowledge Holders** so they may work with state grant programs.
  - These steps and their timelines should be articulated as soon as possible, ideally in parallel with grant solicitation, so that individual participants may decide if they should participate as a reviewer and tribal councils may prepare accordingly.

## Pre-Award: Understanding Potential Project Impacts on Tribes

### Understanding Sacred Sites, Cultural Resources, and Shared Ancestral Territories

California Native American tribes have been the stewards of the lands and waters in California since time immemorial, and these landscapes are deeply woven into the cultural, spiritual, and historical identity of the people. They contain sacred sites, ancestral burial grounds, significant cultural resources, and territories of great importance. As we work to improve grant-making processes and address historical wrongs, grant administrators should demonstrate cultural humility and respect for sacred sites and cultural resources. Grant administrators should be prepared to identify resources (such as complimentary grants, department consultation policies, etc.) to help assist in protecting said sacred sites and resources. For best practices around confidentiality and protection of sacred sites, see Section 1: Data Confidentiality and Data Sovereignty. For relevant definitions, please see Appendix A-Key Definitions in Tribal Grant Administration.

#### *Special Consideration for Shared Ancestral Territories*

Tribes, like any other sovereign nation, may form alliances or contest one another's territorial claims. It is not the role of the State to adjudicate or mediate conflicts between tribes. However, inter-tribal disputes should not automatically disqualify a project application. Where inter-tribal conflict exists, opportunities for growth and collaboration may also emerge. Grant administrators should work closely with tribal applicants and potentially effected tribes with interests in a shared territory to ensure all parties are informed and where feasible, to identify potential solutions and consider alternative approaches that respect the sovereignty, needs, and interests of all parties involved.

Further, projects and land acquisitions within a tribe's fee property, reservation boundaries, or trust lands should only be considered with the formal written support of the tribe who has jurisdiction over the property, reservation, or trust lands. A best practice is to ensure the tribe who has jurisdiction over the lands and resources within tribal fee property, a reservation, or trust lands are the grantee or an active participant of the grant agreement and project.

Grant administrators and reviewers should consider at a minimum:

- Is the project in an area with shared ancestral territory?
  - If yes, has the grantee conducted any outreach to or consultation with the tribes in the shared territory?
- Is there any interest in collaboration between parties?
- What are the outstanding conflicts/concerns?
  - Has any work been done to resolve the conflict?
  - Have tribal liaisons and legal been consulted?
  - Are there any alternative projects that can be proposed that might meet all parties' needs?

If a grant program anticipates or encounters a particular project could cause tensions between tribes, the best practice is to connect with your departmental tribal liaison and legal counsel to assess best next steps, and if feasible, conduct consultation and outreach on the potential project impacts. Grant

programs should consult on projects with potential tribal impacts, regardless of anticipated conflict, to give notice and opportunity for potential collaboration and feedback. Consulting with all potentially effected tribes allows for an opportunity to refine project activities to satisfy all parties' concerns without dismissing the project outright. Grant administrators may encourage discussions or collaborations between tribes if appropriate. However, in some cases, compromise may not be feasible. Tribes have the right to make their own decisions regarding their rights, members, and resources, and they should not be forced into any discussions or decisions without their consent. Please see CNRA's [Tribal Consultation Best Practices](#) document for additional discussion of best practices for addressing inter-tribal conflict.

## Inter-Agency Coordination for Projects that May Include Multiple State Agencies

Projects may span modern-day boundaries and agency jurisdictions, as these ancestral territories existed long before the establishment of current government agencies, county, or other jurisdictional boundary lines. The fragmentation of authority across different state agencies can create unnecessary complexities for tribal grantees, often leading to confusion, delays, and additional administrative burdens. To ease this burden and to enhance coordination between departments, the granting agency should be proactive in facilitating communication and collaboration among the relevant state agencies.

Departments are encouraged to discuss grant applications and potential projects in the pre-award stage to encourage collaboration between departments and ensure consensus and support on projects requiring interagency coordination. Where there is interest and opportunity between departments to fund one another's grant projects, the grant guidelines should clearly state that applications may be shared between departments for different funding opportunities and provide the applicant with the ability to opt-in or out of having their grant application shared.

Where there is purview and capacity, grant administrators should support tribal grantees by acting as liaisons between departments, providing clear guidance on how to navigate each agency's specific requirements, and ensuring that there is a unified approach to decision-making, permit requirements, and grant agreement terms. Where multiple CNRA departments fund a singular grant project, CNRA recommends designating a leading grant agency when possible so the tribal grantee has a single, central grant agreement to work from. If designating a lead grant agency is infeasible, CNRA recommends the departments work together to synchronize grant agreement terms and reporting requirements where feasible to minimize burdens on the tribal grantee.

## Section 3: Tribal Grant Administration

### Post-Award Processes

This section walks through general best practices for tribal grant administration as it relates to both finalizing a grant agreement package for signature and execution and grant management after grant agreement execution.

