



**SUMMARY AND HIGHLIGHTS
CALIFORNIA WATER PLAN, UPDATE 2013
BRIEFING
JANUARY 6, 2011
1:30 P.M.-4:30 P.M.
CENTER FOR COLLABORATIVE POLICY
815 S STREET SACRAMENTO, CA**

WELCOME AND GREETINGS

Meeting facilitator, Stephanie Lucero, welcomed participants to the Tribal engagement meeting. Meeting attendees introduced themselves, most of them participating over the phone. She noted that the central focus of the meeting would be to review opportunities for Tribal participation in California Water Plan (CWP) Update 2013.

She also reviewed the meeting's ground rules which were as follows:

USE TELECONFERENCE CONVERSATIONAL COURTESY--Keep comments brief, don't interrupt; use appropriate language, no third party discussions, etc. Before commenting, state your name.

ALL IDEAS AND POINTS OF VIEW HAVE VALUE -- During our initial meetings you may hear something you do not agree with or you think is "silly" or "wrong." Please remember that the purpose of the forum is to share ideas. All ideas have value in this setting. The goal is to achieve understanding. Simply listen, you do not have to agree, defend or advocate.

HUMOR IS WELCOME -- BUT humor should never be at someone else's expense.

HONOR TIME -- We have an ambitious agenda, in order to meet our goals it will be important to follow the time guidelines given by the facilitator.

USE YOUR MUTE BUTTON -- Mute your phones when you are not speaking. Refrain from shuffling papers or making other distracting noises while speaking, so other participants can HEAR you clearly. If you do not have a Mute button or do not know where it is, please make sure you are participating in a quiet room where you will not be interrupted and turn off any other phones or radios.

BE CAUTIOUS OF THE HOLD BUTTON --Some phone systems go into an auto Music or Message mode, which the other participants are unable to talk over.

AVOID EDITORIALS -- It will be tempting to analyze the motives of others or offer editorial comments. Please talk about YOUR ideas and thoughts.

TRIBAL ENGAGEMENT: HOW TRIBES CAN BE PART OF UPDATE 2013

Outline of presentation can be found here:

[http://www.waterplan.water.ca.gov/docs/meeting_materials/tribal/01.06.11/TribalEngagementUpdate2013v4\(sl12\).pdf](http://www.waterplan.water.ca.gov/docs/meeting_materials/tribal/01.06.11/TribalEngagementUpdate2013v4(sl12).pdf)

Paul Massera, DWR, provided participants with an overview of past CWP efforts, including that of the 2009 Update as well as new enhancements to Update 2013. He noted that work completed in 2009 would not be forgotten about but rather expanded upon in future updates. He reviewed past Tribal engagement efforts, including: the Tribal Communications plan, the Tribal Water Summit, and Tribal regional plenary sessions, and expanded upon what would be done to build on those efforts such as the formation of a Tribal Advisory Committee. He noted that goals for Update 2013 include: integration of tribal information and perspectives, educating large numbers of water professionals, lawmakers and policymakers, and increasing tribal inclusion.

Mr. Massera explained that Update 2013 would have a focus on regional perspectives, with the use of venues such as regional forums. He encouraged tribal members to participate in regional forums.

TRIBAL ADVISORY COMMITTEE

Outline of presentation can be found here:

http://www.waterplan.water.ca.gov/docs/meeting_materials/tribal/01.06.11/TribalAdvisoryCommitteev3.pdf

Mr. Massera reviewed a presentation that explained the structure and roles of the proposed Tribal Advisory Committee (TAC). The role of the TAC will be to assist in coordinating tribal engagement in California Water Plan Update 2013 as well as develop strategies and implement recommendations from the 2009 Tribal Water Summit, regional tribal plenary sessions, and Update 2009. The TAC will play a role in the incorporation of tribal water planning concerns into the 2013 Regional Reports, Resource Management Strategies and CWP Strategic Plan.

