

Objective 12 - Improve Tribal Water and Natural Resources				
#	Related Actions/Sub-Actions	Question	How is this going? Where does this item stand?	What additional actions could be taken by the Tribal AC to further advance this item?
1	<p>Everyone involved in the California Water Plan should share information with California Native American Tribes about how Tribal water issues intersect with water law, planning, and management in California.</p> <p>DB - This replaces 1, 2, and 3 – sub-actions: Federal, State, Local entities, and water purveyors who are involved with CA Water Plan, should share information with California Native American Tribes on how their water planning, management, and projects may impact or affect their Tribe.</p>	<p>How is the Water Plan doing in terms of relating Tribal water issues to water law, planning and management in California?</p>	<p>Effort is there. More work should be done particularly with laws which are driving management decisions.</p> <p>JC - As described in Volume 4 (Water Rights) Section 1 & 3 this was a clear distinction between CA & Tribal rights. There is still a lot of work to be completed to highlight the need for planning, and water management between State/Tribal governments. I would say that the appointment of Cynthia Gomez on February 7, 2012 and the Tribal Consultation Policy from the Secretary maybe be a stepping stone to achieving these goals.</p> <p>DB - Water Planning has increased in scope and number of participants and workgroups. I don't think that there is a consistent method of informing new participants and workgroups about the significance and method of working with CA Native American Tribes</p>	<p>(see comments on education and primers) Focus more on laws and conflict 5937 and water rights laws seem in direct conflict. Opposition for clarifying from tribal and agency. Sorting out water law and the Whys of our mission.</p> <p>More briefing papers and content that explains Tribe's position and how Tribes integrate with the water planning process. Easy to get a perception that (there are a lot of letters that get out) discussing an item it was covered. Meaning voice and an understanding how Tribes fit into the management system and understanding where the problems are.</p> <p>TK - Request the DWR to conduct workshops for tribes on how the agency is organized and functions for the purpose of providing a model that the tribes can use to build their government environmental agency capacity.</p> <p>JC - There appears to be a ongoing issue between the State agencies to find a collaborative measure to work with Tribes. This is not a 'one glove fits all issue' however I recommend that the TAC develop a plan for bring these agencies and Tribes to the same table.</p> <p>DB - DWR TAC is Represented at the DWR PAC meetings. DWR TAC Appointed Representatives to provide overview of TAC – but there has not been an focus on how PAC members could or should work with CA Native American Tribes and what specific water related law, planning, or management efforts impact CA Native American Tribes.</p>
2	<p>Everyone involved in the Water Plan should share information with California Native American Tribes about how the water planning, management, and projects of State, local, and federal governments, as well as water purveyors, impact and affect California Native American Tribes.</p>	<p>How is the Water Plan doing in terms of letting Tribes know how water management, planning and project will affect them?</p>	<p>JC - It is well defined that many agencies play critical roles in water planning, management, etc. The WP has brought these key issues to light, however it has not defined the critical paths to accomplish these goals.</p> <p>DB - See #1 – Sub-Action</p>	<p>TK - Request that all participants provide all public domain Geographical Information Systems data to tribes in their watershed free of charge. And, establish a mechanism for providing tribes with timely updates of the data.</p> <p>JC - Volume 4 – Planning (Strategic Planning Guidelines #6) Under PARTICIPANTS IN THE STRATEGIC PLANNING PROCESS—a section should be added to reference “WORKING WITH OUTSIDE AGENCIES”</p>

