



MEETING SUMMARY

CALIFORNIA WATER PLAN UPDATE 2013 TRIBAL ADVISORY COMMITTEE MEETING

9:30 AM – 4:30 P.M.

CENTER FOR COLLABORATIVE POLICY
815 S STREET, SACRAMENTO, CA

MEETING OBJECTIVES:

1. Recap Tribal Water Summit 2013 and Implementation Framework
2. Update Tribal AC Work Plan
3. Develop Draft Objectives for Tribal Outreach in Water Plan

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Welcome, Introductions

Kamyar Guivetchi, DWR, Manager, Division of Statewide Integrated Water Management, extended his appreciation to the Tribal AC for their efforts in planning the 2013 Tribal Water Summit (TWS). Stephanie Lucero, Tribal AC Facilitator, reviewed the day’s agenda which would focus on debriefing the TWS and preparing the Tribal Objective and Related Actions for Update 2013. Introductions were made around the room and on the conference call before beginning the first agenda item.

Tribal Water Summit Debrief

Initial comments on the Tribal Water Summit (TWS) included a desire for more higher-level agency representatives to be involved, and for more networking time.

Stephanie Lucero then asked if the TWS achieved what was intended.



Discussion

Regarding the strengths of the Summit, the following points were made:

- There was good Tribal representation from across the state and different regions. There was a big impact.
- There were great discussions with a focus on an implementation framework.
- This built on the last Summit and is gaining credibility.
- State agency involvement was greater than for the 2009 TWS.
- Panels were well prepared and very informative.
- The Guiding Principles and Goals for Implementation were huge.
- There was a good diversity of topics. The topics complemented each other, provided structure and guided discussions.

Regarding the weaknesses of the Summit, the following comments were provided:

- High-level state executives arrived to speak then left, with a good portion of the audience leaving with them, which was disappointing and disrespectful.
- The Governor did not attend, and the Tribal Advisor's comments were not focused on water.
- Name tents would help with getting to know other people, or ribbons or color-coded name tags. There is a need for some type of introductions.
- More time was needed for interaction, breakout sessions and networking. Not everyone had a chance to speak.
- Need to do a better job in getting state agencies to show up.
- It was a struggle to get Tribal leaders to show up.

Other perspectives noted the following:

- While Summit goals were met, it was a bit like preaching to the choir.
- The strategy about mixed seating didn't seem especially effective.
- The Summit satisfied the fundamental expectations, but did not reach the sky.
- Consider inviting federal agencies, such as FERC, to the next Summit.
- Some of the results were surprising, and not what was expected.
- Some agencies wanted to bring more staff, but attendance was limited.
- It felt like we did the best we could with what was going on.
- Vetting the panels through the entire planning group was labor intensive.
- Need to vet or prep all speakers.
- The 2009 Summit recommendations update and handout was a good tool.

Comment: We knew coming in that the Tribes and agencies would not be on the same page. There's always a little movement. This time, the Department of Fish and Game showed up. There was a better mix of agencies. It is a big accomplishment to get people to the table and to present a wide range of perspectives. Agencies do need to come in and understand what Tribes saying. Some agencies were coming to understand TEK. That's a big deal to hear. There is progress being made towards cooperation with agencies, and more work yet to do.



Comment: The goals were a little ambitious for what could be accomplished. These are large complex problems, with multiple agencies in the room and multiple levels of representation. There were different levels of success on different issues. It would be good to see more about what Tribes are working on with State agencies. Perhaps provide more updates or informative sessions regarding barriers, solutions and priorities.

Suggestion: Have an evaluation form with an area that people could write comments on, for each speaker.

Comment: Heard that State and Tribal leaders need to meet and discuss more than one every four years. There were suggestion to held regional "summits." The statewide Summit would be more of an update. Think about expanding the length of the statewide summit for more networking, or training sessions.

ACTION ITEM: Facilitate regional networks.

TWS Proceedings

Emily Alejandrino, DWR Tribal Team Lead, distributed copies of the detailed notes from both days of the Tribal Water Summit. She explained that each presenter was emailed copies of their comments, for review and any necessary edits. The goal is to finalize text by the end of June.

