

California Native American Tribal Engagement in the  
*California Water Plan Update 2013*

Tribal Engagement Plan

The *California Water Plan Update 2013* aims to deepen and expand the relationships between State agencies and California Native American Tribes built during *Update 2009*, and thereby improve the overall quality and comprehensiveness of the plan. Major successes of *Update 2009* include the release of a working draft [Tribal Communication Plan](#) to guide Water Plan agencies in ways to reach and engage tribal communities, and hosting a two-day statewide Tribal Water Summit (see the [2009 California Tribal Water Summit Proceedings](#)). This document is an initial plan for how *Update 2013* intends to build on the work from *Update 2009* in approaching its fundamental goal of increasing Tribal engagement.

As with the *California Water Plan Update 2009*, the *California Water Plan Update 2013* uses the term “**California Native American Tribe**” to signify all Indigenous Communities of California, including those that are non-federally recognized and federally recognized, and those with allotment lands, regardless of whether they own those lands. Additionally, because some water bodies and Tribal boundaries cross State borders, this term includes Indigenous Communities in Oregon, Nevada, and Arizona that are impacted by water in California.\*

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\* Similarly, the State of California Tribal Consultation Guidelines, Supplement to General Plan Guidelines, define the “California Native American tribe” as “a federally recognized California Native American tribe or a non-federally recognized California Native American tribe that is on the contact list maintained by the Native American Heritage Commission” (NAHC).

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## 1. Objectives of Tribal Engagement in *Update 2013*

Tribes that participated in *Update 2009* identified complex issues that will take on-going effort and time to genuinely address. (For example, see the Recommended Actions on page 20 of the [2009 California Tribal Water Summit Proceedings](#).) State agencies need to continue inviting and assisting California Native American Tribal governments to participate in water planning efforts and to take advantage of State funding when possible. Federal agencies need to continue carrying out their trust responsibilities, many of which overlap with State agency activities.

As noted, these activities support preparation of the *Water Plan Update 2013*. Published by the Department of Water Resources (DWR), the *California Water Plan* serves as the State’s strategic plan for stewarding water resources. It includes a range of information and analysis that informs its recommendations and can be used by decision-makers.

The objectives of engaging California Native American Tribes in *Update 2013* include:

1. To begin addressing the complex Tribal water issues identified during *Update 2009*, *Update 2009*, including at the 2009 Tribal Water Summit and in Objective 12 of the Strategic Plan
2. To integrate Tribal information and Tribal perspectives in the *Water Plan*, including but not limited to the Strategic Plan, Resource Management Strategies, and Regional Reports
3. To improve the overall quality and comprehensiveness of the *Water Plan*, making it a more relevant and useful document
4. To educate large numbers of water professionals about Tribal water issues and water management strategies
5. To increase Tribal inclusion and engagement in water planning throughout California

*Update 2013* will accomplish these objectives by establishing for the first time a *Water Plan* Tribal Advisory Committee (Tribal AC) (see Section 2 below). *Update 2013* will also continue and augment the following outreach strategies used during *Update 2009*:

1. Include Tribal representation on the *Water Plan* Public Advisory Committee (Public AC) (this is further discussed in Section 3 below)
2. Reach out to bring Tribes directly into *Water Plan* meetings, including the Resource Management Strategy workshops and Regional Forums
3. Respond to Tribal requests for presentations and briefings on the *Water Plan*
4. Continued representation of the Native American Heritage Commission on the *Water Plan* State Agency Steering Committee (State Agency SC)

## 2. The Water Plan Update 2013 Tribal AC

*Update 2013* will establish for the first time a Tribal AC. The primary aim of creating a *Water Plan* Tribal AC (see D and E below for Tribal AC structure and composition) is to develop a forum where Tribes can review, comment on, strategize, and help develop the material in *California Water Plan Update 2013*, including Tribal water issues identified during the *2009 Tribal Water Summit*. This includes but is not limited to the inclusion of Tribal perspectives and information into the Strategic Plan, Resource Management Strategies, and Regional Reports.

The Tribal AC will advise the Department of Water Resources (DWR) and the *Water Plan* team directly on these plans, reports and strategies, as well as Tribal water planning concerns in general. The *Water Plan* will also create opportunities for direct discussion between the Tribal AC and the *Water Plan* State Agency SC (this is further discussed in Section 2-B below), Statewide Water Analysis Network (SWAN), as well as the Public AC and Federal Agency Network (FAN).

