

Tribal Engagement in the Delta Conveyance Project

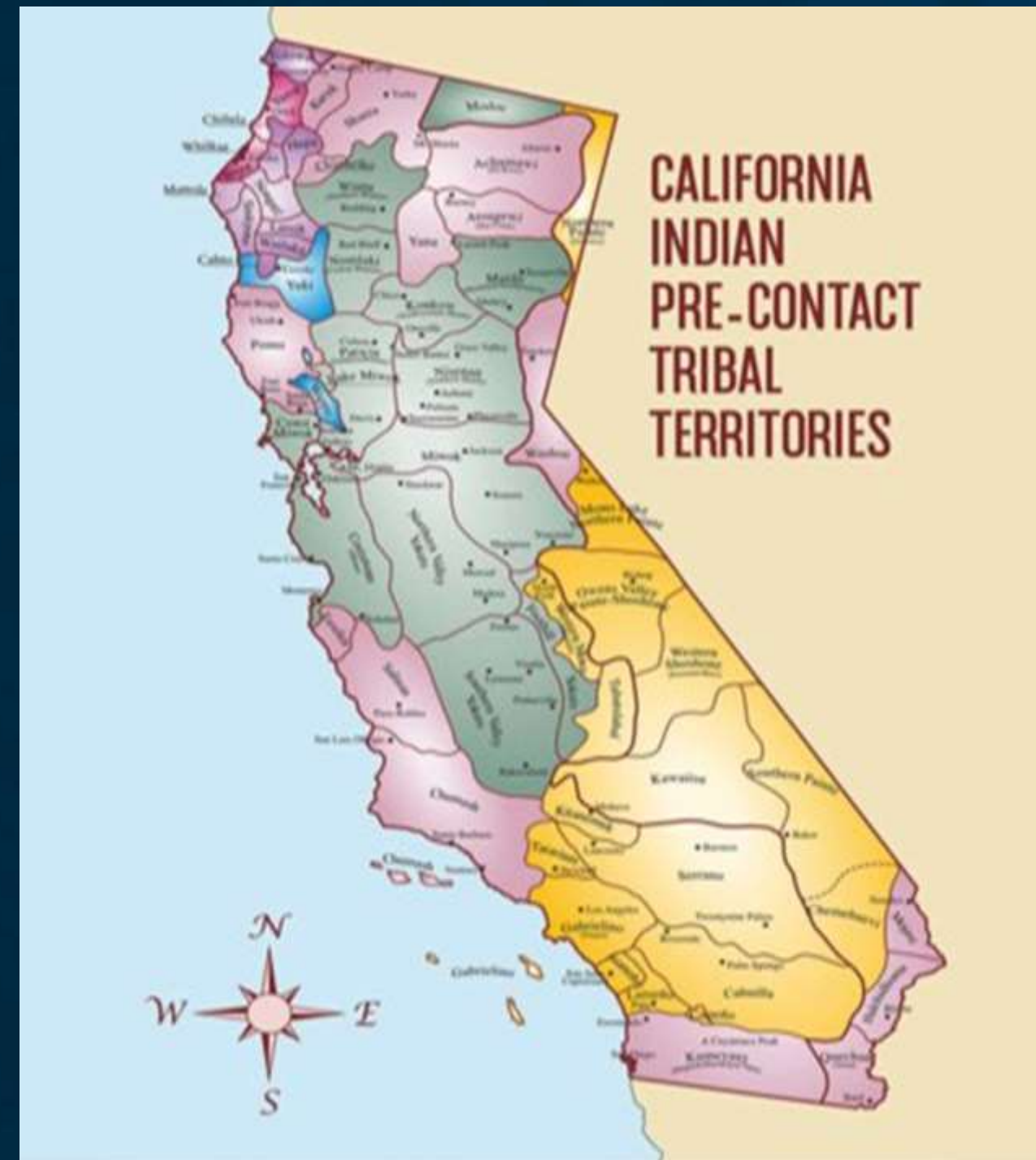
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Overview

- Ancestral Land
- State Consultation Policies
- Tribal Engagement and Consultation
- Tribal Participation in the DCP process
- AB52 Tribal Cultural Resources



State Consultation Policies

- E.O. B-10-11 (Brown)
- CNRA Tribal Consultation Policy (2012)
- DWR's Tribal Engagement Policy (2016)
- Assembly Bill 52 (2014) effective July 1, 2015 (Amended CEQA)
- E.O. N-10-19 (Water Resilience Portfolio)
- E.O. N-15-19 (Apology/ Truth and Healing Council)
- **Administration Policy on Native American Ancestral Lands (2020)**
- Local Government and Tribal Intergovernmental Consultation **SB 18** (2005)

Ancestral Land



Tribal Ecological Knowledge as Part of Policy for Climate Change and Resiliency

- TEK is currently being adopted into California management practices for fire suppression
- Sustainability policies for emergency response – flood, fire, drought
- Incorporated into climate change adaptation strategies

Tribal Engagement 2019-2020

- Pre-AB52 Meetings (Fall 2019)
- Consultation Meetings (2020-2021)
- Informational and Annual Meetings
- COVID-19 affect on meetings

