2009 California Tribal Water Summit

Protect Our Sacred Water **November 4th & 5th** Radisson Hotel

Proceedings

Logo design by mike rodriguez (La Jolla Band of Mission Indians)

Contents

Executive Summary

The 2009 California Tribal Water Summit, with the theme "Protect Our Sacred Water," was held on November 4 and 5, 2009, at the Radisson Hotel in Sacramento. Around 300 people attended the Summit, including leaders and representatives from numerous California Native American Tribes, Tribal communities, Tribal organizations, State agencies, and Federal agencies. This included 66 Tribes, 15 Tribal organizations, 13 State agencies, and 8 Federal agencies.

The order of topics addressed was the same on both days: first Rivers, Dams, and Fish; next Watersheds; then Tribal Water Rights; and finally Institutions/Legal/Agency. Speakers and participants touched on the theme of Water as Sacred at numerous points throughout each day. The first day focused on Tribes clarifying key water issues and their positions on these issues, with State agency representatives primarily listening. The second day focused on dialogue between Tribes and representatives of State agencies regarding potential next steps for addressing issues identified on the first day. Both days had a series of keynote speakers that addressed the five Summit topics.

November 4

On the first day, Ron Goode, Chairman, North Fork Mono Tribe, welcomed Summit participants and emphasized that the Summit is just the first step, and California State agencies are here to learn from Tribes, discuss issues, and identify how they might work together in the future. Mark Cowin, Deputy Director, California Department of Water Resources, encouraged participants to take advantage of the opportunity to exchange ideas and to set a standard for how Tribes and State agencies communicate. Kamyar Guivetchi, Manager, Division of Statewide Integrated Water Management, DWR, welcomed participants and noted that the Summit is an opportunity to thoughtfully exchange ideas and begin to collaboratively resolve California's Tribal water issues. To close the first day, Chris Peters, Seventh Generation Fund for Indian Development, told a water story from his Tribe about the hungry water serpent on the Klamath River, and explained that Tribal traditions are alive and strong, and it is imperative to include Native input on planning processes such as the California Water Plan, as well as legislative deliberations.

November 5

On the second day, Caleen Sisk-Franco, Spiritual Doctor and Leader, Winnemem Wintu Tribe, opened the day by explaining how agencies and businesses have progressively appropriated and degraded Tribal lands, and argued that the time has come to prioritize preserving the environment. Secretary Mike Chrisman, California Natural Resources Agency, emphasized that water impacts everybody's lives, and Tribal perspectives are critical for the California Water Plan. Director Lester Snow, California Department of Water Resources, highlighted that climate change means that people must alter how they manage water, and that the Summit was a step toward fixing some of the mistakes that had been made in the past. Keynote Speaker Mark Franco, Headman of the Winnemem Wintu Tribe, reviewed the colonization of California and the corresponding commoditization of water. He emphasized that water is not a commodity, and selling it is like selling your own blood. Keynote Speaker Eagle Jones, Redwood Valley Rancheria, presented his experiences as a technical advisor for Tribal communities throughout California on water and wastewater activities, and encouraged Tribes to educate their youth about their struggles to protect water. Keynote Speaker Monty Bengochia, Bishop Paiute Tribe, presented a slideshow of Owens Valley and described corresponding efforts to lobby for Tribal water rights in Southern California; he emphasized that everyone needs to take responsibility for the environment and take a larger view of how we are all connected.

Rivers, Dams, and Fish

Themes that emerged from the two days of discussions included: Efforts to engineer and "improve" California's water resources have typically influenced California Native American Tribes negatively. This includes the steep decline of salmon populations, public health threats, malnutrition, and the disruption of cultural practices. Tribal water rights are seldom adequately addressed in State water planning initiatives. Tribes must move beyond just talking with the U.S. Bureau of Indian Affairs, and begin to build relationships with the State agencies that have common interests. The Endangered Species Act should not be the standard for management – it guarantees only the bare minimum for species survival.

Watershed

Themes regarding Watersheds included: The paradigm of "managing" species and resources is inappropriate. Creator gave all things life, with the same breath given to people, and everything has the same spirit; nobody manages that.

Protecting and conserving water resources requires thinking at the watershed-level, including the role of forests. State planning efforts should include and address cultural uses, consumptive uses, and impacts on Tribal communities. Non-federally recognized Tribes must be included in State plans and dialogues with other Tribes.

Tribal Water Rights

With regard to Tribal Water Rights, themes included: Although federal Tribal water rights have remained favorable over time, the challenge is turning these laws into enforceable rights – this typically involves a legal battle that lasts decades. Tribes must watch what's happening in legal arenas – there have been proposals that would change the definition of Indian water rights and severely impact Tribes. Tribes must define and document the purpose of their lands, because otherwise their water needs will be recorded as zero. Tribes can assert their rights without quantifying them. The State Water Resources Control Board is obligated to consider Tribal interests because California Native Americans are also citizens of California, and is willing to answer questions and help with water rights inquiries.

Institutions/Legal/Agency

Themes concerning Institutions/Legal/Agency included: A State Office of Indian Affairs could be created to coordinate advocate for Indian affairs, but it might also tempt other State agencies to assume Indian affairs are taken care of and they have no work responsibility. State agencies need a standardized process and approach for consulting and working with Tribes. At the same time, consultation is not enough – sovereign nations require free, prior, and informed consent; Tribes must be partners in the development of any policy that affects them, and State agencies must be educated about the meaning of "sovereignty". Tribal input in Integrated Regional Water Management Plans is often ignored. State agencies need to dismantle the administrative barriers that prevent Tribes from being fully involved in State policy.

Next Steps

Numerous potential next steps were identified, and a full list is provided in the Proceedings. Themes that emerged from the next steps:

- The need to improve communication between State agencies and California Native American Tribes. In parallel, the need to improve communication between State and Federal agencies with Tribal policies, to ensure consistency. An information portal for State agencies working with Tribes could provide a first step.
- The need for improved data and information, and its exchange. It was noted that data is often lacking regarding the impact of programs and projects on Tribes. Improved information could include, for example, overlays of Tribal boundaries with other Geographic Information Systems (GIS) data layers.
- Collaborative watershed projects and planning should address the linkages between land use planning, water management, and watershed management.
- The need to engage and include Tribes in Integrated Regional Water Management Planning efforts and other state grant programs. This in turn raises the need for State-Tribal contract language, and for model bond language that explicitly includes Tribes.
- The need for a State of California Tribal Consultation Policy, and a State Office of Indian Affairs. The precise authority, design, and funding will need to be developed collaboratively.

The Department of Water Resources suggested several possible next steps:

- Spearheading an interagency Tribal communication network.
- Integrating Tribal boundaries and information in GIS layers used in water planning.
- Reconciling State and Federal consultation policies.
- Integrating Tribes in Integrated Regional Water Management Plan planning processes.
- Establishing a high level person in the Department to coordinate Tribal issues.

In closing, Ron Goode, Chairman, North Fork Mono Tribe, announced that the doors are opening for all California Native American Tribes, and now everyone must walk through and join the others at the table. Mr. Goode challenged everyone to take a new approach to water, and recognize that water rights is not just about people, but also plants, animals, and fish. He emphasized educating children to understand the history and sacredness of water, because future generations have to understand where water comes from, where it goes, and what it is supposed to do. The information presented and the discussions were tremendous, but the real work begins with implementing everything that has been laid out. Mr. Goode encouraged everyone to listen to the water and how it whispers, and closed the Summit with a water song.

Final List of Summit Sponsors

The 2009 California Tribal Water Summit Planning Team extends its thanks and appreciation to the following sponsors, who made the Summit possible:

Mountain Sponsor ($20,000 or more)

» California Department of Water Resources

Salmon Sponsors ($5,000 to $9,999)

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» Seventh Generation Fund

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» Laguna Resource Services, Inc.

» US Bureau of Reclamation

Metal Water Bottle

» Davis-King & Associates Heritage Resource Management

In addition, Shasta Indian Nation, Suscol Intertribal Council, and Inter-Tribal Tribal Council of California expressed their formal support for the Summit. Several Tribes also contributed various other items for inclusion in the Summit bags provided to participants.

2009 California Tribal Water Summit

Review: The Summit Planning Process

The California Department of Water Resources (DWR) began publishing the California Water Plan in 1957. Nearly fifty years later, for its Water Plan Update 2005, the Department made its first concerted effort to involve California Native American Tribes in the planning process. However, Tribal engagement remained minimal. As a result, Recommendation 13 of Update 2005 called for increasing Tribal involvement in statewide, regional, and local water planning.

Building on Recommendation 13, the Department took a different approach for its Water Plan Update 2009. Rather than staff designing its outreach plan, it convened a Tribal Communication Committee to advise it on how best to contact and communicate with California's 166 Native American Tribes. Members of the Committee were volunteers, and represented only themselves; they did not formally represent any Tribes. A few members and staff from Tribes throughout the State began coming to Sacramento in October, 2007, and sharing their insights, constructive criticisms, and ideas with the Department. Gradually the group's membership increased, to the point where around 30 people were regularly involved in the Committee's work.

Milestones

With the Committee's work, Tribal involvement in Update 2009 increased markedly. This improved the breadth and depth of the Department's statewide and regional water planning efforts. Milestones included:

- In January 2008, organizing a Tribal Water Plenary hosted by Big Valley Rancheria in Lakeport, with 62 Tribal members, Tribal staff, and State agency staff attending.
- Securing Tribal participation in the Water Plan's 2008 and 2009 statewide Regional Workshops, including one hosted by Table Mountain Rancheria, and numerous pre-workshop Tribal briefings.
- Securing Tribal participation in the Water Plan's 2008 Resource Management Strategy workshops, including one on Forest Management – which led to an entirely new strategy that Water Plan staff developed based on Tribal recommendations and guidance.
- Securing Tribal participation in the Water Plan's 2008 and 2009 All Regions Forum, Plenary, and quarterly Advisory Committee meetings.
- Convening special sessions and workshops at the Floodplain Management Association's Annual Conference in 2008 and 2009.
- Increasing subscription on the Committee's email listserv from 30 people at the start to nearly 300 people in January, 2010, including Tribal chairpersons, council members, elders, administrators, water systems directors, cultural resource specialists, health policy analysts, and legal analysts. The listserv has also served as out outlet for water-related news sharing by other State and federal agencies, including the State Water Resources Control Board, California Environmental Protection Agency, California Emergency Management Agency, Department of Forestry and Fire Protection, Department of Parks and Recreation, Bay-Delta Conservation Plan, California Bay-Delta Program, the Bureau of Indian Affairs, and the National Marine Fisheries Service, among others.

The Committee's signal achievement came in the summer of 2008, when it released a Tribal Communication Plan to systematically aid the Department in its effort to engage Tribes in Update 2009 and other water planning efforts. Among other elements, the Plan includes a series of guiding principles, 22 targeted actions, a "network" of 16 major statewide Tribal organizations and Tribal-related State and federal agencies, and processes for dispute resolution and evaluation. The Committee shared the Plan with Update 2009's 21-member State Agency Steering Committee (including Caltrans, CalEPA, Cal EMA, CAL FIRE, etc.), providing it as a resource for other State agencies to use when conducting their own Tribal communication efforts.

Planning Team

The Committee then began working on Goal 5 of its Communication Plan, which called for hosting a statewide 2009 California Tribal Water Summit that includes the highest levels of decision-makers from State, local, and federal governments, and water purveyors. In October 2008, DWR and the California Water Plan Update 2009's Tribal Communication Committee (TCC) invited all California Native American Tribes to join a Tribal Water Summit Planning Team.

A dedicated Planning Team began meeting monthly in December, 2008. At that time, the Team agreed that a two-day Summit would be held in 2009, with the theme being "Protect Our Sacred Water," and that Proceedings would be included in the California Water Plan Update 2009. The Team agreed that partnering with Tribes, Tribal organizations, and State agencies would provide many kinds of valu-

able support and make the Summit successful. The Team identified the Summit's goals as:

» Provide an opportunity for the highest Tribal and State government leaders to explore common interests and develop a clear understanding of how they can work together to address pressing issues like emergency response to flooding, prolonged drought, rising sea levels, and climate change.

» Raise the visibility of Tribal water concerns and ensure they are recognized in California's strategic water planning efforts.

» Educate Tribes about State agency roles and responsibilities for water management and State grant programs.

» Chart a "roadmap" with strategies for preserving Native water rights and sustainably managing water resources for all of California.

Regional Plenaries

In the spring of 2009, Planning Team members hosted a series of seven meetings around the State in order to lay a foundation for the Summit. The Team identified four desired outcomes for each meeting:

» Identify the key water issues that Tribes in each region are facing.

» Discuss effective planning and management of water resources in each region.

» Formulate critical agenda topics for the Summit.

» Build new relationships among Tribes, and between Tribes and other entities.

Regional plenary locations:

March 4: Greater Kern, Kings, Tule, and South Central Valley (Weldon)

March 10: North Coast (Redwood Valley)

March 24: Southern California (Temecula)

April 23: Owens Valley (Bishop)

May 22: Central California (Sacramento)

May 27: Lower Colorado River (Parker, Arizona)

June 13: Far Northern California (Yreka)

The Team agreed that information from each meeting should be shared at all subsequent meetings. Meeting summaries are available at http://www.waterplan.water.ca.gov/tribal2.

In addition to the participation of DWR's Manager for Statewide Integrated Water Management and Tribal Liaison, representatives from several State agencies joined the Summit Planning Team – from the Governor's Office of Planning and Research, the California Environmental Protection Agency, the California Emergency Management Agency, the Sierra Nevada Conservancy, the Department of Conservation, the Department of Transportation, the Department of Forestry and Fire Protection, and the State Water Resources Control Board. Federal Agencies that expressed an interest in participating in the Summit included Lawrence Livermore National Laboratories, the Bureau of Indian Affairs, the Bureau of Reclamation, and the U.S. Forest Service.

Invitation to the Summit

The Planning Team and the Secretary of the California Natural Resources Agency, Mike Chrisman, extended a written invitation to attend the Summit to all Tribes on the California Native American Heritage Commission's Tribal contacts lists. Secretary Chrisman also extended invitation letters to all the Secretaries represented on the California Water Plan Update 2009 Steering Committee, and by extension their respective departments. Twenty-one agencies and departments are represented on the Steering Committee.

» Secretary Linda Adams, Environmental Protection Agency
Secretary Karen Baker, Secretary of Service and Volunteering

» Secretary Kimberly Belshe, Health and Human Services Agency

» Secretary Matthew Bettenhausen, Emergency Management Agency

» Secretary Dale Bonner, Business, Transportation, and Housing Agency

» Director Cynthia Bryant, Governor's Office of Planning and Research

» Secretary A.G. Kawamura, Department of Food and Agriculture

» Mr. Michael Peevey , President, Public Utilities Commission

» Mr. Paul Thayer, Executive Officer, State Lands Commission

The Planning Team also notified the leaders of the California Legislature and representatives of the Federal Government and Congress that the Summit would be held.

Summit Planning

The Planning Team developed a Summit agenda over a period of months, and secured keynote speakers as well as a series of State agency information booths. The Team also commissioned a series of "Briefing Papers" for each of the Summit's five topic areas (Water as Sacred; Rivers, Dams, and Fish; Watersheds; Tribal Water Rights; and Institutions/Legal/Agency). Their purpose was to describe Tribal

water issues from a native perspective, and thus help Tribes and State agencies prepare for the Summit. They were not intended to propose or recommend solutions, but rather to spark discussion and encourage participating Tribes to develop "Position Papers" for the Summit. Position Papers provided an opportunity for Tribes to express their individual perspective on Tribal water issues, including proposed solutions and ways of addressing these issues. Final versions of all Briefing and Position papers were posted online before the Summit at http://www.waterplan.water.ca.gov/tribal2/tws/

Funding

The Planning Team raised around $80,000 to support the Summit. Donations reflected the collaborative nature of the work between California Native American Tribes, California State Agencies, the Federal Government, and Tribal and non-Tribal Organizations. Sponsors of the Summit included:

- California Department of Water Resources
- Morongo Band of Mission Indians
- Seventh Generation Fund
- Lawrence Livermore National Laboratory
- Sierra Nevada Conservancy
- Pala Band of Mission Indians
- Tubatulabals of Kern Valley
- Redding Rancheria
- Sempra Energy Utilities
- Ione Bank of Miwok Indians
- Laguna Resource Services, Inc.
- U.S. Bureau of Reclamation

In addition, Shasta Indian Nation, Suscol Intertribal Council, and Inter-Tribal Tribal Council of California expressed their formal support for the Summit. Davis-King & Associates Heritage Resource Management provided Summit participants with a metal water bottle to remind people to think about where water comes from, and to provide a clean and healthy alternative to plastic drinking water containers. Several Tribes also contributed various other items for inclusion in the Summit bags provided to participants.

Tribal Water Stories

Lastly, the Tribal Communication Committee initiated a Tribal Water Stories in 2008 that the Planning Team continued. The purpose of the project was to provide all California Native American Tribes with an opportunity to tell a story about how they have been connected with water in the past and continue to be connected with water in the present. The Planning Team invited California Native American Tribes, Tribal individuals, Tribal communities, and Tribal organizations to submit a story in advance (and also after) the Summit. The stories were part of a dedicated exhibit at the Summit, and the focus of the evening banquet on November 4, 2009. Stories received before the Summit were included in the Summit Program Book. All stories are included as part of the California Water Plan Update 2009, in order to help educate thousands of State agency officials, water district managers, non-profit organizers, and members of the public throughout California. Visit http://www.waterplan.water.ca.gov/tribal2/tws/ to view the stories.

The Summit

The Summit was held in Sacramento on November 4 and 5, 2009, at the Radisson Hotel. Around 300 people attended the Summit, including leaders and representatives from numerous California Native American Tribes, Tribal communities, Tribal organizations, State agencies, ad Federal agencies. A detailed Proceedings report documents the discussions and recommendations made at the Summit.

The work of the Tribal Communication Committee and California Tribal Water Summit Planning Team helped address a decades-long need for Tribal involvement in California water planning. It has filled data gaps and improved the richness of information in the Water Plan. It has increased the visibility of Tribal water issues throughout the Department of Water Resources, the Water Plan Steering Committee's member agencies, and the wide variety of organizations that constitute the Water Plan's 44-member Advisory Committee. And it has provided the Department and partner State agencies with a communication guide and a communication network for sharing policy news, grant information, and opportunities for civic engagement. These groundbreaking contributions ensure that California will be able to better manage its water resources for the benefit of California Native American Tribes and all California citizens well into the future.

Day 1: Highlights

Welcome, Overview, and Opening Remarks

The following notes highlight a few main points from discussions. For detailed notes from the discussions please see the subsequent sections of these proceedings.

