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Sacramento, CA



2018

Tribal Water

Summit Proceedings

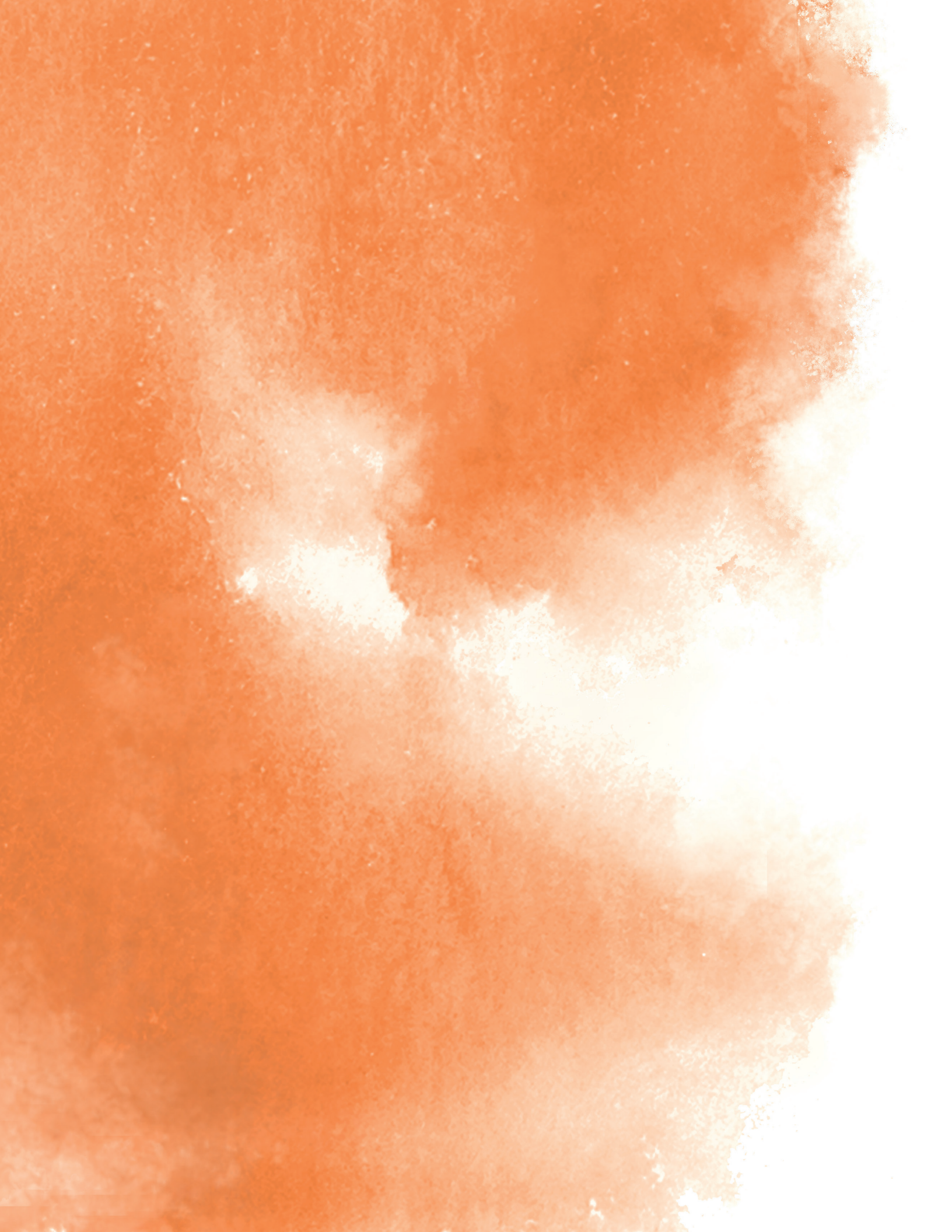


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Summit Sponsors

The Tribal Water Summit is the result of a collaborative effort between California Native American Tribes, California Water Plan Update 2018, California state agencies, Tribal governments, community members, and both Tribal and non-Tribal organizations. The Summit would not have been possible without the contributions and support of our financial sponsors, donors and volunteers.

We thank North Fork Mono Tribe for their time and resources in serving as the chief fundraiser and fiscal agent for the Summit.

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- Tuolumne Band of Me-Wuk Indians
- Torres Martinez Desert Cahuilla Indians
- University of California, Davis
- Wilton Rancheria
- Yurok Tribe

Tribal Water Summit Planning Team Members

In addition to our financial sponsors, the 2018 Summit was made possible through the in-kind support of our Tribal Water Summit Planning Team. We appreciate all of these individuals that committed their time and energy to ensure the success of the 2018 California Tribal Water Summit:

- Anecita Agustinez, *CA Department of Water Resources*
- Angela Rabe, *State Water Resources Control Board*
- Anthony Madrigal, *Cahuilla Band of Indians*
- Art Bunce, *Barona Band of Mission Indians*
- Barbara Cross, *CA Department of Water Resources*
- Belinda Brown, *InterTribal Ecosystem Restoration Network*
- Brenda Tomaras, *Tomaras & Ogas, LLP*
- Chuck Jachens, *Bureau of Indian Affairs*
- Crystal Robinson, *Quartz Valley Indian Reservation*
- David Sandino, *CA Department of Water Resources*
- Desiderio Vela, *La Posta Band of Mission Indians*
- Donna Begay, *Tübatulabals of Kern Valley, State Water Resources Control Board*
- Dore Bietz, *Tuolumne Band of Me-Wuk Indians*
- Emily Alejandrino, *CA Department of Water Resources*
- Ethan Lawton, *Streamline Planning Consultants*
- Gregory Wolfen, *Pit River Tribe*
- Javier Silva, *Sherwood Valley Rancheria*
- Jedd Parr, *California Indian Legal Services*
- Jene McCovey, *Yurok and Hoopa*
- Jim Fenelon, *California State University San Bernardino, Dakota/Lakota, Standing Rock*
- John Covington, *Morongo Band of Mission Indians*
- John Harris, *Colchester Creek*
- John Tommy Rosas, *Tongva Nation*
- Julia Bogany, *Tongva-Gabrielino Band of Mission Indians*

Tribal Water Summit

Planning Team Members (continued)

- Julie Griffith-Flatter, *Sierra Nevada Conservancy*
- Kamyar Guivetchi, *CA Department of Water Resources*
- Karola Kennedy, *Elem Indian Colony*
- Lisa Gover, *Campo Kumeyaay Nation*
- Luke Madrigal, *Cahuilla Band of Indians*
- Mandi Garcia, *Buena Vista Rancheria of Me-Wuk Indians*
- Marissa Fierro, *Pit River Tribe*
- Mark Radoff, *California Indian Legal Services*
- Michael Connolly, *Campo Kumeyaay Nation*
- Miguel Hernandez, *Pauma Band*
- Morgan Johnson, *State Water Resources Control Board*
- Morning Star Gali, *Pit River Tribe*
- Oscar Serrano, *Colusa Indian Community*
- Chairman Ron Goode, *North Fork Mono Tribe*
- Ruthie Maloney, *Yurok Tribe, Navajo*
- Siran Erysian, *CA Department of Water Resources*
- Steve Archer, *Buena Vista Rancheria Band of Me-Wuk Indians*
- Tim Nelson, *CA Department of Water Resources*
- Tito Cervantes, *CA Department of Water Resources*
- Tom Keegan, *California Rural Water Association*
- Alex Cole-Weiss, *Center for Collaborative Policy*
- Stephanie Lucero, *Center for Collaborative Policy*

Background and Summit Planning Process

The California Department of Water Resources (DWR) is required by state legislation to update the California Water Plan (Water Plan) periodically. The purpose of the Water Plan is to provide legislative decision-makers and the general population a long-range view of California's developed water supplies and potential future needs for all sectors of California's water users: urban, agricultural, and environmental. The first Water Plan was published in 1957. The most recent updates were issued in 2005, 2009, and 2013. Update 2005 included a recommendation that called for increasing Tribal involvement in statewide, regional, and local water planning. This marked the first concerted effort to bring Tribal water needs into the planning process.

For Update 2009, DWR took further steps by convening a volunteer Tribal Communication Committee (TCC) to design a Tribal Communication Plan (TCP) to increase Tribal participation in the Water Plan Update. One key element of the TCP was to hold a statewide summit. In early 2009, DWR and the TCC convened the first Tribal Water Summit Planning Team (Planning Team). The first statewide Tribal Water Summit (Summit) was held on November 4-5, 2009 in Sacramento, under a theme to "Protect Our Sacred Water." Nearly 300 participants attended, represented some 66 Tribes, 15 Tribal organizations, 13 state agencies, and three federal agencies. A list of 70 recommendations voiced by Tribal participants were documented in the Proceedings of the 2009 California Tribal Water Summit. The Proceedings were incorporated into the final Water Plan Update 2009. Thus, the Summit became an integral part of the Water Plan Update process. A separate volume of Tribal Water Stories appeared for the first time in conjunction with the Summit.

For Water Plan Update 2013, DWR convened a formal Tribal Advisory Committee (TAC) beginning in January 2012 to develop Tribal content for Update 2013, and to guide the Planning Team for the 2013 Summit. Members were required to have formal authorization from their respective Tribes or Tribal non-profit organizations to serve on the TAC. Three main themes of the Summit were summarized as Tribal Ecological Knowledge; Indigenous Rights to Water; and Watershed Management and Land Use. The topic of Tribal Use in Marine Protected Areas expanded the scope of topics. In developing the 2013 Summit, the Planning Team sought feedback from other groups participating in the broader Water Plan Update 2013 process on a wide range of Tribal water concerns. The Planning Team developed a set of guiding principles and a Statement of Goals for Implementation. The Summit took place on April 24-25, 2013, in Sacramento, with a theme "We all Drink from the Same Water." A fundamental goal of the 2013 Summit was to develop tangible outcomes toward the future advancement of Tribal objectives and involvement in water planning. Day 1 was devoted to defining and clarifying water issues encompassed by the three main themes,

Background and Summit Planning Process (continued)

followed by Day 2 identifying strategies and next steps for implementing solutions across multiple agencies. Of some 300 participants, 100 represented Tribes and Tribal organizations.

The 2018 Tribal Water Summit continued and expanded the commitment by the California Natural Resources Agency, 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.

The 2018 Tribal Water Summit was designed and organized by the Planning Team, with facilitation and logistics support from the Consensus and Collaboration Program within California State University, Sacramento. Many Planning Team members were involved in planning previous summits and/or participated in the Water Plan Update 2013 TAC. The Planning Team met several times in locations across the state in 2016 and 2017. Planning Team members also met regularly by conference call to identify and develop the Summit goals, agenda topics, and speakers. In collaboration with the Summit facilitation staff, Planning Team members worked with the Summit presenters to identify key questions and talking points, and moderated the breakout session discussions. Planning Team members also conducted direct outreach to Tribes and Tribal organizations both to encourage participation and attendance, and as part of the Summit fundraising effort. As a process and event driven by Tribal perspectives and Tribal members, the Summit represents a collaborative effort to address the diverse needs and issues related to water by California Tribes and Tribal organizations, and state and federal government. As such, it represents an exercise in government to government engagement in water planning.

