2013 California Tribal Water Summit

April 24th & 25th

California Indigenous Rights, Uses and Management of Water and Land

Leveraging the strengths and resources of Tribal, State and Federal agencies through collaboration

PROCEEDINGS

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Summit Sponsors

The Summit is the result of a collaborative effort between California Native American Tribes, the California Water Plan 2013 Tribal Advisory Committee, California state Agencies, the Federal Government, Tribal and community members, and Tribal and non-Tribal organizations. The Summit would not have been possible without the contributions of our financial sponsors and contributors.

We thank North Fork Mono Tribe for the time and resources they devoted to the 2013 California Tribal Water Summit by serving as the chief fundraiser and fiscal agent for the Summit.

The Summit Design Team is proud to identify the following financial sponsors who contributed to the 2013 California Tribal Water Summit.

Mountain Sponsor ($20,000 or more)

» California Department of Water Resources

Salmon Sponsors ($5,000 to $9,999)

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» Sierra Nevada Conservancy
» Morongo Band of Mission Indians
» Tuolumne Band of Me-Wuk Indians
» Viejas Band of Kumeyaay Indians
» California Department of Fish and Wildlife

In addition, the Tribal Water Summit Design Team members and their Tribes have offered significant in-kind support through their commitment of time, resources and contributions to the 2013 California Tribal Water Summit.

All of the Tribal Water Summit Speakers, Presenters and Panelists donated their honorarium back to the Summit, to ensure the success of this event.

Tribal Water Summit Design Team Members

The California Tribal Water Summit was put together by a work group of the California Water Plan 2013 Tribal Advisory Committee. The Tribal Water Summit Design Team comprised of the Tribal Advisory Committee members and individuals, organizations, agencies and Tribes willing to commit resources and time to put the Summit together.

We would like to thank all those that participated and contributed to the 2013 Tribal Water Summit, including the following Tribal Water Summit Design Team members:

Jackie Gonzales
Cabazon Band of Mission Indians

John Covington
Morongo Band of Mission Indians

Steven Archer
Buena Vista Rancheria

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Chuck Jachens
Bureau of Indian Affairs

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Tim Nelson
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Tom Keegan
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Paula Britton
Habematolel Pomo of Upper Lake

Michelle LaPena
LaPena Law Corporation

Ken Wiseman
Natural Resources Agency

Michael Kitchell
North Fork Mono Tribe

Ron Goode
North Fork Mono Tribe

Morning Star Gali
Pit River Tribe

Rob Cozens
Resighini Rancheria

Chris Peters
7th Generation Fund

Julie Griffith-Flatter
Sierra Nevada Conservancy

Cliff Raley
Table Mountain Rancheria

Marcella Reynolds
Table Mountain Rancheria

Stephanie Suess
Tuolumne Me-Wuk Tribal Council

Leslie Cleveland
United States Bureau of Reclamation
Lower Colorado Region

Robert Goodwin
United States Forest Service

Caleen Sisk
Winnemum Wintu Nation

Gary Mulcahy
Winnemum Wintu Nation

Ruthie Maloney
Yurok Tribe

Additional members preferred to not be listed.

Summit Planning Process

BACKGROUND

The 2013 California Tribal Water Summit (TWS) continued and expanded the commitment by the California Natural Resources Agency, Department of Water Resources (DWR) and other state agencies, with support from several federal agencies, to better integrate California Native American Tribes into the State's water management and planning activities. In Update 2005 of the Water Plan, dedicated outreach resulted in Tribal representation on the Public Advisory Committee. One of the recommendations, from Update 2005, called for increasing Tribal involvement in statewide, regional, and local water planning.

Update 2009 involved the convening of a Tribal Communications Committee to advise DWR on how to better contact, and communicate with, the more than 160 Native American Tribes in California. Committee members were volunteers who participated as individuals, without officially representing any particular Tribes or Tribal organizations. The Tribal Communications Committee developed a Tribal Communications Plan with recommendations that were included in Update 2009. Many of the members then became involved in the TWS Planning Team, which organized the 2009 California Tribal Water Summit. The 2009 planning process involved planning team meetings, informed by topics and concerns identified through Tribal water plenaries.

Update 2013 of the Water Plan continued the commitment to engage Tribes, asking California Native Americans to help design a process and charter for establishing a Tribal Advisory Committee – with members representing California Tribes and Tribal organizations.

TRIBAL ADVISORY COMMITTEE

For Update 2013 of the California Water Plan, the California Department of Water Resources convened a Tribal Advisory Committee (Tribal AC) to develop Tribal content for the Water Plan. Members of the Tribal AC were nominated by their respective Tribes or Tribal non-profit organizations. Meetings were

conducted three or four times a year, with additional webinar sessions. A key deliverable for the Tribal AC was convening the 2013 California Tribal Water Summit. As with Update 2009, a separate TWS Planning Team organized the event. The team was comprised of Tribal AC members, other interested Tribal representatives and members of the Water Plan State Agency Steering Committee.

STATE AGENCY STEERING COMMITTEE

The Water Plan State Agency Steering Committee was first established for Update 2009. Chaired by DWR, the committee is now comprised of members representing 28 state agencies, departments, boards and commissions with responsibility or oversight for water programs or policies throughout California. Members have authority to represent their agencies, and provide policy input, oversight, and program management, as well as allocate staff and resources to Water Plan activities as appropriate. The State Agency Steering Committee received information, provided feedback on TWS concepts and draft materials throughout the planning process, and helped engage State government agencies in the 2013 TWS.

TWS PLANNING TEAM

Dedicated planning for the 2013 TWS began in January of 2012. Over several months, planning team members identified Summit goals and objectives, invited additional participation by State agencies, and refined key themes for the Summit. As ideas and topics for the Summit were discussed, the different aspects of water were mapped out. This resulted in the diagram illustrating Indigenous Rights to Water, which encompasses the wide range of Tribal relationships to water. The planning team also developed a set of guiding principles and a Statement of Goals for Implementation, which was circulated to State agency leadership, the Tribal AC and the State Agency Steering Committee.

A fundamental goal of the Summit was to develop tangible outcomes, or deliverables, which would support an implementation plan to advance Tribal objectives and involvement in water planning and management after the Summit. In reaching out to TWS speakers and panel members, the planning team sought to represent the geographic distribution of Tribes across the state. The range of Tribal interests, issues and local planning partnerships resulted in

defining similarities and differences relating to Tribal water resource conditions and priorities. The three themes for the Summit addressed: Tribal Ecological Knowledge, Indigenous Rights to Water, and Watershed Management and Land Use. The topic of Tribal Use in Marine Protected Areas illustrated a transformative approach to increasing Tribal voices within a State planning process. Content for each theme was designed to promote a framework of shared understanding to support Implementation Planning during Day 2 of the Summit.

As the program and agenda for the Summit evolved, planning team members made presentations and sought feedback from executive sponsors, the Tribal AC, State Agency Steering Committee, and State Tribal Liaisons. The planning team also sought and obtained financial support and contributions, identified and invited exhibitors, designed the invitation packages, and coordinated Summit logistics and budget considerations. After the 2013 Tribal Water Summit, reviews were conducted of the draft proceedings and the Tribal AC developed a work plan for the TWS Implementation Framework.

Guiding Principles and Statement of Goals for Implementation

CALIFORNIA TRIBAL WATER SUMMIT
APRIL 24-25, 2013

GUIDING PRINCIPLES AND STATEMENT OF GOALS FOR IMPLEMENTATION

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

CALIFORNIA TRIBAL WATER SUMMIT
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GUIDING PRINCIPLES AND STATEMENT OF GOALS FOR IMPLEMENTATION

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 California Native American Tribes and State agencies, with participation from Federal agencies as appropriate. Goals for implementation include:

GUIDING PRINCIPLES AND STATEMENT OF GOALS FOR IMPLEMENTATION

1. 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.

2. 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.

3. 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.

***

The following California Native American Tribes and State Agencies have confirmed in writing their support for the Guiding Principles and Statement of Goals. This list is current as of the date of publication.

Big Sandy Rancheria
California Department of Water Resources
California Department of Fish and Wildlife
California Natural Resources Agency
California State Water Resources Control Board
California Valley Miwok Tribe
Habematolel Pomo of Upper Lake
North Fork Mono Tribe
North Fork Rancheria of Mono Indians of California
Pala Band of Mission Indians
Shasta Indian Nation
Susanville Indian Rancheria
Wintu Tribe of Northern California & Toyon-Wintu Center

Additional Tribes and agencies continue to provide support for these Guiding Principles and Statement of Goals for Implementation either through sending their written confirmation of support or working to achieve the Goals stated and related actions developed at the 2013 Tribal Water Summit.[1]

[1] The Department of Water Resources is continuing to collect letters of support. The revised list of supporters is available on the Tribal Water Summit webpage. If you are interested in supporting this document and the work, please contact the Department of Water Resources Water Plan Tribal liaison.

Implementation Goals and Actions

IMPLEMENTATION PLAN
GOALS AND RELATED ACTIONS
CALIFORNIA TRIBAL WATER SUMMIT 2013

Goals for Implementation and Proposed Next Steps and Related Actions

During the Working session of the Tribal water Summit, the following Next Steps and Related Actions were recommended to achieve the Goals**. These are not an exhaustive list of next steps needed to achieve these goals but first steps in an ongoing discussion.**

If you believe additional Next Steps are necessary to achieving the stated Goals and you are interested in committing resources to achieving these actions, are already working on projects to achieve these items, or are interested in participating or assisting in any of the actions or items listed below please contact Emily Alejandrino by email at emily.alejandrino@water.ca.gov, or by phone at 916-651-9276. You may also contact Stephanie Lucero by email at lucero.stephanie@gmail.com.

Next Steps and Related Actions

Goal 1: Tribes and State agencies will work together to develop strategies and approaches that better incorporate Traditional Tribal Ecological Knowledge (TEK) into water and water-related resource planning and management activities.

A. **Develop and provide training for Agencies regarding Tribal Sovereignty and Cultural Awareness/Sensitivity**
   Related Actions:
   i. Email State and Federal Agencies to determine who supports and can finance development of interagency training
   ii. Identify existing training sessions
   iii. Convene Tribal Working Group
   iv. Develop Curriculum with Tribal Working Group. Training Components to include:
      - 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
   v. Initiate training sessions

B. **Develop and provide training for Tribes regarding Agency technical support, resources and assistance.**
   i. Convene Tribal Working Group
   ii. Identify existing resources and training sessions
   iii. Develop tribal curriculum with Tribal Working Group. Types/Components of training to include:
      - Basic Inspector Academy

- GIS training
- Advanced Technologies (LiDAR and Satellite imagery)
- Small Systems operations (Water and wastewater systems)

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

i. Develop policies that consistently respect Tribal Ecological Knowledge as a management strategy for decision making.
ii. Share Information, develop co-management approaches that do not disclose information that cannot be shared to protect those resources (i.e. data sharing that is not dependent on disclosing site locations)
iii. Establish mutually agreed upon baseline resource conditions
iv. Develop data with Tribal communities
v. Develop formal options to share knowledge and information (e.g. conferences, IRWM sponsored events, Resource Conservation District events)

D. Garner Support for the UN Declaration on the Rights of Indigenous Peoples (UNDRIP)

i. Circulate resolutions supporting UNDRIP
ii. Identify Tribes already supporting UNDRIP
iii. Provide information and steps on how to incorporate UNDRIP into Tribal laws, if deemed appropriate by Tribes.
iv. Develop training on UNDRIP principles and how they tie into planning and TEK processes
v. Evaluate how UNDRIP may be implemented at the State government level.

Goal 2: 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.

A. Develop a state policy to recognize Federally-reserved Tribal water rights associated with Federally-reserved Tribal lands, including individual allotments

i. Garner support for state policy, preferably before the policy is drafted.

B. 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.

i. Conduct an informational Forum on Bay Delta Conservation Plan (BDCP)

ii. Find resources to hold regional intergovernmental summits with Tribal and local government leaders
iii. Hold regional intergovernmental summits/meetings with Tribes and local government Leaders
iv. Determine options for establishing regular meetings between Tribal Leaders and State Leaders on resource needs.

C. Develop Beneficial Use standards that respect and acknowledge cultural and subsistence use of water

i. Develop Beneficial Use designations that respect and acknowledge tribal uses. This work is already underway. The work must be tracked and continued
ii. Find and post for information purposes Region 1 of the Water Board Beneficial Use Designations

D. Develop guidelines for ensuring Tribal participation in planning processes

i. Evaluate IRWM grant program guidelines and determine what can and needs to be done to ensure Tribe's roles as sovereign entities are respected in regional planning
ii. Develop suggested text for inclusion in guidelines and legislation that ensures genuine participation of Tribes in planning and funding initiatives
iii. Disseminate information on the process and language for revising guidelines and/or legislation as necessary
iv. Initiate revisions to IRWM grant program guidelines.

E. Improve In government agency alignment and coordination with Tribes

i. Update Org Charts identifying various Agencies and their relation to each other in resource management
ii. Define role of Tribal liaisons within State agencies including their responsibilities relating to information sharing, coordination on projects, technical resources to tribes and consultation.
iii. Develop a framework for achieving inter-agency coordination and strengthen alignment

F. 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)

i. Identify existing curriculum
ii. Coordinate where curriculum requires revisions
iii. Suggested inclusions: clarify role of federal trust responsibility and tribal water rights, economics of water, and answer the question why Tribes as sovereign nations need to look to the State government to determine water rights

IMPLEMENTATION PLAN
GOALS AND RELATED ACTIONS
CALIFORNIA TRIBAL WATER SUMMIT 2013

Goal 3: 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 state agency decisions impact Tribal trust lands and/or traditional territories/homelands.

A. Identify pilot projects for effective co-management for template and/or training.
- i. Identify existing projects that effectively provide for co-management and incorporation of TEK
- ii. Develop inventory of tools and resources used by effective projects
- iii. Develop database and update database with projects, tools and resources

B. Increasing, refining, enhancing, and better supporting Tribal outreach
- i. Define agency Tribal liaison roles and responsibilities
- ii. Identify and implement strategies to strengthen Tribal involvement in State government outreach and engagement
- iii. 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 should be included in within their range of responsibilities (e.g. legal, policy, and local conditions)

C. Enhance meaningful Tribal 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
- i. Identify existing Tribal consultation policies
- ii. Coordinate with inter-agency framework development

D. Review and Update Implementation Plan and Framework
- i. Inform those taking responsibility of their agreed roles in Implementation Plan
- ii. Review Progress of Implementation Actions

Agenda

DAY 1: APRIL 24, 2013

9:00 am	**Opening Prayer**	
9:15 am	**Welcome and Introductions**	John Laird, Secretary Natural Resources Agency Dale Hoffman-Floerke, Deputy Director Department of Water Resources
9:45am	**Summit Overview**	Kamyar Guivetchi, Manager Statewide Integrated Water Resources Department of Water Resources John Covington, Water Department Manager Morongo Band of Mission Indians Ron Goode, Chairman North Fork Mono Tribe
10:15 am	**Tribal Ecological Knowledge**	**Moderator** Ron Goode, Chairman North Fork Mono Tribe Dr. Don Hankins, Associate Professor California State University, Chico Sage LaPena, Water Resource Coordinator Hopland Pomo Tribal EPA Michael Connelly (Kumeyaay), President Laguna Resources Services, Inc. Frankie Jo Myers, Watershed Crew Yurok Tribe Ruthie Maloney, Paralegal Yurok Tribe Dr. Frank Lake, Research Ecologist United States Forest Service Leaf Hillman, Environmental Policy Director Karuk Tribe

12:30 pm	**Tribal Use in Marine Protected Areas: North Coast Perspectives**	Ken Wiseman, Executive Director Marine Life Protection Act Initiative (Natural Resources Agency) Hawk Rosales, Executive Director InterTribal Sinkyone Wilderness Council Atta P. Stevenson, President California Indian Water Commission Stephen Kullmann, Environmental Director Wiyot Tribe
1:30 pm	**Plenary Speaker**	Heather Whiteman Runs Him, Staff Attorney Native American Rights Fund
2:00 pm	**Indigenous Rights to Water**	**Moderator** Doug Garcia, Water Rights Specialist Bureau of Indian Affairs Mervyn George, Sr., Ceremonial Dance Leader Hoopa Valley Tribe Aaron Dixon, Secretary Susanville Indian Rancheria Donna Vasquez, Chairperson, Bishop Paiute Tribal Environmental Protection Agency, Bishop Paiute Tribe Lois Conner-Bohna, Basket Weaver North Fork Mono Tribe Scott Williams, Partner Berkey Williams LLP
3:45 pm	Discussion and Working Session	

Agenda

DAY 2: APRIL 25, 2013

9:00 am	**Welcome and Introductions**	
9:15 am	**Recap of Day 1**	Paula Britton, Environmental Director Habematolel Pomo of Upper Lake
9:45 am	**Plenary Speaker**	Felicia Marcus, Board Chair State Water Resources Control Board
10:15 am	**Watershed Management and Land Use**	**Moderators** Paula Britton, Environmental Director Habematolel Pomo of Upper Lake Tim Nelson, Tribal Liaison North-Central Region Office Department of Water Resources Stephanie Suess, Environmental Program Manager Tuolumne Band of Me-Wuk Indian Alan Bacock, Water Program Big Pine Paiute Tribe of Owens Valley John Flores, Water Manager San Pasqual Band of Mission Indians Nathan Voegeli, Attorney Yurok Tribe Erica Helms-Schenk, Environmental Director Soboba Band of Luiseno Indians Chuck Striplen, Associate Environmental Scientist San Francisco Estuary Institute
12:30	**Plenary Speaker: Overview from the Governor's Office**	Cynthia Gomez, Tribal Advisor Governor's Office Heather Hostler, Chief Deputy Tribal Advisor's Office
1:15 pm	**Tribal Leader and Agency Decision-Maker Working Session**	
3:30 pm	**Report Outs**	
4:00 pm	**Concluding Remarks and Closing Prayer**	Ron Goode, Chairman North Fork Mono Tribe

Executive Summary

Two hundred representatives from California Native American Tribes, Federal and State agencies, and Native American organizations participated in the 2013 California Tribal Water Summit. This event continued key concepts discussed at the 2009 Tribal Water Summit:

- Tribal Ecological Knowledge (TEK) – emphasizing greater respect for, and understanding of, Tribal knowledge and its value in resource management;
- Indigenous Rights to Water – focusing on the broader context and relationships between Tribes and water; and
- Watershed Management and Land Use – looking at the integration of TEK and indigenous water rights with local, regional and statewide watershed efforts and projects which affect Tribal communities, trust lands and homelands.

Three plenary speakers were featured during the Summit. On the first day, Heather Whiteman Runs Him, Staff Attorney for the Native American Rights Fund, discussed Tribal water rights principles and approaches. On the second day, Felicia Marcus, Board Chair for the State Water Board, reflected on the importance of establishing and maintaining relationships between agencies and Tribes. Also on the second day, Cynthia Gomez, Tribal Advisor to the Governor, provided an overview on the work of the Tribal Advisor's Office.

