



Workshop Abstracts

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Indigenous Data Sovereignty and Ethics/Listening Session- Room 2309

Background

Data collection is integral to track, manage, and organize information that enables users to understand trends and conduct scientific analyses. Tribes, federal, state, and local agencies collect, store, and manage massive amounts of water data. In a world concerned with both data security and transparency, how can Indigenous Data Sovereignty be honored and what ethical considerations should be built into data collection processes? To what extent do these practices help or infringe on the right of any Tribal Nation to govern the collection, ownership, and application of its own data?

What has been done?

The Department of Water Resources and State Water Resources Control Board are working together to make water and ecological data more readily available and usable to the public as required under AB 1755, the Open and Transparent Water Data Act of 2016.

2023 Session Overview

A panel of data experts will explore and discuss 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 will focus 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. We hope to learn and share some best practices that can be employed to respect and honor Indigenous Data Sovereignty. (This session will be recorded for note-taking purposes only.)

State/Federal Action Needed?

Develop data collection, management, and sharing protocols as needed to ensure California's Tribal Nations are not harmed by the use and/or misuse of water and ecological data.



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Decommissioning and Removal of Dams- Room 2302

Background

The relationship between the U.S. Bureau of Reclamation, upper Klamath water users, and the Klamath Basin Tribes is a complex one. For decades, issues surrounding water quality, water rights, drought, water capture and storage, and the decline of fish populations in the Klamath River basin have been the central focus of regional dialogue. With PacifiCorp's decision to sign the Klamath Hydroelectric Settlement Agreement (KHSA) in 2010, the opportunity was created to remove these dams and restore access to critical fish habitat for salmon and other species. These dams have historically contributed to water quality impacts on the Lower Klamath River, as well as blockage of volitional fish passage, and their removal will be a huge step in restoring the fish populations in this region. It is worth noting that the Klamath dams do not store water for agriculture or domestic use, provide little recreational opportunities due to toxic algae blooms, and have major impacts to the salmon runs.

In 2010, the Klamath Basin Restoration Agreement (KBRA) and Klamath Hydroelectric Settlement Agreement (KHSA) were executed with the Federal government being the primary Dam Removal Entity (DRE) and overseeing the actual demolition and restoration work, which would require Congressional authorization. These two agreements gave hope to Klamath Basin residents for a brighter future, but by 2015, it became clear that Congress was not inclined to pass necessary legislation to make these agreements reality.

In 2016 the KHSA was amended and signed by a wide variety of groups and government entities including the Yurok Tribe, the Karuk Tribe, the Federal Government, PacifiCorp, environmental groups such as Trout Unlimited and CalTrout, and finally, the states of Oregon and California. The 2016 Amended KHSA called for the creation of a nonprofit corporation, now known as the Klamath River Renewal Corporation (KRRC), to remove the dams but the entire process would remain under the Federal Energy Regulatory Commission's (FERC) regulatory process. In July 2020, FERC approved license transfer to KRRC but required PacifiCorp to stay on as co-licensee against its wishes. In 2020 a Memorandum of Agreement (MOA) was executed between the KRRC, Oregon, and California, in which the states of California and Oregon agreed to be co-licensees and owners of the facilities alongside KRRC to satisfy FERC concerns and facilitate



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removal. This cleared the way for the final FERC approval process for surrender and decommissioning, and in November of 2022, FERC approved the license surrender and removal plans as analyzed in its EIS. On November 30, 2022, PacifiCorp signed over the deed and title of the dams to KRRC, California, and Oregon.

With the acquisition of final permits, pre-demolition work has begun which includes relocation of a major fish hatchery, readying drainage tunnels, moving the water supply pipeline for the city of Yreka, upgrades to various roads and bridges, and pre-demolition site preparation. Pre-construction activities will continue throughout 2023, and in 2024 final drawdown and demolition will occur followed by major restoration of the river and surrounding landscapes in 2024-2026, creating the largest river restoration project in U.S. history. This will restore salmon and fish access to over 200 miles of habitat in the Klamath River (from the site of Iron Gate Dam and continuing up into Oregon), as well as over 200 miles of volitional passage in its tributaries. Additionally, over 7,000 acres of land will be returned to California for public benefit and Tribal use. Adverse temperature impacts, rampant fish disease mortality, algae blooms, and volitional passage impediments created by these dams will no longer exist. We are on the horizon of a new paradigm on the Lower Klamath River – one that is long overdue.

What has been done?

This dam removal project was the culmination of decades of work. To date, accomplishments include:

- Formation of the Klamath River Renewal Corporation (KRRC) and appointment of its Board of Directors.
- 2020 MOA between KRRC and the states of Oregon and California creating a partnership for ownership and licensing of the dam assets, necessary for FERC to approve the surrender order.
- FERC approval for license transfer to KRRC, CA, and OR and approval of license surrender.
- CA 401 Clean Water Act permit approval.
- MOA with Siskiyou and Klamath counties for local construction permitting.
- FERC approval of 47 different management plans and ultimately of the decommissioning plan itself
- **Construction work has commenced.**



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2023 Session Overview

This roundtable of Tribal staff and key Federal partners will discuss 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.

- What impacts did the dams have to 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 to the Klamath River?
- How was TEK used (or not used) during the decision and negotiation process?