Summit Agenda

Day 1

Time	Item
8:30 am	Registration
9:00 am	Opening Prayer & Tribal Welcome Speaker: Chairman Raymond C. Hitchcock, <i>Wilton Rancheria</i>
9:15 am	Welcome Master of Ceremonies: Anecita Agustinez, <i>CA Department of Water Resources</i> Panelists: <ul style="list-style-type: none">• Christina Snider, <i>Governor's Tribal Advisor, Native American Heritage Commission</i>• Karla Nemeth, <i>Director, CA Department of Water Resources</i>
9:30 am	Summit Overview Speakers will discuss the history of Summit, overall Summit objectives and goals, and outline how the Governor's Water Action Plan and California Water Plan can achieve some of those goals and serve as tools to accomplish others. Panelists: <ul style="list-style-type: none">• Chairman Ron Goode, <i>North Fork Mono Tribe</i>• Kamyar Guivetchi, <i>CA Department of Water Resources</i>
9:50 am	Working Together: Perspectives from Tribal, State, and Federal Agency Leaders Speakers will discuss and review what has been accomplished in the last five years with regard to State, Federal, and Tribal involvement in key water policy issues; current efforts to address Tribal policy needs; and future policy directions. Moderator: Anecita Agustinez, <i>CA Department of Water Resources</i> Panelists: <ul style="list-style-type: none">• Chairman Bo Mazzetti, <i>President of San Luis Rey Indian Water Authority</i>• Felicia Marcus, <i>State Water Resources Control Board Chair</i>• Alexis Strauss, <i>U.S. Environmental Protection Agency Region 9</i>

Summit Agenda (continued)

Day 1

Time	Item
11:05 am	BREAK
11:15 am	<p>Holistic Definition of Indigenous Rights to Water</p> <p>Speakers will provide perspectives on a holistic framework for a definition of indigenous water rights; demonstrate the diverse Tribal perspectives and meanings of indigenous water rights from historical, cultural, legal, and academic aspects; and discuss the interconnection between indigenous water rights and Tribal lifeways, sovereignty, culture, and traditional ecological knowledge.</p> <p>Moderator: Angela Mooney D’Arcy, <i>Sacred Places Institute for Indigenous Peoples</i></p> <p>Panelists:</p> <ul style="list-style-type: none">• Anthony Madrigal, <i>Cahuilla Band of Indians</i>• Luke Madrigal, <i>Cahuilla Band of Indians</i>• Chris Peters, <i>Seventh Generation Fund</i>
12:15 am	<p>LUNCH</p> <p>Interactive poster session Vendor/exhibitor session</p>
1:00 pm	<p>LUNCH SPEAKER</p> <p>Charlton H. Bonham, <i>Director,</i> <i>California Department of Fish and Wildlife</i></p>
1:15 pm	<p>Breakout Sessions: Tribal Policy Issues</p> <p>Concurrent sessions.</p> <p>1. Federal Water Rights Case Studies (Southern)</p> <p>Moderator: Mark Radoff, <i>California Indian Legal Services</i></p> <p>Panelists:</p> <ul style="list-style-type: none">• Chris Devers, <i>San Luis Rey Indian Water Authority</i>

Summit Agenda (continued)

Day 1

Time	Item
	<ul style="list-style-type: none"> • Les Marston, <i>Chemehuevi Tribe</i> • Chairman Bo Mazzetti, <i>President of San Luis Rey Indian Water Authority</i> <p>2. Legislative Update: Opportunities and Challenges Moderator: David Sandino, <i>CA Department of Water Resources</i> Panelists:</p> <ul style="list-style-type: none"> • Sam Cohen, <i>Santa Ynez Chumash</i> • Art Bunce, <i>San Luis Rey Indian Water Authority</i> <p>3. Water Infrastructure Moderator: Oscar Serrano, <i>Colusa Indian Community</i> Panelists:</p> <ul style="list-style-type: none"> • Armando Quintero, <i>California Water Commission</i> • Chairman Russell “Buster” Attebery, <i>Karuk Tribe</i> <p>4. Water Quality Issues Moderator: Tom Keegan, <i>California Rural Water Association</i> Panelists:</p> <ul style="list-style-type: none"> • La Vonne Peck, <i>former Chairwoman of the La Jolla Band of Luiseno Indians</i> • Lily Weaver, <i>State Water Resources Control Board</i> • Charles Striplen, <i>State Water Resources Control Board</i> • Sarah Ryan, <i>Big Valley Rancheria</i> <p>5. Prop 1 Funding Implementation & Integrated Regional Water Management Moderator: Sherri Norris, <i>California Indian Environmental Alliance</i> Panelists:</p> <ul style="list-style-type: none"> • Carmel Brown, <i>CA Department of Water Resources</i> • Leslie Laudon, <i>State Water Resources Control Board</i> • Ron Sundberg, <i>Rural Community Assistance Corp</i> • John Covington, <i>Morongo Band of Mission Indians</i>
2:30 pm	BREAK

Summit Agenda (continued)

Day 1

Time	Item
2:40 pm	Tribal and Agency Roundtable Session Roundtable conversations are meant to be candid exchanges between Tribal/State/Federal agency representatives, where participants can ask their questions and concerns, share experiences, and network. The overall goal is to generate discussion on what is working and what needs to be improved in water policy as it relates to Tribes, and identify key existing and emerging policy issues that need to be further addressed.
3:45 pm	Repeat Breakout Sessions: Tribal Policy Issues Concurrent sessions. 1. Federal Water Rights Case Studies (Northern/Central) Moderator: Mark Radoff, <i>California Indian Legal Services</i> Panelists: <ul style="list-style-type: none">• Kenneth McDarment, <i>Tule River Tribe</i>• Michael Belchik, <i>Yurok Tribe</i> 2. Legislative Update: Opportunities and Challenges Moderator: David Sandino, <i>CA Department of Water Resources</i> Panelists: <ul style="list-style-type: none">• Sam Cohen, <i>Santa Ynez Chumash</i>• Art Bunce, <i>San Luis Rey Indian Water Authority</i> 3. Water Infrastructure Moderator: Oscar Serrano, <i>Colusa Indian Community</i> Panelists: <ul style="list-style-type: none">• Armando Quintero, <i>California Water Commission</i>• Chairman Russell “Buster” Attebery, <i>Karuk Tribe</i> 4. Water Quality Issues Moderator: Tom Keegan, <i>California Rural Water Association</i> Panelists: <ul style="list-style-type: none">• La Vonne Peck, <i>former Chairwoman of the La Jolla Band of Luiseno Indians</i>

Summit Agenda (continued)

Day 1

Time	Item
	<ul style="list-style-type: none">• Lily Weaver, <i>State Water Resources Control Board</i>• Charles Striplen, <i>State Water Resources Control Board</i>• Sarah Ryan, <i>Big Valley Rancheria</i> <p>5.Prop 1 Funding Implementation & Integrated Regional Water Management</p> <p>Moderator: Sherri Norris, <i>California Indian Environmental Alliance</i></p> <p>Panelists:</p> <ul style="list-style-type: none">• Carmel Brown, <i>CA Department of Water Resources</i>• Leslie Laudon, <i>State Water Resources Control Board</i>• Ron Sundberg, <i>Rural Community Assistance Corp</i>• John Covington, <i>Morongo Band of Mission Indians</i>
5:00 pm	ADJOURN DAY 1 PROCEEDINGS
5:30 pm– 8:00 pm	Evening Celebration & Dinner

Summit Agenda (continued)

Day 2

Time	Item
8:30 am	Registration
9:00 am	Opening & Welcome Master of Ceremonies: Emily Alejandrino, <i>CA Department of Water Resources</i> Speaker: Cindy Messer, <i>Chief Deputy Director, CA Department of Water Resources</i>
9:20 am	Recap of Day 1 Panelists: <ul style="list-style-type: none"> • Anecita Agustinez, <i>CA Department of Water Resources</i> • Chairman Ron Goode, <i>North Fork Mono Tribe</i>
9:40 am	Governance Structures and Models: Communication, Collaboration, Consultation Speakers will share examples of regional governance models and discuss how Tribes, and State and Federal agencies address governance issues in water resource management partnerships, highlighting challenges to and principles for effective collaboration. Panelists: <ul style="list-style-type: none"> • Sherri Norris, <i>California Indian Environmental Alliance</i> • John Covington, <i>Morongo Band of Mission Indians</i> • Javier Silva, <i>Sherwood Valley Band of Pomo</i> • Craig Tucker, <i>Karuk Tribe</i>
10:45 am	BREAK
10:55 am – 12:30 pm	Breakout Sessions: Tribal Policy Implementation Concurrent sessions. <div> <div> Session A <ul style="list-style-type: none"> • 10:55 am – 12:30 pm </div> <div> Session B <ul style="list-style-type: none"> • 10:55 am – 11:40 am • Session repeats 11:45 am – 12:30 pm </div> </div>

Summit Agenda (continued)

Day 2

Time	Item
	<p>1. GIS Mapping Working Session Panelists:</p> <ul style="list-style-type: none"> • Siran Erysian, CA Department of Water Resources • Dore Bietz, Tuolumne Band of Me-Wuk Indians • Kerri Vera, Tule Tribe • Donna Begay, Tübatulabals of Kern Valley • Jane Schafer-Kramer, CA Department of Water Resources <p>2. Protecting Tribal Traditional Water Uses and Subsistence Fish Consumption Panelists:</p> <ul style="list-style-type: none"> • Karola Kennedy, Elem Indian Colony • Sarah Ryan, Big Valley Rancheria • Sherri Norris, CA Indian Environmental Alliance • Zane Poulson, SWRCB • Stacy Gillespie, SWRCB <p>3. Indigenous Communities Climate Change Assessment Moderator: Stephanie Lucero, Center for Collaborative Policy, Sacramento Panelists:</p> <ul style="list-style-type: none"> • Chairman Ron Goode, North Fork Mono Tribe • Nuin-Tara Key, Governor's Office of Planning and Research <p>4. Water & Food Sovereignty Panelists:</p> <ul style="list-style-type: none"> • Morning Star Gali • Sage LaPena <p>5. Preserving and Managing the Salton Sea Moderator: Vivien L. Maisonneuve, CA Department of Water Resources Panelists:</p> <ul style="list-style-type: none"> • Bruce Wilcox, CNRA • Alberto Ramirez, Torres-Martinez Tribe <p>6. Conservation Easements Moderator: Darcie Houck, CA Public Utilities Commission Panelists:</p> <ul style="list-style-type: none"> • Mike Connolly, Campo Kumeyaay Nation
12:30 pm	<p>LUNCH</p> <ul style="list-style-type: none"> • Speaker: John Andrew, Assistant Deputy, CA Department of Water Resources • Video: Climate Conversations: Tribal Video Project

Summit Agenda (continued)

Day 2

Time	Item
1:30 pm	Secretary of State Remarks Secretary Alex Padilla
1:35 pm	Tribal and Agency Roundtable Session Continued roundtable discussions between Tribal/State/Federal agency representatives. A final objective is to review Day 1 and Day 2 discussions, prioritize policy issues, and identify next steps toward policy implementation.
2:45 pm	Concluding Remarks Panelists: Kamyar Guivetchi, <i>CA Department of Water Resources</i>
3:15 pm	Concluding Tribal Leader Remarks Panelists: <ul style="list-style-type: none">• Chairman Russell “Buster” Attebery, <i>Karuk Tribe</i>• Chairwoman Glenda Nelson, <i>Estom Yumeka Maidu Tribe of the Enterprise Rancheria</i> Closing Prayer <ul style="list-style-type: none">• Honored Elder Jene L. McCovey, <i>Chetko, Tolowa Dee-ne’ Nation, Yurok and Chilula</i>
4:00 pm	ADJOURN SUMMIT

Summary of Proceedings

Executive Summary

The 2018 Tribal Water Summit (Summit) was the third summit held between California Native American Tribes and state agencies since 2009 in conjunction with the California Water Plan Updates. Nearly 300 representatives from California Native American Tribes and organizations, federal, state and local agencies participated in the 2018 Summit. The Summit was convened through the support of DWR, state agency partners and various Tribal governments and their staff. The Summit was made possible through financial and in-kind support from DWR and significant support from Native American Tribes throughout California. The Summit signified a culmination of DWR efforts to work collaboratively with California Tribes to identify, understand and ensure that California water planning incorporates the concerns, needs and issues of California Tribal communities. The Summit demonstrated not only the successes from partnerships between California Tribes and state agencies, but also the work that remains to be accomplished to achieve the ongoing summit goals.

