

The Water That Connects Us

PROCEEDINGS SUMMARY

CALIFORNIA TRIBAL WATER SUMMIT 2023



Summit Proceedings • April 11-13, 2023 • Sacramento, CA



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Honorable Tribal Leaders:

With deep appreciation and gratitude, on behalf of the California Department of Water Resources (DWR) and the Tribal Water Summit Planning Team, I wish to thank California Native American Tribes for your support and participation in the 2023 California Tribal Water Summit. This represents DWR's now 20-year collaboration with California Tribes bringing Tribal water concerns directly into the fabric of the California Water Plan Update.

The first California Water Plan which DWR issued in 1957 evaluated available water supplies and uses by cities, agriculture and industries, and projected future water needs for a developing California population and economy. After several intermediate updates, the California Legislature now requires DWR to revise the California Water Plan every five years. The growth of Tribal participation and significance in Water Plan Updates 2005, 2009, 2013, and 2018 is detailed in these Proceedings.

I am pleased to acknowledge the great wealth of Tribal knowledge and perspectives, and collaboration efforts that have enriched each of these Updates, and now in the 2023 Water Plan Update through the Tribal Water Summit.

DWR remains committed to working together with California Native American Tribes in future California Water Plan Updates and Tribal Water Summits. Tribal knowledge is crucial to address climate change resiliency for future generations, while honoring sacred traditions and respect for Tribal Sovereignty.

Respectfully,



Karla A. Nemeth
Director



Tribal Water Summit Sponsors

The California Department of Water Resources and the Tribal Water Summit Team are proud to acknowledge the sponsors who contributed to the 2023 Tribal Water Summit.

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Special appreciation is extended to the North Fork Mono Tribe for the time and resources they devoted to the Tribal Water Summit by serving as the fiscal agent for the 2009, 2013, 2018, and 2023 Tribal Water Summits.

Pens donated by Shelly Davis-King • Water bottles donated by MIG-Native Nation Building

Tribal Water Summit Planning Team

In addition to our financial sponsors, the 2023 Summit was made possible through the in-kind support of the Tribal Water Summit Planning Team. We appreciate the Tribal Leaders, Tribal representatives, and community partners that committed their time and energy to ensure the success of the 2023 California Tribal Water Summit.

Tribal Representatives, Community Leaders, State, and Federal Partners

Adriana Renteria	State Water Resources Control Board
Allison McAdams	Santa Ynez Band of Chumash Indians
Angela Mooney D'Arcy	Sacred Places Institute for Indigenous Peoples
Anna Hoyle	Rincon Band of Luiseno Indians
Anna Kladzyk Constantino	FlowWest
Art Bunce	San Luis Rey Indian Water Authority
Blake Atkerson	California Indian Legal Services
Brenda Tomaras	Tomaras & Ogas, LLP, Lytton Rancheria
Brie Fraley	The Nature Conservancy
Brook Thompson	UC Santa Cruz student
Caressa Nguyen	Sacred Lands, Native Hands
Christian Aceves	Soboba Band of Luiseno Indians
Chairman Bo Mazzetti	Rincon Band of Luiseno Indians
Chairman Ron Goode	North Fork Mono Tribe
Charles Jachens	Bureau of Indian Affairs
Charles Striplen	Tribal Advisor
Charlie Toledo	Suscol Intertribal Council
Clifford Batten	San Manuel Band of Mission Indians
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Cristina Torres	Viejas Band of Kumeyaay Indians
Daniel Lee	Integral Consulting
Darcie Houck, Commissioner	CA Public Utilities Commission
Darcie Luce	San Francisco Estuary Partnership
Debie Rasmussen	Estom Yumeka Maidu Tribe of Enterprise Rancheria
Denise Turner-Walsh	Attorney General, Rincon Band of Luiseno Indians
Donna Begay	Tübatulabal Tribe, California Tribal GIS
Greg Perry	US Bureau of Indian Affairs
Heather Merenda	City of Santa Clarita
Heidi Brow	Pala Band of Mission Indians
Jack Kohler	On Native Ground Media
Jaime Tafoya	Indigenous Catering Consultant
Janice Aten	Lone Pine Paiute-Shoshone Reservation
Javier Silva	Sherwood Valley Band of Pomo Indians
Jeremy Sorgen	UC Berkeley
Juliet Maestas	California Tribal College
Karola Kennedy	Robinson Rancheria
Kevin Clancy	US Bureau of Reclamation
Krystal Moreno	Shingle Springs Band of Miwok Indians
Laurel McKee	Rincon Band of Luiseno Indians

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 Petee Ramirez
 Richard Williamson
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 Sarafina Maraschino
 Sarah Fonseca
 Sarah Ryan
 Sherri Norris
 Sibyl Diver
 Stephanie Seuss
 Syndi Smallwood
 Victor Griego

US Bureau of Reclamation
 Jamul Indian Village
 North Fork Rancheria of Mono Indians of California
 Costello Kennedy Landscape Architecture, American Indian Chamber of Commerce
 San Pasqual Band of Mission Indians
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 US Army Corps of Engineers
 California Indian Environmental Alliance
 Pit River Tribe
 Table Mountain Rancheria
 California Valley Miwok Tribe AKA Sheep Ranch Rancheria of Me-Wuk Indians of California
 San Luis Rey Indian Water Authority
 La Jolla Band of Mission Indians
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 Table Mountain Rancheria
 US Army Corps of Engineers
 California Department of Fish and Wildlife
 Big Valley Band of Pomo Indians
 California Indian Environmental Alliance
 Stanford University
 Chicken Ranch Rancheria of Me-Wuk Indians of California
 Jamul Indian Village
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Acronyms and Abbreviations

- **AB** - Assembly Bill
- **AB 52** - Native American Historic Resource Protection Act, Chapter 532, statutes 2014 re Tribal Cultural Resources
- **BAER** - burned area emergency response
- **BIA** - US Bureau of Indian Affairs
- **CalEPA** - California Environmental Protection Agency
- **CAL FIRE** - California Department of Forestry and Fire Protection
- **CEQA** - California Environmental Quality Act (1970)
- **CNRA** - California Natural Resources Agency
- **CPUC** - California Public Utilities Commission
- **CRIT** - Colorado River Indian Tribes
- **Water Plan** - California Water Plan
- **DAC** - disadvantaged community
- **DOI** - US Department of the Interior
- **DWR** - California Department of Water Resources
- **EIR** - environmental impact report under CEQA
- **FERC** - Federal Energy Regulatory Commission
- **GIS** - geographic information system
- **GSA** - groundwater sustainability agency
- **GSP** - groundwater sustainability plan
- **IRWM** - integrated regional water management
- **IRWMP** - integrated regional water management plan
- **MOU** - memorandum of understanding
- **NEPA** - National Environmental Policy Act (1970)
- **Regional Boards** - Regional Water Quality Control Boards
- **SB** - Senate Bill
- **SGMA** - Sustainable Groundwater Management Act (2014)
- **State Water Board** - State Water Resources Control Board
- **SWP** - State Water Project
- **TAC** - Tribal Advisory Committee
- **TAG** - Tribal Advisory Group
- **TBU** - Tribal beneficial uses
- **TCC** - Tribal Communication Committee (2009)
- **TCP** - Tribal Communication Plan (2009)
- **TCR** - Tribal Cultural Resources - AB 52
- **TEK** - Traditional Ecological Knowledge (also known as Tribal Ecological Knowledge)
- **THPO** - Tribal historic preservation officer
- **UN** - United Nations
- **EPA** - US Environmental Protection Agency
- **Update 2009** - California Water Plan Update 2009
- **Update 2013** - California Water Plan Update 2013
- **Update 2023** - California Water Plan Update 2023
- **USACE** - US Army Corps of Engineers
- **USDA** - US Department of Agriculture

Background & Summit Planning Process

The California Department of Water Resources (DWR) is required by State legislation to update the California Water Plan (Water Plan) every five years. The purpose of the Water Plan is to provide the State with a strategic plan for sustainably managing and developing water resources. The first Water Plan was published in 1957 and has been updated intermittently to provide recommendations for legislative change. California Water Plan Update 2005 includes recommendations calling for increasing Tribal involvement in statewide, regional, and local water planning. This was the first concerted effort to bring Tribal water needs into the planning process.

2009 Summit

For California Water Plan Update 2009 (Update 2009), DWR took further steps by convening a volunteer Tribal Communication Committee (TCC) to design a Tribal communication plan (TCP) and increase Tribal participation in the Water Plan. 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), themed “Protect Our Sacred Water,” was held on November 4 and 5, 2009, in Sacramento. The Summit had nearly 300 attendees with representation from 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 2009 California Tribal Water Summit proceedings which were incorporated into the final Update 2009. Thus, the Summit became an integral component of the Water Plan process. A separate volume of Tribal Water Stories appeared for the first time in conjunction with the Summit.

2013 Summit

For California Water Plan Update 2013 (Update 2013), DWR convened a Tribal Advisory Committee (TAC) to develop Tribal content for Update 2013 and guide the 2013 Summit planning team. Members were required to have formal authorization from their respective Tribes or Tribal non-profit organizations to serve on the TAC. Through planning discussions, three main themes emerged: Tribal Ecological Knowledge; Indigenous Rights to Water; and Watershed Management and Land Use. In developing the 2013 Summit, the planning team sought feedback from other Tribal and community partners participating in the broader Update 2013 process on a wide range of Tribal water concerns. The planning team developed the Guiding Principles and Statement of Goals for Implementation document which provided a list of conditions and recommendations to advance Tribal strategies and approaches. The 2013 Summit, themed “We all Drink from the Same Water,” was held on April 24 and 25, 2013, in Sacramento. 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 water issues focused on the three main themes identified by the TAC: Traditional Ecological Knowledge; Indigenous Rights to Water; and Watershed Management and Land Use. Day 2 identified strategies and future actions to implement solutions across multiple agencies. The 2013 Summit had approximately 300 attendees with representation from 100 Tribes and Tribal organizations.

Background & Summit Planning Process

2018 Summit

Held on April 4 and 5, 2018, 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 Tribes into the State's water management and planning activities. Nearly 300 representatives from California Tribes and organizations, federal, State and local agencies participated in the 2018 Summit. 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 2018 Tribal Water Summit was designed and organized by the planning team, with facilitation and logistics support from the Center of Collaborative Policy, currently known as Consensus and Collaboration Program within California State University, Sacramento. Planning team members were involved in planning previous summits or participated in the Update 2013 TAC. In collaboration with Summit facilitation staff, planning team members worked with the presenters to identify key questions, talking points and moderate breakout session discussions. Planning team members also conducted direct outreach to Tribes and Tribal organizations to encourage participation and attendance, and to be 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 represented an exercise in government-to-government engagement in water planning. Summit goals emerging from this planning team collaborative effort 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.
- Addressing Tribal interests into the next gubernatorial administration.

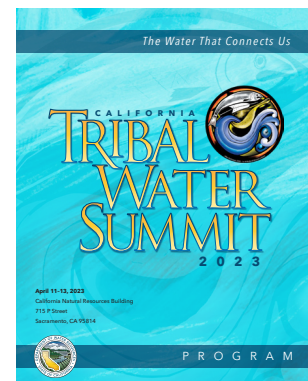
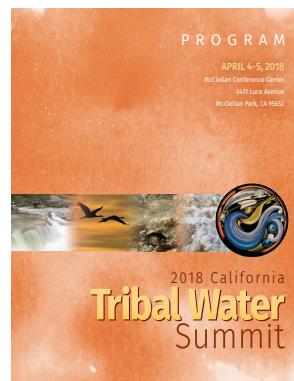
While discussions during the Summit focused on success, Tribal presentations also emphasized the need for consistent, systemic statewide changes in resource management (including State and local agencies). Tribal recommendations emerging from the Summit focused on the following messages:

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.

2023 Summit

New to California Water Plan Update 2023 (Update 2023) is a Tribal chapter to incorporate recommendations from the TAC. The 2023 Tribal Water Summit, themed “The Waters that Connect Us,” builds on the legacy and the critical importance of Tribal issues for the holistic human, environmental, and cultural management of water in California. The Summit held April 11–13, 2023, had more than 400 attendees with representation from 66 Tribes, 15 Tribal organizations, 13 State agencies, and three federal agencies; and Tribal representatives from Arizona, Nevada, and New Mexico. This proceedings document highlights the key outcomes from the Summit and includes specific recommendations from Summit participants for policy makers as the planning process for Update 2023 concludes at the end of the year.