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3	Everyone involved in the Water Plan should share information with California Native American Tribes about State funding that is available for water projects, how California Native American Tribes can apply for the funding, what obstacles they may face in accessing these funds , and how they can influence future funding programs.	How is the Water Plan doing in terms of informing Tribes about funding for water projects, the application process and options for influencing future access to funds?	JC - None that I am aware of. DB - See #1 – Sub-Action	JC - We have discussed many time the need to prepare legislation to allow Tribes access to State funds.
4	California Native American Tribes should use the Water Plan as a stepping stone to ensure their representation and genuine participation in water planning processes throughout California, including those linking water to public health, housing, economic development, and environmental justice.	How are Tribes doing in terms of participating in water planning processes throughout the State?	Not able to participate in a greater way. Time commitments, various meetings, There are some groups that don't want tribes to participate (those with strict commercial interests don't want Tribes to participate). Nobody is describing why. JC - Unsure. DB - The big question here – does DWR have a Tribal Consultation or Communication Policy? I realize that Resource Agency is working on developing this policy, per Governor Brown's executive order B-10-11 (approved in September 2011). http://gov.ca.gov/news.php?id=17223	Tribes need to participate. We should all be able to say here is the story of Water in California. If things are kept under the radar we don't pay attention to them, then we are not encouraged to learn more about them. JC - It appears that the WP is the only avenue to possibly insure the Tribes are involved with State planning at this time. DB - Take about the word "should" and use "may".
5	California Native American Tribes should build a foundation of knowledge and relationships for developing their own long-term water management plans, as well as participating genuinely in regional and local water planning, including Integrated Regional Water Management plans.	How are Tribes doing in terms of creating a framework to develop their own water management plans and participate in local/regional efforts?	There are efforts we are meeting with DWR and discussing planning. Felt there was a slow response and wondered if the Scott and Master water districts established, the next day we got our follow-up calls. Political foot dragging? However once the meetings occurred there was discussions, there are more questions that need answers. Don't know who to call because new water masters by local water districts. Need to develop a plan and a grant to get help in creating this. Question: what are our rights (that's settled by law) if California is managing water so well why are streams going dry that have listed species. We are not managing our (none of us) are water well. Issues: Uncertainty as to who to speak with and speaking with local agencies, don't even ask the same questions. Should this be dry and why so what should we be doing Water districts: they ask about delivering and metering water. Reactionary talk to responding to new laws. Business discussions versus a management of resource discussions. There are no meaningful discussions because we are not speaking about the same things.	Klamath basin group, water masters from Oregon came down and spoke about their laws and different approach to management. Getting that story about the culture of managing water. Need to understand what the laws are and regulations because there is a reaction to the statutes on the books relating to water. Legal and economic. Resources use for multiple uses the watershed is not rated. There doesn't seem to be an in-stream water right. Basic discussion needed: What are we managing water for? What is the purpose of water for California? People have different views on how we manage water. People say if it goes to the ocean is wasted, but others would not. California needs an overall state vision of water. Private orientated state and doesn't serve general good. Don't just give it page space and mean it. Statement of facts on water conditions, study of water management. Data and reports showing vision of water is for multiple uses. Is water being used for multiple purposes. There are some water bodies that are only focused on specific uses. There does need to be an audit or report to ensure we are following our mission statements. Database to check whether we are doing what our mission is.