The goals of the Summit were developed by a Summit Planning Team and included:

- defining indigenous water rights;
- building on previous summit accomplishments;
- furthering partnerships to address Tribal policy needs;
- increasing partner capacity;
- strengthening shared understanding of policy impacts to Tribes; and
- addressing Tribal interests into the next gubernatorial administration.

The content and format of the Summit was re-envisioned in 2018 to continue important policy discussions around respect and understanding of Tribal sovereignty, incorporation of traditional ecological knowledge in resource management decisions, and helping define the concepts of indigenous water rights. However, a primary focus of the 2018 Summit was to build capacity for both Tribes and non-Tribal partners with sessions focused on important and ongoing topics related to resource management. Discussion sessions and workshop topics included legislative updates and case studies on Tribal water rights, Geographic Information Systems (GIS) training, and discussions on traditional water uses and food sovereignty. Summit discussions and recommendations illustrated California Native American Tribes' consistent messages and recommendation for engagement in resource management. While discussions focused on success, Tribal presentations also emphasized the need for consistent

systemic changes statewide in resource management (including state agencies and local agencies). Tribal recommendations focused on the following messages:

1. The ongoing need for state and local agencies to proactively identify effective methods to learn, understand and communicate Tribal perspective on resource management.
2. A statewide approach and emphasis to actively integrate Tribal perspectives into management decisions.
3. Respect of Tribal sovereignty through early and continuous communication between state and local leaders with Tribal governments.
4. Federal, state, and local agencies need to respect Tribal history and connection to the land by working to ensure Tribal access to ancestral homelands to maintain cultural lifeways.
5. Tribes were encouraged to proactively seek engagement and, in addition to seeking a seat at the decision-making table, Tribes should host the table. The Summit emphasized Tribes proactively protecting their rights and engaging on important issues.
6. Crafting resource governance models that include Tribal voices and perspectives with equal authority in decision-making.
7. Learning from Tribal elders and acknowledging traditional ecological knowledge as a scientific methodology equal to prevailing methods used by the State and incorporating traditional ecological knowledge into management actions through partnership with Tribes and culture keepers.
8. Understanding and respecting Tribal water rights.

The Summit emphasized and applauded the work that has been accomplished to better understand Tribal issues and the impacts that policy and resource management decisions have on Tribal lives. Respectful partnerships between Tribes and state agencies and officials was identified as an overarching key to successfully understanding and integrating these messages into future actions in the years to come.

Day 1 Welcome & Overview

Introductions

Anecita Agustinez, DWR Tribal Policy Advisor, welcomed attendees and thanked all for their participation. She emphasized DWR's pride in partnering with Tribes to put together the Summit. In recognition of California Tribes, their lands, and the ancestral homelands where the Summit is held, Ms. Agustinez invited Chairman Raymond Hitchcock of Wilton Rancheria, to open the Summit with remarks and a traditional blessing.

Opening Prayer

Chairman Hitchcock welcomed attendees to his Tribe's and others' ancestral homelands. He emphasized this golden opportunity to have government to government dialogue between federal, state, and Tribal leaders and representatives alike. He identified this as a time to engage, listen, tell stories, and educate one another on water issues. Water is the new battleground. Tribes across California share water issues, including adequate water supply, indigenous water rights, rain on the snowpack, among others. Wilton Rancheria is located on the Cosumnes River, which is the only undammed river that runs from the Sierras under the Golden Gate into the Pacific Ocean. The river used to flow year-round, but with agricultural use, housing development, and groundwater depletion, there are no more winter salmon runs. There are conflicts over groundwater all around the State, and Tribes have rights and should have a seat at the table. He then introduced a member of Wilton Rancheria to offer an opening prayer.

Welcome

Christina Snider, newly appointed Governor's Tribal Advisor, welcomed attendees and shared her background growing up as a member of the Dry Creek Rancheria Band of Pomo Indians. She emphasized the Governor's commitment to working with Tribes and encouraged open communication from Tribes with her office. She highlighted several initiatives her office is working on, including legislation to regain control of historical narratives about native people in classrooms, developing a heritage museum, and preparing for the Governor's Climate Action Summit in September 2018.

Karla Nemeth, DWR Director, welcomed attendees to the Summit and thanked Chairman Hitchcock for the traditional welcome. She observed that the event's attendance shows the shared commitment to shape water policy. DWR recognizes that Tribes are not stakeholders like the public or other agencies — Tribes are sovereign nations with enforceable rights under federal and state laws. She highlighted the progress made since the 2009 Tribal Communications Committee, to the 2013 TAC for the Water Plan Update and the Summit Planning Team. She thanked the Summit Planning Team for all their work in organizing the Summit.

Summit Overview

Chairman Ron Goode of the North Fork Mono Tribe, Planning Team Member, shared the importance of the Summit and encouraged attendees to take advantage of the fact that top policy leaders from Tribal, state, federal government are at the table over the next two days. He highlighted how Summit discussions can drive policy discussions, emphasizing that the current inclusive definition of California Native American Tribes is a major accomplishment from past summits.

Kamyar Guivetchi, DWR Chief of Division of Planning and Local Assistance, commented that past successes have raised the bar in terms of expectations for engagement, collaboration,

and partnership among the Tribal, state, and federal agencies that is needed to address California's water challenges. For the Summit to be successful there is a need to respectfully and passionately express the issues, exchange ideas, and seek solutions. He highlighted the TCP from the 2009 California Water Plan Update that the TCC and DWR put together is renowned nationally and internationally, and that this TCP helped DWR prepare for Update 2013. The 2013 Update of the California Water Plan was the first time DWR convened the TAC as a forum for Tribes to provide feedback and input. TAC members accomplished a great deal over the past five years, including updating the TCP and Tribal engagement objectives, reviewing and updating regional reports. In addition to planning for the 2018 Summit, TAC members were key authors for new resource management strategies in the California Water Plan, and informed the DWR reports on the status of communities in California without safe water and sanitation.

Working Together: Perspectives from Tribal, State, and Federal Agency Leaders

Speakers discussed and reviewed what has been accomplished in the last five years with regard to State, Federal, and Tribal involvement in key water policy issues; current efforts to address Tribal policy needs; and future policy directions.

Moderator: Anecita Agustinez, *Tribal Policy Advisor, CA Department of Water Resources*

Panelists:

- Chairman Bo Mazzetti, *President of San Luis Rey Indian Water Authority*
- Felicia Marcus, *Chair, State Water Resources Control Board*
- Alexis Strauss, *Acting Regional Administrator, U.S. Environmental Protection Agency, Region 9*

Highlights

Chairman Mazzetti expressed the importance of working with neighbors and being creative to develop solutions, despite having to deal with regulations. Chairman Mazzetti shared that collaborating with local, state, and federal partners yields successes as well as challenges. He highlighted water storage as a key opportunity for Tribes, and that reservation lands should be considered as storage sites. The National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) could be used to speed up processes so that benefits of storage can be shared with many parties. One key challenge is water quality (e.g. Colorado River). He commented that it is up to the Tribes to educate county, state, and federal agencies about native people perspectives, and to share their knowledge. He cautioned federally recognized Tribes against waiting for the federal government to protect or advocate for Tribes, and instead to work with various levels of government on issues that are impacting Tribal water resources. Chairman Mazzetti also reflected on a change in his perspective over the years towards an understanding of greater shared rights to water and shared responsibility to take care of it.

Alexis Strauss highlighted two primary water policy issues related to Tribal policy needs: infrastructure funding and small drinking water systems. She shared that some of the projects the federal government has partnered with Tribes and Tribal organizations on have addressed drought impacts and cyanotoxins. One challenge for Tribal water systems (especially those that are smaller in scale) is finding resources to fund ongoing operations and maintenance costs. The federal government can provide funding and resources to build water system infrastructure but does not fund these other expenses.

Felicia Marcus shared that one of the outcomes of the past summits has been a shift in attitude and the desire to find ways to find common ground where possible. She raised several key water issues the State is focused on; implementing the Sustainable Groundwater Management Act (SGMA), water diversions and quality related to cannabis cultivation. The convoluted nature of legislation, like SGMA, creates challenges and the need to work together to resolve them. The State Water Resources Control Board (State Board) has been working with DWR staff on SGMA implementation and impacts to Tribes. Tribes often face common challenges and the tools and authorities that government agencies have are not always ideal. Processes can end up not moving as quickly or satisfactorily as Tribes and/or agencies prefer. The State asks that Tribes continue to help agencies think creatively about solutions that will benefit multiple parties. One challenge for the agencies is how to integrate Traditional/Tribal Ecological Knowledge (TEK) within state frameworks. Conversations between agencies and Tribes about how to integrate TEK with state practices and state decision-making are very important.

Anecita Agustinez, commented that Tribes can reach out to DWR regarding Groundwater Sustainability Agency (GSA) formation in their regions if there have been any local issues with ensuring Tribal participation and engagement. GSAs must demonstrate consideration of all beneficial users, including Tribes.

Questions and comments

- With regard to Tribal engagement under SGMA, the Morongo Band of Mission Indians is an example where a Tribe occupies most of a basin and how smaller GSA entities have engaged with Tribes in their planning.
- Audience members suggested that the State Board send out informational letters on implementation of Best Management Practices (BMPs) for SGMA. These audience members expressed concern about placing county governments in charge of groundwater management, and shared that Tribes are often kept out of SGMA and GSA processes at the local level.
- An audience member expressed concern about SGMA because traditional Tribal fisheries are sometimes located in a groundwater basin outside of the Tribe's current political boundary. While the spirit of protecting Tribal sovereignty and water rights is included in SGMA, the law is not completely clear on how to implement that in practice.

- Audience members explained that Tribal communities have struggled to maintain our ecosystems, but due to cannabis driven land conversion are also struggling to protect cultural sites and cemeteries (often unmarked).

Holistic Definition of Indigenous Rights to Water

Speakers provided perspectives on a holistic framework for a definition of indigenous water rights. This panel demonstrated the diverse Tribal perspectives and meanings of indigenous water rights from historical, cultural, legal, and academic aspects; and discussed the interconnection between indigenous water rights and Tribal lifeways, sovereignty, culture, and Tribal Ecological Knowledge, aka Traditional Ecological Knowledge.

Moderator: Angela Mooney D'Arcy, *Sacred Places Institute for Indigenous Peoples*

Panelists:

- Anthony Madrigal, *Cahuilla Band of Indians*
- Luke Madrigal, *Cahuilla Band of Indians*
- Chris Peters, *Seventh Generation Fund*

Highlights

Anthony Madrigal highlighted the United Nations Universal Declaration of Human Rights and the Declaration on the Rights of Indigenous Peoples (UNDRIP) which grants the right to use, develop, and control land and natural resources possessed by reason of traditional ownership, occupation, and use. While not binding, these declarations are expressions of legal norms for international law and were signed by then President Obama in 2013. As a commitment of states to move in the direction of honoring sovereignty, it is one more tool in the discussion on indigenous rights. Mr. Madrigal emphasized the need to advance the understanding of indigenous rights to water, traditional water use, and the body of knowledge that goes with traditional use. It is important for Tribes and non-Tribal governments to work together to incorporate TEK into policy and law, especially water law, so that water itself has rights.

Chris Peters noted that free, prior, and informed consent is a basic principle within UNDRIP. Consent means we (native peoples) give our approval. Consent is something that Tribes need to insist on before something, not just consultation, which is different.

Luke Madrigal shared the importance of recovering memory, going back to the beginning, and working together. He gave thanks for today, to be here together, in good mind and with the intention to build something together. He shared several traditional Cahuilla bird songs with everyone. He said that when we understand songs, stories, and hold onto TEK, we can be successful in being true to ourselves and in taking care of our mother earth. Humans have a relationship with all our relatives, animate and inanimate, and we are made of water. It is critical to remember that all life depends on water, especially with climate change issues looming.