SUMMIT AGENDA

Day 1 | April 11, 2023

Time	Item
1:00 pm	Welcome <ul style="list-style-type: none"> Anecita Agustinez, Diné (Navajo) Nation, Tribal Policy Advisor, Department of Water Resources (DWR)
1:10 pm	Traditional Opening Blessing by Wilton Rancheria and Shingle Springs Band of Miwok Indians <ul style="list-style-type: none"> Honorable Jesus Tarango, Chairman, Wilton Rancheria Honorable Malissa Tayaba, Vice Chairwoman, Shingle Springs Band of Miwok Indians
1:30 pm	Opening Remarks - Department of Water Resources (DWR) <ul style="list-style-type: none"> Cindy Messer, Lead Deputy Director, DWR Kristopher Tjernell, Deputy Director, Integrated Watershed Management Program, DWR
1:45 pm	Opening Plenary and Panel Discussion with State and Tribal Leadership <p>Objective: A panel discussion with Tribal government and State leadership will follow a video presentation of “Good Fire” to set the tone for an engaging conversation on how Tribes can be engaged in statewide water management and planning efforts, what State partners can do to strengthen these efforts, and how to advance Tribal priorities into State policy.</p> <p>Moderated by Anecita Agustinez, Tribal Policy Advisor, DWR</p> <p>Tribal Government Leaders</p> <ul style="list-style-type: none"> Honorable Ron Goode, Chairman, North Fork Mono Tribe Honorable Bo Mazzetti, Chairman, Rincon Band of Luiseño Indians Honorable Janet Bill, Picayune Rancheria of Chukchansi Indians represented by Marco Alcantar, Councilmember <p>State and Federal Leaders</p> <ul style="list-style-type: none"> Karla Nemeth, Director, DWR Martha Guzman Aceves, Regional Administrator Pacific Southwest Region 9, US Environmental Protection Agency (USEPA) Yana Garcia, Secretary, California Environmental Protection Agency (CalEPA)
3:00 pm	Discussion with State Department Leaders on Major State and Tribal initiatives <p>State Department Leaders</p> <ul style="list-style-type: none"> Armando Quintero, Director, Department of Parks and Recreation Charlton “Chuck” Bonham, Director, Department of Fish and Wildlife
3:45 pm	BREAK
4:00 pm	Honoring Our Elders - In Memoriam Tribute to Honored Elders Monty Bengochia, Jene McCovey and Harry Williams <p>Moderated by Anecita Agustinez, Tribal Policy Advisor, DWR</p>
4:15 pm	Tribal Water Summit Youth Water Protector Presentations <p>Objective: Through a creative partnership with California Tribal College, DWR launched the first Tribal</p>

Day 1 | April 11, 2023 (continued)

Time	Item
	<p>Water Protector Youth Training program for high school students. Tribal youth participated in a training curriculum on Tribal Water Law and Policy and an introduction to geographic information systems (GIS). Tribal youth participants will share a capstone presentation from a selected watershed that will showcase their training on Tribal waterways.</p> <p>Certificate Presentation</p> <ul style="list-style-type: none"> • Juliet Maestas, Executive Director, California Tribal College • Karla Nemeth, Director, DWR • Kristopher Tjernell, Deputy Director, Integrated Watershed Management, DWR

Day 2 | April 12, 2023

Time	Item
8:30 am	<p>Opening Blessing- AUDITORIUM</p> <ul style="list-style-type: none"> • Honorable Neil Peyron, Chairman, Tule River Tribe • A video presentation followed the opening remarks and blessing.
9:00 am	<p>Welcome by Karla Nemeth, Director, DWR</p>
9:30 am	<p>Summit Overview</p> <p>Objective: A brief discussion of the history of the Tribal Water Summit and how the California Water Plan can serve as a strategic tool to incorporate Tribal recommendations from the Summit into State water policy. Provide a walk-through of Summit logistics and workshops.</p> <p>Speakers</p> <ul style="list-style-type: none"> • Kamyar Guivetchi, Manager, DWR Division of Planning (Summit history and overview) • Tito Cervantes, Senior Land and Water Use Scientist, DWR Northern Region Office (workshops)
9:50 am	<p>Opening Plenary and Tribal Water Rights Panel Discussion</p> <p>Objective: Opening presentation and panel discussion of Tribal water rights issues that cover surface water rights settlements, groundwater settlements and proposed settlements. Discussion on how Tribes have used, or could use, those rights for economic development to improve water supply, domestic, agriculture, and water transfers that could increase California water supply.</p> <p>Moderated by Michelle C. Lee, Pit River Tribe, The Circle Law Group</p> <p>Tribal Government Leaders</p> <ul style="list-style-type: none"> • Honorable Neil Peyron, Chairman, Tule River Tribe (settlement issues) • Honorable Daniel Salgado, Chairman, Cahuilla Band of Indians (settlement negotiations) • Art Bunce, Special Counsel, San Luis Rey Indian Water Authority (Agua Caliente case study) • Lester Marston, Counsel, Cahuilla Band of Indians

Day 2 | April 12, 2023 (continued)

Time	Item
	State Agency Leaders <ul style="list-style-type: none"> • David Sandino, Senior Staff Counsel, Office of General Counsel, DWR • Erik Ekdahl, Deputy Director, Division of Water Rights, State Water Resources Control Board
11:00 am	BREAK
11:15 am	Plenary- Tribal, Local Government, State, Federal Nexus: Colorado River and the Salton Sea Objective: Share insights on two of California's most critical and pressing issues highlighting the nexus between Tribes and local, State, and federal governments; the need to work together and the importance of Tribal partnership. Moderated by Anecita Agustinez, Tribal Policy Advisor, DWR Tribal Government Leaders <ul style="list-style-type: none"> • Honorable Stephen Roe Lewis, Governor, Gila River Indian Community (Colorado River Issues) • Honorable Thomas Torte, Chairman, Torres-Martinez Desert Cahuilla Indians (Salton Sea) Federal Agency Leaders <ul style="list-style-type: none"> • Secretary of the Interior, Deb Haaland (invited) • Commissioner M. Camille Calimlim Touton, US Bureau of Reclamation (invited) • Brig. General Antoinette R. Gant, US Army Corps of Engineers (invited) • Dr. Josephine Axt, US Army Corps of Engineers, Chief of Planning and Policy, South Pacific Division State Agency Leaders <ul style="list-style-type: none"> • Thomas Gibson, General Counsel, DWR • Mario Llanos, Deputy Assistant Secretary, Salton Sea Management Program, California Natural Resources Agency (CNRA)
12:15 pm	LUNCH
1:15 pm	Concurrent Workshop Sessions (75 min) <ol style="list-style-type: none"> 1. Data Sovereignty, Tribal Intellectual Property, and Mapping 2. Decommissioning and Removal of Dams 3. Groundwater Management: Sustainable Groundwater Management Act and Aquifer Storage/Capacity 4. Tribal Water Rights 5. Utility Relicensing and Permitting 6. Water Quality and Water Quantity: Tribal Beneficial Uses Case Studies from Headwaters to Ocean 7. Tribal Participation in California Water Markets: Emerging Opportunities and Challenges
2:30 pm	BREAK
2:45 pm	Plenary - Climate Change & Climate Resilience Funding for Tribes Objective: Discussion of Tribal partnerships and funding opportunities to build resilient communities. Moderated by John Andrew, Deputy Director of Climate Resilience, DWR

Day 2 | April 12, 2023 (continued)

Time	Item
	Tribal Government Leaders <ul style="list-style-type: none"> Honorable Andrea Reich, Chairwoman, Tuolumne Band of Me-Wuk Indians Noah Williams, Water Program Coordinator, Big Pine Paiute Tribe Shasta Gaughen, Environmental Director and Tribal Historic Preservation Officer, Pala Band of Mission Indians State Agency Leaders <ul style="list-style-type: none"> Katrina Leni-Konig, Deputy Public Advisor and Tribal Liaison, CA California Energy Commission Patricia Kennedy, Fifth Assessment Tribal Program Manager, Governor's Office of Planning and Research
3:45 pm	Concurrent Workshop Sessions (75 min) <ol style="list-style-type: none"> Adaptation of Best Available Science: Incorporation of Tribal Knowledge and Tribal Science into Watershed Management Energy Resources Development Fire and Water: Cultural Burning and Wildfire, Water Quality and Meadow Restoration Leveraging Federal Funding for State and Tribal Action Tribal Cultural Resources California's Fifth Climate Change Assessment
5:00 pm	ADJOURN

Day 3 | April 13, 2023

Time	Item
8:30 am	Opening Blessing <ul style="list-style-type: none"> Honorable Joseph James, Chairman, Yurok Tribe
8:45 am	Welcoming Remarks <ul style="list-style-type: none"> Laurel Firestone, Board Member, State Water Resources Control Board
8:55 am	Report out from day 2 Workshop Sessions Objective: Reflection and key takeaways from the Day 2 Workshop Sessions Moderated by Anecita Agustinez, Tribal Policy Advisor, DWR Speakers <ul style="list-style-type: none"> Miguel Luna, Tribal Historic and Cultural Preservation Department Director of Fernandeño Tataviam Band of Mission Indians

Day 3 | April 13, 2023 (continued)

Time	Item
9:30 am	<p>Strengthening Tribal, Federal, and State Partnerships: Presidential TEK Policy, Ancestral Land Return, Tribal Access and Co-Management, Funding, and More</p> <p>Objective: Discussion on building Tribal, federal, and State partnerships through the Presidential Traditional Ecological Knowledge Policy, return of ancestral lands, increasing access and co-management of public lands, funding of Tribal priorities, and more.</p> <p>Moderated by Geneva Thompson, Assistant Secretary for Tribal Affairs, CNRA</p> <p>Tribal Government Leaders</p> <ul style="list-style-type: none"> • Honorable Reno Franklin, Chairman Kashia Tribe • Honorable Rudy Ortega, President, Fernandeno Tataviam Band of Mission Indians <p>Federal Agency Leaders</p> <ul style="list-style-type: none"> • Douglas Garcia, Pacific Region Water Rights Specialist, Bureau of Indian Affairs, US Department of Interior • Fatima Abbas, Director, Office of Tribal and Native Affairs, US Department of the Treasury
10:30 am	BREAK
10:45 am	<p>Moving Tribal Knowledge and Voices Forward: Policy and Action Planning Workshop Session</p> <p>Objective: An opportunity to discuss topics and recommendations developed during Day 2 workshop sessions. The goal is for Tribal and State agency leadership to dialogue with participants and create a list of key takeaways for specific actions that will be categorized for State, federal, Tribal and legislative action.</p> <p>Speakers:</p> <ul style="list-style-type: none"> • Co-Moderated by Darcie Houck, Mohawk and Ottawa Descendent and Commissioner, California Public Utilities Commission • Co-Moderated by Michelle C. Lee, Pit River Tribe, The Circle Law Group • Elder Reflection by Charlie Toledo, Director, Suscol Intertribal Council
12:15 pm	LUNCH
12:15 pm until 4:00 pm	<p>Technical Assistance Workshop Session - Applying for State Grants- ROOM 2301</p> <p>Moderated by Maria Lorenzo Lee and Gabriel Edwards, Division of Regional Assistance, DWR</p> <p>PLEASE NOTE: This pop-up session will run concurrently with the main program in the Auditorium. Participants may join at any time!</p>
1:15 pm	<p>Plenary and Panel Discussion – A Call to Action: Tribal Perspectives on Beneficial Equity in the California Water Plan</p> <p>Objective: Discussion on what is equity and how Tribal Governments and Tribal communities are historically underrepresented in local and regional funding; panelists will explore Human Right to Water policies and how beneficial equity can ensure funding resources will be equitably distributed.</p> <p>Moderated by Kristopher Tjernell, Deputy Director, Integrated Watershed Management Program, DWR</p>

Day 3 | April 13, 2023 (continued)

Time	Item
	Tribal Government Leaders <ul style="list-style-type: none"> Honorable Bo Mazzetti, Chairman, Rincon Band of Luiseño Indians Terri Red Owl, Executive Director, Owens Valley Indian Water Commission State Agency Leaders <ul style="list-style-type: none"> Bianca Sievers, Deputy Director of Special Initiatives, DWR Moisés Moreno-Rivera, Deputy Secretary for Environmental Justice, Tribal Affairs and Border Relations, California Environmental Protection Agency (CalEPA)
2:15 pm	Rights of Nature, The Water That Connects Us Objective: This closing panel discussion will explore the Rights of Nature and how Tribes can use this policy directive as an effective water management tool for protecting cultural resources and water management supply, quality and quantity for fish and plant species and sacred waterways. Moderated by Donna Begay, Tübatulabal/Paiute/Diné (Navajo) Nation Tribal Government Leaders <ul style="list-style-type: none"> Honorable Toby Vanlandingham, Councilmember, Yurok Tribe Honorable Caleen Sisk, Chief, Winnemem Wintu Tribe, represented by Morningstar Gali, Pit River Tribe Honorable Bo Mazzetti, Chairman, Rincon Band of Luiseño Indians
3:15 pm	Closing Tribal Leader Remarks <ul style="list-style-type: none"> Honorable Quirina Geary, Chairwoman, Tamien Nation Honorable Thomas Lozano, Tribal Council Treasurer, Enterprise Rancheria
4:05 pm	Closing Prayer by Wilton Rancheria and Shingle Springs Band of Miwok Indians
4:30 pm	ADJOURN SUMMIT Hosted reception sponsored by The Circle Law Group and Kronick Moskowitz Tiedemann & Girard

SUMMIT SPEAKERS/MODERATORS/PANELISTS



Amelia Flores
Chairperson, Colorado River
Indian Tribes



Andrea Reich
Chairperson, Tuolumne Band
of Me-Wuk Indians



Andrew Martinez
Research Specialist,
Salt River Pima Maricopa



Anecita Agustinez
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SUMMIT SPEAKERS/MODERATORS/PANELISTS



Anthony Meyers
*SWP Principal Operating Officer,
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Armando Quintero
*Director, CA State Parks
& Recreation*



Art Bunce
*General Counsel,
San Luis Rey Indian
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**Dr. Beth Rose
Middleton-Manning**
Professor, UC Davis



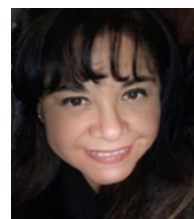
Bianca Sievers
*Deputy Cabinet Secretary at
Office of California Governor
Gavin Newsom*



Bo Mazzetti
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Brendon Greenaway
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Buffy McQuillen
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Native American
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Caleen Sisk
*Chief, Winnemem
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Carol Ostergren
*Geographer, United States
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Charlie Toledo
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Dr. Charles Striplen
Tribal Affairs Specialist



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Connor Magee
*Board Member, San Luis
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Daniel Salgado
*Chairperson, Cahuilla
Band of Indians*



Darcie L. Houck
*Commissioner,
CA Public Utilities
Commission*



David Sandino
*Office of General Counsel,
Dept. of Water Resources*



Dawn Alvarez
*US. Forest Service,
FERC Program Lead*



Dean Tonenna
Mono Lake Kutzadika Tribe



Denise Turner-Walsh
*Attorney General, Rincon Band
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Dirk Charley
*Tribal Liaison, Dunlap
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Dr. Donna Miranda-Begay
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Douglas Garcia
*Regional Water Rights
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Emily Alejandrino
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Emily Moloney
*Program Coordinator,
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Dr. Erica Tom
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Junior College and Cultural
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Tiedmann & Girard



Ivan Senock

Tribal Historic Preservation Officer
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Dr. James Sarmento

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Band of Miwok Indians



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Chairperson, Picayune Rancheria
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Jesse Valdez

Native American Monitor and
Archaeological Field Technician,
North Fork Mono



Jesus G. Tarango Jr.