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			DB - See #4 – Sub-Action	TK - None. Tribes have many other mechanisms for developing water management capacity outside of the TAC and many are already very successful at doing this. The TAC should not be telling tribes that they should be integrating their management plans with Regional plans. That is an individual tribal decision on a case by case basis. In addition, federally recognized tribes are being approved for Treatment in a manner similar As a State (TAS) under the Federal Clean Water Act. See note below.
6	California Native American Tribes should shape the content of the Water Plan through a variety of mechanisms, particularly the review of regional reports, resource management strategies, and other materials, and through Tribal and public meetings.	How are Tribes doing in terms of participating in Regional Forums, RMSs and other Water Plan activities to shape the content of Update 2013?	<p>Tim Nelson: Engaging Tribes need feedback that we are not getting,</p> <p>Kim Mattson: there could be better collaboration. Having forums help. Questions and Concerns and navigating how things are done. Real Clear manual on answering questions and help develop content. Do more continued pressing on what are the issues and how it can be helped.</p> <p>How water is managed is confusing. Seems to be managed based on historical preference and water rights laws, water preservation laws, ecosystem services clash. California needs to sort out ecosystem services laws and water rights laws. Unwillingness to change the status quo. Way we manage is unsustainable. There are listed species in Scott Valley, Coho is one example. Global reasons and societal use of the ocean. Basin management in Scott Basin is lack of water. Water Volumes are necessary for habitat for Coho, which require summer rearing. Misinformation or lack of information or unwillingness complicates understanding of the issues.</p> <p>There is no easy way to get the answers. There are not easy answers or debatable answers like whether water rights trump ESA answers.</p> <p>Somewhere there needs to be discussion of California Indian Water Rights.</p> <p>IRWM at the meeting there could Tribes writing in funding. The IRWMP on Shasta McCloud does not know what Tribes are allowed to do. Tribes need to talk about in person. Bigger reach to Tribes</p> <p>JC - Tribes hopefully have been invited to most Regional Forums.</p>	<p>Tim Nelson: More Tribe involved in the Tribal AC there are 110 in California and only 35 are on the Tribal AC. The tribal politics can make this complicated. Outreach.</p> <p>There needs to be budget to reach Tribes. Make the meetings go to other communities and mobile. And how this interacts with water commissions they already have. Tribal Water commission members not involved.</p> <p>Needs to be explained what the 2013 report means to Tribes because many think they are outside of California. – “our water rights are not protected or included in this, our voices are missing from the other agencies, like fish and game and other planning for water and species and our voices are missing, barely getting our voices, those agencies weighing in other meetings, we are missing from that discussion. The salmon, birds, voices, our voice is not there. The management and diversion that are being talked about and what is being discussed by Tribes. State Water Primer 101 how does water law and water management work in California. How does the water plan fit into that as well.</p> <p>Need more information on the Winter’s doctrine and what that means. What should be tribes be doing with water.</p> <ul style="list-style-type: none"> Why are we not engaged in water management in California. <p>Update 2009 Volume 4 there is a section on Tribal History and discussions. Addresses Tribal Water Rights and we need to add section</p> <p>If you listen to Tribal governments on water and fish but for some reason this doesn’t resonate in the planning and happening. Tribes are planning on a federal level for waterways that the state is planning for.</p> <p>JC - Regional Reports are critical to the Tribes being recognized</p>

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			DB - See #4 – Sub-Action	per region. Tribal content in these reports will help shape the Tribal goals within their region.
7	California Native American Tribes should build working relationships and partnerships with relevant State, local and federal governments, and water purveyors that are based on mutual respect, fairness, honesty, responsibility, and mutual trust.	How are Tribes doing in establishing respected relationships with other water management entities?	<p>Overall the interest in seeking participation. DWR was ready to have a meeting once the passage of laws. Two phased approach. Water users district meetings (QV has a water right) They don't ask the same kinds of questions. There are doors open, they are not barred once you get in, Never the same questions asked. Careful dating game where there isn't dialogue on progress how are we doing and what are we doing.</p> <p>JC - Unsure, but appears based on conversation that major improvements are needed.</p> <p>DB - See #4 – Sub-Action</p>	<p>Training, education, local meetings. If Tribes were armed with the knowledge to ask the right questions. Can we ask why there isn't water flowing and what should we do. If Tribes know what questions are appropriate to ask.</p> <p>There needs to be a background to defend perspective on water management. Is it appropriate for Tribes to speak of watersheds where they don't own property. If Tribes don't have the right, who does?</p> <p>Tribes can't rely on State agencies to pro-actively fixing water, Tribes need to know whether they have a right, how do we position.</p> <p>What are the policies for water management. Something may be perfectly legal, but an agency or somewhere else may be unwilling to speak of items on a policy level.</p> <p>JC - Tribal input is key to establishing respect with outside water agencies.</p>
8	California Native American Tribes should educate State, local, and federal governments , and water purveyor executives and planners about the historical and ongoing relationships between California Native American Tribes and water, especially cultural and religious practices, including fishing.	How are Tribes doing in terms of education other water management entities about their relationship to and perspective on water resources?	<p>JC - This could be going better; the Tribes DON'T have many avenues to educate outside agencies.</p> <p>DB - Resource Agency and CA Native American Tribes, through educational forum for the CA Water Planning Agencies and Participants, provide training to help educate State, local, and federal governments, and water purveyor executives and planners about the 1) historical and ongoing relationships between California Native American Tribes and water, especially cultural and religious practices, including fishing; 2) How DWR works with California Native American Tribes in State Water Planning efforts; and 3) Tribal Water Summits 2009 and 2013 purpose, outcomes, and planning.</p>	<p>TK - None. See note at end.</p> <p>JC -The appointment of TAC members on the PAC is advantages. However, the TAC must engage in related workgroups/workshops.</p>
9	California Native American Tribes should propose and clarify how DWR works with California Native American Tribes in State water planning efforts.	How are Tribes doing in terms of proposing approaches for how DWR works with Tribes in statewide planning?	<p>JC - The Tribes have made their concerns clear at the 2009 TWS, and being a part of the updates.</p> <p>DB - See #8 – Sub-Action</p>	JC - Stay engaged in the CWP updates.
10	California Native American Tribes should build a foundation	How did Tribes do in terms of	JC-This was well planned and executed.	JC - Continue the advancement of future TWS's.