When asked who will use the proceedings, and how, Stephanie Lucero explained that printed copies will be sent to Tribes and agencies. Anyone who attended the Summit will also receive a copy. The Proceedings will be included in the Update 2013 Reference Guide (Volume 4).

Overall, Tribal AC members thought that the proceedings did a good job summarizing comments made at the Summit. It was appreciated that text was sent to speakers for their review. The content seemed to provide the right level of detail and served as a good refresher of what was discussed. The major points are represented, with some elaboration to orient readers to the content. This will be a good document for reference purposes.

Ms. Alejandrino noted that Executive Summaries will be created to elevate key themes. The proceedings will also contain a list of Tribes and agencies the support the Guiding Principles for the Summit.

ACTION ITEM: Post sample letter in support of the Guiding Principles.

ACTION ITEM: Send out thank you notes to presenters and sponsors.



TWS Implementation Plan

Tribal AC members discussed the content of the Implementation Plan, and the format for including it in the TWS Proceedings.

Comments and Suggestions

Suggestion: The Implementation Plan will continue to evolve over time, as a living document. A link should be provided to the most current version of the Plan.

Suggestion: While the table format was useful in the Summit session, it may be difficult to follow in the proceedings.

Suggestion: Change the phrase “responsible parties” to “proposed lead” or “potential lead.”

Comment: Conversely, it’s important to distinguish potential leads from those who have made a commitment.

Comment: In the proceedings, separate the Guiding Principles and Goals for Implementation from the actual Implementation Plan.

Comment: The Implementation Plan needs to be cautious of actions taken by individual Tribes by the state – for example, Action #3 for TEK discusses the incorporation of Tribal information into local resource management activities.

Comment: Indigenous Rights to Water, Action #5 (inter-agency coordination) is something that RTOC is working on. It also relates to TEK, Action #2 activities to identify existing resources and trainings. There is significant duplication in what agencies offer.

Comment: The Implementation Plan needs to focus on strategies and deliverables.

There was suggestion that the Indigenous Rights to Water Goal might include a step for groups and individuals to go back and have the MLPA amended. This might involve a joint effort to prepare a document for the aboriginal rights for others. It could promote availability and help create equity for the Southern California Tribes – perhaps allowing Tribes to petition for access to closed areas. This is of vital importance to many Tribes. One approach could include outreach to Tribes in the counties of Mendocino, Lake and Sonoma.

Climate Change Updates

David Mallory, CARB, Manager of Climate Change Policy Section, provided an update on the AB 32 Scoping Plan. Enacted in 2006, AB 32 is directed towards reducing greenhouse gas (GHG) emissions. The original scoping was conducted in 2008 and identified sources and targets for GHG reductions. The 2013 Update of the Scoping Plan focuses on: climate priorities for the next five years; critical focus areas; and regional aspects. Public workshops will be held in June and July to discuss initial thoughts and general principles for the update of the Scoping Plan.

The kick-off meeting is June 13, 2013. Additional information is available on the website at: www.arb.ca.gov/cc/cc.htm. Towards the top, there is a section called “What’s New” which



includes AB32 Scoping Information. Along the left side of the webpage, there is a link listed under “Resources” that allows to subscribe to a number of email lists.

Discussion

Question: How is your Division going to contact Tribes?

Response: We are working with Sarah Ryan and CalEPA’s Tribal liaison, Silvia Oey. There is a proposal to schedule individual meetings with Tribes in Redding and Eureka, with an interest in doing something similar in Southern California.

Question: Have you contacted anyone at RTOC?

Response: We attended an RTOC meeting last month and are planning on attending their July meeting. Meeting posted on ARB website www.arb.ca.gov climate change programs, what’s new (first item). Resources: Join climate change email lists.

Comment: Valley pollution is getting pushed into foothills, where many Tribes are located.

Question: Could you briefly explain the cap-and-trade program v. carbon tax?

Response: The 600 largest emitters (those over threshold) have to reduce emissions or buy an allowance to meet their carbon obligation. The tax would be cost per ton, across the board.

Question: Who verifies legitimate efforts?