Chairperson, Wilton Rancheria



John Andrew

Deputy Director of Climate
Resilience, Dept. of
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Dr. John Rosenfield

Director of Science,
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Joseph L. James

Chairperson, Yurok Tribe



Dr. Josephine Axt

Chief of Planning Policy, South Pacific Division,
US Army Corps of Engineers



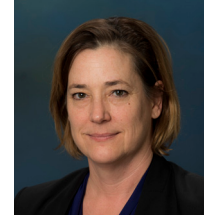
Dr. Juliet Maestas

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Laurel Firestone
*Board Member, State Water
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Len Nielson
*Staff Chief, California Dept. of
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Mariko Falke
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Mario Llanos
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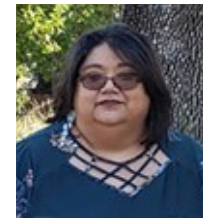
Martha Guzman Aceves
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Matthew Williford Sr.
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Moisés Moreno-Rivera
Deputy Secretary, California
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Neil Peyron
Chairperson, Tule River Tribe



Noah Williams
Water Program Coordinator,
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Reno Keoni Franklin
Chairperson, Kashia
Band of Pomo



Robert Geary
Habematolet Pomo
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Robert Page
Councilmember,
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Robert H. Smith
Chairperson, Pala Band
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Ron W. Goode
Chairperson, North Fork
Mono Tribe



Rudy Ortega Jr.
President, Fernandeño Tataviam
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Executive Director, CA Indian
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Shine Nieto
Vice Chairperson,
Tule River Tribe



Stephen Roe Lewis
Governor, Gila River
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Yana Garcia
Secretary, California
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SUMMARY OF PROCEEDINGS



The 2023 Tribal Water Summit (Summit) was the fourth summit held with California Tribes (Tribes) and State agencies to inform California Water Plan Update 2023. More than 400 representatives from California Tribes and organizations, federal, State and local agencies participated in the Summit. The Summit was convened through support from participating Tribal governments, California Natural Resources Agency (CNRA), California Department of Water Resources (DWR), and State agency partners. The Summit was made possible through financial and in-kind support from DWR, Tribes, Tribal organizations, and private entities throughout California. The Summit represents a collaboration between Tribes and DWR to identify, discuss, and document Tribal concerns and priorities that should be incorporated into California water planning. The Summit shows the success of partnerships between California Tribes and State agencies while highlighting current and ongoing issues that need to be addressed to achieve Summit goals.

Goal: Articulate a vision for climate resilience that acknowledges the Tribal right to water by local, State, and federal leadership.

The goal of the Summit was developed by the Summit planning team. The content and format of the Summit was developed 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. In addition to large group presentations and discussion, a series of workshops were held on the following topics:

- Adaptation of Best Available Science: Incorporation of Tribal Knowledge and Tribal Science into Watershed Management
- California's Fifth Climate Change Assessment
- Cultural Burning and Wildfire, Water Quality and Meadow Restoration
- Data Sovereignty, Tribal Intellectual Property, and Mapping
- Decommissioning and Removal of Dams
- Energy Resources Development
- Groundwater Management: Sustainable Groundwater Management Act and Aquifer Storage/Capacity
- Leveraging Federal Funding for State and Tribal Action
- Tribal Cultural Resources
- Tribal Participation in California Water Markets: Emerging Opportunities and Challenges
- Tribal Water Rights
- Utility Relicensing and Permitting
- Water Quality and Water Quantity: Tribal Beneficial Uses Case Studies from Headwaters to Ocean

Discussions focused on milestone achievements while also emphasizing the need for consistent systemic changes statewide in resource management (including State agencies and local agencies). Tribal recommendations focused on the following messages:

Tribal Water Rights

- According to DWR, as of April 2024, there are 29 adjudicated groundwater basins in California. Tribes will play an increasingly significant role in future adjudications.
- California is taking more of a role in Tribal water rights discussions, but more support is needed.
- A mechanism is needed to keep groundwater within its basin of origin. Exports should be minimized. Tribal water rights to groundwater could be included here.

SUMMARY OF PROCEEDINGS

- Given the critical importance of water rights, their affect on Tribes, and the role Tribes can and should play in adjudications, the State should consider a stand-alone conference dedicated to water rights discussions.

Tribal Beneficial Uses

- New tools are needed to address barriers for including Tribal beneficial uses (TBUs) in State regulation.
- TBUs should be included in groundwater regulations; there is a direct connection from TBUs to the US Clean Water Act.
- Tribes are best suited to draft TBUs for the State and Regional Water Boards.
- Confidentiality is very important when identifying cultural resources for TBUs.
- Interagency coordination on TBU issues must be streamlined; for example, regional boards for water quality and State Water Resources Control Board (State Water Board) for water quantity.
- TBUs should apply to both fresh and salt water, which are important to Tribes.

Tribal Consultation and Coordination

- A new State classification for California Tribal Liaisons is needed as opposed to current unofficial liaison positions in many agencies.
- Senate Bill 2108 will require all State departments to have an official Tribal liaison.
- More State commitment is needed to ensure Tribes are involved in Sustainable Groundwater Management Act (SGMA), groundwater sustainability agency, and groundwater sustainability plan development.
- Tribes must be eligible to sit on the State Water Board, Regional Water Boards, California Water Commission and other water boards and commissions making decisions of Tribal ancestral lands.

Tribal Cultural Resources

- Tribes are subject matter experts in the identification of Tribal Cultural Resources (TCRs).
- TCRs should include entire water bodies such as lakes and rivers. Agencies should be available and willing to walk the land with Tribes to build more understanding of TCRs.
- TCRs should be included in applicable laws and regulations. Where applicable, change “may” to “shall” in legislation discussing inclusion of TCRs in decision-making.

Other Items

- Utility relicensing must include Tribal participation, and Tribes must be included in site visits. Resources should be provided to promote Tribal participation.
- Industry is not held to the same standards as Tribes for water use. More enforcement is needed to ensure industry is held accountable.
- State policy on water rights discussion should include the emerging concept of Rights of Nature and personhood status to land, water, animal, and plant species.
- State policy should support California Tribal concerns in all Colorado River water delivery discussions and negotiations.



SUMMARY OF PROCEEDINGS



DAY 1: April 11, 2023 Summary

DAY 1: April 11, 2023 Summary

Welcome by Anecita Agustinez, DWR Tribal Policy Advisor

Anecita Agustinez, DWR Tribal Policy Advisor, opened the Summit, recognized Tribal leaders and elders attending the Summit and shared her gratitude to the Summit sponsors and exhibitors. She then walked through Summit logistics and facility capabilities and introduced Tribal leaders providing the opening blessing for the Summit.

Traditional Opening Blessing

Honorable Jesus Tarango, Chairman of Wilton Rancheria, and Honorable Malissa Tayaba, Vice Chairwoman of the Shingle Springs Band of Miwok Indians, provided opening remarks and a traditional blessing.

Chairman Tarango thanked participants for traveling to the Summit and stressed the importance of water for Tribes. Water is life and the Miwok have inhabited the Sacramento River watershed since the beginning of time. On behalf of Wilton Rancheria, he welcomed participants to their ancestral lands and expressed a desire for everyone to work together for the betterment of all inhabitants. Chairman Tarango provided a blessing and a song to formally convene the Summit.

Vice Chairwoman Tayaba thanked Chairman Tarango for the song and blessing and welcomed participants to the Shingle Springs Band of Miwok ancestral homeland. She stated that her ancestral village lies on what is now Discovery Park and stressed that the Sacramento River and its tributaries are home to many Tribes, and historically provided everything they needed to thrive culturally and physically. She invited Tribal members to join her in providing a song to inspire participants for the Summit ahead.

Opening Remarks from DWR

DWR Lead Deputy Director Cindy Messer provided a welcome message via video and reviewed the history and goals of the Summit. Historically, the Summit has served as a venue for the highest levels of State and Tribal governments to work together to build partnerships and create a vision for collaborative policy development. DWR is proud to convene the fourth Summit and will continue to support this event.

Kristopher Tjernell, DWR's Deputy Director of Integrated Watershed Management (IWM), thanked participants for attending and expressed his appreciation and privilege to host the event. He stressed the importance of using the Summit as an opportunity for reflection on current policy and management direction and to set the course for future water management decisions. Utilizing Traditional Ecological Knowledge (TEK) in policy decisions is a major goal that requires working directly with Tribes to incorporate their needs and voices into DWR's work.

Opening Plenary and Panel Discussion

Moderator: Anecita Agustinez

Panelists:

- Honorable Ron Goode, Chairman, North Fork Mono Tribe
- Honorable Bo Mazzetti, Chairman, Rincon Band of Luiseño Indians
- Honorable Marco A. Alcantar, Councilmember and Tribal Treasurer on behalf of Honorable Janet Bill, Chairperson, Picayune Rancheria of Chukchansi Indians.
- Karla Nemeth, Director, DWR
- Martha Guzman Aceves, Regional Administrator, Pacific Southwest Region 9, US Environmental Protection Agency (EPA)
- Yana Garcia, Secretary, California Environmental Protection Agency (CalEPA)

Anecita Agustinez introduced the panelists and thanked them for attending. She explained the goal of the plenary was two-fold:

1. How Tribes can be engaged in California water management efforts.
2. How State agencies can engage Tribes at the highest levels to include them in policy decisions.

After opening remarks, a short introductory video was played titled “Good Fire” to highlight the role of cultural burning and benefit to California landscapes.

Chairman Ron Goode provided introductory remarks to “Good Fire” and explained the current and historical importance of cultural burning for North Fork Mono. He noted Tribes are deeply connected to landscapes and have been traveling them via small trails and footpaths throughout their history. He noted that many State and federal agencies just see rivers and facilities built on the river (dams, powerhouses, etc.) as sites for permitting and regulation, but Tribal connections to the land mean they have a deep understanding of rivers from an ecological and cultural perspective.

Chairman Bo Mazzetti introduced himself and noted the Rincon Band of Luiseño Indians has the oldest chartered water authority in the United States. They have often thought of the water as “their water,” but that thinking has evolved to understand that it belongs to and connects everyone. Engagement between agencies and Tribes has improved dramatically over the years, and Tribes look to be more involved in collaborative decision-making than ever before.

Councilmember Marco Alcantar, attending on behalf of Chairperson Janet Bill, introduced himself and provided a brief history of his Tribe. Picayune was given 19 allotments originally but has grown to more than 2,000 members. These allotments are generally less than 10 acres each, and more land has been bought in trust for the Tribe. Although the Tribe is largely integrated into the surrounding communities, there is a strong desire to be self-sufficient and sustainable in the future. Events such as the Summit can provide important opportunities for Tribes to interact with State leadership to help them move toward sustainability.

Director Karla Nemeth thanked participants for attending and provided additional opening remarks. DWR supports local communities and Tribes, and in recent years has increasingly stressed the importance of the environmental impacts of water management. She stressed that this work can’t be successful without partner agencies such as the EPA and CalEPA, as well as local communities and Tribes. A major example of State, federal, and Tribal collaboration is the current effort to remove dams on the Klamath River and restore historic salmon runs. Projects like this will have a long-lasting impact and help create a culture of improved integration of water management with environmental restoration.

Secretary Yana Garcia thanked Tribal members for their blessing of water as a critical shared resource, and noted recent weather has caused extensive damage in California. Agencies are now getting to a place where ancestral knowledge and TEK can be considered in management decisions. She added that while agencies are working hard to improve relationships with Tribes, there is still much work to be done to repair the harm of the past. Partnerships to save the Clear Lake Hitch, also known as “Chi”, are an example of the types of partnerships we want to see more of in the future.

EPA Administrator Martha Guzman Aceves, highlighted some of the ways the federal government wants to engage with Tribes such as the Infrastructure Investment and Jobs Act, which makes significant investments in drinking and wastewater restoration. The Biden administration has also lifted directives from previous administrations discouraging Tribal consultation and directed agencies to return to consultation. Agency leaders are working to strengthen consultation and collaboration requirements to ensure they survive even after the current administration leaves. EPA Region 9 is also working to ensure states are aware of and utilizing their delegated authority under the US Clean Water Act. This type of work requires timely action to safeguard progress for the future.

Panelist Q&A

After opening introductions, Anecita Agustinez asked panelists to share their experiences with past Summits, and any takeaways for young Tribal leaders on how they can be informed about important water issues. Responses are provided below.

- Chairman Mazzetti stressed the critical role of engaging Tribes in water management decisions. The old attitude from the State directed everyone to participate in programs and regulations they must adopt, and Tribes are expected to participate. This has changed in recent years, so Tribes are being engaged directly as sovereign nations and highlights the importance of talking to people instead of at people. This shift has provided the space to engage directly on the development of the model contract and allows for limited waiver of sovereign immunity.
- Chairman Goode reflected on his participation in the Summit since 2008. At the first Summit in 2009, agencies and Tribes sat at different tables and didn’t mix. Federally recognized and non-federally recognized Tribes also didn’t sit together. By the second

and third Summits, that changed. Although agencies still have work to do, there is an increased willingness to collaborate and an understanding that partnerships are the only way forward on a range of issues including cultural burning. North Fork Mono regularly conducts cultural burns and has never lost control of a fire. This type of Tribal knowledge is critical for resource management in California.

- Councilmember Alcantar said that although this was his first Summit, it's apparent there is great value to convening Tribes and agencies, particularly from the exhibitor booths. The booths provide current, cutting-edge information for young leaders to consider regarding resource management. To encourage collaboration with Tribes, resources could be provided to ensure they have dedicated Tribal Historic Preservation Officers (THPO) or Environmental Protection Agency (EPA) staff. Agencies should also ensure that any requests to THPOs or EPA staff are clearly and concisely written.
- Director Nemeth noted this is the first year the Water Plan will include a specific chapter written entirely by Tribal voices. There are also promising collaborations with individual Tribes such as Yocha Dehe Wintun Nation on the Lookout Slough Tidal Restoration Project. But more work is needed to translate Tribal engagement in large-scale planning documents such as the Water Plan into more individual, implementable projects on the ground. The Summit provides an important opportunity to move in that direction.
- Secretary Garcia reiterated that important progress has been made to engage Tribes but didn't want to avoid uncomfortable conversations about resource management issues that haven't been addressed. For example, more Tribal engagement on Sustainable Groundwater Management Act (SGMA) implementation is needed, particularly in high-priority basins. We also need to make sure that funding is available for Tribes to implement State programs.
- EPA Administrator Guzman Aceves highlighted federal funding opportunities for Tribes for a variety of projects such as solid waste remediation and pesticides. The big planning is really at the State level because of delegated authorities under the U.S. Clean Water Act. In California, there are stronger requirements for Tribal engagement than some neighboring states.

