



## **INFORMATION ITEM**

### California Native American Tribal Listening Session

#### Summary

The Council will host representatives from various California Native American Tribes for a listening session to hear about their ties to the Delta, their sovereignty and relation to the State, and their perspectives surrounding Delta management. This listening session is an opportunity to discuss the critical issues facing the Delta and Tribes and ask questions to facilitate a shared understanding that informs Council decision-making and tribal engagement. The Chair of the Delta Independent Science Board, Dr. Lisa Wainger, as well as other invited Delta agencies, may join the Council for this item.

#### Background

Prior to colonial and American expansion, the Delta watershed and larger Bay estuary were occupied by the Native Peoples of the numerous villages and Tribes of the Bay Miwok, Coast Miwok, Plains Miwok, Maidu, Nisenan, Ohlone, Patwin, Pomo, Wappo, Wintun, and Yokuts. Today, those original villages and Tribes are represented by numerous local tribal groups, both federally and non-federally recognized, which still have a deep connection to the Delta and the larger estuary that runs from Mount Shasta to the Tulare Basin.

The State of California has had a troubled history with California Native American Tribes. In his June 2019 Executive Order N-15-19, Governor Gavin Newsom described this history as “characterized by violence, exploitation, dispossession, and attempted destruction of tribes and their people” and recognized it as “historically sanctioned over a century of depredations and prejudicial policies against California Native Americans.” In that Executive Order, Governor Newsom also publicly apologized on behalf of the citizens of California for “the many instances of violence, maltreatment, and neglect California inflicted on tribes.”

Current and past administrations have enacted policies that attempt to address these historical injustices and recognize tribal sovereignty. As sovereign nations recognized by the Federal government, the State recognizes the right of Native American Tribes to self-govern and exercise inherent sovereign powers over their members and territory. To that end, both Governor Newsom and former Governor Brown adopted and reaffirmed the principle and policy of “government-to-government” consultation where every state agency and department subject to executive control is to encourage communication and consultation with California Native American Tribes (Governor’s Executive Order B-10-11 and N-15-19). Governor Newsom also established a Truth and Healing Council that bears witness to, records, examines existing documentation of, and receives California Native American narratives regarding the historical relationship between the State of California and California Native Americans to clarify the historical record of such relationships in the spirit of truth and healing.

As an agency of the State, the Council is subject to these policies and tasked with advancing State efforts to enhance tribal relations and engagement through its Tribal Consultation Policy while furthering the coequal goals for the Delta pursuant to the Delta Reform Act.

#### [Council’s Tribal Consultation Policy](#)

In response to Executive Order B-10-11, the Council adopted its Tribal Consultation Policy (**Attachment 1**) in 2015, which aims to engage in the timely and active process of seeking, discussing, and incorporating the views of California Native American Tribes and tribal communities into its decision-making. The Policy includes provisions for the Council to identify Tribes potentially impacted by Council initiatives, consult with them at the earliest possible time in the planning process, and allow a reasonable opportunity for tribal communities to respond and participate. The Council also distributes documents to tribal communities and contacts them with this information when appropriate. Meetings are facilitated to allow as much tribal participation as possible. The Policy also sets the expectation that appropriate Council staff regularly undertake training in tribal outreach. The Council’s Public Participation Plan, endorsed in 2020, reiterates the objectives of the Tribal Consultation Policy.

The Council's Policy designates a Council tribal liaison as a central point of contact for tribal communities. The liaison ensures that the Council's outreach is undertaken consistently with the Council's Policy and applicable law while also developing ongoing relationships to inform Tribes of any issues of interest. The liaison also participates in the California Natural Resources Agency's (CNRA) Tribal Liaison Committee to ensure the Council efforts are consistent with Agency efforts and assess opportunities for collaboration with other tribal liaisons.

For the Delta Plan and any of its amendments, the Council engages in early tribal consultation before and during the California Environmental Quality Act (CEQA) process, pursuant to Assembly Bill 52, which provides a specific process for lead agencies to notify and consult with Tribes on projects under CEQA. Recognizing that Tribes have the expertise concerning their tribal history and practices, the Council provides notice to Tribes that are traditionally and culturally affiliated with the Bay-Delta estuary and to Tribes that have requested notification. If a Tribe requests consultation, consultation may include discussing the type of environmental review necessary, the significance of tribal cultural resources, the significance of the project's impacts on the tribal cultural resources, and the alternatives and mitigation measures recommended by the Tribe. Consultation is confidential, and information received from Tribes during consultation concerning tribal resources is protected from public disclosure by law.

