



IN REPLY REFER TO:

United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Pacific Regional Office
2800 Cottage Way
Sacramento, California 95825

JAN 6 2012

California Water Commission
P.O. Box 942836
Sacramento, CA 94236-0001

Dear Commissioners:

Thank you for the opportunity to review and comment on the "Description and Screening of Potential Tools and Methods to Quantify Public Benefits of Water Storage Projects, Department of Water Resources, December 2011" (Draft Report).

The following comments and issues are provided by Bureau of Indian Affairs, Pacific Region, (BIA) regarding the Draft Report written in response to the Safe, Clean, and Reliable Drinking Water Supply Act of 2012 (the Act). The Act, if approved by voters in 2012, would allocate \$3 billion for public benefits associated with water storage projects.

BIA is concerned that neither the draft report nor the Act has reference to any benefits or negative impacts (and possible irretrievable losses) to Indian trust resources, cultural values, or traditional cultural properties. The only reference remotely related to these issues is a single paragraph in the executive summary titled Non-Economic Benefits:

"Many benefits cannot easily be quantified in monetary terms. Some cannot be valued because the physical amount of change cannot be assessed. Others cannot be valued because, even if the amount of physical change can be estimated, no reliable study or method exists to estimate the corresponding economic value. Nevertheless, all benefits should be counted, even if they cannot be expressed in physical or economic terms."

Water storage projects may contribute to monetary and non-monetary benefits to federally recognized Tribes. However, the consequences of these projects are highly likely to impact Tribes in ways not expressed in physical or economic terms.

Surface storage projects inundate lands that may include Indian trust resources, cultural values, or traditional cultural properties. The new inundation may result in unmitigable destruction in whole or part these significant resources. While these losses may not stop a project, they need to be considered from the beginning of the planning process and

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throughout the life of the project. These non-economic factors must be included to responsibly compare projects for funding.

The following has been added to provide a common understanding to the important issues of Tribes referenced in this letter.

Indian trust resources consist of certain real property, natural resources and related rights, held in trust by the federal government for federally recognized Indian Tribes or individual Indians. Trust resources attributed to tribes are called "tribal" trust resources, and trust resources attributed to individual Indian landowners (allottees) are called "individual" trust resources. Some tribes have the right to use trust resources that are transitory or migratory in nature and that move beyond the reach of federal or tribal management (e.g., fish and water). In such cases, it is a tribe's right to use the resource that is the trust resource, but does not necessarily exclude other users from access to the resource.

Cultural values related to a tribal way of life centered on rivers and lakes are composed of myriad values, styles, practices, resources, and items transmitted and evolving through time that together define the unique identities of the Native American cultures. Cultural values more specifically can be described as the unique manner in which tribal people access, take, prepare, administer, consider and otherwise use natural resources in unique tribal ways. To the extent that such resources and related values are diminished by ecosystem degradation, related cultures are also degraded and cultural transmissions become inhibited, which can contribute to the detriment of the mental, spiritual, and physical health of the Indians affect by the actions

A Traditional Cultural Property (TCP) is defined as a property eligible for inclusion in the National Register "because of its association with cultural practices or beliefs of a living community that (a) are noted in that community's history, and (b) are important in maintaining the continuity of the community (Parker and King 1998)".

If you have any questions, please contact Charles T. Jachens, Regional Hydrologist, at (916) 978-6049 or Ron Recker, Regional Natural Resource Officer, at (916) 978-6065.

Sincerely,



Regional Director