



Tribal Representative Comment Policy

Background

The mission of the California Water Commission (CWC) is to use its public forum to explore water management issues from multiple perspectives and to formulate recommendations to advise the Department of Water Resources, and as appropriate, the California Natural Resources Agency, the Governor and Legislature on ways to improve water planning and management in response to California's changing hydrology. In service of its mission, CWC hosts public meetings that are compliant with the Bagley-Keene Open Meeting Act (Gov. Code §§ 11120 – 11133) (Bagley-Keene). At its meetings, CWC accepts public comment on meeting items that appear on the agenda. While CWC does not have a formal policy on public comment, allowing for public comment is required under Bagley-Keene, and CWC's standard practice has been to treat all commenters the same to maintain neutrality and fairness. The Chairperson moderating the meeting may exercise some discretion related to the order and timing of public comments.

CWC's standard public comment practice does not currently recognize Tribal sovereignty. Since time immemorial, Tribes have possessed the inherent right and authority over their people and territory. This sovereign right predates the establishment of the U.S. federal government and the U.S. Constitution. Executive Orders B-10-11 and N-15-19, and the California Natural Resources Agency's and Department of Water Resources' Tribal Consultation Policies have affirmed California's Native American Tribes' unique political status, which is different from any other group. Tribes are not interested parties, members of the public, or an ethnic group. They are sovereign governments which require State agencies to engage in government-to-government consultation.

CWC values the full participation of interested parties in its meetings. Considering the executive orders and policies referenced above and understanding that the CWC's standard public comment practice does not address Tribal sovereignty, the CWC seeks to institute a policy to amend how it receives comments from Tribal representatives. Tribal engagement is an on-going process, and the input and feedback that the Commission receives from Tribes may necessitate that it revises this policy at some future time.

Procedure

Identifying Commenters

The CWC agenda will add a standing agenda item near the beginning of the meeting ("California Native American Tribal Recognition agenda item") to give Tribal representatives the opportunity to self-identify as such if they want to comment on an item on the agenda. A Tribal representative refers to a person specifically authorized by a California Native American Tribe to formally speak on behalf the Tribe, either as an elected Tribal Representative or with delegated authority on behalf of a Tribe.

Agenda Item Comment Process

When the CWC Chairperson calls for comment on an agenda item, any Tribal representative(s) identified during the California Native American Tribal Recognition agenda item will be invited to comment first. Tribal comment will be given priority for those agenda items on which Tribal representatives indicated that they would like to comment. Tribal comment time limits will default to the standard three minutes. As is currently the case, the CWC Chairperson moderating the meeting may choose to modify the comment time limit, making it either shorter or longer to best manage the meeting. Once Tribal comment is complete, the Chairperson will call for public comment.

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