On Day 1, opening remarks were offered by John Laird, Secretary for the California Natural Resources Agency, and Dale Hoffman-Floerke, Chief Deputy Director for the California Department of Water Resources (DWR). Mr. Laird highlighted the efforts within the Resources Agency to better balance historic rights with multiple needs and interests. He shared the experiences from the MLPA Initiative, and described the adoption of the Tribal consultation policy and creation of the Tribal liaison positions. Ms. Hoffman-Floerke called attention to the TWS Guiding Principles and Statement of Goals for Implementation, which are supported by the Resources Agency and DWR. She described the 2013 TWS as succession planning, which supports the continuity of awareness, understanding and relationships from the 2009 TWS.

DAY 1: APRIL 24, 2013

Tribal Ecological Knowledge

A panel presentation on Tribal Ecological Knowledge underscored the close Tribal relationships with, and the consequent awareness and knowledge of, the natural world. These connections have and continue to inform Tribal resource management, where the role of fire is pivotal in maintaining watershed and fishery conditions. Tribal knowledge is continued and expressed through various means. The teaching tools of analogy and metaphor are as critical as research and reporting for creating a holistic bridge to understanding the natural environment.

For Tribes, cultural prosperity is dependent on caring for the natural world. Recreating past conditions requires an understanding of how people lived in their environments. For example, selective harvesting or culling was informed by traditional knowledge. Similarly, cultural burns involved fire mosaics that were timed and managed to generate specific types and qualities of resources. Other practices, such as rock drop structures enhanced groundwater recharge, stabilized stream flows, and created riparian habitat. The managed environment provided foods, medicines and building materials for the Tribe. Removing people from the landscape is neither healthy nor sustainable. Tribes have centuries, even thousands of years of experience in observing, evaluating and researching ecosystem conditions and management approaches.

Tribal Ecological Knowledge can inform agency practices in a number of ways. Formally, government-to-government consultation can guide policies and practices. Informally, Tribal practitioners can provide input on specific plans or proposals. Western science and TEK are both science-driven. Both are essential to better managing fishery, forest and watershed resources. Agencies and Tribes have a shared interest in working together on resource management and restoration activities.

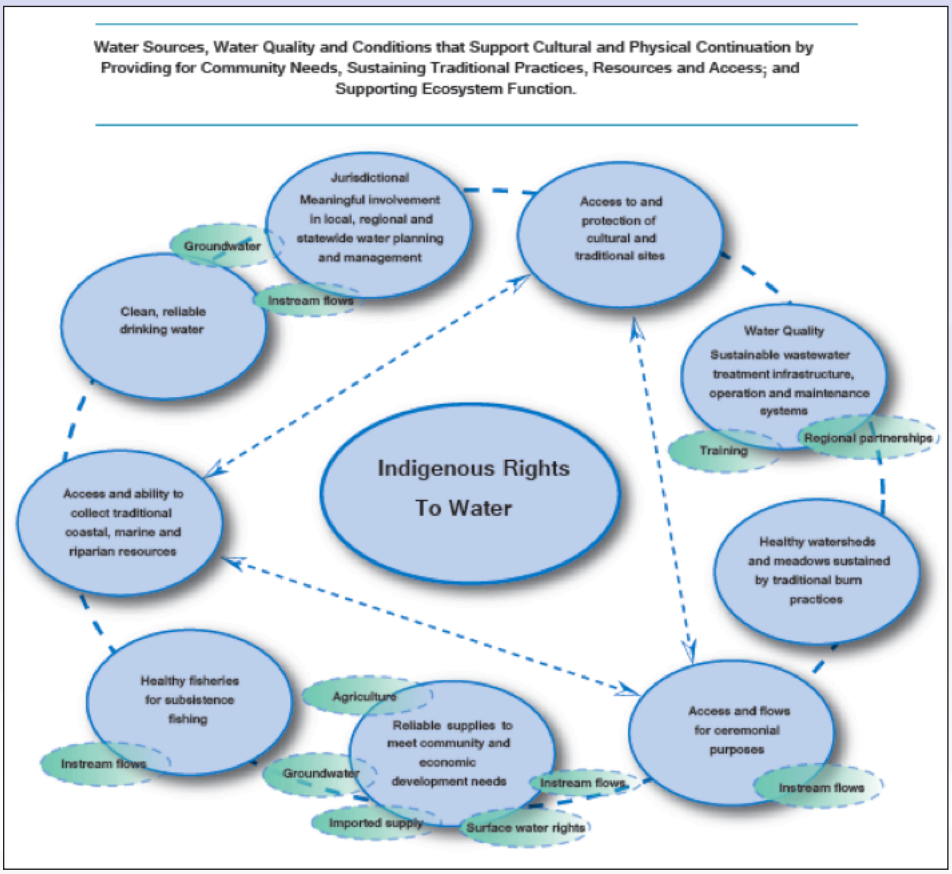
Luncheon Panel: Marine Life Protection Act (MLPA)

The MLPA Initiative was presented as a case study in understanding and working through Tribal interests and concerns regarding a particular Resource Agency program. When first developed, the MLPA addressed only commercial and recreational uses of marine resources. Tribal involvement was very limited. As the process evolved, meetings were sequenced geographically along the California coast – moving from Southern California to Northern California. Tribes were disenfranchised in the earlier sessions and shared information with North Coast Tribes. When the process reached the North Coast area, it was apparent that Tribes expected to be involved and that they had support from local government, fishing and environmental interests.

There was anger and frustration regarding the Initiative and how it was developed. With time, the initial confrontations turned into a commitment to change the outcome. While dissatisfaction remains around how the overall process unfolded, the MLPA agreement represents a tremendous achievement. If Tribes had not become involved, Tribal uses would not have been preserved in the new State marine conservation areas. No process is perfect and some Tribal desires did not move forward. However, the process did change the paradigm of how Tribes and State agencies relate to each other – and how policies can be influenced to support Tribal sovereignty and improve the management of natural resources. While much has been accomplished, much remains to continue the rights of Native people.

Indigenous Rights to Water

This session was dedicated to conveying the inter-connectedness of Tribes to water, and the relationships between water and the cultural and physical aspects of Tribal communities. A diagram was introduced to help illustrate some of the key points raised by panel members.



Tribal leaders spoke eloquently of the centrality of water for Tribal communities. Water is essential, and tied to core elements of Tribal life: ceremonies; cleansing; fisheries; and supporting cultural resources – medicines, crops, and building and basketry materials. This centrality of water, and its essential role in supporting communities and traditions, is expressed through the understanding that water is sacred. Water is the giver of life. It is never viewed as a commodity. Tribes are sustained by water. Water is integrated within Tribal lifeways, connected to language, culture, ceremonies and all aspects of daily life.

These facets of water – and water-related resources – touch upon water quality, flows, water supply. Tribal representatives spoke of the devastating outcomes associated with poor water quality, decreased flows and interrupted supplies: fish kills, the inability to conduct ceremonies, increased health risks, and constraints on cultural practices. Unfortunately, western water rights do not account for the ways that Native communities have protected, stewarded and used their resources. The concept of securing "water rights" needs to be adapted to finding ways to address Tribal water needs.

DAY 2: APRIL 25, 2013

Watershed Management and Land Use

Using a panel format, Tribal members described examples of planning conditions, challenges, and opportunities relating to adequate water supply, economic development, and partnerships with non-Tribal entities to address regional conditions and develop multiple-benefit projects. Many of the circumstances are not unique to Tribes, and affect neighboring non-Tribal jurisdictions. Such is the case with water supply for the Tuolumne Band of Me-Wuk Indians, who – like Tuolumne County itself – do not hold their own water rights. Another speaker discussed the conditions and challenges within the Owens Valley, resulting from the diversions to Los Angeles Department of Water and Power (LADWP). The dewatering of the area, created an arid environment that no longer sustains Tribal people in the way that once was.

In Southern California, the San Pasqual Band of Mission Indians described the challenges of piecing together options to address the water needs of a "checkerboard" reservation. The resulting land pattern complicates land use management and options for water supply. Further to the east, the Soboba Band of Luiseno Indians has seen a dewatering of their lands due to off-reservation diversions and groundwater pumping. In Northern California, the Yurok Tribe is impacted by consequences from historic logging, upstream dams, overuse of surface and groundwater supplies, agricultural irrigation, stockwatering, illegal diversions, and illegal marijuana grows.

All of these Tribes are establishing Tribal programs to involve their communities in restoring degraded resource conditions, including an innovative carbon-offset project to improve water quality. These Tribes are also involved in partnering with other agencies, organizations, and Tribal networks to achieve positive outcomes. These partnering efforts include working with the respective IRWM groups to develop joint monitoring efforts, recommendations and suggested projects. Federal, state and local entities were encouraged to reach out and work with Tribes, and to ask questions to bring topics out into the open.

The session ended with an overview of the Historical Ecology Program at the San Francisco Estuary Institute. The program was initiated to help document baseline resource conditions across time. Research is now focusing on the resiliency of

native-managed landscapes, with applications for resource management. A Tribal initiative is being launched to support three areas: collaborative data development; partnering on historical ecology projects; and interpretation and public involvement. This work will better describe both natural and cultural resource conditions, and better reflect California's history of Tribal stewardship.

Working Session: Implementation Planning

The afternoon of Day 2 was dedicated to discussing strategies and next steps for implementing the concepts associated with the three themes of the 2013 Summit. Participants broke into groups to address TEK, Indigenous Rights to Water or Watershed Management. The option was provided to move between groups as desired. These brainstorming sessions focused on options for advancing the Summit principles, and identifying responsible parties and required participants. After two hours of dialogue, each group reported on the options that were identified for the respective themes.

Several recurring suggestions surfaced, including: training programs – for Tribes and for agencies; co-management of resources; and ongoing and sustained collaboration between Tribes and agencies. The in-room summaries are reported here. Transcripts of the flip chart notes are provided in Appendix A.

Day 1: Detailed Summary

OPENING REMARKS

John Laird, Secretary, California Natural Resources Agency opened the 2013 California Tribal Water Summit after the opening prayer. He extended his appreciation to the participants for the large turn-out and the strong level of engagement. Mr. Laird shared that, within his current position, his involvement with Tribal issues began on his first day as Secretary. His personal awareness of Tribal concerns extends further, informed by his spouse who is a member of the Tule River Indian Tribe.

When first arriving at the Resources Agency, the Secretary faced an immediate need to better incorporate California Native American Tribes (Tribes) into the Marine Life Protection Act (MLPA) process. Working with the Chief Deputy Attorney General, the State sought an approach to work historic "takes" (Tribal collection of marine resources) into the context of marine protection. The resulting four-month negotiation began with two months of highly contentious discussions and concluded with an agreement approved by the California Fish and Game Commission. Dissatisfaction still remains around how the overall process unfolded.

The experiences from the MLPA effort pointed to a range of institutional challenges to dealing with the Tribal and historical issues, including processes that do not involve Tribal interests, along with staff perceptions and low awareness of Tribal matters. The Resources Agency became the first agency within this Brown Administration to prepare and complete a Tribal consultation policy. Building upon those initial efforts, Secretary Laird and executive department members have met with Tribal leaders, on Tribal lands, on different occasions to discuss concerns and seek solutions.

More globally, Governor Brown has worked through his Tribal Advisor, Cynthia Gomez, to address Tribal issues. It is challenging work to integrate Tribal perspectives and interests into existing laws and programs which were developed with little, if any, attention to Tribes. As sovereign nations, Tribes must be consulted at the front end of policy processes – rather than as those efforts are already moving along. This can be difficult when bonds are

developed, either by the public or the legislature, then turned over to agencies and departments for implementation.

In seeking to balance historic rights with multiple needs and interests, the Resources Agency adopted a Tribal consultation policy which includes the creation of Tribal liaison positions. These liaisons serve as points of contact with Tribes, and are required to possess experience and understand the importance of Tribal issues, while being available for additional training. Secretary Laird observed that critical traditional processes must be accommodated within bureaucratic processes. For example, Tribal negotiations inherently involve more people than are at the table. Tribal representatives must go back and confer with Tribal councils, leaders and elders. It is the agency's responsibility to provide training on Tribal government and processes to avoid misunderstandings in the process.

Tensions may also surface around science-based efforts that ignore historic rights or traditions. Ironically, traditional lifeways promoting sustainable and responsible uses are associated with a framework of ecological sustainability that informs State government decisions. Understandably, there is a lack of trust over what has occurred over the past decades and centuries. It is essential to raise these points, to build capacity for understanding how science connects with historic traditions and to build relationships between Tribal and agency representatives – to start on that long road to establishing trust.

Secretary Laird acknowledged that the road is long and will be bumpy at times. He emphasized that the Resources Agency is working hard to develop a process, trust, understanding and awareness to create a new basis for working relations between the Agency and Tribes in California. In closing, Summit participants were encouraged to base their deliberations in the spirit of those long-term goals.

Dale Hoffman-Floerke, Chief Deputy Director, California Department of Water Resources extended a welcome to the 2013 Summit on behalf of Director Mark Cowin and the entire Department (DWR). She expressed her personal interest in listening, participating, and actively supporting the Summit. Staff members from various DWR programs are also attending the Summit, to learn and share with their staf.

DWR is committed to advancing productive relationships and meaningful dialogue, cooperation and collaboration between California Native American Tribes and DWR. Ms. Hoffman-Floerke affirmed that the Resources Agency and DWR support the Guiding Principles and Statement of Goals for

Implementation. Several whereas statements were called out, along with the goals, as continuing to inform DWR's existing policies, programs and plans. The principles referenced addressed the linkage of water supplies and quality to watershed conditions; the linkage to California Tribes' spiritual, cultural, subsistence and traditional life ways and practices; Tribal existence predating statehood and the stewardship practices representing traditional ecological knowledge; and the State's responsibilities for land and water management.

The Chief Deputy Director also re-affirmed the implementation goals. She elaborated that under these guiding principles and goals, DWR will continue to focus on what is already in place, to maximize the successes, and to address issues and concerns that we know about, thus far, to make programs more effective in collaboration and integrated management with the Tribes. DWR is fully committed to working collaboratively with California Native American Tribes in areas where new ground will be broken together.

Remembering the 2009 Tribal Summit, Ms. Hoffman-Floerke remarked on the presence of upcoming Tribal representatives, along with elders and senior members of Tribes. For both Tribes and State agencies, this aspect of "succession planning" was essential for continuity of awareness, understanding and relationships. She concluded by noting that everyone will play an active role in working together.

Kamyar Guivetchi, Manager, Statewide Integrated Water Management, DWR welcomed participants, noting that the 2013 Summit provided a continuation of a vision – and an important step – for California Tribes to have an equal seat at the table of State water planning and management. Recent accomplishments, while modest, encourage greater expectations for stronger collaboration among State, Tribal, Federal and local governments towards resolving California Tribal issues and challenges. A successful outcomes requires the respectful expression of passionate ideas, an exchange of information and an offering of solutions.

After briefly recapping the 2009 Summit, Mr. Guivetchi described two innovations for outreach and engagement for Update 2013 of the California Water Plan (CWP):

» Creating the Tribal Advisory Committee (AC), comprised of representatives from Tribes and Tribal organization, which also contributes two seats on the Public AC

» Establishing the State Agency Steering Committee (SASC), which includes 28 agencies with responsibilities for water.

Tribal involvement has contributed significantly to the content of CWP Update 2013 by: evaluating actions for the Update 2009 Tribal objective; for the Progress Report; developing new action items for the 2013 Tribal objective; revising the report on Californians without Safe Water and Sanitation; providing information and text for Volume 1 and the Regional Reports; and proposing concepts and content for Resource Management Strategies – especially those on Forest Management and Culture and Water. Mr. Guivetchi explained that members of the Tribal AC and SASC worked together on the Design Team to develop the agenda, presentations and discussions that comprise the 2013 Summit.

John Covington, Manager, Water Department, Morongo Band of Mission Indians elaborated that the efforts, summarized by Mr. Guivetchi, helped move the conversation with Tribes to where we are today. The major themes for the 2013 Summit build on the discussion from 2009: Tribal Ecological Knowledge (TEK), Indigenous Rights to Water, and Watershed Management and Land Use. The TEK theme focuses on acknowledging and validating traditional Tribal knowledge of the environment, and developing policies to incorporate TEK into resource management and land use decisions.

The holistic framework of TEK establishes numerous inter-connections between water, communities and the watershed. Not surprisingly, water rights were a high priority among Tribal participants of the 2009 Tribal Summit. Recognizing the critical importance of water for Tribes, the afternoon session described the many relationships between Tribes and water – their most precious natural resource.

Lastly, the session on Watershed Management and Land Use described the inter-play between resource management and land use decisions (both Tribal and non-Tribal) and the context of – and implications for – larger watershed processes and conditions. This session includes examples of where current efforts might better support cooperation between Tribes and agencies to see what is working, what hasn't worked and were improvements can be made.

Mr. Covington emphasized that diligence is needed to continue efforts in managing California's water and water-related resources for the benefit of all in the State, including Tribes. He encouraged participation by all to collaborate on these important topics.

Ron Goode, Chair, North Fork Mono Tribe expressed his appreciation for the wonderful words expressed to help kick-off the Summit. He clarified that as a Summit, rather than a conference, this event is a coming-together of Tribal and agency leaders to identify and work towards shared outcomes and deliverables that can be developed and put in place. The 2009 Summit stated that "Water is Sacred." In 2013, the emphasis is that "We All Drink from the Same Water." Both concepts reflect deep and fundamental values relating to the essential and shared aspects of this vital constituent of life.

Chairman Goode underscored that Native American people never relinquished their water rights. On their homelands, Tribes still have jurisdiction – whether that encompasses a reservation, rancheria or individual allotment. The underlying relationship to the land requires taking care of Tribal homelands and their resources. Water to the rest of the State come off of Tribal lands – Tribal ancestral lands, Tribal homelands and Tribal watersheds. A deliverable from the 2009 Summit resulted in DWR working with Tribes to develop maps of Tribal lands.

The 2009 Summit opened the door for Tribal issues to be heard. Mr. Goode remarked that at this 2013 Summit, it is time for everyone to come into the room with an open mind and an open heart. He characterized Tribes as being independent, yet sharing a common interest – at that the same applies to agencies. While solutions will not be found for every issue, there will be movement and advances. Mother Earth must be restored and rejuvenated for the future of all. We also have a Father Creator. That spirituality must be present when on the land, when working, and when making plans and developing projects.

Stephanie Lucero, Facilitator for the 2013 Summit provided a brief overview of the day's agenda and meeting materials, including speaker biographies.

