



# Water Plan Update 2013

## Tribal Advisory Committee Meeting

September 12, 2012

### MEETING SUMMARY

#### CALIFORNIA WATER PLAN UPDATE 2013 TRIBAL ADVISORY COMMITTEE MEETING

6:00 – 8:00 P.M.

*DOUBLE TREE SACRAMENTO, SALON 4  
2001 POINT WEST WAY SACRAMENTO, CA*

#### MEETING OBJECTIVES:

1. Provide Tribal AC Updates and Reminders
2. Discuss Tribal Water Summit Design Teams
3. Review Tribal Water Summit Work Plan

#### Table of Contents:

Welcome, Introductions .....	1
Tribal AC Updates .....	1
Tribal Water Summit Design Teams .....	4
Indigenous Rights and Water Mind Map.....	5
Next Steps .....	6
Attendance .....	6

## Welcome, Introductions

As part of the annual Water Plan Plenary, the Tribal AC met on the evening of Day 1. No teleconference option was available for this meeting. Stephanie Lucero welcomed Tribal AC members and quickly reviewed the agenda. Introductions were then made around the room.

## Tribal AC Updates

### Water and Culture RMS

Kimberly Johnston-Dodds, DRW Tribal Liaison, provided an update on the new RMS for Culture and Water. She explained that a Plenary session addressed this RMS, along with the Water-dependent Recreation RMS. There are two co-authors for the chapter. One piece is non-Tribal, discussing historical resources; Ms. Johnston-Dodds will be authoring the piece on Tribal issues. Over the next 6-8 weeks, she will be working with Tribes who are interested in the chapter. Tribes will greatly inform the content for this RMS. There will be opportunities for photos which could tell a story.



## Water Plan Update 2013

### Tribal Advisory Committee Meeting

September 12, 2012

---

In response to a question, Ms. Johnston-Dodds clarified that one chapter will address both Tribal and non-Tribal issues. She and the DWR Tribal Liaisons will be meeting with Tribes to help develop the chapter.

Comment: One concern is sacred sites on federal lands. This is an issue when federal lands are sold or transferred to private interests. Tribes should have the first option for those lands. As a result of this process, Westlands Water District is buying federal lands with sacred sites.

ACTION ITEM: Tribal AC members to send photos to Emily with a caption.

#### **Regional Reports**

Kimberly is also working with Tribes to develop Tribal content for each of the regional reports. In filling out the regional surveys, participants were encouraged to identify Tribal priorities, accomplishments and lessons learned – this is consistent with information that has been requested from IRWM programs during the Regional Forums. The closing date for submitting Tribal content for the initial draft was July 26<sup>th</sup>. Any data gaps existing at that time were either addressed by staff or represented with placeholder in the Regional Report outline.

There was a question as to whether IRWM content would also be used to help develop content for the Regional Reports. It was clarified that the IRWM Plans will be used to develop regional content and that not all IRWMs have updated their plans. Tribal representatives were encouraged to describe the content that they see as most important for including in the regional reports. There is an option of providing an appendix for any Tribal information that does not fit in any particular section of Update 2013.

#### **IRWM White Paper**

The IRWM Committee has been working on the White Paper discussing Tribal interests and IRWM. IRWM Committee report will be completed in the near future. Danielle Dolan is a grad student from UC Davis who has also been working on similar project. Danielle Dolan's is working with DWR and specifically Kimberly Johnston-Dodds. However, her project is not funded by DWR, it was a project she developed and was funded through Center for Collaborative Research for an Equitable California (CCREC) Planning & Development Grants for Collaborative Research Projects. The project objectives is to evaluate the strengths and weaknesses of the IRWM program and documents themselves and how those affect tribal participation and project development. The objective of the project will be to develop specific recommendations as identified by California Tribes and tribal organizations to be delivered to both DWR and regional watersheds in order to improve tribal participation and development of



## Water Plan Update 2013

### Tribal Advisory Committee Meeting

September 12, 2012

---

IRWMs with tribal engagement. Tribal AC members were invited to contact Danielle directly if they were interested in participating in her project.

#### **Tribal Membership**

Donna Miranda-Begay is taking a leave from the Tribal AC. This leaves Oscar Serrano as the sole Tribal AC representative for the Public AC. Aaron Dixon and Steve Archer both expressed interest in serving on the Public AC.