Ron Goode, Chairman, North Fork Mono Tribe, welcomed Summit participants and emphasized that the Summit is just the first step, and California State agencies are here to learn from Tribes, discuss issues, and identify how they might work together in the future. Mr. Goode thanked the various supporters and contributors, without whom the Summit could not have happened.

Summit Proceedings will be included in the California Water Plan Update 2009. All Summit materials are available online at the following address: http://www.waterplan.water.ca.gov/tribal2/tws

Mark Cowin, Deputy Director, California Department of Water Resources, thanked participants for their time, and encouraged them to take advantage of the opportunity to exchange ideas and to set a standard for how Tribes and State agencies communicate. Mr. Cowin emphasized his eagerness to listen to the issues today, and to work together on the second day to identify next steps and begin working toward long-term solutions.

Kamyar Guivetchi, Manager, Division of Statewide Integrated Water Management, DWR, welcomed participants and noted that the Summit is an opportunity to thoughtfully exchange ideas and begin to collaboratively resolve California's Tribal water issues. Mr. Guivetchi reiterated that Tribes are an essential partner in preserving and protecting ecosystems, and that the Communication Committee's 2008 Tribal Communication Plan provides the foundation for genuine Tribal participation and eventual establishment of permanent government-to-government relations.

Issues and Positions: Rivers, Dams, and Fish

- Most of the water "fixes" in California have had negative impacts on Tribes, so it remains to be seen what this latest legislative "fix" will mean for Tribes.
- Tribal people are here to protect the integrity of water.
- The Trinity River is critical to ceremonies and traditions, yet has been diverted from the Hoopa Reservation.
- The Klamath River Dam and Restoration Agreement raises at least two concerns: (1) the agreement is not based on sound fishery science, and (2) it includes a waiver of past and future water rights.
- Shasta Dam has cut the salmon off from the river, forcing us to change our traditional practices.
- Shasta Dam has also concentrated toxic mining sediments that affect everyone downstream after a storm; federal agencies should focus on removing the sediments, not raising the dam.
- Tribes need to move beyond just talking to the U.S. Bureau of Indian Affairs, and begin to build relationships with the State agencies that implement restoration projects.
- Tribes have lost their salmon and hence their food, and gotten diseases like diabetes in return.
- The senior water rights of Native American Tribes will not be recognized without winning a law suit, and then you will only be put on a long list of beneficiaries of water supplies.

Water rights go to senior water users; Tribes never relinquished their water rights.

- The Central Valley Project intended that Tribes would benefit from the system, but today no Tribe has a contract with the U.S. Bureau of Reclamation – so where do Indian people fit?
- The current water deals (e.g., San Joaquin River Restoration Settlement Act) will allocate every drop of water in the State – so where will Tribes get their water from in the future?
- New dams do not create new water; they do not benefit Tribes or our fisheries, they promote development; if you want more water, you have to work with the watershed – the topic of the next session.
- The dams and barriers that prevent salmon from returning upstream need to be removed.

  DWR is working with Tribes to identify ways to get fish around dams and divergences; Tribes should look for opportunities to partner with State agencies.
- The Federal Energy Regulatory Commission will not go back on what it has licensed, and the energy utilities are not going to change their management style.
- There need to be more avenues for Tribal voices to be heard in government processes.
- The Tulare Basin Integrated Regional Water Management Planning process is breaking down agency and department silos – this is a good thing.
- The dam in our area was built on a fault line, so now there is seepage that is degrading our artifacts and human remains; we are a non-federally recognized Tribe, so depend upon our neighboring Tribes to help us.
- To protect our sacred waters and be sustainable we need to complete the circle of water and consider how it is used at every point along the way, because there are many different kinds of water – irrigation water, drinking water, greywater, and so forth.
- The Endangered Species Act (ESA) has become a management standard – but this was never its intent; rather than working hard to delist these species, we are running them down to the lowest possible levels.

  When used as a management standard, the ESA supercedes and thus eliminates Native fishing rights.
- Southern California Edison and Pacific Gas & Electric are raising their transmission poles to supposedly provide more "green energy" to replace hydropower, but in practice are doing this to provide both types.

  They have also applied for additional water rights, rather than explicitly saying they are raising their dams, because they know there would be an outcry.
- A better system for accessing state water quality data is needed.
- Individual allotments have "dry water" rights, which means people cannot farm or live on these lands because in practice there is no water; these allotments are ignored, because the government is only talking to communities.

  Some programs have provided septic tanks and water lines to allotments, but infrastructure and education are still severely lacking – families are living in "fourth world" conditions and in 2009 do not have dependable water sources.
- The Los Angeles Department of Water and Power should be here today – they are taking our water from Northern California, and not taking responsibility for the associated impacts.
- The issues we're talking about also include and affect lakes.

Issues and Positions: Watersheds

- The Department of Conservation is implementing the CALFED Bay-Delta Watershed Project, which has had success in restoring creeks in the Delta watershed.
- Having dependable water sources requires thinking at the watershed level.
- Forests should be valued beyond goods and services – they constitute our land, water, animals, culture, and home.
- Written comment submitted: We have to have a lesson. The word "manage" is OUT! The Native peoples of this land "lived on the land", they did not survive from it. What does that mean? It means they prepared for 3-5 years and they thought in terms of 3-7 generations. So what they did today had to be good for their grandchildren's grandchildren. We do not manage, no one manages me, I manage no one. Creator gave all things life, with the same breath as he gave us. So therefore we all have the same spirit. This means the animals, plants, elements, rocks, grass, water etc. We live to care for the land and the land will take care of us. When Mother Earth is happy, we are happy. Food is plentiful for the animals, the animals and plants and herbs are healthy. When koch the pig is big and fat and the apple is big and fat and they look delicious over our fire, we are dancing and celebrating fruits of our harvest and giving thanks to our Father Creator and our Mother Earth. No one manages that.
- Clear-cut logging is a major concern today, as the forests cannot replenish the waters.
- Watersheds are more than through-ways for water – their condition affects our entire environment.
- State agencies do not examine the problems caused by diverting water until it's too late.
- Tribes are invited to contact Tito Cervantes of the Department of Water Resources (cervante@water.ca.gov or (530) 529-7389) who works with Tribes to create maps that reflect Tribal lands, hydrologic regions, and recharge areas for potable water.
- Tribes should create Regional Watershed Management Plans to accurately document their needs, then work to integrate these with State plans.
- State agencies and Tribes need to communicate more effectively – Tribes want meaningful dialogue with State leaders and want action, but continue to feel ignored and avoided while conditions continue to get worse.

  Tribes should go to meetings and demand that their perspectives are included in policy development.
- State agencies needs to be educated about how Tribes live with water, for example.

  Cultural uses are not included in basin plans.

  Total Maximum Daily Load (TMDL) levels are set based on data that doesn't include fishing Tribes' lifestyle, for example in Clearlake and the Bay-Delta.

  Indian religious freedoms and sacred sites are not protected.

  The impacts of land development on Tribal communities are not acknowledged.

  State agencies do not understand how the history of California's indigenous communities and the conflicts they faced continue to shape their communities today.
- Agencies need to enforce and uphold their own policies, for example, the protection of water quality as set out in Section 401 Certifications (based on the federal Clean Water Act).

- Federally un-recognized Tribes – un-reckoned with Tribes – must be included in State plans and dialogues with other Tribes.
- Sustainability means thinking about the full circle of water – what is its source, how is it being used, what happens to it after it is used, and how does it return to the source.
- Laws that threaten watersheds continue to be passed every year without Tribal input.
- The California Water Plan Update needs to address the public domain allotment issue.

  The county or State doesn't always recognize Tribal jurisdiction, and reservations are left out of general plans.
- The State works with watersheds on the local level, and fails to take into account where water originates and where water is delivered across regions; decisions being made hundreds of miles downstream in distant regions are impacting the sources of these waters and the surrounding Tribal lands.
- State agencies should appoint specific senior individuals to represent Tribal interests and defend Tribal rights according to the trust responsibilities set out in the U.S. Constitution.
- Tribes should involve and educate their young people and grassroots community members, and flex their political power by uniting behind a movement to protect and honor their rights.
- Tribes should modify as necessary and then endorse the United Nations Declaration on the Rights of Indigenous Peoples, and then lobby and force the State and Federal government to do the same.

Luncheon: Tribal Water in the Future *and* Historical Documents related to California Indians and Watersheds

Co-Speaker **Oscar Serrano, Colusa Indian Community Council**, explained how several current issues could impact Tribes in California. These include new water storage facilities/dams, declining fish populations, recent biological opinions, the proposed dual conveyance structure through the Delta, and climate change. Tribes should be aware of these projects, make their voices heard in the planning processes, and partner with implementing agencies as appropriate.

Co-Speaker **Kimberly Johnston-Dodds, Native American Liaison Branch, Caltrans**, provided several examples of how historical records provide important information that might be useful to California's indigenous people, and provide a foundation for getter relations between Tribes and other governments. Examples included historical impacts on watersheds, the origin of place names, and community histories.

Issues and Positions: Tribal Water Rights

- Tribal water rights are created by federal law, although tribes as land owners have water rights under State law as well.
- Tribes with reservations are entitled to sufficient amounts of water, as calculated according to a U.S. Bureau of Indian Affairs standard, to meet the primary

purpose of the reservation (most were created for agricultural purposes).

In a time of shortage, the "priority date" determines which water users are entitled to water; for Tribes this corresponds with the date the reservation was created.

- Although federal Tribal water rights have remained favorable over time, the challenge is turning these laws into enforceable rights – this typically involves a legal battle that lasts decades.
- Tribes must watch what's happening in legal arenas – there have been proposals that would change the definition of Indian water rights and severely impact Tribes.
- Tribes must define and document the purpose of their lands, because otherwise their water needs will be recorded as zero.

  Using science to define and document these purposes is becoming the standard and is critical to winning legal cases.

  If a purposes has not been identified, Tribes should have a mechanism to borrow water from surrounding lands.

  Tribes should consider not only their current land uses, but also their future land uses – 25 years ago the gaming industry did not exist, and now it is often a major water user on Tribal lands.
- Tribes can assert their rights without quantifying them – the Eel River water system is an example.
- Water is today's gold, and Tribal people could be killed tomorrow just as they were over gold; yet we are people and we are families, and we have a right to water – nobody owns the water, not Tribes, not the State, not the federal government.
- Tribes need to be informed, trained, and educated about water rights.
- State agencies should provide funding to help Tribes adjudicate their water rights.
- The State Water Resources Control Board has several staff in attendance, is obligated to consider Tribal interests because California Native Americans are also citizens of California, and is willing to answer questions and help with water rights inquiries.

  The Board does not initiate water rights adjudications, they have to be referred by a court to the Board, or someone can file to request an adjudication.

  Anyone can file for free a protest against a new water rights application.

  Anyone can file for free a complaint against an existing water user.
- Groundwater is not regulated, but people are trying to claim it – do not allow this!
- To be sovereign and to be sustainable, Tribes must stand on their own – this is more important than making more treaties with agencies that have a poor track record of honoring them.

  If all Tribes asserted their water rights, this would change California water entirely.
- New legislation will require the Water Boards (the State Water Resources Control Board plus the nine Regional Water Quality Control Boards) to assess water flow criteria and prioritize flow standards for rivers and streams – these processes could provide a new venue for Tribes to exercise and protect their water rights.
- The definition of "public trust" has changed over time, and is no longer good for balancing needs for water and needs to protect ecosystems
- The greatest source of power for Tribes are their values and responsibilities – Tribes will be the ones who protect watersheds and endangered species in the future.

Issues and Positions: Institutions/Legal/ Agency

" Should a State Office of Indian Affairs be created – what are the pros and cons? There would be a central office to advocate for Indian affairs, but it might also tempt other State agencies to assume Indian affairs are taken care of and they have no work responsibility.

A State Office of Indian Affairs should be created at the cabinet level and provide a central place for Tribes to go for solutions and protect cultural lifeways.

Rather than have isolated State agency Tribal liaisons or a single Office, a committee of State agency Tribal liaisons could be formed to coordinate State efforts and advise the administration.

Governor Reagan created such an office, which succeeded in developing health, housing, education, and community service programs and the Native American Heritage Commission due to strong Trial leadership.

Although California is unique, Arizona and New Mexico have done good jobs of designing effective Offices of Indian Affairs.

Such an office might duplicate what federal agencies already do – or worse!

Such an office must be well-funded and have the authority to oversee other State agencies' work with Tries and enforce State policies – including over cities and counties, which are not required to implement SB 18 (2004).

Within State agencies, such an Office would increase cultural and political competency and sensitivity, and greatly benefit the Governor and his/her constitutional officers.

" State agencies need a standardized process and approach for working with Tribes, rather than each reinventing the wheel.

An executive order should be issued that requires all agencies to work with Tribal governments.

The Ocean is the same water; in the Marine Life Protection Act, the California Department of Fish and Game has made an explicit policy decision to NOT consult with Tribes.

" What would a statewide consultation policy include, what would it look like?

It must involve a very specific, detailed, standardized approach.

Consultation is a Government-to-Government discussion, not a discussion with one councilmember or a cultural resource specialist.

Companies are NOT equivalent to governments, and Tribes should not accept companies that claim to stand-in for State agencies.

Such a policy must apply to all types of Tribes and Tribal communities – whether non-federally recognized, federally-recognized Tribes, landless Tribes, terminated Tribes, or allotment land Tribes.

Tribes with allotment lands are often ignored – yet their fractionated heirship is critical to protecting Tribal interests on these lands, and they can form organizations to represent themselves.

" Consultation is not enough – sovereign nations require free, prior, and informed consent.

That means Tribes must be partners in the development of any policy that affects them.

" Tribes and their sovereignty are much more than casinos.

- Indigenous peoples need to take back their rights as people and have organizations work directly with Tribal communities, instead of contracting out to private firms or having researchers speak for Tribes – Tribes are their own experts and speak for themselves.
- Indigenous people make up 1% of the State's population and own 20% of the State's resources because they understand their relationship with the environment as stewards.
- State agencies do not understand the meaning of "sovereignty" and must be educated.
- The leadership and beliefs of traditional Tribal people are the greatest strength of Tribes.
- Los Angeles stole the water from the Owens Valley to the great detriment of Tribal people, culture, family, relations, waterways, and lands.

  Building partnerships with State agencies and leveraging their resources provides an opportunity to address these issues.
- There are major connections between emergency management and water management – flooding can lead to prolonged power outages and drinking water crises.

  Emergency management as it involves and affects Tribes must be included in the California Water Plan.
- Tribal input in Integrated Regional Water Management Plans is often ignored – Tribes need to keep on fighting for inclusion, there are dozens of such plans being developed around the State.
- There is a lack of information on how decisions impact Tribal resources.

  Tribes don't have the same opportunities or resources to study impacts, so reference documents and underlying assumptions must be verified by Tribes.

  Impacts on Tribal resources needs to be an integral component of every plan, law, and California Environmental Quality Act (CEQA) review.

  Cultural resources are a key negotiating platform for Tribes, and access to information and reports is your right.
- Once the water goes, where do we go, what happens to our identity?

Day 1 Closing Remarks

Chris Peters, Seventh Generation Fund for Indian Development, closed Day One with a water story from his Tribe about the hungry water serpent on the Klamath River. After telling his water story, he explained Tribal traditions are alive and strong, and it is imperative to include Native input on planning processes such as the California Water Plan, as well as legislative deliberations.

Day 2: Highlights

The following notes highlight a few main points from discussions. For detailed notes from the discussions please see the subsequent sections of these proceedings.

Opening Remarks and Keynote: The History of Water in California

Caleen Sisk-Franco, Spiritual Doctor and Leader, Winnemem Wintu Tribe, explained how agencies and businesses have progressively appropriated and degraded Tribal lands, and argued that the time has come to prioritize preserving the environment.

Secretary Mike Chrisman, California Natural Resources Agency, emphasized that water impacts everybody's lives, and Tribal perspectives are critical for the California Water Plan.

Director Lester Snow, California Department of Water Resources, highlighted that climate change means that people must alter how they manage water, and that the Summit was a step toward fixing some of the mistakes that had been made in the past.

Keynote Speaker **Mark Franco, Headman of the Winnemem Wintu Tribe**, reviewed the colonization of California and the corresponding commoditization of water. He emphasized that water is not a commodity, and selling it is like selling your own blood. He explained how California's water history has been filled with greed at the same time as Tribes have been neglected, and asked people to remember what was lost and what has been saved.

Identifying Next Steps and Moving toward Solutions: Rivers, Streams, Dams, and Fish and Watersheds

- State agencies have been operating with a certain mindset for a long time, and this will take a sustained effort to change.
- Tribes should united around water issues, as they share the same general problems and challenges. With 110 Tribes in California, Tribes can influence policy by reaching out and encouraging Tribal people to vote for candidates that represent their interests.
- Tribal water rights should be recognized as senior water rights, and should protect Tribal fishing practices.
- Cleaning up toxins in the water should be the first priority, rather than diverting water.
- The State Water Resources Control Board maintains a mailing list and would be happy to notify people of actions taking place in their area either by email or mail. The California Water Plan's Tribal Communication Committee email listserv also distributes information about water processes in California, and is open to everybody.
- The California Environmental Protection Agency is developing ways to better communicate with Federally and non-Federally recognized Tribes, and maps and a database that show pollutants and toxin levels within California watersheds; this should be available in 2010.
- Tribes need greater representation at the County, State, and Federal levels.
- The State must develop a system or process for interacting with Tribes, and a State Office of Indian Affairs, to ensure that Tribes have a voice in decisions that affect them, and that agencies do not pass their responsibilities off onto one another.

- If the State is asking Tribes to conserve water and relinquish water rights, they should also be asking this of the agriculture sector. Director Snow noted that the November 4th legislative package requires agricultural water users to (1) to measure the amount of water that they are using; (2) to price their water based on volume; and (3) to prepare a plan that determines which best management practices they will implement, based on what is locally cost effective and feasible.
- Tribes acquiring new lands should be treated as municipalities, and should be able to use water for beneficial uses rather than just those tied to the water right.
- The California Water Plan should account for Tribal Water Rights, and State leaders should support the actions of Tribes to adjudicate their Federal water rights.
- Tribes must build relationships with agencies other than just the U.S. Bureau of Indian Affairs. State agencies and Tribes have common interests in ecosystem restoration and environmental stewardship.
- Tribes should get more involved in the Integrated Regional Water Management Plan (IRWMP) planning processes – both Tribes and other water users would benefit. Alternately or additionally, a Tribal IRWMP process should be established.
- The new Delta Conservancy should include a Tribal representative.
- Tribes should meet with representatives from the California Natural Resources Agency and its departments to design a consultation process and increase Tribal representation on various steering committees.
- All Tribal people attending the Summit should brief their leaders, if they are not here, on the day's discussions.