TRIBAL ECOLOGICAL KNOWLEDGE

Panel Session

Ron Goode, Session Moderator, explained this theme address Tribal or traditional ecological knowledge TEK). In his own work on forest advisory councils and forums, Chairman Goode has often encountered resistance from those with specialized knowledge. For any given effort, he will ask how far back the studies and reports begin. Often timeframe only goes back 100 years, to when fire suppression activities began. To understand resource dynamics at a landscape level, it is essential to go further back

in time – to when Native Americans were living on and stewarding the land. TEK has been passed down over thousands of years through Tribal oral traditions. Fortunately, historical and ethnographic efforts are continuing to document this knowledge. Successful restoration efforts will need to incorporate the lessons from those who have knowledge but lack academic titles.

Don Hankins, PhD, Associate Professor, Chico State addressed the "The Role of the Landscape in Water Management." He began by explaining that water and land provide the foundation for Tribal identities. This provides the basis of Tribal law by informing responsibilities to care for the landscape. Tribes are uniquely a product of their homelands and all ceremonies are tied to the land. The specific practices and conditions associated with caring for the landscape are transmitted orally, down through the generations as TEK.

Meadows represent important areas for Tribal communities. Typically located in the high country, these areas provide storage for water – this is also where many of the water stories originate. Professor Hankins shared the creation story associated with Brushy Peak, along interstate 580. There is a creek where, at the base, the medicine people helped Falcon come into this world. There is now a road in the area where water should flow towards a wetland. The changes in land use are causing erosion. The erosion and rills change the water-capacity of the landscape and pollute wetlands with sediment. The importance of taking care of this area, which Tribal laws and tradition require, is constrained by "No Trespassing" signs. The Tribe would also have protected the area by making it generally inaccessible – although the area would have been tended. Fenced areas are not protecting the resource.

The area of the Todds Valley-Colfax Rancheria is another example of a changing landscape. Mr. Hankins explained that fire and water are strongly connected in Tribal land stewardship. A photograph showed an area devastated by fire, where a meadow with encroachment by conifer. Tribes traditionally used fire and burning to manage lands, thereby protecting water resources (such as meadows) and native plants. Now is the time to step back and apply TEK practices to the landscape, to restore healthy watersheds.

Chico State executed a Memorandum of Agreement (MOA) with the Mechoopda Tribe, to manage over 4,000 acres of ecological reserve owned by the CSU Chico Resource Foundation. The Chico campus itself is located on Mechoopda Territory and the joint effort at the reserve seeks to reconnect the Tribe back to the landscape. Fires are being reintroduced at low-elevation meadows, helping to restore native plant

species dominance and to extend the duration of water flows – helping to manage and restore the land.

Sage LaPena, Water Resources Coordinator, Hopland Pomo Tribal EPA, Hopland Band of Pomo Indians discussed working on the land from age 7. Over the years, she worked with numerous state, federal and local agencies, entities, non-profit organizations and colleges. Stepping onto the land, away from a desk in the office, creates an open-mindedness and connection around the landscape. A collective consciousness exists to understand and protect waters. Shared experiences create relationships and awareness that are passed onto others.

Some of the people who have worked with Tribal programs are now policy makers. Others are teaching. Education about stewardship is what works – and education takes many forms. All interactions can shape interpretation and the commitment "to protect." The work can be grueling and perseverance is needed.

Tribes have always been an endangered species. The Creator put Tribes here with everything they needed and with every element of Mother Earth. More than anything else, we are made of water. The minerals that run through our blood are mixed with water. We gain the most knowledge when we choose to participate in the natural world. It is imperative for agency staff to be out on the land to see what Tribes are working on. Ms. LaPena described the amazing insights that can be gained by handing someone a piece of willow, or sedge, or bear grass – then asking them, "How clean was the water that this grew in?" Because they are now affected by it. Agency representatives who love to fish or hunt or hike – these are allies for the Tribes to partner with. Their connections to the land help them understand Tribal interests, taking that back into discussions about programs and policies.

As a Tribal herbalist, Ms. LaPena sees the connections with what happens to the earth and how it affects our bodies. When we talk about diabetes or atherosclerosis, we talk about blockages. Losing function in the environment is akin to losing function in our bodies. When water is lost from small tributaries, like capillaries, function is lost. People lose toes and feet due to diabetes and poor circulation. The same effect is taking place in our environment. Where are the birds, salamanders, newts and frogs? They are lost with the reduced function of our watersheds. Analogy and metaphor are teaching tools that create a holistic bridge to understanding. Systems cannot be understood through dissection and separation. Static systems are not systems. Environmental and biological systems are dynamic, requiring movement and circulation. When people step outside with an awareness to support those systems, the environment – and everyone in it – can thrive.

Michael Connelly (Kumeyaay), President, Laguna Resources Services, spoke about the work of the Kumeyaay Diegueno Land Conservancy. He began with a brief overview of the history of the land. In 1769, the Spaniards landed near a Kumeyaay village, which they renamed San Diego. They saw extended oak forests, lush grasslands and an ocean teeming with life. They could not see that they had entered a management environment – where the actions of those on the land enhanced the resource in many different ways. Instead, they viewed the resources as an opportunity – one which was then "wasted" in not being capitalized.

The Spaniards plowed the land and brought in grazing animals. This disaster was followed by erosion and flooding. In some cases, the Spaniards survived only with the assistance of inland Kumeyaay who felt sorry for them. Still, the Spaniards believed that they knew best and that their way was superior. That precedence has been followed ever since.

The Kumeyaay Diegueno Land Conservancy is one of the ways in which traditional knowledge is expressed today. Management practices continue to recognize the integral role of humans in the environment. Restoration and stewardship efforts can only be accomplished with intentional activities informed by TEK. The landscape viewed by the Spaniards resulted from thousands of years of interaction between Tribal communities and their environment. Pulling people off the land is neither healthy nor sustainable.

Selective harvesting or culling, informed by traditional approaches, can create a healthier ecosystem. For Tribes, cultural prosperity is dependent on caring for the natural world. Recreating past conditions requires an understanding of how people lived in those environments at the time. Isolating ecosystems without any intervention typically results in erosion and increasing levels of invasive species.

The Tribe has researched sites to better understand past conditions and cultural practices – and how these changed in response to climatic and ecological changes. Mr. Connelly restated the role of the fire mosaic in affecting the types and quality of resources that can emerge afterwards. The timing of the burn, and its intensity, are key considerations. Other practices involved the use of rock drop structures which enhanced groundwater recharge, stabilized stream flows and created riparian habitat. In turn, providing foods, medicines and building materials for the Tribe. A modern take on this, using riprap, resulted in an additional 600 acre-feet of water, better balanced sediment loads, and the creation of a year-round stream (which previously flowed for only 3 weeks out of the year).

TEK can inform many aspects related to sustainability: cultural adaptations, true climax vegetation, productivity and yields, locations of previous riparian and wetland areas and traditional management practices. The Kumeyaay Diegueno Land Conservancy was established to protect cultural and biological resources. Several projects are under direct Tribal control. On other projects, the Tribe is partnering with State Parks. The Tribe is also working with universities to support intern programs. The local community college is offering language immersion and other traditional courses, including a biology elective on Kumeyaay Ecology – which blends western and traditional science.

Frankie Jo Myers, Watershed Restoration Department, Yurok Tribe shared a story that he heard at a very young age, which remained with him and guided his career and life:

> *Raccoon and Fox were neighbors. Raccoon's hunting area is on the side of the river where Fox lives; Fox's hunting ground is on the side of the river where Raccoon lives. Every morning, they awaken, go up the stream and cross a log to reach the other side. It went on like this for a long time. One day, both Raccoon and Fox arrive at the log at the same time. They met in the middle of the log and started arguing about who needed to back up. It turned into an argument about who owned the log – with each claiming it belonged to their grandfather. It turned into a fight and Raccoon was knocked over, hit his head and died. Fox looked down and saw his friend float downstream and was very sad.*

This story came to bear on the MLPA process. Fox and Raccoon had a flaw in their core beliefs. Likewise, the MLPA process had a fundamental flaw in thinking that nature is only natural without humans. In reality, nature is only natural with humans. When policies are based on this fatal flaw, it trickles down and affects native people. Tribal people are raised to see themselves as part of their surroundings and this guides Tribal policies. A change of mind is needed to create a change in policy. The simple concept that we are part of nature goes far and deep – it makes the connection between water and land management, and then the connection between land management and fire.

Ruthie Maloney, Traditional Gatherer and Basket Maker, Yurok Tribe explained that her family represents a long history of basket weavers. She learned to gather at a very young age. For her, TEK represents a worldview and way of life – it is a truth and

describes a way of being. It is something that cannot be replaced. The materials used to weave a basket come from clean water and management of that resource. Fire practices result in high-quality bear grass that is soft, silky, and free of pests. The science found in the geometrical designs reflect the heart and soul of the weaver. A weaver must be aware of all these things to be able to gather materials. A gatherer prays and dreams, visualizing what is being made and why.

Ms. Maloney works in the Yurok Legal Department and serves the MLPA Coordinator for the Tribe. She related that the North Pacific Landscape Conservation Collaborative (LCC) worked with Tribes to develop a Request for Proposals (RFP) for baseline monitoring, which provided funding for TEK initiatives. Western science and TEK are both science-driven. Both are essential to better managing fishery, forestry and watershed resources. Tribes have centuries, even thousands of years, of experience in observing, evaluating and researching ecosystem conditions and management approaches. Tribes want to continue to protect their resources.

Frank Lake, PhD, Research Ecologist, US Forest Service described the legacy of his Karuk ancestry, growing up in the Pacific Northwest and seeing the landscape as a collective expression of community wealth. The wealth that goes into every basket, hide, dress, necklace or piece of featherwork, is an expression of TEK for each of those families. Participating in the world involves a fulfillment of personal obligations and responsibilities associated with knowledge and wealth. The knowledge and responsibilities were passed down from the Creator and the animals, who served as the first teachers.

Complications arise when different institutions, patterns of land tenure and/or cultural values overlay indigenous or Tribal ones. This affects the ability of Tribal people to practice TEK to fulfill their obligations and responsibilities. From the elders or ceremonial leaders who take the time to teach, there is a responsibility for the knowledge gained. This is worked through in different ways. As a scientist, Mr. Lake strives to support data that includes and acknowledges TEK to better involve Tribes in management decisions and policies.

Science can be viewed as providing the vocabulary to translate, encapsulate and bring forward the Tribal values, obligations and responsibilities that have been described. Fire treatment represents an area of shared language that illustrates the relationship of fire to vegetation profiles, spring flows and water quality. From a Tribal perspective, not all vegetation types present a fuels hazard. Fire treatments are generated according to the properties of the vegetation mix.

Hazardous fuels can be reduced with the reintroduction of fire treatments, which perpetuate ecological goods and services valued by Tribal communities. Planned treatments must be accompanied with an on-the-ground presence, to ensure a shared understanding for the desired outcome. An early attempt at reintroducing fire led to ruinous results, due to miscommunication, where an understory-shaded fuel break destroyed the legacy of a Tribal oak orchard while firs were left standing.

A number of examples illustrate collaborative efforts among Federal, Tribal, State and private interests to support traditional fire management activities:

» The 2002 National Fire Policy looked at community and Tribal values for living cultural resources; conversations between basket weavers and land owners informed fuel reduction strategies.

» The Healthy Forest Restoration Act of 2003 also considered community and Tribal values in establishing Community Wildfire Protection Plans. In Northern California, the Orleans Fire Safe Council worked with basket weavers to design a prescribed burn that reduced fuels while protecting basketry materials on private lands. Research associated with this burn evaluated fuel loading, canopy cover and the effects of seasonal timing on the cultural plant species, strengthening the integration of TEK and western science.

» The 2009 Federal Land Assistance Management Enhancement Act adopted goals to create fire-adapted communities and resilient landscapes using science-based approaches informed by TEK.

» The Western Regional Air Partnership, comprised of Federal, Tribal and State agencies, maintains data on emissions from anthropogenic versus natural fires. Guidance from US EPA classifies emissions from Native American cultural burns as natural fires. This air quality exception is intended for Federal fee lands, whereas cultural burns on other Tribal lands must be covered by an air quality permit, issued by the air quality district for each day of the burn.

» CalFire's Native American Tribal Community Relations Policy was established in 2012 requiring Tribal involvement in efforts with the potential to impact Tribes. Its focus on protecting cultural artifacts can be enhanced by working with cultural practitioners to evaluate constraints or opportunities to protect living cultural resources.

» The Cultural and Heritage Cooperation Authority (Farm Bill 2008, Section 32-a), contains several provisions, such as 8101

which authorizes the Secretary of Agriculture to ensure Tribal access to national forest lands for cultural purposes, to the maximum extent possible.

Dr. Lake emphasized that gathering policies must accompany fire treatments, to assure that resources can be collected after a burn. Also, law enforcement and staff members must be aware of the gathering policies.

TEK can be shared formally through government-to-government consultation or informally when Tribal practitioners provide input on hazardous fuels reduction plans. It may be that a harvesting or logging strategy should be looked at. It may be a proposal for how to construct a dozer line or hand line that will benefit from Tribal input. These are ways in which TEK can influence practices on the ground. Agencies and Tribes have an interest in working together on resource management and restoration activities.

Leaf Hillman, Environmental Policy Director, Karuk Tribe told how at the beginning of time only the spirit people roamed the earth. Then, at the time of the Great Transformation, some of the spirit people were transformed into the rocks, the trees, the animals, the fish and the birds. Some spirits were transformed into water, fire, smoke, the sun, the moon and the stars. Some spirit people were transformed into human beings. From that time forward, Tribal people have continued to acknowledge and recognize their close relationship with the spirit people.

Everything in the natural world is a relation (a close relative) and shares a common ancestry. Everything in the natural world comes from the same place. Mr. Hillman explained that this creation story emphasizes that human beings are not separate from the spirit people. We are all part of the natural world and that world is part of us. As touched upon by the other speakers, that relationship, its importance, and the reciprocal nature of that relationship, requires that we actively care for our relations.

Mr. Hillman then vividly recounted the World Renewal Ceremony:

It's the dark of the moon, the fourth moon in the annual cycle. The priest at the ancient village - literally "Where the Salmon are Made" – enters the sacred sweathouse and begins his fast. Five days later, he and his assistants emerge, weak from fasting. They walk down the trail to the Klamath River and they begin fishing on a platform. They continue to fish until one is caught. An altar is then constructed near the river's edge and a fire built. The salmon is put in the fire. A few moments later, the

fish is retrieved from the fire and the belly is removed. The belly is then consumed by the priest and the remainder is left on the altar and is sent via the smoke, as an offering to the ones who have gone before.

The priest returns to the sweathouse. Five days later, he emerges once again. A runner is sent up the river and a runner is sent down the river to spread the word that it is time for the spring fishery to begin. Throughout the Klamath basin, the lower basin Tribes, the middle basin Tribes and the upper basin Tribes are all engaged in the activities of harvesting and preserving the salmon. Supplies are put up from the spring run. By this time, a large portion of the run has already passed through the Tribal territories. Those fish from the first run are now in their spawning or holding areas in the upper basin.

Moving forward, on the day preceding the dark of the eighth moon, the priest is returning from his last mountain prayer site. As he returns to the sacred dance area, he crosses a small tributary. As he does, he makes a prayer to the fall salmon saying that the Tribe is ready for their return and to come back. Everything is good. As he says his prayer, he falls onto the water. The ripples that are created send his prayers down the river. It is now mid-September. The Klamath River is warm and fish are near the mouth of the river, in the estuary and waiting for the trigger that will start the fall run.

As the priest has completed his daily journey and made his prayers for the salmon and returned to the dance ground, he stands and presides over the new year's dance. Just after dark, the dance begins. Over the shoulder, behind the line of dancers that the priest is looking at, suddenly there appears a light on the mountain. It's a light; it's a fire actually. It's not just a little fire, it is a lot of fire. For three days prior, six young men have been on top of that mountain, preparing fire. At that moment when darkness sets in, on the darkest night, the fire is pushed off the mountain and rolls down the hill. It sets the entire face of the mountain ablaze.

Only a week before, the same ritual was practiced about eight miles down the river, at another one of our world renewal ceremonial places. A month before that, the same ritual occurred up the river. These fires burn from that time until the fall rains extinguish them. They burn and they crawl across huge areas of the landscape, creating necessary openings, killing the acorn weevils. At the same time, the inversion from the smoke from all of these fires sets into the valleys along the river – cooling the Klamath River by 2-3 degrees, triggering the fall run of salmon.

Mr. Hillman touched on some of the comments made by earlier speakers, reiterating the role of the human element in the environment and in resource management. The role is not one of controlling nature but, rather, working with nature – because we are part of it. He expressed it by saying, "We work from the inside. It's an inside job – not an outside job. You must not be separate from nature. You must live it, feel it and breathe it." He also echoed the remarks by Secretary Laird, that it will take time, effort and commitment to build lasting and working relationships to find viable and durable solutions. These relationships must be tied to institutional memory and continuity that remains, even as individuals come and go.

In concluding, Mr. Hillman reminded those at the Summit of their personal responsibilities to communicate what they have heard to colleagues. The messages must be shared with others and everyone must be involved. Recalling his father's advice as a baseball coach, Leaf encouraged everyone to carry out their respective responsibilities by building on what they do best.

Discussion

Frank Lake mentioned several aspects related to respecting Tribal knowledge:

- Whenever possible, provide some level of compensation for the time and resources shared by Tribal practitioners. Federal contracting processes are cumbersome and can frustrate efforts to provide compensation.
- Precautions are needed to safeguard culturally sensitive information. While basket weavers may request that specific locations not be identified, it is permissible to describe the characteristics of what makes a gathering place important.
- Working with elders requires patience and compassion. An elder may need the aid of a helper, who has to schedule time off from their job. There may be challenges of limited mobility.

Many agency people do not realize the effort that is required on the part of the Tribal practitioner to be involved in an effort. There are substantial personal sacrifices that are made by elders and their family members to share their knowledge.

Dirk Charley, Tribal Liaison, Sierra National Forest (NF) extended his appreciation to the speakers for their inspiring stories. He requested a copy of Frank Lake's power point to share resources and tools with the Forest Service. He will place a Tribal Water Summit item on the next Tribal Forum for the Sierra NF.

Sage LaPena reiterated that the discussion on TEK and water resource management extends far beyond water

resources alone, relating to land use decisions and to the cultural identities of Tribal communities. She also spoke to the need to share TEK within the Tribe. The keepers of TEK have a responsibility to continue that knowledge within the Tribe. The Hopland Pomo have a year-long program with a day-long program each month on a specific aspect of TEK and going to places that have meaning for TEK. Balancing the earth, renewing the earth, and individual renewal is essential. Community learning is difficult when juggling going off to school and holding a job. The keepers and carriers of Tribal knowledge must seek each other out to continue to keep that knowledge alive.