### A. Role of the *Water Plan* Tribal Advisory Committee

*Update 2013* will convene the Tribal AC to focus on the material in the *Water Plan*, including Tribal water issues identified at the *Update 2009* Tribal Water Summit. The Tribal AC will also continue and expand upon the *Update 2009* Tribal communication and engagement work of the Tribal Communication Committee and Tribal Water Summit Planning Team. The Tribal AC will determine and prioritize its major areas of focus, including but not limited to the following areas:

1. **The Tribal AC will directly advise and assist DWR and the *Water Plan* team in implementing the recommendations from the 2009 Tribal Water Summit.** Tribes that participated in the 2009 California Tribal Water Summit generated a list of 70 Recommended Actions that would help to address Tribal water issues in California. Many actions focused on the *California Water Plan*, including recommendations about the need to develop new *Water Plan* material that includes Tribal perspectives and knowledge.
2. **The Tribal AC will review, comment upon, and help DWR and the *Water Plan* team to develop materials.** This includes but is not limited to ensuring inclusion of Tribal perspectives and information in the Strategic Plan, Resource Management Strategies, and Regional Reports. **As part of this work the Tribal AC will share information and interact directly as needed with the State Agency SC, FAN, and Public AC.**
3. **The Tribal AC will update the 2008 *Tribal Communication Plan*** to include the new relationships formed in recent years, and to bring strategic insights from *Update 2009* and innovative ideas into the material. This work will include improving the accessibility of *Water Plan* information and meeting venues to Tribes, revisiting the associated communication strategies and tools, and expanding the Tribal communication network.

4. **The Tribal AC will plan, as it deems necessary, a future Tribal Water Summit to be held before the conclusion of *Update 2013*.** The 2009 California Tribal Water Summit, “Protect Our Sacred Water,” provided an opportunity for the highest Tribal and State government officials to begin to ensure that water access, use and priorities of native California peoples are recognized in California’s strategic water planning efforts. Future summits will build on the successes of the 2009 Summit.

## B. *Water Plan* Tribal AC Interaction with the State Agency SC, Public AC and FAN

The *Water Plan* is a product of the Executive Branch of California State Government. DWR is required by California Water Code §10004 to update the document every five years. In order to include the policies and activities of other State Agencies in the *Water Plan*, and make the plan a genuine product of the entire Executive Branch, DWR has convened a State Agency SC to advise it in the update process. The State Agency SC consists of State Agencies that have authority or responsibility for water management issues. Only State Agencies sit on the State Agency SC, because only they compose the Executive Branch of California State Government. Federal, Tribal and Local governments, as well as organizations that represent public interests, are not part of the Executive Branch of California State Government and therefore do not sit on the State Agency SC. Tribal and Federal governments have their own designated ways of participating in and directly advising DWR on the *Water Plan* – through the Tribal AC and the FAN, respectively.

**The Tribal AC will comment and advise DWR and the *Water Plan* team directly on the material in the *California Water Plan Update 2013*, including Tribal water issues identified during the 2009 Tribal Water Summit and associated recommendations. The Tribal AC will assess and implement additional means of interacting with the State Agency SC, including developing reports, making presentations, or requesting periodic joint sessions with State Agency SC. The *Water Plan* will facilitate this interaction by creating opportunities for direct discussion between the Tribal AC and State Agency SC.**

The Tribal AC will also share information and interact as needed with the Public AC, SWAN, and FAN. The Tribal AC may choose to invite members of the State Agency SC, SWAN, Public AC, and FAN to attend specific Tribal AC meetings to discuss particular topics.

## C. Additional Interaction with State and Federal Agencies

In addition to direct discussions with the State Agency SC, the Tribal AC may also choose to invite other members of State and Federal agencies to attend its meetings. For example a liaison from Caltrans, who did not sit on the State Agency SC, attended and participated in the 2009 Tribal Water Summit Planning Team meetings. Representatives of government agencies will be asked to state their affiliation for the meeting summary.

## D. Structure of the *Water Plan* Tribal AC

*Update 2013* will convene a Tribal AC consisting of formally identified persons from California Native American Tribes and Tribal organizations. This responds to comments from participants

in the *Update 2009* process, including members of the Tribal Communication Committee and Tribal Water Summit Planning Team that Tribes are sovereign governments should be represented by their chosen liaisons. To address this need the Tribal AC is designed as follows:

1. All federally recognized and non-federally recognized Tribes will be invited to identify a liaison or member and an alternate for the Tribal AC. The liaisons and alternate identified by a Tribe will become members of the Tribal AC. **There is no application process.**
  - a. Ideally a Tribal AC member and their alternate will be a Tribal chairperson or councilmember, but this is not required.
  - b. The *Water Plan* recognizes that Councils make decisions for their Tribe, and the member and alternate will not be asked to make any decisions on behalf of the Tribe. The Tribal AC will facilitate developing points of concern or requests for decision to be delivered to Councils/Tribal leaders. The Tribe will formally charge their member, as they deem fit, with relaying comments and recommendations on behalf of the Tribe. It is understood and expected that members will only relay comments and decisions to the Tribal AC on behalf of the Tribe, when they have been given clear direction by their Council.
  - c. An alternate's primary responsibility will be to listen and bring information back to the Tribe. In cases where alternates have been given clear direction by their Council, they will convey comments and recommendations on behalf of the Tribe.
  - d. The Tribe will provide formal documentation of their member and alternate, and any changes, consisting of a letter on Tribal letterhead. This information will be complete and available in a timely manner.
  - e. The SB 18 list of California Native American Tribes maintained by the California Native American Heritage Commission will serve as a supplemental source of information for identifying Tribal communities.
2. Tribal organizations that represent Tribal interests will be invited to identify a member and alternate for the Tribal AC.
  - a. Ideally a member and their alternate will be an executive director or senior program manager, but this is not required.
  - b. The organization will formally charge their member with relaying comments and recommendations on behalf of the organization when they have been given clear direction by their Board or its equivalent. This does not include making any decisions on behalf of the organization. The *Water Plan* recognizes that Boards make decisions for their organization, and the member will not be asked to make any decisions on behalf of the organization.
  - c. An alternate's primary responsibility will be to listen and bring information back to the Board. In cases where alternates have been given clear direction by their organization, they will convey comments and recommendations on behalf of the organization.

- d. The organization will provide formal documentation of their member and alternate, and any changes, consisting of a letter on the Tribal organization's letterhead. This information will be complete and available in a timely manner.
- e. The organization will provide the Tribal AC with a copy of their Internal Revenue Service 501(c)3 or 509(a)2 letter of determination. This information will be complete and available in a timely manner.

The Tribal AC will develop a charter and meet periodically to conduct business (approximately once every three months). The Tribal AC will develop its own work plan, including how to advance issues identified at the 2009 Tribal Water Summit. The Tribal AC may also choose to focus on other Tribal water issues.

### E. *Water Plan* Tribal AC Meetings are Open Meetings

The *Water Plan* has always invited any interested Tribal people to participate in the process. This continues in *Update 2013*. The Tribal AC Meetings are open meetings. **Tribal and other individuals that are not Tribal AC members are welcome and encouraged to attend the Tribal AC meetings.** This includes representatives of State, Federal, and Local government agencies. Representatives of government agencies will be asked to state their affiliation for the meeting summary.

### F. Composition of the *Water Plan* Tribal AC

All California Native American Tribes and Tribal organizations will be welcome to identify Tribal AC members. The *Water Plan* will seek to include members from each of its 10 hydrologic regions and two areas of special interest. These include the North Coast, San Francisco Bay, Central Coast, South Coast, Sacramento River, San Joaquin River, Tulare Lake, North Lahontan, South Lahontan, Colorado River, the Delta, and Mountain Counties.

### G. Requirements for Serving as a Tribal AC Member

Members will play a critical role in helping to ensure representation of Tribal perspectives in the *California Water Plan*. Accordingly members will be required to meet the following requirements.

1. Regularly attend the Tribal AC meetings. This includes accepting to attend at least three quarterly meetings per year. Every effort will be made to schedule the meetings well in advance and at times that work for members. Travel expenses for attending these meetings will be reimbursed when requested.
2. Participate in the Regional Forums in their home region (approximately three or four meetings per year). *Update 2013* will convene dialogues in each of its ten hydrologic regions and two areas of special interest. The Regional Forums will provide an important opportunity for Tribes within each region to share information, identify common concerns and interests, and coordinate activities, network, and comment on the *Water Plan*. Tribal AC members' participation in these Forums is integral to ensuring this information is coordinated with the larger Tribal AC. Travel expenses for attending these meetings will be reimbursed when requested.

3. Commit to sharing information regularly with the Tribe that has identified them as their Tribal AC member, and to serving as a point of contact for bringing concerns from their Tribe back to the Tribal AC. The Tribal AC member is encouraged to serve as a point of contact for other Tribes in their region to share information and concerns, but is not required to do so. Travel expenses for this activity cannot be reimbursed.

## H. Decision-Making

Like all *California Water Plan* groups, the Tribal AC will seek consensus among its members before making decisions. In the event that unanimous agreement is not possible, the Tribal AC will work to address concerns expressed by members, regardless of the number of members that raise a particular concern. However, if after the Tribal AC has genuinely sought to increase mutual understanding and develop inclusive solutions, and achieves substantial but not unanimous agreement among its members, it may move forward with recommendations and other decisions on behalf of the Tribal AC. Decisions of the Tribal AC are just that, and not decisions of individual members. In this situation an effort will be made to fully explain remaining concerns and where appropriate potentially provide more than one set of comments or recommendations. Like all *Water Plan* groups, the Tribal AC will not make decisions by traditional majority voting.

