



County of Santa Cruz Board of Supervisors

Agenda Item Submittal

From: Community Development and Infrastructure

Subject: Resolution to Establish Initial Tribal Compensation Fee

Meeting Date: March 24, 2026

Formal Title: Hold public hearing to consider adoption of a tribal compensation fee of \$200 for three years, and take related actions

Recommended Actions

1. Hold a public hearing on adoption of a tribal compensation fee of \$200 for three years; and
2. Adopt resolution amending Community Development and Infrastructure – Planning Division fees in the Unified Fee Schedule, to establish an initial tribal compensation fee of \$200 for three years.

Executive Summary

The Board of Supervisors (Board) approved a pilot program on August 19, 2025, to compensate local California Native American Tribes for their consultation on County projects. The purpose was to provide fair compensation and enhance the involvement of tribes in applicable projects. This action would establish an initial consultation fee of \$200 in the Unified Fee Schedule to be used for applicable projects.

Discussion

On August 19, 2025, the Board approved a three-year pilot program to compensate local California Native American Tribes for their consultation on County projects for the purpose of providing fair compensation and enhancing the involvement of tribes in applicable projects. Consequently, the Department of Community Development and Infrastructure (CDI) was directed to develop protocols to implement the program and modify the Unified Fee Schedule to address associated fees.

Under the California Environmental Quality Act (CEQA), if a tribe has requested to be notified of projects in the tribe's area of traditional and cultural affiliation, the lead agency must provide the tribe with formal notification of any project within that area. If the tribe responds in writing within 30 days of receipt of the formal notification with a request for consultation, the lead agency must commence consultation.

CDI is committed to protecting and preserving Native American cultural and sacred sites and other physical and cultural resources, as well as cost recovery for permitting services. Meaningful tribal consultation provides significant benefits to the county as a multicultural community. Providing tribes with financial compensation to encourage their active participation in the consultation process is important, fair, and justified in helping protect and preserve tribal cultural resources.

Process

1) **Consultation Notice.** When a formal application is submitted to CDI that requires tribal consultation under state law or County Code, a consultation notice will be sent to the associated tribal representative(s) of qualifying tribe extending an invitation to

engage in consultation.

2) **Initial agreement.** Tribes wishing to be compensated for participating in the consultation process would notify the County and enter into a contract.

3) **Request for Consultation.** Compensation at a flat rate is paid to tribes that respond to the County's request for consultation:

- If tribes provide written documentation that they have researched the project and do not want to engage in consultation on a particular project, they will receive compensation of \$200.
- If a tribe notifies the County that they wish to engage in the consultation process, and indicate their concerns using the attached template from the Native American Heritage Commission (NAHC) identifying their issues, they will receive \$200.
- If the tribe indicates that they wish to consult but do not provide the information from the NAHC template, they will receive no compensation.
- If the tribe does not respond to the request for consultation within the specified time they will receive no compensation.
- The initial consultation fee will be billed to the applicant of the subject project.

4) **Formal Consultation.** If further tribal consultation is advised—for instance, monitoring during soil disturbance—a separate contract with the tribe performing the service would be negotiated, and those costs absorbed by the applicant as well.

The County engaged with the tribal representatives and studied the applicable fee amount to appropriately compensate representatives for initial consultation. The Amah Mutsun Land Trust has demonstrated that \$200 reflects the average actual cost of the services.

Financial Impact

The funds for initial tribal consultation will be borne by project applicants and will not result in an impact to the General Fund.

Strategic Initiatives

N/A

Submitted By:

Matt Machado, Deputy CEO / Director of Community Development and Infrastructure

Recommended By:

Nicole D. Coburn, County Executive Officer

Artificial Intelligence Acknowledgment:

Artificial Intelligence (AI) did not significantly contribute to the development of this agenda item.

