



MEETING SUMMARY

**CALIFORNIA WATER PLAN UPDATE 2013
TRIBAL ADVISORY COMMITTEE MEETING
10:00 A.M. – 4:30 P.M.
COASTAL HEARING ROOM, CALEPA BUILDING
1001 I STREET SACRAMENTO, CA**

Agenda and materials available at: <http://www.waterplan.water.ca.gov/materials/2011.cfm>

MEETING OBJECTIVES:

1. Discuss recent Water Plan activities
2. Review and revise Tribal Communication Plan
3. Receive briefing on Statewide Flood Management
4. Discuss Tribal involvement in Integrated Regional Water Management
5. Scope workgroup activities

Next Tribal AC Conference Call:
January 13, 2012
CCP Offices, Sacramento

Next Tribal AC Meeting:
March 22, 2012
Location TBD

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Welcome and Introductions

The Tribal Advisory Committee (Tribal AC) meeting began with an agenda review and introductions around the room. Chas Grant, DWR Travel Expense Coordinator, reported that all members who had



submitted travel claims should have received reimbursement. She encouraged anyone who has not yet submitted travel expenses to complete and send in their paperwork.

It was clarified that anyone submitting mileage must take the online driving class. The link for the class will be sent out to Tribal AC members. The class should take between 2 to 4 hours to complete. After finishing the class, members will receive a certificate that they can email to Chas. It was suggested that the class should be taken for submitting parking expenses and mileage.

ACTION ITEM: Provide link to online driving class via email and add to Administrative Corner web page.

Kamyar Guivetchi, Manager for the DWR Division of Statewide Integrated Water Management, offered his personal appreciation for the work of Tribal AC members. He noted that schedules are busy and that many travel great distances to participate. The contributions of the Tribal AC are very important to the Water Plan and the State of California.

ACTION ITEM: There was a request to distribute the State organization chart that Barbara Cross distributed at the RTOC meeting. This will be emailed out to Tribal AC members

Briefing on Recent Water Plan Activities

Update 2013 Brochure

Kamyar referred Tribal AC members to the meeting materials packet which included a brochure on the Update 2013. The brochure provides an overview of the Water Plan and Update 2013, including sections on Background, Contents, Process and Timeline. This brochure is available electronically and as a hard copy. Tribal AC members may want to share this document with Tribal Councils and communities to explain their work and the overarching Water Plan effort. Members should contact Emily Alejandrino at calejand@water.ca.gov or 916-651-9276 to request hard copies of the brochure.

ACTION ITEM: Provide link to Update 2013 Brochure and add to brochure to Tribal AC webpage.

<http://www.waterplan.water.ca.gov/docs/cwpu2013/cwpu2013-brochure-lettersize.pdf>

Disadvantaged Communities/Environmental Justice Caucus

Mr. Guivetchi relayed that, at the October Water Plenary, Karl Longley (CSU Fresno Water Institute) and Maria Elena Kennedy (Quail Valley Environmental Coalition) suggested creating a Disadvantaged Community (DAC) and Environmental Justice (EJ) Caucus for the Update 2013. Both Mr. Longley and Ms. Kennedy are members of the Public AC and have extensive involvement with underserved communities. It was reported that an initial conference call was held in December, with approximately 15 participants, to see if there was interest in creating a Design Team. As a result of that initial call, the December 12th Public AC meeting included an agenda item on the DAC/EJ Caucus and issues.

Resource Management Strategies (RMS)

Tribal AC members received an update on the status of the RMSs. Update 2013 will be adding several RMSs, including on water-dependent cultural uses and another on sediment management. The sediment



RMS was introduced at the December Public AC meeting to begin framing the scope of this strategy. It will potentially be comprehensive and cover a range of issues from land erosion, to water quality, to beach and coastal sediment replenishment. Stephanie Lucero, facilitator, started a worksheet and asked Tribal AC members to list their concerns and interests on sediment to share at the December 12th Public AC meeting.

Regional Outreach

The regional outreach process is midway through the first round of Regional Forums. Tribal involvement is welcome and encouraged on the Design Teams as well as at the Forums. The next forums will be held for the Tulare Lake region on January 17th, San Joaquin River region on January 18th and Sacramento River region on January 20th. For more information, please visit the Calendar and Materials web page at www.waterplan.water.ca.gov/calendar/calendar.cfm. If you are interested in serving on the Design Team, for any region, please contact Judie Talbot at 775-720-0214 or talbot.judie@gmail.com.