The TAC would be comprised of members identified by California Native American Tribes and Tribal Organizations. TAC members are information liaisons and will not be expected to speak on behalf of tribal government and organizations unless they are given specific authority to do so. The Tribal advisory Committee will designate representatives to the Public Advisory Committee. It was recommended in scoping sessions that the three Public Advisory Committee members consist of: one person from a Federally Recognized Tribe, one member from a non-federally recognized Tribe, and one member from a tribal organization.

Questions and Comments (including written comments received in time for incorporation to summary):

- There should be more interface with the State Water Resources Control Board (SWRCB) and noted that he was concerned that there was a lot of planning and not enough implementing.
 - Mr. Massera noted that SWRCB is a member on the State Agency Steering Committee as well as other work groups, and that DWR will be collaborating with them on the water plan.
- Tribal fish and water rights need to be addressed in the Water Plan.
- Can the information provided in the California Water Plan, be used to influence or educate local governments.
 - Mr. Massera said primary purpose and ideal use of the California Water Plan is to influence and educate local government and state agencies.
- The unique relationship that California Tribes have with the federal government was pointed out, it was noted how important it is to nail down federal and California Tribal priorities.
- The importance of prioritizing categories was emphasized, It was also acknowledged that many of the categories are connected. There was concern with Tribes not being included in existing Integrated Resource Water Management Plans (IRWMP's), suggesting that there is instead the option of forming a Tribal IRWMP.
 - Mr. Massera noted that CWP is at a crossroads with an opportunity to shape regional water management. He said that DWR is envisioning using regional forums, as well as the TAC to advise how integrated regional is shaped.
- There was a request to add the Bureau of Indian Affairs (BIA) to the SASC.
 - Ms. Lucero said that the appropriate venue for the participation of the BIA would be within the Federal Agency Network (FAN), since it is not a state agency it would not belong in the SASC. She also added that TAC members are encouraged to participate in regional forums, topic-based caucuses and will also have 2-3 members that are part of the Public Advisory Committees.

- There was a clarification that the Tribal Advisory Committee would be tasked with prioritizing and implementing many of the recommendations outlined in the Update 2009 Tribal Water Summit.
- It was mentioned that during Update 2009 there was Tribal participation at the Advisory Committee meetings which provided advocacy at an educational level and helped people understand common threads.
- The Tribal Advisory Committee should be clearly identified as influencing the Water Plan through the review and comment. This is the main purpose of the Tribal Advisory Committee coordinating the “incorporation of tribal water planning concerns.”
- There needs to be a policy set in place to address what is done with the information gathered from tribal participation in developing California Water Plan.

REVIEW OF ENHANCEMENTS AND FUTURE SCENARIOS

Outline of presentation can be found here:

http://www.waterplan.water.ca.gov/docs/meeting_materials/tribal/01.06.11/PlannedContentUpdate2013v.pdf

Mr. Massera reviewed expected foundation component expansions for Update 2013, many of which had been taken from parking lot items in 2005 and 2009. Meeting participants were asked to review the items and determine major concerns and interests in these planned components. Participants were reminded that more in depth comments should be sent to cwpc@water.ca.gov.

Foundational Elements (p. 13 of Workbook) are content components that were in Update 2009 and are expected to be expanded in Update 2013.

The priority Foundational Components identified by participants included:

Strategic Plan, Regional Reports, & Resource Management Strategies.

General comments addressed items that needed to be included as part of the intended expansion of the Water Plan’s foundational components. These points were generally as follows:

There needs to be better access for Tribes to participate in the IRWMP process. This affects both the Strategic Plan and Regional Reports components.

Resource Management Strategies need to address issues with the health and condition of wildlife, specifically fish species (one example was Golden Trout). Based on this the Resource Management Strategies would need to be coordinated with the regional reports, consistent with the planned expansion of increasing specificity in strategies to address fish and other species.

Water Plan should make Reported benefits additive across Resource Management Strategies.

Water Plan should couple scenarios with response packages to assess trade-offs.