Audience Q&A

After the panel discussion, audience members were given the opportunity to ask questions. Comments, questions, and responses, where available, are provided below without direct attribution.

- Environmental needs should be placed at a higher level than traditional water rights holders.
- Some Tribal allotments do not have any water rights or safe access to drinking water. Others don't even qualify for disadvantaged community (DAC) benefits because there is no recorded service. These communities aren't just underserved, they are not served at all. Agencies need to engage and interact with these Tribal communities far more than they currently do.
- The example of Clear Lake Hitch or Chi restoration efforts is positive: agencies are leaving their traditional silos with powerful results. How can we apply lessons learned from the Hitch or Chi effort to broaden climate change needs?
 - Secretary Garcia and Director Nemeth offered to connect directly with Hitch or Chi participants to develop lessons learned for application to other efforts.
 - Chairman Goode noted that single-species management requirements may not take into account potential solutions. One example is the Lahontan cutthroat trout. On one side of the Sierra, they're considered endangered; on the other side, there are quite a few, but they can't be used to breed because they are not the same subspecies. Similarly, Pacific Fisher are highly endangered in California, but plentiful in the northern portion of their range. Relocating animals is not allowed under current regulations. Other species such as Himalayan blackberry are considered invasive but have been here for hundreds of years and have cultural value to Tribes.
- The Owens Valley Indian Water Commission is working to translate feedback from events like the Summit and the Tribal information in Update 2023 into actionable projects.

Discussion with State Department Leaders on Major State and Tribal Initiatives

Moderator: Anecita Agustinez

Panelists:

- Armando Quintero, Director, California Department of Parks and Recreation
- Charlton "Chuck" Bonham, Director, California Department of Fish and Wildlife

Director Bonham started the discussion by noting that while we can't always fix the problems of the past, he is committed to improving Tribal engagement during his administration. He provided several examples of major Tribal initiatives.

- Improvements to the Big Pine Paiute fish hatchery to make it less reliant on groundwater to benefit local watersheds, the ecosystem, and the Tribe itself.
- The Klamath River Restoration Project, the largest dam removal and river restoration project in the United States. This project is the direct result of collaboration among the Hoopa, Yurok, and Karuk Tribes with State and federal agencies. In this case, the Tribes are creating the science needed to restore 300 miles of salmon and steelhead runs.
- Ongoing engagement and collaboration with Winnemem Wintu to restore salmon runs above Shasta Dam.
- Ongoing engagement and action to restore Clear Lake Hitch or Chi.
- Relocating and restoring native beaver populations throughout the state.

Director Bonham reiterated that none of these projects and programs would happen without constant, direct collaboration with Tribal partners.

Director Quintero shared that many of California's 208 state parks are located on Native American ceremonial grounds, gathering areas, and village sites. Memorandums of Understanding (MOUs) have been developed to reconnect Tribes with their ancestral lands, such as the MOU with the Yurok Tribe to create a Tribal visitor center and ceremony space in the north coast redwoods and Redwood Park. In the past, these actions have required full California Environmental Quality Act (CEQA) review, but State Parks has been able to expedite many reviews. These actions are critical to ensure Tribal voices are used to tell Tribal stories. There has also been a significant effort to work with Tribes on renaming historic sites to make sure appropriate names are used.

After opening remarks, Anecita Agustinez asked panelists to provide additional information on MOUs developed by State agencies with Tribes. The following conversation covered:

- Director Bonham noted that for the Klamath, it has taken a very long time (more than 30 years) to arrive to the point of actual restoration. Agencies need Tribal input and engagement to ensure they are addressing the right issues from an ecological and cultural perspective, whether it is something as big as dam removal or as small as a butterfly.
- Director Quintero noted that MOUs are particularly important because they provide a legally binding way to interact with Tribes on things as critical as the repatriation of remains. They create a place for Tribes to engage government-to-government with the State.
- Anecita Agustinez noted California Natural Resources Agency (CNRA) Assistant Secretary for Tribal Affairs Geneva Thompson is working to develop a statewide clearinghouse for Tribal MOUs as a resource for other negotiations.
- Director Bonham noted Tribal engagement is a priority for the current administration, but more resources are needed. While some Tribes are actively engaged in resource management discussions, others don't have the funding or staff to participate to the degree they would like. Having the staffing consistency to create a strong administrative record when working with Tribes is critical to ensure MOUs and similar tools are honored in the future.

Audience Q&A

- Potter Valley dam removal discussions have been ongoing for some time but have been largely unsuccessful. What can agencies do to expedite the project?
 - Director Bonham responded that the success of the Klamath Restoration Project can allow agencies to apply lessons learned to other areas, but all large-scale restoration efforts will take time. He was aware of Potter Valley discussions.
- The Klamath Restoration Project is a huge success. Construction to decommission and removal of the dams has begun!
- What level of commitment exists to work with other Tribes on river restoration projects?
 - Director Bonham committed to working with any Tribal councilmembers to discuss their concerns.
- The Pit River Nation has dam removal and sacred spaces projects they would like to discuss with State agency leaders in more detail. More action is needed to restore salmon populations and reconnect people with their water for future generations. MOUs could be developed to address both issues.

Honoring Our Elders

Anecita Agustinez recognized the recent passing of honored elders who were instrumental in early Summit development. Internationally respected Tribal leaders Monty Bengochia, Jene McCovey, and Harry Williams were honored for their roles as warriors and water protectors; and for their dedication to advocating for the land, water, and people. Family members received memorial plaques designed by Tribal artist Venesa Kremer. Friends and family members of these key leaders were invited to provide statements in memoriam and a moment of silence was recognized by all Summit participants.

Tribal Water Summit Youth Water Protector Presentations

Juliet Maestas, Executive Director of the California Tribal College, invited participants in the Youth Water Protector program to provide an overview of their capstone presentations and receive certificates of completion. Youth Water Protectors and their Tribal affiliations included:

- Darian Murillo, Tule River Indian Tribe
- Isabella Nguyen, Ione Band of Miwok Indians
- David Sanchez, Osage River Tribe
- Devlyn Bean, Sacramento River
- Mateo Careno, Apache Nation

Certificates were presented by Director Nemeth, Deputy Director Kristopher Tjernell, David Sandino and Anecita Agustinez on behalf of DWR. Presentation posters, including links to videos and slide shows, were displayed in the building atrium for the remainder of the Summit.

ADJOURN DAY 1





DAY 2: April 12, 2023 Summary

DAY 2: April 12, 2023 Summary

Opening Blessing and Welcome

Day 2 of the Summit began with a traditional blessing by Chairman Neil Peyron, Tule River Tribe. He followed the blessing with a video that highlighted the water issues faced by Tule River Tribe and spoke of the Tribe's decades-long fight for water rights and their water right settlement negotiations. Following the blessing, DWR Director Karla Nemeth provided welcoming remarks. Director Nemeth focused on how the Summit has evolved over time, where Summit outcomes fit into Update 2023, and what work is still needed to ensure Tribal voices help influence California's plan for water use and climate resilience.

Summit Overview

Kamyar Guivetchi, Manager of DWR's Division of Planning, provided an overview of the Summit's history dating back to the first Summit in 2009. Tito Cervantes, Senior Land and Water Use Scientist from DWR's Northern Region Office, provided an overview of Summit workshops scheduled for the afternoon of Day 2. The following key takeaways were provided:

- Substantial progress to incorporate Tribal voices in the Water Plan has been made since the initial Summit in 2009. Tribal perspectives have been incorporated into the Water Plan for the last 15 years and are being implemented as a direct result of Tribal participation. For the first time, the Water Plan will include a Tribal-specific chapter.
- Update 2023 focuses on three themes: understanding California's vulnerabilities to climate change, watershed resilience, and equity in water management.
- A series of workshops will be held during the Summit focused on these themes and other issues critical for the incorporation of Tribal voices into the Water Plan. A summary of workshop outcomes is provided below.

Opening Plenary and Panel Discussion

Moderator: Michelle C. Lee, The Circle Law Group, P.C. (Pit River Tribe)

Panelists:

- Honorable Neil Peyron, Chairman, Tule River Tribe (settlement issues)
- Honorable Daniel Salgado, Chairman, Cahuilla Band of Indians (settlement negotiations)
- Art Bunce, Special Counsel, San Luis Rey Indian Water Authority (Agua Caliente case study)
- Lester Marston, Counsel, Cahuilla Band of Indians
- David Sandino, Senior Staff Counsel, Office of General Counsel, DWR
- Erik Ekdahl, Deputy Director, Division of Water Rights, State Water Resources Control Board

A panel of Tribal and State agency leaders convened for a discussion of Tribal Water Rights issues that cover surface water rights settlements, groundwater settlements, and proposed settlements. The discussion included an overview of how Tribes have used, or could use, those rights for economic development to improve water supply, domestic, agriculture, and water transfers that could increase California's water supply.

Key takeaways from opening presentations and discussion included:

- Tribal water rights have been a long struggle showing a lack of equitable rights. But, in recent years, Tribes have set legal precedents with federal and State water rights agreements with the Tule River Water Rights Agreement, Santa Margarita, and Agua Caliente cases highlighted as particularly important.
- The Agua Caliente case shows groundwater rights are also at stake. An appeals court ruling included specific rights to groundwater. This is critical in Southern California. Although progress has been made, the case is still moving through the legal process. Any litigation involving Tribal water rights takes many years to complete.
- More perseverance by Tribes is needed. Some Tribal water rights cases are many years old and are just starting to reach a positive conclusion. Additional litigation is planned in several jurisdictions. Tribes also continue to look for alternative methods for reaching positive outcomes in addition to litigation.

- The Summit has assisted in highlighting and bringing awareness to Tribal water issues generally, and water rights specifically. Tribal participation in Water Plan updates has also resulted in critical relationship building and tangible water management outcomes.
- Coordination and collaboration among Tribes, State, and federal agency partners is starting to yield results, but there is more work to be done. Additionally, challenges working with local agencies on water management issues persist.
- Recent changes to State law, in particular the Sustainable Groundwater Management Act (SGMA), have had a significant effect on groundwater resources. SGMA explicitly includes Tribal reserved water rights. Bond funding is also available to Tribes for water infrastructure improvements. The Safe and Affordable Drinking Water Fund specifically addresses Tribal sovereignty and dispute resolution issues.

Plenary: Tribal, Local Government, State, and Federal Nexus: the Colorado River and Salton Sea Case Studies

Moderator: Anecita Agustinez

Panelists:

- Honorable Stephen Roe Lewis, Governor, Gila River Indian Community (Colorado River Issues)
- Honorable Thomas Torte, Chairman, Torres-Martinez Desert Cahuilla Indians (Salton Sea)
- Dr. Josephine Axt, Chief of Planning and Policy Division, South Pacific Division, U.S. Army Corps of Engineers
- Thomas Gibson, General Counsel, DWR
- Mario Llanos, Deputy Assistant Secretary, California Natural Resources Agency Salton Sea Program

A panel of Tribal and State agency leaders convened to share insights on two of California's most critical and pressing issues, the Colorado River and Salton Sea. These case studies highlight the nexus between Tribes and local, State, and federal governments. They also stress the need to work together and the importance of Tribal partnerships.

Key takeaways from opening presentations and panel discussion included:

- Tribal Perspective on Colorado River Issues:
 - For many years, federal protection of the Tribal Right to Water has not existed. Recent litigation and collaboration have forced inclusion into policy discussions. Gila River has been at the forefront of these discussions and resulted in three specific agreements. This work also led the way to develop the Arizona Drought Contingency Plan and has forced acknowledgment of Tribal sovereignty issues. Gila River is encouraged by the current federal administration's open approach to discussions with Tribes, but only when Tribal sovereignty is respected, and the Tribe has a designated seat at the table.
- Tribal Perspectives on the Salton Sea:
 - For Cahuilla, there are nine reservations. Each reservation has different barriers to receiving recognized water rights.
 - Salton Sea water diverted from the Colorado River is highly polluted and represents a significant environmental disaster. It currently causes chronic and acute health issues for Tribes, such as high rates of asthma. The aquifer underlying and surrounding the Salton Sea is also heavily contaminated by pollutants such as arsenic.
 - The federal government owns more than half of the land under and adjacent to the Salton Sea, but there is still a general lack of awareness about some of the major issues facing the region.
 - Resolving the major issues facing the region will require litigation, partnerships, and collaboration among all affected communities, just like the struggle for Tribal Water Rights elsewhere.
 - Although there are numerous State programs seeking to address the Salton Sea, more work is needed. DWR is currently implementing the 10-year Salton Sea Management Program for Salton Sea Restoration. The program is in the early consultation stages. CNRA also identified additional programs aimed at restoration, including:
 - The Salton Sea Habitat Project.
 - A U.S. Bureau of Reclamation land restoration to restore native vegetation in the region.
 - The Salton Sea Riverside project.
 - More information on CNRA's Salton Sea efforts is available online at <https://saltonsea.ca.gov/>.
- Panel participants stressed the need for more collaboration on Colorado River and Salton Sea issues, and noted an entire Summit can be dedicated to these two topics. More discussion is needed!

Plenary: Climate Change and Climate Resilience Funding for Tribes

Moderator: John Andrew, Deputy Director of Climate Resilience, DWR

Panelists:

- Honorable Andrea Reich, Chairwoman, Tuolumne Band of Me-Wuk Indians
- Noah Williams, Water Program Coordinator, Big Pine Paiute Tribe
- Shasta Gaughen, Environmental Director and Tribal Historic Preservation Officer, Pala Band of Mission Indians
- Katrina Leni-Konig, Deputy Public Advisor and Tribal Liaison, CA Energy Commission (invited)
- Patricia Kennedy, Fifth Assessment Tribal Program Manager, Governor's Office of Planning & Research

A panel of Tribal and State agency leaders was convened to discuss Tribal partnerships and funding opportunities to build climate resilient communities including:

- A brief overview of water infrastructure and fire risk reduction and suppression projects currently being advanced.
- The importance of water rights for adaptation to a changing climate.
- A need for novel and creative partnerships to adjust to uncertain climatic conditions.
- A discussion of available opportunities for climate resilience grants and engagement in California's Fifth Climate Assessment.