ACTION ITEM: Send out email regarding Design Team involvement for Regional Forums.

Sustainability Indicators

Kamyar Guivetchi explained that a workshop was held in August to discuss the framework for developing sustainability indicators. This will include a pilot for testing how to apply the indicators. Frasier Shilling, UC Davis, is leading this effort and he remarked that as a result of Tribal input, qualitative indicators will be included as part of the approach.

Other Updates

- The Finance Caucus met on the afternoon of December 12th, following the Public AC meeting.
- The State Water Boards is beginning a study on fish consumption. Frasier Shilling is involved in this effort and will be working with Tribes across the State to discuss and Tribal fishing practices. He noted that on the North Coast, traditional fishing practices are listed as a Beneficial Use.
- The Western States Water Council held a Tribal Water Rights Summit in the summer of 2011, which culminated in a resolution on Tribal water. Mr. Guivetchi noted DWR learned of the summit after it occurred.

ACTION ITEM: As it becomes available, distribute information on the Water Boards' fish consumption study.

ACTION ITEM: Post the Western State Water Council Resolution on Tribal water.

<http://www.westgov.org/wswc/-336%20indian%20water%20rights%20settlements%207oct2011.pdf>

Discussion for Public AC Presentation

Donna Miranda-Begay, one of the Tribal AC representatives serving on the Public AC, asked for input on what to present at the December Public AC meeting. She specifically sought perspectives on the relationship of Tribes to the DAC/EJ Caucus. Tribal AC members shared the following:

- Water conditions for some Tribal communities are similar to those of DACs



- The political status of Tribes is different from DACs, there was concern of lumping Tribes in with DACs without acknowledging these political and situational differences between Tribes and DACs
- Tribes have an additional disadvantage, in that Tribal lands involve forced locations
- Some Tribal Resource Conservation Districts are receiving funds for projects from the Natural Resource Conservation District through the DAC program
- The discussion on DACs provides an opportunity to educate others on Tribal water issues
- It is important to clarify how communities are disadvantaged or underserved, such as no running water or lack of water treatment facilities
- Tribes represent some of the lowest-income communities in the country – some Tribal communities have great needs

Outcome: It was determined that the update to the Public AC should say that the Tribal AC is looking at how DACs related to Tribal communities and that the DAC/EJ caucus is invited to make a presentation to the Tribal AC. The Public AC update will also include sharing Tribal perspectives on sediment.

ACTION ITEM: Schedule a Tribal AC presentation by the DAC/EJ Caucus for March 22, 2012.

ACTION ITEM: Send draft DAC Caucus charter to Tribal AC.

http://www.waterplan.water.ca.gov/docs/meeting_materials/ac/2011.12.12/California_Water_Plan_DAC_Caucus_v4+caucus.pdf

Communications Work Group – Scoping Session

Tribal AC members reviewed the current version of the Tribal Communication Plan (TCP), created by the earlier Tribal Communication Committee. The Tribal AC can build on the previous work and make the TCP their own, to support current priorities. Kamyar Guivetchi noted that the TCP was initially intended to guide interactions between Tribes and the Department of Water Resources. It would be helpful to expand the TCP to provide advice to other state agencies.

Discussion

Tribal AC members made the following suggestions:

- Add a section to provide an overview of the TCP and explain its purpose and how it was developed (including how priorities were identified through regional Tribal plenaries)
- Add a section on government-to-government relations and how consultation is different from collaboration; the TCP is a communication and collaboration guide
- Add the topic of sustainability into the background of Tribal perspectives and throughout document
- Clarify that traditional knowledge includes both environmental and cultural knowledge
- On page 24, action 10, replace the phrase “guidance kit or worksheet” with “comprehensive tools”
- On page 5, item 7, add a bullet for the “Joint Committee of Fish and Aquaculture”



- On page 12, objective 2, adds a constraint that agency regulations may not have established protocols for working with Tribes – THIS IS A RED FLAG – the TCP needs to strongly encourage development of protocols for agencies to work with Tribes
- Verify page references (e.g. “see page...”) after final revisions and formatting
- It was noted that the TCP activities could help inform agency staffing considerations for Tribal liaison positions

There was discussion about the review process for the TCP. It was decided that Tribal AC members would have until January 31st to review and suggest revisions to the TCP. Once those edits are incorporated, the revised TCP would go out to others (i.e., past TCC members, agency partners, IRWM partners) for review and comment. It would be helpful if agencies could also identify any issues or obstacles that might impede their ability to work with Tribes. In the meantime, the current version of the TCP is available to share with IRWM and other partners.

