

November 24, 2015

Hello Tracie Billington and DWR staff,

The following are additional clarifying comments regarding the new guidelines and terms that were discussed during the SEAC meetings held monthly in Sacramento from [July through October].

Thank you for the opportunity to participate in these meetings and thank you for including Tribal perspectives in these important discussions. We look forward to seeing the draft IRWM Guidelines that these meetings will ultimately help to shape.

We noted that the SEAC will not have an opportunity to review the recommendations and notes taken during these meetings and want to be sure that several key points are captured. We have arranged these by term:

Economically Distressed Areas

The term “Economically Distressed Area” (EDA) was created to provide support to those communities with economic hardship that were excluded by the previous “Disadvantaged Communities” criteria. To establish an EDA status, DWR recommends that applicants use the new “EDA Instructions and Mapping Tool” which was created in response to the *Water Quality, Supply, and Infrastructure Improvement Act of 2014* (Proposition 1).

To establish EDA criteria under Step 1, project proponents are instructed to provide documentation of a Median Household Income (MHI) of less than 85% of the statewide median household income. Additionally, in Step 3, Option 2 the criterion is that the area’s unemployment rate is 9.5% or higher. In each case the criterion relies on data from the US Census Bureau and/or the CA Employment Development Department (EDD) labor statistics. These sources are problematic because many families are not documented by these systems. For example, in the regions where we live and work families have been unemployed so long that they are no longer eligible for EDD services. Also, each census year a large number of families do not complete census forms due to lack of documentation, homeless status, or mistrust of the census process. The result is that the numbers collected and used to establish criteria are unreliable.

We are encouraged that a proponent can provide alternative “Financial Hardship” criterion per Step 3, Option 1. To support gathering this information we recommend that the guidelines include a list of potential resources including comparative data from the California Department of Social Services, US federal assistance programs and others that are not dependent on EDD and census data and that would reach a wider set of low income families. These resources include but are not limited to the following:

- Temporary Assistance for Needy Families (TANF)
- California Work Opportunity and Responsibility to Kids (CalWorks)
- *California Medical Assistance Program* (Medi-Cal or MediCal)
- “[Healthy Families Program](#),” in California (CHIP)
- Supplemental Nutrition Assistance Program (SNAP) or *CalFresh* Program

Innovative Projects

In order to provide more information and clarity on what an “Innovative Project” is members of the SEAC recommended that Traditional Ecological Knowledge (TEK) be included and that such an Innovative Project be encouraged by receiving additional ranking and scoring points. To provide further clarity

please include language so that project proponents understand that TEK shall be applied in collaboration and partnership with local Tribes.

Additional examples of Innovative Projects provided by SEAC members included piloting new technology or by utilizing technology in a region that had not previously completed such a project or applied such management treatments. This will encourage the development and application of new methods and applications of new technology and also confirm that new technology is applicable in different watersheds and areas.

Another example that was provided was the reintroduction of traditional species as a treatment to watershed restoration and management. This might include reintroducing traditional species of fish, removing invasive species to allow for traditional species promotion or the reintroduction of wildlife, such as beaver, towards the goal of watershed enhancements.

Consultation

During the September SEAC meeting DWR Staff provided a PowerPoint which included legal underpinnings that DWR staff will utilize to develop the Consultation sections of the Prop. 1 IRWM guidelines. The presentation did not provide the proposed content of this section so Tribal participants have not yet provided meaningful input into this section.

During this meeting Tribal Participants asked what procedures would be if Tribes are unable to support an IRWM funded project because of impacts to environmental or cultural resources. The brief answer provided was that lead agencies will have to comply if CEQA is triggered and that any issues that arise would be worked out during Consultation with the RWMG. In many IRWM regions Tribes will need support in order for this to occur. Tribal participants' requested the following to assist in DWR's Consultation section of these new guidelines:

- 1) That DWR provide Tribal SEAC members with the Consultation section of the draft guidelines before they are released publically in December for review and comments.
- 2) That in the guidelines DWR provide RWMGs and Tribes with clear procedures and support for Consultation as needed including participation by DWR's Tribal Policy Advisor, Anecita Agustinez to assist in working collaboratively towards solutions.
- 3) That the guidelines acknowledge that some Tribes have their own Consultation Policies and that these be adhered to when initiating Consultation and when working collaboratively towards solutions.

Confirmation that projects benefit DACs and/or Tribes

Participants at the September SEAC meeting were concerned that while Regional Water Monitoring Groups (RWMGs) state that projects are beneficial to DACs and/or Tribes that there is no mechanism to confirm that this is the case. DWR staff and participants agreed that this is problematic and that it would be difficult for DWR staff to police all projects submitted by RWMGs. We did however provide some potential solutions. The following are two of those provided:

- 1) That there be a complaints mechanism wherein a community or Tribe can notify DWR that some fact checking may be necessary and that there be procedures in place for DWR to complete this. A possible incentive could be that project funding would be withheld until these benefits can be adjusted.
- 2) RWMGs can provide letters of support and/or Tribal Resolutions for the project to be considered DAC and/or beneficial to Tribes.

Again, to the staff of DWR, Thank you for your dedication and efforts. With your help we are looking forward to Proposition 1 funded IRWM grants program that will benefit all California Indian Peoples and California communities.

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