Ron Goode brought the session to a close with a discussion on trying to determine when and how much information should be shared. One way of protecting Tribal communities and resources is by not saying too much. Telling too much brings the risk of elders no longer sharing their knowledge, which takes care of the earth. He also raised a concern that prohibitions designed to protect endangered species could ultimately result in the loss of larger landscapes. The goal must be for the greater good.

LUNCHEON PANEL: TRIBAL USE IN MARINE PROTECTION AREAS – NORTH COAST PERSPECTIVES

Panel Session

Ken Wiseman, Executive Director, Marine Life Protection Act (MLPA) Initiative, California Natural Resources Agency characterized this session as describing the struggle and effort that resulted in some dramatic results on the North Coast. Secretary Laird, Governor Brown and the Attorney General stepped in to generate options for recognizing Tribal gathering of marine resources and establishing a separate category and process to address Tribal use. Until that point, MLPA addressed only commercial and recreational uses of marine resources.

Taking over the MLPA Initiative in 2007, there was very limited Tribal representation. When the MLPA effort reached the North Coast area, it became apparent that North Coast Tribes expected to be significantly involved in the process. They were also supported by other entities including local government, fishing and environmental interests. What began as a tense situation turned into an opportunity for consultation and reframing the MLPA.

Atta P. Stevenson, President, California Indian Water Commission described the MLPA process, from her perspective as a traditional fishing and gathering person on the North Coast. When the MLPA implementation plan was unveiled, there was shock, dismay and anger that subsistence fishing and gathering would not be allowed. After many sleepless nights, wrestling with how to respond, several Tribal members stepped forward in 2009 to speak as individuals. Their goal was to have TEK represented in all the MLPA plans for use and access. Ms. Stevenson noted that for many years, she provided the only Tribal voice. It was an uphill battle all the way.

The initial anger turned into a commitment to change the outcome. The Tribal effort focused primarily on the issues of subsistence and access. At times, it seemed like a betrayal of their ancestors when Tribes were required to reveal to the State and Scientific Advisory Team which species were used, the method of take and in answering questions of how much, where, why and how. These are details relating to a very private and sacred lifestyle.

When first coming to the table, the individual Tribal members hoped to inform policy makers about TEK.

Fortunately, the Fish and Game Commission adopted in-house administrative measures to address the issues – rather than pursue legal strategies. Tribal interests worked with the Blue Ribbon Task Force, which considered the language on Tribal take and assisted Tribal efforts with the Science Advisory Team. Ultimately, one proposal was developed and submitted with broad stakeholder support.

Hawk Rosales, Executive Director, Inter-Tribal Sinkyone Wilderness Council noted that the Sinkyone Council is comprised of 10 federally-recognized Tribes in Mendocino and Lake counties. Since 1986, the Council's focus has been on conservation and bringing Tribal peoples back into an active role in stewardship and resource management. He summarized that what emerged from the MLPA process was a new regulation (within the Fish and Wildlife Code) which, for the first time, specifically called out Tribal aboriginal uses. This is vital since many Tribal families still rely upon marine resources for food, medicines and traditional practices.

If Tribal interests had not been involved, the MLPA would not have preserved Tribal uses in each of the new State marine conservation areas.

This represents a tremendous achievement. Mr. Rosales reported that, for the first time ever, a state has recognized aboriginal marine uses and codified them in areas outside of treaty zones and reservation boundaries, on the basis of aboriginal territories. These areas have been identified for extractive uses that are limited to traditional Tribal, non-commercial uses.

No process is perfect and some of the Tribal desires did not move forward. However, this process did change the paradigm of how Tribes relate to State agencies and how policies can be influenced to support Tribal sovereignty and improve the management of natural resources. Mr. Rosales conveyed that the educational component and learning to be patient were huge lessons. It was hard to keep cool during some of the meetings and to focus on the language of the statute, and look for creative approaches to resolve issues within the parameters of the statute.

The new leaders of the California Department of Fish and Wildlife and the Fish and Game Commission, were recognized for their productive approaches – especially towards the end of the MLPA process. Secretary Laird also made a tremendous difference. While much has been accomplished, there is much that remains to continue the rights of Native people.

Stephen Kullmann, Environmental Director, Wiyot Tribe recapped the Tribe's involvement in the MLPA process. He noted that the process first addressed the areas of the South Coast, then proceeded to areas further up the coast. Subsequently, those interests in the North Coast area were aware of what was coming. The local community came together, with significant support for Tribes, and the Tri-County Coalition was established. Even though the Wiyot Tribe was not appointed to the Regional Stakeholder Group, the alliance with other local interests resulted in the Tribal voice being heard at the table.

The Wiyot Tribe participated extensively in the effort – through the North Coast Tribal Coalition and Tri-County Initiative, by serving on the Science Advisory Team Tribal Workgroup, and attending most of the meetings for the Regional Stakeholder Group, Science Advisory Team and Blue Ribbon Task Force. The Tribe also partnered with Humboldt State and the Humboldt Harbor District on estuarine monitoring.

An opportunity to expand the State Marine Recreational Management Area, to encompass all of South Humboldt

Bay, was foregone when a State did not move forward with a Tribal proposal for a co-management approach. Mr. Kullmann characterized the process moving from a set of hostile relationships to one where mutual cooperation slowly developed. The Wiyot Tribe is hoping to partner with the State on meaningful co-management agreements, where TEK is incorporated into stewardship of land and water resources.

Discussion

Eric Wilder, Kashia Pomo Tribe explained that, when he was Tribal Chair, he attended MLPA meetings. At those meetings, Tribal elders repeatedly stated that they were the stewards of the coast. The Focus Group asked the Tribe to indicate which coastal areas were most important, and which areas the Tribe could do without. Mr. Wilder responded at the time, saying that the members had not heard the Tribe say that they take care of the entire coast. The focus group's request was analogous to that of a surgeon asking you what parts of your body you can do without. He was glad to hear that the North Coast Tribes were able to learn from the experiences of those located further south.

The Kashia Tribe was told that they had access to one of the closed areas. The problem is that access to the area is across private land and the landowner is in Southern California. Although the tribe has worked for over a month for permission to cross the property, they still have not heard back. The seaweed is ready to pick, but the Tribe cannot get to it. Fortunately, there are local landowners who are friends with the Tribe. They are frustrated because areas on their land are closed. There is a long way to go.

Hawk Rosales thanked Mr. Wilder for his comments, which are directly to the point and reflect much of the frustration, struggle and heartache that went into some of the earlier stages of the process. He noted that Kashia was the first Tribe to influence the design of a marine protected area, which informed options for Tribes further north. The process was extremely complex and exceptionally difficult to engage in, even for those who work on these types of efforts.

Danny Jordan, Self Governance Director, Hoopa Valley Tribe urged Tribes to never let co-management options leave the table, because it will never come back. Tribes have the right to sit with other governments at the table, to make decisions, and to be engaged in a meaningful way.

Atta Stevenson concurred that co-management cannot be taken off the table. Tribes need to think through the options and bring solutions to the table. Co-management represents the future for incorporating TEK and Tribal rights into planning processes.

Ken Wiseman indicated that one of the venues for co-management is in the areas dedicated exclusively to Tribal use. Working with the Fish and Game Commission to develop protocols would provide an important next step.

Stephen Kullmann encouraged Tribes to develop the capacity among staff to possess the expertise needed to effectively serve as co-managers. Expertise and experience provides the authority to say, "This is what we need to be doing." Agencies are beginning to seek Tribe perspectives before policies are implemented. The desire is for that to be a regular practice. Eventually, Mr. Kullmann would like to see agencies coming to the Tribes for permits.

Sonny Hendricks, Tribal Elder, Tuolumne Band of Miwuk Indians called out the key issue, which is access to resources. The Creator provided land, air and water – none of which is replaceable by man. We are dependent on nature and what is left of the earth. Tribes need to take a hard look at the resources and determine the extent to which Tribes can be involved in protecting and preserving their resources. That will require collaborating with bureaucratic agencies. It will not require giving up sovereignty. Tribes need to examine what is being done on their behalf – if it is not in the best interest of the Tribe, they need to say something about that.

Panel members voiced their appreciation for California Tribes that travelled to the North Coast to support Tribal interests, even when their process failed. Tribal people stood together in support of indigenous rights. Acknowledgement was made to those Tribes, and all the relatives who came before, as well as to the Tribal communities. There was also recognition of the Fish and Game Commission, which elected to exercise administrative measures to address the issue; others who helped keep Tribes at the table throughout the MLPA process; and the MLPA representatives and staff who made a real effort to remain open to finding solutions.

PLENARY SPEAKER: TRIBAL WATER RIGHTS

Heather Whiteman Runs Him, Staff Attorney, Native American Rights Fund discussed "Emerging Approaches to Asserting and Protecting Tribal Water Rights." She noted her own personal regard for the value of water and her work in protecting Tribal nations' ability to use water resources, preserve social and cultural traditions tied to water and develop economically. The session began with a recap of standard approaches to securing Tribal water rights. Observing some of the water management challenges in California – a growing population,

climate change and contaminated groundwater sources – it is vital that Tribes protect their water interests and have a voice in water policy processes.

A classic approach to securing Tribal water rights is the quantification and adjudication (or decree) of reserved water rights. In 1952, the McCarran Act established the jurisdiction of State courts for quantifying federally reserved water rights. Passed during the Termination Period of U.S. Tribal policy, the Act facilitated the assimilation of Tribes. The quantification process is typically deferred to the State Water Board. Nationally, recent decisions acknowledged some level of Tribal rights to groundwater. The quantification process is both expensive and lengthy – it can take decades to conclude the process. Also, the process can result in "paper" water rights, without actual water supplies that can be put to use. Lastly, this approach allocates water for on-reservation purposes – precluding water transfer activities.

The other standard approach for establishing water rights is through a water settlement. This improves water management certainties by quantifying the rights of all parties. Settlements can also include Federal funding provisions and facilitate additional Tribal-private agreements. The process involves negotiating the settlement itself and obtaining Federal ratification, which still represents a significant investment of time. Compared to quantification, settlements can secure a broader array of benefits – they also typically result in lesser amounts of water and can compromise the seniority of rights.

Some additional approaches apply to Tribes for water rights and water management. This includes the concept of safe and clean drinking water and sanitation as a basic human right. The concept is articulated in UN General Assembly Resolution 64/292. California Assembly Bill 685 adopts this concept as an individual right.

A broader treatment of basic rights is found in the UN Declaration on the Rights of Indigenous Peoples. Adopted by the UN in 2007, the U.S. voiced qualified support for the Declaration in 2010. The document contains 46 articles addressing collective indigenous rights encompassing: control over traditional lands, waters and other resources; provisions for redress of takings without free, prior and informed consent; conservation, protection and development of resources; and a system for adjudicating these rights. (See especially articles 25-29 and 32.)

Discussion

Danny Jordan referenced that Tribal water rights have been described as the "sleeping giants" of water management in the Western U.S. The 2009 Summit recommendations regarding Tribal water rights have not been advanced. The State of California continues to uphold

a policy of only recognizing adjudicated rights. The State should step up and recognize federally reserved water rights on federally reserved Tribal trust lands, and create a process to allow meaningful development of Tribal lands. This would create a mechanism for a conversation about water allocations.

Heather Whiteman Runs Him agreed completely that California needs a programmatic plan to address Tribal water issues. The State of Montana, which is home to nine Tribes, appointed a limited-duration commission to address all federally-reserved water rights in the State. The process itself increased awareness and understanding about Tribal water rights.

INDIGENOUS RIGHTS TO WATER

Panel Session

Doug Garcia, Water Rights Specialist, Bureau of Indian Affairs spoke of his work with Tribes throughout the State and of the number of times that discussions about water focused on spiritual uses. While those uses may vary, the shared belief is that water is a sacred and essential part of the ecosystem which supports culture and traditions. Water is the giver of life – it is never viewed as a commodity.

Tribes are sustained by water. In the past, water provided a mode of transportation connecting many native communities. Both surface and groundwater systems support an abundance of biodiversity – from vegetation for basketry to subsistence fishing that nourishes native families and relations. Local springs provide waters for healing, ceremonies and spiritual benefits.

As the first residents of California, Tribal communities have valued water for thousands of years. Water is critical to native people. It is central to Tribal lifeways and connected to language, culture, ceremonies, traditional practices and all aspects of daily life. If water systems flourish, native people and their legacy of rich cultural diversity will also flourish.

Mervyn George, Sr., Hereditary Ceremonial Dance Leader, Hoopa Valley Tribe observed that the Trinity River runs through the center of the Hoopa Valley. He considers it the aorta of the valley. All of the Tribe's dance houses, ceremonial houses and dance spots are located on the river. It is used for everything – to bathe in it, to play in it. The river plays a significant role in some of the dances. In the Flower Dance, which marks the passage into womanhood, young women run along the river and bathe in certain

locations. In the Boat Dance, which is connected to the White Deerskin Dance, dancers sing in the boats and make their way down river. They stop, camp and then resume the journey.

Everything done in the valley is connected to the river. It is imperative that the river continues to flow. Fish are a way of life for the Hoopa. The year-round supply of salmon, eels and sturgeon provides the foundation of the community's diet. The spring salmon ceremony marks the spring run. There is a harvest, with prayers for the fish to return. The juvenile fry start their lives in the creeks and rivers and travel to the ocean.

During the summer, there have been times when the river has ceased to flow. Moss started taking over. It's not supposed to be that way, moss kills everything. Low flows have resulted in fish kills – one took 70,000 fish. While bears and buzzards had a field day, it was a tragic loss for the Tribe. Low flows also create algae kills where the algae takes over.

On his way to the Summit, Mr. George observed that the waters looked murky in Redding – there must have been a release from the reservoirs. He wondered why the releases are made in winter, rather than in the summer when it's most needed for the fish. Farmers say they need water for crops. The Tribe existed without farms. The Tribe is still here, its member still dance. The dancing goes back to time immemorial.

Carbon dating was done in the ceremonial pit, it goes back 10,000 years. The Hoopa came into being at that spot along the river. A dam went in further up the river and the flows are now regulated in Lewiston. As a youth, Mr. George swam in the river. It was impossible to touch the bottom. Now, during the summer, one can wade across it anytime. That's how much water is diverted. Mr. George explained having to beg for water to hold the Boat Dance. That should not be. One year, the Tribe didn't beg for water and two boats ran aground.

When a dance is put on, the family or community should be well enough and strong to host the dance. His uncle told Mervyn that one doesn't beg. So Mr. George will just ask. The request is to let the waters flow through. The Tribe dances for everyone. The World Renewal dances are for the whole world. It makes everything right again. The Deerskin Dance puts everything back into balance. The Jump Dance makes the bad things go away.

The valley is a pretty spot; it's all green right now. There is no other place like it. Water is life for everyone. Before a woman gives birth, they say that her water broke. That's life right there. Mr. George expressed his hope that someone will hear his words to leave the water alone. If there are policies or legislation that can be passed – then let the water go.

Aaron Dixon, Secretary, Susanville Indian Rancheria talked about what is most important: water. Water is used for everything. It provides purification. It provides healing. It contains spiritual properties. Two bands of the Paiute Tribe are located in Lassen County. Both have yearly ceremonies that remember the 1866 massacre conducted by a militia sent by the United States. The attacks were especially brutal – with soldiers instructed to not use their ammunition, to use their swords and bayonets instead. Infants and toddlers were killed by being struck against pine trees.

Last year, one of the bands arrived at the massacre site to remember and honor the ancestors with the annual week-long ceremony. They set up their sweat lodges and began their activities. Due to drought and groundwater pumping in Nevada, the springs were not flowing. The purification sweats could not be conducted to reconnect with Mother Earth. Their sadness lingered over many weeks, and the band approached the Tribal Council. The Tribe contacted the Bureau of Land Management and spoke with officials, who offered to truck water in to make sure that water was available for the ceremonies.

Mr. Dixon emphasized the importance of Tribal leaders speaking on behalf of their people. The Tribes must be represented. There are four Tribes in the northeast corner of California: Pit River, Maidu, Washoe and Paiute. He remarked that it can sometimes be difficult to have everyone come together and agree. Compromises may be needed to run Tribal governments efficiently and effectively. Tribal officials need to be proactive. Water is always important. When the water is not there, Tribes need to improvise to continue their ceremonies. Tribes need to be prepared, they are the caretakers.

Tribes care for the land, informed by the elders who explain what is needed. The elders are the teachers; they must be listened to carefully. It is not often that an elder will speak to you. They must have trust in you, that you will follow through. If you do not, the elder will not come to you again. They have lost their trust in you. The Tribes need to support all their members. Tribes need to carry on with their traditions. It is necessary to remember and, most importantly, honor the ancestors – and the water.

Donna Vasquez, Chair, Tribal Environmental Protection Agency, Bishop Paiute Tribe acknowledged friends and relatives with a traditional

greeting. She is both Paiute and Navajo, having grown up on the Bishop reservation. She shared a bit of background on her family. Her mother attended an Indian high school and later traveled to Los Angeles with friends, where she met her future husband. Ms. Vasquez' father was one of the 29 original code talkers in World War II. She and members of her family continue to live in Owens Valley. The area is beautiful with many opportunities to fish and hike and camp. It is a wonderful place to raise a family. She has been able to provide all that they have needed.

Over time, Ms. Vasquez became increasingly concerned with the environment. She researched how lands had been taken from her people – by the government, the Bureau of Indian Affairs and by the Los Angeles Department of Water and Power (LADWP). She became involved and learned from others. Her awareness increased about how people obtain their water. On the Navajo Reservation, her aunt travels a mile up the road to haul water from a natural spring back to her home. A recent water system now provides water to the house, but the water doesn't taste the same. Ms. Vasquez's son and his family live in the San Jose area. It is astonishing how much they pay for water service.

On the eastern side of the Sierra, mountain runoff accumulated on a geologic shelf and resulted in Owens Lake. When LADWP diverted local water supplies to Southern California, the lake dried out. The dust from the lake bed creates massive dust storms during periods of high winds. There is only a small trickle of water that LADWP puts back into the lake.

The Tribal EPA focuses on education and outreach. Working with the National Park Service, they created a "First Bloom" program where grade school children are introduced to native plants and involved in starting a garden. Another effort has been to create an exhibit on the irrigation districts used by ancestral Paiute. Developed with assistance from a UC Berkley graduate student, the final product will be displayed at the Tribes' cultural center and at the Bancroft Library. The Tribe is working to restore their lands and take care of the earth.

Lois Conner Bohna, Basket Weaver, North Fork Mono Tribe noted that her Tribe is located west of Bishop, on the other side of the Sierra. Her grandmother used to speak of walking to Bishop. When asked about the difficulty of the journey, her grandmother would say, "Oh, it was nothing." Ms. Conner Bohna serves on the Tribal Council and shared her perspectives on water as a cultural practitioner and basket weaver. She works with plants, animals and trees – explaining that all of them have spirits. Her view is that basket weaving is 90% spiritual.