Luncheon and Keynote: Water as Sacred *and* Tribal Water Rights in California

Luncheon Speaker **Eagle Jones, Redwood Valley Rancheria**, explained how he brings his understanding of water as sacred to his work on domestic water and wastewater activities. He works primarily on contaminated water supplies, and encouraged participants to educate their youth about their struggles to protect water.

Keynote Speaker **Monty Bengochia, Chairman, Bishop Paiute Tribe**, described efforts to lobby for Tribal water rights in Southern California. Mr. Bengochia communicated the importance of understanding how the Earth was created, and that all life has a right to life and water, including plants, animals, and people.

Mark LeBeau, California Rural Indian Health Board, referenced the United Nations Declaration on the Rights of Indigenous Peoples, highlighting that the document protects the right to traditionally-held resources for indigenous communities.

Identifying Next Steps and Moving toward Solutions: Tribal Water Rights in California and Institutions/Legal/ Agencies Session

- State agencies do not look at Indian communities as true partners. The California Legislature is setting policies for the next century, but has not consulted Tribes.
- Tribes do not have the same planning capacity as the State of California. The State should protect groundwa-

ter basins and make funds available to Tribes to address their water issues.

- The State should respect Tribal fishing rights and practices – Tribes who harvest seaweed, mussels, and abalone have had these rights abrogated by the Marine Life Protection Act.
- State agencies need to dismantle the administrative barriers that prevent Tribes from being fully involved in State policy. This includes non-Federally recognized Tribes, and Tribes that are in the process of being recognized.
- State agencies must communicate more with each other and with Federal agencies, and provide consistent messages and processes for involving Tribes. Otherwise Tribes spend their time and resources clarifying organizational questions rather than addressing substantive issues.

Roadmap for Addressing Tribal Water Issues

- State agencies should endorse the United Nations Declaration on the Rights of Indigenous Peoples.
- Requiring non-Federally recognized Tribes to partner with Federally recognized Tribes in order to access State grant funds is demeaning. The State must consider its responsibility to all of its Native people.
- Like the California Water Plan and the California Department of Transportation's Environmental Justice Plan, the State should use the definition from California Senate Bill 18 (2004), which refers to Federally recognized tribes and those listed with the list maintained by the California Native American Heritage Commission.
- Planning processes should recognize Tribes as sovereigns, like the California Water Plan does. Tribes may have similar concerns as environmental justice groups, but are sovereign nations.

Director Snow suggested several possible next steps:

- Kamyar Guivetchi, DWR, to prepare work plan for the Department regarding Tribal issues
- DWR to spearhead interagency Tribal communication network
- need to include Tribal boundaries and information on Geographic Information System layers used in water planning
- need to reconcile State and Federal consultation policies
- need to integrate Tribes in the Integrated Regional Water Management Plan planning processes
- pursue having a high level person in the Department to coordinate Tribal issues
- Gaming Tribes need to be brought into these planning and improvement efforts
- Collaborative watershed projects and planning should address the linkages between land use planning and water management.
- The California Department of Fish and Game must be willing to meet with Tribes about salmon and river restoration.

Summit Proceedings and Closing Remarks

Summit Proceedings will be included in the California Water Plan Update 2009, to be released at the end of February 2010. The Water Plan will be widely distributed throughout California, including to anyone interested who could not attend the Summit.

Participants observed a moment of silence for Mr. Melvin Carmen, a member of the Summit Planning Team who recently passed away. Mr. Carmen played an influential role in the Water Plan developing a new strategy around forest management, including meadow restoration. In recognition of his efforts, the California Water Plan Update 2009 will dedicate its Forest Management chapter to him. This is the first time a Water Plan chapter has been dedicated to anyone.

Ron Goode, Chairman, North Fork Mono Tribe, announced that the doors are opening for all California Native American Tribes, and now everyone must walk through and join the others at the table. Mr. Goode challenged everyone to take a new approach to water, and recognize that water rights is not just about people, but also plants, animals, and fish. He emphasized educating children to understand the history and sacredness of water, because future generations have to understand where water comes from, where it goes, and what it is supposed to do. The information presented and the discussions were tremendous, but the real work begins with implementing everything that has been laid out. Mr. Goode encouraged everyone to listen to the water and how it whispers, and closed the Summit with a water song.

2009 California Tribal Water Summit

Recommended Actions: California Native American Tribal Water Issues

Origins and Use of this Document

This list of recommendations is the result primarily of conversations at the California Tribal Water Summit, held on November 4 and 5, 2009, at the Radisson Hotel in Sacramento. Around 300 people attended the Summit, including leaders, members, and representatives from 66 Tribes, 15 Tribal organizations, 13 State agencies, and 8 Federal agencies. It also includes recommendations made in participant evaluations of the Summit; the eight Regional Tribal Water Plenary meetings held in 2008 and 2009 to prepare for the Summit; and the monthly meetings of the Summit Planning Team.

Tribal perspectives emanate from several elements: cultural, in that water is sacred, belongs to all life, and that to disrupt and destroy the ecosystems dependent upon water is to threaten the survival of Native people; legal, in that Tribes have senior rights guaranteed by Federal acts and upheld by the Winters Doctrine; and practical, in that high-quality water is necessary for domestic and economic use.

This list of recommendations was shared with the California Water Plan Update 2009 State Agency Steering Committee at their February 3, 2010, meeting, and will also be available on the main Summit website: http://www.waterplan.water.ca.gov/tribal2/tws

Note: The items in each section are not prioritized. Parentheses indicate entities that share responsibility and/or also have jurisdiction for a recommended action.

For the purposes of this list of Recommended Actions, the term "California Native American Tribe" signifies all Indigenous Communities of California, including those that are federally non-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 document includes Indigenous Communities in Oregon, Nevada, and Arizona that are impacted by water in California. Also, the State of California Tribal Consultation Guidelines, Supplement to General Plan Guidelines, uses the term, "California Native American tribe," and defines this term 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).

Water Plan Content Development

1. DWR should include public domain allotment lands in planning.
2. DWR should work with Tribes to create maps that reflect Tribal lands, hydrologic regions, and recharge areas for potable water, while respecting culturally sensitive information.
3. DWR should include Tribal boundaries and information on Geographic Information System layers used in water planning.
4. DWR should integrate Bulletin 118 on Groundwater with the Water Plan. [**DONE**]
5. DWR should establish long-term plans for managing groundwater. [**DONE**]
6. DWR should establish long-term plans for managing flood water and storm water.
7. DWR should emphasize the importance of long-term sustainability for water resources.
8. DWR should develop a new California Water Plan chapter or a separate bulletin describing status of tribal water rights and water issues for each tribe.
9. DWR Water District Bulletin. This document would include maps showing the tribal lands for each tribe, size of the tribe, nature of asserted water right, nature of proposed or actual use, etc.

California Water Plan Tribal Communication Plan and Network

10. DWR should lead interagency Tribal communication network.
11. DWR should develop a resource guide for water issues and water-related emergencies.
12. DWR together with California Native American Tribes should renew efforts to get gaming Tribes involved in water planning. See *2008 DWR Tribal Communication Plan*.

Tribal Design for the California Water Plan Update 2013

13. DWR should increase Tribal representation on the California Water Plan Advisory Committee or establish a dedicated Tribal Government Advisory Committee for the Water Plan.

14. DWR and a Tribal advisory body should discuss the potential for a future Summit.

Department of Water Resources (not Water Plan)

15. DWR should prepare a work plan for Tribal issues.
16. DWR should support the integration of Tribes in Integrated Regional Water Management Plan planning processes. (Local Governments, Tribal Governments)
17. DWR should designate an executive coordinator of Tribal issues. (Steering Committee Agencies)
18. DWR should support amending the IRWMP and/or related State bond guidelines and/or requirements to (1) allow Tribes to propose projects and receive support (technical help, training, funding, etc.) directly as part of Integrated Regional Water Management Plans; (2) to emphasize the importance of partnerships. (Other Agencies)
19. DWR should increase support (technical help, training, funding, etc.) to Tribes for groundwater assessment and planning.
20. DWR should increase support (technical help, training, funding, etc.) to Tribes for genuine participation in local planning.
21. DWR Division of Flood Management should provide support (technical help, training, funding, etc.) for Tribes to develop and strengthen their emergency preparedness plans as related to water resources (e.g., flooding, mudslide, and dam safety threats, potable water supply disruptions, fire-fighting water needs). (Cal EMA)
22. DWR should work with Tribes to improve mapping of watershed resources – including Tribal lands and floodplains – while respecting culturally sensitive information.
23. DWR should create Director's Tribal Water Advisory Committee similar to those established for the California Departments of Transportation and of Corrections.
24. DWR should provide support (technical help, training, funding, etc.) for Tribes to prepare their own water management plans. (Tribal Governments)
25. DWR should prioritize the restoration and protection of salmon and other migratory fish habitats, and thereby protect the quality of life and rights of Tribes. (Department of Fish and Game)
26. DWR should devote greater resources to protecting water resources through watershed planning. (Department of Conservation)
27. DWR should clean up the toxic mining sediments associated with major dams. (Department of Conservation, Water Boards)
28. DWR should work with Tribes to obtain federal funding for public water facilities. (Department of Public Health)

Other Agencies, the Governor's Office, and the State Legislature

In their discussions, the Planning Team emphasized the need for agencies to coordinate their efforts in order to leverage parallel activities, establish consistency, and avoid duplication.

29. **Federal Agencies and All State Agency Steering Committee Agencies** should appoint specific senior individuals to represent Tribal interests and defend Tribal rights according to the trust responsibilities set out in United States treaties, doctrines, policies, the Constitution, Spanish land grants, and other relevant documents.
30. **U.S. Bureau of Indian Affairs** should provide support (technical help, training, funding, etc.) to Tribes for water planning, water facilities, and associated advocacy.
31. **All State Agency Steering Committee Agencies** should support adding Tribes as potential grant and loan recipients through legislation. (State Legislature, Tribal Governments)
32. **All State Agency Steering Committee Agencies** should provide training and increase the financial capacity for Tribes to identify their water rights.
33. **California Emergency Management Agency** should provide support (technical help, training, funding, etc.) for Tribes to develop and strengthen their emergency preparedness plans as related to water resources (e.g., flooding, mudslide, and dam safety threats, potable water supply disruptions, fire-fighting water needs). (Department of Water Resources)
34. **California Department of Conservation** should devote greater resources to protecting water resources through watershed planning. (Department of Water Resources)
35. **California Department of Conservation** should clean up the toxic mining sediments associated with major dams. (Department of Water Resources, Water Boards)
36. **California Department of Fish and Game** should make the restoration and protection of salmon and other migratory fish habitats a priority, and thereby protect the quality of life and rights of Tribes. (Department of Water Resources)

37. **California Department of Public Health** should work with Tribes to obtain state and federal funding for public water facilities. (Department of Public Health)
38. **California Department of Transportation** should increase both federally and non-federally recognized Tribal involvement in the Department's Environmental Justice Plan.
39. **Federal Emergency Management Agency** should improve mapping of watershed resources – including Tribal lands and floodplains – while respecting culturally sensitive information.
40. **Local Governments** should support the integration of Tribes in Integrated Regional Water Management Plan planning processes. (Department of Water Resources, Tribal Governments)
41. **Water Boards** should improve Tribal involvement in Water Boards processes for any decisions directly affecting Tribal resources, including developing water flow criteria and flow standards for rivers and streams in their areas.
42. **Water Boards** should improve communication with Tribes and increase Tribal representation during the amendment of Water Quality Control Plans and regional Basin Plans.
43. **Water Boards** should provide information and training opportunities for Tribes to learn how to use Water Right Information access tools such as the electronic Water Rights Information Management System, in order to help Tribes better track legal and illegal diversions and support enforcement.
44. **Water Boards** – insofar as the Water Boards control these – should hasten the turnaround time for water quality testing results, and follow up on the results.
45. **Water Boards** should clean up the toxic mining sediments associated with major dams. (Department of Water Resources, Department of Conservation)
46. **Governor's Office** should reconcile State and Federal consultation policies.
47. **Governor's Office** should appoint Tribal representatives to Regional Water Boards and the State Water Resources Control Board. (Tribal Governments)
48. **Governor's Office** should elevate the status of existing State agency Tribal liaisons and convene quarterly meetings to discuss and prioritize key Tribal water-related issues for the Administration.
49. **Governor's Office** together with **California Native American Tribes** should establish a State Office of Native American Affairs. (Tribal Governments)
50. **Governor's Office of Planning & Research** should require County General Plans to have a water element that considers existing and future Tribal water rights and needs, and thus requires proposed development to anticipate and plan accordingly.
51. **Governor's Office and State Legislature** should appoint a Tribal member to California Water Commission and/or Delta Conservancy.
52. **State Legislature** should add Tribes as potential grant and loan recipients through legislation. (State Agency Steering Committee Agencies, Tribal Governments)
53. **State Legislature** should amend the IRWMP and/or related State bond requirements and/or guidelines (1) to allow Tribes to propose projects and receive funding directly as part of Integrated Regional Water Management Plans; and (2) to emphasize the importance of partnerships. (Department of Water Resources)
54. **State Legislature** should amend the Water Boards' 319H/State Revolving Fund eligibility requirements to allow for non-Federally recognized Tribes to apply for the non-point source pollution reduction grant money (suggestion was to reference SB 18).
55. **State Legislature** should amend the Water Code to give priority to the senior water rights of Tribes.
56. **State Legislature** should regulate groundwater use throughout California.

Tribal Governments

57. Governor's Office, together with California Native American Tribes, should establish a State Office of Native American Affairs. (Tribal Governments)
58. California Native American Tribes should endorse the United Nations Declaration on the Rights of Indigenous Peoples, and then lobby and force the State and Federal government to do the same.
59. California Native American Tribes should create watershed management plans to accurately document their needs, then work to integrate these with State plans.
60. California Native American Tribes together with DWR should renew efforts to get gaming Tribes involved in water planning. See *2008 DWR Tribal Communication Plan*.
61. California Native American Tribes should lobby the Governor's Office to appoint Tribal representatives to Regional Water Boards and the State Water Resources Control Board. (Governor's Office)
62. California Native American Tribes should lobby for the integration of Tribes in Integrated Regional Water

Management Plan planning processes. (Department of Water Resources, Local Governments)

63. California Native American Tribes should prepare their own water management plans. (Department of Water Resources)
64. California Native American Tribes should lobby for adding Tribes as potential grant and loan recipients through legislation. (State Agency Steering Committee Agencies, State Legislature)
65. California Native American Tribes should continue to work with not just federal agencies, but also State agencies and local government.
66. California Native American Tribes should seek alliances with environmental, sportsmen, conservancy, and economic groups that share common interests.

Out of Water Plan Scope

67. The endorsement of the United Nations Declaration on the Rights of Indigenous Peoples.
68. The establishment of a parallel Tribal Integrated Regional Water Management Plan process.
69. Require power companies to consult with Tribes regarding the environmental impacts of their rural power-generation and power-transmission activities.
70. The Los Angeles Department of Water and Power should mitigate the environmental impacts of diverting Owens Valley River water to Los Angeles.

Tribal Water Stories

The California Water Plan Update 2009 Tribal Communication Committee initiated a Tribal Water Stories in 2008 that the Planning Team continued. The purpose of the project was to provide all California Native American Tribes with an opportunity to tell a story about how they have been connected with water in the past and continue to be connected with water in the present. The Planning Team invited California Native American Tribes, Tribal individuals, Tribal communities, and Tribal organizations to submit a story in advance (and also after) the Summit. The stories were part of a dedicated exhibit at the Summit, and the focus of the evening banquet on November 4, 2009. Stories received before the Summit were included in the Summit Program Book. All stories are included as part of the California Water Plan Update 2009, in order to help educate thousands of State agency officials, water district managers, non-profit organizers, and members of the public throughout California.

All stories are available for viewing and downloading online at: http://www.waterplan.water.ca.gov/tribal2/tws

Day 1: Detailed Discussions

Welcome, Overview, and Opening Remarks

Ron Goode, Chairman, North Fork Mono Tribe, welcomed Summit participants and gave a brief history of the efforts that led to this first California Tribal Water Summit. In late 2007, a volunteer-based Tribal Communication Committee was convened as part of the California Water Plan Update 2009. In late 2008 the Committee transitioned into a Summit Planning Time with about 40 regular members. Tremendous energy went into repeatedly contacting every Tribe in all regions of California about the Summit. Mr. Goode emphasized the Summit is just the first step, and California State agencies are here to learn from Tribes, discuss issues, and identify how they might work together in the future. Communication between State agencies and Tribes has already improved and partnerships have formed, and these relationships will continue to improve as a result of this Summit. Mr. Goode thanked the various supporters and contributors, without whom the Summit could not have happened. He noted that these Summit proceedings and corresponding Water Stories will be included in the Water Plan Update 2009, along with the background Briefing Papers and individual Positions Papers. All materials are available online at the following address: http://www.waterplan.water.ca.gov/tribal2/ctws

Mark Cowin, Deputy Director, California Department of Water Resources (DWR), thanked the Summit participants for their time and efforts to contribute to the unprecedented event. He encouraged all participants to take advantage of the opportunity to exchange ideas and to set a standard for how Tribes and State agencies communicate. Mr. Cowin noted that legislation was passed today that will advance sustainable water management, prioritize ecosystem protection, and mandate new levels of water conservation and water quality. He explained that legislation should help to address Tribal water issues and increase access to water in Native communities. Mr. Cowin emphasized his eagerness to listen to the issues today, and to work together on the second day to identify next steps and begin working toward long-term solutions.

Kamyar Guivetchi, Manager, Division of Statewide Integrated Water Management, DWR, also welcomed participants to the 2009 California Tribal Water Summit, and state it was a pleasure and an honor and exciting to be here with people. The Summit is the first of its kind to bring together so many Tribes and State officials in one room together. It is an event that took a long time to plan – and was long overdue; it is the outcome of the vision and the perseverance of a few – and the hard work and dedication of many. The Summit is a major accomplishment, and in and of itself a good beginning, he explained. It provides an opportunity to thoroughly, passionately, and respectfully express issues, exchange ideas, and offer solutions. At the same time, he noted, by the end of the Summit participants would need to begin laying a path for collaboratively resolve California's Tribal water issues. In this regard, the Summit will inform the California Water Plan Update 2009, which focuses on water management and sustainability, as well as the Water Plan Update 2013. Mr. Guivetchi reiterated that Tribes are an essential partner in preserving and protecting ecosystems, and that the Communication Committee's 2008 Tribal Communication Plan provides the foundation for genuine Tribal participation and eventual establishment of permanent government-to-government relations.