State / Federal Actions Needed

- Although for the next 3 – 5 years there are significant funding opportunities for restoration, more sustained funding sources from Federal, State, or others (e.g., NGO, foundations, etc.) are needed to restore ecological processes from over a century of impacts from hydroelectric project of newly accessible habitat as well as habitats and habitat processes downstream of the Iron Gate.
- Federal agencies should support adequate flows to enable success of dam removal including aggressive funding of a flow study applicable conditions following dam removals on the Klamath River.
- Appropriate funding is required for monitoring fish populations to meet tribal commitments as well as Federal and State mandates such as CESA, ESA, MSA, and MMPA. Monitoring following dam removal should actively include indigenous knowledge and expertise (TEK), focusing on a more ecosystem oriented approach.
- Continued support, implantation, and research by the states of California and Oregon, along with Federal and Tribal partners must continue to insure the reintroduction of steelhead, coho salmon, fall-run Chinook salmon, and spring-run Chinook salmon following dam removal with the intended outcome of viable, self-supporting, local populations throughout the Basin with special efforts and considerations for spring-run Chinook salmon.



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Groundwater Management: SGMA and Aquifer Storage/Capacity Updates- Room 2221 C

Background

SGMA – Brief Background and Current Status: The Sustainable Groundwater Management Act (SGMA) was passed in 2014 and set forth 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 Department of Water Resources (DWR) has received approximately 117 GSPs for 89 basins since January 2020 and DWR is overseeing 9 basins with Alternatives to GSPs.

Tribal Engagement and Federally Reserved Water Rights in SGMA: GSAs are required to substantially comply with SGMA and DWR’s GSP Regulations, which include specific requirements that DWR uses when evaluating GSPs and monitoring compliance oversight. Two requirements GSAs must include in their GSPs are a description of the beneficial uses and users of groundwater in the basin and a water budget for the basin that provides an accounting and assessment of the total annual volume of groundwater and surface water entering and leaving the basin. 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 and Tribal governments and Tribal communities together to collaborate on outreach and engagement efforts associated with the implementation of SGMA.



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Current Aquifer Conditions and Groundwater Recharge: DWR developed and maintains [California's Groundwater Live](#), a user-friendly interactive website that allows users to explore, analyze, and visualize the latest groundwater data and information for California. As of mid-March 2023, monitoring wells in the State show that groundwater levels in approximately 60 percent were below normal levels, indicating that despite the winter storms and heavy precipitation we experienced, the State is still in a drought with regard to its groundwater basins that historically are depleted from decades of over pumping without replenishment. On March 10, 2023, Governor Gavin Newsom signed [Drought Executive Order N-4-23](#) to make it easier for water users to capture floodwater to recharge groundwater basins – temporarily lifting regulations and setting clear conditions for diverting flood waters without permits to boost groundwater recharge storage in response to the anticipation of significant spring runoff and snowpack melt.

What has been done?

At the 2018 Tribal Water Summit, there were three key workshops addressing the topics of federal reserve water rights and groundwater recharge:

- **Federal Water Rights Case Studies:** Panel members representing the San Luis Rey Indian Water Authority, Chemehuevi Tribe, and Tule River Tribe discussed specific Federal water rights “case studies,” highlighting lessons learned and policy implications; addressing pressing issues such as groundwater rights and treaty rights; and identifying successful policy approaches and policy needs.
- **Legislative Update:** Panel members representing the Santa Ynez Chumash and San Luis Rey Indian Water Authority discussed recent and pending water policy related legislation impacting Tribes. The impact of SGMA implementation on Tribes was also discussed, with a focus on water rights proceedings, adjudications, and Tribal engagement and involvement in SGMA as presented in the law.
- **Water Infrastructure:** Panel members from the California Water Commission and Karuk Tribe focused on policy issues and needs related to water infrastructure.

2023 Session Overview

Panel members Paul Gosselin, DWR Deputy Director, Statewide Groundwater Management and Art Bunce, San Luis Rey Indian Water Authority, will discuss the current status of SGMA and



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Tribal engagement with GSAs, current aquifer conditions and recharge projects, and Federally Reserved Water Rights (including Tribal).

State/Federal Actions

During the November 2022 SGMA TAG meeting, DWR presented eight case study examples of how Federal Reservations and entities were identified in GSPs, including: five Tribal Entities, two Department of Defense cases, and one Federal Agency. DWR also asked attendees for feedback on the case studies presented and asked for other examples; DWR plans to continue to showcase examples of federally reserved water rights successfully incorporated into GSPs and groundwater management strategies.



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Tribal Water Rights- Room 2221 B

Background

U.S. v Winans (1905)- Reserved rights doctrine: Any rights that are not specifically addressed in a treaty are reserved to the Tribe.

Winters v. United States (1908)-Forms the foundation of Indian water rights. When the federal government reserved lands for an Indian reservation, the federal government also implicitly reserved sufficient water to support the purposes of the reservation. Only reserves water to the extent necessary to accomplish the purposes of the reservation, and it only reserves water it if is appurtenant to the withdrawn land.

Arizona v. California (1963)- Held that the water rights were effectively reserved at the time of creation of the reservations. Tribes entitled to enough water to irrigate all the practically irrigable acreage on the reservations.

Agua Caliente Band of Cahuilla Indians v. Coachella Valley Water District, et al. (2017)- The Tribe's reserved right to water was recognized and the court ruled in the Tribe's favor that a tribal reserved right can be fulfilled by groundwater. Although many courts, both federal and state, have recognized that federally reserved water rights apply to groundwater as well as to surface water, this was a significant opinion as it clearly and decisively applied the doctrine of *U.S. v. Winters*, to groundwater.

Following the District Court's ruling in favor of the Tribe's reserved right to groundwater, the water agencies petitioned for interlocutory review on that sole issue by the federal Ninth Circuit Court of Appeals. On October 18, 2016, a three-judge panel of the Ninth Circuit heard oral arguments. The Ninth Circuit Court of Appeals issued a unanimous opinion on March 7, 2017. It affirmed Judge Bernal's 2015 ruling, holding that the *Winters* doctrine applies, and that the Tribe "has a reserved right to groundwater underlying its reservation as a result of the purpose for which the reservation was established."