Other basket weavers have chided her for saying this, but it's true. A basket weaver prays to their baskets and talks to the spirits in the plants. She expressed her gratitude for being with a group that is comfortable with hearing those words. Many people are uneasy with the idea of speaking to trees. The trees and plants are hurting from the lack of water and the lack of fire.

In producing a basket, the first undertaking is to access materials. Ms. Conner Bohna has a favorite spot in eastern Fresno County, where she has been digging sedge root for twenty years. It is on a private ranch, which sold a few years ago. The new owners do not allow her to work there. The plants are yelling at her; they want her back.

She also spoke of the problem relating to poor water quality and the use of pesticides. Basket weavers split materials with their teeth. It is important to avoid sprayed vegetation, which would come into contact with one's mouth. For older basket weavers, limited mobility challenges often encourage them to gather and use materials that are located closer to the road. This is a problem since CalTrans and counties spray the adjacent rights-of-way.

Ms. Conner Bohna discussed the role of fire management in providing suitable basketry materials. New shoots provide the best materials – they are long and thin and straight. Burning generates new shoots. The lack of fire in the landscape also results in a higher presence of molds, which damages plants. These factors increase the difficulty of finding and harvesting plant materials. In any given location, perhaps only 10% of the materials are usable. The lack of cultural burning also contributes to greater levels of mistletoe. This plant has abortive properties. When cattle graze on mistletoe, they will not carry a calf to full term. The same is true for deer. This provides another example of TEK. Indian women used mistletoe to abort when white men entered the territory.

The presentation concluded with photographs of various basketry materials. Scenes of larger landscapes provided images of an active cultural burning, which produces a low intensity fire. This was contrasted to an area managed by mastication, resulting in the accumulation of debris – in itself a fire fuel. Ms. Conner Bohna also displayed an infant cradle, explaining the meaning behind different patterns and designs. She noted where she used secondary materials, when she was unable to obtain finer shoots.

Scott Williams, Attorney, Berkey Williams LLP began by noting his disadvantage in following the eloquence provided by the Tribal leaders – as well as the fact that he is an attorney. His compensating strategy was to tie some

observations about conventional water rights with the elements provided by the previous speakers. Mr. Williams' view is that, generally, the law doesn't work in its current state. To begin with, California laws arose from the arrival on non-Indians, and are specifically associated with mining interests. At the time, the non-native community viewed placer mining as an economic activity worthy of support.

Subsequently, by the late 1800s, the concept of appropriative water rights was firmly established. This is associated with the principle of "first in time, first in right" based on taking water and applying it to, what non-Indians call, "beneficial use." The first person who does that has a higher right than the next person who does that. As the mining population increased, agriculture expanded and also started diverting water. Riparian rights also exist in California, where those who own property next to a water body can use that water for beneficial purposes.

The theme of the law is vastly different from what has been expressed by Tribal leaders. What's missing from the law, so far, is anything that respects the value of water as discussed at this Summit. There is one other conventional water right, which is the reserved right to water. This states that when Congress set aside federal lands, as with reservations, the action implicitly reserved enough water to meet the needs of those lands. The challenge is that the favorite way for determining that quantity of water is to provide adequate supply for irrigation purposes. This requires the presence of irrigable lands. This is not practical for reservations comprised of ridges and mountains. On the Yurok reservation, there is not an irrigable acre to be found.

The homeland standard provides an alternative approach for quantification. [Note: While allowing for uses of water, other than irrigation, there are uncertainties associated with the process. Also, federal funding obligations for water are still tied to irrigable acreage.] The point is that the water rights structure was created to keep non-Indians in business. This structure does not account for the ways that native communities have protected, stewarded and used their resources. This structure does not address in-stream flows. For a fishing Tribe, the water needs to remain in the river – not diverted elsewhere. Water needs to remain in the streams, wetlands, marshes and seeps, to support the fisheries, vegetation and larger natural world that are the foundation of Tribal communities.

What are the options? Tribes undertake quantification of reserved rights. This timeline for this process can reach 50 years, perhaps more, and is exorbitantly expensive. Negotiated settlements represent a viable option. This generally takes a few years, rather than a few decades. Tribes can also protect

their interests in water by owning land with water rights attached. The Inter-Tribal Sinkyone Wilderness Council is a testament to working together to achieve that end. Owning the land and the water rights puts ancestral lands back into the hands of Tribal people – along with the cultural and natural resources, and the hunting and gathering places. Acquiring land is often the best approach to protecting water rights.

Mr. Williams also noted that laws can be changed. This is not an easy process. There is tremendous opposition to changing the existing structure of water law. Ideas should not be taken off the table, just because they are difficult. The discussion of solutions will require a continuing and committed dialogue between Tribal leaders and practitioners and those who regulate water. The law is not the answer here. A better way is needed to address Tribal water needs.

Discussion

Frank Ramirez, Special Advisor, Native American Indian Veterans highlighted the inability of Tribes to market surplus Tribal water. Paramount Farms has leveraged the State Water Projects to control the Kern Water Bank. Mr. Ramirez asked if there is any potential for Tribes to obtain a fee for water coming off Tribal watersheds that a third party sells to others. He remarked that it is Tribal water that goes into the Federal and State water projects.

Scott Williams responded that this was a wonderful idea that deserves additional consideration. There would be major hurdles to overcome, since there is opposition to Tribes leasing the water they already have rights to. This is inequitable. Water is a resource managed by a sovereign nation. Tribes should be able to allocate it as they see fit. Others are able to lease water – why shouldn't Tribes?

Danny Jordan remarked that these are not new issues. Senior Tribal water rights date back to before the State of California was created. A policy commitment must be made to address these issues. When the Secretary of the Resources Agency leaves the room, the policy authority also walks out. The Tribes should not have to submit multi-million dollar, decades-long filings to demonstrate that there was a purpose for Indian lands being reserved for Indian people in California. Is there a right for Tribes to exist with the same opportunities as non-Indians? If so, policy ought to recognize Tribal lands and the water interests of those lands. Then there needs to be a discussion about implementing that. Commitments are needed from the highest levels of State leadership to establish these policies and create a dialogue on next steps.

Jeremiah Joseph, Water Program Manager, Fort Independence Indian Reservation drew attention to climate destabilization and the decline of life-supporting systems. Cyclical

consumption is totally contrary to Mother Earth and how the earth should be treated. In Owens Valley, water is being used for convenience – much like the way we all used things around us for our own convenience. All of that contributes to climate destabilization and systems decline. The potential of Mother Earth is beyond anyone's ability to grasp. By aligning ourselves with the natural order, we may be able to find better approaches.

Raymond Sloan, Secretary, Pit River Health Services compared damaged landscapes to a polluted womb. Many practices are similar to someone on drugs and pumping substances. Fertilizers are dumped onto soils. The water is warm and there are no salmon. It's not good. The rivers need a proactive cleansing; they need protection. The Tribe is trying to work through diversions to ranchers. There are other issues – someone came onto the reservation and fenced off one of the springs. The Tribe voiced its concerns and nothing has been done.

While the situation can be discouraging, Mr. Sloan expressed his utmost faith in the Tribal elders and community. In discussing their concerns, the Summit speakers have a vision. The vision can be realized by standing together in unity. It is easy to become upset and go the warrior way. There are options to use the legal framework. Those are being used, to see what the law will do. The law spins slowly. It may be that the law spins right past Tribes – it doesn't apply. Tribes come to the Summit, looking for information and knowledge. As first human beings on this land, there are shared problems concerning the waters.

Mr. Sloan's grandmother was a basket weaver. There is a story and a dream behind every stitch and every move. The Tribe has discussed setting up greenhouses and replanting the forests. That was done for black oak up by Mount Shasta. It can be done again. It is important to work together, to see each other eye-to-eye as human beings. Then there can be negotiations and decisions. That would be honorable. It is honorable to listen. The Creator gave us two ears and one mouth – we need to listen twice as much as we speak. The elders are setting precedent in fighting for indigenous rights, and for all people. We must move with them.

WORKING SESSION

Stephanie Lucero invited everyone to think about the day's presentations and what they mean to the Tribes and agencies. Specifically, what is within the existing scope of Tribes and agencies to address some of the goals that have been mentioned? Each table was asked to suggest potential solutions or next steps that would help advance goals. The following items were reported:

» An area for further discussion is formal acknowledgement that traditional Tribal uses represent beneficial uses within the meaning

of State law. This would place Tribal uses, customs and practices at the same level of importance as agricultural, domestic and other uses. It would also provide additional leverage for protecting water at the source.

» Tribes were encouraged to pass a resolution unanimously endorsing the UN Declaration on the Rights of Indigenous People. The Pit River Tribe created a template incorporating AB 685 (Human Right to Water) and SB 18 (which was not included in the guiding principles). The Tribe would share that template with others.

» Applications for water rights affect all downstream uses, all the way to the ocean. Anyone who would be affected by a water right should be notified of any application. Any water user – farmers or ranchers or businesses – should use the water they need to use. Any surplus waters within a watershed need to go out to the ocean. This is what the water needs to do.

» There are different ways to achieve the same ends. Notifications for water rights applications can be broadened. Timing aspects can be revisited. Public trust allocations can be used to support in-stream flows. Efforts can be made to change California water rights law or achieve the same results by using tools already available. Agencies and Tribes must sit down and engage in trainings and discussions about: the constraints we all work under; available tools and how to work together. Tribal and agency objectives are often the same.

» Tribes face planning challenges, such as: environmental violations; the differences between Tribal allottees and the Tribes, for water allocation; and water quality and endangered species. Tribes would benefit immensely from training for these, and other, topics. Training on water rights would be helpful. Training on environmental violations would also be helpful – this could perhaps be accomplished through the Basic Inspector Academy (on how to document and record violations).

» There was a suggestion to help strengthen Tribal voices – each reservation, within any given county, would contribute funds to help hire their own Tribal liaison to serve as a Tribal voice for that county. Instead of only having one or two Tribal liaisons, there would be multiple liaisons to work with agencies and regional offices.

» The idea of "keeping the water spirits alive" extends beyond legal requirements. Certainly, water has a spirit which needs to stay alive. If

water does not reach the ocean, it is dead. If water does not support life, it is dead. Many streams have died or are close to being dead. So, let's look at the water spirit. The State needs to step forward and acknowledge the retained rights of native people to water.

» There are many water systems that affect water resources that support Tribes. We have not mentioned the topic of the pipeline under the Delta. There are also diversions in Northern California that affect watersheds – what about Hetch Hetchy and water supply to the Bay area?

» Tribes need manpower and training for GIS. Also, funding sources and technical assistance are needed for small systems. Some Tribal programs are just starting up. They need a hand up.

» Within the Water Plan, the goal of regional self-sufficiency for water needs to be elevated. Also, any financing framework needs to consider Tribes.

There was an opportunity to provide some immediate follow-up on a few of the suggested next steps:

» Regarding GIS training, the National Indian Justice Center and the U.S. Geological Survey both provide GIS training.

» Using a shared template for Tribal resolutions can also work to indicate areas of shared agreement among Tribes. This could be used by Tribes to go to the State, saying here is a shared proposal or issue to move forward. Agreements among Tribes can inform discussions, policies and decisions.

Kamyar Guivetchi clarified that the Update 2013 Finance Planning Framework identifies the components associated with a meaningful conversation about statewide financing and priorities. The chapter is still very preliminary. The Framework will not include an itemized budget or cost allocation for all the needs of integrated water management in the State. The discussions are much more fundamental.

Within DWR, the IRWM program still has a long way to go in fully engaging Tribes. Some IRWM groups are working with Tribes, incorporating Tribal needs and projects into regional proposals and priorities. Mr. Guivetchi emphasized that entities participating in IRWM are not asked to give up authorities or rights.

Day 1 was adjourned with appreciation extended to all the speakers and participants.

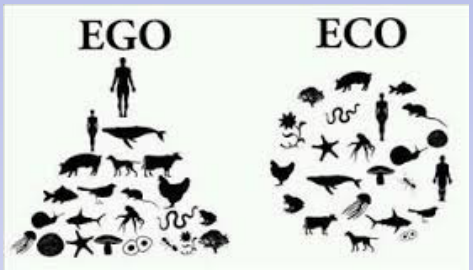
Day 2: Detailed Summary

RECONVENE

Stephanie Lucero reconvened the 2013 Tribal Water Summit, acknowledging the candid and respectful conversations that characterized the first day of the Summit. The issues are critical and reflect passionate concerns. It can be difficult to talk these issues and to listen openly to the perspectives of others – and everyone has worked to that end. People are talking about their challenges, current efforts and where assistance or more effort is needed. Day Two will build on these discussions.

RECAP OF DAY 1

Paula Britton, Environmental Director, Habematolel Pomo of Upper Lake began a recap of Day 1 by noting that the concept of the sacred use of water or spirituality was unfamiliar, or perhaps uncomfortable, for some participants. Often, it seems is as though Tribes and agencies are speaking two different languages. Ms. Britton introduced a diagram to help illustrate the philosophical difference between linear and hierarchical approaches and more holistic and integrated approaches.



The "ego" pyramid puts man at the top of the system. For many, this represents a rigid structure and captures what is wrong with how society manages its resources. The "eco" circle, illustrates the inter-connectedness of all. In Lakota culture, the saying is that "We are all related." This reminds us that we are not any better than the water, the rocks, the animals – we are all interconnected. Without each other, we cannot live.

The scientists often say to "prove" the spirituality. The Tribes say "believe it." The two perspectives do not use the same language, and this must be acknowledged going into this process. We are all dealing with the remnants of structures, policies and laws enacted by social and political cultures from the late 1800s and early 1900s. Many of the ideas are outdated. This is a critical time for the environment and the earth. It is up to each of us to determine how we can focus our attention on moving forward.

Everyone faces the political realities and systems that everyone must work in – these can hamper some of the efforts that people would like to work on. Ms. Britton encouraged each participant to look at their own capacities and determine what is within their control. She asked, "How can each of us change, within our purview, the way that things are handled?" The concept of responsibility applies to each and every one who realizes the importance of making changes. It is necessary to come forward and do what one can – within one's own jobs and lives – to make changes.

Tribes think about the landscapes and natural systems in living it every day. It is hardwired into Tribal DNA. This is who native people are. Biology cannot be changed in 100 years, some aspects can't be changed in thousands of years. Change requires learning as well as teaching. Sometimes passion and vision can overshadow taking the time to sit back and listen fully to the other person. One of the values of a large group coming together, like this, is taking the time to listen to that other person and their whole perspective. It is not necessary to become the other person in order to communicate and understand each other.

Several of the Day 1 overarching themes were highlighted:

» The need for collaborative resource management (co-management)

» The value of oral, historical and qualitative data (the basis of Tribal Ecological Knowledge - TEK)

» The human element and role in good resource management

» Cultural identity is tied to the land and natural resources

» Water is essential and impacts every aspect of life

» Tribal knowledge can inform climate change adaptation

» The sensitive nature of TEK requires trust and relationships to share information

» Water management extends beyond water and includes the land, air and all natural resources

» The frameworks of Indigenous Rights relate water to the range of activities and uses that embody native lifeways

Day 1 concluded with discussions on potential options and strategies for moving forward, including:

» Recognition of cultural and subsistence activities as beneficial uses

» Face-to-face interaction to establish trust and promote understanding

» Looking multiple paths for meeting objectives (changing California

Water Law or working within existing doctrines)

- » Training for Tribes on existing laws, programs and resources
- » Training for Agencies on TEK, Tribal sovereignty and cultural sensitivity
- » Inter-Tribal coordination and agreement on major issues and policies to move state and federal policies
- » "The personal responsibility for each of us, no matter what our level or position, to communicate with our colleagues and communities – wherever they may be – what we have heard today."

PLENARY SPEAKER: BUILDING AND STRENGTHENING RELATIONSHIPS

Felicia Marcus, Board Chair, State Water Board expanded on the theme of talking and working together – of creating relationships. She spoke of her work with Tribes as the EPA Regional Administrator for Region 9. Although she left that position, a little more than ten years ago, the multi-year effort to build common visions and productive working relations can inform working together at this statewide level. Though differences exist between the EPA and California efforts to address Tribal interests and concerns, the efforts also call upon participants in some of the same ways.

Federally, EPA had a trust responsibility, and the funding and statutory authority to really help Tribes build their own environmental capacity. At the state level, the Water Boards are talking about partnerships and working in parallel with Tribes on common aims, while upholding responsibilities to Tribes and all Californians. The efforts are essential in developing respectful and productive relationships – and figuring out how Tribes and agencies can best help each other to rise to the immense challenge of serving the people.

Ms. Marcus affirmed that Governor Brown's administration is willing and committed to developing strong working relationships with Tribes. She thanked the Governor for his Executive Order, the Resources Agency, and DWR in particular for its leadership at the Summit, as well as the CalEPA team for leading the efforts in this regard. There is a long way to go and it is good to see progress. This effort is about the results sought, for the people and on the land. It's also as much about relationships, which are at the core – and in some ways, the hardest part of this work.

It is about relationship to the land and its creatures, to people and ourselves, and to the spiritual. It is about relationship to posterity, to those who came before and those who will come after. It is about relationship between everyone in this common endeavor. Working relationships require intention and effort. These are the essential ingredients to success in this work – and what will drive results.

She referred to the eco versus ego image and suggested that the challenges of ego-system management can exceed the technical and informational challenges of problem solving. This concept is not about big egos, but of putting aside respective frames of reference and seeing the other person across from you. It is about speaking for others who are not in the room. Personal connections allow people to reach beyond their comfort zone.

Respectful relationships establish the foundation for the substantive work. It allows individuals to stretch, more than they ever thought possible. As EPA developed their program, Tribes extended patience and grace in forgiving "rookie" errors made by the agency. The Tribes also pushed everyone to do their best, an incentive that is especially important when it is inconvenient to make that push. The EPA Tribal program resulted from the efforts of many Tribal and agency members.

The best type of activism involves making disappointments clear, outlining what needs to be done, and showing options for a path forward towards success. The Regional Tribal Operations Committee (RTOC) emerged from just such a meeting, where Tribal activism created a roadmap for what needed to be accomplished and how the work should be done. There was a challenge and demand for a partnership between EPA and Tribes – creating a program "with" Tribes, not "for" Tribes. It was about parity, not charity.

Even though EPA bore a trust responsibility to Tribes, agency staff struggled with making the transition to a partnership approach. Many well-intended agency managers had labored for years to develop the capacity of States to create environmental programs. Taking that level of effort, and multiplying it by 143 Tribes, was an overwhelming prospect. The assumption was that every Tribal relationship would mirror the State relationships. It seems exhausting. When the managers asked why EPA priorities were shifting from the States to the Tribes, the answers seemed intuitive – yet Ms. Marcus realized the importance of words, especially in times of change.

She spoke to the EPA managers of moral obligations and the ability to redress wrongs caused by others – a rare opportunity for redemption that doesn't come around often. And the Tribes asked for assistance. EPA had a trust responsibility which hadn't been fulfilled. The needs in Indian country were

so great. The Tribes wanted EPA's assistance, and the States did not.