Kamyar then reviewed the Summit goals:

- To provide a forum for Tribal Leaders and the highest State officials to discuss pressing water issues and to explore common interests and solutions.
- To increase the visibility of Tribal water concerns and educating others about Tribal institutions, history and relations with water.
- To identify training for Tribes for assessing water needs, testing water quality, and about State agency roles and responsibilities for water management and State grant programs.
- To chart a roadmap with strategies for recognizing and preserving Native Peoples' water rights and sustainable water resources.

Britta Guerrero, Summit facilitator, introduced herself and thanked the participants for their attendance. She encouraged all to contribute to the discussion either by speaking to the group or by writing their message on paper for someone else to read. Ms. Guerrero reviewed a few session norms to guide the respectful nature of the dialogue.

Issues and Positions: Rivers, Streams, Dams, and Fish

Ms. Guerrero explained that the Briefing Papers provide a general framework and starting point for discussions. After asking the author of a Briefing Paper to provide a brief summary, she explained, she would open the floor to

anyone who would like to share their Position Paper (a more detailed discussion of a topic from the perspective of an individual, a Tribe, or a Tribal organization) or make a general comment. Participants were not required to have submitted any materials in advance to participate in discussions.

Mark Franco, Winnemem Wintu Tribe, presented the Rivers, Stream, Dams and Fish Briefing Paper. He explained he wrote the paper from the perspective of a human as well as from the perspective of a fish or a bird. This paper, he elaborated, flies over California looking at things from the top and describing the way California looked before the dams were built and water divergences were made. Mr. Franco expressed that Native Americans have a more holistic view of the earth. The system has to work together, and management of the system has to take a comprehensive approach.

The facilitator then invited others to share there views on the topic.

Cecile Silvas, Pit River Tribe, shared that, through conversations she had with elders, she discovered that Native Americans were extremely advanced technologically and that Grandfather got mad because things were getting out of hand. Grandfather taught her people how to live in balance and to only use what they need. Water is the staple of life and humans will be the first to go. This Summit is an important opportunity to come together and develop solutions to the water problems.

Marcie Norton and **Mike Orcite, Hoopa Tribe**, expressed their concern over the diversions of the Trinity River away from their reservation, and the effects this has had on the ceremonies and traditions of their tribe. Mr. Orcite mentioned that most of the water "fixes" in California have included a negative outcome for his tribe. The Klamath River Dam and Restoration Agreement raised at least two concerns for the Hoopa Tribe: (1) the agreement is not based on sound fisheries science, and (2) it includes a waiver of past and future water rights.

Caleen Sisk-Franco, Winnemem Wintu Tribe, stated that the proposed raising of Shasta Dam would negatively impact her Tribe's lands. She explained that the dam has already blocked off the salmon passing upstream and forced her tribe to change their traditions. She noted that the sediments at the bottom the dam are toxic mining residues. She suggested that Federal agencies should be looking at how to remove the sediments rather than raising the dam, because every time there is storm or the earth moves, the sediments move downstream and negatively impact more people.

Brian Leahy, Department of Conservation (DOC), remarked that one of the projects he is working on is the CALFED Bay-Delta Watershed Project which has had success in restoring creeks in the Delta Watershed. He emphasized that California must think on a watershed level if it wants dependable water sources.

Mr. Franco affirmed that Tribal people need to move beyond just talking to the US Bureau of Indian Affairs (BIA), and build relationships with the State agencies that implement restoration projects such as the Department of Conservation (DOC).

Raymond Solan, Pit River Tribe, stated that because of water diversions his people have lost their salmon and have gotten in return disease such as diabetes.

Danny Jordan, Hoopa Tribe expressed concern about conflicts between State, Federal and Tribal water policy. The State of California will only recognize adjudicated water rights, meaning the senior water rights of Native American Tribes will not be recognized without their winning a law suit. Furthermore, if this did occur, it would only put a Tribe on a long list of beneficiaries of water supplies. Mr. Jordan conveyed that the current water deals (i.e., San Joaquin River Restoration Settlement Act) will allocate every drop of water in the State and posed the question, Where will Tribes get their water from in the future? He mentioned that the Central Valley Project intended that Tribes would benefit from the system, but today no Tribe has a contract with the US Bureau of Reclamation (BOR).

Ron Goode, North Fork Mono Tribe, stated that new dams do not create new water, nor do they benefit Tribes or Tribal fisheries. They promote development. For more water, one has to work with the watershed – the topic of the next session.

Bill Jacobsen, Sierra Salmon Alliance, explained that he is working on building awareness around the negative effects of dams and barriers that prevent salmon from returning upstream and the need for their removal. He explained that there needs to be an avenue created through policy to have all the voices of Tribal people in these government processes. DWR is working with Tribes to identify ways to get fish around dams and divergences; Tribes should look for opportunities to partner with other State agencies, too.

Donna Begay, Tubatulabals of Kern Valley, described her positive experience working with the Tulare Basin Integrated Regional Water Management Plan (IRWMP) process sponsored by DWR. The process is fostering relationships between regional water users and breaking down silos. Ms. Begay also mentioned that the dam in her area was built on a fault line, so now there is seepage that is degrading her Tribe's artifacts and human remains. Because her Tribe is non-Federally recognized, they depend upon their neighboring Tribes to help them.

David Ortiz, a sustainability consultant, mentioned that to protect our sacred waters and be sustainable we need to complete the circle of water and consider how it is used at every point along the way, because there are many different kinds of water such as irrigation water, drinking water, and graywater.

John Beresford, La Jolla Band of Indians, asserted that the federal government is using the Endangered Species Act (ESA) as a means to regulate his Tribe's groundwater.

Mr. Jordan agreed and added that the ESA has become a management standard which was not the intent of the act. Rather than working hard to delist these species, people are running them down to the lowest possible levels. When used as a management standard, the ESA supersedes and thus eliminates Native fishing rights.

Mr. Goode explained that Southern California Edison and Pacific Gas & Electric are raising their transmission poles to supposedly provide more "green energy" to replace hydropower, but in practice they are doing this to provide both conventional and green energy. They have also applied for additional water rights, rather than explicitly saying they are raising their dams, because they know there would be an outcry.

Irenia Quitiquit stated that there needs to be better system to access State water quality data.

Chris Partike, Third Lake Shores of California, expressed his concern over individual allotments having "dry water" rights, which means people cannot farm or live on these lands because in practice there is no water. These allotments are ignored, because the government is only talking to communities. Some programs have provided septic tanks and water lines to allotments, but infrastructure and education are still severely lacking – families are living in third-world conditions, and in 2009 do not have dependable water sources.

Lonnie Philips stated that water rights go to the person that first used the water, and as far as he knows Native Americans were the first people here and never gave up their rights to that water.

Sanford Nabahe, Lone Pine Paiute Shoshone Reservation, remarked that the Los Angeles Department of Water and Power should be here today as they are taking water from Northern California, and not taking responsibility for the associated impacts.

Issues and Positions: Watersheds

Leslie Cleveland, Bureau of Reclamation, provided an overview of Michael Connolly's paper, Watersheds of the Southern Coast. She noted that Mr. Connolly summarized important elements of contemporary water management, including the historical context of watershed issues in Southern California, recognizing the diversity of the state, and the hydrological system and indigenous adaptation. Mr. Connolly's paper also highlighted typography changes, water quantification in Tribal lands, and the connection between climate change and water quality. Mr. Connolly also encouraged Tribes to create local, regional, and statewide expertise to address water management, endangered species, water planning and management to ensure Tribal participation.

Mr. Goode shared his experience from another meeting regarding Forest Management, where a quote written on the board read, "If no one is out in the forest, and no one is using the forest, does it have value?" Mr. Goode felt this quote represented a classic "management" perspective on the environment, which reduces forests to nothing more than goods and services. He stressed that the environment always has value and cannot be managed. He shared that one can't stop the rain, but one can ask the clouds to go away, which is a part of being one with the elements.

Mark Franco, Winnemem Wintu Tribe, called Tribes to contact Tito Cervantes (cervante@water.ca.gov or 530-529-7389), who works with Tribes to create maps that reflect Tribal lands, hydrologic regions, and recharge areas for potable water. Mr. Franco underlined that sharing this information gives an accurate view of where Tribal lands are, and what the needs of those communities are. If entire watersheds are protected collaboratively by State and Tribes, it will be easier to protect communities and their sacred sites.

Donna Begay, Tubatulabals of Kern Valley, commented that watersheds are more than through-ways for water, that their condition affects the entire environment.

Sarah Ryan, Big Valley Rancheria, suggested that the State Environmental Protection Agency (CalEPA) needs learn how Tribes live with water, such as cultural water, the protection of sacred sites, and the impacts of land development on Tribal communities. She explained that the regulatory Total Maximum Daily Load (TMDL) levels are set based on data that does not include fishing Tribes' lifestyles, such as in Clearlake and the Bay-Delta. State agencies do not understand how the history of California's indigenous communities, and the conflicts they faced, continue to shape their communities.

Danny Jordan, Hoopa Valley Tribe, stated that the California Water Plan needs to address the public domain allotments' inaccessibility to water, and how reservations are left out of plans in general. Mr. Jordan noted that where water originates is a critical issue, and State agencies do not examine the problems caused by diverting water until it is too late. He asserted that agencies need to enforce and

uphold their own policies, such as the protection of water quality as set out in Section 401 Certifications.

An **unidentified Summit participant** encouraged Tribes to involve and educate their young people and grassroots community members, and flex their political power by uniting behind a movement to protect and honor their rights. She also called Tribes to modify as necessary and then endorse the United Nations Declaration on the Rights of Indigenous Peoples, then lobby and force the State and Federal government to also endorse the document, which calls for the creation of a harmonious relationship between governments.

Caleen Sisk-Franco, Winnemem Wintu Tribe, reminded the group that clear-cut logging is still a major concern, as the forests cannot replenish the waters. She also expressed that laws that threaten watersheds are passed every year without any Tribal input.

An **unidentified Summit participant** communicated that Tribes need to be informed, educated, and trained about water rights, because information is not getting to Tribes in a timely matter. State agencies should also appoint specific senior individuals to represent Tribal interests and defend Tribal rights according to the trust responsibilities set out in the U.S. Constitution.

William Speer, Shasta Indian Nation, affirmed that unrecognized Tribes must be included in dialogues with other Tribes and in State plans.

Luncheon Speakers: Tribal Water in the Future *and* Historical Documents related to California Indians and Watersheds

Oscar Serrano, Colusa Indian Community Council, presented potential impacts and issues that could affect tribal water in the future. Mr. Serrano discussed issued affecting tribes in northern, central and southern California. These items included: new storage/dams, the declining fish population, recent biological opinions, the proposed dual conveyance project and climate change. Specifically in northern California, Mr. Serrano mentioned the issues along the coast and on the Klamath River as well as the Shasta Lake Water Resources Investigation and the North of the Delta Off-Stream Storage project. In central California, primarily the Delta, Mr. Serrano discussed the endangered Delta smelt population, recent judge's decisions, biological opinions and the proposed dual conveyance project. In southern California Mr. Serrano discussed the lack of rainfall, climate change, population increase, depleted groundwater aquifers, reduced snowpack, water transfers, recycled water and water conservation. Mr. Serrano also stated that tribes should participate in the planning process with the partnering agencies implementing the specific projects and be aware of the projects and issues that could potentially impact tribal water in the future.

In a talk titled, "Recognizing the Past to Look to the Future: Historical Documents related to California Indians and Watersheds," **Kimberly Johnston-Dodds, Native American Liaison Branch, Caltrans**, presented how historical records provide important information useful to California's Indigenous peoples. Examples provided include documenting impacts on watersheds over time, connecting nineteenth century non-Native place names given to watersheds and peoples in order to research tribal and community histories, and documenting histories related to current issues and future concerns such as water rights and right-of-way ownership. Ms. Johnston-Dodds emphasized that when state, federal and local officials learn and recognize California Indian history, such knowledge provides a foundation for better relations between government officials and Tribes.

Issues and Positions: Tribal Water Rights in California

Curtis Berkey, Alexander, Berkey, Williams and Weathers LLP, presented the Briefing Paper on Tribal Water Rights (written by California Indian Legal Services). He explained that Tribal water rights are created by Federal law, although Tribes as land owners have water rights under State law as well. Tribal federal water rights are based on such Federal documents as the Winters Case of 1908. Tribal water rights state that when a reservation is created, the tribe is entitled to sufficient amounts of water to meet the primary purpose of the reservation. Quantification is based on the practicable irrigable acreage (PIA) standard which is an acre-feet per year allotment. Most reservations were created for an agricultural purpose. Tribes have to describe the crops being grown on the reservation, and prove that it is economically feasible (meaning that the crops have market value). Mr. Berkey asserted that water does not have to be used for the purpose stated it is only a standard to establish the amount of water which a reservation can claim. In a time of shortage, Mr. Berkey explained, the priority date determines which water users are entitled to water; for Tribes this corresponds with the date that the reservation was created, which usually gives Tribes the priority. Federal Energy Regulatory Commission (FERC) rights do not require continual usage of water. He explained that while Federal water rights have remained favorable for tribes, the challenge is in taking this law and turning it into an enforceable right to get results for communities now. Stream adjudication is a very long and time consuming litigious process. For more details, he encouraged participants to read the Briefing Paper, available on the main website.

Danny Jordan presented the Hoopa Valley Tribe Position Paper. It expresses that Tribes must define and document

the purpose of their lands, because otherwise their water needs will be recorded as zero. Using science to define and document these purposes is becoming the standard, and is critical to winning legal cases. If a purpose has not been identified, Tribes should have a mechanism to borrow water from surrounding lands. Tribes should consider not only their current land uses, but also their future land uses – 25 years ago the gaming industry did not exist, for example, and now it is often a major water user on Tribal lands.

Stephen Quesenberry, Morongo Band of Mission Indians, mentioned that Tribes can assert their rights without quantifying them; the Eel River water system is a successful example of this.

Cecile Silvas stated that water is today's gold, and Tribal people could be killed tomorrow just as they were over gold. Nonetheless, Tribal people have a right to water and nobody owns the water -- not Tribes, not the State, not the Federal government.

Mark Franco suggested that Tribes need to be informed, trained, and educated about water rights. The BIA has little funding for Tribal water right adjudication, and State agencies should provide funding to help Tribes adjudicate their water rights.

Walt Pettit, appointed Board Member of the State Water Resource Control Board (SWRCB), explained that there is funding available to help establish water rights.

The SWRCB has a formal process to considerer water right applications and complaints, and it is State policy to respect those rights under the Winters Case. He mentioned that the SWRCB has a booth next door staffed with representatives who can answer questions and provide information. Also attending the Summit is Victory Whitney, the SWRCB's Deputy Director of Water Rights.

Ms. Whitney explained that there is some funding available for protecting water rights. Anyone can file for free a protest against a new water rights application and anyone can file for free a complaint against an existing water user. She explained that SWRCB does not initiate adjudications, they are referred to the Board.

Debbie Davis, Environmental Justice Coalition for Water, explained that the new water legislation will require the Water Boards (the State Water Resources Control Board plus the nine Regional Water Quality Control Boards) to assess water flow criteria and prioritize flow standards for rivers and streams. She suggested this process could provide a new venue for Tribes to exercise and protect their water rights.

Mr. Goode summarized his Tribe's Position Paper, where he explained that Tribal people never relinquished their water rights and never gave them away. He advocated asserting rights to the groundwater and explained that groundwater is not regulated in California and Tribes should not allow this to happen.

One **unidentified Summit participant** mentioned that in order to be sovereign and to be sustainable, Tribes must stand on their own. This is more important than making more treaties with agencies that have a poor track record of honoring them. If all Tribes asserted their water rights, this would change California water entirely.

Mr. Jordan explained that the definition of "public trust" has changed over time, and is no longer good for balancing needs for water and needs to protect ecosystems. The greatest sources of power for Tribes are their values and responsibilities. Tribes will be the one entity that protects the watersheds and endangered species in the future.

Raymond Solan, Pit River Tribe, stated that fighting for water is an honorable fight.

Issues and Positions: Institutions/Legal/Agencies

Curtis Berkey, Alexander, Berkey, Williams, & Weathers LLP, presented his Briefing Paper, Tribal Participation in Statewide Water Planning. He summarized the paper as posing three important questions: (1) how do we get to the point where California Tribes are treated as a genuine member and important stakeholder in water issues? (2) how to change the political climate and have Tribes be true sovereign partners with the federal government? and (3) what would a statewide consultation policy include? Mr. Berkey also noted that a State Office of Indian Affairs would likely have both benefits and disadvantages. The discussion was then opened to Summit participants.

Bruce Gwynne, Department of Conservation, suggested that Tribal liaisons from key agencies could work together in place of an Office of Indian Affairs, in order to keep Tribal activities forefront in the minds of agencies.

An **unidentified Summit participant** noted that the term "consultation" needs to be specified, as each agency takes a different perspective on what it means. He asserted that all agencies need to have the same plan and contact Tribes in the same way.

Chris Peters, Seventh Generation Fund for Indian Development, recommended that everyone look beyond simply consultation, and focus instead on consent, which is advocated in documents such as the U.N. Declaration on the Rights of Indigenous Peoples. The Declaration talks about free and prior informed consent as a requirement. Mr. Peters affirmed that if the policies implemented will affect Native lands, then Tribal consent is necessary.

Tim Seward agreed a statewide consultation policy would improve consistency among agencies, because environmental concerns often involve multiple agencies acting according to different policies.

Mark Franco echoed Mr. Peters' remarks about free and prior informed consent, and highlighted the importance of consistency from agencies. He added that SB 18 (2004) does not require governments to contend with lands outside of trust lands. At the same time, he emphasized that Tribes also need to step up to work together in order to protect their culture. Tribes and Tribes' sovereignty are more than their casinos.

Donna Begay communicated that she supported the concept of a California Office of Indian Affairs, as such a venue has been successful in other states. She emphasized the importance of designing the office correctly, and defining exactly what the Office would be responsible for, such as a health program, housing, fishing rights. She noted that such an office could standardize the governance for communication and collaboration.

Cynthia Gomez, Cal EPA, recommended that the consultation process also consider landless and non-Federally recognized Tribes.

An **unidentified Summit participant** insisted that Tribes should be regarded more than consultants, but as collaborators to guide policy decisions. Tribal sovereignty should be considered and prioritized when determining senior water rights. He explained that it is easy for other agencies to avoid Tribal participation, so an Office of Indian Affairs should be given sufficient authority enforce applicable policies.

William Speer, Shasta Indian Nation, supported the idea of an Office of Indian Affairs as a centralized place to bring issues for small and large Tribes.