Several tribal governments are now seeking to adjudicate and settle water rights claims in the state of California.



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What has been done?

At the 2018 Tribal Water Summit, there were four key workshops addressing the topics of tribal water rights:

- **Federal Water Rights Case Studies.** In two separate panels, representatives of southern and northern/central California tribes discussed specific Federal water rights “case studies,” highlighting lessons learned and policy implications; addressing pressing issues such as groundwater rights and treaty rights; and identifying successful policy approaches and policy needs. The southern area panel included representatives of the San Luis Rey Indian Water Authority, Chemehuevi Tribe. The northern area panel included the Yurok Tribe and Tule River Tribe.
- **Legislative Update:** Panel members representing the Santa Ynez Chumash and San Luis Rey Indian Water Authority discussed recent and pending water policy related legislation impacting Tribes. The impact of SGMA implementation on Tribes was also discussed, with a focus on water rights proceedings, adjudications, and Tribal engagement and involvement in SGMA as presented in the law.
- **Water Infrastructure:** Panel members from the California Water Commission and Karuk Tribe focused on policy issues and needs related to water infrastructure.

2023 Session Overview

Panel members Michelle C. Lee (Pit River) and Marianna Aue, Office of Chief Counsel State Water Resources Control Board. The objective of this workshop is for participants to develop shared understanding of the legal framework governing tribal water rights by examining them through a tribal perspective. Workshop leaders will outline the different types of water rights based on both state and federal legal and judicial precedent, to start the discussion. This will be followed by a presentation on recent funding programs and new initiatives that can be utilized by tribal governments to develop or enhance existing tribal water rights.



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Utility Relicensing and Permitting- Room 2310

Background

This workshop concept was a collaboration between Ron Goode, North Fork Mono Tribe and the late Monty Bengochia of the Bishop Paiute Tribe.

Because many Tribes are new to hydroelectric relicensing processes, they may not be familiar with the overall process and where they fit in. Professional consultants and dam owners/operators may make contact with 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.

When considering the impact of hydroelectric operation and dams during the relicensing process, all parties involved must consider how River life get restored or regenerated. The River is not just a Commodity for "Colonial Man;" the River is the life vein of Mother Earth. These Rivers and Waterways are the future of life on this Planet.

In all "fairness" the Indian lived off these waters for centuries. They didn't have electricity. They hunted, fished, subsisted, thrived and survived for thousands of years before "Hydro." Dams are antiquated and minimal energy is derived from individual facilities; reservoirs are catch basins, recreation spots, and contribute to Climate Change. Creator designed the Rivers to flow to the Ocean to "cool" it down, now people want to stop all water going to the Ocean, and cry about the ice melting, Ocean rising, Atmospheric Rivers, Chaotic Climate; where does it stop?

Key questions and concerns that will be discussed during the workshop include:

- What do/can Tribes gain from the relicensing process?
- What damage has hydroelectric generation and dams done to the ecological culture of the river? What cultural damage has been to Tribes?
- Do restoration plans in relicensing Study Plans include impacts to cultural resources such as fish, mussels, vegetation, and ancient archaeological sites damaged by hydroelectric and dam operations?
- Is restitution for this damage included in the relicensing process?



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- Who is the lead agency representative for the Tribe(s), and can they speak with authority on behalf of the Tribe?
- How does one Native American “interest party” make decisions on behalf of multiple Tribes impacted by relicensing, particularly when each process may include dozens of people who all know and understand their role(s)?
- How can Tribes provide the resources needed to fully participate in relicensing negotiation, which may include 20-24 Study Plans, multiple meetings per month, and field trips over four years or more?

What has been done?

This is a new topic for the 2023 Tribal Water Summit.

2023 Session Overview

Dirk Charley will provide a Tribal Liaison perspective on Tribal engagement and the FERC Relicensing process; for the tribes, the need to be there, with knowledgeable tribal representatives; with unique, special insight on the sacredness, special knowledge of the cultural geography/family history of the area; this will be expressed via sharing of personal experience while growing up in the area and working in the area; share recent knowledge of the local wild fire impacts in watersheds; the need to provide the best intel to tribes and their areas of importance; best practices for consultation purposes on “how to” provide innovative and integrated solutions/recommendations. How site visits help shape/tailor management decisions for other resource specialists. How being available and present to help others identify tribal cultural resources is critical; conducting size up/scouting trips to a project area and then working together (in a timely manner) to develop mitigation measures to reduce any potential impacts. Provide for a brief discussion on the importance of having a jointly developed Inadvertent Discovery Plan available and ready for implementation if needed.

Parker Thaler will discuss the State Water Resources Control Board’s role in the FERC licensing process through water quality certifications and as the California Environmental Quality Act (CEQA) lead agency. As the CEQA lead agency, the State Water Board has the responsibility of implementing Assembly Bill 52 (AB52) which directs CEQA lead agencies to identify tribal cultural resources, potential impacts to those resources, and mitigation measures to reduce any potential impacts. This process involves opportunities to consult with California Native



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American Tribes through government-to-government consultation. Parker will provide an overview of the AB52 process and information on how California Native American Tribes can participate in ongoing and future FERC licensing actions from the perspective of CEQA. Parker will provide past examples of AB52 consultations along with their outcomes in the FERC licensing process.

Shelly Davis-King will discuss the Tribal Resources portion of the FERC license process. FERC has called on applicants to consider a Tribal Resource study, separate from other cultural resource investigations. While not all projects merit such a study, in California, where projects are typically larger, cover more land, and occur in closer proximity to surviving Indian Tribes, the development and implementation of Tribal resource studies ensures Tribal values are considered in planning efforts. Tribes may become involved in various studies, including fisheries, botanical resources, aquatic animals, recreation, water, and more. Tribal input into these other studies provides not only a better understanding by Tribal representatives on potential impacts to resources of value but may also provide innovative and integrated management decisions for other resource specialists. We hope to share the special places Tribes have input into the process.



