



IMPLEMENTATION PLAN CALIFORNIA TRIBAL WATER SUMMIT 2013

Guiding Principles

Whereas: Water is essential to all life and has shaped, and continues to shape, human existence within the State of California through its many provisions including, and not limited to:

- drinking water supplies
- subsistence activities
- cultural life ways
- community and cultural identity
- spiritual and aesthetic qualities
- recreation
- ecological integrity
- navigation
- commerce

Whereas: The discussion regarding the essential nature of water is an international concern that has generated societal protections to serve the greater and common good, as expressed throughout history.

Whereas: In California, Assembly Bill (AB) 685 (2012) established state policy “that every human being has the right to clean, safe, affordable and accessible water adequate for human consumption, cooking and sanitary purposes.”

Whereas: Water supplies and water quality are inextricably linked to the conditions of associated watersheds and ecosystems, and are further affected by land uses.

Whereas: Water supplies, and water quality are inextricably linked to California Native American Tribe’s spiritual, cultural, subsistence and traditional life ways and practices.

Whereas: California Native American Tribes, governments and communities predate the formation of the State of California; many California Native American Tribes have and continue to co-exist with the environment and sustainably steward the lands, waters and resources on Tribal lands and aboriginal areas, applying traditional ecological knowledge.

Whereas: Numerous Federal and State directives have affirmed the inherent rights of Tribes: to exercise sovereign authority over their members and territory. Additional directives encourage communication and/or consultation with Tribes, including:

- Public Law 93-638, Indian Self-Determination and Education Assistance Act of 1975
- (Federal) Executive Order 13175 – Consultation and Coordination with Indian Tribal Governments (2000)
- (State) Executive Order B-10-11 (2011)
- California Natural Resources Agency Tribal Consultation Policy (2012)
- U.S. Constitution, “Indian Commerce Clause;” Article I, Section 8, Clause 3



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Whereas: Executive Order B-10-11 expresses:

- a commitment to strengthening and sustaining effective government-to-government relationships with California Native American Tribes by identifying areas of mutual concern and working to develop partnerships and consensus,
- an acknowledgement that both California Native American Tribes and the State are better able to adopt and implement mutually-beneficial policies when they cooperate and engage in meaningful consultation.

Whereas: California Native American Tribes and tribal communities are not solely members of the general public and California Natural Resources Agency policy states that California Native American tribes and tribal communities have sovereign authority over their members and territory, and a unique relationship with California’s resources. All California Tribes and tribal communities have distinct cultural, spiritual, environmental, economic and public health interests and unique traditional cultural knowledge about California resources.

Whereas: Executive Order B-10-11 recognizes and reaffirms the inherent right of California Native American Tribes to exercise sovereign authority and oversight and management over their members and territory.

Whereas: The State of California has responsibilities and authorities for oversight and management of lands, waters and resources in the State, through multiple agencies, boards and commissions

Whereas: Other public entities, including Federal and local agencies, also have responsibilities and authorities for oversight and management of lands, waters and resources within the State

Whereas: The California Biodiversity Council, comprised of representatives from state, federal and local agencies, adopted a resolution to improve coordination and alignment among federal, tribal, state and local governments and agencies to improve natural resource conservation outcomes and planning efforts (2013)

Whereas: Traditional/Tribal Ecological Knowledge, generally, and Traditional/Tribal Ecological Knowledge, more specifically, is based on observations and understanding of environmental qualities and conditions, contributing to information on a range of topics including, and not limited to: species patterns, distribution and migration; ecosystem health and trends; medicinal properties associated with natural resources; and environmental response to treatment (or management) approaches

Statement of Goals for Implementation

The representatives and agencies participating in the 2013 Tribal Water Summit are committed to advancing productive relationships and meaningful dialog, cooperation and coordination between



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- 85 California Native American Tribes and State agencies, with participation from Federal agencies as
86 appropriate. Goals for implementation include:
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- 88 1. Tribes and State agencies will work together to develop strategies and approaches that
89 better incorporate Traditional/ Tribal Ecological Knowledge into water and water-related
90 resource planning and management activities.
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 - 92 2. Tribes and State agencies will work together to develop strategies, educational materials,
93 and recommendations that further the understanding of Tribal uses of water and the
94 broader role of water, and access to water, in Tribal lifeways including subsistence and
95 cultural practices.
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 - 97 3. Tribes and State agencies will work together to develop strategies and options for ensuring
98 greater and early collaboration regarding water resource projects, as well as watershed and
99 land use planning and management activities, especially where decisions impact Tribal trust
100 lands and/or traditional territories/homelands.



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TEK Goal: Tribes and State agencies will work together to develop strategies and approaches that better incorporate Traditional/ Tribal Ecological Knowledge into water and water-related resource planning and management activities.