Connie Reitman-Solas, Inter-Tribal Council of California, recognized some of the accomplishments in Tribal leadership with then-Governor Reagan's Office of Indian Affairs. Ms. Solas articulated that the programs were successful due to the strong leadership of the individuals involved and the values and beliefs of Indian culture. She reminded the group that Indian culture has been preserved by addressing issues like housing, health, education, and water. If anything is going to happen for Indian people it will be done by Indian people by working together.

Olin Jones, Attorney General's Office of Native American Affairs, thanked the group for their comments and encouraged them to keep pursing an Office of Indian Affairs. Mr. Jones advised that an Office of Indian Affairs could also have significant internal influence within the government as well, by opening the doors for more cultural competency and political competency training.

Ms. Gomez reiterated that State agencies often do not understand Tribal sovereignty.

Sarah Ryan commented that part of the problem for Tribes trying to meaningfully participate is the lack of information on how decisions are impacting Tribal resources. Tribes do not have the same resources as State agencies to collect data and study the impacts and effects on Tribal resources. State agencies and Tribes need to form partnerships to evaluate these changes to scientifically understand the full impact on the environment.

An **unidentified Summit participant** pointed to the Summit logo, and expressed that to her, the water represents spirits and people working together like the Tribes and State agencies. She explained that everyone needed to let go and let the spirit come out, that it has been held inside too long and has been holding the Indian people down. By letting the spirit flow, things will get better.

Day 1 Closing Remarks

Britta Guerrero, Summit facilitator, explained that the objective of Day Two of the California Tribal Water Summit will be to interact with high level State agency representative and together establish a road map for the next year and for the future. Staff will compile the notes taken from the discussions today and provide a high level summary document to set the stage for tomorrow's discussion on identifying next steps.

Chris Peters, Seventh Generation Fund for Indian Development, provided the closing remarks for Day One of the CTWS. Mr. Peters first thanked all for their attendance and participation in the discussions of Day One. He expressed his hope that participants will attend the evening banquet and share their Tribal Water Stories. Mr. Peters then closed Day One with a water story from his Tribe about the hungry water serpent on the Klamath River. After telling his water story, he explained Tribal traditions are alive and strong. Indian law protects mother earth and keeps things in balance. Humans today have breached natural law and mother earth is unforgiving. Most of the environmental system is misused. Climate change is coming and people will suffer consequences for the decisions that have been made. Seventh Generation Fund considers the impact of decisions and actions on the next seven generations. It is imperative to include Native input on planning processes such as the California Water Plan, as well as legislative deliberations. Mr. Peters closed by saying that, "water is sacred, water is our ancestor, we are composed of water; when we die we go up and come back down as rain."

Day 2: Detailed Discussions

Opening Remarks and Agenda Review

Caleen Sisk-Franco, Winnemem Wintu Tribe, welcomed Summit participants to the second day of the California Tribal Water Summit. She described how Tribes took care of the land, and as more land and resources where taken away, the Tribes lived on. Society has outgrown itself, she asserted, and it is time to prioritize preserving the environment. Ms. Sisk-Franco talked about how her Tribe's spring on Mount Shasta dried up for the first time in the Tribe's history, and how businesses and agencies have taken over their lands. Archaeologists take all the artifacts, decide the land is in poor condition, and do not understand the value the land holds for the Tribe. She encouraged participants to recognize that everyone is in the situation together, and pointed to the river rocks that had been placed on each table. She explained these are the rocks the salmon choose to spawn in, that these are rocks for wishing. She asked participants to select a rock to hold in their hand, and let it teach them. Participants were asked to take the rocks home, and to think about how to get clean water running over them again, because when the salmon go, so will the Indian people.

Secretary Mike Chrisman, California Natural Resources Agency, thanked Ms. Sisk-Franco for her inspiring remarks. He explained his role in State government as overseeing the stewardship of California's natural resources, and expressed his appreciation for the Summit's attention to water issues that impact everyone's lives. Tribal perspectives are critical as the California Water Plan moves forward, and Secretary Chrisman thanked all the Tribal leaders in attendance. He noted a few achievements, including coming to a principal agreement to improve the Klamath River dams and salmon runs, and the previous day's legislation to address California's deteriorating water system. He reiterated that the Summit is critical to continuing discussions on California's water, and thanked participants for their efforts.

Director Lester Snow, DWR, also welcomed participants to the final day of the Summit. Director Snow highlighted that water management has to be different today than it has been in the past, because California is at higher risk than other places in the world. Climate change has already impacted the environment, as evidenced by the decreasing snow pack and changing storm patterns. Past hydrological performance will no longer help to reliably predict future benefits, and thus a new approach is needed to comprehensively manage California's water resources. Director Snow emphasized that every long journey begins with a first step, and everyone needs to take responsibility for water from the crest of the watershed through to the ocean. He explained that a broader view of water resource management includes a major emphasis on water conservation and diversified supplies. Many mistakes have been made in the past and there is a lot to fix, Director Snow acknowledged, but improvement takes one step a time and today is one of those.

Ms. Guerrero, Summit facilitator, thanked Ms. Sisk-Franco, Secretary Chrisman, and Director Snow for their remarks. She reminded participants of the session norms, and reviewed the agenda. She reiterated that the day's discussions would focus on identifying next steps and moving toward solutions.

Mr. Guivetchi then reviewed brief highlights of the previous day's discussion. The group had discussed issues and positions on Rivers, Streams, Dams, and Fish, Watersheds, Tribal Water Rights in the California, and Institutions/Legal/Agencies. The intent of the two-day format was to fully discuss the issues on Day 1 in order to prepare to identify next steps during Day 2. Mr. Guivetchi pointed to the last discussion item on the agenda, which focused on a "roadmap" for taking action after the Summit.

Keynote Speaker: The History of Water in California

Mark Franco, Winnemem Wintu Tribe, presented a video on his Tribe's struggles to preserve their land, cultural, and sacred places. After the video, he summarized the Tribal perspective on the importance of water. He explained water is not a commodity to sell, but rather that it was given to people so people would take care of it. To sell water would be like selling blood from one's body. He described that during the time of the Missions, the Spanish colonists understood the premise that there was enough water to share. Thousands of people did not rely on one spring, and people did not settle out in the desert. When the miners came, Tribes in the mountains were killed or forced to become slaves, their land was taken away, and habitats were destroyed for gold. Water rights were given to companies who washed the hillsides away and created massive floods because there were no more trees and rivers could no longer meander. He explained that people have now commoditized water, and today they continue to make profits from the public trust. Mr. Franco applauded Secretary Chrisman and Director Snow for their efforts for improving California's

water, at the same time as he voiced his fear that the water is going to dry up. He continued that California's water history has been filled with greed at the same time as Tribes have been neglected. Mr. Franco emphasized that progress needs to be made to remember what was lost and to note what was saved. His video showed his Tribe's experiences and how they understand the history of water. He remarked that all Tribes can relate to the experiences of his own.

Identifying Next Steps, Moving toward Solutions: Rivers, Streams, Dams, and Fish, and Watersheds

Mr. Franco then provided a short recap of the issues discussed during the first session in Day One on Rivers, Streams, Dams and Fish. He highlighted themes from the discussion including:

- Dams and the damage that they cause.
- Salmon restoration.
- Inclusion of Tribes in water planning and management processes.

Mr. Franco called for Summit participants to think in terms of solutions, for only after trying to solve the problems can participants say they have done everything they could.

Ron Goode, North Fork Mono Tribe, summarized the watershed discussion from the second session on Day One, emphasizing the theme that having dependable water requires thinking at the watershed level. He explained that the discussion of next steps is a good opportunity for Tribal people to help educate the State about how to work with water resources. He noted that the State has been operating a certain way for a long time and this will take time to change. Watershed planning processes, he emphasized, must include Tribal perspectives.

William Speer, Shasta Indian Nation, explained that his Tribe wants to take care of the land. He advocated that Tribes should be more unified around water issues. He suggested that California Native American Tribes come together and coordinate their efforts, as they share the same general problems and challenges.

Danny Jordan, Hoopa Valley Tribe, reiterated that the State only recognizes adjudicated water rights, a point he made on Day One. In his opinion this is a fundamental problem, as this policy applies solely to Native people and is discriminatory. Tribal water rights should be recognized as senior, and should protect Tribal fishing practices. The water legislation passed November 4th does not include anything on Tribal water rights because the State defers to the federal government on this matter.

Marianna Aue, SWRCB, explained that the Water Board administers many of the water rights in California, and that the Board does not have a policy to only recognize quantified water rights. She explained that there are methods to assert non-quantified water rights. One action is through the complaint process -- one can file a complaint even if it the right is not quantified. Additionally, one can file a complaint either under the public trust or under one's own water right. Third, one can protest any new water right applications that would interfere with a Tribal water right or with the public trust. She pointed out that the Board is not able to issue a declaration of one's water right and that they are bound by the Legislature. While the Board will estimate the quantification, this does not guarantee the number would hold up in a federal court case.

Sherri Norris, California Indian Environmental Alliance, declared that cleaning up toxins in the water should be the first priority, rather than diverting water.

Victoria Whitney, SWRCB, announced that the SWRCB maintains a mailing list and would be happy to notify people of actions taking place in their area either by email or mail. She clarified that a senior water right holder can exercise that right even if it is adverse to a junior permit already issued by the Board.

Mr. Goode added that the Tribal Communications Committee, formed as part of the California Water Plan Update 2009 process, also distributes information about the Update process and related activities via an extensive email list that people can join.

Cynthia Gomez, California Environmental Protection Agency (CalEPA), noted that she is working to assign one person from each Water and Air Resources Board to work on Tribal issues. CalEPA will also be implementing guides to better communicate with both Federally and non-Federally recognized tribes. She mentioned that CalEPA is also working on maps and a comprehensive database to show pollutants and toxin levels within the watersheds, which should be available in the next year.

Sarah Ryan, Big Valley Band of Pomo Indians, commented that exercising Tribal senior water rights would require more water.

Ms. Aue reiterated that if someone is extracting water and making it impossible for a senior water right holder to meet their need, then that right holder can file a complaint. If one does not have a senior water right that same type of complaint can be filed under the public trust. Additionally, if one lives directly adjacent to a water body, they can exercise a riparian right, which tends to be senior.

Miguel Hernandez, Pauma Band of Mission Indians, expressed the need for Tribal representation at the County, State and Federal levels. He also emphasized that the State

needs to have groundwater regulation. He advocated that Tribes receive funding from the Federal Stimulus Package and Federal Department of Homeland Security, as they have been nearly left out of those funding sources.

Mr. Jordan called attention to the lack of a State system or process for interacting with Tribes -- if the system was working, there would be no need for this Summit.

Bill Jacobson, Sierra Salmon Alliance, reiterated that there needs to be a State agency for Indians. Currently all agencies pass the responsibility on to other agencies or the federal government. A State office or agency for Indian affairs could coordinate these activities.

One **unidentified Summit participant** pointed out that there are people in State government that have Tribal interests and can help with questions.

Steve Archer, Big Valley Rancheria, pointed out that State agencies work with the private sector and they work with special interest groups. He wondered why the agencies are so opposed to working with Tribes. He noted that the State is not asking for the agriculture sector to conserve water and relinquish their water rights, and asked why Tribes have to do so.

Director Snow responded that the legislation passed November 4th will fund 25 additional water right enforcement positions at the Water Boards; currently there are only five such positions. Regarding conservation, Director Snow explained that it is easier to focus on urban water use, which is measured in gallons per person per day, than agricultural water use, which involves best management practices. Nonetheless, he pointed out, the legislation passed November 4th requires agricultural water users to:

» Measure the amount of water that they are using.

» Price their water based on volume.

» Prepare a plan that determines which best management practices they will implement, based on what is locally cost effective and feasible.

Director Snow mentioned that private businesses and agriculture also have complaints about DWR, which is why the Department has expanded its historical "add-and-subtract" approach to water planning to a collaborative approach that can meet many goals simultaneously.

Stephen Quesenberry, Morongo Band of Mission Indians, mentioned that Tribes acquiring new lands should be treated as municipalities, and should be able to use water for beneficial uses rather than just those tied to the water right. There should be flexibility for Tribes to choose the way that they use their water.

Mark LeBeau, California Rural Indian Health Board, stated that the California Water Plan does not account for Tribal water rights. He proposed that Tribes ask California leadership to support actions of Tribes to adjudicate their federal water rights, and thereby ensure that Tribal people have access to what they deserve.

Jerry Johns, DWR, built on the comment from Day One about the need for Tribes to move beyond the U.S. Bureau of Indian Affairs, and to build relationships with State agencies to conduct restoration. Mr. Johns pointed out that State agencies and Tribes have a lot in common. For example, DWR is also trying to promote stewardship. Regarding the protection of water rights, he noted it is up to the holder to make sure that their right is not infringed upon. He suggested that Tribes become involved in the Integrated Regional Water Management Plan planning processes, which aim to create regional solutions to water, land use, and climate change issues. Tribes would benefit from being included in the plans, and other regional water users would benefit from Tribal input.

Mr. Leahy explained that changing the water system back to being nature-based will require a grassroots effort, and for all stakeholders to work together to educate California's citizens about how to use and treat water as a resource.

Charlotte Hodde, Planning and Conservation League, added that the legislation passed November 4th created a new council to manage the Delta, with seven appointed positions. She suggested that a Tribal representative should be appointed to one of those positions. She emphasized that agencies would benefit from the long-term knowledge, input, and vision of Tribal representatives.

Mr. Franco suggested that Tribes meet with representatives from the California Natural Resources Agency and its departments, and design a consultation process as well as advocate for Tribal inclusion on the Agency's various steering committees. Mr. Franco advocated for a Tribal IRWMP process to be established.

Eagle Jones, Redwood Valley Rancheria, noted that most of the Tribal leaders are meeting with President Obama in Washington, D.C., and hence not in attendance. Mr. Jones encouraged all representatives to brief their Tribal leaders on the discussions that have taken place at the Summit.

Ms. Guerrero momentarily stepped out of her role as facilitator and spoke about recent federal health care legislation. She noted that the American Recovery and Reinvestment Act includes a section on protection of Tribal people, and calls for states to develop a consultation process. This consultation process will be required for anything that affects the health status of Indian people, including water.

Richard Boylan, Candidate for the El Dorado Irrigation District Board, asked if it would be possible for the

Tribes along the Sacramento River to file a class action complaint against the permits that have been issued.

Ms. Aue explained that the Tribes can file a joint complaint or each Tribe can file an individual complaint. She is not sure that they can file a class action lawsuit.

An **unidentified Summit participant** pointed out that when the State gaming initiatives were proposed, California Native American Tribes came together to endorse candidates who supported the initiatives, and got them passed. With 110 Tribes in California, Tribes can influence policy by reaching out and encouraging Tribal people to vote for candidates that represent their interests.

Mike Connolly, Kumeyaay Nation, explained that he has helped to coordinate a Tribal water consortium in San Diego County. They have treated water rights as a separate issue because it is so large and has so many ramifications. They also have actively engaged in the County's general plan update process, and in the Water Plan Update process.

Caleen Sisk-Franco conveyed that non-Federally recognized Tribes are denied aid from the BIA, and are not included in mailing lists or information sharing.

Luncheon Speaker: Water as Sacred

Eagle Jones, Redwood Valley Rancheria, presented his experiences as a technical advisor for Tribal communities throughout California on water and wastewater activities, as part of his work for the Rural Communities Assistance Corporation. He brings his understanding of water as sacred to address challenges in domestic water usage, as well as traditional and cultural usage. Mr. Jones summarized his work addressing contaminated water supplies, as well as working with passionate people concerned with water resources on Tribal lands. He encouraged Tribes to educate their youth about their struggles to protect water. He asked Summit participants to remember to treat the Earth well, that it was loaned to us by our children, not given to us from our ancestors.

Keynote Speaker: Tribal Water Rights in California

Monty Bengochia, Bishop Paiute Tribe, presented a slideshow of Owens Valley and described corresponding efforts to lobby for Tribal water rights in Southern California. Mr. Bengochia emphasized we all need to be more responsible for the environment and take a larger view of how we are all connected. He communicated the importance of understanding how the Earth was created, and that all life has a right to life and water, including plants, animals, and people. As stewards and caregivers of Mother Earth, all people have the right and responsibility to manage water in order to support plants, animals, and people. Mr. Bengochia talked of a time when people could talk with animals, and though we cannot anymore, all rights to water need to be protected.

Mark LeBeau, California Rural Indian Health Board, referenced the United Nations Declaration on the Rights of Indigenous Peoples, highlighting that the document protects the right to traditionally-held resources for indigenous communities.

Identifying Next Steps, Moving toward Solutions: Tribal Water Rights in California, and Institutions/Legal/ Agencies

Leslie Cleveland, U.S. Bureau of Reclamation, reviewed highlights from the previous day's discussion. She strongly encouraged all participants to bring their ideas forward in order to assist DWR develop constructive next steps.

Kamyar Guivetchi, DWR, reminded the group that over 20 agencies are involved in the California Water Plan Update 2009, thus no one agency has the authority or ability to change all the issues that need to be addressed. The roadmap will have to pertain to all agencies.

Danny Jordan, Hoopa Valley Tribe, raised concern that the State does not look at Indian communities as true partners. He stressed that a proactive Water Plan is needed, and that the Federal government, State government, and Tribal governments need to collaborate. The California Legislature is setting policies for the next century, including plans for a peripheral canal, but Tribes have not been consulted. A State Office of Indian Affairs is needed, and all levels of government should work together to involve Tribes.

Director Snow clarified that the bond passed the previous day does not include any language promoting a peripheral canal. The bond passed the previous day is very similar to Proposition 84 regarding watershed protection funds.

Douglas Garcia, U.S. Bureau of Indian Affairs, requested that the State honor Tribal governments, and recognize that most Tribes do not have the same planning capacity as the State of California. While the State may plan out 10 years in the future, Tribes have limited funds and must deal with the most immediate concerns facing their communities. He encouraged the State to protect groundwater basins and making funds available to Tribes to address their water issues.

Dan Bacher, Fishsniffer Magazine, expressed his concern for the State's disrespect for Tribal fishing rights and practices. Tribes who harvest seaweed, mussels, and abalone have had these traditional rights abrogated in the name of the Marine Life Protection Act.

Donna Begay, Tubatulabals of Kern Valley, inquired about what will be done for Tribes who are continuing the process of becoming Federally recognized. She shared her efforts to compile family trees to prove her Tribes' membership, and further shared her hopes that securing water rights will become less arduous. Ms. Begay expressed appreciation for DWR's endeavors to involve Tribes, but recognized that there are still administrative barriers before Tribes can be fully involved. She also suggested a California Secretary for Sacred Resources.