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Water Quality and Water Quantity: Tribal Beneficial Case Studies from Headwaters to Ocean- Room 2301

Background

To support water health and resiliency, California Tribes align their own objectives with those of several state and federal agencies. In California water quality is overseen and regulated by the Regional and State Water Quality Control Boards, and water quantity is overseen and regulated by the Department of Water Resources. Under the Waterboards, protecting the water quality and water quantity for Tribal traditional uses and consumption are called Tribal Beneficial Uses. For multiple years Tribes have been working towards 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 who are now navigating the process in their regions.

What has been done?

Tribes have been advocating and working on Tribal Beneficial Uses for years setting water quality objectives, seeking water quantity that support healthy watersheds and fish passage. Tribes have robust environmental programs conducting monitoring, removing invasive species, restoring traditional species and supporting the resiliency of fish, water and sensitive cultural resources.

2023 Session Overview

The agencies and issues associated with water quality and water quantity will be discussed to provide the framework for Tribal development of programs to protect cultural and subsistence uses of water. Discussion will include the process of Tribal beneficial use engagement, Tribal water quality programs, working with Tribal communities, inclusive water objectives, sound science development and more. Examples will highlight approaches in Clear Lake, Mono Lake, Sacramento River, San Francisco Bay Delta and support of traditional food and cultural



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resilience. Objectives include outlining the processes for protecting Tribal cultural and subsistence uses of water, and providing current examples of Tribes navigating the process.

Action needed and who is responsible?

- Support of Tribes to participate in the Tribal Beneficial Use processes of their region as quickly as possible.
- Conversations between agencies with Tribes to align interconnectedness of watersheds and agencies that manage and regulate water in California.
- Prioritize healthful objectives for water quality and quantity that support aquatic resiliency. Meaningfully include Tribes in regional decision-making and program development.
- Responsible agencies include but are not limited to State Water Board, Regional Water Boards, Department of Water Resources, State and federal EPA programs, Federal and State Parks, Department of Wildlife Fish and Game.



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Tribal Participation in CA Water Markets: Emerging Opportunities and Challenges- Room 2221 A

Background

The relationship between Federal, State, and Tribal water law and Tribal water rights is especially complex in California because the Government did not ratify many treaties negotiated with California Tribes and 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.

What has been done?

This is a new topic that has not been addressed at previous Tribal Water Summits. The Colorado River Indian Tribes (CRIT) have Congressional authorization to engage in off-reservation water leasing in Arizona through P.L. 117-343. The Quechan Indian Tribe has forbearance and seasonal fallowing agreements with the Metropolitan Water District. Tribes in Southern California are exploring groundwater banking and water leasing opportunities. Tribal Governments are finding innovative ways to make full use of their water rights for economic development, while also balancing and supporting the needs of the environment and protection of Tribal cultural resources.

2023 Session Overview

This roundtable of Tribal Government leaders will discuss 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. Speakers



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include Amelia Flores, Chairwoman of the Colorado River Indian Tribes; Robert Smith, Chairman of the Pala Band of Mission Indians; Denise Turner-Walsh, Attorney General for the Rincon Band of Luiseño Indians and Jay Weiner, Counsel to the Quechan Indian Tribe. This session will explore questions such as:

- How can Tribes quantify a reserved water right without a recognized land base other than as a private landowner?
- How can Tribes protect water quality on their Reservations through the use of Treatment as a State and Water Quality Standards, and what is the relationship between Tribal water quality and participation in water markets?
- What are the challenges and opportunities associated with personhood declarations for bodies of water, in relation to Tribal participation in water markets?
- What are the challenges and opportunities for Tribes to obtain quantification of their water rights?
- How can Tribal participation in water markets support environmental values and Tribal cultural resources protection?
- How should the State and Federal Government support Tribal water transfers?
- What barriers exist to full participation by Tribes in California water markets?
- What infrastructure investments are needed to support Tribal water transfers?
- What policy changes are needed at the State and Federal level to support Tribal participation in California water markets?
- How can the private sector support the inclusion of Tribal water rights and Tribal participation in the California water market?

What State or Federal Actions are Needed?

State and Federal Governments need to engage with Tribal Governments on the topic of participation in water markets.

Funding should be available to Tribes to support the legal, historical, and technical studies necessary to facilitate the quantification of their reserved water rights. The Tribal historical work is also needed to establish the purpose for which the Reservation or allotment was established in order to quantify a reserved right.



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Policies should be developed to protect both quantified and unquantified Tribal water rights during drought and curtailment actions.

Education is needed for the public, decision-makers, and water users re: reserved Tribal water rights, including the ability of Tribes to lease and transfer water.

When supporting groundwater banking initiatives, Tribal water rights and the ability to lease or transfer water should be part of the conversation.

State and Federal governments should support infrastructure development that facilitates Tribal water storage, leasing, and transfers.

When analyzing and approving water transfers, State and Federal Governments should consider Tribal cultural resources in their review of water transfers along with environmental and other concerns.



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Adaptation of Best Available Science; Incorporation of Tribal Knowledge and Tribal Science into Watershed Management- Room 2302

Background

In recent years, the Traditional Ecological Knowledge, or 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 - and there have been some meaningful advances in recent years, but much work and coordination remains 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.

What has been done?

This is the first Summit that will view TEK/Best Available science from a position that includes state policy action and initiatives to support recommendations. As state policies require co-management, stewardship, access, mitigation and land return, how can the best available science be used to help guide these actions - and how can those policies best support the inclusion of TEK in what is considered "best available science"?