ACTION ITEM: Stephanie Lucero will email the Tribal AC about Aaron Dixon and Steve Archer serving on the Public AC. Tribal AC members will be given a week to respond.

ACTION ITEM: Aaron Dixon will confirm with his Tribe whether he can serve as the Tribal AC representative to the Public AC.

The California Indian Water Commission (CIWC), Inc. has submitted the appointment of a representative to the Tribal AC. The Tribal AC charter membership criteria allow for representatives who are delegates of California Native American Tribes or from a 501(c)3 or 509(a)(2) (non-profit) organization. The facilitation team was unable to verify CIWC 501(c)3 or 509(a)(2) status through the standard record searches that are conducted, so sent a letter requesting the necessary documentation was sent. In response CIWC sent the letter passed out to Tribal AC members, wherein CIWC provides that they are a recognized organization through their 638 contract status with the BIA. Tribal AC members were asked whether they considered CIWC eligible pursuant to the Charter. It was agreed that CIWC was not eligible under the terms of the current Tribal AC Charter and that in order for CIWC to identify a member to the Tribal AC pursuant to their 638 contracting status with BIA, a change to the Charter would be needed. It was determined that the Tribal AC members would go back to their respective Tribes to determine approval for a Charter change. It was requested that CIWC be informed of all of their options for identifying a member to the Tribal AC, which are as follows: A) Have one of the member Tribes to CIWC appoint the CIWC representative as their own Tribal delegate or B) register CIWC as a non-profit organization or provide documentation showing that they have already registered as a 501(c)3 or 509(a)(2).

#### *Discussion*

There was discussion regarding the change in the charter. Each Tribe will have different ways of reviewing and responding to the proposal. Some may want a statement from the Tribal Chair or Council. There was a comment that CIWC was developed as a result of California Inter-Tribal Council trying to establish a water commission for a Tribal voice. Commentator provided that



## Water Plan Update 2013

### Tribal Advisory Committee Meeting

September 12, 2012

---

the sense was that the Inter-Tribal Council Water Commission was not very active and that CIWC was formed as a result.

Another comment suggested asking for documentation to verify CIWC's status as a legitimate organization. It was noted that articles of incorporation or bylaws would qualify as a legitimate corporation. In response to a question, it was clarified that until now all Tribal AC members have met the charter criteria by either being identified by a California Native American Tribe or being a registered non-profit organization. A comment was made to structure the Tribal AC to promote participation. There are Tribes whose expertise is needed; we need more voices. The response was that this was the intent, but that we must also follow the Charter as developed.

**ACTION ITEM:** Stephanie Lucero will respond to the CIWC regarding the charter change and reminding them of other options to join the Tribal AC that do not require a charter change.

**ACTION ITEM:** Stephanie Lucero to send a copy of the original letter to CIWC, CIWC response and a copy of the letter to CIWC regarding this meetings notes to the Tribal AC.

## Tribal Water Summit Design Teams

Leads have been identified for each of the three Design Teams:

- Paula Britton and Atta Stevenson are team leads for Indigeneous Rights to Water.
- Julie Griffith-Flatter is the lead to Watershed Management and Land Use.
- Kimberly Johnston-Dodds is the lead for Tribal Ecological Knowledge.

Tribal AC members should contact Stephanie if they would like to serve on Design Teams, or if they would like to recommend Design Team members. The next steps are to think about how to link these themes together.

There was a reminder that this is a summit of State, Tribal and Federal leaders – this is not a conference. We are being specific on the invite list. All California Native American Tribes are invited. There may not be room to accommodate all who are interested. We are interested in having very high-level state and federal representatives to attend.

The next TWS Planning Team meeting is October 17<sup>th</sup>, from 10 a.m. – 2:00 p.m. at CCP.

**ACTION ITEM:** Tribal AC to email Stephanie and Emily with suggestions on who to invite; include non-California Tribes who were originally located in California or who have traditional access to California.