### 3. Tribal Representation on the *Water Plan* Public AC

California Water Code §10004 establishes the *California Water Plan* and requires the California DWR to update it every five years. It also requires the Department to establish a *Water Plan* Public AC for the update process, consisting of agricultural and urban water suppliers, local government, business, production agriculture, environmental interests, and other interested parties.

*Update 2005* and *Update 2009* included two additional Tribal seats on the *Water Plan* Public AC. Tribal organizations met the requirement of representing Tribal interests (not individual Tribes) that spanned the State. *Update 2013* will continue to have Tribal representation on the *Water Plan* Public AC through delegates chosen by the Tribal AC.

The Tribal AC will identify who it wants to represent the Tribal AC on the *Water Plan* Public AC. The Tribal AC may choose to identify additional observers to attend *Water Plan* Public AC meetings. All *Water Plan* Public AC meetings are also open meetings.

### 4. Tribal Participation in the Regional Forums

The Regional Forums provide an opportunity for numerous interested people and organizations to participate in shaping how the *Water Plan* applies to their region. In this way the Forums help to ensure that the cultural and geographic diversity of California is accurately characterized in the *Water Plan*. The Forums also allow people and organizations who cannot participate in the Tribal AC or *Water Plan* Public AC to stay directly involved in reviewing and commenting on *Water Plan* materials.

Given the diversity of Tribes in California and their different water issues, Tribes are strongly encouraged to participate in the Regional Forums. All Regional Forums are open meetings.

Many different Tribes within a single region may participate in the same Regional Forum. There is no limit to the number of participants in the Regional Forums.

## 5. Tribal Communication Email Listserve

Tribes or Tribal individuals, Tribal communities, and Tribal organizations that do not want to be involved in the work of the Tribal AC, but want to stay informed about *Update 2013* and related Tribal engagement opportunities, are welcome to subscribe to the *Water Plan's* voluntary [Tribal Communication email listserve](#). The listserve will be used to distribute *Water Plan* news and meeting announcements to members and staff of California Native American Tribes. (The listserve is not a general bulletin board or discussion list.) Anyone interested is invited to subscribe by visiting the following website:

[http://listhost2.water.ca.gov/mailman/listinfo/ca\\_water\\_plan\\_tribal\\_communication](http://listhost2.water.ca.gov/mailman/listinfo/ca_water_plan_tribal_communication)

For additional water-related information from the Department of Water Resources and other agencies, people are invited to subscribe to the general Water Plan eNews by visiting <http://www.waterplan.water.ca.gov/> and scrolling down to the News section.

## 6. Interagency Tribal Coordination

*Update 2013* will advance interagency Tribal coordination in order to share water resource-related information and coordinate corresponding efforts. The *Water Plan* will invite any interested State agencies to join in this work, starting with those involved in *Update 2009* Tribal efforts, and will welcome additional federal and local agency participation.

## 7. The *Water Plan*, Tribal Sovereignty, and Consultation

The *California Water Plan* is aware that Tribes inhabit all parts of California, that they comprise at least 150 distinct governments and communities, and that each government is sovereign and speaks for itself. No aspect of the *Water Plan* involves negotiating any matters of Tribal sovereignty between Tribal and either federal or State governments.

The *California Water Plan* is not a consultation process. It neither regulates activities nor authorizes water projects. It does not require review under the California Environmental Quality Act or National Environmental Policy Act.

The *California Water Plan* does not replace consultation of State agencies or local governments with Tribes regarding situations that involve regulated activities and water projects that could impact their lands.

The relationship between the *California Water Plan* and the California Environmental Quality Act is a topic that the Tribal AC can choose to discuss if it desires.

## 8. Financial Support for Participation

*Update 2013* will reimburse when requested the travel and associated per diem costs required for Tribal AC members to attend committee meetings, regional dialogues, and other official *Water*

*Plan* meetings. It will not reimburse members for their labor. This is consistent with the offer that the *Water Plan* provides to all members of other standing groups.

## 9. Internal Staffing and Facilitation

*Update 2013* will assign a staff member from within the Division of Statewide Integrated Water Management as the lead for Tribal engagement. The lead will work with DWR's Tribal Liaison, and also cultivate relationships with staff from other agencies.

As with all *Water Plan* groups, the Tribal AC will be supported by a professional facilitator chosen by the DWR. The Tribal AC as a whole may also help DWR select a facilitator if it desires.