Water Plan's reported trade-offs must be in terms of performance measures.

PRIORITIES AND POLICY CONSIDERATIONS

Mr. Massera reviewed expected enhancements to Update 2013, many of which had been taken from parking lot items in 2005 and 2009. Funding and feasibility will affect the extent these enhancements are included in the California Water Plan Update 2013. Part of the Tribal Advisory Committee's work will include prioritizing and working on the inclusion of these items in the Water Plan Update 2013. Meeting participants were asked to review the items and identify their top priorities. Participants were reminded that the discussion of these enhancements was ongoing and more in depth comments should be sent to cwpc@water.ca.gov.

Most participants agreed that water quality, groundwater analysis, land use, and the integration of water management planning and flood planning were all inter-related topics that needed to be discussed together when dealing with a state-wide water planning.

With this in mind, the top priority enhancements and related discussions included (see Workbook p. 20 for further reference details):

- **(A) Expanding Integration of Water Quality throughout the Water Plan.**
 - a. It was noted that some Tribe must truck water in to drink because of poor water quality.
 - b. Water Quality was identified as a significant concern relating to species health.
 - c. Coordination additional recommendations included, coordinating RWQCB standards to be consistent with water planning recommendations; i.e. not changing the RWQCB standards until water planning process is completed. RWQCB must wait to set new standards on Cumulative effects instead of changing regulations before taking water planning results into consideration

- d. Things like cumulative watershed impacts, beneficial use, and BMP's.
- e. Insure that the Department of Fish and Game are still required to do legal requirements
 - i. 5937's maintain enough water past diversions for fish
 - ii. 1600 series stream bed alteration permits.
 - iii. Even if the DFG becomes another department under Resources. I want the biologists to retain their authority to enforce environmental consequences.
- f. How do we insure that there is sufficient water in aquifers taking Climate Change into consideration? What effect are invasive species having on the water consumption, and native species present have? How change is estimated when there is little if any baseline data? Most of these concerns are not in a good position as far as proceeding with them before the 2013 document is completed.
- g. Related Enhancement was (B) Continue Integrating flood planning and water management into the Water Plan.**
 - i. It was noted that water management and flood planning should not be separate content items, as water management and flooding are inextricably linked. Flood management also has other effects involving moving burial grounds and effects to the salmon populations.
 - ii. Gray water use, there must either be new state regulations for new construction or building code changes
- h. Related Enhancement was (C) Expand groundwater analysis in Water Plan.**
 - i. Integration of Water Quality throughout the water plan is the same as discussing groundwater. This is a main concern for Tribes that use fractured granitic aquifers and have limited amounts of water as well as slow re-charge to the water volume. How do Tribes maintain quality and quantity until the State actually sets standards on amounts that can be pumped, or the monitoring of the quality of the water that is being pumped? This could be something that is occurring in an upper watershed like old mining operations that is causing a quality concern of heavy metals and not having additional water for consumption puts

many similar pumping operations in jeopardy. It is also a matter of how & who is going to pay for this testing and in some places clean-up.

- ii. **Enhancement (A) Integrated Water management planning, (B) Integrated flood management, (C) expanded Groundwater analysis** could be joined and become one in which Ground Water Pumping could become a legislated demand put on all ground water extraction in the State. Restrict the amount that can be taken, and set standards or grandfather in use. In this way Tribes would be the first users because of 10,000 years of previous history.