Key takeaways from the panel included:

- Ensure Tribes and Tribal communities are consulted with to determine how best to apply traditional ecological knowledge and practices to the Fifth Climate Assessment. Because the Fifth Climate Assessment is more granular than previous assessments, it will be important to speak directly with Tribes to determine if TEK practices are appropriate to weave together with the State's climate science, or as a stand-alone section. Or a chapter on traditional knowledge.
- There is likely a sensitivity in asking for the application of TEK and traditional knowledge generally to a problem such as climate change, which Tribal communities did not have a role in creating. Moreover, Tribes may be reticent to join some partnerships such as a Los Angeles Department of Water and Power fish hatchery near the City of Bishop. Although the hatchery could have significant benefits, water should be taken from natural springs instead of continued or increased pumping from local groundwater basins.
- Some partnerships between the State of California and Tribes have been successful and could be a model, such as work on the Tuolumne and Stanislaus Rivers to create pond storage, support Tribal gathering spaces, and create fire suppression opportunities. These efforts were funded through Proposition 1.
- There should be some acknowledgement that climate change is being driven by human actions or "manmade." Projects and partnerships with BIA Climate Resilience Funds exist on Big Pine Creek to identify the types of water users currently using water supplies, identify potential risks using Intergovernmental Panel on Climate Change climate predictions, and developing adaptive strategies to address challenges. Central to these types of projects is the need for well defined, legally defensible Tribal water rights.
- The role of private industry in partnerships can be important with an uncertain climate future. Consider how we can use private industry to partner with traditional ways of being that do not require us to take more and more water and resources. Climate resilience grants from public sources can also be useful; the Pala Band of Mission Indians recently secured funds through regional climate collaborative grants.

Summit Workshop Session Summaries

As discussed in the Day 2 plenary summary above, the Summit included a series of 14 workshops designed to provide participants with in-depth discussion opportunities on specific topics. Workshop topics included:

1. Indigenous Data Sovereignty and Ethics Listening Session.
2. Decommissioning and Removal of Dams.
3. Groundwater Management: SGMA and Aquifer Storage Capacity Updates.
4. Tribal Water Rights.
5. Utility Relicensing and Permitting.
6. Water Quality and Water Quantity: Tribal Beneficial Uses Case Studies from Headwaters to Ocean.

7. Tribal Participation in CA California Water Markets: Emerging Opportunities and Challenges.
8. Adaptation of Best Available Science; Incorporation of Tribal Knowledge and Tribal Science into Watershed Management.
9. Energy Resources Development.
10. Fire and Water: Cultural Burning and Wildfire for Water Quality Meadow Restoration.
11. Leveraging Federal Funding for State and Tribal Action.
12. Tribal Cultural Resources.
13. California's 5th Climate Change Assessment Tribal Research Program.
14. Technical Assistance Workshop Session - Applying for State and Federal Grants.

A summary of each workshop, including a list of panelists, presentation overview, and key takeaways from each discussion, is included below.

1. Indigenous Data Sovereignty and Ethics/Listening Session

Co-Moderators: Mariko Falke, Executive Tribal Liaison, DWR; and Jane Schafer-Kramer, Geographic Data Specialist, DWR

Panelists:

- Honorable Matthew Williford, Chairperson (Acting), Konkow Valley Band of Maidu Indians
- Andrew Martinez, Research Coordinator for the Collaboratory for Indigenous Data Governance, Native Nations Institute, University of Arizona
- Carol Ostergren, Tribal Liaison, U.S. Geological Survey

Presentation overview:

A panel of data experts explored Indigenous data sovereignty and ethics to understand implications for water and ecological data that is collected, stored, and managed by State and federal entities, or shared by Tribal Nations. The discussion focused on ethical considerations for data sharing and data collection on Tribal lands and waterways including use of stream gages, monitoring stations, and aircraft and satellite remote sensing methods. Panelists encouraged participants to learn and share best practices that can be employed to respect and honor Indigenous data sovereignty.

Key takeaways from the discussion:

- Tribal knowledge is data. Tribes and Tribal communities have their own renditions of geography and cartographic storytelling.
- Indigenous people are always data stewards of their own cultural, historical, and ecological knowledge.
- Data sovereignty conceptualizes data as subject to laws of the country or government of origin.
- Data governance is the ability to subscribe ownership of data and apply collection, control, analysis, and use protocols. Intellectual property from Tribes should always be honored and recognized. Tribes own their data and have the right to govern collection, control, analysis, and use.
- Tribes have their own data protocols including access restrictions, storage practices, and use limitations. Agencies should consult with Tribes about Tribal data policies.
- To support Tribal data sharing, trust and relationships must be established.
- Tribal data processing, storage, and capacity must be expanded. Additional support and federal and State funding are needed to maintain Tribal data sovereignty. Capacity includes Tribal access to reliable internet connectivity.
- Agencies should consult with local Tribes on data collection activities including conducting light detection and ranging (LiDAR) or other aerial imagery. It is recommended agencies adopt an opt-in approach, where Tribes can choose to have Tribal lands included in the data collection, but if no response is received Tribal lands are avoided.
- Preferred correspondence with Tribes if there is no response received through letters is to conduct phone calls and coordinate in-person visits.
- Data managers should consider FAIR (findable, accessible, interoperable, reusable) and CARE (collective benefit, authority to control, responsibility, ethics) Principles to increase access and use.
- Data sharing must respect the "five A's": authority, access, authorship, attribution, and acknowledgment.
- Communicate with Tribal leadership, Tribal Historic Preservation Officers (THPOs), or appropriate Tribal staff regarding Tribal data sharing, storage, or management.

2. Decommissioning and Removal of Dams

Moderator: Barry McCovey, Yurok Tribe

Panelists:

- Michael Belchik, Yurok Tribe
- Tommy Williams, NOAA Fisheries
- Anthony Meyers, DWR

Presentation overview:

The roundtable of Tribal staff and key federal partners discussed how dam removal came to be in the Klamath, what benefits it might have, what challenges remain, and how lessons learned in the Klamath process might be applied to other dam relicensing efforts. Roundtable panelists posed the following questions for participant consideration:

- What impacts did the dams have on Tribal cultures and what impact will dam removal have to those cultures?
- How were Tribes able to make their voices heard in this process, considering they were never heard during the construction of these projects?
- Why does dam removal make sense in the Klamath Basin, given intensifying drought and flood cycles?
- How does dam removal affect salmon security in the face of climate change?
- What short-term effects will the process of dam removal have to the Klamath River?
- What long-term effects will dam removal have on the Klamath River?
- How was TEK used, or not used, during the decision and negotiation process?

Key takeaways from the discussion:

- The discussion focused primarily on the Klamath experience.
- Damming of the Klamath divided the basin and eliminated hundreds of miles of anadromous fish habitat.
- When complete, the effort will result in the largest river restoration project in U.S. history; 430 miles of river will be restored.
- Upon completion, 7,027 acres of land will be returned to Tribes.
- Leadership of Yurok, Karuk, and Klamath Tribes was central to this historic effort.
- Project team included: Tribes, the Klamath River Renewal Corporation, States of California and Oregon, DWR, state and federal regulatory agencies.
- Drawdown of water levels and removal of dams began in 2023.

3. Groundwater Management: SGMA and Aquifer Storage Capacity Update

Co-Moderators: Art Bunce, Special Counsel, San Luis Rey Indian Water Authority; Paul Gosselin, Deputy Director, Groundwater Management Program, DWR

Presentation overview:

The Sustainable Groundwater Management Act (SGMA) was passed in 2014 and set a statewide framework to help protect groundwater resources over the long-term. In signing SGMA, then-Governor Jerry Brown emphasized that “groundwater management in California is best accomplished locally.” SGMA requires local agencies to form groundwater sustainability agencies (GSAs) for high- and medium-priority basins. GSAs develop and implement groundwater sustainability plans (GSPs) to avoid undesirable results and mitigate overdraft within 20 years. The DWR has received approximately 117 GSPs for 89 basins since January 2020. DWR is also overseeing nine basins with alternatives to GSPs. Some basins include beneficial users that hold federal reserve water rights, including Tribes, which GSAs should identify and consider in their water budget planning. Tribes may voluntarily agree to participate in the preparation or administration of a GSP and must be considered as beneficial users of groundwater in GSP development and implementation. DWR’s SGMA Tribal Advisory Group (SGMA TAG) was established in 2015 to bring DWR, Tribal governments, and Tribal communities together to collaborate on outreach and engagement efforts associated with the implementation of SGMA. Panel members Paul Gosselin, DWR Deputy Director, Statewide Groundwater Management and Art Bunce, San Luis Rey Indian Water Authority, discussed the status of SGMA and Tribal engagement with GSAs, current aquifer conditions and recharge projects, and federally reserved water rights.

Key takeaways from the discussion:

- DWR is currently reviewing GSPs to ensure groundwater basin sustainability can be achieved over the planning horizon: 18 basins reviewed to date; six GSPs found to be inadequate and referred to the State Water Board; one basin was deemed incomplete.

- \$400 million in State funding provided for technical and planning assistance to GSAs.
- Tribal engagement is required by Water Code Section 10720.3(c).
- Tribes DO NOT have to be part of SGMA to protect federally reserved water rights.
- Federally reserved rights to groundwater for Tribes MUST be protected in full.

4. Tribal Water Rights

Co-Moderators: Michelle C. Lee, Pit River Tribe/The Circle Law Group; Marianna Aue, Office of Chief Counsel, State Water Board

Presentation overview:

The objective of this workshop was for participants to develop shared understanding of the legal framework governing Tribal water rights by examining them through a Tribal perspective. Workshop leaders outlined the different types of water rights based on State and federal legal and judicial precedent. After opening remarks, a presentation was provided to highlight recent funding programs and new initiatives that can be utilized by Tribal governments to develop or enhance existing Tribal water rights.

Key takeaways:

- Water rights are extremely complicated: multiple types of rights occur at the state and federal levels, and jurisdictional overlap is a constant complication in adjudication processes.
- State water rights guarantee the right to use water, but do not guarantee access to water.
- Under State rights, if water under an existing right isn't used, other junior rights holders can use it, particularly under State appropriative rights. Federally reserved rights including those held by Tribes are not subject to this potential forfeiture.
- Tribes have extensive litigation history at the federal level; adjudication of Tribal water rights historically takes decades to resolve.
- Whether Tribal lands have to physically touch water sources to claim a right is very important in the Tribal context. If an existing reservation is adjacent to a waterbody, State riparian rights may exist and should be investigated by the Tribe. Federal funding may be available for the investigation for federally recognized Tribes.

5. Utility Relicensing and Permitting

Moderator: Honorable Ron Goode, Chairman, North Fork Mono Tribe

Panelists:

- Dirk Charley, Dunlap Mono
- Shelly Davis-King, Hydro Consultant
- Theresa Simsiman, American White Water
- Dawn Alvarez, Hydro U.S. Forest Service
- Parker Thaler, State Water Board
- Brendon Greenaway, Associate State Archaeologist, California State Historic Preservation Office

Presentation overview:

Many Tribes are new to hydroelectric relicensing processes and may not be familiar with the complex regulatory requirements of relicensing. Professional consultants and dam owners and operators may contact Tribal staff, who may not have the tools or formal lead representatives needed to navigate the complex regulations associated with relicensing. Tribes also have unique cultural, spiritual, and legal needs and requirements which are not included in many relicensing processes. To address these issues, panelists provided presentations on the Tribal perspective on engagement needs for the Federal Energy Regulatory Commission (FERC) process, the State Water Board's role in the process through water quality certifications and the California Environmental Quality Act, and Tribal resource requirements in the relicensing process, such as cultural resource studies and the need for Tribal input on fisheries surveys.

Key takeaways from the discussion:

- Tribal involvement throughout the entire FERC relicensing process is important.
- Tribes should be involved in information sharing. Look for opportunities to gather information, provide input, and develop networks of partners and allies.
- Site visits are a vital part of the process.
- Including Tribal perspectives in analysis is needed. Agencies need to take the time to reach out to Tribal communities.

- Relicensing processes are long and complicated. Tribes may need technical and financial assistance to fully participate.
- Tribal consultation and participation must go beyond cultural and archaeological surveys. Although effects to cultural sites are critical, the full effect of a FERC-licensed facility on lands, Tribal beneficial uses, the environment, etc., must be considered.

6. Water Quality and Water Quantity: Tribal Beneficial Uses Case Studies from Headwaters to the Ocean

Co-Moderators: Sarah Ryan, Big Valley Band of Pomo Indians; Sherri Norris, California Indian Environmental Alliance

Panelists:

- Honorable Charlotte Lange, Chairwoman, Mono Lake Kutzadika's Tribe
- Emily Moloney, Water Program Coordinator, Buena Vista Rancheria of Me-Wuk Indians
- Dr. Jon Rosenfield, Director of Science for San Francisco BayKeeper

Presentation overview:

To support water health and resiliency, California Tribes align their own objectives with those of several State and federal agencies. In California the Water Boards oversee the allocation and water quality of California's water resources. DWR manages State-owned infrastructure such as dams, reservoirs, and aqueducts. Under the Water Boards, protecting the water quality and quantity for Tribal traditional uses and consumption are called Tribal beneficial uses (TBUs). For multiple years, Tribes have been working toward setting objectives on Tribal lands, in the source and receiving waters, and in traditional use areas that their members use, recognizing and respecting the interconnected systems of watersheds. These experiences can help those who are now navigating the process in their regions.

The presentation provided a framework for Tribal development of programs to protect cultural and subsistence uses of water. Discussion included the process of Tribal beneficial use engagement, Tribal water quality programs, working with Tribal communities, inclusive water objectives, sound science development and more. Case studies to highlight approaches included Clear Lake, Mono Lake, Sacramento River, San Francisco Bay Delta and support of traditional food and cultural resilience. Objectives included outlining the processes for protecting Tribal cultural and subsistence uses of water and providing current examples of Tribes navigating the process.

Key takeaways from the discussion:

- Water quality AND water quantity are inextricable.
- TBUs are needed to define what water quality standards and objectives will be used. Exposure levels for tribal cultural purposes may be very different from other beneficial uses (i.e., recreation, water supply, etc.).
- The development of TBUs in California is a significant opportunity for Tribes to use their sovereignty beyond water bodies within a reservation.
- Existing appropriative rights may be modified if they affect a TBU and require an environmental impact report (EIR) if a TBU impact is found.
- Tribes must be involved in discussions about the California Environmental Flows Framework, as they may define "functional flows" differently than agencies or academia.
- Assembly Bill 52 consultation is essential for any EIRs related to TBUs.