**ACTION ITEM:** Steve Archer to email Emily the revised TWS logo, as refined by Myke Rodriguez.



## Water Plan Update 2013

### Tribal Advisory Committee Meeting

September 12, 2012

---

## Indigenous Rights and Water Mind Map

Meeting participants reviewed a draft “mind map” that identifies issues associated with Indigenous Rights to Water. There was a reminder that the diagram is to help others understand the connections and range of Tribal interests associated with water. The comments and suggested changes to the diagram consisted of the following:

- Access to coastal areas means coastal and inland tribes.
- Access is need to coastal, marine, riparian and wetlands areas.
- Access to navigation is needed.
- It is access and ability to collect traditional resources. Add the extras, costal, marine, etc.
- Add healing
- Expand on water quality beyond sustainable wastewater

### *Culture and Environment*

- Culture and the environment are one and the same – it’s a way of life. There is no separation or division. What is being discussed with the water mind map is perfect for the appendix.
- Meadow restoration ecologists ask us “What cultural resources are you looking at?” We don’t answer, because we want them to focus on the culture of the meadow, which includes habitat.
- Maybe everything doesn’t fit on the mind map but can be addressed in the appendix. We need to constantly plant those seeds.

### *Water Sources*

- The presence of water touches on all the bubbles in the Mind Map.
- Paper water means a tribal-state water compact that spells out how much water a Tribe should get or an allocation/quantification/adjudication of their water rights. I see wet water. Water that is there and real. Substance. Paper is not water but maybe you can cash in and sell it. Our Tribe almost had a settlement and we backed off. Secretary Babbit and his cabinet hold it against us today. Obama’s administration is working on a settlement. McCarran concept, the state, where the battles are being fought should be at the table too.
- Issues around paper water or water allocations is also the allocation of water that doesn’t exist. More water is allocated than is there. I.e. there is paper water but nothing wet. Many of these allocations are being done without consideration of what Tribes need,



## Water Plan Update 2013

### Tribal Advisory Committee Meeting

September 12, 2012

---

want, deserve as their wet water. What happens when Tribes seek to confirm their water rights and all that is left is paper (not actual) water?

- Express to the feds and state that Tribes need wet water. There is too much focus on paper water.

### Next Steps

ACTION ITEM: Tribal AC members to send photos to Emily with a caption, for the Culture and Water RMS.

ACTION ITEM: Stephanie Lucero will email the Tribal AC about Aaron Dixon and Steve Archer serving on the Public AC. Tribal AC members will be given a week to respond.

ACTION ITEM: Stephanie Lucero will respond to the CIWC.

ACTION ITEM: Stephanie Lucero to send additional information out the Tribal AC.

ACTION ITEM: Tribal AC to email Stephanie and Emily with suggestions on who to invite; include non-California Tribes who were originally located in California or who have traditional access to California.

ACTION ITEM: Steve Archer to email Emily the revised TWS logo, as refined by Myke Rodriguez.

### Attendance

#### Tribal Advisory Committee Members and Alternates:

**Steve Archer**, Buena Vista Rancheria Me-Wuk Indians of California

**Monty Bengochia**, Bishop Paiute Tribe

**Paula Britton**, Habematolel Pomo of Upper Lake

**Michelle Che**, Cloverdale Rancheria

**John Covington**, Morongo Band of Mission Indians

**Rob Cozens**, Resighini Rancheria

**Bill George**, Pit River Tribe

**Ron Goode**, North Fork Mono Tribe

**Tom Keegan**, Dry Creek Rancheria

**Kim Mattson**, Quartz Valley Indian Reservation

**Frank Ramirez**, National American Indian Veterans Association

**Oscar Serrano**, Colusa Indian Community

**Caleen Sisk**, Winnemem Wintu Nation

**Jennifer Sorensen**, Tuolumne Band of Me-Wuk Indians

**William Speer**, Shasta Indian Nation

**Stephanie Suess**, Tuolumne Band of Me-Wuk Indians



## **Water Plan Update 2013**

Tribal Advisory Committee Meeting

**September 12, 2012**

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### **Others:**

**Leslie Cleveland**, Bureau of Reclamation

**Willie J. Carillo**, Tule River Tribe

**Jacky Gonzales**, Cabazon Band of Mission Indians

**Julie Griffith-Flatter**, Sierra Nevada Conservancy

**Emily Alejandrino**, DWR Tribal Coordinator Work Team Lead

**Xavier Tito Cervantes**, DWR, Northern Regional Office

**Kamyar Guivetchi**, DWR, Manager Statewide Integrated Water Management

**Kimberly Johnston-Dodds**, DWR Executive Office, Tribal Liaison

**Tim Nelson**, DWR North-Central Regional Office

**Mary Randall**, DWR, Northern Regional Office

**Jennifer Wong**, DWR Southern Regional Office

Facilitation Team: Stephanie Lucero, Tribal Facilitator