

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

A. GENERAL INFORMATION

1. Date

11/18/2024

2. Department

California Energy Commission

3. Organizational Placement (Division/Branch/Office Name)

Office of the Public Advisor, Energy Equity and Tribal Affairs

4. CEA Position Title

Director of Tribal Affairs

5. Summary of proposed position description and how it relates to the program's mission or purpose.
(2-3 sentences)

Under the direction of the Public Advisor, the Director of Tribal Affairs will be responsible for policy development leading a program that is dedicated to the cultivation and implementation of effective and inclusive relationships between the California Energy Commission (CEC) and California Native American tribes and tribal communities. The Director will ensure that CEC programs and initiatives integrate tribal needs and priorities. The Director will serve as CEC's executive level Tribal Liaison.

6. Reports to: (Class Title/Level)

Public Advisor / Exempt

7. Relationship with Department Director (*Select one*)

- ☒ Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- ☐ Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(*Explain*): This position provides policy development, direction, guidance, and mentoring to leadership on all Department tribal matters.

8. Organizational Level (*Select one*)

- ☐ 1st ☐ 2nd ☒ 3rd ☐ 4th ☐ 5th (mega departments only - 17,001+ allocated positions)

B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

Under the direction of the Public Advisor, the Director of Tribal Affairs will be responsible for leading a program dedicated to cultivating and implementing effective and inclusive relationships between the Department and California Native American tribes and tribal communities. The Director will also serve as the CEC's executive-level Tribal Liaison.

The Director will encourage government-to-government consultations and facilitate effective communication to support the development and modification of inclusive policies and practices that may have an impact on California Native American tribes and tribal communities, as well as identifying ongoing solutions to remove internal barriers that negatively impact tribes and their ability to achieve equitable access to CEC resources. This position will serve as a subject matter expert on tribal affairs, engagement, consultation, and tribal energy priorities and policies and serve as the main point of contact. They will actively participate in seeking out relationships and building trust with California Native American tribes and tribal communities.

The Director will ensure that the CEC programs and initiatives integrate tribal needs and priorities and will be responsible for identifying internal programs and policies that make tribal participation in CEC programs difficult. This requires independent research and delivering trusted recommendations to the Public Advisor, Assistant Tribal Liaisons, staff, and the CEC leadership team. This position will continuously advance internal programs and will serve as a coordinator for tribal affairs matters across the Department, within the California Natural Resources Agency (CNRA), the Governor's Office, and external organizations, with the goal of improving tribal relationships. The Director will collaborate closely with the CEC leadership, CNRA Assistant Secretary for Tribal Affairs, and CEC program management to fully integrate tribal engagement and interests in the CEC's decision-making on natural, historic, and cultural resources.

The Director will be responsible for tracking and coordinating meaningful consultation and outreach efforts related to the Governor's Executive Order N-15-19, reaffirming Executive Order B-10-11, implementing Assembly Bill (Ab) 52 amending the California Environmental Quality Act and AB 275, and implementing the CEC tribal consultation policy. In addition, the Director will represent the CEC at government work groups, public outreach forums, and meetings with stakeholders and the public. They will participate in on-site visits pertaining to the CEC tribal projects, identifying existing obstacles and providing mutually beneficial solutions. The Director will lead collaboration throughout the Department to serve as the central point of contact and ensure consistent tribal and intergovernmental engagement practices. This includes building a strong Department-wide team of regional Tribal Liaisons to identify challenges and opportunities that can further strengthen tribal relationships.

The position will frequently present to varied levels of leadership, including diverse audiences, with a high degree of problem-solving, flexibility, program evaluation, and independence. The Director will serve as a liaison to tribal organizations, government agencies, community organizations, and the public.

This position will coordinate with federal and state tribal affairs programs and partners, obtain information on best management practices and procedures, and manage collaborations and partnership opportunities with California Native American Tribes. The position will regularly share the CEC's progress on Tribal Affairs by shaping and executing regular communication within and beyond the Department in conjunction with the Department's Strategic Communication, Education and Outreach Program, and various social media platforms. It will also ensure that the CEC public materials reflect our tribal priorities.

They will act as the CEC representative on the Native American Advisory Council (NAAC) to foster better relationships and discuss policies and upcoming changes to the CEC procedures. The Director will provide key information to CEC leadership and the California Natural Resources Agency to convey publicly. The Director regularly informs tribal governments and communities of issues of interest.

B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- ☒ Program is directly related to department's primary mission and is critical to achieving the department's goals.
- ☐ Program is indirectly related to department's primary mission.
- ☐ Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: The California Energy Commission is leading the state to a 100 percent clean energy future for all. As the state's primary energy policy and planning agency, the Energy Commission is committed to reducing energy costs and environmental impacts while ensuring a safe, resilient, and reliable energy supply. Under Executive Order N-15-19, all state agencies are required to engage in meaningful consultation with tribes and address historical wrongs in the spirit of truth and healing. The Department is committed to implementing Executive Order N-15-19 and to strengthen partnerships with tribes through energy programs and efforts. The CEC is committed to tribal consultations and implementing Governor Newsom's Statement of Administrative Policy on Native American Ancestral Lands, directing state agencies to increase tribal access and co-management of public lands. The CEA will work across many program areas to implement and develop policy responsibilities.