7. Tribal Participation in CA Water Markets: Emerging Opportunities and Challenges

Moderator: Holly Roberson, Shareholder, Kronick Moskowitz Tiedemann & Girard

Panelists:

- Honorable Robert Smith, Chairman, Pala Band of Mission Indians
- Honorable Amelia Flores, Chairwoman, Colorado River Indian Tribes represented by Jay Weiner, Rossette Law Firm
- Honorable Denise Turner-Walsh, Attorney General, Rincon Band of Luiseño Indians
- Councilmember Robert Page, Colorado River Indian Tribes (CRIT)

Presentation overview:

The relationship between federal, State, and Tribal water law and Tribal water rights is especially complex in California because the government did not ratify any of the 18 treaties negotiated with California Tribes. Efforts to quantify the water rights of California Tribes have been slow and halting. In addition, California contains hundreds of individual Indian allotments. Each requires its own review to determine what water rights might be associated with them. In general, California's water planning does not account for Tribal water rights which have not yet

been quantified or the unquantified water rights that may be associated with public domain allotments. Not properly accounting for reserved Tribal water rights limits the ability of Tribal governments, public agencies, and private landowners to formulate reliable, accurate, long-term water usage plans and ensure equitable water allocation.

This roundtable of Tribal government leaders discussed how Tribal nations can use water management strategies to exercise their Tribal water rights in ways that foster economic development while also protecting environmental and Tribal cultural resources.

Key takeaways from the discussion:

Multiple examples of water sharing agreements and other water market opportunities were provided, including:

- Colorado River Indian Tribes Water Resiliency Act of 2022 provides the authorization to lease, exchange, store underground, and conserve part of the CRIT water right:
 - Water accounted for Arizona for lease in Arizona.
 - Leased water must come from a reservation reduction.
 - Agreement with Arizona to share information about the use of leased water.
- A seasonal Following Pilot Program with Metropolitan Water District began in 2022.
- Lower Colorado System Conservation and Efficiency Program 1a proposal (under negotiation)
- The Rincon Settlement created unique rights under the agreement not shared with the other bands including water entitlement to the first 6 cubic feet per second of San Luis Rey water, supplemental exchange water to provide supplemental income, and an agreement with the City of Escondido to rebuild a penstock.
- Balancing the sale of water with the ethos that “water is life” is important. Any sharing agreements or sales must take careful consideration of this ethos and commitment to preserving cultural and environmental uses.

8. Adaptation of Best Available Science; Incorporation of Tribal Knowledge and Tribal Science into Watershed Management

Moderator: Dr. Chuck Striplen, Tribal Advisor

Panelists:

- Honorable Malissa Tayaba, Vice-Chair, Shingle Springs Band of Miwok Indians
- Meyo Maruffo, Environmental Director, Guidiville Rancheria
- Dr. Louise Conrad, Lead Scientist, DWR

Presentation overview:

In recent years, the Traditional Ecological Knowledge (TEK) has become the subject of much discussion and analysis between State agencies and California’s Native American Tribes in numerous contexts from health care to natural resource management. For decades, Tribes have strongly advocated for greater inclusion of TEK in management decisions. There have been some meaningful advances in recent years, but much work and coordination remain to be done. This panel will offer several perspectives on what TEK is, its role in maintaining community health, resilience, and sustainable resources and how Tribes and the State are working together to build bridges between western science and TEK.

The workshop focused on questions related to the following actions needed to further incorporate TEK in land management decisions by Tribes and public agencies:

- Education is needed for the public, decision-makers, and agency staff on TEK, Tribal affairs best practices, Tribal history, and cultural sensitivity.
- State and federal governments need to engage with Tribal governments on the topic of TEK.
- Funding should be accessible to Tribes to assemble and analyze TEK in their respective communities.
- Policies and regulations should be developed to protect intellectual property and confidentiality associated with TEK.
- The State and federal governments must consider TEK and Tribal resource rights when reviewing the resource.
- Consider the rights of other entities, including recognition of the fact that Tribes never ceded their rights to hunt, fish, gather, harvest and manage resources within their respective areas.

Key takeaways from the discussion:

- TEK provides a viable path to address existential issues such as climate change. Watersheds have been managed by ancestors for centuries.
- Five basic components of TEK: ethics and values, factual observations, culture, identity, and [resource] management.
- A history of abuse, theft, and piracy of botanical information exists. Laws were set up for cultural resources, but not applied to TEK.
- Tribes are challenged with a lack of resources to expand the application of TEK to watershed management in a fair and equitable way.
- Integrating western science and TEK may be challenging for many projects.
- TEK is complimentary to western science, not a replacement. It should be incorporated into water plans as a holistic view of natural systems.
- Funding and capacity building is needed for many Tribes to expand the use of TEK.

9. Energy Resources Development

Moderator: Kenneth Holbrook, Tribal Advisor, California Public Utilities Commission (CPUC) Commissioner

Panelists:

- Honorable Thomas Torte, Chairman, Torres-Martinez Desert Cahuilla Indians
- William McCabe, Vice President of Navajo Nation Oil and Gas, McCabe & Associates

Presentation overview:

Unlike many of the other workshops, the topic of Tribal energy resource development has not been discussed in past Summits. As an emerging topic for Tribal governments, the workshop was designed to look at critical mineral development opportunities and Tribal participation in key energy markets at the local and regional levels, both on and off Tribal lands. The panel shared its unique perspectives from Tribal governments, Tribal energy producers, and private industry perspectives, and discussed how State and federal programs can support Tribal economic development in the energy sector and critical fuels market.

Key takeaways from the discussion:

- Mitigation and reduction of resource extraction for energy development must be central to any agreements regarding the use of Tribal resources.
- There is an energy and water nexus. Future discussions must include water in the equation.
- Tribes need to move from passive royalty participants to proactive royalty development of their own resources.
- While CPUC does not have authority over activity on Tribal lands, Tribes will have to interact with CPUC after they become exporters of energy. Determining how that relationship looks is a critical, near-term conversation as Tribes enter the energy resources market.
- There are significant impacts to water in the energy development process. How we mitigate water usage is an important question as Tribes enter the energy resources development process.
- Increasing participation by Tribes in the energy arena will require an energy-water nexus.
- Investigation of how Tribes access and participate in hydrogen hub programs and funding streams is important.
- Water is Life – Energy is Existence.

10. Fire and Water: Cultural Burning and Wildfire for Water Quality/Meadow Restoration

Moderator: Honorable Ron Goode, Chairman, North Fork Mono Tribe

Panelists:

- Honorable Shine Nieto, Vice Chair, Tule River Tribe
- Honorable Jesse Valdez, Tribal Council, North Fork Mono Tribe
- Len Nielson, Tribal Liaison, California Department of Forestry and Fire Protection
- Dr. Beth Rose Middleton Manning, UC Davis
- Dr. Erica Tom, Santa Rosa Junior College
- Christina Oraftik, Farallon Strategies

Presentation overview:

The term prescribed fire is all inclusive, conceptually describing managed fire, control burns, and cultural burning. Cultural burning refers to burning specific species and type of resource, a specific style of burning, and burning for a positive result to affect the outcome of targeted cultural resource species. It is cultural because the essence of burning was pertinent and substantial to the cultural livelihood of the Native American, indigenous inhabitant, and early settler, who lived with the land, on the land, and off the land. Cultural burning by Native Americans interconnected them not only to the land but to their animal, reptile, bird, and plant spiritual relatives. Conducting a cultural burn relates to what they burned, how they burned it, and why they burned it.

This workshop was designed to provide participants with a basic overview of cultural burning principles, benefits, and the potential opportunities and obstacles related to reintroducing fire to the landscape in keeping with the timeless traditional of Tribes. In particular, panelists focused on the unique benefits cultural burning provides for meadow restoration.

Key takeaways from the discussion:

- There has not been a lot of historical interaction between the California Department of Forestry and Fire Protection (CAL FIRE) and Tribes, but CAL FIRE and cultural burners have had five joint trainings.
- SB 1260 (2022) allows CAL FIRE to assist cultural burners.
- When preparing for cultural burns, investigation is needed to identify desired benefits and potential impacts to cultural resources, animals, plants, etc.
- When conducted properly, cultural burning benefits the land, water, and people who live there. With meadows as an example, cultural burning focuses on return and renewal of both the landscape and the people who live there.
- Grant opportunities to conduct cultural burns through CAL FIRE may be available and should be investigated by interested Tribes.

11. Leveraging Federal Funding for State and Tribal Action

Moderator: Chuck Jachens, US Bureau of Indian Affairs (BIA)

Panelists:

- Greg Perry, BIA
- Melissa Weymiller, US Army Corps of Engineers (USACE)

Presentation overview:

Finding funding to address critical resource needs for Tribes has always been an issue. Identifying, applying for, and successfully obtaining Tribal grants is time consuming and requires a high level of expertise. The panel was designed to discuss how federally recognized Tribes can work with BIA and other U.S. Department of the Interior (DOI) agencies on projects to protect water resources and other interconnected resources. Panelists also discussed opportunities to partner with USACE on water resource projects. Partnering with USACE is different than receiving a federal grant or entering into a self-governance contract, as USACE generally operates on a cost-share basis. With careful and deliberate planning, Tribes can generally use grants for their cost share with USACE and benefit from a tremendous federal lift.

Key takeaways from the discussion:

Examples of funding opportunities provided by the BIA and USACE included:

- BIA:
 - Burned Area Emergency Response (BAER) funding for treatment, long term recovery and burned area rehabilitation, water management planning, funding for monitoring treatments for effectiveness.
 - Reserved Treaty Rights Lands: Multiple programs exist to work with Tribes on fuels reduction projects for as much as four years and \$5 million.
 - BIA programs available only to federally recognized Tribes.
- USACE:
 - Contact USACE directly for funding specific programs.
 - Three primary funding authorities:
 - Congressionally authorized funds for large or complex projects (i.e., dams).
 - Delegated authorities for smaller projects (Tribal partnerships).
 - Technical assistance programs for assistance only, not for construction, planning, or technical services.

- USACE is not a granting agency; partnerships are required to jointly manage federal, State, Tribal, and local funds for a given project.

12. Tribal Cultural Resources

Moderator: Mariko Falke, DWR

Panelists:

- Dr. James Sarmento, Shingle Springs Band of Miwok Indians
- Ivan Senock, Tribal Historic Preservation Officer (THPO), Buena Vista Rancheria
- Robert Geary, Cultural Practitioner, Ceremonial Roundhouse Leader and Citizen, Elem Indian Pomo Tribe of Lake County
- Buffy McQuillen, THPO, Native American Graves Protection and Repatriation Act, Federated Indians of Graton Rancheria; Commissioner Native American Heritage Commission

Presentation overview:

California Environmental Quality Act (CEQA) amended by Assembly Bill (AB) 52 in 2014 (Public Resources Code Section 21074) defines Tribal cultural resources (TCRs) as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Tribe. This policy ascribes Tribes as subject matter experts to determine value of resources based on significance to Tribal culture.

A panel of experts discussed their views of TCRs including the identification process, information sharing, success stories, and challenges encountered. The discussion highlighted Tribal values reflected by TCRs that support Tribal lifeways including food sources, medicine, and cultural practices. The goal of the workshop was to learn and share best practices that can be employed to respect and honor Tribal sovereignty. Tribal perspectives shared during the session will help to inform State policy including co-management, stewardship, access, mitigation, and land return as well as provide guidance for government-to-government consultation to support identification of TCRs.

Key takeaways from the discussion:

- For many Tribes, TCRs apply to far more than individual cultural sites or archaeological sites. Tribal perspectives of TCRs assume all lands and waters are used for living, gathering, religious, and cultural purposes.
- Tribes bring knowledge of TCRs into AB 52 consultations as experts of their Tribal culture. Only Tribes can bring this knowledge and it is often difficult to get agencies to understand Tribal perspectives. AB 52 explicitly gives power to Tribes as subject matter experts for TCR identification.
- Tribal knowledge and information of TCRs is a form of Tribal data.
- Although AB 52 has increased opportunities to support Tribal consultation, more work is needed at all levels of government. For example, local jurisdictions such as cities and counties, need to be taught how to conduct meaningful consultation in a manner that respects Tribal values.
- Tribal capacity such as finances and staff time varies significantly between Tribes and is always an issue. When Tribes can't be present, agency Tribal liaisons need to represent Tribal interests when the Tribe can't be in the room. Tribal governments address various issues within their Tribal communities including health and welfare, education, housing, economy, as well as environmental resources and cultural preservation. When Tribes are unable to be present, it does not necessarily mean this is not an important issue to a Tribe, but that other issues were weighted as a greater priority based on available capacity.
- Early consultation is key, Tribal involvement to identify TCRs is essential. Tribes should be actively involved in the development of administrative drafts for projects. Agencies should also consider involving Tribes outside of the CEQA process including maintenance or other CEQA-exempt activities and ministerial actions.

13. California's 5th Climate Change Assessment Tribal Research Program

Moderator: Emily Alejandrino, DWR

Panelists:

- Connor Magree, Payomkawichum/Cahuilla
- Dean Tonenna, Mono Lake Kootzaduka'a Tribe
- Patricia Kennedy, Governor's Office of Planning and Research

Presentation overview:

California is already experiencing the effects of climate change. Indigenous peoples are on the frontlines, enduring and adapting to severe droughts, floods, historic wildfires, rising seas, and record temperatures. Building resilience to these impacts requires sustained investment in climate change research and science. Through California's Fifth Climate Change Assessment and Tribal Research Program, the State is supporting Tribally led climate change research initiatives to address this critical need and further support the work already underway in Tribal communities.

California's Fifth Climate Change Assessment includes for the first time, a Tribal Research Program to support Tribally led climate change efforts and meaningfully include Tribal expertise and TEK in the climate assessment processes. The assessment produces data, research, and tools that help inform State, local, and community practitioners when planning for resilience to climate change impacts. The Tribal Research Program presents an opportunity to support climate change related work in tribal communities and develop an assessment that is more meaningful to Tribal communities. Considering Tribal expertise and TEKs in these research processes and final assessment products is foundational in this work.