- i. **Related Enhancement was (O) Estimating environmental Water “ Needs” (Beyond regulatory requirements)**
- **(H) Clarify and refine State leadership**
 - a. **Related enhancement was (R) Recommended removal of outdated codes/ Law. Considerations for this enhancement are determining which laws are enforced, and if not why. Once Act for consideration is the Organic Act.** If tribal lands border National Forest Service or National Park Service lands does the Organic Act protect Sovereign rights. Does it stop pumping of excess water by permits issued on Federal lands that could affect water levels across federal boundaries into tribal and state lands?
 - b. Also identified, was the issue of re-scoring, as some Tribes did not score high enough to receive grant funding.
- **(N) Develop and Track CA water management measurements of success.**
 - a. **Related enhancement was (R) Recommend removal of outdated codes/laws**
 - b. Tribal Water Rights, Tribal water use and needs were both identified as factors to take into consideration for this Enhancement and success in Water Planning.
 - c. Fish Safety and health were likewise identified as success measurements for consideration.
- **(E) Expand linkages between land use and water management**
 - a. Written comments provided discussed how all or most water quality problems are because of manmade actions or land use. Erosion from road building, logging, heavy recreation and grazing all cause the loss of water quality. The

addition of increases of population growth and urban run-off, make the problems grow exponentially. This idea of expanding the linkages needs to be incorporated into all the concerns dealing with how water is used and if there are options available to increase the multiple times the water is used within the system.

- **(I) Increase federal involvement in Water Plan process:** add federal companion plans
 - a. In addition to standard federal agencies, Indian Health Services is also important.
 - b. Without federal involvement with things like the ESA, CWA, NEPA, NFMA and other federal statues the water plan cannot be a complete document. With EPA doing strategic plans and the Forest Service reviewing the Forest administrative guidelines on the Forest Land and Resource Management Plans, there is an opportunity for integrated water planning. Tribes need a voice in all of these planning efforts. DWR's water planning could be the primary organization and take the lead, then federal organizations can get on board and develop truly state wide plan for California.

- **(M) Add evaluation metrics and sustainability indicators.**
 - a. It was suggested that this include and support the development of an in-house California Tribal Statewide water needs assessment as part of this evaluation.
 - b. Metrics for fish health and safety were referenced as important measures and metrics for sustainability. This includes Aquatic habitat (macro-invertebrates, fish, algae) and both water quality and quantity.

- (L) Enhance interdisciplinary collaboration (...) and analysis. Tribal Knowledge must be recognized and kept confidential if it contains sensitive information. Interdisciplinary collaboration must include assurances that information is recognized, kept confidential as necessary and provide a method for accountability to ensure that the information is incorporated into the final draft of the Water Plan.

- Water quality, groundwater analysis, land use, integrated water management and flood planning, and developing and tracking CA water management measures of success.

Break before Webinar Session

TELECONFERENCE/WEBINAR ON REGIONAL FORUM AND TOPIC BASED CAUCUSES

PowerPoint of presentation available at:

http://www.waterplan.water.ca.gov/docs/meeting_materials/tribal/01.06.11/ac-caucus-forums1.6.2011.pdf

Meeting facilitator, Stephanie Lucero, welcomed participants to the Tribal engagement meeting and asked over the teleconference line whether anyone needed assistance logging onto the webinar format.

There was an introduction from each of the Department of Water Resources regional offices. The Northern, South-Central, and Southern regional offices all had space available for face to face participation at their offices. These opportunities would be provided when possible for all future teleconference/webinar regional discussions.

Paul Massera reviewed the general approach for regional forums and topic based caucuses (pointing participants to Workbook pages 24-30) and went through the PowerPoint presentation outlining the approach. The Regional approach is based on participant's suggestions to better integrate and coordinate outreach and engagement for water-related programs, including flood management, and other initiatives. There was a demonstrated interest from Tribes and the public for more frequent regional updates on water projects and policy; as well as, localized meetings to minimize travel and associated costs. The regional discussions will be place-based and comprised of stakeholders within each of the hydrologic regions defined in the Water Plan.

Regional participants will be comprised of representatives from each of the respective hydrologic regions and caucus topic areas. They will develop and review content for Update 2013 regional reports and brief their regional organizations and constituencies on Update 2013 activities. They will also support the annual all-stakeholder plenary sessions. The regional discussions will utilize teleconference and webinar formats, with regional offices offering opportunities for tribal participation in their offices, when requested and feasible. The regional approach will be utilized by the Water Plan; however this approach is intended to involve all DWR programs. Meetings will be between 2-4 hours long conducted quarterly.