Agency staff members were supported in making the transition to working with Tribes. During the first year or so, a full-time trainer helped staff develop an approach and come to understand trust responsibility and the status of Tribes as sovereign nations. Tribes were both patient and persistent. Ms. Marcus noted that patient persistence in the hallmark of progress. Partners must be candid and clear in setting direction - calling out mistakes and working together to get it right. It takes a commitment to seeing what is possible together.

Efforts to engage Tribes will not always unfold correctly or easily. The State-Tribal role is still being sorted out. It is complicated – historically, procedurally and actually. The Water Boards and Tribes share a desire to improve public health and to improve the environment for people, fish, and wildlife. Felicia thanked the Water Boards' executives and senior staff who joined her in attending both days of the Summit – to listen with an open mind and a desire to figure out who to be of service to, and in partnership with, Tribes. She expressed her hope that the Water Boards have something to offer Tribes.

Building from the recommendations of the 2009 Summit, the Water Boards held a number of trainings on water rights and other issues. More are planned, on topics such as water quality and TMDLs, to funding assistance opportunities. Trainings have also been conducted for Water Boards' staff, to provide a basic understanding of how to work with Tribes. This covers a range of topics including Tribal sovereignty and who can or cannot speak for a Tribe, as well as how different practices, priorities and needs make every Tribe unique. The State Water Board also encourages Tribes to apply for funding available to all California communities, such as grants and the State Revolving Loan Fund. Recently, the Yurok Tribe obtained a loan to purchase lands with a very direct water quality nexus.

Similarly, the agency greatly expanded Tribal outreach in developing statewide plans and policies. And input is welcome on how to improve that outreach. In the North Coast area, the Regional Board worked with Tribes to develop a new use category for cultural practices. Ms. Marcus explained that "beneficial use" is a concept with a legal meaning critical to water quality control planning at the heart of the Water Boards' programs, under both federal and state law. By acknowledging culturally important uses as official beneficial uses, the Water Boards can then create measures to protect those uses – by setting flow levels and lower allowable pollutant thresholds. The designation is a critical tool. There are considerations to extend the Tribal cultural use category statewide, along with adding a beneficial

use for subsistence fishing. UC Davis is partnering with the Water Boards on a Tribal fish consumption study to evaluate standards for water quality.

The Water Boards are committed to developing productive working relationships with Tribes. A week before the Summit, Ms. Marcus and other State and Regional Board staff members visited each of the five Klamath River Tribes in California. The meeting was to show respect and establish lines of communication, to share information and converse on whatever needed to be discussed. This creates relationships between individuals as well as governments.

While there may have been times, during the first day of the 2013 Summit, where people seemed to talk past each other – Felicia observed that during the table discussions, people engaged in trying to figure things out together. This is both encouraging and motivating. Opportunities for short-term successes on specific issues can build the foundation for strengthening relationships over time.

Tribes command a powerful voice on natural resource issues, tied to a profound connection to place. This sense of place is often obscured in the work of establishing environmental programs. The connection to communities and community members can also be lost. Ms. Marcus called on Tribal and State colleagues to connect with each other as individuals, and to respect each other. There is a choice that can be made every day, in every encounter, to be intentional in connecting with another to do something good in the world.

WATERSHED MANAGEMENT AND LAND USE

Panel Session

Stephanie Suess, Environmental Program Manager, Tuolumne Band of Me-Wuk Indians recounted one of her first days on the job, when one of the Tribal elders, Sonny Hendricks, told her about growing up on the rancheria. He spoke of the orchards, two creeks that ran through the Rancheria, the trout, the springs and the mining ditch where people drew their water. Mr. Hendricks ended the story by asking Ms. Suess to find out what happened to the water. This presentation discusses what has happened to the water in Tuolumne County.

Neither the Tribe nor Tuolumne County hold their own water rights and there is little chance that either entity will be able to obtain water rights on their own – solving these problems will require working together on shared needs and goals. How is it that the Tribe and the County lack

water rights? It extends back to the history of mining, starting around 1850, when water rights were claimed by individual "water companies." The rancheria was established in 1910, when water flowed through Tribal lands.

Dam construction ensued during the 1920s-50s for hydropower and agricultural uses, with PG&E starting to purchases older mining water claims. From the 1960s-80s, county population grew along with external water demands (from the Central Valley) and the purpose of the reservoirs shifts from hydropower to supply, including municipal supply. In 1971, the Tribe obtained is first water infrastructure and septic services, in exchange for their 10" of water that came through the mining ditch. PG&E sold the local water infrastructure to Tuolumne County, while retaining the water rights. The mining ditch that ran through the Rancheria, started to dry up and the orchards died off.

The historic flume still transports water from Pinecrest. Should a hazard damage the flume, it could take up to three months to restore water supply to Tuolumne County. Tuolumne Utility District (TUD) is the entity supplying water to the rancheria, and has extensive obligations for a small entity. The larger watershed includes a high percentage of public lands, with reduced meadow storage capacity and a high risk of wildfires. The Tribe is located below that along with residential areas comprised of vacation homes converted to year-round residences. Septic systems are in place, often without expansion fields, and are failing. There is fractured rock geology and the bacteria in surface water are also likely in the groundwater.

The Tribe has several programs, including a Tribal intern program involving youth. The Tribe is also reaching out to partner with Federal entities (national parks and forests, NRCS), neighboring counties, local community service districts, NGOs (Sierra Club, Audubon Society) and Tribal networks (Region 9 RTOC, DWR Tribal Advisory Committee). In Tuolumne County, there are great opportunities to partner in the local Integrated Regional Water Management (IRWM) group. The Tribe believes in working together to try and reach shared objectives. It often involves a leap of faith.

The vision for the future is an adequate water supply, financial stability, partnerships to maximize multiple regional benefits, and continued collaboration with the Tuolumne-Stanislaus IRWM. The local area has inadequate storage capacity and Tuolumne County has been under conservation issues for years. Water needs to be released to get to the Delta. The Water Board requires PG&E to maintain a minimum lake level at Pinecrest, after Labor Day, while 56,000 residents below that are forced to conserve. Renegotiating water rights through

PG&E's Federal Energy Regulatory Commission (FERC) license requires determining an average for 5 consecutive years of pre-1914 water use – and the information is simply not available. This is where the Tribe stands.

Alan Bacock, Water Program Coordinator, Big Pine Paiute Tribe of Owens Valley, elaborated on the description of conditions in the Owens Valley, provided by Donna Vasquez on the previous day. A multi-media presentation began with a historic video-recording promoting the water diversions to Los Angeles as providing the water needed to maintain "mastery over the desert." An audio recording immediately follows, where Tribal community members talk about the effects of those water diversions – a very dry place, no longer able to sustain Tribal people in the way it once was. Owens Lake was dewatered and became the largest point source for dust (PM10) in the entire country. A speaker says that when LADWP imposes their views on how much water the area should have, the Tribe must try to prove their rights to water. A series of images show wildfires, dry soils, the reduced water levels of Mono Lake, water rushing through the LA Aqueduct, and the detonation of part of the Owens Lake bed.

Mr. Bacock spoke about the devastating implications that the water diversions had on the traditional ways of life for the Tribal communities. This year, 2013, marks 100 years since the aqueduct was put into place for the city of Los Angeles. The issues have not changed in the Owens Valley. A Tribal elder went to speak to the LADWP General Manager, saying that there was a moral obligation to this land and this area. The reply was, "We're not a moral people."

An analogy was made, characterizing the Tribes as a colony of Los Angeles. LADWP serves as the lead agency on CEQA actions, with no accountability to locals. Tribes have no seat at the table in local water management decisions. The Big Pine area is the primary water source and groundwater is often over-pumped. The Bishop Tribe worked aggressively to reintroduce native fish, but the challenges are great. LADWP is concerned that if reintroduced fish appear in their systems, their operations could be significantly altered to accommodate an endangered species. State agencies have had little involvement in the Owens Valley area.

There are some successes: the Bishop and Big Pine Tribes established EPA-approved water quality standards for their reservations. There is inter-Tribal collaboration on the Numu Newe Stream Team. Also, the local Inyo-Mono IRWM group provides good opportunities to discuss potential

projects with others. The Tribe worked with the Bureau of Reclamation on water use efficiency improvements and reduced water use by 67%. There are also regularly scheduled consultations with the Bureau of Land Management and the Forest Service.

The Tribes developed several recommendations regarding water and land issues, including:

- Independent verification of LADWP groundwater and surface water monitoring in the Owens and Mono basins
- Describing the dependence on, and transfer of, water from the South Lahontan to South Coast hydrologic regions (in Update 2013)
- Funding needs to be directed to source areas that provide water supply to other areas of the state
- Evaluate and implement water use efficiencies for fish hatcheries using groundwater
- Complete the California Stream Condition Index, including metrics for the Owens Valley area
- Assist the reintroduction of the Owens Valley Pupfish
- Prohibit groundwater pumping on Owens Lakebed

There were also recommendations pertaining to IRWM, including streamlined project applications and better processes for payments. As sovereign nations, Tribes should be decision-makers in IRWM efforts.

John Flores, Water Manager, San Pasqual Band of Mission Indians described the water supply and water management issues facing the Tribes. He began by noting that, as an inland Tribe in a dry area in Southern California, they are used to making due and piecing together options to meet their water needs. While the 18 Federally-recognized Tribes in San Diego County don't always get along, they do work together on key issues – including water. For example, there are water associations to discuss water issues. Several maps illustrated the Kumeyaay ancestral lands, the location of Tribal lands in San Diego County, and the San Pasqual boundaries in relation to metropolitan areas and watersheds.

The key issue for the Tribe is municipal supply. The Tribe has no access or rights to water passing through the reservation in a canal. The reservation itself, characterized by a "checkerboard" land pattern, is comprised of three major districts which are not contiguous, thereby complicating land use management. Satellite imagery displayed the distribution of housing on the reservation. Most of the Tribal residences are located on

two of the districts. District A has older residences and is crossed by two small creeks that do no support fish. District B contains most of the Tribal government buildings and the casino. There is very little, if any, surface water in District B. There are scattered residences in District C. Wastewater is handled through septics.

The Tribe's water focus in on its domestic water system. The majority of water supplies need to be purchased. There are separate water systems for Districts A and B. Water supplies for District C are from private wells or the local municipal water system. The water system in District A is comprised of a 200,000 gallon water tank and two domestic drinking water wells, operated by the Tribe, with a combined production of 70 GPM. Other supplies are provided by Valley Center Municipal Water District, through an emergency connection – which could be turned off at any time. District B is supported by a 100,000 gallon water tank and all water supplies are contracted from Valley Center, which is an expensive source. A well was drilled in District B in 2000, but did not meet drinking water standards.

Water supplies are not secure. The Tribe is looking into several options: more wells (which may or may not produce), rain water harvesting, reclaimed water for landscaping and greater water use efficiency including more native and drought resistant plants. All these options require new funding sources. Beyond the Tribe's efforts, San Diego County and the State must do more to promote rainwater harvesting, conservation and recycled water to meet current and future needs.

Nathan Voegeli, Staff Attorney, Yurok Tribe detailed resource conditions on the reservation, which extends for a mile on each side of the Klamath River, for about 44 miles. The salmon fishery is the focus of the Tribe. The Tribe's management approach emphasizes healthy forests, biodiversity, clean water and traditional land stewardship. They have implemented a couple of large carbon-offset projects to support water quality objectives.

The area is heavily forested and historic logging has resulted in heavy sedimentation, erosion and a legacy of forestry roads. Upstream dams impede access to traditional salmon habitat. There is also overuse of both surface and groundwater sources, as seen in the areas of the Scott and Shasta rivers. The Klamath River itself is an integral part of the Tribe's traditions and practices. Inadequate flows have resulted in fishkills, with a dramatic fishkill in 2002, which are devastating to the Tribe and its members.

Upstream practices include agricultural irrigation and stockwatering. An

escalating concern is illegal diversions and illegal marijuana grows within and adjacent to reservation boundaries. These grows contribute heavy amounts of pesticides and fertilizer, along with clear cutting of land, resulting in environmental devastation and impaired water quality. The Tribe's water quality control plan identifies beneficial uses including cultural practices – fishing, wildlife, prayer meditation, bathing, cooking and, of course, drinking water. There are limited drinking water supplies from high-quality groundwater. Some of the drinking water also comes from surface water supplies, which can be impacted from the marijuana grows.

Regarding Tribal land management, on Day 1 of the Summit, there was discussion on the human role in the landscape. The Yurok Tribe manages a seamless transition of traditional knowledge and modern science. As a result, the Tribe reduced timber harvesting, implemented carbon-offset projects, prohibited the use of pesticides or herbicides within the reservation, and conducted extensive restoration projects.

The Tribe's relationship with the State includes some different perspectives regarding beneficial uses and water rights. Tribal water rights are maintained by Tribes. As a matter of Federal, not State law, they are outside the scope of State regulation. The State has no business regulating Tribal water rights. Of course, Tribal water rights must be integrated into how water is used. Tribes also possess fishing rights. It is not sufficient to try and maintain a population of fish, but to create a restored fishery by restoring populations and providing viable habitat for that fish.

The Tribe is very encouraged by the Brown Administration's efforts to work with Tribes and address some of these long-term issues. The Tribal consultation policy is a good step forward and the implementation actions taken by the California Natural Resources Agency are great to see. The Tribe continues to be concerned by the State agencies' inability or unwillingness to regulate the use of surface and groundwater, particularly in the Scott and Shasta watersheds. There are also concerns about the failure of state agencies to appreciate historic Tribal use. Humans are a part of nature and the State oftentimes fails to recognize that what they considered to be a natural landscape was the result of long-term, centuries of, management by native peoples in California.

Some differences exist regarding approaches to restoration. The Tribe is often on the cutting edge of restoration science. Their projects tend to cost a little more and result in better habitat. The State sometimes prefers to see more projects, with less money being spent on those projects. This is not a tremendous difference and the Yurok are working to address that with the State, to better achieve

shared goals in fisheries restoration.

The Tribe will sit down with the State and try to find ways to work together to find solutions that are workable for the interests of both sides. One of the key aspects to this is local management of resources. Working with the State Water Board, the Tribe secured a loan to acquire 22,000 acres of land. This allows the Tribe to manage that land in a way that is appropriate for the Tribe, the Tribal people, their culture and to improve water quality. It's a tribute to the Water Board that they recognized that Tribes have the ability to manage land, to bring their local resources to bear, and to really focus on improving water quality for reservation residents and Tribal members.

Regarding recommendations for going forward, it's important for State and Federal agencies to not be afraid to ask questions for fear of offending Tribes. It's better to bring topics out into the open and discuss them, so that they can be addressed. Also, consultation is a great step, but what is really important is direct management of land and watersheds by Tribes and Tribal governments – or at the very least, co-management of those lands and watersheds.

State agencies also need to recognize the differences in capacities and interests of Tribes. Tribes are not one monolith. They are independent sovereign states and need to be recognized as such. What works with one Tribe may not work with other Tribes. There are different issues and concerns. As part of that, it may be necessary for the state agencies to provide some financial support for Tribal staff to attend meetings and conferences. Mr. Voegeli noted that not all Tribes have the resources to do that, since many Tribes are located in remote areas – which increases travel expenses. Agencies were encouraged to continue working with Tribes who have the historical knowledge and capacity to steward land for future generations.

Erica Helms-Schenk, Environmental Director, Soboba Band of Luiseno Indians briefly chronicled the history of the Tribe and the managed landscape. Prior to Mexican and Spanish settlement in the valley, the Tribe was self-sufficient. Water supplies from the river two creeks and more than 40 springs, supported gardens, animals and orchards. The development of water supplies became a critical issue for the Sobaba as the San Jacinto Valley was settled. Starting in the last century and continuing to the present, off-reservation diversions, groundwater pumping and seepage into the San Jacinto tunnel (part of the Colorado River aqueduct) have largely depleted the aquifers and springs. On the

reservation, there are currently only two springs with significant flows.

Current water issues consist of surface water, drinking water, the hot springs and riparian vegetation. Surface water flows are generally low and fed by springs and snowmelt from the San Jacinto Mountains. The Tribe provides drinking water from several wells that feed into a holding tank. About 4 years ago, a 16" pipeline was installed for distribution to residential areas. The Tribe recently concluded a water rights settlement agreement with local water districts which helped replenish the groundwater and provide a reliable drinking water source for a considerable time into the future.

The hot springs are used for cultural uses. Due to low flows, there are is no direct use for subsistence activities or recreational contact with water. Water represents life. The cultural significance of keeping the hot springs flowing is important. Water supplies are a significant concern in terms of supporting culturally important riparian vegetation, which is used for basketry, medicines and cultural events. State designated beneficial uses may not cover the same uses the Tribe is concerned with. The overall health of the reservation ecosystem is of great importance to the Tribe. This year, youth assisted with removal of invasive species at the hot springs. The Cultural Department also conducted an interpretive session. The students take great pride in their work.

Within the watershed, most of the land is sparsely populated with minimal disturbance and is generally used for recreation or semi-wilderness areas. The San Jacinto Mountains are the headwaters for the sub-watersheds within the reservation boundaries. The reservation itself has a significant quantity of open land. There is a small citrus growing operation, a golf course and a relatively small casino. Agriculture represents a significant land use with residential use mixed in as well.

Looking at solutions, the environmental department is monitoring water quality coming onto the reservation. Education is provided to staff to stay aware of other Tribes' issues and practices, and workshops are held to educate Tribal members on water use in the watershed and how it impacts them. Recently the Tribe completed a watershed assessment, using non-point 319 funds, to develop a watershed plan. The Tribe is current on efforts within the Santa Ana watershed, and how they affect the Tribe.

Recommendations include:

» Frequent communication between agencies and the Tribe on watershed concerns – Tribal ordinances can assure that the Tribe does not compound any 303(d) list issues for downstream areas

» Collaboration on development policies – these should encourage or mandate sustainable building practices and use of native plants, rain gardens, preserving stream buffers and riparian areas and offsets for loss of habitat

» Internal monitoring should be conducted for other parameters of water quality

» Increase the openness and availability of state and local watershed planning groups to allow Tribes a seat at the table and share information

» Expand awareness of Tribal relationships to water among non-Tribal communities in the watershed

Chuck Striplen, Associate Environmental Scientist, San Francisco Estuary Institute first started working on the land as member of this Tribe and, later, as a wildlife biologist. He currently works with the Estuary Institute, which serves as a data clearinghouse for the Bay area and the State. Their data management platforms support functions for State, local and regional entities. In May, the Institute will launch the California Eco Atlas which presents data on water quality and historical ecology.