The workshop was designed to meet with assessment leaders to discuss how Tribal expertise and TEK can be incorporated into the assessment, and to support Tribal work at the local, regional, and State levels. Panelists invited participants to discuss how they would like to be involved, the products and outcomes that would be meaningful for Tribes, and their vision for how the program should be developed.

Key takeaways from the discussion:

- Presentation of California's Fifth Climate Change Assessment.
 - A climate assessment is mandated every five years. The first one was done in 1989.
 - Downscale climate change projections: climate scenarios, Cal-adapt tools.
 - Determine if the data is useful for Tribes.
 - Core technical reports and original climate research. What to expect in the next five years regarding climate change.
 - Funding available to more sectors, such as Tribes.
 - Incorporation of a Tribal Research Program. Need to define TEK/IK/TK/ITEK
- The Fifth assessment works to incorporate TEK in a fair and equitable way, but the State still needs to do more. For example, agencies removing pinyon pine from forests to reduce fire risk. Pinyon pine is sacred and a food source for Tribes.
- The emergence of increased threats (e.g., catastrophic wildfire) and pathogens resulting from climate change (e.g., pathogens for oak trees) put new strain on Tribes.
- Funding for research grants is available to Tribes through the assessment.

14. Technical Assistance Workshop Session — Applying for State Grants

Workshop Leads: Maria Lorenzo Lee, DWR; Gabriel Edwards, Division of Planning, DWR

Presentation overview:

Unlike the other workshops discussed above, this pop-up technical assistance session was designed to provide an opportunity for Tribes to participate in a one-to-one drop-in format with State and federal granting agencies to discuss grant opportunities and needs. Staff from a variety of State and federal granting agencies were on hand to discuss specific opportunities, as well as the process for applying for a variety of program funding. Because the topic was wide-ranging and designed to provide guidance instead of receiving input, no specific takeaways are provided below.

ADJOURN DAY 2





DAY 3: April 13, 2023 Summary

DAY 3: April 13, 2023 Summary

Opening Blessing and Welcoming Remarks

The Honorable Joseph James, Chairman, Yurok Tribe, provided a traditional opening blessing.

After the blessing, Laurel Firestone, State Water Board member, provided welcoming remarks and thanked participants for all their hard work and dedication to the Summit. Boardmember Firestone discussed the acute effect of drought to areas without sustainable water sources and stressed the need to adapt infrastructure and water management activities to this new paradigm. This is particularly true for Tribes in many areas. Although there are more Tribal members than ever in leadership positions, agencies need to improve coordination and collaboration with Tribes. She noted that in addition to this proceedings document, State Water Board staff are on hand to take notes specifically for potential State Water Board follow-up.

Report on Day 2 Workshop Sessions

Moderator: Anecita Agustinez

Presenter:

- Miguel Luna, Tribal Historic and Cultural Preservation Department Director of Fernandeño Tataviam Band of Mission Indians. Miguel Luna provided a recap of key takeaways from the Day 2 workshops. Detailed summaries of each workshop are provided in the section above.

Audience Q&A

- Regarding AB 52, resource availability for Tribes is always an issue. Tribal liaisons receive numerous requests from a variety of agencies for cultural resources reviews that are difficult to process and prevent THPOs from doing land or site visits. Resources to increase capacity for THPOs and liaisons are critical to ensure requests are responded to in an appropriate manner. Comment periods on things like CEQA documents also need to be extended to give Tribes adequate time to review AND provide agencies with adequate time to respond to Tribal comments.

Plenary: Strengthening Tribal, Federal, and State Partnerships: Presidential TEK Policy, Ancestral Land Return, Tribal Access and Co-management, Funding, and More

Moderator: Geneva Thompson, Assistant Secretary for Tribal Affairs, CNRA

Panelists:

Tribal government leaders:

- Honorable Reno Franklin, Chairman, Kashia Tribe
- Honorable Rudy Ortega, President, Fernandeño Tataviam Band of Mission Indians

Federal agency leaders:

- Fatima Abbas, Office of Tribal and Native Affairs, US Department of the Treasury
- Douglas Garcia, Pacific Region Water Rights Specialist, BIA, DOI

A panel of Tribal and federal agency leaders convened for a discussion of building Tribal, federal, and State partnerships through the Presidential Traditional Ecological Knowledge Policy, return of ancestral lands, increasing access and co-management of public lands, funding of Tribal priorities, and more.

Assistant Secretary Thompson stressed that CNRA is working to correct past wrongs to Tribes by engaging Tribes early and often in meaningful communication and collaboration. Tribal comments are included in agency plans, and funding is being provided to Tribes to implement projects important to them. Key programs and policies to support Tribal resource management at the State level include Nature Based Solutions Executive Orders, the Natural Working Lands Climate Smart Strategy, Pathway to 30x30, the Tribal Conservation Corps, and many others.

Chairman Franklin noted there is a long history of using access to water against Tribes. For many Tribes, water is not available and must be trucked in. Tribes are told to go to wineries for clean water. These types of situations affect the ability to build trust, despite efforts by the State Water Board and others to offer assistance. Additional work is needed to create beneficial collaborative relationships between Tribes and State and federal agencies.

Chairman Ortega added that Tribes must be the ones to assert their own authority. Resources should be co-managed with agencies and other nearby Tribes to protect resources through things such as cultural easements, ancestral land and property return, and access to gather medicines and other traditional resources. One perceived barrier for some non-federally recognized Tribes to seek recognition is the potential racism that follows this recognition.

After Tribal leader opening remarks, Douglas Garcia, BIA, provided an overview of the Presidential Indigenous Knowledge Policy, DOI, and BIA policies. The U.S. president and these agencies are committed to strengthening equitable access to resources for Tribes. These policies establish responsibilities for considering and including indigenous knowledge in a variety of actions and research. The policies also elevate indigenous knowledge in the implementation of a variety of departmental actions. They are intended to stress the importance of collaborative relationship with indigenous people built on reciprocity, equity, and mutual respect. As an example, there are more opportunities for co-management agreements to address forest and resource protection. Funding is available for additional co-management. That said, agencies acknowledge the difficulties in building trusting relationships based on historical wrongs.

Fatima Abbas, U.S. Department of the Treasury, provided a presentation on the new initiative to recover funds for Tribal use. Key points of the presentation include:

- A new office was created last year to manage State and Local Fiscal Recovery Funds (SLRF), and specifically includes \$20 billion as a Tribal set-aside.
- Allowable uses include pandemic response, infrastructure investment including water systems, emergency relief from natural disasters, and more.
- SLRF funding can also be used to satisfy match or cost-share requirements for other federal grant programs in some cases.
- The Department of the Treasury also manages the Local Assistance and Tribal Consistency Fund, a \$500 million set-aside for Tribes for any government purpose other than lobbying activity.

Audience Q&A

- How much outreach was done to all Tribes in these initiatives? Does this mean that land return is for any Tribe?
 - CNRA is consulting with more than 70 different Tribes. We connected with 30 different tribes for the draft of ancestral land return guidelines and hosted various workshops. All federally recognized and non-federally recognized tribes are eligible.
- How do you feel about ongoing disputes regarding water conservation? There is a battle between Tribes and non-natives and looking at use versus restoration. It seems like some agencies are more concerned about conservation than sharing resources.
 - Yes, we can live in both worlds, but we need to get the voice of Tribes more involved.

Plenary: Moving Tribal Knowledge and Voices Forward

Moderators: Darcie Houck, Mohawk and Ottawa Descendent, Commissioner, CPUC; Michelle C. Lee, Pit River Tribe, the Circle Law Group

Elder Reflection: Charlie Toledo, Director, Suscol Intertribal Council

This panel provided an opportunity for Summit participants to reflect on key takeaways from the Day 2 workshops and provide specific actions for State and federal agency investigation on the conclusion of the Summit. Key items for action and follow-up are organized by the topic below.

Tribal Water Rights

- There are currently only 40–60 adjudicated groundwater basins in California. Tribes will play an increasingly significant role in future adjudications.
- California is taking more of a role in Tribal water rights discussions, but more support is needed.
- A mechanism is needed to keep groundwater within its basin of origin. Exports should be minimized. Tribal water rights to groundwater could be included here.
- Given the critical importance of water rights, their effect on Tribes, and the role Tribes can and should play in adjudications, the State of California should consider a stand-alone conference dedicated to water rights discussions.

Tribal Beneficial Uses

- New tools are needed to address barriers for including Tribal beneficial uses (TBUs) in State regulation.
- TBUs should be included in groundwater regulations. There is a direct connection from TBUs to the U.S. Clean Water Act.
- Tribes are best suited to draft TBUs for the State and Regional water boards.
- Confidentiality is very important when identifying cultural resources for TBUs.
- Interagency coordination on TBU issues must be streamlined. For example, Regional Boards for water quality and State Water Board for water quantity.
- TBUs should apply to fresh and salt water; both are important to Tribes.

Tribal Consultation and Coordination

- A new State classification for California Tribal liaisons is needed, as opposed to current unofficial liaison positions in many agencies.
- SB 2108 will require all State departments to have an official Tribal liaison.
- More State commitment is needed to ensure Tribes are involved in Sustainable Groundwater Management Act (SGMA) groundwater sustainability agency and groundwater sustainability plan development.
- Tribes must be eligible to sit on the State Water Board and Regional water boards.

Tribal Cultural Resources

- Tribal cultural resources (TCR) should include entire water bodies such as lakes and rivers. Agencies should be available and willing to walk the land with Tribes to build more understanding of TCR.
- TCR should be included in applicable laws and regulations. Where applicable, change “may” to “shall” in legislation discussing inclusion of TCR in decision-making.

Other Items

- Utility relicensing must include Tribal participation, and Tribes must be included in site visits. Resources should be provided to promote Tribal participation.
- Industry is not held to the same standards as Tribes for water use. More enforcement is needed to ensure industry is held accountable.

Plenary: A Call to Action: Tribal Perspectives on Beneficial Equity in the California Water Plan

Moderator: Kristopher Tjernell, Deputy Director, Integrated Watershed Management Program, DWR

Panelists:

Tribal Government Leaders:

- Honorable Bo Mazzetti, Chairman, Rincon Band of Luiseño Indians
- Terri Red Owl, Executive Director, Owens Valley Indian Water Commission

State Agency Leaders:

- Bianca Sievers, Deputy Director of Special Initiatives, DWR
- Moisés Moreno-Rivera, Deputy Secretary for Environmental Justice, Tribal Affairs and Border Relations, California Environmental Protection Agency (CalEPA)

A panel of Tribal and State agency leaders led a discussion on what is equity and how Tribal governments and Tribal communities are historically underrepresented in local and regional funding. Panelists also explored Human Right to Water policies and how beneficial equity can ensure funding resources will be equitably distributed.

Kristopher Tjernell opened the discussion and noted that the concept of equity has been a consistent theme throughout the Summit. Equity applies to many facets of State and Tribal interaction. Even administrative and staffing functions have a significant equity component. Agency staffing should be representative of the populations being served. Tribal liaisons must be clearly defined and designated positions in all departments and programs.

Chairman Mazetti discussed the need for a clear definition of what we mean by “equity,” and suggested it must be tied to a physical thing such as water. Most Tribal water is from wells. Having equitable access to adequate water is critical. On the Klamath, equity might mean providing

enough water for salmon runs. On the Colorado, it might mean having enough water for farming. Basic equity means having enough water for the people who use it. He noted that there is also a human interaction component to equity. Each Tribe is a sovereign government and should be respected as such. Interactions between Tribes and the State are starting to shift in a positive direction. In the past, going to Sacramento was a fight. It's evolving, and now we do a much better job of talking to each other as opposed to at each other.

Terri Red Owl added that it takes a very long time to recover from being oppressed, and inequitable access to water in California played a major role in that. Equity means having equal standing at a table. That continues to be an issue for the Tribal right to water, as Tribes are still left out of the economic and environmental benefits of access to a sustainable supply. Having equitable access to water requires providing access for all Tribes, those with and without resources, acknowledge the lowering water table and increased cost of pumping and production, and the need to revitalize historically oppressed indigenous people.

Bianca Sievers noted that equity means different things depending on the State program in question. DWR's white paper on the concept of equity articulates definitions. To date, the State has required Tribes to work through its requirements, as opposed to working with Tribes to implement programs. DWR is improving its interactions with Tribes, but still has work to do. One small example of its efforts includes the use of chief of staff in State titles. Chief is a term of respect and leadership to many Tribes. The words we use matter, and how they feel to Tribes is critical in rebuilding historically damaged relationships with the State.

Moises Morena-Rivera discussed the siloed nature of many programs and its effect on equity issues. In the Salton Sea, air quality, water quality, and impacts on lands are all handled by different programs. This leads to many agencies bombarding Tribes with information. Equitable outcomes can't be a cookie-cutter approach and must be addressed with the needs of each affected Tribe, community, and resource in mind. The State is making progress through policies such as the Governor's Executive Order on Equity, but more work is needed.

Kristopher Tjernell asked panelists what opportunities for equity they see within reach, and where they would like to be in the next five years. The following responses were recorded:

- Chairman Mazzetti:
 - A model contract with DWR that treats Tribes as equals when developing future water contracts.
 - Limited waivers of sovereign immunity.
 - Continued evolution of government-to-government relationships.
 - Recognize federal reserved rights within SGMA.
- Terri Red Owl:
 - Would like to see more indigenous people in positions of authority such as the State Water Board.
 - Permanent appointment of Tribal liaisons in State agencies.
 - More baseline funding for Tribes for water projects.

Mr. Tjernell then asked the panel how agencies should continue to make progress. The following responses were recorded:

- Moises Moreno-Rivera:
 - Make decisions as transparent as possible.
 - Recognize the executive orders don't provide long-term solutions and may change between administrations.
 - Incorporate equity into decisions so it becomes the norm.
- Bianca Sievers:
 - Hold more events such as the Summit.
 - Use the California Water Plan as a document for accountability. A chapter was written by Tribes and needs to be adhered to.