Mr. Jordan commented on the convoluted nature of California's State agencies, and the obstacles posed to Tribes when the agencies do not communicate with each other. He shared his Tribe's experiences with determining the legal rights of Indians to fish in State and Federally-contracted hatcheries. Having to focus on clarifying these regulations has taken attention away from more important questions about the ecological differences of wild stock and hatchery stock fish.

Roadmap for Addressing Tribal Water Issues

Cecile Silvas encouraged participants to consider the ideas from the United Nations Declaration on the Rights of Indigenous People that Mark LeBeau mentioned.

Walt Petit, SWRCB, explained that Water Boards staff were able to get the answer to a question asked earlier in the discussion. The U.S. Bureau of Reclamation has issued permits for the Central Valley Protection Project, and corresponding petitions were filed in September. The 30 day protest period has expired. However, anyone who is interested can extend that protest period and those petitions.

Jule Rizzardo, SWRCB, spoke about federally-funded programs through the Water Boards. She explained that 319H is a non-point source pollution reduction program which exists every year regardless of the budget. Solicitation opens next week. She mentioned that for the first time, this year there is money set aside for planning projects, not just implementation projects.

One **unidentified Summit participant** asked what the eligibility requirements are to apply. Ms. Rizzardo explained that for 319H and the State Revolving Fund, the California Environmental Protection Agency is directed that only Federally recognized tribes are eligible as the lead. Non-Federally recognized Tribes can partner with Federally recognized tribes. She mentioned that partnerships make proposals more competitive.

Mr. Franco remarked that this arrangement implies that his Tribe is incapable of filling out a grant application on its own. He mentioned that Tribes in California are different and the State needs to consider and trust the responsibility of all its Native people.

Ms. Begay suggested that the State use the inclusive definition from California Senate Bill 18 (2004), which refers to Federally recognized tribes and those listed with the list maintained by the California Native American Heritage Commission. She explained that this language has already been vetted.

Mr. Guivetchi mentioned that the Water Plan uses Senate Bill 18's definition. Changing topics, he explained that a number of action items have been raised during Summit discussions. He then invited Director Snow to speak about the main points he gathered from the discussion, and what actions he saw as priorities or things that DWR could work on in the coming year.

Director Snow began by expressing how much confidence DWR has in Mr. Guivetchi and the work he has done on the California Water Plan Update. Director Snow explained that he will rely on Mr. Guivetchi to prepare a work plan for next steps based on the Summit. Director Snow pointed out that a lot of the problems are not just Tribal -- the water rights program is arcane and is constant struggle for stakeholders and the Legislature to understand.

Director Snow noted that one theme of discussion involved communication about legislative issues and communication with the Legislature, and the need for a Tribal communication network. Director Snow noted that DWR has an existing Tribal communication network, and can work with other State agencies to expand the network so that Tribes can have better access to the whole system.

Additional next steps that Director Snow noted were (1) the need to include Tribal boundaries and information on Geographic Information System layers used in water planning, (2) the need to reconcile State and Federal consultation policies, and (3) the need to integrate Tribes in the Integrated Regional Water Management Plan planning processes. Director Snow suggest that DWR can pursue having a high level person to be a coordinator of Tribal issues.

Mr. Franco clarified that it was not only that Tribes wanted to be incorporated into the existing IRWMP process, but that they would like a Tribal IRWMP process to be established as well.

Mr. Archer pointed out how important it is to get the gaming Tribes involved in this process.

Ms. Begay mentioned that she is involved in developing the California Department of Transportation's Environmental Justice Plan, which includes both Federally and non-Federally recognized Tribes. She remarked how important it is that Tribes come together on this effort. Ms. Begay thanked Director Snow for attending and mentioned that his priori-

ties and next steps were right on track. She suggested that the Summit Planning Team help to prioritize the suggested actions and next steps.

Mr. Gwynne mentioned the importance of collaborative watershed projects and planning. He would like to see collaboration between stakeholders in land use and water use decision-making processes.

Ms. Sisk-Franco stated that her Tribe has not been able to meet with the Department of Fish and Game about getting the salmon to return to the river. However, they have been able to meet with DWR. She explained that the salmon need cold water in the rivers immediately.

An **unidentified Summit participant** suggested that a next step was for all people need to begin considering the environment and creating non-polluting jobs and technology.

Ms. Begay expressed concern that Tribes are considered under the Environmental Justice umbrella, when Tribes are actually sovereign nations. She noted the importance of DWR's decision to include Tribes in water planning processes as sovereigns.

Summit Proceedings and Closing Remarks

Mr. Guivetchi thanked Summit participants for their thoughtful comments and noted the several methods of documentation, including video, photography, flipcharts, and laptops. He explained that a draft Proceedings document will be reviewed by the Summit Planning Team, with a final document expected in late January. This document will be included in the California Water Plan Update 2009 and widely distributed throughout California, including to anyone interested who could not attend the Summit.

Ron Goode asked the group to take a moment of silence in tribute to Melvin Carmen, a member of the Summit Planning Team who recently passed away. Mr. Carmen played an influential role in the Water Plan developing a new strategy around forest management, including meadow restoration. In recognition of his efforts, the California Water Plan Update 2009 will dedicate its Forest Management chapter to him. This is the first time a Water Plan chapter has been dedicated to anyone. He also thanked all the donors, supporters, volunteers, and workers for their efforts to put together the Summit.

Mr. Goode announced that the doors are opening for all California Native American Tribes, and now everyone must walk through and join the others at the table. He recognized the frustrations of participating, but asked that everyone set aside their anger. If Tribes do not speak up, they will not be heard. The National Park Service and the U.S. Forest Service have improved and work increasingly with Tribes, and now the State of California must be trained to do the same. If the policies in place were working, then there would not have been a need for the Summit. Mr. Goode repeated a few quotations from the two days' discussions, including challenging everyone to take a new approach to water, and recognize that water rights is not just about people, but also plants, animals, and fish. He emphasized educating children to understand the history and sacredness of water, because future generations have to understand where water comes from, where it goes, and what it is supposed to do. The information presented and the discussions were tremendous, but the real work begins with implementing everything that has been laid out. Mr. Goode encouraged everyone to listen to the water and how it whispers, and closed the Summit with a water song.

Analysis of Summit Evaluations

The California Tribal Water Summit solicited evaluations from all Summit participants, in order to help improve future Summits, and to examine how well the goals of the first Summit were achieved. Thirty-seven of approximately 284 participants turned in evaluations. Although the number of respondents was small, they provided important feedback to help guide the design of the next Tribal Water Summit. Evaluation responses are analyzed in the following section. The Tribal Water Summit Planning Team discussed the need to develop strategies to encourage more responses in the future.

The Tribal Water Summit Planning Team's Research and Evaluation sub-committee (hereafter, sub-committee) grouped evaluation questions into categories of question types, and grouped responses into specific sub-categories. The sub-categories, such as "Planning/Action," "Program Change," and "Education," were used to develop possible action items. For example, under the question category of

	Summit Evaluation Questions	Ranking Received			
		Yes	**No**	**Undecided**	**Comments**
A. Participants' Open Comments to Planners					
11	My top three priority issues for future Summits are:	Open Comments (56)			
16	How can we best ensure that Tribal issues and concerns are included in planning the 2013 California Water Plan?	Open Comments (20)			
17	General Comments and Recommendations	Open Comments (21)			
B. From High to Low Rating: Comments to Planners					
5	The speakers and discussion around Rivers, Dams and Fish were valuable.	27	2	4	11
7	The speakers and discussion around Tribal Water Rights were valuable.	27	3	4	10
4	The speakers and discussion around Water As Sacred were valuable.	23	3	6	10
6	The speakers and discussion around Watersheds were valuable.	22	6	5	8
14	The Summit met its goal of raising the visibility of Tribal water concerns – including highlighting partnerships and successes, educating State, Local, and Federal officials, and academic institutions about Tribal institutions, history and relations.	21	7	5	11
8	The speakers and discussion around Legal/Agency were valuable.	18	8	5	7
12	The Summit met its goal of proving an opportunity for the highest Tribal and State government officials to discuss policy issues, and explore common interests and solutions.	13	13	6	16
15	The Summit met its goal of educating Tribes about State agency roles and responsibilities for water management and State grant programs.	10	13	10	12
13	The Summit met its goal of charting a "roadmap" with strategies for preserving Native water rights and the sustainable management of water resources.	7	12	9	11
C. Summit Facilitation and Logistics					
1	It was easy for me to register for the Summit.	30	4	0	7
2	It was easy for me to reserve a room at the Radisson.	12	3	2	3
3	The information and materials helped me prepare for the Summit.	20	5	7	11
9	The agenda was well-designed.	22	3	5	7
10	The discussions were well-facilitated.	25	3	3	6
18	Keep updated about future Tribal Water Summits.	Contact information provided			

"Participants' Open Comments to Summit Planners," the sub-committee placed a comment about the importance of traditional burning in the subcategories of Planning/Action, Policy, Participation, Environment, Cultural Resources, and Education, and noted that the comment needed to be shared with agency representatives.

To further facilitate the development of action items from the evaluations, the sub-committee rated each response on a scale from 1 to 5. Comments ranked 5 would require a legal and/or governance change, and comments ranked 1 would require a simple program change. The comment on traditional burning, used as an example above, was rated 5 because it would require a legal/governance change to recognize the importance of such burning for increasing water quality and quantity.

By categorizing comments by both general topic area, and then by level of response required, the sub-committee was able to create a detailed matrix that will enable future planners to pinpoint what changes need to be made, and who needs to be involved to make those changes.

Evaluation Questions

The California Tribal Water Summit 2009 evaluation included three categories of questions: A) Participants' Open Comments to Summit Planners, B) From High to Low Rating - Yes/No/Undecided & Comments to Planners, and C) Summit Facilitation and Logistics. Listed below are these categories and specific questions that were asked on the evaluation.

The sub-committee reviewed the specific comments and ranking of these responses to provide the following summary of this evaluation. Categories A and B resulted in short to long term strategies and issues to address and category C is for future Tribal water summit planning.

Category A: Participants' Open Comments to Planners

Overall, there are important issues and ideas that will require long-term planning, legal or legislative support, and funding resources. However, there are on-going educational

RATING: 1 thur 5 (1 could easily address in water plan or program change - 5 would requires extensive legal/governance change)

11	My top three priority issues for future Summits are:	Rating	Planning/ Action	Policy	Program Change	Legal	Participation (Tribes, State, Feds)	Environment, Animals /Fish	Cultural Resources	Education	Funding	Appre-ciation	Commu-nication
l.	Implementation of Watershed plans - counties have to comply! Zoning	5	X	X	X	X							
n.	Water Rights Process/ Water quality standards - state should support Tribal efforts and not oppose Tribal Water standards	5	X	X	X	X							
q.	CWP must include Tribal allocation of water	5	X	X	X	X	X						
r.	Ensure Indigenous allocation of water in the CWP	5	X	X	X	X	X						
u.	Seat on the Water Board	5	X	X	X		X				X		
v.	BIA's responsibility	5	X	X	X	X	X						
z.	How springs are disappearing everywhere and they support edible plant resources	5	X					X	X	X			
aa.	How Indian burning affected snow pack melt off to increase water in steams and lakes for salmon	5	X	X			X	X	X	X			
bb.	Tribal water rights	5	X	X	X	X	X						
cc.	Fish	5						X					
dd.	Removal of Dams	5	X	X		X							
pp.	Has CA Indian Water Policy been developed-if so, how has it worked and why	5	X	X	X	X	X						
rr.	Coalition for Tribal Water Rights protections	5	X			X	X			X	X		
aaa.	Take legal action against the state	5	X			X	X						
k.	Indian interest and CA interest, regarding public trust responsibilities for managing resources	4	X	X	X	X							
m.	Funding - Tribes need to have access to State Funds	4	X				X				X		
s.	Develop a Native Water Board/Committee that includes all indigenous people and lands	4	X	X	X		X				X		
t.	More policy/agency personnel	4	X	X	X						X		
w.	Enhance framework through which Tribal water rights can be articulated	4	X	X	X	X							
x.	Strengthen the role of Tribes as equal players in water rights issues	4	X	X			X						
y.	Respect for land and other resources for the present and future generations	4	X					X	X	X			
gg.	Stopping private business corporations from buying water	4	X	X		X	X	X		X	X		

and effective communication and outreach efforts that can immediately address some the issues and ideas that were identified. For category A – each of the questions were reviewed and commented on by the DWR-TCC Research and Evaluation Subcommittee. The DWR-TCC or evolving DWR-TCC and/or Tribal Advisory Committee will need to continue with "vigilant stance regarding water, culturally, sustainability, quality, access, and the right to water for everyone equally, but we must strive for the Tribal underserved populations."

Question 11: My top three priority issues for future Summits are…

The responses fall into nine different sub-categories: Planning/Action, Policy, Program Change, Legal, Participa-

11	My top three priority issues for future Summits are:	Rating	Planning/ Action	Policy	Program Change	Legal	Participation (Tribes, State, Feds)	Environment, Animals /Fish	Cultural Resources	Education	Funding	Appre-ciation	Commu-nication
ll.	Resources for legislation	4	X			X	X						
xx.	San Diego County Tribes, 18 reservations, more than any county	4	X				X						
g.	More commitments from States	3		X			X						
h.	Higher level State officials in attendance and actively involved in dialogue	3					X						
j.	CA Water Code: how irrigation districts obtained their water rights and how Tribes negotiate with these districts that are state authorized and strategies	3	X	X		X	X			X			
ii.	Water pollutions and clean-up at home	3	X				X	X		X			
kk.	Making sure my Tribe understands and responds to water protection	3	X		X		X	X	X	X	X		
mm.	State water board at meeting	3	X	X	X		X						
nn.	Include federal senior officials	3	X	X	X		X						
qq.	Collaborative watershed projects with Tribal and non-Tribal	3	X	X	X		X	X	X	X	X		
ss.	Working Lands and Water	3	X										
tt.	To share equal issues for Northern, Central, and Southern California	3	X				X			X			
uu.	Some recognition of unrecognized Tribes	3	X				X						
vv.	Training to effectively engage agencies and legislators	3	X	X	X		X			X	X		
ww.	Southern California Tribal Interests and Needs	3	X				X						
yy.	History of land diversions, water rights, and the role of local, State, Federal agencies and how we get to where we are today	3	X				X			X	X		
zz.	One nation of Tribes for California recognized 109 and none recognized	3	X				X						
bbb.	Retain our water and our indigenous responsibility to Mother Earth	3	X				X	X	X	X	X		
eee.	State/Tribal policy regarding Water rights	3	X	X						X	X		
e.	Education - Public/Tribal/State/Fed	2	X							X			
f.	More interactions with State officials	2					X						
ee.	North and South helping each other	2	X				X						
oo.	What ha been done since first Summit	2	X										
ccc.	Follow up with the Summit and next steps	2	X										
a.	Review of follow-up actions	1	X										
b.	Progress in transitions to specific problems	1	X										
c.	Fact-check statements	1	X										
d.	Involve recognized and unrecognized Tribes	1	X	X	X		X						
i.	Water resources and land management planning benefits -why!	1	X										
o.	Location next time maybe Southern California	1	X										
p.	Speakers	1	X				X						
ff.	Local Tribal entertainment	1	X										
hh.	Support for our warriors who make the Summit happen	1					X						
ddd.	Update and review Tribal/Federal/State water input	1	X										

tion (Tribes, State, Feds), Environment and Animals / Fish, Cultural Resources, Education, and Funding. Most comments are Planning/Action and Participation. The planning component can take into account both the logistical planning for the next Summit and thinking about how to ensure that participants leave with a sense of having accomplished something (whether that is learning more about how to address an issue, gaining a tool for making change, or establishing a partnership that they can continue to work on in order to make a positive change). This list can be part of a "drawing board" for the next Summit, in terms of integrating the comments into either sessions, papers, or workshops, and/or figuring out how to organize some events throughout the year that address these comments. Some of the comments are directives that could be analyzed or discussed at the Summit, with the participation of officials (i.e., seat on the water board). The Summit participants acting as a lobbying group with a resolution requesting some of these actions may be effective. Some of these points also get at lessons that need to be shared with agency folks (such as the importance of burning and traditional management techniques). Rankings range from 5 (more long-term) to 1 (short-term).

Question 16: How can we best ensure that Tribal water issues and concerns are included in planning the 2013 California Water Plan?

The responses fall into six different sub-categories: Planning, Participation, Funding, Program Change, Policy, and Communication. Most responses included the need for ongoing participation, planning, and communication. Many of these issues and concerns can be addressed through policy,

RATING: 1 thur 5 (1 could easily address in water plan or program change - 5 would requires extensive legal/governance change)													
16	How can we best ensure that Tribal issues and concerns are included in planning the 2013 California Water Plan?	Rating	Planning/ Action	Policy	Program Change	Legal	Participation (Tribes, State, Feds)	Environment, Animals /Fish	Cultural Resources	Education	Funding	Appreciation	Communication
iv.	Obtain a strong and binding State position on how the state recognizes Tribal governments and Indian citizens in a government to government relationships	4	X	X	X		X						X
vi.	Allocate for Tribal/non-Tribal lands	4	X	X	X		X						
vii.	We need a seat on the Water Board!	4	X	X	X		X						
x.	May some radical steps	4		X	X		X						
xvi.	Need more Tribal consultation	4	X	X			X						X
xviii.	Expand Native American liaison role and new office. Get new job position and announcement for higher level than management	4	X	X	X						X		
xix.	Communication on all activity regarding State and Federal changes to all areas of Tribal lands and parks/beaches	4	X								X		X
ix.	I like the idea of the position/briefing papers, Tribal water stories, and forums-such as the Summit - covering all the bases. Perhaps more regional meetings around the state structure like the Summit	3					X				X		
xv.	Meet with each Tribe. Separate federally recognized Tribes, State recognized, unrecognized Tribes, and their issues. Also address allotted land issues	3	X				X				X		X
xvii.	Invite all; public notices for all to see; keep communications open! Seek Tribal participation	3	X				X						X
iii.	Get started now, have Tribes involved equally in all levels of the process	2	X		X		X				X		X
xiii.	Keep raising issues and concerns and see how many are understood and acted upon	2					X						X
xx.	One Day Summit on one main topic	2	X										
i.	Keep participating	1					X						
ii.	Please obtain a more current contact list and advertise on internet (Tribal groups), email Tribes, whatever it takes to spread the word!	1											X
v.	Keep in touch-you have a great system in place (email, website, mail)	1			X		X				X		X
viii.	More consultation, information-sharing, and feedback	1	X				X				X		X
xi.	Using the internet to possible advertise the event in the Native newspaper	1					X						X
xii.	Stay in contact with Summit committee. Get the work out to my Tribe and surrounding Tribes about water issues	1					X						X
xiv.	Start planning now-have a summit in Southern California, have a team now, continue input by all Tribes	1	X				X						

funding, and Tribal participation. A combined effort of DWR and the DWR-TCC and/or Tribal Advisory Committee would have to work together in prioritizing and communicating strategies to address these ideas.

