

October 26, 2023

Subject: Tribal Capacity Building Pilot Program Grant Guidelines

Reporting Period: October 2022 – October 2023

Staff Lead: Ena Lupine, Community Assistance for Climate Equity Program, SGC

Recommended Action

Approve the Tribal Capacity Building Pilot Program Grant Guidelines.

Summary

The Community Assistance for Climate Equity (CACE) Program seeks Council approval of the Tribal Capacity Building Pilot Program Grant Guidelines (Program Guidelines). CACE program staff developed the Tribal Capacity Building Pilot Program (pilot program) in response to consistent feedback from tribes that their sovereign status and historical relationship with the State of California necessitate a dedicated capacity building program. The Tribal Capacity Building Pilot Program will allow the Strategic Growth Council (SGC) to be responsive to these requests by helping build tribes' staff capacity to advance tribal-led climate mitigation, adaptation, and resilience projects. This pilot program will be administered by SGC's CACE team which has a history of providing technical assistance and capacity building resources to communities.

CACE program staff developed the Program Guidelines through robust public outreach, engagement, and research over the past year, which included a workshop series, tribal consultations, key informant interviews, in-person and virtual tribal events, input from tribal expert consultants, and a 90-day public comment period. Following Council's adoption of the Program Guidelines, CACE program staff will issue a Notice of Funding Availability (NOFA) and initiate a competitive application process for the Tribal Capacity Building Pilot Program.

Background

Tribal Capacity Building Needs

Tribes are eligible applicants for an increasing number of state funding programs, but some tribes may not have access to the resources needed to develop competitive applications and may rely on consultants to apply for and manage projects. Technical assistance programs like the Tribal Capacity Building Pilot Program can support tribes in applying for and implementing state funding while helping to build internal capacity for longer-term strategies. While tribal applicants to state grant programs may face many of the same barriers as other applicants, the unique status and needs of tribes require additional, specific considerations in the design and implementation of technical assistance. In working directly with tribes, the Tribal Capacity Building Pilot Program also advances the state's commitment to build relationships with tribes in California as mandated in Executive Orders B-10-11 (Brown, 2011) and N-15-19 (Newsom, 2019).

The Tribal Capacity Building Pilot Program aims to support tribes that have limited capacity to apply for grant funds and implement climate solutions, particularly due to barriers such as: limited staffing resources and capacity; reliance on costly contractors to apply for and implement grant funds; and challenges related to grant applications and reporting processes. Through this pilot program, SGC can address these barriers and support tribes by: providing funding to hire staff; helping tribal staff apply for and implement funds; building awareness of available funding opportunities; and bringing together and coordinating partners for grant application or administration.

About the Tribal Capacity Building Pilot Program

The Tribal Capacity Building Pilot Program is a new grant program that provides funding and technical assistance to California Native American tribes to build staff capacity to advance tribes' climate-related work. Administered by SGC, the goal of the pilot program is to assist tribes in developing long-term capacity to secure funding and implement tribal-led climate solutions. The pilot program will fund staff salaries and activities that include planning, securing funding for, and implementing projects related to climate mitigation, adaptation, and resilience. Tribes will work with a technical assistance provider and receive no-cost, flexible support that will respond to each tribe's needs. Support could include:

- Trainings and workshops
- Grant application assistance
- Grant management support
- Planning support
- Implementation assistance
- Partnership building
- Peer learning
- Staff development
- Economic development

The Tribal Capacity Building Pilot program is funded through FY 19-20 Affordable Housing and Sustainable Communities continuously appropriated funds that the Council allocated for technical assistance to local communities. As such, it is part of California Climate Investments and furthers the purposes of AB 32 (Chapter 488, Statutes of 2006) and SB 32 (Chapter 249, Statutes of 2016) by investing in tribal projects related to climate mitigation, adaptation, and resilience that reduce GHG emissions.

Pilot Program Guidelines Development Process

Considering this will be the first round of the Tribal Capacity Building Pilot Program, CACE staff emphasized conducting a robust tribal outreach and engagement process to ensure this pilot program would be responsive to tribal needs. In May 2023, CACE staff released a Request for

Information (RFI) to seek input from tribes and tribal-serving organizations to inform the development of the Program Guidelines and the development of the solicitation to select a technical assistance provider. With the RFI, CACE program staff also released the draft Program Guidelines for a 90-day public comment period.