After an award announcement, grant agreement language negotiation and work plan scoping is a crucial step to set grantees up for success. Post-award state processes include finalizing grant agreement

language, adapting proposed project activities into a work plan with timeline and deliverables, learning required metrics for reporting and invoicing. This onboarding can be long and onerous, especially for first-time grantees or lower-capacity grantees. Successful tribal grant administration requires a sustained commitment to flexibility, cultural competence, and responsive engagement, ensuring that support remains aligned with the unique contexts and priorities of each tribal community.

## Grant Agreement Negotiations and Language

Grant agreement language is the standardized or “template” provisions that outline the terms and conditions associated with receiving funding from the state. This language defines the mutual commitments between the granting agency and the grantee, establishes performance expectations, and describes remedies or consequences for failure to meet the agreed-upon deliverables. For tribal grantees, it is particularly important that this language be reviewed and approached with care, transparency, and cultural sensitivity.

Templates provide a foundation to guide grant language negotiations and discussions but grant administrators should understand not all template language will work for every tribe. During the grant design phase, grant programs should conduct a thorough review of the existing template language to identify sections that may raise concerns for tribal governments or present barriers to participation. Administrators should distinguish between non-negotiable language, those provisions required by statute or funding authority, and sections where there may be room for adaptation or clarification to better support tribal contexts. This review should be done in close consultation with the grant program’s legal counsel to ensure compliance while also identifying opportunities for increased flexibility.

When considering deviations from template language, grant programs should also consider if or how the deviation may affect equitability across grant execution. Grant administrators may also utilize specialized language, or special provisions, to tailor conditions specific to each grantee’s project and needs (such as, but not limited to, public access agreements, economic development agreements, etc.)

To support successful agreement execution and negotiations with tribal grantees, grant administrators should:

- **Commit to collaborative engagement** with tribal grantees when reviewing grant agreement language, especially where special provisions, modifications, or culturally specific considerations may need to be incorporated.
- **Connect with legal counsel** to understand modification limits and collaborate on requested language edits.
  - Similarly, grant administrators should communicate openly and in a timely manner with grantees.
  - Grantee administrators could even facilitate broad discussions and bring together the grantee, tribal legal counsel, state legal counsel, and state grant programmatic staff to collaborate.
- **Exercise respect for tribal protocols** by recognizing that all draft agreements typically undergo multiple layers of tribal review, including project managers, legal counsel, and tribal council approval.
- **Clearly communicate the review process on the state side.** For example, all deviations from template language typically also undergo multiple layers of legal and policy review.

- **Proactively follow up and maintain open lines of communication**, particularly with smaller or lower-capacity tribes where administrative bandwidth may be limited and delays more common.
- **Adhere to best practices** when negotiating and implementing limited waivers of sovereign immunity, as outlined in Section 1 of this guidance, ensuring that such waivers are narrowly tailored, clearly explained, and aligned with tribal governance needs to the extent feasible.

## Work Plan and Budget Scoping

### *Tribal Work Plans*

Developing a clear and comprehensive work plan from the grant application is a critical step toward establishing a successful grant agreement. The work plan functions both as a practical roadmap for project implementation by the grantee and as a tool for accountability and monitoring by the grant administrator. Ideally, the grant application process should be structured to elicit the major components of the final work plan (such as objectives, tasks, timelines, and deliverables) so they can be readily transferred into the formal agreement. It is essential that the work plan clearly outlines project objectives in the form of specific tasks and measurable deliverables, each of which should be explicitly aligned with the priorities of the grant program as well as the line items identified in the budget.

To support tribal grantees developing work plans, grant administrators should:

- **Provide templates** to guide work plan scoping and a sample completed work plan (redacted as needed) to serve as a reference. This ensures that grantees include the necessary level of detail and structure to facilitate effective implementation and project management.
- **Encourage communication of tribal perspectives** by encouraging grantees to articulate their work plan narratives using language that reflects their tribe's knowledge systems, cultural values, and community priorities. Incorporating tribal perspectives and expressions into the work plan ensures that the tribe's unique vision and approach are captured and integrated into the grant agreement.
- **Be flexible and supportive throughout the project performance period** by supporting project amendments, if feasible and where appropriate, to accommodate project changes to tasks and budgets.

### *Tribal Budgets*

Budget development should similarly aim for both accuracy and flexibility. Grant administrators should collaborate closely with grantees during the budget scoping phase to ensure the proposed budget reflects the needs of the project while complying with funding requirements. Providing feedback to improve clarity, consistency with the work plan, and eligibility of proposed expenses helps prevent complications later in the grant lifecycle, such as clarifying what items are eligible under direct project costs versus indirect costs. As the project progresses and grantees submit expenses for reimbursement, grant administrators are responsible for reviewing each item against the approved work plan and budget. A well-documented and detailed budget (aligned clearly with the work plan) enables efficient expense approval, minimizes delays, and reduces the need for repeated clarification.