Question 17: General Comments and Recommendations

The responses fall into five different sub-categories: Planning, Policy and Program, Participation and Networking, Appreciation, and Other / Statement. It is recommend that a few priorities and action steps be defined, and the Tribal Water Summit provided the groundwork for that by putting certain issues on the table. Education needs to continue throughout the year, so that this list of priorities can be narrowed into action points. It is important to note that the Summit not replace consultation (point xv), but open the door for much improved consultation. The purpose of the Summit is education and communication; learn-

RATING: 1 thur 5 (1 could easily address in water plan or program change - 5 would requires extensive legal/governance change)

17	General Comments and Recommendations	Rating	Planning/ Action	Policy	Program Change	Legal	Participation (Tribes, State, Feds)	Environment, Animals /Fish	Cultural Resources	Education	Funding	Appre-ciation	Commu-nication
iii.	The Department of Interior needs to be included in this dialogue and process	4	X	X	X		X						
iv.	The Tribes really need to organize and move as a united force. Pick a few top water priorities and take action	4					X						
v.	Stop the genocide of Indigenous People!	4											
xvi.	Get a list of non-recognized Tribes and Recognized Tribes in CA and united them on water issues	4	X				X						
xiii.	Become active and involved	3					X						
xv.	Ned to explain water rights and how each agency plays a distinct and unique role. Need to discuss the history of water rights and water law. Understand that Tribal Summit does not equal or replace consultation	3	X										
i.	It would be helpful to have more unstructured time, so that people can form individual relationships and more particular conversations	1	X				X						
ii.	Thank you!	1										X	
vi.	Overall-it was a nice conference-a lot of Indians! Good! Next time, maybe the meeting can be on a Thursday and Friday	1	X									X	
vii.	Overall good workshop, well organized, very informative	1	X									X	
viii.	Have more informal networking situations - where people can exchange business cards, ideas, and for collaborations	1	X				X						
ix.	Have the next convention/ Summit at a local Tribal casino	1	X										
x.	Thank you water warriors for all your hard work and help!	1	X									X	
xi.	I believe this meeting was a place where some Tribal people can voice their concerns and be heard. This is a good step in the right direction. Summit was very organized and facilities were decent. Thank you.	1	X									X	
xii.	This meeting is very good. If I had to score it out of 1 - 10, I would give it a 10. The people that organized it did an excellent job. They should keep it up, actually have more of these types of meetings sooner	1	X									X	
xiv.	We touched on many issues that bled into each other. Next Summit may want to have an extra day, great dialogue.	1	X										
xvii.	Wonderful. Best conference I have ever been to in 30 years	1	X									X	
xviii.	Good food and treats, thanks! Good stepping stone to this huge problem and planning.	1	X									X	
xix.	Great job planning team	1	X									X	
xx.	I wish we hadn't spent the time to read so many Day 1 comments to the group on day 2. Brief Summaries would have been better.	1	X										
xxi.	Mark Franco, Ron Goode, Danny Jordan-awesome! I would have appreciated more specific insight and direction from them; in terms of their experiences and recommendations for change. This was a great forum; I pray change is eminent, Thank you!	1	X									X	

ing and starting to develop partnerships; and then taking action on priorities. We also appreciate the calls for more unstructured time; where a lot of communication happens and relationships are built, but it is difficult to have enough networking time when so much needs to be covered. The last point made regarding "direction from some of the speakers," mirrors comments given in other sections about participants' desire to leave with tools, strategies, and plans for specific actions that they can take after the Summit.

Category B: From High to Low Rating - Yes/No/Undecided & Comments to Planners

Question 5: Were the Speakers and discussion around Rivers, Dams, and Fish valuable?

The educational aspect of the speakers/discussion was much appreciated, in terms of listeners gaining an increased understanding of "functions of dams" and how this "affects water ways." Perhaps in the next Summit speakers could address the cost-benefit analysis of improving structures or removing them; and the scope of consultation regarding fish management and water diversion.

Question 7: Were the speakers and discussion around Tribal Water Rights valuable?

There is an appreciation for the education provided, particularly on Tribal water rights. There is a need to provide more information on allotments, and specific strategies on what to do. One recommendation regarding the education on individual tribal water rights/ allotment water rights, might be to organize break-out sessions on different types of tribal water rights, with each session focused on a category of water rights, and featuring examples from different tribes and/or allotments.

Question 4: Were the speakers and discussion around Water as Sacred valuable?

This topic was very appreciated, at least by those who filled out the evaluations. We also hope the section on Water as Sacred provided some education to the state and other non-Native entities participating.

Question 6: Were the speakers and discussion around Watersheds valuable?

This area seems appreciated, but there is also a higher number of "No" comments. There is a need to provide definitions and not acronyms. The Watershed section is an important part of the Summit, because it provides a more holistic look at the water issues as they pertain to land stewardship, and the question of land stewardship brings us to ownership, ecology, and access to culturally sensitive lands. If we see the need for increasing understanding of tribal water rights, this also draws attention to the need to understand Native land rights. That is important for agencies to hear, and for activists to always be making those links for recognition of their holistic stewardship of the lands, and how that stewardship also affects water quality and quantity.

5	The speakers and discussion around Rivers, Dams, and Fish were valuable:	Planning/ Action	Policy	Program Change	Legal	Participation (Tribes, State, Feds)	Environment, Animals /Fish	Cultural Resources	Education	Funding	Appre-ciation	Commu-nication
i.	Most already known - could have been more concise (preaching to choir)											
ii.	Comments from attendees were very good											
iii.	Fish management and water diversion-Tribal interest/ need their input included. What level of consultation and how their interests are given consideration and acknowledged? The SWRCB is appropriating water (junior water rights), how will or will the SWRCB notice Tribes regarding these appropriation actions!		X	X		X						
iv.	CA should evaluate the dams/etc -natural resource impacts/ energy production. Cost of balance or improving the structures	X		X								
v.	One statement: "Let us learn to look at water as if through the eyes of a fish or a bird." Protect Mother Earth											
vi.	They keep the fish from getting to some of us and keep the rivers from cleansing themselves											
vii.	I have a greater understanding of functions of dams and this affects water ways								X			
viii.	Not clear, not productiv											
ix.	No, I agreed with speakers. No more dams because our fish are dying		X		X	X						
x.	Enjoyed all comments and input											
xi.	Definitely											

7	The speakers and discussion around Tribal Water Rights were valuable:	Planning/ Action	Policy	Program Change	Legal	Participation (Tribes, State, Feds)	Environment, Animals /Fish	Cultural Resources	Education	Funding	Appre-ciation	Commu-nication
i.	Could have been more concise											
ii.	A summary and salient points within the briefing/ positions papers need to be analyzed for how water rights interest and information can be shared with State and Tribal government and individual Indians -public domain allotments (put on website)	X				X						
iii.	When is the war on Tribal water rights issues going to end		X		X							
iv.	Federal law, as far as I know, is above State law		X		X							
v.	Information very important								X			
vi.	I have to ask my Tribe what our water rights are. All who shared was interesting and powerful								X			
vii.	Fair but not focused on how or what to do											
viii.	Yes! I agree that Native people need to unite and take back our responsibility					X						
ix.	Good discussion											
x.	Still a big game and too may gaps											
xi.	Definitely											

4	The speakers and discussion around Water as Sacred were valuable:	Planning/ Action	Policy	Program Change	Legal	Participation (Tribes, State, Feds)	Environment, Animals /Fish	Cultural Resources	Education	Funding	Appre-ciation	Communi-cation
i.	Comments from attendees were very good											
ii.	Water discussions and impactions to fisheries resources											
iii.	We need to determine how to move forward on protection of our waters - Water is Life!!	X				X						
iv.	Yes, we all know as natives it is what keeps us alive and must be kept clean											
v.	Most of the speakers were great. Caleen Sisk-Franco, superb											
vi.	Very powerful comments, especially from the Tribal people											
vii.	Not clear, not productive											
viii.	Enjoyed speakers											
ix.	Very good participation											
x.	Absolutely											

6	The speakers and discussion around Watersheds were valuable:	Planning/ Action	Policy	Program Change	Legal	Participation (Tribes, State, Feds)	Environment, Animals /Fish	Cultural Resources	Education	Funding	Appre-ciation	Commu-nication
i.	Forests/meadows/wetland provides habitats that act like filters for water. Protection of these areas is critical								X			
ii.	Learned about water issues within the watersheds as they affect and impact Tribes								X			
iii.	More definitions on water and not use acronyms											
iv.	Helped me understand how watersheds affect all of life and ways								X			
v.	Not clear, not productive											
vi.	Water is indigenous people											
vii.	Protect all the watersheds and headwater											
viii.	Without question											

Question 14: The Summit met its goal of raising the visibility of Tribal water concerns – including highlighting partnerships and successes, educating State, Local, and Federal officials, and academic institutions about Tribal institutions, history, and relations with water?

There were concerns that 12 out of 33 responded either "No" or "Undecided" about whether the Tribal Water Summit goals were met. The state and federal representatives present in the summit were not clearly identified. Recommendation: at the next Summit there should be a panel of combined federal and state representatives with a Tribal panel to discuss key topics. Most of the suggestions fall into the Planning/Communication and Participation categories. How do we support the development of more partnerships, and ways to share them at the Summit? Given that this was the first Summit, it is possible that more partnerships will develop now, given the education that occurred at the Summit? How do we keep tabs on whether or not this is happening, and plan for how to focus on it at the next Summit? Do we need workshops on tools for developing these partnerships, with examples of emerging best practices? Such a workshop or session could include presentations from a variety of perspectives, including the different parties to the partnership, the lawyers who helped craft the agreements, and others.

DWR-TCC has been successful in assisting DWR with improved outreach and communication with California Tribes. This was "an unprecedented challenge and the results will never be final as Tribal governments constantly change, but never before has the state DWR ever amassed such information" without the TCC.

According to the participants' sign-in sheet, there were many high level water agency people present. Recommendation: We heard from some participants and planners, there should have been informal time set aside for introductions and private conversations. A time slot for this could be after the main session and before the banquet. Perhaps we could also post Department of Water Resources staff names and contact information on the main floor screen.

Question 8: Were the speakers and discussion around Legal/Agency valuable?

Participants appreciated the speakers regarding legal issues and agencies actions (past, present, and future). However, there is a need for more education and learning in this topic area. Recommendation: There is a need for tools and solutions, perhaps this can be the emphasis of the second Summit (i.e., the first day we lay out issues - as many can be

14	The Summit met its goal of raising the visibility of Tribal water concerns – including highlighting partnerships and successes, educating State, Local, and Federal officials, and academic institutions about Tribal institutions, history, and relations with water:	Planning/ Action	Policy	Program Change	Legal	Participation (Tribes, State, Feds)	Environment, Animals /Fish	Cultural Resources	Education	Funding	Appre-ciation	Communi-cation
i.	A good start											
ii.	Would have been nice to hear more about highlighting partnerships and successes	X										X
iii.	Excellent conversations on this											
iv.	This was excellent. I learn about many Tribal issues											
v.	Our water warriors work very hard and consistently with no pay											
vi.	I believe visibility was raised. Consciousness has been open to all											
vii.	State and Federal senior official did not attend, except Chrisman and Snow on second day					X						
viii.	What partnerships were developed? NONE. Only Tribal leaders present and a few mid level agency staff	X										X
ix.	All Tribes must work for rights of water for Tribes					X						
x.	Yes- very good											

8	The speakers and discussion around Legal/Agency were valuable	Planning/ Action	Policy	Program Change	Legal	Participation (Tribes, State, Feds)	Environment, Animals /Fish	Cultural Resources	Education	Funding	Appre-ciation	Communi-cation
i.	Took home a lot of information											
ii.	Exactly what to do when and how											
iii.	I'm still trying to make sense of how the agencies are helping Tribes											
iv.	Fair but not focused on how or what to do											
v.	We as Native people need to unite as a legal power to gather as one nation		X		X							
vi.	Need CA office of Indian Affairs-very needed!		X	X	X					X		
vii.	I would hope to hear more on possible solutions-moving forward (future summits)											

done in one day, and on the second day we focus on solutions, tools, best practices, etc).

Question 12: The Summit met it goal of providing an opportunity for the highest Tribal and State government officials to discuss policies issues, and explore common interests?

There was a large number (19 out of 29) of "No" and "undecided". The schedule is always going to be a challenge. Is there a way we can know the schedule of when these water laws/regulations are going to be voted on, so as to organize before the vote (since votes are often in November, having the Summit in October or earlier, as was discussed at the planning meeting, seems like a good idea). On the comment regarding a strong voice, what if the Summit made it a point to come up with a resolution at the end of the meeting? The flow chart is a great idea, and could be included in the packet. The Program and Policy point is important, and could be included in a resolution point stating the need for not pushing tribes into existing processes, which are inappropriate for tribes as sovereigns (recognized or unrecognized, still sovereign). And the points are well taken regarding: pushing harder for Schwarzenegger to attend. Maybe in an election year we can get either some gubernatorial candidates, or Schwarzenegger? And how can we structure their involvement so as to get meaningful participation from Schwarzenegger and/or other candidates--going beyond talking points to actual collaboration and solutions?

According to participant sign-in there were many high level water agency people present. There is also a need to

12	The Summit met its goal of proving an opportunity for the highest Tribal and State government officials to discuss policy issues, and explore common interests and solutions:	Planning/ Action	Policy	Program Change	Legal	Participation (Tribes, State, Feds)	Environment, Animals /Fish	Cultural Resources	Education	Funding	Appre-ciation	Communi-cation
i.	Need more State/Fed											
ii.	Scheduling time was horrible. Highest Tribal government were meeting with Obama, highest state officials were passing water laws without Tribes, who were here											
iii.	Solutions are difficult - although a summary of existing Indian water settlements and rights claims that Tribal needs								X			
iv.	Thanks for having the top State natural resource directors here. What was actually accomplished?											
v.	Arnold Schwarzenegger should have been here or at least addressed the Tribal Summit via video address											
vi.	Could have pre-identified the agency who were attending - so we know what table to target	X										
vii.	Government officials gave some hope for inclusion of Tribes in their conversations -collaboration. Need a strong voice (coalition formation) form both federal and non federal recognized Tribes.					X						X
viii.	Yes - but would have like more agency input											X
ix.	So-so as far as state government officials											
x.	It would be helpful to develop a chart where agencies, state and Federal levels are. Possible a flow chart of how it now and what we want it to look like. Also, a definition of terms in the program											X
xi.	All shots called at the table											

15	The Summit met its goal of education Tribes about State agency roles and responsibilities for water management and state grant programs:	Planning/ Action	Policy	Program Change	Legal	Participation (Tribes, State, Feds)	Environment, Animals /Fish	Cultural Resources	Education	Funding	Appre-ciation	Communi-cation
i.	No real State presentations to respond to specific problems, probably not timely for first meetings											
ii.	A good start											
iii.	A State summary of how SWRCB and DWR processes can informal Tribal governments about how to get Tribes involved in managing water resources								X			X
iv.	Do this on continuous basis - emails, newsletters, committees, etc. More consultation needed											X
v.	The Summit did a great job											
vi.	I think agencies are going to go back to their people and say Tribal people are not going to back down											
vii.	Hard to define the "machine"											
viii.	No State roles and responsibilities were presented											
ix.	Fair- some good information available, most not much											
x.	Need more information and communication											
xi.	Need more understanding of next steps											
xii.	State too defensive!											

provide more networking time between Tribes and Federal/ State Officials.

Question 15: The Summit met its goal of educating Tribes about State agency roles and responsibilities for water management and state grant programs?

There were more "No" and "Undecided" than "Yes" (23/33), so this is a good point for us to focus on. Water in California is a complex system. The idea of having regular updates throughout the year (continuous e-mail/ newsletters, etc.) is a good one, but do we have the ability to do this? Are there ways to organize a couple of trainings for Tribal representatives and agency representatives throughout the year regarding the state agency roles and responsibilities and state grant programs, and how these may interface with tribal concerns and needs? Is there an agency that should be taking on a responsibility for this--Native liaisons/ outreach positions? How can we encourage these liaison folks to make sure the information gets out to all of the Native constituents involved in the Summit?

Important to note: there was water bond legislation passed the day before summit without as much as a" whisper" from Tribes. Getting Tribal input was not considered during the development of this historical piece of legislation that will be voted on in 2010 by the California voters. Improved methods of information sharing and Tribal input for legislation must be shared by State and Tribal governments – to promote outreach, more transparency and improved management protocols.

The U.S. Bureau of Indian Affairs must also be involved in the state's water planning efforts.

Question 13: The Summit met its goal of charting a "roadmap" with strategies for preserving Native Water right and the sustainable management of water resources?

Again, many "No" comments. Lets keep in mind that this is a tall order, given the complexity of the situation. Still, what could we improve? The point on forming a group/ council to secure Tribal water rights is well taken, but how can we be active in supporting that, and making sure it includes all constituents (recognized, unrecognized, allottees, etc.)? There is also a theme that relates to other comments regarding "people wanting an understanding of the agencies' responsibilities, the opportunities for tribes, tribal water rights; and then developing (throughout the year) strategies to move forward, including building partnerships to ensure that tribal water rights and water interests are recognized and protected". The Summit is a starting point, the once/year (perhaps) big meeting, but how do we keep the education and communication (of both tribal and agency constituents) going throughout the year? Do we network with agency Tribal Liaisons, Tribal leaders/ environmental professionals, lawyers, policymakers, and environmentalists, to develop communication tools (newsletters, etc.), trainings, and regular strategy sessions?

At this time we can discuss next steps; these include more than just planning the next Summit, but rather, continuing legislative updates, establishing a permanent Tribal cabinet level voice, integrating communication between agency jurisdictions (and eliminating territorial boundaries that frustrate Tribes), assisting Tribes and Tribal communities "about and with" GIS information, and providing legislative education, including curriculum, updates, and information sharing.