ACTION ITEM: Tribal AC members will review the TCP and submit edits to Stephanie Lucero by January 31st

ACTION ITEM: Staff to organize objectives chart to align with Tribal Water Summit priorities

Statewide Flood Management – Lunch Presentation

Terri Wegener, DWR Program Manager for Statewide Flood Management, was the featured speaker for the working lunch. She focused on the efforts over the past year-and-a-half to develop the program for Statewide Flood Management Planning. The approach involves two components: the Flood Future Report and flood management content in Update 2013 of the California Water Plan. Ms. Wegener provided an overview of the levels of planning for integrated water management with DWR. Planning approaches range from project-specific, to regional, to statewide. The Flood Future Report will inform planning at the regional and statewide levels.

Information for the Flood Future Report will be created and shared through the Water Plan Flood Caucus and regional forums, as well as through other venues. The goal of the report is to create a more sustainable approach to flood management. It will contain an inventory of flood management infrastructure, along with sections characterizing flood risks, opportunities and challenges for integrated flood management, financing and recommendations. Integrated flood management solutions will consider water resource management, land use planning, environmental consideration and sustainability considerations. The recommendations will be organized into categories for institutional, policy, financing and legislative action.

Ms. Wegener explained that initial outreach to obtain content for the report was to counties and other entities. The input received will supplement the current understanding of flood risks in the state, levels of exposure to flood risk and potential partnering opportunities. A map was displayed, showing the areas of Tribal lands exposed to flood risks. The Public Review Draft of the report will be released in May 2012, with the final report available December 2012.

Discussion

Question: Should Tribes be working with FEMA in developing emergency preparedness plan?

Response: Yes. Tribes should be working with FEMA and DWR will also be working with FEMA.



Question: When DWR was collecting information for the inventory, were any entities reluctant to share information?

Response: Yes, some agencies were concerned about security. The Flood Future Report will present information in a way that protects confidentiality.

Comment: It will be important to consider the potential damage and liability associated with flood management actions. On the Missouri River, flood releases damaged water infrastructure and community conditions for the Sioux.

Comment: Flood planning for Lake Isabella, by the Corps of Engineers, is looking at impacts to cultural resources. Tribes are fixed communities and post-flood recovery actions and funding levels are especially important.

Response: The Flood Future Report will involve emergency response. Tribes are very strongly encouraged to participate in the Flood Caucus. Co-chairs have been identified and the caucus has not yet been formed. **The Flood Caucus will meet on February 2nd.**

Comment: Dangerous floods are a reality in California – this is an important issue.

Comment: Potawatow Indian Health Center in Arcata, CA engineered their 40-acre property to eliminate stormwater runoff from the site and was able to avoid costly hookups to stormwater drainage systems.

Comment: Federal flood insurance will rebuild what was present at the time of the flood. This perpetuates the existing flood risk. Federal programs will rebuild to a different configuration if there is a state minimum standard that exceeds what was previously built. Setting new state minimum standards will increase flood resiliency.

ACTION ITEM: Frank (?) to send link to Stephanie on the Arcata stormwater system. For more information on the United Indian Health Services, Stormwater plans go to:
<http://www.uihs.org/traditional-resources/stormwater-wetlands>

IRWM Presentations and Panel

A discussion in the Integrated Regional Water Management (IRWM) program involved presentations and questions-and-answers with a panel comprised of:

- Tracie Billington, Chief of the IRWM Financial Assistance (Grants) Branch
- Konrad Fisher, past Tribal Coordinator for the Environmental Justice Coalition for Water
- Chris McCready, Chief of the IRWM Regional Planning Branch
- Oscar Serrano, Senior Engineer for the Colusa Indian Tribe

Why IRWM

Oscar Serrano provided an overview, from the participant viewpoint, of the IRWM program. He began with the definition of IRWM, which is a collaborative effort to manage all aspects of water resources in a region that provides a coordinated approach within larger watershed areas. The IRWM boundaries include areas of Tribal lands. Mr. Serrano explained the benefits that can be obtained from participating in an IRWM process – from the possibility of obtaining funding for water projects to tracking and providing input on the IRWM projects of others. He recapped the different guidelines that IRWM processes must



address, including stakeholder involvement. Oscar noted that he had heard about the IRWM forming in Northern Sacramento Valley and contacted the lead entities – he now serves in an at-large position.