2023 Session Overview

The Workshop will focus on a series of questions related to the following actions needed to further incorporate TEK in land management decisions by Tribes and public agencies:



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- 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 Traditional Ecological Knowledge.
- Funding should be accessible to Tribes to assemble and analyze TEK in their respective communities.
- Policies and/or regulations should be developed to protect intellectual property and confidentiality associated with TEK.
- The State and Federal Government 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.



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Energy Resources Development- Room 2301

2023 Session Overview

This panel, moderated by Darcie Houck, Commissioner, California Public Utilities Commission (CPUC) and her panel consisting of Honorable Thomas Tortez, Chairman, Torres-Martinez Desert Cahuilla Indians, William McCabe, Vice President, Navajo Nation Oil & Gas/McCabe & Associates, Daniel Cardenas, National Tribal Energy Association and Kenneth Holbrook, Tribal Advisor, CPUC, will examine and address emerging issues regarding Tribal energy development. The panel will share unique perspectives from Tribal Government perspectives, from the private industry and Tribal energy producer perspective and how state and federal programs can support Tribal economic development in the energy sector and critical fuels market.

Background

The State of California, State Energy Resource Conservation and Development Commission passed Resolution No: 23-0302-09 committing to support California Tribal Energy Sovereignty. This resolution in recognition of existing state policies, E.O. N-15-19 and September 25, 2020 Administration Policy which encourages “every State agency, department, board and commission [...] to seek opportunities to support California’s tribe’s ancestral land under the support and control of the State of California, and to work cooperatively with California tribes that are interested in acquiring natural lands in excess of State needs”; and E.O. N-16-22 which recognizes that the Infrastructure Investment and Jobs Act (IIJA) provides an opportunity for partnership with California tribes, among other entities, to modernize crucial infrastructure and accelerate the State’s clean transportation progress.

California Air Resources Board “Advanced Clean Cars II” rule sets California to zero-emission car, pickup truck and SUV market to deliver cleaner air and massive reductions in climate-warming pollution. The rule established that by 2035 100% of new cars and light trucks sold in California will be zero-emission vehicles. This regulation will lead to new vehicles that will require plug-in, full battery-electric and hydrogen fuel cell vehicles.

On the federal side of the energy equation, there is unprecedented funding allocations to Tribes. Whereas the CARES Act allowed Tribes to recover economic losses as a result of the COVID



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pandemic, the Inflation Reduction Act (IRA) provides billions of dollars towards energy production and with an emphasis on clean energy.

In addition, \$9.4 billion is dedicated to the creation of up to 10 Hydrogen Hubs nationwide. It is assumed that California will be a location for one of the Hubs. We will examine how Tribes fit into the Hub discussion and with a Tribal perspective on the California Governor's Hydrogen Highway Initiative.

10% of the energy resources in the United States lie within Tribal boundaries – some estimates are as high as 20%. The current energy economy of the US is easily estimated at \$900 billion per annum. Using parity as a metric the Tribal energy economy should be roughly \$100 billion per annum. Latest figures from the US Department of Interior indicate less than \$5 billion.

As such, moving from a passive royalty participant – receiving 1/20 to 1/16 of your resource value – to a proactive energy provider is current objective. Providing full value of our resource back to our communities is a long overdue endeavor.

In addition, critical minerals is now a hot topic. Helium and Lithium are both in short supply and in great demand. How do Tribes venture into this highly lucrative arena while maintaining cultural integrity?

Critical Tribal perspectives are needed as lithium demand will increase and will be required to fill the demand to supply the lithium-battery industry used in electric vehicles.

- What are the consequences of lithium extraction and how will this burgeoning market impact Tribal governments?
- How are Tribal communities involved in lithium extraction and development?
- How are Tribal governments involved in hydrogen and helium development?

What has been done?

This topic has not been addressed in prior Summits and is an emerging topic as Tribal governments look to critical mineral development and participating in key energy markets at the local and regional level, on and off Tribal lands.



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Action needed and who is responsible?

As California seeks to develop capacity and technical assistance resources to support clean energy transitions, this panel will share how Tribes can advance the development of Tribal energy enterprises and increase access to clean energy programs.

Every Tribe has an energy footprint. Whether the Tribe is a historical energy producer, primarily from fossil resources or an energy consumer; each Tribe is impacted from an economic standpoint. Within the context of this Summit, we will not only address the requirement for an energy/water nexus, we will also discuss how Tribes can create their own energy vision from a seven generation perspective.



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Fire and Water: Cultural Burning and Wildfire for Water Quality/Meadow Restoration- Room 2221 A

2023 Session 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. Cultural because the essence of burning was pertinent and substantial to the cultural livelihood of the Native American, indigenous inhabitant, and or 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. Therefore, conducting a cultural burn relates to what they burned, how they burned it, and why they burned it.

Historical documents state that Native Americans set fires along their trails as they came out of the high mountains and or from their homeland camps as they left their summer or early fall campsites in the forest for their lower elevation foothill homes to live during the winter and spring months. In the pre-1850 era, our elders tell of ancestral fire management. The story is deeper than just saying, "they lit fires on their way out of the mountains" or "on their way back from over the hill."

Burning an area means burning that particular spot three times in a ten-year period, typically during the first, third, or fourth year and again between the sixth and tenth year. An area with severe understory is going to need fire again in the third year. After every fire, grass, seedlings, new shoots, and new leaves on burnt bushes all begin to return in the following year. Sometimes the growth is minimal and a passerby would not see the return. For those who live there, the gradual return is obvious. By year two, however, it becomes more evident, and by the third year, one can clearly see the renewed growth. Burning on the third year produces a low intensity fire, and by the fourth year the brush and or the undergrowth is much thicker and generates a mid-intensity burn. For the Indians with their wet gunny sacks, on their trail system, the higher the flame of the fire, the harder it was to control.