Response: The off-set protocol determines off-set calculations. There are independent verifiers. No agency can meet more than 8% of their obligations to meet their thresholds. Only the larger entities are addressed by cap-and-trade. Local Air Resource Boards deal with pollutants other than GHG.

Comment: Utilities are including hydro as green energy. However, green energy was supposed to replace hydro. This doesn’t seem to be moving quickly.

Response: Large hydro does not count towards meeting the goal of a 33% renewable portfolio. But the 33% renewable goal doesn’t require a reduction in hydro.

California Landscape Conservation Cooperative

Michelle Selman, with the DWR Climate Program, provided information on a program that is looking to increase its engagement with Tribes. The California Landscape Conservation Cooperative (CLCC) is part of a larger network that extends across the United States, and into Canada and Mexico. These cooperatives were established through a Secretarial Order from the Department of Interior to promote conservation partnerships.

The CLCC Steering Committee is comprised of 16 agencies and organizations. Their five-year goal is to “implement actions that promote resilient and adaptable ecosystems” which allows us to be better prepared for climate change. Tribal Ecological Knowledge represents valuable information that needs to be brought into the mix of western science being developed. The CLCC is not sure about, and would like to work with Tribes on how to engage the different knowledge bases.



The CLCC Science Strategy is outlined in the five-year Strategic Plan. This focuses on priorities and research and application, and presents a great opportunity for incorporating TEK.

Information sharing can involve sensitive information, and the sharing must benefit Tribes. The Yurok are associated with the North Pacific LCC and are mapping species distribution changes over time. The CLCC is interested in building on existing efforts. Additional information is available online at: www.californiaLCC.org.

Discussion

Comment: When looking at existing efforts, consider the

- EPA Region 9 Regional Tribal Operations Committee (RTOC)
- Work of Chuck Striplen at the SF Estuary Institute regarding cultural landscapes and cultural ecology research frameworks.

Question: When was the CLCC formed?

Response: The CLCC was established in March of 2010. Tribes were invited to preliminary workshops via a form letter.

Comment: Tribes have a strong interest in climate change, and they rely on local ecosystems.

The ecological effects are already happening, with the strong advance of invasives, warmer streams and pollinator populations. Parties need to come together as a single voice on this.

Question: What work is being done on sea-level rise modeling?

Response: The CLCC is funding entities to go out and do that work, especially regarding marshes and wetlands – where we are already seeing change. There is uniform sea-level guidance that we all use. The goal is to consolidate multiple aspects of sea-level rise into one model.

Comment: Tribes need to be present at the decision-making table. There should be Tribal representation on the Steering Committee. Consider regional representation of Tribes.

Comment: What are the options for managing and sharing data?

Response: There are clearinghouses and opportunities to respond to RFPs from the Southwest Climate Change Center. A 2010 report on Climate Change documents, with clickable links, is online at: <http://www.water.ca.gov/climatechange/docs/IRWM-ClimateChangeClearinghouse.pdf>

Comment: Tribes have wanted to be involved in these processes and were shut out. Not much has changed. To be consulted now is irritating.

Response: You are right, Tribes need better access. We want to do better.

Comment: There is an effort already going on, check with Frasier Shilling at UC Davis.



Tribal Vulnerability Matrix

Erin Chappell, DWR Climate Change Team, explained that the Climate Change Program is a relatively new program with DWR. Their primary role is to support adaptation to Climate Change. Referring to the website at www.water.ca.gov/climatechange, Ms. Chappell pointed to documents and websites that can be accessed through the link for “Local and Regional Resources.” She also distributed a working draft of the Tribal Vulnerability Matrix, which indicates ways in which climate change could affect Tribes?

The draft of the Tribal Vulnerability Matrix is based on Ms. Chappell’s own research. Tim Nelson, DWR North-Central Tribal Liaison reviewed the draft document. Each sector is listed on the left, with possible consequences listed for various climate change conditions. There is a final column addresses cumulative impacts. The matrix provides a general overview, which could be adapted regionally.

