

Objectives Web-a-thon
Improve Tribal/State Relations and Natural Resource Mgmt.
June 13, 2013



MEETING SUMMARY

CALIFORNIA WATER PLAN UPDATE 2013
TRIBAL OBJECTIVE
5:00 – 6:30 P.M.
815 S STREET, SACRAMENTO, CA

Meeting Objectives

Discuss and suggest revisions for the Related Actions associated with the Update 2013 Objective relating to the Tribal-State Relations and Natural Resource Management:

“Develop relationships with Tribes that acknowledge and respect 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.”

Welcome, Introductions and Agenda Review

The Update 2013 Objectives Web-a-thon was held on June 13-14, 2013 to discuss the draft 17 Objectives and the associated Related Action for the Water Plan. Introductions were made around the room and online. Paul Massera, DWR, Program Manager, Update 2013, welcomed everyone and noted that an online wrap up session will be conducted on July 9th, to conclude any items needing additional discussion. He explained that the workbook was prepared by DWR staff and subject matter experts, and is for discussion purposes only. The first few pages of this draft document provide definitions of terms and the Water Plan mission, vision and goals – which sets the context for the objectives and related actions. A brief review of the Conjunctive Use objective and related actions (found on pages 43-44 of the workbook) would be followed by discussion on the text.

Overview

Jose Alarcon, DWR Project Team, provided brief background on how the objectives and related actions were developed. He and Francisco Guzman have reviewed the 37 Featured State Plans, related state agency plans with bearing on the Water Plan, and correlated the respective recommendations with the Water Plan objectives. These were forwarded to the subject matter experts for consideration in updating the related actions for each objective. Collectively, the objectives identify what is needed to accomplish the goals of the Water Plan. The related actions represent what is needed to accomplish each particular objective.

The workbook contains a column for performance measures, which will help track each action and inform the next Water Plan Progress Report. Draft measures have been proposed for some of the objectives, and feedback is welcomed on potential performance measures – as well as the objectives and related actions.



Document Walk Through

Stephanie Lucero, Tribal AC Facilitator, reviewed the Tribal Objective. The objective and related actions were developed by reviewing the Update 2009 Tribal Objective, 2009 Tribal Water Summit Recommendations, and the materials from the 2013 Tribal Water Summit. This language received support from the Tribal AC.

Related Actions

The proposed Related Actions, and the ensuing discussion, are presented below. Please note that the actions below have been abridged from the original text and the sub-actions are not included:

General Discussion

- Tribes should be represented on, and involved with, state task forces and teams.

- 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.

Discussion:

- The Water Boards and BIA should be informed of the language for this action.
- It is hoped that the Water Boards and BIA will create training. Consider looking at how other states handle this.

- 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.

Discussion:

- This was developed in response to current legislation which does not allow Tribes to serve as a lead or fiscal agent, if they choose to do so. It complicates IWM.
- Was this an oversight, or are there legal barriers regarding sovereignty and the distinctions regarding Federally recognized Tribes – and those that are not?
 - Water Bond language excludes Tribes, because of the way it was written. Proposed language for an MOU originally required Tribes to waive their sovereign status to participate in an IRWM. This discourages participation.

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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...

Discussion:

- It would be helpful to have a definition for co-management, including the spatial extent.
 - Definitions, especially spatial extent, may well be project-specific.
 - Co-management involves aspects of collaboration and consent.
 - Check with CDFW on their understanding of this.
 - A definition is needed for TEK, explaining what it is and the state of the art.
 - This is covered in the TWS Proceedings, where there was a panel presentation addressed this topic. A definition could be pulled from that.
 - Fact sheets could be developed.
 - Specific details of cultural knowledge needs to be protected from public disclosure.
 - There are issues regarding methylmercury which have cultural impacts such as subsistence fishing and cultural practices.
 - The raising of Shasta dam could well impact cultural sites.
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.

Discussion:

- See the notes for the proceeding Related Action.
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.

Discussion:

- The emphasis here is on the trainings. Agency staff and executives need to be knowledgeable about Tribal practices, issues and concerns.
- These to be cultural trainings focused on specifics related to California Tribes and to waterways shared with other states.

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- California Tribes need to be involved in developing the curriculum.
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...and establish a criteria and protocol for ensuring vendors preferred by California Native American Tribes are utilized.

Discussion:

- This needs to consider access to the trainings, including location of trainings and transportation.
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.

Discussion:

- Knowledge of changes relates to TEK, resilience and adaptation strategies.
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.

Discussion:

- This has precedence, with subsistence and cultural use recognized as a BU in the North Coast Basin Plan. The goal is to extend it to other Basin Plans.
- As an example, those with subsistence lifeways in the Delta have an increased exposure to mercury. Different processing techniques may draw out different qualities.
- In addition to public health issues, there need to be considerations for maintaining culturally important species. This ties to traditional and spiritual aspects.
- ACTION ITEM: Get clarification from the Water Boards as to whether beneficial uses are being defined in regards to water rights, or within Basin Plans.
 - Regional Boards can adopt BUs for subsistence and cultural uses, which might vary a bit across the state. The State Board can set a consistent standard.
 - Other interests want BUs opened up for groundwater recharge.

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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.

Discussion:

- Add a comma after “goals” in the last line.
 - Consider developing a network of Tribal representatives that provides a resource and reference for state agencies.
10. State agencies, in collaboration with California Native American Tribes, should enhance Tribal outreach, collaboration and the work of Tribal liaisons by: ... strengthening Tribal involvement in State outreach and engagement approaches, clarifying 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)

Discussion:

- This should encourage coordination of meetings and creating a joint calendar.
 - Communication, coordination, and collaboration are separate from consultation.
 - Communication, coordination and collaboration are the prerequisites for consultation. Consultation is a legal process that should build on the others.
 - Create a glossary, with definitions for: CONSENT, COLLABORATION, COOPERATION, COMMUNICATION, and CONSULTATION.
11. State agencies should engage in meaningful consultation by: encouraging and moving towards earlier involvement by Tribes; initiating consultation for programmatic decisions, as well as project-level decisions; adjusting timelines to allow adequate time to bring items before Tribal councils and leaders; conducting meetings on Tribal lands, and documenting Tribal comments

Discussion:

- Add language to say: “understanding a Tribe’s protocol for consultation.”



Attendance

In Room

Colin Bailey, Environmental Justice Coalition for Water
Karl Longley, California Water Institute, UC Fresno

Jose Alarcon, DWR, Water Quality Lead
Megan Fidell, DWR, RMS Coordinator, Progress Report Lead
Kamyar Guivetchi, DWR, Manager, Statewide Integrated Water Management
Paul Massera, DWR, Water Plan Program Manager
Lewis Moeller, DWR, Water Plan Project Manager
Elizabeth Patterson, DWR, Land Use Lead

Lisa Beutler, MWH, Water Plan Executive Facilitator
Stephanie Lucero, CCP, Tribal AC Facilitator
Judie Talbot, CCP, Facilitator

Webinar

Angela Avery, Sierra Nevada Conservancy
Dave Bolland, Association of California Water Agencies
Morning Star Gali, Pit River Tribe
Chris Potter, Resources Agency, Ocean Resources Management Program
Patricia Rivera, Bureau of Reclamation
Atta Stevenson, Cahto, Laytonville Rancheria
Betty Yee, Central Valley Regional Water Board