Angela Mooney D'Arcy commented that there is a relationship between indigenous understandings of responsibility and respect for water. She encouraged native nations to consider ending bottling water from native springs given the impact of plastic bottles in the ocean and to make sure native peoples have access to clean water.

Key overarching themes included:

- Water is life, it is divine, and is a gift to be taken care of. We cannot have life without water and land. Humans do not have the right to sell air or commodify water. The world needs more water warriors to protect it – agencies need to move to this position. We need to govern ourselves and take care of the earth.
- Traditional knowledge is key to guiding water use and management, and it is very important that TEK be implemented into policy and law, especially to address climate change issues.
- All water sources that nurture indigenous peoples in California need significant protection, including inland seas, riparian areas, waterways, and more.
- Climate change impacts to native nations exacerbate the challenges many Tribal communities are already facing and can further marginalize those that are at the edge of existence.

Questions and comments

An audience member inquired about the right response to the expansion of fracking in California. Chris Peters responded that if there is no action taken to curb fracking proactively, there will have to be hard decisions made when the impacts of climate change and the repercussions of fracking are truly felt by many.

Breakouts

Building on past Summit discussions and addressing the need for more opportunities to have in-depth topical conversations, the 2018 Tribal Water Summit provided a series of topical breakout sessions over the two days. These were intended to build capacity of Tribes, state and federal governments to engage on specific issues. Breakout sessions repeated so that participants had the opportunity to explore multiple topics and join conversations depending on their interests and needs.

Federal Water Rights Case Studies

Session Objective: Discuss specific Federal water rights “case studies,” highlighting lessons learned and policy implications; address pressing issues such as groundwater rights and treaty rights; identify successful policy approaches and policy needs.

Moderator: Mark Radoff, *California Indian Legal Services*

Panelists:

- Chris Devers, *San Luis Rey Indian Water Authority (SLRIWA)*
- Les Marston, *Chemehuevi Tribe*
- Chairman Bo Mazzetti, *President of San Luis Rey Indian Water Authority*
- Kenneth McDarment, *Tule River Tribe*

Highlights

SLRIWA shared a video excerpt from an upcoming documentary on the challenges to gain federally recognized water rights. Chris Devers and Chairman Mazzetti expressed concerns over lack of trust in federal partners, and the struggle to engage the federal government as a trustworthy partner.

Kenneth McDarment shared information on water supply and storage challenges faced by the Tule River Tribe, and contemporary efforts and settlement discussions regarding the Tribe's water rights. He highlighted several challenges, including an inefficient and slow settlement process that can lead to multiple rather than singular negotiations and the lack of resources for Tribes who want to conduct technical water management analyses for needed water projects. While there have been responses by federal partners in the case of current emergencies (i.e. drought), the process has been much delayed and many Tribal members living on the reservation do not have reliable access to clean water in the summer.

Questions and comments

- Chairman Mazzetti suggested that Tule River Tribe consider a joint venture water storage project with the State to address the Tribe's water supply issues on the reservation.
- Audience members expressed concerns over cannabis-related water quality impacts on federal water rights. One member commented that some Tribal groups identified percolation as a possible water storage approach given the flat lands available in some Tribal lands.

Legislative Update

Session Objective: Discuss recent and pending water policy related legislation impacting Tribes (from a Tribal perspective and State Perspective). Provide resources on how Tribes can engage in the legislative process.

Moderator: David Sandino, *CA Department of Water Resources*

Panelists:

- Sam Cohen, *Santa Ynez Chumash*
- Art Bunce, *San Luis Rey Indian Water Authority*

Highlights

Sam Cohen highlighted two different approaches in defense of Tribal water rights: Tribal cultural uses of water and appropriation rights. NEPA does not adequately address key water issues and Assembly Bill (AB) 52 provides a refinement of CEQA that helps Tribes in defending cultural and

sacred uses of water. Federal laws do not always protect Tribes in key water issues, and some courts find in favor of development at the cost of Indian sacred sites. For CEQA, California AB 52 adds a new category of Tribal Cultural Resources, for which only Tribes are experts, but does not apply to federal lands.

He suggested that Tribes consider using AB 52 as a mechanism to account for the Tribal cultural value of water. AB 52 states that Tribes can write to every jurisdiction to include the Tribe on the cultural resources notification list. This request can be sent to the State Board directly. Tribes do not always know what protection of sacred and cultural water involves with regard to regulations and legislation. Tribes are able to send letters to State and Regional Water Boards to be on their notification lists. Both the State and Regional Boards and the Department of Fish and Wildlife are participating in the AB 52 process. An online website shows the Tribes requesting AB 52 notices. A template notification request letter is available on the Native American Heritage Commission's AB 52 website.

The State Board is also looking at cultural uses of water and has developed beneficial uses for Tribal traditional and cultural uses and subsistence. However, one challenge to implementation is that each Regional Board must adopt its own beneficial use definition for Tribal traditional and cultural use. As of this event, Region one is the only region to adopt language for Tribal beneficial uses.

Art Bunce discussed the impact of SGMA implementation on Tribes. While SGMA was not intended to be harmful to Tribes, there is the potential for negative consequences. The basic function of SGMA is to create a local jurisdiction to develop a groundwater sustainability plan to alleviate over-drafting of groundwater within 20 years. The question is why should Tribes be interested in SGMA when they are not normally subject to state law? Under SGMA, water rights proceedings could occur in state court, which are typically not friendly to Tribal water rights. Allocations can sometimes discount the fact that Tribes have a longer priority date and that the amount of water needed to satisfy the federal reservation must be provided in full before anyone obtains water. Adjudications create a challenge since they protect existing uses, and Tribes may have uses that are not yet realized. Likewise, with SGMA, each groundwater sustainability agency (GSA) has great power in implementing a groundwater sustainability plan. This might have implications for Tribal water infrastructure, such as well reports.

Tribal protections were written into SGMA to address Tribal sovereignty and politics. This includes a call for voluntary Tribal participation in GSAs, and states that federally-reserved rights to groundwater are to be respected in full. Participation in the GSA does not mean any waiver or loss of rights on any other subject.

If Tribes choose to participate in SGMA, the Tribe cannot constitute a GSA in and of itself — since it is not a regulatory entity under state law. Some Tribes are involved in contractual agreements (like memorandums of understanding). In the San Luis Rey groundwater basin, Tribal participation

is seen as an asset since they also bring new sources of water. There are several ways that a Tribe can participate in a GSA. Entering into a Memorandum of Understanding (MOU) provides the opportunity to create terms that protect Tribes from adverse circumstances. Some Tribes are managing groundwater sustainably on their own. Other Tribes may find that additional funding opportunities are available through a GSA. Some Tribes may want to be involved proactively. Mr. Bunce emphasized that participating in a GSA gives a Tribe a seat at the table. Without Tribal input, the groundwater sustainability plan proceeds and makes assumptions about Tribal water uses that will not take a Tribe's wishes or plans into consideration.

Questions and comments

- Tribes benefit when they have more opportunities. Tribes should have the option to serve as a GSA. Section 17 of the Indian Reorganization Act could be used to insulate the Tribe on sovereignty issues.
- An agency can fight a Tribe on Executive Order 13007 regarding sacred sites. To be used effectively, there needs to be a geographical limit to site boundaries and the agency must be supportive or at least neutral.
- A Resource Conservation District is a government entity and subject to the California Public Records Act.
- SGMA does not apply to the Inyo-Mono basin, as it is not defined as a groundwater basin.
- The deadline for establishing a GSA was June 2017. All GSAs have been formed and the State does not have an oversight role. The Groundwater Sustainability Plans are due by 2022 for medium priority basins and 2020 for high and critical priority basins.

Water Infrastructure

Session Objective: Discuss policy issues and needs related to water infrastructure. Potential topics include storage, groundwater recharge, dam removal, headwaters investment, upper watershed, aquifers.

Moderator: Oscar Serrano, *Colusa Indian Community*

Panelists:

- Armando Quintero, *California Water Commission*
- Chairman Russell "Buster" Attebery, *Karuk Tribe*

Highlights

Chairman Attebery provided perspective on dam infrastructure projects in Northern California that have impacted the Karuk Tribe. He shared that the Klamath Project was built without Tribal input and emphasized that future decisions should involve Tribes so that positive and negative effects can be evaluated before final approval. Tribes want decisions to be mindful of snowpack and aquifer systems, as well as TEK. Greater safety measures for dams, inundation zone mapping,

and protecting ground water basins should be priorities going forward. Expansion of water supply through capture of floodwaters and funding for the protection of upper watersheds, and equitable access to watershed benefits are essential. New state financial incentives are becoming available for ecosystem restoration, ground water recharge, and other types of storage. The new Flood Managed Aquifer Recharge (Flood-MAR) program is concerned with different ways of handling water and putting the benefits of high-water flows into practice. He noted that Tribes recognize agriculture as a viable sector, but action is needed now to keep ecosystems alive. Face-to-face consultation is necessary, and state/federal/local agencies need to engage Tribal expertise. Tribal leaders also must step up to the challenge. In addition, he noted that it is very difficult to build restoration projects without data. Well log data is essential, and now legally accessible.

Armando Quintero provided information on the California Water Commission (CWC), which was created in the 1950s, as a state body charged with providing a public forum for discussion of water issues. He reviewed the plan for water infrastructure improvements coming from proposed projects under Proposition 1 funding, which provided CWC with \$2.1 billion for public benefits including ecosystem improvements. Applications for both groundwater and surface water projects were received. Initial funding determinations are expected to be made in July 2018. He emphasized that as California water supplies reduce from abundance to scarcity, all communities should participate. Forests and aquifers should be included as part of the overall water storage capacity, not only “traditional” engineered projects and Tribal input and traditional knowledge is needed to guide improvements.

Questions and comments

- Tribes are encouraged to speak up throughout the consultation process. There is a need for greater balance of power and moving from being invited to sit at the table to hosting the table.
- With aging infrastructure, consider seasonal subsidies to farmers as a conservation option.
- Non-Tribal resource managers and policy makers need to continue to learn from the tradition of telling stories — remember the past to understand where we are now — and learn from the Tribes’ traditions of natural resources management.
- There is a need to maximize the use of desalination to increase water reliability (consider cost of desalination versus other costs of water).
- Expand the water supply portfolio — redirect flood flows to groundwater aquifers.
- Redefine infrastructure beyond physical structures — consider water stored in treetops compared to aquifers.
- In promoting and planning for healthy watersheds, there is a need for more gauges/data to advance restoration strategies. Cannabis production poses a water quality issue in watersheds.
- Host a Tribal forum to address water issues and the need to improve technical/data capacity.

- Funding language can complicate state/Tribal partnerships and relationships; Tribal participation in regulations development is important to make sure language addresses Tribal concerns.

Water Quality

Session Objective: Discuss water quality issues impacting Tribes. Share perspectives and ideas on water policy related opportunities and challenges to address Tribal water quality needs.

Moderator: Tom Keegan, *California Rural Water Association*

Panelists:

- La Vonne Peck, *La Jolla Band of Luiseno Indians*
- Lily Weaver, *State Water Resources Control Board*
- Charles Striplen, *North Coast Regional Water Quality Control Board*
- Sarah Ryan, *Big Valley Rancheria*

Highlights

Water Quality is a major topic and concern for California Native American Tribes. Speakers at this breakout offered general concepts and discussions around how to address water quality issues but took a deeper look at less often-considered components of water quality in Tribal communities.