It is also important to ensure that proposed budget items are eligible under the terms of the funding. During initial work plan scoping and budget development, grant administrators should communicate any prohibited, ineligible items or activities for expenditure and areas of flexibility within funding. While grant administrators should strive to apply program guidelines with reasonable flexibility, they must

remain within the boundaries of funding regulations. For example, many tribes emphasize that effective community engagement often requires providing food, transportation, childcare, and stipends for participation. If the funding source prohibits covering these items, administrators can work with grantees to identify alternative eligible expenditures, such as educational materials, that still support engagement activities. In complex or ambiguous cases, grant administrators are strongly encouraged to consult their department's legal or compliance teams to interpret funding mandates appropriately and explore solutions that uphold both program integrity and grantee needs.

## Post-Grant Agreement Process: Onboarding

After a grant agreement is signed, grant administrators initiate a new grantee onboarding process to communicate the project progress reporting and invoicing requirements for disbursement of funds. This often involves sending a template email with an attached 'Welcome Package' containing necessary forms, resources, and guides. However, feedback from tribal consultation and outreach indicates that the 'Welcome Package' can be overwhelming, especially when there is no follow-up meeting or dedicated staff available to answer questions.

CNRA encourages grant administrators and administrators to critically evaluate their current onboarding processes and materials. Specifically, it is important to ask:

- Why do grantees need to report specific information?
- Is there a legislative mandate or auditing requirement behind it, or is there room for flexibility?
- What are the tribal grantee's greatest needs and how can you as a grant administrator provide technical assistance to the tribal grantees while meeting your program and the state's requirements?

Identifying areas of flexibility allows administrators to distinguish between essential requirements ('must-haves') and optional or supplementary elements ('nice-to-haves'). For the 'must-haves,' grant programs should focus on providing additional resources that improve the grantee experience, such as offering more staff time to walk through the process or providing clear, user-friendly templates. For existing resources, a critical review for clarity and approachability is essential. Can a grantee easily read and understand the documents, especially if they have no prior grant experience?

By making these adjustments, grant programs can streamline the onboarding process, reduce the burden on grantees, and ensure a smoother, more supportive start to the grant period.

## Best Practices for Creating a Smooth Onboarding Process for Tribal Grantees

- **Communicate key steps and timeline approximations** to the grantees.
  - Articulate what is within the grant team's programmatic purview and what other processes are outside of the team's control. Provide estimated timelines for each step.
  - Work closely with your Accounting Team to better understand payment request processes and timelines; grant administrators may even request training from Accounting to see how their grant program interfaces with Accounting rules and procedures.
- **Schedule one-on-one time** to walk grantees through the requirements, such as in an onboarding or 'welcome' meeting.



- This can complement ‘Welcome Package’ email communications and provide both a face-to-face opportunity between grantees and grant administrator for questions, as well as a relationship-building opportunity between both parties
- **Compile and provide resources** such as Frequently Asked Questions, templates, guides, redacted examples, etc.
  - (Internal) Templates to assist grant staff by providing consistent messaging to grantees.
  - (External) Templates and examples to assist grantees by providing clear guidance and instruction on how to complete necessary forms.
- **Provide staff office hours and/or availability to connect** with grantees to answer any questions and assist in overall grant administration throughout the lifetime of the grant.
- **Ensure grant staff are trained and briefed to practice cultural humility** and are prepared to respectfully work with tribes.
  - This helps staff interfacing with tribal grantees directly to better understand tribal grantee-specific needs and challenges and helps provide overall better services
  - CNRA recommends reviewing its [Tribal Consultation Best Practices](#) document and the [CalHR’s Tribal Consultations Training](#).

## Providing Ongoing Technical Assistance and Support

Providing robust technical support throughout the grant administration process is critical for the effectiveness, equity, and long-term success of funded projects. Importantly, technical support should not end at the point of award. Ongoing assistance, such as guidance on financial management, narrative and performance reporting, and interpreting programmatic guidelines, can prevent common compliance issues and allow grantees to focus on delivering meaningful outcomes. Ongoing communication and support fosters trust, improves grantee confidence, and helps build long-term administrative and operational capacity within the organization. For grant administrators, this proactive engagement reduces grantee confusion and increases the likelihood of project success, making it not only a supportive practice but a sound investment in program integrity and impact.

## An Approach to Equity for All

Effective grant management for tribal grantees requires a culturally informed, equity-centered approach that respects tribal sovereignty, acknowledges historical contexts, and fosters trust through transparency and consistency. Grant administrators must approach their work with patience, humility, and cultural sensitivity, recognizing that tribal communities often navigate complex legal, historical, and institutional barriers. At the same time, it is essential to clearly communicate program parameters, eligibility criteria, and administrative expectations to avoid misunderstandings. Grant administrators are in a critical and important position to employ creative approaches to meeting grant reporting and invoicing requirements while supporting tribal capacity and easing burden on tribes. The benefit of this approach does not end with just tribal grantees: as the saying goes, “a rising tide lifts all ships.” By ensuring that tribal grantees can navigate the complexities of the grant world with greater ease, we create grant processes where everyone, regardless of background, has the opportunity to succeed.