Discussion was opened up to review the regional forum and caucuses and to identify vital members to the regional discussions as well as the topics, trends and information that would need to be part of the regional and caucus meetings.

The discussion of what organizations and issues would be vital to regional forum was skipped postponed due to uncertainty with respect to where the hydrologic regions were and who they related to the DWR regional offices. It was recommended that DWR work on making hydrologic regional maps and regional offices maps part of the future regional forum discussions.

DWR GIS and hydrologic maps are available at:

<http://www.waterplan.water.ca.gov/maps/index.cfm>

Caucus discussions

There were 9 topic based caucuses previously identified as areas of interest. These were discussed by the participants in detail focusing on how they were related to other caucus topics, what trends and information needed to be part of the discussion and identifying essential people to invite to be a part of these discussions. Participants discussed that there were many more issues to discuss and the need for additional time. There was a recommendation for a separate tribal caucus list and work plan. It was acknowledged that these discussions were on-going and that this was merely an introduction to the types of discussion areas. Additionally, it was pointed out that the organizations or individuals that need to be part of the conversation would be invited, but there was no way to guarantee their participation.

Participants agreed that most of the issues needed to be discussed together, with specific considerations rarely limited to one caucus topic. There were universal considerations and necessary participants that were repeated as necessary to multiple caucuses.

Universal Considerations were as follows:

Integrated Sustainable Water Planning includes considerations for the Groundwater Management, Integrated Flood Management, Resource Stewardship, and Agricultural Supply and Demand caucuses. Topics, Trends and information included:

- Flood management, use of flood water for sustainable planning.
- Over-drafting of water reserves (groundwater, wells, stream, etc.)
- Desalination
- Climate change
- Prioritizing environmental water considerations over agriculture, development (urban, rural, industrial), and industry.
- Grey water
- Fractured aquifers
- Assessing state-wide water resources and needs (including tribal, urban, rural, etc.)
- Inter-basin water transfers
- Water banking

- Commodification of water resources
- Groundwater recharge
- See Land-use and Watersheds
- IRWM – effectiveness in working with Tribes, access of Tribes to IRWM opportunities and resources.
- Fees for water use and water subsidies

Land Use and Watersheds –

- Traditional Ecological Knowledge must be used and respected as a best practice.
- Climate change Needs to be a separate caucus or discussed in all planning topics
- Source water protection is essential for water planning
- Prescribed burning as essential to water source protection to reduce catastrophic wildfires and overload of fuels
- Restore natural water storage mechanisms
- Focus on efforts to preserve Indigenous species (for example, golden trout), consideration of species protection as an important metric for sustainable water management and planning.

Implementation and Legislative Enforcement - are universal considerations among all the caucuses. There was general discussion for a need to include specific legislative and legal considerations in water planning. Topics, Trends and information included:

- Tribal Water rights and adjudication of tribal water rights are essential to state-wide planning discussions.
- Winters Doctrine.
- Prioritizing environmental water considerations over agriculture, development (urban, rural, industrial), and industry.
- Landscape irrigation: expanding state laws requiring water conservation or low water landscaping, need for new developments to have similar constraints and requirements for water conservation in industrial and private developments.

- Assessment of effectiveness of legislation regarding water use, water pollution, etc.; whether legislation is having intended affect; whether legislation is being enforced; reasons for non-enforcement; integration of legislative actions (i.e. deal with cross-jurisdictional enforcement of water legislation); regulations of toxics (i.e. pesticides)
- Fees for water use and water subsidies
- MLPA—Marine Life Protection Act

Monitoring –

- Water Use & Prioritization– groundwater, surface water, industrial, agricultural, and residential development use; monitoring for amount and purpose of use. See prioritization of environmental concerns over development and other concerns.
- Pollution and Toxics- regulation of toxics, assessment of toxic levels (prevalence/amount, type, and concentration); inter-basin water transfers; pesticide use.