This document was also available at the DWR Climate Change table which was staffed during the Tribal Water Summit. Ms. Chappell is interested in what other tools would be helpful to Tribes. She asked if there are other areas where Tribes need assistance. There was a reply that Tribes are interested in impacts to natural resources. Ms. Chappell is also considering how information from Indian Health Services and the Bureau of Indian Affairs might be brought in to discuss implications to community health, under the “Cumulative Impacts” heading. It might be possible to code health diagnoses to temperature changes. It’s a matter of access the data that agencies already have.

ACTION ITEM: Send the Tribal Vulnerability Matrix out to the TCC list.

Discussion

Comment: This is a good effort that helps us clarify this. Tribal environmental departments are small and do not have a lot of resources. This is a helpful tool for communities, and can be used when Tribes apply for climate change grants.

Comment: Local and regional baseline and historical conditions also need to be documented.

Comment: It is gratifying to see that ocean acidification is considered. There are Tribes on the east coast that have experienced economic effects regarding the loss of nori and shellfish.

Suggestion: Other climate change conditions include more intense and frequent wildfires, and an extension of the wildfire season (which may reduce the window for cultural burns).

Suggestion: This is current a deficit model, which focuses on loss and reduction. An additional column, or row, is needed to describe adaptation strategies and other actions that Tribes are taking.

Comment: Agencies need to understand that Tribes are ahead of this.

Suggestion: The Resource Agency is updating their Climate Adaptation Strategy. This needs to include cultural considerations and subsistence strategies.



Objective 12 and Related Actions

Stephanie Lucero introduced a worksheet for the Update 2013 Tribal Objective and Related Actions, which included the Tribal Objective from Update 2009. A total of 23 potential “Related Actions” were also listed, representing 11 actions resulting from the Tribal Water Summit and 12 actions from Update 2009. New actions could be added, as needed.

Kamyar Guivetchi elaborated that all Objectives and Related Actions for Update 2013 would be discussed on June 13-14, 2013. Respective caucuses and work teams were developing draft language for review at the two-day event. The goal today is to try and distill a list of related actions that represent the priorities of the Tribal AC for the next five years. As subject matter experts on Tribal interests, Tribal AC members have the knowledge, wisdom and leadership to prepare a draft proposal – which can be reviewed and further refined.

Tribal AC members spent the remainder of the afternoon, reviewing the list of actions and discussing options for combining actions, or developing over-arching actions, that represented the priorities for advancing Tribal interests over the next five years. After substantial consideration, deliberation and dialog, the following was agreed upon for presentation at the June 2013 web-a-thon for the Tribal Objective and Related Actions:

Objective: Improve Tribal/State Relations and Natural Resources Management

Develop relationships with Tribes that acknowledges and respects the inherent rights of California Native American Tribes to exercise sovereign authority and ensure Tribes are incorporated into planning and water resources decision making processes in a manner that is consistent with their sovereign status.

Related Actions:

1. The State Water Board and Bureau of Indian Affairs, in collaboration with California Native American Tribes, should address Tribal water rights, including: Tribal water rights dating back to time immemorial; Federally-reserved water rights; jurisdiction; and trust responsibilities, including individual allotments, by:
 - Convening a Task Force to articulate a consistent state policy and protocol that recognizes Tribal water rights in all aspects of water planning including supply, timing, and flows, quality, and quantity
 - Developing joint training on State, Federal and Tribal water rights including trust responsibilities, the implications for different Tribal trust lands (reservations, Rancherias and individual allotments) and jurisdiction
2. State government should write legislate on and contracts in a way that enables California Native American Tribes to be a lead agency and directly receive and manage state funding (as fiscal agent or otherwise) for water planning and management.



