

## EXHIBIT 3.4: GUIDANCE ON REIMBURSEMENTS FOR TRIBAL EXPERTISE

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When tribal expertise beyond consultation is necessary to assist Caltrans in meeting compliance with its regulatory responsibilities, Caltrans seeks to provide reimbursements to Tribal Experts in the same manner it may compensate other specialized expert services, while also observing tribal sovereignty and its diplomatic responsibilities with tribal governments. See [Exhibit 3.3](#) for guidance on the consultative process by which tribal traditional knowledge/expertise is identified and integrated into Caltrans' environmental studies and findings.

### Methods for Reimbursement

Methods or arrangements for reimbursing Tribal Experts may vary among the Districts due to the differing needs and capacities of both the tribes and the Districts. The most common method of reimbursement involves providing compensation via the District's Prime On-Call Cultural Resources Management (CRM) Contract. In such cases, the District's Prime On-Call CRM Contract is written to accommodate the potential services of Tribal Expertise (sometimes referred to as Tribal Monitoring), for which Task Orders are executed, as needed. Tribal Experts are reimbursed by the Prime Contractor, as directed by the District. See [Chapter 3](#), Section 3.3, as well as [Exhibit 3.3](#), for important guidance on the roles and responsibilities of the parties in this circumstance.

Secondary methods of reimbursement are variously available and utilized on a district-by-district basis. Such secondary methods are considered short-term, expeditious reimbursement arrangements for circumstances where Tribal Expert participation is warranted but previously unanticipated or not adequately scoped for a project or maintenance activity. As the participation and contributions of local culturally affiliated Tribal Experts is imperative to a full and complete cultural resources analysis, secondary methods of reimbursement are utilized by Districts, as needed.

Districts and/or tribes are advised to contact the Cultural Studies Office for additional guidance regarding reimbursement methods for Tribal Experts.

### Rates for Reimbursement

The [Code of Federal Regulations, Title 23, Chapter 1, Subchapter B, Part 172](#) requires pay rates to be "fair and reasonable." The rate of reimbursement for Tribal Experts is a matter of consultation between the Department and the Tribe, based on the nature of the Tribal Expert activities and contributions. Tribes and/or Districts are advised to contact the Cultural Studies Office if they have questions or issues in negotiating fair and reasonable reimbursement rates for Tribal Expertise.