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From the tribal view at least fifty percent of the forest needs some form of restoration today, and is getting only fifteen percent of the fire needed to burn each year. Understanding and applying the Cultural Burn concept is very important to rejuvenating resources for a healthy forest. The food web is unstable, with thousands of oaks and dozens of oak orchards producing less than five percent of the crop necessary to keep the wildlife population healthy. Now more than ever, it is time to restore the oaks individually and as groves or orchards. Low intensity burning through the oaks is good when the result creates sprouting young shoots. This becomes a “healthy forest indicator” because, without new growth, the old growth eventually stops producing. While the old growth may still be useful as habitat, the large canopy of the oak also deters new growth, by reducing access to rain water, sunlight, and warmth, as well as creating a lack of good producing seed, all necessary for new shoots. When there is new growth, it also becomes an “indicator” for the type of wildlife and the amount of wildlife such as deer that are present. If the duff has not been burned then parasites, weevils and worms, have an impact on the acorn nut, thereby reducing the regeneration of a new crop.

One fully producing black oak tree should produce a minimum of 200 to 250 pounds of acorns. This would entail approximately three separate harvests over a period of two months. One of the Tribe’s most prolific acorn practitioners, who markets statewide, once gathered eight 60-pound sacks of acorn from her grandmother’s property and special black oak that is tended and smoked annually. In addition, she made another trip back to the tree to fill a couple of five-gallon buckets, amounting to over 500 pounds from one tree. This healthy black oak tree produces annually and becomes a competition among the wildlife, cattle and the harvester. Today, out in the forest, gathering 20 to 50 pounds will take several trips to various parts of the forest. There are currently 10 to 13 gatherers and acorn makers on a varied scale of production. The tribal practitioners describe most oaks are producing at 10 percent or less of what they should, if at all.

Pacific Southwest Region 5 of the United States Forest Service has identified that there are over 8200 meadows in the Sierra Nevada Mountain Range. 70% of these meadows are in need of maintenance or repair, 20% are non-existent, and 5% are healthy. Therefore, improving the watershed, restoring the meadows, will provide a higher water content to the valley floor.

The North Fork Mono Tribe has been conducting ecological restoration work on governmental land since 1991, and has been burning and maintaining their 1.4 million homeland acreage for some 15,000 years on the western Sierra Nevada Range (Oldest dated artifact, Clovis Point, Sierra National Forest, Cultural Heritage Program, 2002). Since 2003, the Tribe has been engaged in meadow, oak and cultural resource restoration work on the Sierra National Forest,



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and have restored six meadows with nine more assessed and ready for restoration this summer. The Tribe has a new signed Master Agreement with the Sierra National Forest.

Ecological restoration means, taking meadows that in some cases are no longer considered viable meadow ecosystems and were basically written off as not having the capability to hold water and be the sponge that a functioning meadow should be. To accomplish this, what doesn't belong on the meadow needs to be removed, i.e., conifer encroachment, invasive plants, and or fixing erosion gulley's, culverts in roads that cut through the meadow as well as damage from the historic train logging that changed or modified the stream and water flow to the meadow. Restoring the land, restoring the meadow entails bringing the water table up to the surface, allowing the precipitation to fully reach the surrounding watershed by thinning, so it will be soaked up and stored by the roots of the vegetation and allowed to gradually and continually flow to the meadow sponge.

Today's forest manager's, land manager's, fire regime officers, only know how they have been practicing managing fire, rather that be wildfire, prescribed fire, managed wildfire, broadcast burning, etc. They hear the Native American talk about cultural burning but have not fully come to understand it. As stated, cultural burning has its own skill set, in other words, "What are you burning for?" Are you burning for acres, burning to reduce fuel overload, burning to maintain the land, burning for reforestation, or burning to create a higher quality wood product for the economy of the land?

Cultural Burning, restores the resources, all resources. The main concept is for an immediate expectant return. When that lower vegetation returns it will return in a refreshed state, rejuvenated, it will hold water in its leaf, stem, roots and surface. It supplies the nutrient the upper canopy or oaks and conifers need to stay healthy.

As Sir Charles George, (Now King) and world environmentalist, said, "You must first restore nature's economy before man-kind's economy!" The importance of a restored meadow and its surrounding watershed, provided those who lived on the land, a shopping mall, it was their refrigerator. Why? Because the indigenous native had over 200 cultural resources, medicines, fibers, and 95 plus food sources. They couldn't afford to leave their families and travel ten miles to gather food every day, so they ensured their refrigerator was full by culturally burning where they lived. When the Euro-American arrived in the Sierra's they reaped the rewards of a system the Native American had in-place for thousands of years. Only "Colonial Man" did not know how to replenish their resources, and our current forest(s) are a result of that ill-fated philosophy.



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Leveraging Federal Funding for State and Tribal Action- Room 2221 B

Background

Finding funding to treat critical resource needs has always been an issue.

What has been done?

Finding, applying, and successfully obtaining Tribal grants and awards has always been a challenge.

2023 Session Overview

Discuss how Federal Recognized Tribes can work with BIA and other DOI Agencies on projects to protect water resources and other interconnected resources.

The Corps will discuss opportunities to partnership with the Corps on water resource projects. Partnering with the Corps is different than receiving a federal grant or entering into a self-governance contract as the Corps generally operate on a cost share basis but with careful and deliberate planning, Tribes can generally use grants for their cost share with the Corps and benefit from a tremendous federal lift.

State/Federal Action Needed?

State and Federal agencies need to continue outreach to Tribes.



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Tribal Cultural Resources Session- Room 2221 C

Background

California Environmental Quality Act (CEQA) amended 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 Native American Tribe. This policy ascribes Tribes as subject matter experts to determine value of resources based on significance to Tribal culture.