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Supervisor:
Duly seconded by Supervisor:
The following resolution is adopted:

**RESOLUTION ADOPTING COMMUNITY DEVELOPMENT AND
INFRASTRUCTURE INITIAL TRIBAL COMPENSATION FEE EFFECTIVE 60 DAYS
AFTER THE
BOARD OF SUPERVISORS APPROVAL**

WHEREAS, on August 19, 2025, the Board of Supervisors approved a three-year pilot program to compensate local California Native American Tribes for their consultation on County projects for the purpose of providing fair compensation and enhancing the involvement of tribes in applicable projects; and

WHEREAS, the Community Development and Infrastructure Department was directed to develop protocols to implement the program and modify the Unified Fee Schedule to address associated fees; and

WHEREAS, the Board of Supervisors is committed to cost recovery for permitting services; and

WHEREAS, Community Development and Infrastructure Department staff has added the Board suggested fee amount to the Unified Fee Schedule (UFS) in the amount of \$200 (Attachment A); and

WHEREAS, protecting and preserving Native American cultural and sacred sites and other physical and cultural resources is an important value for the County which the Board has consistently supported; and

WHEREAS, meaningful tribal consultation provides significant benefits to the County as a multicultural community. Therefore, providing tribes with financial compensation to encourage their active participation in the consultation process is important, fair, and justified to help protect and preserving Tribal Cultural Resources; and

WHEREAS, the Board of Supervisors held a duly noted public hearing on March 24, 2026, to review the adoption of the Tribal Consultation Fee; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby:

1. Incorporates the foregoing Recitals as findings as though set forth within the body of this Resolution.
2. Adopts the recommended Initial Tribal Consultation fee of \$200 in the Unified Fee Schedule as presented in the attached Unified Fee Schedule recommended changes, and such amended fees shall be effective May 25, 2026. (60 days post approval of this resolution)

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 24th day of March 2026, by the following vote:

AYES: SUPERVISOR(S)

NOES: SUPERVISORS(S)

ABSENT: SUPERVISORS(S)

ABSTAIN: SUPERVISORS(S)

Chair of the Board of Supervisors

ATTEST: _____

Clerk of the Board

APPROVED AS TO FORM:

Signed by:


D52DC6AA0E74496...

ASSISTANT COUNTY COUNSEL

cc: County Counsel

Community Development & Infrastructure Department

ATTACHMENT A

Unified Fee Schedule

Santa Cruz County Unified Fee Schedule
Planning
Budget Unit - 542200

Description	Current Fee	Proposed Fee	Units
ENVIRONMENTAL RESOURCE REVIEWS & PERMITS			
<u>Initial Tribal Consultation Compensation Fee (additional tribal reviews billed at cost)</u> <i>Justification For New Fee:</i> <i>Index Code is 542200.</i> <i>Fee Authority is Local.</i> <i>Fee is not Mandated By State Law.</i> <i>Justification: Board of Supervisors direction to establish an initial consultation fee to compensate qualifying local California Native American Tribes for their consultation of development applications.</i>		<u>\$200.00</u>	<u>Per Tribe</u>

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Certificate Of Completion

Envelope Id: F50FA541-C14C-4F9E-A1FF-6FFE61FA6EE0
Subject: Complete with Docusign: Resolution Initial Tribal Consultation Fee FINAL.docx
Source Envelope:
Document Pages: 3
Certificate Pages: 4
AutoNav: Enabled
Envelopeld Stamping: Enabled
Time Zone: (UTC-08:00) Pacific Time (US & Canada)

Status: Completed

Envelope Originator:
Mark Connolly
701 Ocean Street
Santa Cruz, CA 95060
Mark.Connolly@santacruzcountyca.gov
IP Address: 76.236.30.72

Record Tracking

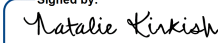
Status: Original
3/19/2026 8:45:02 AM
Security Appliance Status: Connected
Holder: Mark Connolly
Mark.Connolly@santacruzcountyca.gov
Pool: FedRamp

Location: DocuSign

Signer Events

Natalie Kirkish
Natalie.Kirkish@santacruzcountyca.gov
County Counsel
Security Level: Email, Account Authentication (None)

Signature

Signed by:

D52DC6AA0E74498...

Signature Adoption: Pre-selected Style
Using IP Address: 63.194.190.226

Timestamp

Sent: 3/19/2026 8:45:40 AM
Viewed: 3/19/2026 8:46:02 AM
Signed: 3/19/2026 8:46:12 AM

Electronic Record and Signature Disclosure:
Accepted: 8/1/2024 2:49:37 PM
ID: b763e46b-8c75-436f-b147-3f5717480ab2