Lily Weaver discussed how the State Board is working with Tribes to protect water quality from cannabis cultivation. This includes evaluating permits to ensure sufficient distance from cultural artifacts and differentiating cannabis cultivation from other agriculture in California. Former Chairwoman LaVonne Peck discussed the popular issue of cannabis cultivation in California, but also provided a new perspective on growing hemp to boost local economies and provide support to ecosystems. Growing hemp is allowable under the federal farm bill. It is a \$600 million industry in the USA, and yet all hemp is imported.

Charles Striplen and Sarah Ryan discussed issues surrounding water quality, post-fire events. These include impacts to land and water from fire (e.g. erosion, debris flow, infrastructure damage, and destruction of wastewater treatment plants, post-fire water quality impacts). State and Regional Boards are developing BMPs for monitoring and assessing fire impacts on water quality.

They emphasized the importance of disaster planning in terms of water quality. Ms. Ryan urged Tribes to invest in information management ahead of time to be able to better respond during emergency events that may impact water quality. Ms. Ryan also discussed the need to be proactive in protecting Tribal communities in terms of monitoring cyanobacteria if blooms are suspected. Tribes in the Lake County area conducted a series of forums around lake communities to identify non-point source pollution and solutions to address blooms. There are reported issues of water quality problems due to runoff from animal agriculture.

Panelists emphasized:

- Being proactive.
- Tribal investment in information management. Tribes need to be tied into a watershed clearinghouse with other government agencies.
- Choose locations for monitoring that are Tribally important; inform the public of Tribal work.
- Tribes in northern and central California have strong monitoring programs — reach out to them for help.

Questions and comments

- Cannabis cultivation on open non-Tribal land will require state policies to be finalized.
- A verification process is built into the cannabis permit system to ensure proper distance from cultural artifacts in an area. However, the State Board is relying on Tribes and others to inform them if this verification system needs improvements. The current 600-foot buffer zone for growing near Tribal land was modeled on Humboldt county and other local ordinances, meeting with Tribes, and weighing Tribal and other representatives' feedback.
- Participants sought clarification between what differentiates a grape grower from a cannabis grower. For example, why do grape growers discharge right into creeks? The primary issue was that cannabis has been more traditionally grown in wild areas where people disturb the land. Impacts can be more severe than other cultivation practices.
- Participants commented that since the new cannabis law was enacted, impacts on streams are visibly noticeable. The cannabis law is a challenge to enforce. The State Board created a division to address those challenges. There are more cannabis facilities than permits to operate them.
- State Board and Tribes discussed the options for research permits to Tribes for hemp cultivation, given the relationship between the State and Tribes under federal law. What has been done in Nevada with Tribal compacts is a great example of existing laws.
- In addressing fire and water quality, it is important to educate county supervisors following a fire trauma. The general plan updates are an excellent avenue to engage and incorporate TEK.
- Relative to fire, geographic information system professionals can identify the kind of data and information that should be gathered (e.g. geospatial information on vegetation layers, hydrology, topography, population information, and road locations.) InterTribal collaboration should also be encouraged.
- For fire related monitoring, State Board staff have restricted access to Tribal trust lands. Tribes can help by establishing a Tribal emergency response commission. Tribes can also have an area declared a disaster.

- Monitoring and cyanobacteria: it is unclear whether microcystin contributes to liver or other health problems in Tribal communities. Lake County was not able to fund a grant to look at this in the Clear Lake community, although it is in the top five places in the country for liver cancer.

Prop 1 Funding Implementation & Integrated Regional Water Management (IRWM)

Session Objective: Discuss how Tribes are working through the IRWM programs to address local issues. Participants will also hear about the IRWMs Disadvantaged Communities Involvement program and a comparison of experiences among Tribes when regional water management groups (RWMGs) include them in their IRWMs.

Moderator: Sherri Norris, *California Indian Environmental Alliance*

Panelists:

- Carmel Brown, *CA Department of Water Resources*
- Leslie Laudon, *State Water Resources Control Board*
- Ron Sundberg, *Rural Community Assistance Corp*
- John Covington, *Morongo Band of Mission Indians*

Highlights

Panelists provided a brief overview of IRWM and Prop 1 funding implementation. Discussions focused on how Tribes are addressed in current disadvantaged community programs. Participants were offered opportunities to discuss their IRWM regions and work with panelists to address issues they are encountering or identify opportunities to engage in IRWM and Prop 1 funding. Participants heard about options and opportunities related to technical assistance in relation to IRWM funding. Morongo Band of Mission Indians was identified as a success story in the overall process due to their ability to engage and stay engaged in IRWM from the very beginning of the program.

Questions and comments

- During the break, participants had an opportunity to speak one on one with IRWM program directors and technical assistance providers.
- Panelists answered questions related to individual Tribal needs and interests to engage fully in their IRWM regions.
- Participants also had an opportunity to speak with technical assistance providers to understand the options available and types of services needed to implement projects.

Day 1 — Tribal and Agency Roundtable Session Highlights

Participants broke into self-selected groups to provide reflections, give comments, discuss,

and network with others at the Summit. State agency leaders also made themselves available for focused discussions on programs and agency authorities.

Major themes and topics

- The California Water Plan Update 2018. Discussions focused on what is incorporated into the 2018 Update and how Tribal issues and concerns are highlighted.
- The creation of the Tribal Emergency Response Plan to address issues related to water quality, drought, fire, etc.
- Restoration and environmental stewardship. Programs such as the Watershed Stewards Program for young adults, are trying to reach Tribes to get more Tribal youth involved, while improving non-native youth relationships with Tribes. Young native people may have cultural and experiential knowledge that equips them for environmental monitoring jobs but does not show up easily on a resume.
- The importance of Tribes engaging in existing forums within state agencies such as state agency Tribal advisory groups or committees.
- Tribal economic development. Proposals, e.g. building a casino, can be met with opposition from surrounding communities, but can also be an opportunity to make improvements and upgrades to regional water infrastructure and benefit multiple communities. Some Tribes are using recycled water in casinos and plumbing systems on Tribal lands to demonstrate proactive building technology.
- Tribes can and do play a significant role in SGMA. They can impact the processes through Tribal management of groundwater resources including aquifer recharge.
- Invasive species issues and their relation to water management, specifically muskrat and nutria.

Priority Issues

- Water is sacred and plays a role in healing. Tribes are actively engaged in educating native and non-native communities about the sacredness of water as life.
- Cyanobacteria and cyanotoxins continue to pose water quality challenges for Tribes.
- Tribes are increasingly interested in options and approaches for Tribes to manage groundwater independently and/or in relation to SGMA, GSAs, and Groundwater Sustainability Plans in their regions and/or groundwater basins.
- Biodiversity and stewardship are important to remember.
- Tribes feel the loss of water rights over time and as a result of conquest.
- Tribes are entitled to both water quantity (through rights) but also water of a certain quality (high).

- Enforcement and traceability for land acquisition from Tribes.
- There is a need to educate people about safe water practices, and how ecosystems work, how bacteria thrive, how healthy ecosystems thrive.

Recommendations

- Hold a summit on AB 52 for Tribes and state agencies to share experiences, discuss key challenges and opportunities, and explore best practices.
- Those who lead environmental programs for Tribal youth should first present information on the program to Tribal Councils and engage with Tribal Council members about the program.
- Increase enforcement and accountability for unmet environmental needs that relate to water.

Celebration & Reception

A celebration and reception was held on the evening of day one of the Summit. Carlos Geisdorff, Tuolumne Band of Me-Wuk Indians, gave the opening prayer, which was followed by remarks from the Honorable Geneva Lofton-Fitzsimmons, Vice President of the San Luis Rey Indian Water Authority, which generously sponsored the reception. Keynote speakers included the Honorable Bo Mazzetti, President of the San Luis Rey Indian Water Authority, and the Honorable James Ramos, Chairman of the Native American Heritage Commission and San Bernardino County Supervisor. Recognition and awards were given to Tribal Communication Committee members, Tribal Advisory Committee members, and Tribal Water Summit Planning Team members (past and present) for their contributions. The evening also included a Karuk Flower Dance and a Tuolumne Me-Wuk Traditional Dance Group.

Day 2 — Welcome & Overview

Introductions

Emily Alejandrino, DWR Tribal Liaison, welcomed participants to Day 2 of the Summit. Cindy Messer, DWR Chief Deputy Director, thanked everyone on behalf of DWR and for the positive working relationships and commitment among Tribal, state, and federal governments. She reflected on learning more about the deep cultural meaning and significance of water to California Tribes and indigenous water rights. She highlighted prior summit contributions to water policy, including (1) chapters in the California Water Plan on “water and culture,” (2) the inclusion of Tribal governments as eligible entities for Proposition 1 funding, and (3) the protection of federally recognized water rights under SGMA. She encouraged attendees to take advantage of the opportunity for open dialogue. She emphasized that DWR is committed with other agencies and Tribal governments to build both stronger relationships and Tribal consultation processes.

Day 1 Recap

North Fork Mono Tribal Chairman Ron Goode of North Fork Mono Tribe provided an overview of key themes and discussions from Day 1 of the Summit, including the importance of learning from elders and the past, water as life, the spirituality of the land and water, and the connection between water resources and climate change. He commented on the important input from past summits that was incorporated into the Water Plan Updates, such as sections on meadow restoration and cultural resources that include native perspectives. Chairman Goode noted that water rights challenges have been ongoing for generations and will continue. He also emphasized the importance of viewing all entities as relatives, including the animals and landscapes that are impacted by cultural burning and other resource management efforts. This is a shift from “what” to “who,” recognizing that traditional knowledge is also spiritual.

Anecita Agustinez shared highlights from Day 1 discussions, which included the following:

- All are encouraged to be champions of indigenous values of culture and create new champions.
- Agencies and Tribes are working collaboratively, yet less successful attempts are still important to learn from.
- Leadership and collaboration are not just about state, local, or federal agencies inviting Tribes to the table, but Tribes hosting the table.
- All parties are invited to think “outside the box,” redesign the box as necessary, and think more along the lines of a circle.
- Tribes must actively engage in protecting their own rights.
- Policymakers need to rethink water infrastructure beyond physical structures.
- It is important to recognize and address impacts of the agricultural industry on indigenous rights and values.
- SGMA is ambiguous as it relates to Tribes, and its impacts will be ongoing over the next several decades.

Governance Structures and Models: Communication, Consultation, Collaboration

Speakers shared examples of successful regional governance models and discussed how Tribes, state and federal agencies address governance issues in water resource management partnerships through proactive communication, collaboration, and effective consultation.

Panelists:

- Sherri Norris, *California Indian Environmental Alliance*
- John Covington, *Morongo Band of Mission Indians*
- Javier Silva, *Sherwood Valley Band of Pomo*
- Craig Tucker, *Karuk Tribe*

Highlights

Sherri Norris emphasized existing legal foundations for effective and respectful communication, consultation, and collaboration, such as those outlined in United Nations Declaration on the Rights of Indigenous Peoples, AB 685, SB 18, AB 52, and Governor Brown's Executive Order B-10-11.

John Covington shared an example of a successful model for Tribal outreach, which included the Morongo Band of Mission Indians and a regional water alliance in Southern California who worked together to address SGMA implementation. The Tribe was very engaged in the San Geronio IRWM Region. The goal in the 2013 Water Plan to improve governmental alignment has been a success in Southern California where several Tribes (Morongo, Rincon, and others) have seen improved collaboration. However, challenges remain on consultation regarding cultural resource protection.