Plenary: Rights of Nature and the Water that Connects Us

Moderator: Donna Begay, Tübatulabal, Paiute, Dine (Navajo) Nation

Panelists:

- Honorable Toby Vanlandingham, Councilmember, Yurok Tribe
- Honorable Bo Mazzetti, Chairman, Rincon Band of Luiseño Indians

This closing panel explored the Rights of Nature and how Tribes can use this policy directive as an effective water management tool for protecting cultural resources and water management supply, quality, and quantity for fish, plant species, and sacred waterways.

Donna Begay opened the panel by sharing a story about United Nations (UN) Charters on indigenous people. California's actions have followed some of the UN ideas, but more work is needed. The Human Right to Water and the Rights of Nature follow UN resolution 74-224.

Councilmember Vanlandingham noted that the Rights of Nature have always existed and are just now getting legal status. As restoration projects, such as the Klamath River Restoration Project, are developed, the entire system must be considered from ridge to ridge. Everything has a right to survive, and Tribes need to assert their authority over critical resources such as rivers. The resolution for the Klamath has been used in court effectively and can serve as a model for other Tribes. He noted that Tribes are sovereign nations and should be treated as such.

Chairman Mazzetti stressed that every Tribe needs a formal consultation policy. In the case of San Luis Rey, the river was given the same rights as a person under Tribal law. Misuse of water is considered an attack on a Tribal member. Tribes are only as sovereign as they act and must champion their own laws and policy. Use your authority!

Donna Begay noted that any resolutions mentioned in the panel comments should be provided to participants and DWR staff for the record.

Audience Q&A

- How should the State show respect for nature?
 - Listen to the Tribes. Don't just make it a check-the-box exercise.
- The idea of Tribes developing their own consultation process is important. Currently private companies operating in or adjacent to Tribal lands don't adhere to Tribal policies. A consultation requirement could help.

Closing Remarks, Closing Prayer, and Summit Adjournment

Panelists:

- Honorable Quirina Geary, Chairwoman, Tamien Nation.
- Wilton Rancheria and Shingle Springs Band of Miwok Indians.
- Anecita Agustinez, DWR.

Chairwoman Geary noted that while Tamien Nation is not federally recognized, they maintain the practices of a sovereign nation. They are working to publish a dictionary of their language to preserve the culture and traditions of the Tamien Nation. She noted that the San Francisco Bay is a living being. Water has a memory, and while we can't control the land or water, we must learn to work with it. Indigenous land management means living with the land.

After closing comments, members of the Wilton Rancheria and Shingle Springs Band of Miwok Indians provided a closing prayer for all Summit participants.

Anecita Agustinez extended her appreciation and thanks to all Tribal leaders for attending, and formally adjourned the Summit.

ADJOURN SUMMIT



Good Fire | 2021 *Director: Dr. Erica Tom, Producer: Emily Alejandrino - California Department of Water Resources* • The North Fork Mono Tribe has used fire for thousands of years and has put fire on the land in Mariposa over the past twenty years, as well as fire in Madera, Fresno, and Tulare Counties. Tribal Chairman Ron Goode shows how tribal ecological knowledge can be used to sustainably manage California's wilderness.

Good Fire | 2021 *Director: Jack Kohler, Producer: United Auburn Indian Community* • The United Auburn Indian Community highlights the use and practice of cultural burns as a cultural practice to sustainably manage and steward their traditional lands.

Pomo Land Back: A Prayer From the Forest | 2022 *Director: Evan-Marie Petit, Producer: Coyote Valley Band of Pomo Indians, Evan-Marie Petit & Louis Fox* • This film documents the alliance-building and inter-tribal gathering led by the Coyote Valley Band of Pomo Indians, calling for protection and co-management of the 48,652-acre Jackson Demonstration State Forest.

Tule River Water Rights | 2019 *Producer: Tule River Tribe Indian Tribe of California; in partnership with BBC* • The Tule River Indian Tribe of California struggles for water rights to provide water security for those on the reservation. Focused on the South Fork of the Tule River, concerns for water sustainability are portrayed through interviews with Tribal members, water technicians, and members of the water team.

Sovereign's Water | 2015 *Director: Verel Moon, Producer: On Native Ground* • Severe drought in 2002 created low flows and high water temperatures on the Klamath River causing death of over 70,000 adult salmon. Poor environmental conditions repeated in 2014 prompted Tribes along the Klamath River who depend on salmon to take an active role in water releases from the dams.

Long Line of Ladies | 2022 *Director: Shaandiin Tome & Rayka Zehtabchi, Producer: Yurok Tribe* • A young Karuk woman and her community prepare for her Ihuk, a coming of age ceremony to facilitate her transition to womanhood, in today's modern world.

Dancing Salmon Home | 2012 *Director: Will Doolittle, Producer: Winnemem Wintu Tribe* • Follow 28 members of the Winnemem Wintu Tribe of Northern California on a journey to New Zealand's Rakaia River to meet and reunite with Chinook salmon relatives and conduct a 4-day ceremony. Through cultural bonds with the Maori people and a shared respect for the natural world, plans were launched to bring salmon home to above Shasta Dam.

River of Renewal | 2009 *Producer and Narrator: Jack Kohler* • Jack Kohler journeys to his ancestral lands of the Hoopa Valley in search of connection to his roots, and to create a film about the issues on the Klamath. Starting with the 1978 Salmon wars, and culminating with the conflict between the Klamath tribes and the farmers of the Klamath Basin.

Climate Conversations | 2018 *Director: California Department of Water Resources, Producer: Emily Alejandrino* • A series of short videos featuring tribal members across the State, discussing their perspectives of and experiences with a changing climate, and how it is affecting their livelihoods and culture.

Once We Had A River | 2014 *Director: Jack Kohler, Producer: On Native Ground* The San Luis Rey River is responsible for the Spanish naming of the Luiseno people, and now it is rarely seen flowing on the 5 reservations which it runs through. Follow Tribal leaders of the Pauma, Pala, La Jolla, Rincon, and San Pasqual Indian Reservations that relied on the San Luis Rey River for drinking water and irrigation as they highlight 60 years of litigation to preserve their Tribal Water Rights.

Gather | 2020 *Director: Sanjay Rawal, Producer: First Nations Development Institute, A-dae Briones, Jennifer Buffet, Wendy Schmidt, Jason Momoa, Tanya Meillier, Sterlin Harjo* • Gather is an intimate portrait amongst Native Americans to reclaim their spiritual, political and cultural identities through food sovereignty, while battling the trauma of centuries of genocide. Gather follows Tribal community members from around the country as they work to achieve this mission of healing.

Paya: The Water Story of the Paiute | 2017 *Director: Jenna Cavelle, Producer: Owens Valley Indian Water Commission* • The untold story of America's longest lived war between the Owens Valley Paiute and the City of Los Angeles. Interviews, 2-D animation, and archival information documents the history of the Owens Valley Paiute as builders and managers of intricate water systems prior to diversion of the Owens River through construction of the Los Angeles Aqueduct.

Killing the Klamath | 2021 *Director: Jeff Ostenson, Charles Atkinson, Producer: Taylor R. Tupper* • Known for its scenic beauty and spectacular wildlife, the Klamath Basin also sees its share of controversy as communities grapple with how to meet the water needs of people, farms, and fish. Told by Tribal leaders and scientists, Killing the Klamath explores the causes, consequences, and potential solutions to toxic algae blooms in Upper Klamath Lake that are driving C'waam and Koptu fish to extinction.

The Theft of Fire | 2017 *Director: Desiree Walker* • This is a short, animated story about coyote bringing fire to people. The story is adapted from the Miwok/Yokut story as told by Bill White and Captain Charlie among Chukchansi natives. The printed version of the story in which this animation is derived from can be found in A. L. Kroeber's book, "Indian Myths of South Central California."

Tribal Water Summit Film Festival

A long standing tradition of the 2009, 2013 and 2018 Tribal Water Summits has been collecting and sharing through print media Tribal Water Stories.

This year, the Tribal Water Summit is highlighting our Tribal Water Stories through film.

Each of the films being screened were produced in collaboration with California Native American Tribes.

Each film captures the unique perspectives, and exemplify the beauty and diversity of California's landscape, the legal and political complexities of water, and shares the natural beauty of our California Tribal culture and traditions.

Special appreciation to Jack Kohler, from On Native Ground (a tribally chartered film and media corporation), who served as the film advisor and coordinator of the inaugural 2023 Tribal Water Summit Film Festival program.

Jack was assisted by Native youth from Resources for Indian Student Education, Inc. (RISE) program, and emerging youth water protectors from their Native Traditional Ecological Knowledge program, known as RISE NTEK.

We wish to thank RISE NTEK participants, under the direction of Dr. April Lea Go Forth, for their assistance in introducing and facilitating the 2023 California Tribal Water Summit Film Festival.

TRIBAL YOUTH WATER PROTECTORS 2023

A certificate course teaching California Tribal Water Law & Policy, and an introduction to GIS technology to advance high school students' understanding of water in their communities.

Inaugural Graduating Class of 2023

- **Daniel Inong** – Big Valley Band of Pomo Indians – Clear Lake Project
- **Danny Ibanez** – Pechanga Band of Indians – Pechanga Aquifer Project
- **Darian Murillo** – Tule River Indian Tribe of the Tule River Reservation – Tule River Project
- **David Sanchez** – Osage Nation – Osage River Project
- **Devlin "Everett" Bean** – Cherokee Nation – Sacramento River Project
- **Isabella Nguyen** – Lone Band of Miwok Indians – Consumnes River Project
- **Mateo Carino** – Jicarilla Apache Nation – Lake Tahoe
- **Michael Anthony Rodriguez** – White Mountain Apache Tribe – Bishop Lake Project
- **Pamela Castro** – Quechan Tribe of the Fort Yuma Indian Reservation – Colorado River Project
- **Sophia Macatubal** – Navajo Nation – Mill Creek Project

Course Instructors and Staff:

- **David Sandino** – CA Department of Water Resources – Senior Staff Counsel, DWR – Course Instructor, Part 1
- **Summer Roberts** – GIS Technology Specialist – Course Instructor, Part 2
- **Ruth Cervantes** – UC Davis Division of Continuing and Professional Education – Program Manager
- **Juliet Maestas** – California Tribal College – Executive Director
- **Liam Walsh** – CivicSpark Fellow – Graduate Student Liaison – DWR Office of the Tribal Policy Advisor

UC Berkeley Graduate Student Mentors:

- **Jessie Anna Moravek** – PhD Candidate, Environmental Science, Policy, and Management
- **Sierra Hampton** – PhD Candidate, Environmental Science, Policy, and Management
- **Benji Reade Malagueño** – PhD Candidate, Environmental Science, Policy, and Management
- **McKalee Steen** – PhD Candidate, Environmental Science, Policy, and Management

This is a collaboration of the following institutions:

- California Department of Water Resources, Office of the Tribal Policy Advisor
- California Tribal College
- University of California, Berkeley – Department of Environmental Science, Policy, and Management
- University of California, Davis – Department of Continuing and Professional Education



UC DAVIS

Tribal Youth Water Protector Certificate Program

For the California Water Plan Update 2023, DWR and the California Tribal College (CTC) collaborated to incorporate a Tribal Youth Water Protector Certificate Program concurrent with the Tribal Water Summit. The opportunity was offered statewide to Indigenous high school students interested in learning about water policy and acquiring related academic and technical skills. Over a period of three months, ten students successfully completed learning modules on water law, related policy, and geographic information system technology. Six students completed a story map of their research of a chosen water body. Four students were able to travel to Sacramento for an awards presentation at the Tribal Water Summit on April 11, 2023.

Appendix A: Recommendations

This section is a summary of comment cards submitted by participants throughout the Summit. The feedback provided was in addition to verbal comments summarized in the Summary of Proceedings above. A total of 141 cards were received, with comments ranging from basic positive feedback to more detailed suggestions for program or policy changes.

General Comments

- Tribal water rights must be expanded and considered in all resource management decisions. Expanding and respecting Tribal water rights can't be addressed with a one-sized-fits-all approach; direct conversations with Tribes by resource managers are needed.
- Encourage training younger generations of scientists using Traditional ecological knowledge principles.
- Youth involvement, particularly in the Youth Water Protector Presentations, was inspiring.
- Tribal beneficial uses need to be incorporated into all resource management discussions.
- Participation in resource management discussions by non-federally recognized Tribes should be increased, with clear mechanisms in place for that participation.

Future Summits and Workshops

- Increase DWR participation to include representatives from all DWR branches (i.e., State Water Project operations, watershed studies, Division of Safety of Dams, etc.)
- A session on how to engage in Colorado River management could be useful for future summits.
- Develop a session with representatives across multiple (State) agencies to discuss how they can work together better on resource issues impacting Indigenous communities.
- Invite White House Fellows (www.whff.org) to future summits.
- Ensure panelists at future summits have enough time to discuss issues back-and-forth (as opposed to providing presentations and moving on to the next panelist).
- Increase accessibility for persons with disabilities at future summits.
- Ensure FERC is available to attend future summits.
- Include a workshop session on how resource management activities could be improved to avoid all impacts to Tribal cultural resources.

Legislative, Policy and Programmatic Changes to Benefit Tribes

- Increase Indigenous representation in Congress and form a Congressional committee on Indigenous needs.
- The State of California and the federal government should acknowledge PL280 as a standard to care for Indigenous people/incorporate the increasing amount of case law benefitting Indigenous communities in future legislation.
- Encourage policies to expedite post-wildfire restoration for wildlife purposes.
- Allow Tribal members into all State and national parks with a valid ID. Tribal consultation should also be required for State and federal park systems.
- MOUs developed by the State of California for Tribes needed to be clearly written and include more expressed authority.
- Incorporate Tribal input on historical floodplain management practices in future policies and programs.
- Authorize the California Department of Fish and Wildlife and the California Fish and Game Commission to allow Tribal subsistence fishing/hunting/farming practices in all areas of the state.
- Policies and programs should clearly state funding opportunities in Tribal allotments, including which funds are held in trust by BIA or for development/economic opportunities.
- Additional protections for Tribal cultural resources are needed in all resource management activities.
- Increase beaver dam restoration funding/activities.
- Increase funding for Tribal training and participation in all resource management activities such as BIA — management of lands.
- Tribes need effective advocates in large-scale restoration and water/resource management efforts such as Coachella Valley Salt and Nutrient Management Plan (CV-SNMP).

SUMMIT GALLERY



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