Universal groups of recommended invitees:

- Water Specialists: Water attorneys, specialists, and other, subject matter experts.
- Federal Agencies with resource management “Fed. Agencies”: (US Forest Service, National Park Service, Bureau of Land Management, U.S. Fish and Wildlife Service, Natural Resource Conservation Services, Bureau of Reclamation (national and California reps)
- “State Agencies”: Cal Fire, Department of Fish and Wildlife Services, department of Toxic Substances Control Board
- Ocean Protection Councils (“OPC”)
- Water Quality Boards (“WQB”)
- Sierra Nevada Conservancy (“SNC”)
- California Reclamation Districts (“CRD”)
- Environmental Justice Organizations and Groups. (“EJ Groups”)
- Community Conservation Solutions (“CCS”)
- Urban Tribal Interests

- Local governments: rural and urban tribal interests, local governments, county government officials.
- California Association of Resource Conservation Districts

Caucuses	Topics, Trends and Information that needs to be part of the conversation	Organizations and Individuals that need to be invited and made part of the conversation
1. Groundwater Management	Integrated Sustainable Water Planning Monitoring Implementation and legis. Enforcement Land use and watersheds	Water Specialists, Fed. Agencies, State Agencies, SNC, CRD, EJ Groups, WQB CCS, Urban Tribal Interests, Local Governments, Neighboring state interests
2. Urban Supply and Demand	Integrated Sustainable Water Planning Monitoring Implementation and legis. Enforcement Land use and watersheds	State Agencies, EJ Groups, WQB CCS, Urban Tribal Interests, Local Governments.
3. Resource Stewardship	Land use and watersheds Implementation and legis. Enforcement Integrated Sustainable Water Planning Monitoring	Water Specialists, Fed. Agencies, State Agencies, SNC, CRD, EJ Groups, WQB, OPC, CCS, Urban Tribal Interests, Local Governments, Neighboring state interests
4. Integrated Flood Management	Integrated Sustainable Water Planning Monitoring Implementation and legis.	Water Specialists, Fed. Agencies, State Agencies, SNC, WQB, CRD, EJ Groups, CCS, Urban Tribal Interests, Local Governments, Neighboring

	<p>Enforcement</p> <p>Land use and watersheds</p>	state interests, Flood basins
5. Agricultural Supply and Demand	<p>Integrated Sustainable Water Planning</p> <p>Monitoring</p> <p>Implementation and legis. Enforcement</p> <p>Land use and watersheds</p>	Water Specialists, Fed. Agencies, State Agencies, SNC, CRD, WQB, EJ Groups, CCS, Urban Tribal Interests, Local Governments
6. Local Government/ Planning	<p>Integrated Sustainable Water Planning</p> <p>Implementation and legis. Enforcement</p> <p>Monitoring</p> <p>Land use and watersheds</p>	Water Specialists, Fed. Agencies, State Agencies, SNC, CRD, WQB, EJ Groups, CCS, Urban Tribal Interests, Local Governments
7. Near Coastal Management	<p>Special Emphasis on:</p> <p>MLPA, Desalination, water cycle issues, aquatic species health</p> <p>These caucus discussions must be inter-regional water source to ocean not just near coastal areas.</p> <p>Land use and watersheds</p> <p>Integrated Sustainable Water Planning</p> <p>Implementation and legis. Enforcement</p>	Water Specialists, Fed. Agencies, State Agencies, SNC, CRD, WQB, EJ Groups, CCS, Urban Tribal Interests, Local Governments, IRWM, OPC, Blue Ribbon Commission

	Monitoring	
8. Water Quality and Public Health	Land use and watersheds Monitoring Integrated Sustainable Water Planning Implementation and legis. Enforcement	Water Specialists, Fed. Agencies, State Agencies, SNC, CRD, WQB, EJ Groups, CCS, Urban Tribal Interests, Local Governments, Indian Health Services, Department of Health Services
9. Data and Tool	Tribal Ecological Knowledge Tribal needs assessments Aquatic species health	