1. Actions(s) – Develop and provide training for Agencies regarding Tribal Sovereignty and Cultural Awareness/Sensitivity

ITEM #	NEXT STEPS	Responsible Party <i>(who could lead?)</i> Is this within their scope of authority?	Required Participants <i>(Who else needs to be a part of this effort?)</i>	Due Date for Next Steps
1.	Email State and Federal Agencies to determine who is in support and can finance development of interagency training	Tribal AC facilitation team		
2.	Identify existing Trainings			
3.	Develop Tribal Working Group			
4.	Develop Curriculum with Tribal Working Group. Training Components to include: <ul style="list-style-type: none"> ■ Understanding the broader view of what encompasses tribal homelands ■ Familiarity with various ways that Tribes communicate TEK ■ Provide how natural resources are cultural resources ■ Hiring criteria for Tribal liaisons ■ Effective Outreach with Tribal Communities 	Tribal Advisory Office	Ron Goode Sonny Hendricks Chris Peters No./So. Cal Tribal Chair Assns Tribal Env'n'l. Directors Tribal Liaisons SHPO/THPO offices	
5.	Initiate Trainings			



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2. Action(s) – Develop and provide training for Tribes regarding Agency Technical support resources and assistance

ITEM #	NEXT STEPS	Responsible Party <i>(who could lead?)</i> Is this within their scope of authority?	Required Participants <i>(Who else needs to be a part of this effort?)</i>	Due Date for Next Steps
1.	Develop Tribal Working Group			
2.	Identify existing Resources and Trainings		Tribal liaisons	
3.	Tribal Curriculum developed with working group. Types/Components of training to include: <ul style="list-style-type: none"> • Basic Inspector Academy • GIS training • Advanced Technologies (LiDAR and Satellite imagery) • Small Systems operations (Water and wastewater systems) 		Tribal Environmental Directors	



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3. Action (s) – Develop effective options, procedures, or protocols for sharing appropriate tribal information (TEK, Data, etc.) to support management decisions

ITEM #	NEXT STEPS	Responsible Party <i>(who could lead?)</i> Is this within their scope of authority?	Required Participants <i>(Who else needs to be a part of this effort?)</i>	Due Date for Next Steps
1.	Develop policies that consistently respect tribal ecological knowledge as a management strategy for decision making.		Tribes	
2.	Share Information, develop co-management approaches that do not disclosing information that cannot be shared or disclosed without undermining the protection of those resources (i.e. data sharing that is not dependent on disclosing site locations)		Tribes	
3.	Establish mutually agreed upon baseline resource conditions		Tribes	
4.	Develop data with Tribal communities		Tribes	
5.	Develop formal options to share knowledge and information (e.g. conferences, IRWM sponsored events, Resource Conservation District events)			



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4. **Action(s)** – Garner Support for the UN Declaration on the Rights of Indigenous Peoples (UNDRIP)

ITEM #	NEXT STEPS	Responsible Party <i>(who could lead?)</i> Is this within their scope of authority?	Required Participants <i>(Who else needs to be a part of this effort?)</i>	Due Date for Next Steps
1.	Circulate resolutions supporting UNDRIP			
2.	Identify Tribes already supporting UNDRIP			
3.	Provide information and steps on how to incorporate UNDRIP into tribal laws, if deemed appropriate by Tribes.			
4.	Develop training on UNDRIP principles and how they tie into planning and TEK processes			
5.	Evaluate how UNDRIP may be implemented at the state level.			



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Indigenous Rights to Water Goal: Tribes and State agencies will work together to develop strategies, educational materials, and recommendations that further the understanding of Tribal uses of water and the broader role of water, and access to water, in Tribal lifeways including subsistence and cultural practices

1. Action(s) Develop a state policy to recognize Federally-reserved Tribal water rights associated with Federally-reserved Tribal lands, including individual allotments.

ITEM #	NEXT STEPS	Responsible Party <i>(who could lead?)</i> Is this within their scope of authority?	Required Participants <i>(Who else needs to be a part of this effort?)</i>	Due Date for Next Steps
1.	Garner support for state policy			

2. Action(s): Tribal Leaders and State Leaders have regular discussions to address Tribal resource needs and issues, these discussions must include the topics of adequate water quantity, flows and water quality.