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	of knowledge and relationships for hosting a Tribal Water Summit in 2009 that includes the highest level of decision-makers from State, local, and federal governments, and water purveyors.	hosting a Tribal Water Summit in 2009 that included high-level decision-makers?	DB - See #8 – Sub-Action	
11	DWR will place proceedings of this summit in the Water Plan’s Volume 4 , the Reference Guide.	How did DWR do in releasing the Summit proceedings and including them in the Update 2009 Ref. Guide?	JC - This was done well, but always room for improvement. DB - See #8 – Sub-Action	JC - TWS /TAC/DWR workgroup should make a decision on where the 2013 updates will be placed in the plan.
12	Indigenous communities should be involved in climate change adaptation actions that will directly impact their people, waterways, cultural resources, or lands.	How are State entities and Tribes doing in terms of involving Tribes in climate change adaption actions that affect Tribal lands?	JC - Unsure	
13	The Tribal Communication Committee, Tribal Summit Planning Team, or an equivalent Tribal forum should advise the 2013 Water Plan Steering Committee on ways to implement these related actions and the recommendations from the 2009 Tribal Water Summit, and should assist in the preparation of subsequent Tribal water summits.	How well is the Tribal AC coordinating with the SASC on these and TWS recommendations and actions?	Water Plan is first step and needs to be more actions on implementing the water plan. JC - Unsure	Keep attending meetings.

Recommended Additional Actions/Sub-Actions (DB):

14. Evolving implementation of Governor Brown’s Executive Order B-10-11 is occurring for all State Agencies. CalTrans, CA State Attorney’s Office, and Cal/EPA have developed policy in working with CA Tribes. In April 2011, a draft Tribal Policy was developed by Resources Agency, by July 2012 – Resources Agency will have hosted a Tribal forum to review and comment about this proposed Tribal Policy. As a result, DWR will be impacted by the Resources Agency Tribal Policy outcomes. The use of California Native American Tribes in the CA Water Plan will also have to be re-addressed, based on the outcome of Resource Agency’s Tribal Policy efforts.

15. Achievements of the DWR TAC have not been clearly outlined. Some achievements to report on:

- Moving from TCC to TAC, a more formal tribal governance appointment.
- Creation of Forest Watershed Management and Cultural Resource Management focus in State Water Plan, came from Tribal input.
- Tribal request of including a broader stakeholder view, such as, U.S. Indian Health Service, U.S. Bureau of Indian Affairs, CA Coastal Commission, and other water planners.
- Successful 2009 Tribal Water Summit
- Elevating CA DWR Tribal liaison position to Executive level, based on the need to interact with Tribal Governments and importance of Tribal input to the CA Water Plan and DWR Operations.
- More?

Additional Comments:

TK - The State may have good intentions for water resource management and may want to acquire tribal data and plans for integrated management purposes. However, the perspective of tribes, which has been expressed in various forums throughout history, should be recognized.

Firstly, tribes have lost significant natural resources after they were identified, quantified and deemed valuable by others. Secondly, local governments and organizations have attempted to extract water resource data from tribes and the public domain to use in litigation against tribes as they pursue sustainable communities, economic development and regulatory authority. Thirdly, state governments have previously asserted regulatory jurisdiction on tribal land and litigated against the Tribes right to establish regulatory programs on their lands.

Accordingly, tribes may not be willing to integrate their water resource data and management plans until they have federally approved delegated authority (Treatment in a similar manner As a State) under all applicable sections of the Clean Water Act and have secured all their reserved water rights.