Tracie Billington provided a program overview from the perspective of the financial assistance branch. Describing the program's history, current status and future, she highlighted that the grants program was legislatively established in 2002 and funded through bond propositions. Legislation revised the program in 2008 and provided additional funding. The current Prop 84 program guidelines were issued in 2010. Ms. Billington explained that Tribes can participate as IRWM members and as interested stakeholders or necessary partners. Tribes can receive funding by partnering with a local agency or a non-profit that is licensed to operate in California. It was noted that this revises an earlier requirement that the non-profit 501 (3)(c) be headquartered in California. As an example of Tribes receiving funding, three projects for the North Coast IRWM were sponsored by Tribes. A map was presented which showed the areas of funding allocations. The program convened a series of process improvement workshops during December 2011.

Discussion

Question: What is happening in the areas not covered by an IRWM? It was noted that there are significant areas of Tribal land in the areas not covered by an IRWM.

Response: Those areas do not currently have an IRWM effort. Over the past few years, the areas of California covered by IRWMs have increased significantly.

Question: Is this a payment-in-arrears program? There have been some comments about a lengthy timeframe to receive payment.

Response: The program does reimburse expenses. New requirements have complicated the process and payments are taking a longer time to receive.

Question: What is required to form an IRWM?

Response: The minimum composition must include three entities, two of which must have statutory authority for water management.

Question: What if a Tribe had its own Water Code?

Response: We would check with the DWR Legal Division for clarification.

Question: Are there any dues associated with IRWM membership?

Response: The 2008 IRWM Planning Act prohibits any funding requirement for participation.

Question: IRWM regions with capacity have received a stream of funding. Can funding be directed to non-capacity entities?

Response: That is something that could be looked at through the process improvement process.

Panel Dialogue

Konrad Fisher summarized the Tribal participation process for the North Coast IRWM. Initially, the North Coast IRWM did not have Tribal involvement. When Tribes expressed interest in serving on the IRWM, the Tribes were asked to identify representatives among themselves. Working for the EJ Coalition for Water, Konrad worked to build awareness within the Tribes. Ultimately, the Tribal network grew to 108 people from 30 Tribes. The Tribal interests asked for a seat on the Technical and Governing bodies. The final result was 6 Tribal representatives – 3 providing technical input, 3 providing policy input. Each Tribal member represents Tribal interests for their region and were responsible for drafting sections of the IRWM.



Question: How will the IRWM process change if grant funding is not available?

Response: Chris McCready replied that she would like to hear from local stakeholders about what that future might look like. The Regional Planning branch has initiated a strategic planning process and is looking for input on how to shape the program. She noted that there is an IRWM scoping survey included in the Tribal AC meeting materials.

Question: A Tribal AC member asked the panel and other Tribal AC members about the level to which Tribes are really engaged in IRWM.

Response: Another Tribal AC member replied that she initially had difficulty joining the local IRWM effort. The first IRWM lost momentum and she helped organize the effort, with the County then stepping forward to direct the next phase. She remarked that the experience provided a great opportunity to know others who are working on similar issues. Tribal involvement has grown from 1 seat on the IRWM subcommittee to 4 seats.

Question: Why should Tribes be involved with IRWM?

Response: Tracie Billington expressed her hope that people participate in IRWM to help address water management efforts and to increase opportunities for working together. She noted that the funding incentive is designed to encourage that.

Response: Konrad described how, in the North Coast, some Tribes hesitated to become involved since they were not really sure about what the IRWM process was. It wasn't clear how Tribes might be able to receive funding. He noted that it was personally inspiring to have 24 representatives from 18 Tribes in one room talking about involvement in IRWM.

Question: Is there any involvement from Tribes in Owens Valley?

Response: Leslie Cleveland, Bureau of Reclamation, replied that she participates in the Inyo-Mono IRWM and that the Bishop Paiute, Big Pine and Fort Independence Tribes are involved in the IRWM. She believed that Fort Independence received funding for a project.