In Person Signer Events

Signature

Timestamp

Editor Delivery Events

Status

Timestamp

Agent Delivery Events

Status

Timestamp

Intermediary Delivery Events

Status

Timestamp

Certified Delivery Events

Status

Timestamp

Carbon Copy Events

Status

Timestamp

Witness Events

Signature

Timestamp

Notary Events

Signature

Timestamp

Envelope Summary Events

Status

Timestamps

Envelope Sent	Hashed/Encrypted	3/19/2026 8:45:41 AM
Certified Delivered	Security Checked	3/19/2026 8:46:02 AM
Signing Complete	Security Checked	3/19/2026 8:46:12 AM
Completed	Security Checked	3/19/2026 8:46:12 AM

Payment Events

Status

Timestamps

Electronic Record and Signature Disclosure

ELECTRONIC RECORD AND SIGNATURE DISCLOSURE

From time to time, County of Santa Cruz (we, us or Company) may be required by law to provide to you certain written notices or disclosures. Described below are the terms and conditions for providing to you such notices and disclosures electronically through the DocuSign system. Please read the information below carefully and thoroughly, and if you can access this information electronically to your satisfaction and agree to this Electronic Record and Signature Disclosure (ERSD), please confirm your agreement by selecting the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

Getting paper copies

At any time, you may request from us a paper copy of any record provided or made available electronically to you by us. You will have the ability to download and print documents we send to you through the DocuSign system during and immediately after the signing session and, if you elect to create a DocuSign account, you may access the documents for a limited period of time (usually 30 days) after such documents are first sent to you. After such time, if you wish for us to send you paper copies of any such documents from our office to you, you will be charged a \$0.00 per-page fee. You may request delivery of such paper copies from us by following the procedure described below.

Withdrawing your consent

If you decide to receive notices and disclosures from us electronically, you may at any time change your mind and tell us that thereafter you want to receive required notices and disclosures only in paper format. How you must inform us of your decision to receive future notices and disclosure in paper format and withdraw your consent to receive notices and disclosures electronically is described below.

Consequences of changing your mind

If you elect to receive required notices and disclosures only in paper format, it will slow the speed at which we can complete certain steps in transactions with you and delivering services to you because we will need first to send the required notices or disclosures to you in paper format, and then wait until we receive back from you your acknowledgment of your receipt of such paper notices or disclosures. Further, you will no longer be able to use the DocuSign system to receive required notices and consents electronically from us or to sign electronically documents from us.

All notices and disclosures will be sent to you electronically

Unless you tell us otherwise in accordance with the procedures described herein, we will provide electronically to you through the DocuSign system all required notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you during the course of our relationship with you. To reduce the chance of you inadvertently not receiving any notice or disclosure, we prefer to provide all of the required notices and disclosures to you by the same method and to the same address that you have given us. Thus, you can receive all the disclosures and notices electronically or in paper format through the paper mail delivery system. If you do not agree with this process, please let us know as described below. Please also see the paragraph immediately above that describes the consequences of your electing not to receive delivery of the notices and disclosures electronically from us.

How to contact County of Santa Cruz:

You may contact us to let us know of your changes as to how we may contact you electronically, to request paper copies of certain information from us, and to withdraw your prior consent to receive notices and disclosures electronically as follows:

To contact us by email send messages to: nada.algharib@santacruzcounty.us

To advise County of Santa Cruz of your new email address

To let us know of a change in your email address where we should send notices and disclosures electronically to you, you must send an email message to us at nada.algharib@santacruzcounty.us and in the body of such request you must state: your previous email address, your new email address. We do not require any other information from you to change your email address.

If you created a DocuSign account, you may update it with your new email address through your account preferences.

To request paper copies from County of Santa Cruz

To request delivery from us of paper copies of the notices and disclosures previously provided by us to you electronically, you must send us an email to nada.algharib@santacruzcounty.us and in the body of such request you must state your email address, full name, mailing address, and telephone number. We will bill you for any fees at that time, if any.

To withdraw your consent with County of Santa Cruz

To inform us that you no longer wish to receive future notices and disclosures in electronic format you may:

- i. decline to sign a document from within your signing session, and on the subsequent page, select the check-box indicating you wish to withdraw your consent, or you may;
- ii. send us an email to nada.algharib@santacruzcounty.us and in the body of such request you must state your email, full name, mailing address, and telephone number. We do not need any other information from you to withdraw consent.. The consequences of your withdrawing consent for online documents will be that transactions may take a longer time to process..

Required hardware and software

The minimum system requirements for using the DocuSign system may change over time. The current system requirements are found here: <https://support.docusign.com/guides/signer-guide-signing-system-requirements>.