The Historical Ecology program was initiated to help document baseline conditions across time, and link conditions to landscapes and species adaptation. The objective is to research the past to better understand the present and envision the future The GIS-based approach codes information and assigns uncertainties – which increases scientific defensibility. Looking back over the last 240 years, the native-managed landscape becomes apparent. Interpreting the physical data required an understanding of the cultural context.

Working with Tribes, the program identified a wide variety of seeds used historically. At one Tribe's request, geophysical surveys were conducted. These surveys identify sub-surface features with minimal ground disturbance. Carbon analysis can provide information on fire frequency. A cultural landscape analysis identifies priorities for culturally valuable land trust acquisitions. Research is now focusing on the resiliency of native-managed landscapes, with applications for resource management.

Tribal knowledge and information has been largely decoupled from land use management policies and doctrines. A good example is the Wilderness Act which removes people from the landscape. Historical ecology, combined with recent experiments with the National Park Service, has created an opening for using traditional

management in wilderness areas. A Tribally-conducted burn was conducted in Pinnacles National Park about a year ago. Tribes participate in these historical ecology studies as full partners owning a large part of the process.

The Estuary Institute is launching a Tribal initiative focusing on three core areas: collaborative data development; Tribal and non-Tribal institutional capacity (to partner in historical ecology projects); and interpretation and public involvement. As an example, the "Cosmic Serpent" project, funded by the National Science Foundation, brought together western scientists, museum curators and traditional knowledge holders to think about new ideas for interpreting TEK in museum settings.

The findings can inform watershed approaches to minimize impacts and include cultural aspects in watershed profiles. These landscape-level tools will involve different scales of assessment, from broad map-based analyses, to on-the-ground rapid assessments, to intensive assessments for high resolution of local conditions. This work is informed by cultural data such as oral environmental histories, site inventories, archeological studies and resource management reconstructions. Ultimately, landscape and watershed profiles will describe both natural and cultural resource conditions – with greater Tribal involvement and better reflection of California's true history of Tribal stewardship.

Discussion

Leslie Cleveland, Water Resources Manager, Bureau of Reclamation extended her thanks to Southern California Tribes for their participation. She provided a few comments on IRWM processes – both the Santa Ana Watershed and San Diego IRWMs are releasing updates to their plans and including chapters on Tribes. There are also separate discussions on disadvantaged communities. The template for these Tribal chapters is available for use by others. Part of the chapter includes suggested practices and basic information for working with Tribes.

Danny Jordan extended his personal thanks to every Tribal presenter. It demonstrates that it doesn't matter how much people try to suppress Indian activities, Indian people find a way. Recommendation #55 from the 2009 Summit says that the legislature should amend the Water Code to give priority to the senior water rights of Tribes. As was mentioned earlier, Tribes don't need permission to exercise their senior rights, they have it – tribes shouldn't take that stuff too seriously. The Water Plan needs to document Tribal water rights and issues. In Tuolumne, the Tribe should continue documenting the discriminatory policies of the

State of California and the Federal government against the Tuolumne Tribe. There is not a connection between adjudicated rights and reserved rights.

Adjudicated rights only indicate that a court process has been completed. The award of adjudicated rights is based on the pre-existing reserved rights. The Tuolumne example here is one of those "sleeping giant" problems that the State legislature recognized prior to 2009. That history, the fact is that Tuolumne has a right dating to 1910 and every subsequent water activity that occurred in the State – whether through Federal or State law – is secondary to that interest. That's what senior water rights are about. Mr. Jordan recommend that the Tribe talk to the BIA and BOR. This is a perfect example of the pain and suffering imposed on Indian people because the state refuses to recognize Indian interests in the same way that they recognize the interests of others. Tribes are here, and they are not going away. The more work that is done, and the more rights that are recognized on the books, helps every Indian Tribe and every Indian person in California.

Eric Wilder thanked Chuck Striplen for his work. The Kashia are also using GIS mapping with historical layering. One layer is called "memory mapping" based on information from elders regarding areas where they used to hunt and gather materials. Similarly, Tribal genealogy will show where people lived during different time periods – and how they moved across the landscape. This will show gathering places, taboo areas, temporary villages and the main village. In addition to developing a resource history, the map helps the cultural resource department when working with state agencies to identify significant areas.

Lynda Shoshone, President, Inter-Tribal Council of California asked Alan Bacock to clarify the sources of the funding he referred to. Mr. Bacock replied that the funding for IRWM implementation grants comes from Prop 84. He encourages funding allocations to be based on resources rather than population. Nathan Voegeli mentioned that the Yurok Tribe is tracking AB 32regarding proceeds from offset auctions. The process for tracking distributions to disadvantaged communities (through the use of zip codes) is not effective for tracking funds to Tribal communities. Consequently, Tribal disadvantaged communities should receive a separate analysis.

Ron Unger, Environmental Support Section Manager, DWR offered insights on the bond process. Specifically, the State legislature is now working on the next set of bonds. While state employees cannot be involved in this

process, the public can participate. When bonds are written, those really short bullet points become law, and state workers are left to interpret the law to achieve the stated goals. He remarked that this is a good time to be involved in the next bond measures.

Mr. Unger also spoke to the idea of "preaching to the choir." The people who participate in the Summit share an interest in seeing some issues resolved – to live better within landscapes and to develop resilient landscapes for the future. To connect across cultures, it is important to talk on a regular basis rather than once every four years. Ron encouraged everyone to make a connection and find a safe place to discuss and work on efforts, in a project-based manner, to get things done over time. Building trust and relationships will need to happen at all levels to change policy – not just at the highest levels.

Wesley Westphal, Media Expert on Cultural and Natural Resources, US Air Force Western Regional Environmental Office extended his thanks to the panelists and everyone at the Summit for contributing to a better understanding of Tribal concerns and issues. He will be discussing the Summit with leadership at the Department of Defense and explaining that the Department needs to listen and work to address Tribal matters.

LUNCHEON SPEAKER: OVERVIEW FROM THE GOVERNOR'S OFFICE

Cynthia Gomez, Tribal Advisor, Governor's Office outlined the administration's Tribal efforts and policies – beginning with Executive Order B-10-11 which created the Tribal Advisor position and encourages Tribal consultation, communication and collaboration with the Executive branch. The Natural Resources Agency and California Health Benefits Exchange completed policies consistent with the Governor's order. Other agencies – CalEPA, CalEMA, Food and Agriculture, Health and Human Services, Department of Veteran Affairs and the newly created Transportation Agency – are in the proves of developing their individual Tribal policies. A few agencies will launch their Tribal processes after the July 1st realignment. This includes Go Biz, the Technology Agency and State and Consumer Services. The Governor's Office works directly with agency Secretaries to support both development and implementation of Tribal policies.

The Tribal Advisor and the Governor's office provides resources for both agencies and Tribes. A variety of Tribal topics are being tracked across multiple agencies:

- Health optional benefits (CHHS)
- Individual taxation (FTB)
- Indian child welfare (DSS)
- Water issues (DWR, CalEPA)
- Broadband on Tribal lands (CPUC)
- Definition of Indian for health benefits (CBHE)

The Office is also monitoring legislative proposals related to Tribal interests:

- AB 52: Native Americans-CEQA
- AB 55: State Holidays Native American Day
- AB 71: Salton Sea Restoration
- AB 147: Salton Sea Dust Mitigation
- AB 148: Renewable Energy-Salton Sea
- AB 328: Tribal Gaming-Revenue Sharing
- AB 624: Tribal Gaming-Gambling Policy Advisory Committee
- AB 1042: Tribal Gaming Distribution Fund
- AB 1233: MediCal eligibility Tribal determinations
- AB 1267: Tribal Gaming-Compact Ratification
- SB 51: Internet Gambling
- SB 190: Gambling-Sports Wagering
- SB 406: Tribal Court Civil Judgment
- SB 740: Telecommunications-Advanced Services Fund

Ms. Gomez conveyed that Governor Brown is looking to increase Tribal representation on Boards where he has appointment authority. Applications and additional information is available online at: www.gov.ca.gov/m_appointments.php. The appointment application can also be used to submit for internships by selecting the "interns" heading for position sought. Additional details on internships can be obtained by contacting Heather Hostler.

The session concluded with Ms. Hostler providing an overview of the Tribal Advisor's website, online at www.tribalgovtaffairs.ca.gov.

IMPLEMENTATION PLANNING

The afternoon of Day 2 was dedicated to discussing strategies and next steps for implementing the concepts associated with the three themes of the 2013 Summit. Participants broke into groups to address TEK, Indigenous Rights to Water or Watershed Management. The option was provided to move between groups as desired. These brainstorming sessions focused on options for advancing the Summit principles, and identifying responsible parties and required participants. After two hours of dialogue, each group reported on the options that were

identified for the respective themes.

Several recurring suggestions surfaced, including: training programs – for Tribes and for agencies; co-management of resources; and ongoing and sustained collaboration between Tribes and agencies. The in-room summaries are reported here. Transcripts of the flipchart notes are provided in Appendix A.

Watershed Management and Land Use

Three main themes were reported from the discussions.

Shared resource management plans, or co-management, can be developed for areas of shared interest and shared resources. The California Department Fish and Wildlife indicated that they were especially interested in identifying co-management pilot projects. Charlton "Chuck" Bonham, director of the California Department of Fish and Wildlife, identified himself as the responsible party for this item. Resource Conservation Districts and Tribal Resource Conservation Districts (RCDs) were identified as playing a role in developing these plans and bringing in State and Tribal information. These RCDs would not serve as the responsible party, but have a role as potential partners or participants.

Early and greater collaboration with Tribes was also addressed. "Early" means at the design phase, not the "we have a proposal" phase. Collaboration is needed designing proposals. While this aspect is getting better, there is still a long way to go. Collaboration needs broad interpretation, to inform programs, as well as projects. Program development includes allocation decisions. If you wait until the project level for input, you've already lost some key opportunities for informing decisions. Requests for consultation must be prioritized. Agencies must include a "reply by" date in their requests, and allow at least 30 days for a response to accommodate presenting the item to the Tribal Council.

Mechanisms for helping to improve collaboration include: developing a list of State Tribal liaisons, and key agency contacts; and for state agency staff to get out of the offices and meet with Tribes on Tribal lands.

Shared understanding is needed. This would be supported by training for agencies in the areas of cultural sensitivity and sovereignty – including Tribal government operations. There would be training for Tribes on technical assistance to increase technical capacity. Fire regimes were suggested as an area where "scientific knowledge" meets "traditional knowledge" – where both sets of information are equally valued for understanding resource and management conditions.

In the area of training for agencies, the group discussed responsible

parties and necessary participants. It was agreed that implementation needed to come from the Governor's Office to assure consistency, and that Tribes needed to be engaged in designing the trainings themselves. Key participants, to help design that training, include: Ron Goode, Chris Peters, Sonny Hendricks, leadership from the Northern California and Southern California Tribal Chairs Association, Tribal Historic Preservation Offices (Buena Vista was specifically suggested), State Historic Preservation Offices, and Tribal liaisons (both Tribal and non-Tribal staff who serve as Tribal liaisons for the agencies) – who can share perspectives on where they struggled and training would have helped.

Traditional Ecological Knowledge

This group discussed generated 31 items and highlighted 6 of them. One of the themes highlighted that implementing TEK requires sufficient water quality and quantity; it's not possible to really separate out water rights from the ecological knowledge.

Protection and confidentiality of cultural resources involves protecting areas used for traditional uses without exposing that information to the public.

NEXT STEPS: Identify general areas of concern (those areas used by Tribes), as well as coming up with a system for working with State agencies regarding intensity and seasonality of use – to develop an understanding of when particular areas could or could not be used. Responsible parties include the Tribes, the Resource Agency and the different departments with responsibilities for various resources. This needs to be dealt with on a regional level as well. It's important to have people that Tribes can trust, in coming up with mechanisms to share information for protecting resources.

The next item was the need to have **Tribal liaison positions filled by native people or those who understand Tribal priorities** – there has to be trust between the liaisons and the Tribes. Current liaisons, who are non-native, need to receive more specific training. This can be accomplished by liaisons meeting with the Tribes in their region and become informed by the Tribes – to foster understanding of the people they're working with, and to build trust. Tribal liaisons need to prioritize Tribal issues – many agency liaisons have other job responsibilities. Working with the Tribes must be a priority.

Responsible parties include all state agencies, and the Tribes being able to work together. It is important that the State agencies implement policies that allow the Tribal liaisons to do their job. The Resource Secretary needs to be aware of the importance regarding Tribal liaisons having adequate time to do their job. [This will be combined with the recommendation from the Watershed group report.]

Give full faith and credit to TEK. Agencies need to trust that native people know what they're talking about. There seems to be either mistrust, or language gaps, which impede the ability to understand. There needs to be trust to know that native people have been practicing native resource management forever and there has to be an acceptance and trust and reciprocity of information in what agencies are doing in the planning process.

Institutional memory must continue support and continue reciprocal relationships. Approaches are needed to retain knowledge within the agency itself. Commitments need to be incorporated into the agencies, their management practices and the way the state implements laws, so that this carries on – regardless of who may be serving in any particular position. Relationships with the Tribes need to be built in a way that carries over, regardless of who is doing what within the Tribe or agency. Ongoing relationships and trust need to be maintained over time.

NEXT STEP: Touch base with Tribal liaisons for next steps.

The state needs to recognize, implement and enforce policies to **allocate water to native people and ensure water quality** sufficient for Tribal uses. Tribal rights to water and traditional uses of water must be recognized and incorporated into the State's overall policies for any of this to work. It is critical. This really needs to come from the top down – from the Governor's Office, the legislature and the policymakers at the top. High-level guidance will allow line staff to implement the policies and make sure these rights are acknowledged. The Tribes need to make sure that the State is accountable. Everyone in the room is probably responsible to help push this item.

Document TEK to convey the cyclical nature of ecosystem health and the importance of applying TEK to modern management priorities. This would incorporate what Tribes already know into modern management priorities. Make sure the information is translated in a way that agencies can work with Tribes. Action steps include funding for studies, to develop a language that works for everyone. Document the information in a way so that everybody understands each other. Responsible parties include State agencies and Tribes. Non-profits, who are already doing a lot of this work, could be involved.

Tribes need to be encouraged to **recognize the UN Declaration on the Rights of Indigenous Peoples** and incorporate it into their Tribal law. Those principles need to be implemented and acknowledged at the State level. The State is going to have to take an active role to do that. Those at the State level should be instructed

in these principles, how they relate to TEK, and how to incorporate Tribal rights to water into the water planning process. James Anaya, Professor at the University of Arizona, is doing a lot of work in Arizona and may be invited to provide a workshop.

Indigenous Rights to Water

Tribal outreach, Tribal liaisons and training were discussed as related themes. There are Tribal groups and organizations that are effective in engaging Tribes. They could assist liaisons with outreach if funding was identified.

Establishing **Tribal-State relationships should not just fall to liaisons** – all staff should work with Tribes and share information. This could be supported by an inter-agency curriculum or training on effective communication and outreach with Tribes – which would include things like cultural training, as well as sovereignty and what that means.

NEXT STEPS: Contact state agencies for interest in contributing to Tribal outreach and training.

Develop a strategy for better Tribal collaboration across all agencies.

NEXT STEPS: The Tribal AC will start to think about a possible framework.

Develop **program-specific guidelines and requirements for including Tribes and ensuring Tribal voices**. Originally directed towards IRWM, this is relevant across programs generally.

NEXT STEPS: The State Water Board and DWR will partner to look into that. Tom Howard will take the lead in options for addressing the IRWM guidelines, since the Water Boards were part of that.

Clarify that **Tribes are not stakeholders**. Tribes are sovereign nations and entities. This needs to be respected in regional planning – particularly if it's intended to be integrated.

Beneficial use designations need to respect Tribal and cultural uses. Work is being done on this by the California Indian Environmental Alliance, Paul and Tom.

NEXT STEPS: Build on the approach taken by the North Coast Regional Water Board.

Education is a topic that has been repeated several times. This particular item was tied to water rights. What are resources, what are rights, how do we look at it? Both BIA and Water Boards agreed to take the lead, because they're already working on some training to collaborate for both state and federal training. Doug Garcia and Gita Kapahi will take a look at what they already have and work to combine efforts, and to bring in the Bureau of Reclamation as necessary. Those interested in providing information should contact them. Part of the training should clarify the federal trust responsibility. What does that mean and how might the states potentially interact with that? What are the laws regarding trust responsibility and how do they tie to water rights?

A **BDCP information forum** is needed to obtain a better understanding of what this entails. What are the goals, what is the process for commenting or consulting on it? The CDFW, Water Boards and DWR agreed that they will put together a BDCP information forum, with an opportunity to comment.

Discussion

Kamyar Guivetchi advanced a recommendation from the 2009 Tribal Communication Plan to improve Tribal communication. The suggestion was to create a Tribal communication network throughout California – by asking agencies to co-fund a number of Tribal members working in various areas of the state to serve as Tribal liaisons. Whenever information needs to be sent out or received, the Tribal communication network could be tapped along with the agency Tribal liaisons. Tribes and agencies alike could use the network to share information.

On the topic of coordination across state agencies, one of the guiding principles for the Summit calls out the Biodiversity Council's recently adopted resolution on alignment. A request could be made to the Biodiversity Council, asking what would be involved to have Tribal governments on the Council.

Chris Peters mentioned that previous legislation authorized establishing a Tribal website. It was never implemented, along with Tribal curriculum that was never implemented. If state agencies can resurrect that previous authorization, and establish a website – that serves as a go-to resource for all departments and agencies. This would improve communications significantly.

NEXT STEPS

Stephanie Lucero invited participants to complete a Summit evaluation sheet. They will be posted on the Summit website in early May.

The proceedings will be developed with the TWS Design Team and Tribal AC, and incorporated into Update 2013.

CLOSING REMARKS

Ron Goode shared take-away messages from the two days of the Summit:

- Building trust builds capacity.
- Training with Tribes, not for Tribes.
- Working collaboratively and collectively.
- What is spirituality? What is sovereignty? What is trust?
- Blood is to humans is what water is to Mother Earth.
- Water is life. All life has a spirit.
- Water that doesn't connect to the ocean has a spirit that is dead.
- A waterway without its fish is a waterway without its spirit.

- » Tribal leaders are clear about their disappointments.
- » Deliverables, not recommendations. Recommendations create and sustain disappointment. Deliverables build relationships.
- » What is trust responsibility? What is responsibility? What is consultation?
- » Water is for fish, basketry, ceremony, resources, land, rocks, drinking, bathing, cooking, cleansing, healing and for dust.

Water is for all Tribal lands. Water is sacred. Water is life. There have been conversations regarding beneficial use, TEK and water rights – what do these terms represent and to whom? Who were the first people? Who were the first users? Who are policies designed for?

There have been statements on commitment, IRWMs out of balance, climate change, and promoting native and drought-resistant plants. Solutions are tough, but pollution is not an option. Why historical ecology? Why GIS? Change needs public support. Tribal archeology, historical mapping, ethnography, ethnobotany, geneology, water stories and trails all tell of Tribal knowledge and practices.