What has been done?

The Department of Water Resources (DWR) has implemented best practices for AB 52 consultation to facilitate the identification of TCRs including:

- Early Tribal engagement
- Extensive and regularly scheduled consultation meetings
- Consultation meeting follow-up providing materials for review such as copies of presentations with meeting minutes
- Notification of closure of AB 52 for purposes of CEQA documentation with commitments for ongoing consultation
- Notification of implementation to all consulting Tribes, and
- Documentation of best practices during implementation

These practices evolve based on input from Tribes to support meaningful government-to-government consultation that respects Tribal Sovereignty and set exemplary standards that define a “good-faith effort” to appropriately identify TCRs.

2023 Session Overview

A panel of experts will share and discuss their views of TCRs including the identification process, information sharing, success stories, and challenges encountered. The discussion will highlight Tribal values reflected by TCRs that support Tribal lifeways including food sources, medicine,



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and cultural practices. We hope 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. (This session will be recorded for note-taking purposes only.)

State/Federal Action Needed?

Develop better practices through proposed guidance for government-to-government Tribal consultation to appropriately identify Tribal cultural resources and to create a safe space for information sharing to ensure California's Tribal Nations and resources central to cultural continuity are respected.



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California's 5th Climate Change Assessment Tribal Research Program- Room 2310

Background

California is already experiencing the impacts 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 (Office of Planning & Research, 2023).

What has been done?

In the 2018 Tribal Water Summit, there was a break-out session with the Office of Planning Research (OPR) and Tribal Author to share key highlights from the Indigenous Communities Climate Change Fourth Assessment Report. This was the first assessment in which OPR engaged with Tribes. The panel discussed the challenges and lessons learned in incorporating Tribal perspectives into resource management decisions. Despite these challenges, OPR is committed to work with Tribes and Tribal authors for a contribution that works for both. The Fourth Climate Change Assessment is available at [California Climate Change Assessment](#).

2023 Session Overview

CA's Climate Change Assessment has stood up, for the first time, a Tribal Research Program to support tribally led climate change efforts and meaningfully include Tribal Expertise and Traditional Knowledge in the Climate Assessment Processes. California's Climate Change Assessments produce 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 both support climate change related work in tribal communities and develop an Assessment that is more meaningful to tribal communities. Considering Tribal Expertise and Traditional Knowledges in these research processes and final assessment products is foundational in this work.



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We welcome you to join the Assessments Tribal Advisory Group Members and Tribal Research Program Manager from the Office of Planning and Research to discuss how we can best do this to support you and your work. We will be brainstorming how you would like to be involved, products and outcomes that would be meaningful for you, and vision how this program should be developed.

Action needed and who is responsible?

Several recommendations were compiled from case studies and Tribal review of the climate information for the Fourth Climate Change Assessment intended for the State and Tribes alike. There were recommendations for incorporating TEK and cultural practices; collaboration opportunities between the State and Tribes to reduce greenhouse gas emissions and improve energy resiliency; building Tribes' capacity to restore ecosystems at a regional scale; continue building better partnerships with Tribes; support Tribal climate action research; and recommendations for the Fifth Climate Change Assessment report.



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Technical Assistance Workshop Session - Applying for State and Federal Grants - ROOM 2301 Tribal Funding Opportunities and Information Drop-In Session

Background

Would you like information about potential funding opportunities, to discuss specific project needs, or to connect with state and federal granting agency representatives? This drop-in workshop will provide an opportunity to connect one-on-one with a variety of state and federal granting agencies.

2023 Session Overview

Representatives from the following agencies and funding programs will be available to discuss Tribal funding needs, projects, and financing opportunities:

California Department of Conservation

Sustainable Agricultural Lands Conservation (SALC) Program: The SALC Program protects agricultural lands and lands utilized for the cultivation of traditional foods, herbal medicine, fibers, and dyes from conversion to more greenhouse gas intensive uses while promoting smart growth, ensuring open space remains available, and supporting healthy agricultural and tribal food systems, and resulting food security. The program provides three types of grants:

- Land Use Planning grants that support the development of local and regional land use policies and economic development strategies to protect critical agricultural land, including lands utilized for the cultivation of traditional foods, herbal medicine, fibers, and dyes.
- Agricultural Conservation Acquisition grants to permanently protect croplands, rangelands, and lands utilized for the cultivation of traditional resources from



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- conversion to more greenhouse gas intensive uses. These grants can be used to fund the purchase of voluntary conservation easements on or fee title to agricultural lands and lands utilized for the cultivation of traditional foods, herbal medicine, fibers, and dyes.
- Capacity and Project Development grants for tribes to expand organizational capacity to acquire land. This includes developing new partner non-profit organizations to support tribal ownership and management of land.

Learn more at <https://www.conservation.ca.gov/dlrp/grant-programs/SALCP>.

Multibenefit Land Repurposing Program: The Multibenefit Land Repurposing Program seeks to increase regional capacity to repurpose agricultural land to reduce reliance on groundwater while providing community health, economic wellbeing, water supply, habitat, and climate benefits. Tribes may apply for funding under this program to plan for, develop, or implement multi-benefit agricultural land repurposing projects that benefit eligible groundwater basins, including reestablishment of tribal land uses, implementation of tribal cultural practices, creation or restoration of habitat, creation of multi-benefit recharge areas, and acquiring land to support the above uses. Learn more at <https://www.conservation.ca.gov/dlrp/grant-programs/Pages/Multibenefit-Land-Repurposing-Program.aspx>.