Question: Can someone describe the requirements for grant recipients?

Response: Propositions 50 and 84 identify public entities and non-profit organizations (licensed to operate in California) as eligible to be grant recipients. DWR recognized that there were other local project sponsors who also needed funding – to accommodate those sponsors, DWR created a sub-grantee process.

Comment: Konrad noted that administering a grant involves a heavy workload and that there are some benefits to receiving funds as a sub-grantee. The North Coast IRWM has 5 options for Tribal oversight on IRWM projects.

Question: Are there options for Tribes not currently involved in IRWMs? Could they work to create their own IRWM?

Response: The IRWM effort is place-based, requiring physical proximity to encourage integrated and coordinated approaches to water management. There may be cases where existing boundaries could be adjusted to allow an entity to participate in an adjacent IRWM.

Response: Groups are encouraged to share their experiences and insights with one another, to consider options for working with IRWMs. It's an involved process and there is a lot to be learned.

Comment: The regional Tribal workshops for Update 2009 was a ground-breaking effort and helped initiate regional dialogue among Tribes.



IRWM Strategic Plan

Chris McCready described the strategic planning process for the IRWM Regional Planning branch. The process is just beginning and is looking at the planning benefits associated with IRWM. The program is hopeful that funding will continue and is looking to further develop the non-fiscal benefits associated with the program. The Planning Branch hosted an IRWM conference in the Fall of 2011 which included Tribal presenters and participants. There was great discussion and DWR heard that the IRWM is contributing to more collaboration and regional planning. There were also comments that more can be done to connect with flood planning and management. Ms. McCready recapped the strategic planning process, which includes the initial scoping and project definition. Developing the goals and strategies will result in a plan, which should be released in about a year. Focus will then shift to implementation of strategies and monitoring of results. An evaluation process might involve an annual report card. Tribal members were asked to share their thoughts for the future of the program by responding to the brief Strategic Plan survey.

ACTION ITEM: Respond to IRWM survey – Tribal AC members may submit comments via email, hard copy or by arranging for an interview.

Discussion

Question (public): The IRWM program has a lot of potential and it is really important to show the benefits. How will desirable outcomes be incorporated?

Response: The Strategic Plan is a good place to start that discussion. It's difficult to determine if projects have, or will achieve, the intended benefits. It often takes years to obtain outcomes. Also, it's hard to quantify public value benefits. We will need to be thinking together to answer these questions.

Comment: Some projects involved Federal participation which triggers some reporting mechanisms.

Comment: It's good to hear that IRWM is looking at funding allocations and the role of the upper watershed. As a Tribal leader, I have not really bought into IRWM. Tribes have been working on water and watershed issues for years. During relicensing, we often see the Water Boards' involvement but DWR has not come to our table.

Response: Chris McCready replied that DWR is making a commitment to continue trying to make those connections.

Comment: It would be great to encourage data-sharing.

Response: Everyone, DWR included, would love to have one-stop data sharing. There are a number of challenges to achieving that. The IRWM base-maps are available. Please contact Tracie Billington to obtain map data. Also, DWR will always accept an invitation to come out and discuss the IRWM program with any group.

Comment: Some locally important issues, such as groundwater quality (arsenic, uranium) are low priorities for the IRWM.

Comment: It would be helpful to list the fiscal documentation requirements for project sponsors.

Response: Tracie Billington noted that the level of required documentation depends on the type of grant involved. For example, an implementation grant requires three years of audited financial statements, as well as evidence of ability to construct, operate and maintain the facilities. A planning grant does not have these requirements.

ACTION ITEM: Create and distribute a chart of requirements to receive state funding and requirements for project sponsors.



ACTION ITEM: Clarify process for verifying non-profit licensure to practice in California. What documentation is needed for non-profits headquartered in California?

Work Group Scoping and Composition

Communication Work Group

Initial task: Based on the morning discussion, the Communication Work Group will focus on revising the Tribal Communication Plan.

Composition: Initial composition will be limited to Tribal AC members, then evaluated according to task.

ACTION ITEM: Create a one-page overview that includes the workgroup charge, members and contact information, resources, deliverables and timeline.

Legislative Work Group

Initial tasks: It was agreed that the Legislative Work Group will focus on creating an inventory of statewide Tribal initiatives and then comparing the initiatives to the recommendations from the Tribal Water Summit. The final document will be shared with all Tribes.