Tribes In Consultation

AB52

- California Valley Band of Miwok Indians
- Lone Band of Miwok Indians
- North Valley Yokuts
- Shingle Springs Band of Miwok Indians
- United Auburn Indian Community
- Wilton Rancheria
- Winnemem Wintu

- Wintu Tribe of Northern California
- Yocha Dehe Wintun Nation

DWR Tribal Engagement Policy

- Buena Vista Rancheria of Me-Wuk Indians
- Rincon Band of Luiseño Indians
- Viejas Band of Kumeyaay Indians
- Yurok Tribe

Tribal Participation in DCP Process

Delta Conveyance Authority – Stakeholder Engagement Committee (SEC)

Tribal Representatives:

- Shingle Springs Rancheria
 - Hon. Malissa Tayaba, Vice Chairperson
- Wilton Rancheria
 - Hon. Jesus Tarango, Jr. Chairman

Tribal Engagement Committee (TEC)

- Monthly meetings hosted by Shingle Springs Rancheria for Tribes culturally affiliated with Delta

Ongoing Tribal Consultation and Engagement

- DWR will continue to pursue consultation meetings with consulting Tribes throughout the CEQA process
- DWR has hosted tours of the Delta and there are boat tours and other site visits on hold due to COVID-19 that we hope to conduct in the upcoming year
- DWR and DCA representatives continue to be invited to the monthly TEC meetings to provide technical updates from DCA SEC meetings and provide clarification on topics of interest as requested by the Tribes

Tribal Cultural Resources (TCRs)

Tribal Cultural Resources (TCRs):

- A site, feature, place, cultural landscape, sacred place or object with cultural value to a "California Native American tribe", that is either on, or eligible for inclusion, in the California Historic Register or a local historic register that the lead agency, at its discretion and supported by substantial evidence, determines should be treated as a Tribal Cultural Resource.
- Public Resources Code section 21074(a) (1-2)

Identification Process for TCRs

- DWR conducting ethnographic research to identify locations in the DCP project area with potential significance
- Consultation with Tribes to identify places with cultural significance to a California Native American Tribe
- DWR includes the information from consultation for California Register evaluation of potential TCRs
- DWR will develop a Tribal Cultural Resources Evaluation Report with Tribal input and review

Timeline for Tribal Consultation

Start Date	End Date	Technical Studies	Tribal Input
June 2020	Jan 31, 2021	Ethnographic Summary (Draft)	Consultation meetings to discuss resources of cultural value
Ongoing	Feb 15, 2021	Summaries of potential resources discussed in Consultation	Provide additional oral or written information about resources of cultural value
Ongoing	Mar 30, 2021 (ongoing)	Oral History Summaries	Conduct oral history interviews, review transcripts and interview documentation
January 2021	Apr 15, 2021 (delay)	TCR Evaluation Report (Draft)	Tribal review and comment

DWR Finalization of Identification of TCRs

- characterize impacts and options for mitigation impacts

CEQA EIR Administrative Draft of TCR Chapter

- consultation meetings to discuss review comments

CEQA EIR Public Draft of TCR Chapter - April 2022

Process for TCR Identification

- Tribal consultation— speaking directly with Tribal representatives about the places that are important to them and published resources that the Tribe would like to see used;
- Ethnographic review— pulling information from published sources, maps, and research notes about potential TCRs;
- Interviews with Tribal Scholars and Cultural Experts— at the discretion of the Tribe, following Tribal protocol;
- Where accessible and appropriate, field visits with Tribal representatives to identify potential TCRs

Tribal Concerns

DWR has heard concerns from Tribes related to:

- Potential impacts to salmon and other fish species
- Potential impacts to other biological (terrestrial) resources
- Potential for impacts to cultural/sensitive/important sites within project footprint, including risk for inadvertent discoveries
- The Tribal value and ecological significance of the Delta region
- Operations, including potential impacts to the Klamath and Trinity Rivers
- Intake site locations
- Requests for access to areas in the Delta
- Requests for Tribal monitoring and compensation

Request for Access

- Access to ancestral lands for traditional practices
- DWR is reviewing possibility of allowing Tribes access to DWR owned properties and potentially future restoration areas as appropriate and feasible
- DWR is gathering more information, including Tribal area of interest maps, about locations in the Delta that Tribes would like to access (such as fishing, gathering, and ceremonial areas)

Resources

Executive Order B-10-11 (2011)

<http://gov.ca.gov/news.php?id=17223>

CNRA Tribal Consultation Policy (2012)

http://resources.ca.gov/docs/Final_Tribal_Policy.pdf

DWR Tribal Policy (2016)

<https://water.ca.gov/About/Tribal-Policy>

Native American Heritage Commission

www.nahc.ca.gov

Protecting Cultural Resources

<http://nahc.ca.gov/wp-content/uploads/2017/03/Protecting-CA-NA-Sites-During-Drought-Wild-Land-Fire-and-Flood-Emergencies.pdf>

Local Government and Tribal Intergovernmental Consultation SB 18 (2005)

[SB 18 \(Chapter 905, Statutes of 2004\)](#)

Thank you

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CADWR



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calwater



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