Javier Silva highlighted the importance of effective communication and meeting in person to collaborate. This means not only notifications, but also follow-up to confirm if messages from agencies are received by the appropriate Tribal contact. Early communication and inquiry about how Tribes feel about a particular action, policy, project, etc. is critical, as is communicating appropriate expectations about the inclusion of Tribal perspectives. The goals that came out of the Update 2009 Tribal Communications Plan and the Update 2013 Tribal Water Summit Guiding Principles are still relevant: (1) state/local agencies should acknowledge historical rights, Tribal sovereignty, and TEK; (2) include the highest level of decision-makers at meetings; (3) Tribes should do their own work to protect watersheds; and (4) continue identification and outreach to Tribes and Tribal communities. He also commented that AB 52 was written to assist local and state agencies in meaningful engagement with Tribes, which can mean anything. It can be challenging to define a cultural resource, and whether water is a cultural resource. For Sherwood Valley, water is a cultural resource, but usually cultural resources are thought of as archaeological sites. Tribes want to define what cultural resources are and ensure others respect that definition.

Craig Tucker commented that consultation is complicated because no two Tribes are the same, and California Native American Tribes have had very different experiences with federal and state government agencies. The federal government's obligations to engage with federally recognized Tribes is clearer than at the state level. Many different state laws and guidance documents inform consultation. In the case of the Karuk Tribe, it was aggravating to work with the different state agency consultation policies, so the Karuk developed their own. The consultation processes Karuk are involved in have ranged from both positive and negative experiences. The work

done by State Board, and the California Elk Management Plan with California Department of Fish and Wildlife are examples of successful Tribal engagement through proactive and continuous discussions and collaboration. In contrast, engagement of Tribes in SGMA is inconsistent and limited regarding cannabis laws.

Another example of collaboration was the California Marine Life Protection Act North Coast Project. Panelists' opinions differed on the effectiveness of the Tribal engagement effort in that project, commenting that there was significant input by the Tribes, but hunting, fishing, and gathering rights were not fully recognized. This example showed the pros and cons of communication and emphasized the need to focus on the overarching outcome of consultation.

Panelists shared the following key highlights:

- Before consultation, state and local agencies should become familiar with the history of Tribes in California to understand the state history of the treatment of Tribes and work to heal those still existing wounds.
- Tribes need to establish their own consultation policies to set and guide expectations for agency conduct and the overall process. For example, the Karuk Tribe's consultation policy outlines that the Tribes determine when consultation is complete and then the Tribes rank it in terms of how it went.
- Tribes can decide on how to consult, they can also choose whether to consult. There are times when state/local agencies want to talk to Tribes.
- The long view is important because success takes a long time and change happens over generations.

Questions and comments

- AB 52 gave Tribes a huge workload burden. AB 52 was intended for States to improve their outreach, but puts a lot of work on the Tribes.
- SGMA references respect for Tribal law, so Tribes need to make sure they understand their Tribal laws to better engage with state and local agencies.
- It is important for Tribes and state/local agencies to document the consultation process. This is important especially in scenarios where the process moves into litigation.
- Government to government consultation needs to be more of a negotiation process. When agencies reach out to ask for Tribes' input but have already made a decision, that is not consultation.
- Tribes should not be speaking to messengers, but to decision-makers.
- Past summits influenced and informed the development and passage of AB 52. There are numerous

state projects for which it is very important, but there is a need for a lead spokesperson who will make the agencies accountable for the AB 52 consultation process.

- The State Lands Commission acknowledges the shortcomings of AB 52 with regard to “non-artifact” cultural resources that are part of the living and breathing culture of ceremonies and use and are interested in exploring how that might be addressed.

Breakouts

To provide more opportunities for in-depth topical conversations and to build capacity of Tribes and agencies to engage on specific issues, the Summit Planning Team scheduled a series of breakout sessions over the two days. Day 2 had longer sessions focused on in-depth capacity building on (1) Protecting Tribal Traditional Water Uses and Subsistence Fish Consumption, and (2) GIS Mapping. Concurrent to these two longer sessions were shorter breakout sessions on Climate Change, Water & Food Sovereignty, Preserving and Managing the Salton Sea, and Conservation Easements.

GIS Mapping Working Session

Session Objective: Introduce GIS tools, a live mapping demonstration, and identify follow-up resources. Tribes present examples of how they have used GIS Mapping tools.

Panelists:

- Siran Erysian, *CA Department of Water Resources*
- Dore Bietz, *Tuolumne Band of Me-Wuk Indians*
- Kerri Vera, *Tule River Tribe*
- Donna Begay, *Tübatulabals of Kern Valley*
- Jane Schafer-Kramer, *CA Department of Water Resources*

Highlights

Siran Erysian provided an overview of GIS and resources for Tribes, including the National Tribal GIS Support video at <https://Tribalgis.com>. The Bureau of Indian Affairs, Pacific Region provides information and training (contact John.Mosley@bia.gov).

Dore Bietz shared that accurate, accessible information about the past and present provides for intelligent and informed decision-making about the future. The Tuolumne Me-Wuk Tribe is using GIS to record boundaries, infrastructure, public safety, environmental, and cultural sites, and hydrology for water rights purposes. In the process of data gathering, the Tribe often discovers errors in the county assessor parcel maps. This is important for public safety, especially emergency response. The location of public and private water lines helps with decisions on building or improving infrastructure. Mapping septic tanks and water wells assists with ground water quality and quantity issues. GIS is helpful for issues related to

maintenance of county and Bureau of Indian Affairs roads, as well as providing basic spatial information that can inform future development.

Kerri Vera shared that the Tule River Tribe values the beauty of GIS not just for mapping, but also for the data itself. The reservation encompasses 85 square miles, 30 miles of waterways, giant sequoia groves, and threatened species. In August 2017, the Pier Fire started on US Forest Service lands and spread onto the reservation, burning 8,000 acres. The Tribe's GIS data system included roads, watersheds, homes, buildings and vegetation types. Post-fire data was created to identify re-burn intensity, tree mortality, treated areas, watershed operations, and cultural sites affected. GIS data are useful for monitoring confidential cultural sites as well.

Donna Begay shared that non-federally recognized Tribes can also benefit greatly from using GIS software. GIS can be used to document what can be learned from elders, define the location of cultural resources, and safeguard Tribal intellectual property. Using GIS data, Tribes can determine what to map, who can access it, how to protect the data, how to use mapping, the meaning of place, and sensitivity levels for sharing data. The California Historical Reserves Information System contains prehistoric recorded cultural sites, county and local partners data, and ethnographic records. The database includes descriptions of the data in both traditional languages and English, and provides data in a form appropriate for GIS mapping. Many useful data sets include mines relative to where people live, fault lines, and the location of cultural buffer lands. The Tubatulabal Tribe of Kern Valley is using GIS data to address a new diversion proposal that will affect Tribal lands, and for which AB 52 consultation, CEQA and NEPA will apply.

Jane Schafer-Kramer provided information on the National Hydrography Dataset (NHD), of which California has stewardship regarding hydrography data within the state's boundaries. The main parts of the national maps system include U.S. Topographical maps, Digital Elevation Models, and the National Hydrography Data Set. The NHD Plus was created by the U.S. EPA, extending data for analysis and modeling. These very informative data sets include flow networks up and down stream, which can be used to trace flow up or down stream, to track contaminants or species migration. California's stewardship entails finding errors and filling in missing data. There are many partners including federal and local agencies. A year ago the Bureau of Indian Affairs (John Moseley) invited Tribes to participate, and Tribes are encouraged to participate as they see fit.

Key themes included:

- GIS tools provide a mechanism for sharing and capturing stories and Tribal memories. Although there is a history of interest among Tribal communities to use GIS, this interest has not transformed into application largely because of training needs.

- GIS is used first to document existing infrastructure for a variety of uses including planning for and management of emergencies, and secondly as an analytical tool to assess different planning options.
- Participants were encouraged to view different options to obtain free GIS training and licenses.
- GIS was used during the Tule River reservation fire as a management tool (August 2017).
- In some cases, GIS is controversial because Tribes do not want to share their sensitive, confidential internal data (cultural sites). Cultural sensitive resource mapping is controversial particularly as it relates to information shared outside of Tribes. One option is to use different GIS layers.
- Important to remember that GIS is a worthwhile effort for collaboration with others both for sharing and receiving data.
- Recognizing that there is great variability in Tribes' GIS capacity, there is willingness among state agencies to help Tribes to get on board with GIS.
- Lessons learned: Putting time and money into creation of base layer data is invaluable. Digitize data before an emergency arises. Be prepared to send and receive data as needed.

Protecting Tribal Traditional Water Uses and Subsistence Fish Consumption

Session Objective: Discuss State Water Resources Control Board process to protect water uses. Discuss the Clean Water Act Sections 303d and 305b, impaired waters, and triennial review process. Review of all regions, triennial review dates and deadlines, and beneficial uses by region. Provide examples of how to bring in water quality monitoring data into the review process, looking at trends in water quality parameters as it relates to water uses. Provide information on developing water quality objectives and calculating fish consumption rates.

Panelists:

- Karola Kennedy, *Elem Indian Colony*
- Sarah Ryan, *Big Valley Rancheria*
- Sherri Norris, *California Indian Environmental Alliance*
- Zane Poulson, *State Water Resources Control Board*
- Stacy Gillespie, *State Water Resources Control Board*

Highlights

Zane Poulson reviewed key water quality regulations and the triennial review process used to identify and prioritize Regional Water Quality Control Plan (Basin Plan) amendments. Regional Basin Plans are designed to define beneficial use, designate waters with beneficial uses that need to be protected, and specify water quality objectives that need to be met to protect beneficial uses. He also reviewed how data are submitted for use in Tribal water quality assessments.

There are training opportunities for Tribes to engage in these plans and assessments.

Karola Kennedy provided an overview of the different Water Board regions and where Tribes are located. She reviewed a sample Basin Plan, beneficial uses chart, and other relevant State Board resources that Tribes can engage with.

Stacy Gillespie commented that past historical water usage can be considered when determining future beneficial uses. She emphasized the main reason State Board is at the Summit is to support the implementation of Tribal beneficial uses, as the Board wants to see Tribal priorities integrated into Basin Plans.

Sarah Ryan reviewed Tribal beneficial uses and water quality objectives, commenting that it is important to get standards applied to water bodies that Tribes use to protect Tribal uses. She encouraged Tribes to consider the following questions:

- Is your Tribe doing water quality monitoring?
- Do you submit your water quality data to Water Quality eXchange (WQX) or California Environmental Data Exchange Network (CEDEN)?
- Has your Tribe designated water bodies where Tribal beneficial uses occur?
- Do you know your water quality objectives for those beneficial uses?
- Do you know the numeric criteria to assess beneficial uses?

Sherri Norris shared her work on mercury and fish consumption, and efforts to connect the human body and the health of Tribal members, while protecting traditional consumption. Some work has been done with the San Francisco Estuary Institute, but there are many data gaps around sampling fish. There is an opportunity for Tribes and agencies to work together on what is safe for subsistence fishing. She highlighted the need for Tribes to survey their communities for rates of consumption and what species need to be protected. She also recommended interviewing elders for information about traditional consumption habits and needs.

Key next steps include:

- Tribes determine Tribal beneficial uses and find water quality objectives that are linked to the beneficial uses.
- Tribes, Regional Water Quality Control Boards, and other agencies engage with one another to help fill data gaps regarding fish sampling for subsistence consumption.
- Tribes collect information about subsistence fish consumption needs and practices to better understand need and provide justification for designations under new beneficial uses.