Acknowledging your access and consent to receive and sign documents electronically

To confirm to us that you can access this information electronically, which will be similar to other electronic notices and disclosures that we will provide to you, please confirm that you have read this ERSD, and (i) that you are able to print on paper or electronically save this ERSD for your future reference and access; or (ii) that you are able to email this ERSD to an email address where you will be able to print on paper or save it for your future reference and access. Further, if you consent to receiving notices and disclosures exclusively in electronic format as described herein, then select the check-box next to 'I agree to use electronic records and signatures' before clicking 'CONTINUE' within the DocuSign system.

By selecting the check-box next to 'I agree to use electronic records and signatures', you confirm that:

- You can access and read this Electronic Record and Signature Disclosure; and
- You can print on paper this Electronic Record and Signature Disclosure, or save or send this Electronic Record and Disclosure to a location where you can print it, for future reference and access; and
- Until or unless you notify County of Santa Cruz as described above, you consent to receive exclusively through electronic means all notices, disclosures, authorizations, acknowledgements, and other documents that are required to be provided or made available to you by County of Santa Cruz during the course of your relationship with County of Santa Cruz.

Attachment: NAHC template response to request for consultation

Sample letter from a California Indian tribe, as defined in Chapter 905 of the Statutes of 2004, to a lead agency requesting consultation pursuant to Assembly Bill 52 (Gatto, 2014), Public Resources Code Section 21080.3.1, subds. (b), (d) and (e).

[Tribe Letterhead]

<Date>

<Lead Agency Address>

RE:

Formal Request for Tribal Consultation Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code section 21080.3.1, subds. (b), (d) and (e) for <Project Name>, <City and/or County>.

Dear < >:

This letter constitutes a formal request for tribal consultation under the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21080.3.1 subdivisions (b), (d) and (e)) for the mitigation of potential project impacts to tribal cultural resource for the above referenced project. <Tribe name> requested formal notice and information for all projects within your agency's geographical jurisdiction on <date of letter> and received notification on < date of lead agency response> regarding the above referenced project. Attached please find copies of those letters.

<Tribe name> requests consultation on the following topics checked below, which shall be included in consultation if requested (Public Resources Code section 21080.3.2, subd. (a)):

Alternatives to the project

Recommended mitigation measures

Significant effects of the project

<Tribe name> also requests consultation on the following discretionary topics checked below (Public Resources Code section 21080.3.2, subd. (a)):

Type of environmental review necessary

Significance of tribal cultural resources, including any regulations, policies or standards used by your agency to determine significance of tribal cultural resources

Significance of the project's impacts on tribal cultural resources

Project alternatives and/or appropriate measures for preservation or mitigation that we may recommend, including, but not limited to:

(1) Avoidance and preservation of the resources in place, pursuant to Public Resources Code section 21084.3, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning green space, parks or other open space, to incorporate the resources with culturally appropriate protection and management criteria;

(2) Treating the resources with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resources, including but not limited to the following:

- a. Protecting the cultural character and integrity of the resource;
- b. Protection the traditional use of the resource; and
- c. Protecting the confidentiality of the resource.

(3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

(4) Protecting the resource.

Additionally, <Tribe name> would like to receive any cultural resources assessments or other assessments that have been completed on all or part of the project's potential "area of project effect" (APE), including, but not limited to:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:

A listing of any and all known cultural resources have already been recorded on or adjacent to the APE;

Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;

If the probability is low, moderate, or high that cultural resources are located in the APE.

Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the potential APE; and

If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.

2. The results of any archaeological inventory survey that was conducted, including:

Any report that may contain site forms, site significance, and suggested mitigation measures.

Significance of the project's impacts on tribal cultural resources

All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10.

3. The results of any Sacred Lands File (SFL) check conducted through Native American Heritage Commission. The request form can be found at http://www.nahc.ca.gov/slf_request.html. USGS 7.5-minute quadrangle name, township, range, and section required for the search.

4. Any ethnographic studies conducted for any area including all or part of the potential APE; and

5. Any geotechnical reports regarding all or part of the potential APE.

We would like to remind your agency that CEQA Guidelines section 15126.4, subdivision (b)(3) states that preservation in place is the preferred manner of mitigating impacts to archaeological sites. Section 15126.4, subd. (b)(3) of the CEQA Guidelines has been interpreted by the California Court of Appeal to mean that "feasible preservation in place must be adopted to mitigate impacts to historical resources of an archaeological nature unless the lead agency determines that another form of mitigation is available and provides superior mitigation of impacts." *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal.App.4th 48, disapproved on other grounds, *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439.