B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

CNRA and CEC have been making a concerted effort to develop a tribal affairs position with oversight for integrating tribal policies into CEC programs. This initiative involves establishing more tribal partnerships for state clean energy policies and programs. In addition, multiple CEC programs, including OSW, energy facility siting, and more, require tribal engagement and consultation. CEC has reached a point where tribal affairs are being incorporated into a majority of our programs and policies.

This has increased the need for tribal expertise and coordination for CEC funding and policy initiatives, including funding concept design, solicitation development, funding outreach and engagement, agreement development negotiations, agreement management, tribal outreach and engagement forums, including listening sessions, roundtables, tribal visits for CEC leadership and staff, workshop panels, and more. Tribal affairs require significant agency-wide coordination to ensure sensitive tribal relations are maintained, Commissioners and executives are able to participate in government-to-government tribal engagement and consultation, and CEC is able to coordinate with other agencies and follow direction from CNRA and the Governor's Office of Tribal Affairs.

A full-time tribal affairs position at the Executive level will assist with successfully implementing tribal affairs policies. The CEA position is critical to successfully advancing these policies and administration goals. The Director for Tribal Affairs will be the key policy advisor to the Director for the development and advancement of these policy and program goals.

C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

The CEA is a member of the Department's Leadership Team and will be required to regularly provide significant advice and recommendations to the Director on policy issues. The position will be responsible for establishing, updating, and maintaining statewide policies and procedures that align with recently passed legislation and Executive Orders. The Director for Tribal Affairs will also serve as an important liaison, representing the CEC leadership in leading tribal engagement initiatives. They will actively participate in respectfully seeking, discussing, and considering the views of California Native American Tribes and Tribal communities through government-to-government consultations.

The California Energy Commission's Tribal Program helps the organization conduct effective government-to-government cooperation, collaboration, communication, and other activities with California Native American Tribes. The CEA will be the principal policymaker over the following Tribal Affairs policy areas:

California Energy Commission Tribal Consultation Policy

Ensure consistency with direction from CNRA and the Governor's Office of Tribal Affairs. Governor Edmund G. Brown Jr. signed Executive Order B-10-11, the California Natural Resources Agency (CNRA) tribal consultation policy, and Assembly Bill 52 (AB 52, Gatto, Chapter 532, Statutes of 2014). The CEA will ensure effective consultation between the California Energy Commission and California Native American Tribes to further the CEC's mission and provide meaningful tribal input into the development of regulations, rules, policies, plans, and activities that may affect California Native American Tribes.

Tribal Energy Sovereignty Policy

The CEA will assist the Commission in developing and adopting a Tribal energy sovereignty policy in furtherance of Executive Order N-15-19, Executive Order N-16-22, and the Governor's Administration Policy and the Commission's commitment to support California Tribal energy sovereignty. The CEA will consult with California tribes to develop a Tribal Energy Sovereignty Policy, which shall develop and include policies related to Tribal energy sovereignty, Tribal lands, and Tribal consultations, and present it to the Commission for consideration and potential adoption.

Tribal Clean Energy Program Policies

The CEC has invested more than \$100 million for tribal clean energy projects through programs like Energy Conservation Assistance Act, the Long Duration Energy Storage Program and the Electric Program Investment Charge program. The CEA will be responsible for outreach and engagement policies that comply with statutory requirements for funding allocations, tribal engagement, and consultation and equity prioritization. Funding program development and implementation ((EPIC, LDES, CTP, federal funding grants (DOE, DOT), EBD, etc.) Policy development (OSW and ocean energy, SB 100, transmission planning, lithium valley, etc.), and CEC's siting portfolio (AFCs, opt-in proceedings, etc.)

C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

The Director will participate in strategic planning for Tribal Affairs matters and interests. The Director will provide key information to the CEC leadership and California Natural Resources Agency to convey publicly. The Director will also regularly inform tribal governments and communities of issues and interests and provide support to the CEC program teams where tribal interests are present.

Under the direction of the Public Advisor of the Office of the Public Advisor, Energy Equity and Tribal Affairs will be responsible for leading programs dedicated to cultivating and implementing effective and inclusive relationships and policies between the Department and California Native American tribes and tribal communities.

The Director will be the CEC's lead in government-to-government consultations and will facilitate effective communication to support the development and modification of inclusive policies and practices that may impact California Native American tribes and tribal communities. This position will serve as a subject matter expert at the highest level in providing ongoing tribal affairs input, education, training, and awareness to varied levels of leadership, including collaboration, consultation, and engagement initiatives, and will actively participate in respectfully seeking, discussing, and considering the views of California Native American tribes and tribal communities.

As a member of the CEC executive team, the Director advises the Public Advisor on all Public Affairs policy issues affecting Departmental programs and supports the CEC's capacity to manage mandates and program operations in support of the CEC's mission, goals, and objectives. The position will make decisions on programmatic funding policies to meet the Department's funding objectives, directly impacting investments in tribal projects/programs in clean energy and other tribal funding programs.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

This position will be developing new policies while also ensuring existing policies are being adhered to. Specifically, policy on clean energy, co-management, tribal relations, and grant guidelines. This position will coordinate closely with the Public Advisor, department staff, and tribal communities.