3. California Department of Fish and Wildlife and California Native American Tribes will develop and initiate pilot projects to develop resource management plans, characterized by the integration of Traditional/Tribal Ecological Knowledge and western science. This will include developing a process for requesting proposals, identifying existing examples of partnerships, and launching pilot projects.
4. State agencies should use Tribal Ecological Knowledge to inform their work and decisions including: establishing baseline resource conditions, and developing options to share information in ways that protect specific details about cultural resources
5. State agencies, in collaboration with California Native American Tribes, should develop and conduct trainings for agencies on Tribal sovereignty, trust responsibilities and cultural awareness/sensitivity, and Traditional/Tribal Ecological Knowledge by developing a curriculum with a Tribal working group, establishing consistent training protocols for all agencies, and initiating trainings.
6. State and Federal agencies, in coordination with California Native American Tribes, should identify, coordinate and provide technical training for Tribes, to increase technical capacity – including, but not limited to: basic training modules (e.g. Basic Inspector Academy, GIS, advanced technologies – such as LiDAR and satellite imagery, small water systems operations; and establish a criteria and protocol for ensuring vendors preferred by California Native American Tribes are utilized.
7. State agencies should engage Tribal communities in compiling and developing climate change adaptation strategies that will mitigate climate impacts to their people, waterways, cultural resources, or lands.
8. The State Water Resource Control Board, in collaboration with California Native American Tribes, will develop and adopt a statewide Beneficial Use standard that respects and acknowledges cultural and subsistence use of water.
9. State agencies and California Native American Tribes should utilize and implement communication strategies, protocols and procedures, that are developed and/or implemented by California Native American Tribes, including but not limited to the Tribal Communication Plan, U.N. Declaration on the Rights of Indigenous Peoples, 2013 Tribal Water Summit Guiding Principles and Goals and tribal MOUs.
10. State agencies, in collaboration with California Native American Tribes, should enhance Tribal outreach, collaboration and the work of Tribal liaisons by: identifying and implementing strategies to strengthen Tribal involvement in State outreach and engagement approaches, clarify Tribal liaison roles and responsibilities, and identify options for creating a statewide network of Tribal liaisons to address multiple aspects of Tribal concerns (e.g. legal, policy and local conditions).
11. State agencies should engage in meaningful consultation by: encouraging and moving towards earlier involvement by Tribes (at the design/planning stages), 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, and documenting Tribal comments.



Tribal AC Work Plan and Schedule

With extra time devoted to the Tribal Objective and Related Actions, this item was tabled until the next meeting.

Next Steps

TWS Debrief

ACTION ITEM: ACTION ITEM: Facilitate regional networks.

TWS Proceedings

ACTION ITEM: Post sample letter in support of the Guiding Principles.

ACTION ITEM: Send out thank you notes to presenters and sponsors.

Climate Change – Tribal Vulnerability Matrix

ACTION ITEM: Send the Tribal Vulnerability Matrix out to the TCC list.



Attendance

Tribal Advisory Committee Members and Alternates:

Steve Archer, Buena Vista Rancheria
Paul Britton, Habatemotel of Upper Lake
John Covington, Morongo Band of Mission Indians
Rob Cozens, Resighini Rancheria
Aaron Dixon, Susanville Rancheria
Morning Star Gali, Pit River Tribe
Bill George, Pit River Tribe
Ron Goode, North Fork Mono Tribe
Angela Karst, Table Mountain Rancheria (webinar)
Tom Keegan, Dry Creek Rancheria
Cynthia Naha, Kashia Band of Pomo Indians (webinar)
Oscar Serrano, Colusa Indian Community
William Speer, Shasta Indian Nation (webinar)
Stephanie Suess, Tuolumne Me-Wuk Tribal Council

Others:

Jared Aldern, Prescott College
Doug Garcia, US Bureau of Indian Affairs (webinar)
Bob Goodwin, US Forest Service Tribal Relations Advisor
Chuck Jachens, US Bureau of Indian Affairs, Pacific Region (webinar)
David Mallory, Air Resources Board, Manager, Climate Change Policy Section
Connie Reitman, Inter Tribal Council of California
Atta Stevenson, Tribal Water Summit Planning Team (webinar)
Chuck Striplen, San Francisco Estuary Institute (webinar)

Emily Alejandrino, DWR, Tribal Coordinator Work Team Lead
Tito Cervantes, DWR Northern Office, Tribal Liaison (webinar)
Erin Chappell, DWR Climate Change Team
Kamyar Guivetchi, DWR, Manager, Division of Statewide Integrated Water Management
Tim Nelson, DWR North-Central Office Tribal Liaison
Michelle Selman, DWR Climate Change Team

Facilitation Team: Stephanie Lucero, Tribal Facilitator; Judie Talbot, Facilitation Support – CCP