<Tribe name> expects to begin consultation within 30 days of your receipt of this letter. Please contact <Tribe name> 's lead contact person identified in the attached request for notification.

<Name

<Title>

<Address>

<Telephone number>

<Email address>

Sincerely,



Amah Mutsun Land Trust | *Cultural Resources Program*
2460 17th Avenue #1019 Santa Cruz, CA 95062
thpo@amlt.org | (831) 215-3700

January 26, 2026

To: Mark Connolly, Santa Cruz County Planning Department
<Mark.Connolly@santacruzcountyca.gov>
Natalie Kirkish, Assistant County Counsel
<natalie.kirkish@santacruzcountyca.gov>

CC: Ed Ketchum, Chair, Amah Mutsun Tribal Band
Noelle Chambers, Executive Director, Amah Mutsun Land Trust

Sent via email

**Re: Fee schedule for the Santa Cruz County pilot program to
compensate tribes for consultation**

Dear Mark Connolly and Natalie Kirkish,

The Amah Mutsun Tribal Band (AMTB) and Amah Mutsun Land Trust (AMLT) understand that Santa Cruz County is in the process of implementing the pilot program established by the Board of Supervisors to compensate tribes for time incurred in government to government consultation to protect tribal cultural resources pertaining to AB52, SB18 and County ordinance. AMLT is providing the following information on behalf of the Amah Mutsun Tribal Band, in support of the fee schedule associated with this ordinance, focused specifically on the initial consultation fee for tribes who respond to the County's inquiries in accordance with the terms of the pilot program.

Upon receipt of a request for consultation, AMTB, with additional support from AMLT as requested, engages in a process of evaluating the proposed project and whether tribal consultation is warranted. The costs associated with this review

process vary depending on the location and scale of the proposed project and the sensitivity and complexity of the tribal cultural resources that may be affected. The following are steps typically taken by AMTB and AMLT to evaluate a tribal consultation inquiry:

- Review of archaeological site Primary Records and other California Historical Resources Information System data from the NW Information Center.
- Review of the proposed project location within the AMTB/AMLT GIS database of known tribal cultural resources and tribal locations.
- Consultation with Amah Mutsun elders, culture bearers and leadership in the form of phone calls or meetings.
- Review of letters, archaeological survey reports, biotic reports and other technical reports already submitted by the project applicant to the County.
- Discussion of the proposed project with other knowledgeable parties such as the consulting biologist, consulting archaeologist, as well as other local archaeologists or tribal representatives of other tribes who may have knowledge of the area of effect.
- Review of ethnographic records held by AMTB/AMLT pertaining to the project area, as applicable. These include field notes produced by J. P. Harrington, J.A. Mason, Ralph Milliken, and other early ethnographers.
- Filing and documentation of the project in the AMTB/AMLT consultation inquiry tracking filesystem and database.
- Final review of the results of the above evaluation process with tribal leadership, to determine whether or not AMTB elects to commit to further consultation.

The costs associated with this review process include AMLT staff time as well as time required of tribal leadership, tribal culture bearers, and tribal elders. These costs frequently exceed \$200 per individual consultation inquiry, and for some projects depending on scale and location, total costs come in under the \$200 amount. However, in total, AMLT/AMLT concurs that \$200 is a reasonable average, middle ground fee to address the costs incurred in the process of properly reviewing Santa Cruz County consultation inquiries.

We anticipate that between 1 hour and 5 hours of total time is required by AMTB and AMLT in conducting a typical assessment on an individual tribal consultation inquiry. As a point of reference, for purposes of contract-related cultural resources management consultation, hourly rates currently charged by AMLT range from \$125-200 per hour depending on the specialist involved.

Finally, AMTB/AMLT would like to highlight the critical importance of the County maintaining accurate and up to date GIS data regarding Indigenous archaeological sites and tribal cultural resources, so that the requirement to consult is invoked from the beginning, in projects that have the potential to impact known Indigenous archaeological resources and culturally sensitive locations.

We look forward to working with the County in continuing to advance the process of identifying and protecting tribal cultural resources, and are available to provide additional information as needed.

Best regards,

Tyler Suttle
Tribal Historic Preservation Coordinator

Alec Apodaca
Cultural Resources Program Manager