13	The Summit met its goal of charting a "roadmap" with strategies for preserving Native water rights and the sustainable management of water resources:	Planning/ Action	Policy	Program Change	Legal	Participation (Tribes, State, Feds)	Environment, Animals /Fish	Cultural Resources	Education	Funding	Appreciation	Communication
i.	Central Valley Project: this needs to be examined. Reservations are not obtaining the benefits of plumbing systems. Tribal needs are not than high AF/year!	X										
ii.	We all know that water rights are critical to secure but majority of the Tribes do not have the financial resources to go through the long process									X		
iii.	More time and consultation needed for streamlining this process											
iv.	Yes, I think it's a great start											
v.	Prioritize yes, not so much a roadmap	X										
vi.	We'll have to see if discussion leads to meaningful action											
vii.	Talk, meetings, and promises do not yield results. A group or council needs to be formed to act politically to secure Tribal water rights	X										
viii.	It's a start											
ix.	No roadmap developed. State leaders were not present. Same staff players from planning meetings and local meetings											
x.	We need more education and water information on responsibilities as indigenous people	X										
xi.	We are ready for water planning vs. old water stories. Let's deal with modern and proactive steps											

The DWR-TCC planning team must maintain an ever-vigilant stance regarding water, culturally, sustainability, quality, access, and the right to water for everyone equally, but we must strive for the underserved Tribal population. The planning team with the proper funding should try to continue building relationships with Tribes, Native government organizations, public agencies and private industry as well. The water wars shall escalate and the gap will widen among those that can afford it and those than cannot.

Category C: Summit Facilitation and Logistics

Overall, summit facilitation, location, accommodations, and format were very good for this Tribal water summit. There were positive comments regarding having Native Americans monitoring and speaking, facilitation expertise, support of DWR and inter-actions on the water summit topics.

	Summit Evaluation Questions	Ranking Received			
		Yes	**No**	**Undecided**	**Comments**
C. Summit Facilitation and Logistics - good for next round of summit planning					
1	It was easy for me to register for the Summit.	30	4	0	7
2	It was easy for me to reserve a room at the Radisson.	12	3	2	3
3	The information and materials helped me prepare for the Summit.	20	5	7	11
9	The agenda was well-designed.	22	3	5	7
10	The discussions were well-facilitated.	25	3	3	6
18	Keep updated about future Tribal Water Summits.	Contact information provided			

Final 2009 Summit Attendance (Includes Walk-Ins)

	FirstName	LastName	Organization
1	Allen Eo	Adams	United Auburn Indian Community
2	Mary	Adelzadeh	Stewardship Council
3	Anecita	Agustinez	Ag's Office of Native American Affairs, and Navajo
4	Lesley	Albright	California Department of Water Resources
5	Jared	Aldern	Planning Team Member
6	Anna	Aljabiry	DWR
7	Kat	Anderson	USDA Natural Resources Conservation Service
8	Russ	Anderson	Cleanwater Vision
9	Curtis	Anderson Jr.	Robinson Rancheria Citizens Business Council
10	John	Andrew	DWR
11	Arthur	Angle	Enterprise Rancheria
12	Steve	Archer	Tribal Communication Committee - Pomo
13	Debra	Armus	Berry Creek Rancheria
14	Marianna	Aue	State Water Resources Control Board
15	Daniel	Bacher	Fish Sniffer Magazine
16	Alan	Bacock	Big Pine Paiute Tribe of the Owens Valley
17	Isabel	Baer	State Water Resources Control Board
18	Rachel	Balalnti	DWR
19	Jamie	Banales	Bureau of Reclamation
20	Denise	Banker	Ca Emergency Management Agency
21	Meadow	Barr	California Trout; College of the Siskiyou
22	Marie	Barry	Washoe Tribe of Nevada And California
23	Miles	Baty	Big Sandy Rancheria
24	Reuben	Becerra	Round Valley Indian Tribe
25	Monty	Bengochia	Bishop Paiute Tribe
26	John	Beresford	La Jolla Band of Luiseno Indians
27	Curtis	Berkey	Alexander, Berkey, Williams & Weathers Llp
28	Lisa	Beutler	Center For Collaborative Policy, CSUS
29	Lonnie	Bill	Cold Springs EPA
30	Richard	Billy	Hopland Band of Pomo Indians
31	Eunice	Boomelyn	Smith River
32	Dr. Richard	Boylan, Ph.D.	Candidate, El Dorado Irrigation District Board, DI
33	Sharon	Branham	Hoopa Valley Tribe
34	Robin	Brewer	DWR
35	Paula	Britton	Habematolel Pomo of Upper Lake
36	Viola	Brooks	Hupa/Yurok/Karuk
37	Batsulwin	Brown	Elem Indian Colony
38	Mary	Brown	DO Unity Coalition
39	Monica	Brown	Pinoleville Pomo Nation
40	Chris	Bujalski	BIA
41	Kimberly	Cameron	Ft. Mojave
42	Richard	Campbell	Coyote Valley Band of Pomo Indians
43	Debbie	Carlisle	DWR
44	Sylvia	Cates	Department Of Water Resources
45	Xavier	Cervantes	Ca Dept. of Water Resources
46	Jay	Chamberlin	DWR
47	Evon	Chambers	Water Plan Advisory Committee Member
48	Devin	Chatoian	Federated Indians of Graton Rancheria
49	Yolanda	Chavez	United Auburn Indian Community
50	Charlotte	Chorneau	CSUS, Center For Collaborative Policy
51	Mike	Chrisman	Secretary, California Resources Agency
52	Sirirat	Chullakorn	Kashia Band of Pomo Indians of the Stewarts Point
53	Donna	Clark	Susanville Indian Rancheria
54	Harold	Clarke	Bishop Paiute Tribe
55	Alex	Cleghorn	California Indian Legal Services
56	Leslie	Cleveland	Bureau of Reclamation
57	Robert	Columbro	Shingle Springs Band of Miwok Indians
58	Lois	Conner	North Fork Mono Tribe
59	Pauline	Conner	North Fork Mono Tribe
60	Michael	Connolly	Laguna Resource Services, Inc.
61	Allen	Cooperrider	Hopland Band of Pomo Indians
62	John	Corbett	Yurok Tribe Legal
63	John	Covington	Morongo Band of Mission Indians
64	Mark	Cowin	Department of Water Resources
65	Gretchen	Cox	Big Sandy Rancheria
66	Earl	Crosby	Karuk Tribe
67	Barbara	Cross	California Department of Water Resources
68	Tina	Curry	Cal EMA/Ca Water Plan Advisory Committee
69	Debbie	Davis	Environmental Justice Coalition for Water
70	Thomas	Davis	Agua Caliente Band of Cahuilla Indians
71	Shelly	Davis-King	Davis-King & Associates
72	Jacquie	Davis-Van Huss	California Association of Tribal Governments CATG
73	Sandra	Delgado	United Auburn Indian Community
74	Dan	Demoss	California Rural Water Association
75	Sara	Denzler	Department of Water Resources
76	Betty	DeOcampo	Fort Mojave
77	Michael	Despain	Mechoopda Indian Tribe
78	Francisco	Dominguez	Karuk Tribe
79	John	Dunnigan	California Department of Water Resources
80	Greybuck	Espinoza	Viejas Band of Kumeyaay Indians
81	Megan	Fidell	Department of Water Resources
82	Thomas	Filler	Department of Water Resources
83	Nancy	Finch	Department of Water Resources
84	Troy	Fletcher	Yurok Tribe Legal
85	Manuleto	Flores	Pit River Tribe Cultural Committee
86	Monti	Flores	Pit River Tribe
87	Shannon	Ford	Scotts Valley Band of Pomo Indians
88	Dorian	Fougeres	Center For Collaborative Policy, CSUS
89	Mark	Franco	Winnemem Wintu Tribe
90	Ted	Frink	Department of Water Resources
91	April	Garcia	Fort. Mojave Indian Tribe
92	Douglas	Garcia	DOI Bureau of Indian Affairs
93	David	Gensaw	Yurok Tribe
94	Merv	George	U.S. Forest Service
95	Janis	Gomes	U.S. EPA
96	Cynthia	Gomez	CalEPA
97	Cuauhtemoc	Gonzalez	Governor's Office of Planning and Research

98	Ron	Goode	North Fork Mono Tribe
99	Loretta	Greycloud	Inter-Tribal Council of California, Inc.
100	Julie	Griffith-Flatter	Sierra Nevada Conservancy
101	Louis	Guassac	Mesa Grande Band of Mission Indians
102	Britta	Guerrero	San Carlos Apache
103	Kamyar	Guivetchi	Ca Department of Water Resources
104	Bruce	Gwynne	Planning Team Member
105	Clayton	Haas	Department of Housing & Community Development
106	Dustin	Hardwick	California Rural Water Association
107	Christina	Harrison	Robinson Rancheria
108	Lynelle	Hartway	Washoe Tribe of Nevada and California
109	Ralph	Hatch	Ione Band of Miwok Indians
110	Lisa	Haws	Viejas Band of Kumeyaay Indians
111	Bobbie Jo	Henry	BIA
112	Brian	Hermo	Greenville Rancheria
113	Miguel	Hernandez	Pauma Band of Mission Indians
114	Charlotte	Hodde	Planning & Conservation League
115	Dale	Hoffman-Floerke	DWR Divison of Environmental Services
116	Curtis	Horsman	Morongo Band of Mission Indians
117	Allie	Hostler	Hoopa Valley Tribe
118	Michael	Hostler	Trinidad Rancheria
119	Chris	Howard	Elk Valley Rancheria, California
120	Charlotte	Hunter	Bureau of Land Management
121	Rudy	Inong	Grindstone Rancheria
122	Wendy	Ireland	Kawaiisu
123	W. Grey	Iron	Crow Creek Sioux
124	David	Jaber	Innative Resurgence
125	Bill	Jacobson	Sierra Salmon Alliance
126	Jerry	Johns	DWR
127	Kimberly	Johnston-Dodds	Native American Liaison Branch, Caltrans
128	David	Jones	Cortina Indian Rancheria
129	Eagle	Jones	Redwood Valley Rancheria
130	Olin	Jones	Attorney General's Office of Native Amer. Affairs
131	Daniel	Jordan	Hoopa Valley Tribe
132	Gita	Kapahi	State Water Resources Control Board
133	Angela	Karst	Table Mountain Rancheria
134	Chris	Keithley	Department of Forestry & Fire Protection
135	Nevina	Kinlahcheeny	Navajo
136	Joann	Koda	Bureau of Indian Affairs, S. California Agency
137	Patti	Kroen	Department of Water Resources DHCCP
138	Heidi	Krolick	Stewardship Council
139	Richard	Lavell	North Fork Mono Tribe
140	Brian	Leahy	Ca Dept. of Conservation, Land Resource Protection
141	Mark	LeBeau	CA Rural Indian Health Board
142	Jeffery	Lee	Cold Springs Tribe
143	Cheryl	Levine	Big Pine Paiute Tribe of the Owens Valley
144	Faustina	Lopez	Greenville Rancheria
145	Stephanie	Lucero	Idrs, Inc.
146	Roselynn	Lwenya	Buena Vista Rancheria
147	Ruthie	Maloney	Yurok and Navajo
148	Judy	Marks	Colfax-Todd's Valley Consolidated Tribe
149	Sandra	Marks	Miwok, Maidu, Nisenan
150	Robert	Marquez	Cold Springs Tribe
151	Rosanna	Marrujo	Owens Valley Indian Water Commission
152	Jesse	Martinez	Pit River Nation
153	Rosa	Martinez	Pit River Nation
154	Shaunna	McCovey	Yurok Tribe
155	Christina	McCready	Department of Water Resources
156	Shelley	McGinnis	United Auburn Indian Community/AES
157	Lauren	McNees	California Dept. of Forestry And Fire Protection
158	Nancy	Mertz	Nor Rel Muk Wintu
159	Beth Rose	Middleton	U.C. Davis
160	Lacie	Miles	Greenville Rancheria
161	Michael	Milhiser	Morongo Band of Mission Indians
162	Dr. Donna	Miranda-Begay	Tubatulabals Of Kern Valley
163	Goody	Mix	Berry Creek Rancheria
164	Anthony	Modrigal	NAHC
165	Lewis	Moeller	Department of Water Resources
166	Christina	Mokhtarzadeh	Bureau of Indian Affairs, S. California Agency
167	Brian	Moniz	Department of Water Resources
168	Fernando	Mora	The Americas Group
169	Rose	Mose	California Indian Heritage Council
170	Juliete	Nabahe	Bishop Paiute Tribe
171	Sanford	Nabahe	Lone Pine Paiute-Shoshone Reservation
172	Cynthia	Naha	Lone Pine Paiute Shoshone Reservation
173	Marty	Natividad	Buena Vista Rancheria
174	Yvonne	Ned	Mishewal Wappo Tribe of Alexander Valley
175	Merlin	Nevmillen	BIA
176	Rebecca	Nicholas	Department of Water Resources
177	Saunthy	Nicolson-Singh	Department of Water Resources
178	Sarah	Norris	Ione Band of Miwok Indians
179	Sherri	Norris	CA Indian Environment Alliance
180	Ken	Norton	Hoopa Valley Tribe
181	Marcellene	Norton	Hoopa Valley Tribe
182	Matt	Nottey	DWR
183	Tracy	O'Campo	United Auburn Indian Community
184	Heather	Olsen	Sioux Nation Film Commission
185	Kayla	Olvera	Inter-Tribal Council of California, Inc.
186	Pilar	Onate-Quintana	KP Public Affairs, Barona Band of Mission Indians
187	Mike	Orcutt	Hoopa Valley Tribe
188	David	Ortiz	Planning Committee
189	Virgil	Oyos	Mesa Grande Band of Mission Indians
190	Yamira	Palacious	Pit River Nation
191	Elizabeth	Patterson	California Water Plan
192	Jessica	Pearson	Department of Water Resources
193	Chuck	Peck	Sierra Foothill Conservancy
194	David	Pegos	CA Dept of Food & Ag
195	Chris	Peters	7th Generation Fund for Indian Development
196	Walt	Pettit	State Water Resources Control Board
197	Jamie	Pike	GuiDiville Band of Pomos
198	Caitlin	Plantaric	Department of Water Resources
199	Darrin	Polhemus	State Water Resources Control Board
200	Steven	Prout	Colfax-Todds Valley Consolidated Tribe
201	Clyde	Prout III	Colfax-Todds Valley Consolidated Tribe
202	Stephen	Quesenberry	Morongo Band of Mission Indians
203	Irenia	Quitiquit	Scotts Valley Band of Pomo Indians
204	Rick	Ramirez	Department of Water Resources
205	Christopher	Reeves	U.S. Bureau of Indian Affairs
206	Emily	Reeves	Yocha Dehe Wintun Nation
207	Connie	Reitman-Solas	Inter-Tribal Council of California, Inc.

208	Tanya	Reyes	Inter-Tribal Council of California, Inc.
209	Ida	Riggins	Pit River Tribe
210	Patricia	Rivera	Bureau of Reclamation
211	Jule	Rizzardo	State Water Resources Control Board
212	Daniel	Rockey	Sherwood Valley Rancheria
213	Carla	Rodriguez	Big Valley Band of Pomo Indians
214	Isaias	Rodriguez	Big Valley Rancheria
215	Mike	Rodriguez	Luiseno
216	Thomas	Rodriguez	La Jolla Band of Luiseno Indians
217	Jose	Romero	Pit River Nation
218	Sarah	Ryan	Big Valley Band of Pomo Indians
219	Virginia	Sajac	DWR
220	Gerald	Sam	Bridgeport Indian Colony
221	Joseph	Sam	Bridgeport Indian Colony
222	Gwen	Samat	Cold Springs EPA
223	Arrow	Sample	Big Sandy Rancheria
224	Ralph	Sanchez	Ione Band of Miwok Indians
225	Richard	Sanchez	DWR
226	Damon	Sandoval	Morongo Band of Mission Indians
227	Jonas	Savage	Trinidad Rancheria
228	Mike	Schaver	Elem Indian Colony
229	Al	Schiff	CPUC
230	Amber	Schmaeling	Planning and Conservation League
231	Kyle	Self	Greenville Rancheria
232	Oscar	Serrano	Colusa Indian Community Council
233	Timothy	Seward	Hobbs, Straus, Dean and Walker
234	Judy	Sharp	North Fork Mono Tribe
235	Dale Ann	Sherman	Yurok Tribe
236	Susan	Sherry	Center For Collaborative Policy, CSUS
237	Javier	Silva	Sherwood Valley Rancheria
238	Cecelia	Silvas	Pit River Tribe
239	Joshua	Simmons	Santa Ynez Band of Chumash Indians
240	Chris	Simon	MREC
241	Landon	Simon	Middletown Rancheria
242	Ralph	Simon	Yurok Tribe
243	Helene	Sisk	Winnemem Wintu Tribe
244	Caleen	Sisk-Franco	Winnemem Wintu Tribe
245	Caitlin	Sislin	Women's Earth Alliance
246	Clifton	Skye	U.S. Forest Service, Modoc National Forest
247	Raymond	Sloan	Pit River Tribe
248	Laurie	Smith	California Emergency Management Agency - Cal EMA
249	Lester	Snow	None Provided
250	Erick	Soderlund	Department Of Water Resources
251	Lynda	Speer	Pomo
252	William	Speer Sr.	Tribal Summit Committee Member
253	Russ	Stein	Department Of Water Resources
254	Crista	Stewart	Greenville Rancheria
255	Theresa	Stone	Bishop Paiute Tribe
256	Mark	Stretars	State Water Resources Control Board
257	Dolly	Suehead	United Auburn Indian Community
258	Lavina	Suehead	Colfax Todds Valley Consolidated Tribe
259	Judith	Talbot	Center For Collaborative Policy, CSUS
260	Amyann	Taylor	Yocha Dehe Wintun Nation
261	Mike	Thornton	The Sierra Fund
262	Ken	Tipon	Federated Indians of Graton Rancheria
263	Ralph	Torres	Ca Department of Water Resources
264	Jeannette	Tuitelle	Sierra Foothill Conservancy
265	Nicole	Ugarte	Center For Collaborative Policy, CSUS
266	Tasha	Valenzuela	North Fork Mono Tribe
267	Loretta	Vanegas	U.S. Environmental Protection Agency
268	Consuela	Vargas	Pit River Nation
269	Bryanna	Vaughan	Bishop Paiute Tribe
270	Vernon	Ward	Pit River Tribe
271	Jonathan	Whipple	Buena Vista Rancheria
272	Christine	White	State Water Resources Control Board
273	Jerri	White Turtle	Todd Valley Miwok-Maidu Cultural Foundation
274	Victoria	Whitney	State Water Resources Control Board
275	Reweti	Wiki	Elk Valley Rancheria, California
276	Eric	Wilder	Federated Indians of Graton Rancheria
277	John	Williams	United Auburn Indian Community
278	Damian	Willson	UC Davis
279	David	Wooten	U.S. Fish and Wildlife Service
280	Charlie	Wright	Cortina Indian Rancheria
281	Darlene	Yazzie	Lawrence Livermore National Laboratory
282	Patricia	Yonemura	Ione Band of Miwok Indians
283	Randy	Yonemura	Summit Comm. Member
284	Brigette	Zellner	Todd Valley Miwok-Maidu Cultural Foundation