No matter the suppression, Indians will find a way to do what they do. Tribes are here and are not going away.

Tribes retain senior water rights. What happens when we don't have water? Control is the choice to let water flow. Water rights control those flows.

The Tribal Advisor position represents one of the 2009 Summit deliverables. Sonny Hendricks says "The Governor's Office Liaison Position has good people and youth. This is important because we need the youth to pass on our knowledge, our work and our vision." When the elders talk to you, you have to listen.

Mr. Goode explained that he approached the 2013 Summit with an open door, open mind and open heart. On the way up, he heard a blues song that says you can't build a home with hammer and nails alone, there must be spirituality. The state and federal agencies have the tools, and Tribes have the spirituality to restore Mother Earth and the blood that runs through her. Remember that water is sacred. And we do all drink from the same water.

The Summit concluded with a closing prayer and was adjourned.

Appendix A: Notes from Implementation Framework Sessions

TRIBAL ECOLOGICAL KNOWLEDGE

Build a process where western science can be integrated with Tribal Ecological Knowledge

- » Share information, develop co-management approaches
  - › Convey knowledge from Tribes to various agencies
    - · Document TEK
  - › Open lines of communication to create relationships that are conducive to co-management
  - › Establish mutually agreed upon baseline conditions
  - › Help develop data within Tribal communities
  - › Accept that Tribal people know how to take care of their lands before the agencies were formed
  - › Protect plants that are essential while being able to keep them from being exposed or exploited
  - › Convey the cyclic nature of ecosystem health and the importance of fire to water sources and water quality in these systems
  - › Apply Tribal management and systems to agency resource/ecology management
  - › Understand the broad views of what encompasses Tribal homelands – perhaps as a severity ranking/importance category
  - › Agencies need to become familiar with how Tribes communicate Tribal Ecological Knowledge
  - › Teach the State that natural resources include and are cultural resources – this needs a proclamation and direct fundamental instruction/law from the legislature and Governor's office

- » Explain and understand TEK perspectives and values
  - › Clearly explain to agencies that water is sacred
  - › Explain additional concepts to agencies – we live and exist in a system of reciprocity
  - › Clearly convey that Tribes do not consider water as something that can be separated from larger issues
  - › Develop relationships with Tribes
    - · Meet face-to-face, at Tribal locations
    - · Convey the importance of incorporating successful knowledge transfer in Tribal relationships
    - · Get State agency Directors in the room with Tribal representatives to become educated on these issues – this will help the Tribal liaisons, from their respective agencies, work better.

Fill Tribal liaison positions with persons from Tribal communities

- » Helps to break down barriers and gives reassurances of trust
- » Create a network of liaisons that satisfy the need for multi-faceted liaison work
  - › Legal
  - › Field/regional local
- » Develop a relationship with Tribes
- » Educate Tribal liaisons to better understand Tribes in the regions they represent
  - › Ensure that Tribal liaisons have enough time to dedicate to their regions.
- » Set up a forum where Tribes can teach the liaisons
  - › Agencies go to the Tribes

Get all parties involves at the table

Establish a forum for Tribes where they can caucus before engaging other agencies – model after the EPA Region 9 RTOC

The State of California needs to recognize, implement and enforce a policy to allocate water to Tribes

- » Convey that, until now, TEK didn't need to address water supply and water quality
- » Establish a framework of contacts/policy makers who need to be present in discussions on water allocations

Encourage the State and Tribes to endorse/ratify UNDRIP – this will pave the way for TEK transfer

- » Encourage the State and Tribes to use these principles when implementing law.

WATERSHED MANAGEMENT AND LAND USE

Agency training on Tribal sovereignty/government operations and cultural sensitivity to increase cultural capacity of Agencies, better understanding and acceptance of Tribal perspectives.

- » Governor's Office leads (to provide consistency) and delegates to agencies and programs
- » Designed by Tribes – involve the following groups/people in developing curriculum
  - › Tribal Environmental Directors – they help bridge the Tribes and agencies
  - › Northern California and Southern California Tribal Chair Associations – leadership
  - › SHPO/THPO, Buena Vista HPO – they have been discussing this
  - › Tribal liaisons – can share what information is/would be helpful in their jobs
  - › Chris Peters, Ron Goode, Sonny Hendricks

Tribal training to increase technical capacity of Tribes, better integration with agency formats

- » Provide technical resources and assistance
  - › State agencies provide technical assistance for their programs
  - › Tribes identify their needs and preferred consultants (accessing consultants who they work well with)
  - › "Wrap-around" assistance: inter-department and inter-agency coordination and communication
  - › Need multiple levels of technical training (basic to advanced)
- » Tribes need a better way to describe local conditions
  - › Scientific presentation of information by Tribes (e.g. watershed assessments)
  - › Who should assessment/information be submitted to?
  - › How to fill out forms
    - · Creating more competitive IRWM applications

Tribes and agencies work together to incorporate Tribal Ecological Knowledge into watershed management, planning and studies

- » Develop shared management plans to address shared interests and resources
  - › Develop, institutionalize and document relationships – helps to transition changes in staffing (for both agency and Tribal turnover)
  - › Revise concept of "conservation" to include planned human activity (rather than no human activity)
  - › Work with California Department of Fish and Wildlife
  - › Identify existing examples:
    - · MOA with Yosemite National Park
    - · MOU/MOA with Stanislaus National Forest
    - · IRWMs with Tribal partners
  - › Look for new opportunities:
    - · Expanding the scope of Tribal Conservation Districts (federally recognized Tribes) to work with other partners
    - · Involvement of Tribes on State Resource Conservation Districts (RCDs), LAFCOs (Local Agency Formation Commissions), Fire Safe Councils

- Identify pilot projects
  - Fire regimes represent an area for integrating TEK and "scientific" studies
    - Communities with reduced fire risks (fire-safe communities) will be less threatened by cultural burns
- Work to share appropriate Tribal information – info is needed for management decisions
  - Sensitivities on sharing Tribal information
    - Watershed information might be shared
    - Cultural sites information is privileged
    - Consider appropriate levels of aggregation (use information to increase awareness without exposing sties)
    - The extent of information exchange varies with the nature of sharing
      - Statewide versus project specific versus emergent (e.g. fire management)
      - Cultural sensitivity increases the awareness of the type of information that could be shared
  - Look at options for formal orientation to share information on Tribal priorities
    - Klamath Basin Management Program has sharing conferences
    - Participation in IRWMs, RCDs
- Ties into the work of Tribal liaisons
  - Create updated list of State Tribal liaisons
  - Leverage multiple pots of money (funding comes in silos)
- Bring funds together to achieve a central purpose
- Provide direct funding to Tribes for:
  - Planning
  - Projects
  - Project development
  - Indian Health Service matching requirements

Early Collaboration

- Tribal input is needed at the design phase – early in the process
- Needed for projects and programs (broader interpretation of collaboration – beyond projects)

- Share information with many people, many times (conditions change, teams change)
  - Invite key agency contacts to on-site visits (conveys a sense of place and the nature of collective knowledge)
  - Tribes need to prioritize requests for consultation (many requests – some have direct impacts, others are less important)
  - Agencies need to include a "respond by" date in requests for consultation – which provides at least 30 days for review and response to accommodate timing of Tribal Council meetings
- Consultation
  - Relationships at State level
    - Coordinate Tribal liaison positions (maximize resources)
    - Where are Tribal liaison positions located? High enough position to make decisions
  - Needed at multiple levels
    - Project-specific activities
    - Program allocations
  - Timing considerations (Items 4 & 5 in early collaboration, Item E, above)

INDIGENOUS RIGHTS TO WATER

- Beneficial Use Designation
  - For cultural uses; agricultural
    - How situations and water rights play into this
- Tribal say and <u>funding for liaisons</u>
  - Identify effective tribal outreach folks
  - Education to staff and liaisons
- Mandate and guidelines for incorporating Tribal and tribal voices into specific programs
  - Government-to-government status
  - Not just stakeholders
  - Water Boards and DWR to take lead

- BDCP
  - Need better baseline information
  - Biological goals and objectives – part of plan
  - Need forum to share information and provide opportunity for comment
    - Water Boards
    - DFW
    - DWR
  - Need process and consultation
  - Water quality
    - Salmon and restoration levels
    - Sediment
    - Ecosystem needs
    - Look at upstream needs
- Trust Responsibilities
  - Laws, education
  - Water rights

Appendix B
2013 Tribal Water Summit Attendance

Aljise, Kome	CalTrans, Manager, Public-Private Partnership Program
Aldern, Jared	North Fork Mono Tribe, Volunteer
Alejandrino, Emily	Department of Water Resources, Staff Environmental Scientist
Alvarez, Eric	Delta Stewardship Council, Public Information Officer
Anderton, Scott	National Indian Justice Center, Administrative Support
Andrew, John	Department of Water Resources, Assistant Deputy Director
Arnold, Don	Scotts Valley Band of Pomo Indians, Tribal Chair
Arroyo, Angelina	Habematolel Pomo of Upper Lake, Vice Chair
Bacock, Alan	Big Pine Paiute Tribe of the Owens Valley, Water Program Coordinator
Banker, Denise	Cal EMA, Tribal Liaison
Barentson, Janet	CalFIRE, Chief Deputy Director
Baty, Miles	Big Sandy Rancheria, Tribal Council (Vice Chair)
Bearquiver, Kevin	Bureau of Indian Affairs, Deputy Regional Director
Bill, Janet	Office of the Governor, Intern
Bonham, Chuck	California Department of Fish and Wildlife, Director
Branham, Sharon	Hoopa Valley Tribe, Elder and Beadworker
Britton, Paula	Habematolel Pomo of Upper Lake, Environmental Director
Brown, Batsulwin	Big Valley Band of Pomo Indians, Cultural Resources Specialist
Brown, Belinda	Pit River Tribe, Kosealetke Council Alternate
Buma, Grant	Colorado River Indian Tribes, Acting Director Water Resources
Camp, Jason	United Auburn Indian Community of the Auburn Rancheria, Interim Chair, Tribal Historic Committee
Cantrell, Scott	California Department of Fish and Wildlife, Water Branch Chief
Cervantes, Xavier	Department of Water Resources, Senior Land and Water Use Scientist
Chabot, Warner	Observer
Chappell, Erin	Department of Water Resources, Staff Environmental Scientist
Charley, Dirk	Sierra National Forest, Tribal Liaison
Chi, Michelle	Cloverdale Rancheria Representative
Ciotti, Damion	US Fish and Wildlife Service, Tribal Partnerships Specialist
Cleveland, Leslie	Bureau of Reclamation, Water Resources Manager
Colegrove, Dania	Klamath Justice Coalition, Organizer
Conner-Bohna, Lois	North Fork Mono Tribe, Basket Weaver
Connolly, Michael	Laguna Resource Services, President
Coolidge, Keith	Delta Stewardship Council, Executive Manager, External Affairs
Coombe, Peter	Department of Water Resources, Staff Environmental Scientist
Covington, John	Morongo Band of Indians, Administrator
Cozens, Rob	Resighini Rancheria, Environmental Director
Cuthbertson, Aaron	Department of Water Resources, Engineering Geologist
Delgado, Marilyn	Yocha Dehe Wintun Nation, Cultural Resources Director
DeSpain, Michael	Mechoopda Indian Tribe, Environmental Planning and Protection
Dixon, Aaron	Susanville Indian Rancheria, Secretary
Dodds, Kenneth	Fort Independence Tribe, Water Resources Technician

Dolan, Danielle	UC Davis, Graduate Researcher
Dooley, Michelle	Department of Water Resources, Engineering Geologist
Durante, Amelia	SFSU Ethnic Studies Empowerment Center, Intern
Dutschke, Arlene	Ione Band of Miwok Indians, Environmental Planner
Espinosa, Pamela	Hopland Band of Pomo Indians, Vice Chair
Essex, Cheryl	California State Parks, Landscape Architect
Evoy, Barbara	State Water Board, Deputy Director, Division of Water Rights
Fierro, Marissa	Pit River Tribe, Environmental Coordinator
Fisher, Konrad	Klamath River Keepers, Executive Director
Flores, John	San Pasqual Band of Mission Indians, Water Manager
Floyd, Mike	Department of Water Resources, IRWM Strategic Plan
Fuller, Michelle	Blue Lake Rancheria, Environmental Director
Gailey, Robert	Susanville Rancheria, TERRA Solutions & Services, Director of Water Resources
Gali, Morning Star	Pit River Tribe, Tribal Historic Preservation Officer
Garcia, Nicole	Pala Band of Mission Indians, Alternate Delegate SLRIWA
Garcia, Cindy	Department of Water Resources, Branch Chief
Garcia, Douglas	Department of Interior, Bureau of Indian Affairs, Water Rights Specialist
Garcia, Rebecca	Sierra National Forest, Public Affairs Officer
Garza, Yolanda	Department of Toxics and Substance Control, Chief, Public Participation Branch
George, Bill	Pit River Tribe, Cultural Committee Member and Elder
George, Laura Lee	Humboldt State University, Interim Director, ITEP Program
George, Mervyn, Sr.	Hoopa Valley Tribe, Hereditary Ceremonial Dance Leader
Gomez, Cynthia	Office of the Governor Edmund G. Brown Jr., Tribal Advisor
Goode, Ron	North Fork Mono Tribe, Tribal Chairman
Goodwin, Robert	USFS, Region 5, Director of Tribal Relations
Goonawardena, Chathurika	Sierra National Forest, Tribal Relations Program Assistant
Gordon, Christine	State Water Board, Staff, Division of Financial Assistance
Griffith-Flatter, Julie	Sierra Nevada Conservancy, Tribal Liaison
Guerrero, Marcos	United Auburn Indian Community of the Auburn Rancheria, Cultural Resources Manager
Guerrero, Salena	Bridgeport Indian Colony, Water Technician
Guivetchi, Kamyar	Department of Water Resources, Manager, Statewide Integrated Water Management
Hankins, Don	CSU Chico, Associate Professor
Hansard, Christi	Buena Vista Rancheria, Environmental Technician
Harper, Tracey	
Harrison, Christina	Habematolel Pomo of Upper Lake, Water Technician
Hawkins, Richard	Nor-Rel-Muk Wintu Nation, Tribal AC Representative
Helms-Schenk, Erica	Soboba Band of Luiseno Indians, Environmental Director
Henderson, Jennifer	California Department of Justice, Deputy Attorney General
Hendricks, Sonny	Tuolumne Band of Me-Wuk Indians, Tribal Elder
Hillman, Leaf	Karuk Tribe, Department of Natural Resources, Environmental Director
Hoffman, Marie	State Water Resources Control Board, Assistant to the Tribal Liaison
Hoffman-Floerke, Dale	Department of Water Resources, Chief Deputy Director

Hostler , Heather	Office of the Governor Edmund G. Brown Jr., Chief Deputy
Howard, Tom	State Water Board, Executive Director
Ingram, Steven	California Department of Fish and Wildlife, Tribal Liaison, Senior Staff Counsel
Jachens, Chuck	Bureau of Indian Affairs, Regional Hydrologist
Jacobsen, Bill	California Indian Water Commission, Consultant
Jaffke, Denise	California State Parks, Associate State Archeologist
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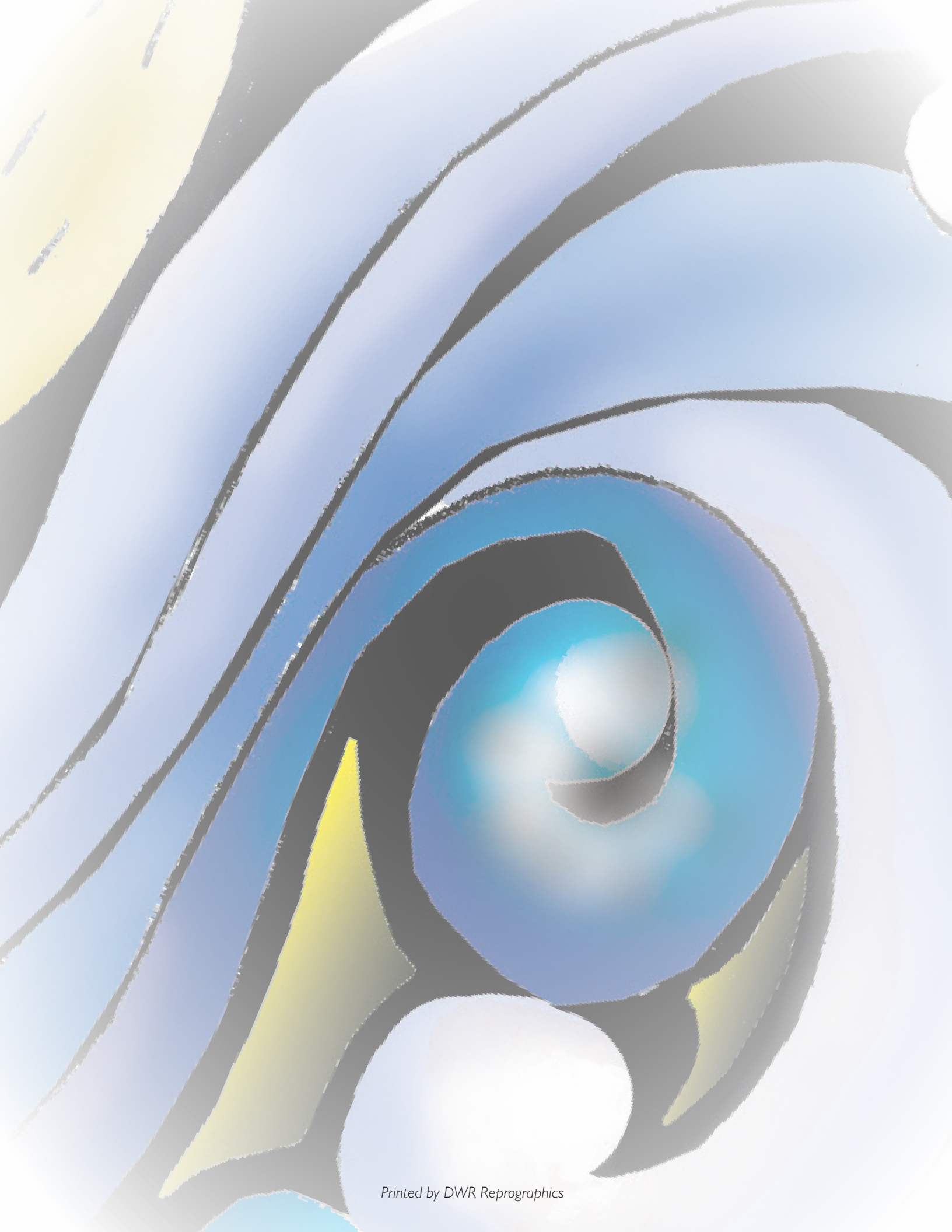

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