It was agreed that work on draft language for future bond propositions or draft templates for possible State-Tribal agreements will be tabled for consideration at a later date.

Composition: Membership for the legislative work group will be determined according to task.

ACTION ITEM: Create a one-page overview that includes the workgroup charge, members and contact information, resources, deliverables and timeline.

ACTION ITEM: IRWM Work Group will develop a short report of information obtained to date on IRWM process and potential recommendations for addressing tribal issues surrounding the IRWM process.

Tribal Water Summit Work Group

Initial tasks: Identify and recruit work group members to support development of Summit agenda concepts, key issues, fundraising, outreach, and assistance with logistics (such as meeting venue).

Composition: Membership is not limited to Tribal AC members. Outreach is needed to potential partners.

ACTION ITEM: Create a one-page overview that includes the workgroup charge, members and contact information, resources, deliverables and timeline.

Other Announcements – Tribal Sharing

- The Department of Fish and Game is undertaking a strategic visioning process. A Tribal AC member encouraged other Tribes to become involved (see information online at:



www.vision.ca.gov/docs/CFWSV_Flier_ProjectOverview_111128.pdf and at www.vision.ca.gov). The interim vision is due to the Legislature on February 24, 2012.

There are concerns that Game code 5937 may be eliminated. This provides for water diversions to support fish. The code was invoked and created action in Inyo.

- Maps of Tribal lands are available online at: www.landlessons.org. (Go to Teacher Resources, then Teacher Background.)

Other Action Items

- Stephanie will send out Ron Goode's paper regarding the Water-dependent Cultural Resource Management Strategy
- Tribal AC members to begin sending in Tribal water initiatives.

Attendance

Tribal Advisory Committee Members and Alternates (13):

Paula Britton, Habematolel Pomo of Upper Lake
Rob Cozens, Resighini Rancheria
Aaron Dixon, Susanville Rancheria
Ron Goode, North Fork Mono Tribe
Richard Hawkins, Nor-Rel-Muk Wintu Nation
Tom Keegan, Dry Creek Rancheria
Brett Matzke, North Fork Rancheria of Mono Indians
Donna Miranda-Begay, Inter Tribal Council of California, Tubatulabals Tribe
Frank Ramirez, National American Indian Veterans
Daniel Rockey, Sr., Sherwood Valley Rancheria of Pomo
Oscar Serrano, Colusa Indian Community Council
Valeria Stanley, Sherwood Valley Rancheria of Pomo
Harry Williams, Bishop Paiute Tribe

Others (20):

Michelle Chi, Dry Creek Rancheria, La Pena Law Corporation
Leslie Cleveland, Bureau of Reclamation
Barbara Cross, DWR Tribal Liaison
Michelle Dooley, DWR South-Central Regional Office
Emily Alejandrino, DWR Tribal Coordinator Work Team Lead
Margie Graham, DWR Northern Regional Office
Chas Grant, DWR Travel Coordinator
Julie Griffith-Flatter, Sierra Nevada Conservancy
Kamyar Guivetchi, DWR
Charlie Kratzer, DWR IRWM
Abimael Leon, DWR South-Central Regional Office
Lewis Moeller, DWR
Saqib Najmus, RMC-Wrime
Tim Nelson, DWR North-Central Regional Office



Vickie Newlin, Butte County Department of Water Resource Conservation
Mary Randall, DWR Northern Regional Office
Frasier Shilling, UC Davis
Chuck Striplen, Amah Mutsun Tribal Band
Ernie Taylor, DWR South-Central Regional Office
Jennifer Wong, DWR Southern Regional Office

DWR Tribal Liaisons – Contact Information

- Tito Cervantes, Northern Regional Office, (530) 329-7389, cervante@awater.ca.gov
- Tim Nelson, North-Central Regional Office, (916) 376-1926, tnelson@water.ca.gov
- Abimael Leon, South-Central Regional Office, (559) 230-3315, aleoncar@water.ca.gov
- Jennifer Wong, Southern Regional Office, (818) 500-1645 x262, jenwong@water.ca.gov

Facilitation Team: Stephanie Lucero, Tribal Facilitator; Judie Talbot, facilitation support; Center for Collaborative Policy, CSU Sacramento