Outreach and Engagement

To receive feedback on the Program Guidelines, CACE program staff sent 184 tribal consultation letters and 300+ tribal consultation emails to all California Native American tribes listed on the Native American Heritage Commission (NAHC) Contact List. CACE program staff also conducted 19 key informant interviews with tribal members, tribal-serving organizations, and state agency tribal liaisons and tribal programs' staff, and held a series of six (6) workshops with a total of 132 people registered and 71 attendees self-identifying as a staff or member of a California Native American tribe. CACE program staff held two tribal consultations and received written public comment and verbal feedback through the key informant interviews and workshop series. Staff received valuable input from a variety of entities and prioritized feedback from tribes and tribal-serving organizations.

To conduct direct engagement with tribes, CACE program staff attended and tabled at five (5) in-person tribal events, including the Tribal Water Summit, EPA Regional Tribal Operations Committee Meeting, California Tribal Historic Preservation Officer (CalTHPO) & State Historic Preservation Officer (SHPO) Summit, 56th Annual California Native American Day, and Tribal EPA & U.S. EPA Region 9 Conference. CACE program staff also presented at two (2) virtual tribal events, including the Tribal Climate Health Project Webinar and the Tribal Climate and Health Funding Fair.

Building on best practices developed by the Sustainable Agricultural Lands Conservation Program, CACE program staff also contracted with two (2) tribal expert consultants to review the draft Program Guidelines and alert SGC staff to any inherent barriers or sensitivities that may raise issues for tribes to apply to the pilot program. Paired with feedback gathered through the public comment period, this was a very fruitful process and helped CACE program staff ensure a comprehensive approach to gathering input on the draft Program Guidelines.

Overview of Input Received

CACE program staff incorporated feedback received through the various engagement methods to update the draft Program Guidelines. Overall, the feedback was positive and reiterated the timely need for this program. Key themes of the input SGC received are summarized below.

Increase Funding

The majority of feedback centered on increasing the funding amount for tribes and the technical assistance provider. In response to this feedback, SGC was able to increase the overall budget amount for the program using continuously appropriated Greenhouse Gas Reduction Funds that the Council set aside for technical assistance in 2020.

CACE program staff originally proposed a grant funding range of \$100,000 to \$150,000 for two-year grant terms, but received feedback that this funding range was too low to adequately cover tribal staff salaries in line with program goals. Staff are now proposing a higher grant funding range of \$150,000 to \$250,000. For the technical assistance provider contract, staff originally proposed a budget of \$350,000 and are now proposing a higher budget of \$500,000 to ensure the technical assistance provider has sufficient funds to provide meaningful capacity building support and technical assistance services that will respond to each tribe's needs.

Broaden Eligibility

Tribes offered feedback about the need for greater flexibility in applicant eligibility requirements that was inclusive of the diversity of non-federally recognized tribes. CACE program staff originally proposed eligibility for all California Native American tribes listed on the Native American Heritage Commission (NAHC) Contact List, including federally recognized and non-federally recognized tribes that are registered as a nonprofit. In response to this feedback and to improve accessibility of the pilot program, staff are proposing widening the eligibility pool for non-federally recognized tribes to also include those that are registered as a for-profit corporation or a limited liability company.

More Flexible Project Area Requirements

Tribes offered feedback about the need for greater flexibility in project area requirements that was inclusive of the varying degrees of tribes' land ownership or jurisdiction, and how it can be a barrier for non-federally recognized tribes to be required to conduct grant activities on lands under the ownership of the tribe. In response to this feedback and to improve accessibility of the pilot program, staff are proposing including additional eligible lands in the project area to also include lands managed for the benefit of tribes through conservation easements, lease agreements, co-management agreements, or partnership agreements, and lands that hold cultural relevance or are used for culturally relevant activities (e.g., lands used for prescribed or ceremonial burning).

Reimbursement versus Advanced Payment

CACE program staff received consistent feedback that a reimbursement method for disbursement of funds would be a significant barrier for some tribes to take advantage of this grant program. SGC has statutory authority to offer advanced payment to grantees that are registered as 501(c)(3) nonprofit organizations in accordance with AB 590 (Hart, 2023). Advanced payments can total up to 25% of the full grant award. At this time, SGC is only able to provide advanced payment to 501(c)(3) nonprofit grantees of the Tribal Capacity Building Pilot Program.

Next Steps

Upon Council approval of the Tribal Capacity Building Pilot Program Grant Guidelines, the Tribal Capacity Building Pilot Program will issue the Notice of Funding Availability (NOFA) and initiate

a competitive application process in November 2023. CACE program staff will also hold regular office hours and a recorded workshop for prospective applicants.

Council Recommendation

Should the Council agree with Staff's recommendation, the following motion language is suggested:

"I move that the Council approve the Tribal Capacity Building Pilot Program Grant Guidelines"

Attachments

Attachment A: Tribal Capacity Building Pilot Program Grant Guidelines