ITEM #	NEXT STEPS	(Name) Responsible Party	Required Participants	Due Date for Next Steps
1.	Conduct an informational Forum on BDCP	Water Boards, DWR, & CA. Fish and Wildlife		
2.	Find resources to hold regional intergovernmental summits with Tribal and local government leaders			
3.	Hold regional intergovernmental Summits/meetings with Tribes and Local government Leaders			
4.	Determine options for establishing regular meetings between tribal leaders and state leaders on resource needs.		Tribal leaders, Governor's Office, Agency Directors	



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3. Action(s) – Develop Beneficial Use standards that respect acknowledges cultural and subsistence use of water

ITEM #	NEXT STEPS	Responsible Party <i>(who could lead?)</i> Is this within their scope of authority?	Required Participants <i>(Who else needs to be a part of this effort?)</i>	Due Date for Next Steps
1.	Develop Beneficial Use designations that respect tribal uses. This work is already underway. The work must be tracked and continued	California Indian Environmental Alliance, State Water Boards (Tom Howard, Paul)		
2.	Find and post for information purposes Region 1 Beneficial Use Designations			



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4. Action(s) – Develop mandated guidelines for ensuring tribal participation in planning processes

ITEM #	NEXT STEPS	Responsible Party <i>(who could lead?)</i> Is this within their scope of authority?	Required Participants <i>(Who else needs to be a part of this effort?)</i>	Due Date for Next Steps
1.	Evaluate IRWM guidelines and determine what can and needs to be done to ensure Tribe’s roles as sovereign entities are respected in regional planning.	State Water Boards (Tom Howard)		
2.	Develop suggested text for inclusion in guidelines and legislation that ensures proper participation of Tribes in planning and funding initiatives			
3.	Disseminate information on the process and language for revising guidelines and/or legislation as necessary			
4.	Initiate revisions to IRWM guidelines.			



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5. Action(s) – Improve In government agency alignment and coordination with Tribes

ITEM #	NEXT STEPS	Responsible Party <i>(who could lead?)</i> Is this within their scope of authority?	Required Participants <i>(Who else needs to be a part of this effort?)</i>	Due Date for Next Steps
1.	Updated Org Chart- identifying various agencies and their relation to each other in resource management	Tribal AC		
2.	Defining role of tribal liaisons within state agencies including their responsibilities relating to information sharing, coordination on projects, technical resources to tribes and consultation.			
3.	Develop framework for achieving inter-agency coordination	Tribal AC		



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6. Action(s) – Develop curriculum and educational resources relating to water rights. (What are the resources available, what rights are we discussing, how do we look at them)

ITEM #	NEXT STEPS	Responsible Party <i>(who could lead?)</i> Is this within their scope of authority?	Required Participants <i>(Who else needs to be a part of this effort?)</i>	Due Date for Next Steps
1.	Identify existing Curriculum	BIA (Doug Garcia) Water Boards (Gita Kapahi)	Bureau of Reclamation	
2.	Coordinate where curriculum requires revisions Suggested inclusions: clarify role of federal trust responsibility and tribal water rights, Answer the question why Tribes as sovereign nations need to look to the state to determine water rights.	BIA (Doug Garcia) Water Boards (Gita Kapahi)	Bureau of Reclamation	



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Watershed Management and Land Use Goal: Tribes and State agencies will work together to develop strategies and options for ensuring greater and early collaboration regarding water resource projects, as well as watershed and land use planning and management activities, especially where decisions impact Tribal trust lands and/or traditional territories/homelands.

1. ACTION(s) Identify pilot projects for effective co-management for duplication and/or training.

ITEM #	NEXT STEPS	Responsible Party <i>(who could lead?)</i> Is this within their scope of authority?	Required Participants <i>(Who else needs to be a part of this effort?)</i>	Due Date for Next Steps
1.	Identify existing projects that effectively provide for co-management and incorporation of TEK			
2.	Develop listing of tools and resources used by effective projects			
3.	Develop database and update database with projects, tools and resources			



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2. ACTION(S) Increasing, refining, enhancing, and better supporting tribal outreach

ITEM #	NEXT STEPS	Responsible Party <i>(who could lead?)</i> Is this within their scope of authority?	Required Participants <i>(Who else needs to be a part of this effort?)</i>	Due Date for Next Steps
1.	Define agency Tribal liaison roles and responsibilities			
2.	Identify and implement strategies to strengthen Tribal involvement in State outreach and engagement			
3.	Identify options for creating a statewide network of Tribal representatives or organizations to liaise with state agencies on behalf of or in coordination with multiple Tribes within a region. Multiple tribal concerns would be included in purview (e.g. legal, policy, and local conditions)			



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4. ACTION(S) Enhance meaningful consultation: encourage and move towards earlier involvement by Tribes, initiate consultation for programmatic decisions – as well as project-level decisions, adjust timelines to allow adequate time to bring items before Tribal councils and leaders, conduct meetings on Tribal lands

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1.	Identify existing Tribal consultation policies			
2.	Coordinate with inter-agency framework development		Tribal AC	

Development of Implementation Plan

1. ACTIONS(s) Review and Update Implementation Plan and Framework

ITEM #	NEXT STEPS	Responsible Party <i>(who could lead?)</i> Is this within their scope of authority?	Required Participants <i>(Who else needs to be a part of this effort?)</i>	Due Date for Next Steps
1.	Inform those taking responsibility of their agreed roles in Implementation Plan	Facilitation Team		
2.	Review Progress of Implementation Actions	Update 2018 California Water Plan Tribal AC and Facilitation Team		