Questions and comments

- Participants asked how the State Board reaches out to Tribes to get involved in the triennial basin planning process. The Board responded that most outreach comes through email notification lists.
- Participants identified the need to consider support for childcare or transportation when scheduling the time and place for public hearings.
- State Water Board clarified that Tribes need to identify local priorities and help the Board see as their priorities as well regarding Tribal beneficial uses and standards and definitions.
- Participants discussed the mitigation plans happening to address contamination levels in Clear Lake. Discussion focused on causes of contamination (land use, remediation efforts, mercury from a sulfur mine Superfund site, etc.) Participants also discussed the need for erosion control (e.g. tule grass replanting). Participants shared that the Superfund cleanup process is happening very slowly, and only recently started to advance more quickly. There are multiple activities needed, including support from the federal government and the County Boards of Supervisors.
- State Board clarified that pesticides are always changing, making water quality sampling more challenging. State Board looks at overall toxins in water when setting statewide standards. Pesticides and other contaminants are evaluated in comparison to a control sample.
- Speakers noted that jurisdiction to address water quality does not stop at the coastline. California has a water quality control plan for oceans.
- Along the Klamath River, Tribes are looking at Oregon to compare their rates of fish consumption.
- State Board clarified how to utilize the beneficial use system to protect reintroduced salmon populations. A Tribe can request that the waterways be designated for subsistence fishing. The existence of aquatic species should already be designated in the Basin Plan. The cultural uses include navigation, ceremonial uses, and fishing. But the species themselves are protected by a different beneficial use. Empirical, reliable evidence of past practices is needed to link with the desire for future use. This would have to be recognized by the Regional Water Board as a goal for use.
- Tribes acknowledged the value of the information provided given that there is sometimes too much distance between Regional Water Boards and Tribal consultation. They expressed frustration that they continue to bring these issues up (i.e. that water sources are polluted and fish populations continue to diminish), but nothing seems to change.

Indigenous Communities Climate Change Assessment

This breakout was held twice in repeating sessions. The following summarizes highlights and comments received during both sessions.

Session Objective: Share key highlights from California's Indigenous Communities Climate Change Assessment Report.

Moderator: Stephanie Lucero, *Center for Collaborative Policy, Sacramento*

Panelists:

- Ron Goode, Chairman, *North Fork Mono Tribe*
- Nuin-Tara Key, *Governor's Office of Planning and Research (OPR)*

Highlights

OPR is developing a Fourth Climate Assessment Report for California (Fourth Assessment). For the first time, the Fourth Assessment seeks to include an entire section on indigenous perspectives regarding climate change in California. Chairman Ron Goode is the coordinating author among nine authors contributing to the indigenous perspectives section of the Tribal Assessment Report. The Fourth Assessment is one of 18 reports included in the Fourth Assessment. The challenges of pulling this report together serve as a microcosm of some challenges and lessons learned in incorporating Tribal perspectives into resource management decisions. Chairman Goode, together with Nuin-Tara Key shared the process of pulling this report together and the challenges of bringing diverse Tribal voices together to discuss climate change as part of a larger California report.

Chairman Goode described some of the challenges associated with pulling the Tribal Assessment Report together. One example is the need to pull perspectives from nearly 200 California Native American Tribes into a single document and to provide enough background information. Another challenge is Tribal versus non-Tribal perspectives relating to climate change. He shared how there is a difference between how Tribes and agencies talk and look at climate change. The Fourth Assessment looks at data back to 20-50 years ago and Tribes look back to 450 AD. From this perspective, increased temperatures, mega droughts and floods occur in cycles. Chairman Goode shared examples from archaeology where village sites had no artifacts during mega flood and drought periods. He shared how the Fourth Assessment is focused on adaptation to climate change, and he prefaced that Tribal perspectives view these absences of artifacts to indicate moving during times of mega droughts and floods. Even when communities leave, they will not go far. Chairman Goode stated that many challenges Tribal communities face with climate cycles are exacerbated by non-Tribal settlement patterns and the remnants of conquest. The primary resolution to what is classified as climate change is for Tribal stewardship of the land. However, Tribes' home territories are controlled by federal and state agencies. Tribes need grants and access to their home territories, which are not always allowed.

Nuin-Tara Key stated that this is the first assessment in which OPR engaged with Tribes. Past reports were technical reports authored by researchers and academic institutions and were "Western science" focused. OPR is working with Tribes to identify how to incorporate Tribal perspectives into the regional context and reports of the Fourth Climate Assessment.

Immediately upon starting this effort there were key differences identified between the Tribal Assessment Report and the remainder of the Fourth Climate Assessment. For example, the Tribal Assessment Report must include large swaths of background information to frame the Tribal experience and perspectives and speak to the experiences of all California Native American Tribes. This is difficult given the number and diversity of California Native American Tribes. There are also differences in the way that different (and sometimes) overlapping knowledge strings are reviewed and processed in the Tribal Assessment Report and the remainder of the Climate Assessment Report. Despite these challenges, OPR remains committed to work with the Tribes and the Tribal authors for a contribution that works for both.

Questions and comments

- Some commenters shared that human activity has not created climate change, but more likely the way that humans interact with their environment. Humans did not live in big cities long ago, so from the TEK perspective we can survive climate change by downscaling.
- The time scales being discussed are better defined as recent history versus ancient history.
- The group discussed how the outcomes of the Tribal Assessment Report are similar to that of the Summit: 1) A better understanding of indigenous perspectives; 2) Early and ongoing inclusion of indigenous voices in state activities; 3) Ensuring that the next climate Assessment can continue to build on the California Native American story; and 4) Providing a foundation for funding climate research conducted by Tribes or in partnership between Tribes and academics.
- Participants shared that there are faster changes in climate seen internationally (CO₂ accumulation, melting ice caps, rising sea levels in Alaska); these changes require preparation not assessment. Participants emphasized the need to prepare for these changes in partnership with Tribes and Tribal elders.
- Chairman Goode emphasized the need for individuals to take care of their own homes, prepare locally through what elders have shared are the ways to create resilient landscapes and ecosystems (by tending meadows, strategic forest thinning versus clear cutting, etc.)

Water and Food Sovereignty

This breakout was held twice in repeating sessions. The following summarizes highlights and comments received during both sessions.

Session Objective: Discuss the interconnection between water and traditional foods and gathering practices (e.g. abalone, salmon fishing, plant medicine, acorn gathering). Highlight challenges and opportunities related to access to and availability of traditional foods, such as offshore drilling/oil spills, public/private lands, and water allocation.

Panelists:

- Morning Star Gali
- Sage LaPena

Highlights

Sage LaPena emphasized that every aspect of who we are is connected to water. The water cycle is connected to plant and animal growth cycles, which is what provides us with food and medicine. Spiritual, cultural, and scientific practices come together as one in traditional practices. Traditional practices are guided by principles of respect, responsibility, and reciprocity. She described difficulties in dealing with counties and county governments in order to access lands for traditional practices. There are also conflicts between economic gathering permits and traditional gathering permits. For example, the overharvesting and export of bear grass for Chinese medicine and floral arrangements is negatively impacting traditional access and use by native peoples. The main goal should be for Tribes to gather in traditional territories.

Morning Star Gali noted that food is a key part of culture, and thus an important aspect of cultural sovereignty. Identity comes from culture and all the items that make up culture. Traditional food practices also have historically provided flexibility for Tribes as the climate changes — knowledge about and access to diverse foods helps people weather drought. Food sovereignty is about giving knowledge back to the people, and spiritual reawakening to become whole. Language preservation is also tied to cultural foods.

Key messages included:

- Access to federal lands is a big obstacle for non-federally recognized Tribes who want to be able to gather food and medicine in those areas.
- Mitigation banking in Tribal territories present both a challenge and an opportunity for preserving areas that are important to traditional gathering practices.
- It is important for Tribes to know who is currently on their ancestral lands. Private landowners are potential willing partners to allow access to certain places for traditional uses.
- Tribes without access to ancestral homelands for food and medicine gathering should connect to other Tribes to see if those places are not being used.
- It is important for Tribal members to know their rights when it comes to accessing public and private lands. For example, cattle grazing areas are passable by law if there are no signs that prohibit trespassing.
- Education and communication about the importance of traditional plants and animals are key, particularly within the current permitting system that can create conflict.

- Statewide policy is needed regarding permits for economic and traditional gathering uses.
- Access to land often depends on personal relationships.
- Conservation easements might be a tool for preserving ecologies and landscapes for gathering and sanctioning access.

Questions and comments

- What is being done about the high rate of mouth cancer among basket weavers? How can they be notified about chemical sprays and safety?
 - o Relationships are key. The people and entities that make decisions about spraying need to know how splitting is done so they can understand the impacts. Basket weavers can share this information and get on spray notification lists. Pesticide exposure is also related to water quality, since accumulation of chemicals can occur in the roots and seeds of plants.
- More information is needed about how to form Memorandum of Understanding (MOU) for conservation easements.
- The U.S. Forest Service has made an effort to contact a particular California Tribe about the spiritual and cultural significance of the lands they manage and now the Tribe is able to gather at that site.

Preserving and Managing the Salton Sea

This breakout was held twice in repeating sessions. The following summarizes highlights and comments received during both sessions.

Session Objective: Discuss water resource management approaches and partnerships that are seeking to maintain and preserve the traditional cultural and ecological value of the Salton Sea.

Moderator: Vivien L. Maisonneuve, *CA Department of Water Resources*

Panelists:

- Bruce Wilcox, *California Natural Resources Agency*
- Thomas Torte, Jr., *Chairman, Torres Martinez Desert Cahuilla Indians*
- Alberto Ramirez, *Torres Martinez Desert Cahuilla Indians*

Highlights

Discussion and speaker presentations focused on Salton Sea activities. These include:

- Ensuring there are parallel government to government discussions with Tribes as well as interaction between Tribes and other stakeholders in general meetings.
- Increasing engagement with local disadvantaged communities through an open and sustained engagement process.
- Keeping the public informed and managing expectations of possible outcomes.

Chairman Torte, Torres-Martinez Tribe, shared that the water and fisheries of the Salton Sea were there before the Torres Martinez reservation was created. Tribal members relied on the fish for subsistence. Under the 2003 Quantification Settlement Agreement (QSA), the State of California is obligated to mitigate problems related to the lack of water coming into the Salton Sea. Various groups currently operate to mitigate issues involving the Salton Sea and engage the public. Groups including the Salton Sea Authority and Salton Sea Task Force work with Tribes and the public in various ways. There is a task force seeking community input to mitigate damage to the area and conserve water in the region.

The Torres-Martinez Tribe emphasized health as a priority and the need for federal entities to contribute to efforts in the region. However, Salton Sea must balance several elements: conserve water, ensure best water quality, maintain and improve standards to generate recreational activity revenue.

Questions and comments

- Participants discussed options for Torres-Martinez Tribe to embark in water trading.
- Discussions clarified that state action was required to ensure placement of any Tribes on the Salton Sea Authority. Torres-Martinez Tribe was the only Tribe that sought to be included in the authority.
- Presenters clarified that Salton Sea is not subject to SGMA since the Salton Sea is not located within a SGMA groundwater basin.
- The QSA addresses dust mitigation.
- Participants commented on the high cost of mitigation measures currently proposed and some questioned whether the dust mitigation costs outweighed the cost of taking water.
- A repeated theme included the need to increase federal government participation.
- As long as agricultural activities continue within the region, there will be a lake, and there will always have to be funding for mitigation.

Conservation Easements

This breakout was held twice in repeating sessions. The following summarizes highlights and comments received during both sessions.

Session Objective: Provide an overview and discussion of conservation easements. Share experiences, perspectives, and lessons learned from Tribes who have developed and worked with partners in managing conservation easements.

Moderator: Darcie Houck, *California Public Utilities Commission*

Panelists:

- Mike Connolly, *Campo Kumeyaay Nation*
- Nina Hapner, *Kashia Band of Pomo Indians*
- Gregory Wolfin, *Illmawi, Pit River Tribe*

Highlights

Speakers discussed challenges related to establishing conservation easements, including state requirements and complex bureaucracy, and policy mismatch to the physical location and conditions. There are opportunities where Tribes can implement traditional resource management practices and values despite being under the state requirements umbrella. As some of the requirements are vague, Tribes may have the opportunity to expand the limits to effectively incorporate TEK. One issue is that conservation easements are not trust lands and can require a limited waiver of sovereign immunity. However, it may be beneficial for Tribes to pursue conservation easements to get the land back first, whether in trust or not, so as to gain access to traditional uses and connections as an immediate priority. In the case of the Kashia Coastal Reserve, the Tribe negotiated a limited waiver of sovereign immunity and could reconnect with ancestral coast homelands. Funding is also a challenge and some partners can be difficult. In the case of the Kashia Coastal Reserve, the landowners grew up with the Tribes' children and had good relationships with the Tribe.