California Department of Water Resources

The Department of Water Resources offer a number of grant and loan programs that support integrated watershed management activities addressing environmental stewardship, water supply reliability, flood risk, groundwater sustainability, drought, and more. Public agencies are eligible for most of our grant and loan programs, but other applicants may also be eligible, depending upon the program. Learn more at <https://water.ca.gov/Work-With-Us/Grants-And-Loans>

Visit DWR's Grants Best Practices and Tips for Success page for information and resources that can help you better succeed in the grant process. Learn more at <https://water.ca.gov/Work-With-Us/Grants-And-Loans/Grants-Best-Practices>

DWR's Office of the Tribal Policy Advisor is the central point of coordinated communication and consultation with California Native American tribes to ensure proactive and meaningful consultation. This includes dedicated communication and outreach such as meetings, workshops, and advisory committees. Learn more at <https://water.ca.gov/About/Tribal-Policy>



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California State Water Resources Control Board

Safe and Affordable Funding for Equity and Resilience (SAFER) Program: The SAFER Drinking Water Program is a set of tools, funding sources, and regulatory authorities designed to ensure that one million Californians who currently lack safe and affordable drinking water receive it as quickly as possible. Funding is available for:

- Emergency drinking water
- Technical assistance
- Operations and maintenance
- Projects for domestic well communities
- Point-of-use, point-of-entry filtration devices
- Community outreach and education
- Training for technical and managerial staff
- Capital infrastructure improvements

Learn more at <https://waterboards.ca.gov/safer/>. Tribal Liaison email: tribal-liaison@waterboards.ca.gov. Leave a voicemail message at (916) 341-5229.

California Strategic Growth Council

Transformative Climate Communities Program: This program invests in community-led climate resilience projects in the state's most overburdened communities. Projects reduce greenhouse gas emissions, improve public health and the environment, and support economic opportunity and shared prosperity. Funding is available for planning, project development, and implementation. Tribes are eligible applicants and have received awards in prior rounds. Learn more at <https://sgc.ca.gov/programs/tcc/>.

Community Resilience Centers Program: This grant program will fund new construction or retrofits to existing community-serving neighborhood level facilities to provide shelter and resources during climate and other emergencies, as well as fund ongoing year-round community services and programs to build overall community resilience. Learn more at <https://sgc.ca.gov/programs/community-resilience-centers/>.

Regional Climate Collaboratives Program: The Regional Climate Collaboratives Program is a capacity building grant program that enables community-rooted and cross-sectoral partners to deepen their relationships and develop the processes, plans, and projects that will drive and sustain climate action. In Round 1 of the program, half of the grants were awarded to



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collaboratives that were tribal-led or had at least one tribal partner. More information: <https://sgc.ca.gov/programs/cace/resources/rcc/>.

Tribal Technical Assistance Program: The Strategic Growth Council is currently working to develop a Tribal Technical Assistance Program (Tribal TAP) that will provide funding and tailored technical assistance to tribes, assisting them in advancing their climate objectives. The goal of the Tribal TAP is to help Tribes in building long-term grant readiness to implement Tribal-led climate solutions.

Governor's Office of Planning and Research

Integrated Climate Adaptation and Resiliency Program (ICARP): The ICARP Grant Programs provide funding to help fill local, regional, and tribal adaptation planning and resilience needs, provide resources, and support the development of a pipeline of climate resilient projects. Learn more at <https://opr.ca.gov/climate/icarp/>.

United States Army Corps of Engineers

Corps Water Infrastructure Financing Program: The Corps Water Infrastructure Financing Program provides low cost, long-term financing for dam removal and dam safety projects. This new program can provide significant savings and provide upfront capital to support eligible projects, the program has up to \$7.5B available and will start taking applications in late Spring 2023. Learn more at: <https://www.usace.army.mil/Missions/Civil-Works/Infrastructure/revolutionize/CWIFP/>.

Tribal Partnership Program: The Tribal Partnership Program (TPP) allows U.S. Army Corps of Engineers to partner with Tribal Nations to carry out water-related planning activities, or activities relating to the study, design, and construction of water resources development projects, that will substantially benefit Indian tribes; and are located primarily within Indian country or in proximity to Alaska Native villages. An activity conducted under the TPP may address: projects for flood damage reduction, environmental restoration and protection, preservation of cultural and natural resources, watershed assessments and planning activities.

United States Department of the Interior Bureau of Reclamation

Native American Affairs Technical Assistance Program (TAP): The Native American Affairs TAP provides technical assistance to assist Indian Tribes to develop, manage, and protect their water and related resources. The TAP has supported a broad range of activities in each year since its inception in the early 1990s. Such activities have included water needs assessments, improved water management studies, water quality data collection and assessments, drinking/stock/fire



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suppression well development, irrigation system improvements, and enhancements to water treatment plants. Total annual funding for the Native American Affairs TAP ranges between \$2 and \$3 million with individual project awards ranging from \$200,000 - \$500,000. Learn more at <https://www.usbr.gov/native/programs/TAPprogram.html>.

WaterSMART Program: Through WaterSMART, Reclamation will continue to work cooperatively with states, Tribes, and local entities as they plan for and implement actions to increase water supply through investments to modernize existing infrastructure and avoid potential water conflicts. Learn more at <https://www.usbr.gov/watersmart/>.

Additional Resources:

The California Grants Portal is the one destination for finding all State grants and loans available for competitive and first serve programs. California Grants Portal: www.grants.ca.gov

The Federal Grants Portal provides a centralized location for grant seekers to find and apply for federal funding opportunities. Federal Grants Portal: www.grants.gov

California Financing Coordinating Committee (CFCC): The CFCC combines the resources of several State and Federal funding agencies to provide a one-stop shop for available grants, loans and bond financing for infrastructure projects. The CFCC conducts free funding fairs each year to educate the public and offer potential customers opportunities to meet with financial representatives from each agency and learn more about their currently available funding programs. Learn more at <https://www.cfcc.ca.gov/>.