Regarding the restoration of traditional management practices, there is some resistance to cultural burning. However, the recent catastrophic fires have made people more receptive to controlled burning. In some cases, there is still limited access to resources in the easement. In the Marine Protected Areas, Tribes are working with the State and locals to access gathering areas. Tribes are keeping their own monitoring database in case they decide they want to share that information.

Tribes are also in a situation where they are competing with other land conservancies to purchase land; other entities have other objectives with their easement purchases. The Kumeyaay Diegueno Land Conservancy framed things to be easily understandable to non-Indians by drawing on the traditional value of “èMut Mohey” or “Love of the Land.”

Lunch Speaker & Climate Conversations: Tribal Video Project

John Andrew, DWR Assistant Deputy Director, introduced the Tribal video project, “Climate Conversations,” and shared the video publicly for the first time. The series of video shorts features Tribal members from four separate geographic areas sharing their perspectives, and experiences with a changing climate, and how it is affecting their livelihoods and culture. The videos may be viewed on DWR's YouTube channel: <https://www.youtube.com/watch?v=YcmmK1HDr7Q&feature=youtu.be>

Day 2 — Tribal and Agency Roundtable Session Highlights

Participants were invited to self-select tables and continue in-depth discussions on presentations and workshops from both days of the Summit or discuss other topics that they felt needed further dialogue. Some Tribes and state and federal agencies also invited more in-depth discussion with specific federal and state agencies including State Lands Commission, Water Boards, and U.S. Forest Service. Participants were invited to consider the following:

Questions to Consider:

- What issues are still not being addressed?
- What actions, if any, are you taking to address these issues (e.g. projects, initiatives, case studies, etc.)?
- Are there obstacles or lessons learned to build from?
- What are the next steps, and who needs to be at the table?

Major themes and topics

- Cannabis and Water Quality. Tribes spoke in-depth with Water Board representatives regarding enforcement and permitting of cannabis growers. Discussions focused on how cannabis growers should be treated in comparison to other agriculture. The parties also discussed how permitting rules and processes should be responsive to Tribal lands and territories and Tribal responses to cannabis. Likewise, the group discussed whether new legislation legalizing cannabis cultivation offers more opportunities or more obstacles to ensure better water quality.
- Klamath Dam Removal. Discussion centered on when and how dams will be removed.
- AB 52. Many Tribes and state agencies acknowledged the importance of AB 52 in respecting Tribal cultural values with respect to natural resources. However, many Tribes and state agencies described the limited resources to respond to AB 52 consultation requests. Likewise, Tribes discussed in general the concern with diluting the concept of government to government consultation through numerous requests for consultation.
- Government to Government Consultation. Many Tribes referenced the importance of defining official consultation as a meeting of decision-makers before decisions are made with the intent to incorporate Tribal perspectives into final decision-making. Throughout the Summit and at Roundtables, Tribal leaders emphasized the importance of this concept.
- Federal and State Agency Coordination. Many Tribes discussed frustrations with lack of coordination between federal and state agencies. There can be frustrations with federal agencies not speaking with each other or directing Tribes to different agencies. In some cases, there were issues with federal and state agencies' failure to communicate.

- **State Support for InterTribal Coalitions.** A few discussions emphasized the value of supporting interTribal coalitions where Tribes can work collaboratively to address regional issues. IRWM was discussed as one example, but Tribes also referenced the need to look at watershed level coordination in forest projects.

Recommendations

Many of the roundtable discussions involved a meeting of the minds, and further discussion of the Summit topics. Likewise, many Tribal leaders had an opportunity to problem-solve local issues through discussions with other Tribal leaders, state and federal agency representatives. These recommendations and comments were shared as a result of these roundtable discussions.

- I. Increase engagement of federal and state agencies. In future Summits, invite Department of Defense, Bureau of Indian Affairs, and U.S. EPA.
- II. Continue the inclusion of capacity building components in future workshops and offer additional opportunities for joint learning and capacity building between Tribes and agencies. In addition to continuing the topics shared at this summit, consider the addition of others such as:
 - a. Federal Energy Regulatory Commission relicensing
 - b. AB 52 implementation
 - c. Consultation 101
 - d. Using social media
- III. Tribes were encouraged to work collaboratively with California EPA as they develop their new consultation protocol to better facilitate implementation of AB 52 and measures requiring government to government consultation.

Closing Remarks

Overview of California Water Plan Update 2018

Kamyar Guivetchi gave an overview of the California Water Plan Update 2018, due to be issued by DWR upon the Governor's approval by the end of 2018. He emphasized this Update represents a shift in thinking — redesigning the box — based on a more cyclical approach and focused on sustainability. The 2018 Update provides an operational definition of sustainability, describes California's developed water system today, and offers actionable recommendations. It also includes, for the first time, an implementation plan and funding options, as well as annual reports to track progress and adaptation. The 2018 Update forefronts key priorities based on research and input from past updates of the California Water Plan.

Key messages in the 2018 Update include:

- Water challenges are threatening Californians well-being.

- A shared vision for California's water future is key.
- Bold action will overcome critical and systemic challenges.
- Sufficient and stable funding is needed for sustainability.
- California's values provide the groundwork for a common aspiration for water sustainability.
- Everyone has a role to play in moving forward.

Climate change impacts are creating dramatic conditions in California, which many of the Summit breakouts covered. The State acknowledges the historical focus has been reactive rather than proactive, and the 2018 Update focuses on the long view of sustainability that prioritizes achieving desired objectives over simply accomplishing actions. The shared vision for water management in California includes the following:

- All Californians are protected from health and safety threats and emergencies.
- California's economy is healthy, and all Californians have opportunities for economic prosperity.
- Ecosystems in the state are thriving.
- All Californians have opportunities for enriching experiences.

The goals to overcome challenges include:

- New/Modernized Infrastructure & Restored Ecosystems
- Improved Alignment of Decisions, Initiatives & Actions
- Improved Regulatory Outcomes
- Informed and Adaptive Decision-Making
- Sufficient and Stable Funding

Mr. Guivetchi highlighted several Water Plan Objectives particularly relevant to Tribes and Tribal communities, including effectively managing watersheds over the long-term and strengthening relationships with California Native American Tribes. California Tribes are increasingly involved in planning and water resource decision-making processes while maintaining their sovereign authority. Actions related to the latter objective include adding Tribes to the definition of "Lead Agency," more effective Tribal involvement in regional planning efforts, and making sure that Tribal-state grant and loan contracting is more efficient. DWR is developing factsheets for each goal and recommended actions that detail costs and necessary partners for success.

Mr. Guivetchi reviewed the State's funding options to implement recommended 2018 Update

actions and emphasized the need to dynamically balance the four societal values outlined in the Update — healthy economy, vital ecosystems, enriching experiences, and public health and safety — with equitable distribution of benefits and impacts. Adaptive management is key to the success of the vision for water management, and sustainability requires time. He encouraged state, regional, and local officials to do the following:

- Authorize state agencies to implement the recommended actions per the schedule provided in the 2018 Update;
- Use the funding options to formulate funding strategies and methods;
- Provide annual funding to implement the actions;
- Use the new California Water Plan Annual Report to inform new policy and legislation; and
- Begin to plan, align, and partner based on guidance for empowering regions.

In closing, he encouraged participants to access Water Plan information online and to subscribe to the Water Plan eNewsletter.

Closing Remarks from Chairman Attebery

Chairman Russell “Buster” Attebery, Karuk Tribe, commented that everybody wants clean water and echoed others’ emphasis that water is life. He reflected on the discussions over the course of the two-day summit, how TEK and modern science need to come together in a way that respects Tribal sovereignty. Tribes need to have a seat at the table, as they know Indian country best. He observed that participants identified ways to work together with federal stakeholders to address issues related to dams and dam removal where necessary. He highlighted the need to address water quality issues quickly and discussed the role water plays in relation to traditional foods and food security — we need clean water in rivers for fish. He shared the value of traditional land management techniques. For example, the Karuk Tribe used to burn foothills for multiple purposes, including cleaning brush off the ground to create better snowpack that melted more slowly.

In closing, he shared these potential solutions:

- Better and more holistic water storage coupled with water conservation.
- More upslope watershed programs — remember and reinstate traditions that improve watershed health through forest stewardship.
- Move from the word from consultation to co-management. If we really want to have consultation, we need co-management. To solve disputes, both sides of the story need to be heard and the best way to do that is together in the same room at the same table where you can discover common ground.

- The state needs a “plan C” — if all else fails, the State should look at seasonal subsidies. Irrigators at the headwaters use a lot of the water. We have to take measures now to address water issues.

Finally, he encouraged Tribal leaders to express the importance of the Native vote in local and national elections, and to think about who will best serve Indian country. Chairman Attebery thanked everyone for their work, especially Anecita Agustinez and her staff.

Closing Remarks from Chairwoman Glenda Nelson

Chairwoman Glenda Nelson, Estom Yumeka Maidu Tribe of the Enterprise Rancheria thanked participants for attending. Burdens are easier if the whole village does their part and to protect our rights. She emphasized that we face a heavy burden with drought, fires, and the Oroville dam crisis. Coordination and collaboration are greatly needed. Oroville reminded the Enterprise Rancheria Tribe of past flooding in the early 20th century. She recalled that Enterprise Rancheria had to move nearly 300 local members who had no place to go. They experienced firsthand the need for education about Indian Tribes. State and local agencies need to understand how to integrate Tribal communities into their emergency planning. She also shared how her Tribe is experiencing other effects, such as damage to salmon habitat and destruction of cultural resources. Damage to habitat is yet to be resolved; it requires coordination. Salmon is the lifeblood of their Tribe. Their Tribe does not have treaties to protect their rights. They need meaningful and enforceable agreements to protect water rights, salmon, and cultural resources. For example, they need to expand spearfishing permit days. Water quality and conservation needs to be at the forefront of the state legislature. Tribes and the State need to work together to prevent pollution. The state rule of law needs to respect sovereign law. Quality and quantity of water are one for Tribal interests. She reminded participants that we do not inherit the earth from our ancestors, we borrow it from our children.

Closing Prayer

Honored Elder Jene L. McCovey, Chetko, Tolowa Dee-ne' Nation, Yurok and Chilula shared the closing prayer.

Table of Abbreviations

BMP	Best Management Practices
CEQA	California Environmental Quality Act
CNRA	California Natural Resources Agency
CWC	California Water Commission
DWR	Department of Water Resources
EPA	Environmental Protection Agency
GIS	Geographic Information Systems
GSA	Groundwater Sustainability Agency
IRWM	Integrated Regional Water Management
MOU	Memorandum of Understanding
NAHC	Native American Heritage Commission
NEPA	National Environmental Policy Act
NHD	National Hydrography Dataset
OPR	Governor's Office of Planning and Research
QSA	Quantification Settlement Agreement
RWMG	Regional water management groups
SLRIWA	San Luis Rey Indian Water Authority
SGMA	Sustainable Groundwater Management Act
TAC	Tribal Advisory Committee
TCC	Tribal Communication Committee
TCP	Tribal Communication Plan
TEK	Traditional/Tribal Ecological Knowledge



www.water.ca.gov

for more information:

[www.water.ca.gov/Programs/California-Water-Plan/
Water-Plan-Participation/Tribal-Water-Summit](http://www.water.ca.gov/Programs/California-Water-Plan/Water-Plan-Participation/Tribal-Water-Summit)

TribalPolicyAdvisor@water.ca.gov