#### [Recent and Current Partnership Efforts](#)

The Council has taken a partnership approach as it builds relationships with California Native American Tribes, whether it be through direct consultation or other means of engagement that informs Council decision-making and planning. Some of the most recent and current partnership efforts include:

#### *[Ecosystem Amendment and DPIIC Restoration Subcommittee](#)*

Through consultation with tribal partners, the Ecosystem Amendment to the Delta Plan included many significant contributions and additions from Tribes. This included language in the Ecosystem Amendment that encourages projects subject to the Delta Plan to coordinate with Tribes early in the project planning phase, recognizes traditional knowledge, and requires that projects undertake cultural resource sensitivity training in coordination with Delta Tribes. In addition, the Delta

Plan Interagency Implementation Committee's (DPIIC) Restoration Subcommittee includes a tribal representative, with more Tribes encouraged to join.

#### *Environmental Justice Issue Paper*

Throughout 2022 and ongoing, the Delta Stewardship Council has undertaken relationship building, research, and analysis for the preparation of an issue paper to investigate strategies to address environmental justice within the Delta Plan and other Council initiatives (including the Science Action Agenda and Delta Science Plan) and to identify future policy options for the Council to consider. This exploration includes ways to address tribal justice through partnership, research, and collaboration with Tribes and tribal organizations. An Environmental Justice Expert Group made up of experts in environmental and tribal justice, including the California Environmental Indian Alliance, informs this work. The Council is drafting the issue paper, which is expected to be released in 2023.

#### *Science for Communities*

In October 2022, in partnership with community-based and tribal organizations, the Delta Stewardship Council organized an in-person workshop to foster opportunities for scientists to contribute to communities and communities to contribute to science. The goal was to boost the Delta community's awareness of and access to the environmental data and technical tools available. The workshop program included a panel discussing resources shared to address contaminants in the water that impact the bioaccumulation of pollutants in aquatic organisms, including recommendations on how to increase coordination and partnership among tribal government representatives, California agencies, and academia. Participants on the panel included the California Indian Environmental Alliance, the State Water Resources Control Board, Sacramento State's Water Advocacy Towards Education & Research, and the California Department of Fish and Wildlife. Work is underway for a Science for Communities 2.0 effort, with hopes to expand tribal participation.

#### *Traditional Knowledge Assessment*

The Delta Science Program is undertaking an Assessment of Inroads for Traditional Knowledge in Delta Science and Decision-Making. Currently, Council staff are conducting phase 1, the objective of which is to identify, document, and synthesize information about Delta Plan Interagency Implementation Committee (DPIIC)

member-agency activities that directly or indirectly support Tribes using their Traditional Knowledge to inform Delta governance (including but not limited to science, management/stewardship, and restoration). In Phase 2, the Delta Science Program is partnering with a local tribal staff person, who will work with the Council team for the process of understanding the tribal perspective on this issue. This will include assisting the Council with understanding cultural sensitivities, making connections and building trust with other local Tribes for the project, organizing and leading interviews, and compiling interview findings that can inform Delta agencies and the larger science enterprise.

#### *Adaptive Management Forum*

The Delta Science Program hosts the Adaptive Management Forum every two years to promote dialogue and information exchange related to adaptive management in the Sacramento-San Joaquin Delta. The 2023 Forum (scheduled for May 4, 2023) will focus on governance for adaptive management to foster learning and discussion around governance needs to support effective, equitable, and inclusive processes in the Delta. The planning committee for this year's Forum includes representatives from the Buena Vista Rancheria of Me-Wuk Indians and the Shingle Springs Band of Miwok Indians. The program focuses on promoting concepts of equity and justice in environmental governance and is slated to incorporate tribal perspectives throughout the Forum's discussions.

#### *Leadership of the CNRA Bay-Delta Tribal Engagement Working Group*

Council staff was asked by CNRA Assistant Secretary for Tribal Affairs Geneva Thompson to form and lead a Bay-Delta Tribal Engagement Working Group. This working group comprises tribal liaisons of CNRA departments that work in the Bay-Delta, meets monthly to share best practices, and encourages collaboration on outreach and consultation opportunities with Bay-Delta Native American Tribes. This includes coordinating the dissemination of consultation opportunities to Tribes (to limit the number of repetitive requests) and connecting with local Tribes to improve Agency-wide engagement in the area.

## Today's Listening Session

In coordination with the California Tribal Coalition, today's listening session includes the participation of five local Delta Tribes (note: this is not inclusive of all Tribes with ties to the Delta):

- **Buena Vista Rancheria of Me-Wuk Indians**
- **California Valley Miwok Tribe**
- **Shingle Springs Band of Miwok Indians**
- **United Auburn Indian Community**
- **Wilton Rancheria**

Each Tribe will provide an overview of its history and relationship to the Delta, followed by a discussion with the Council. To expand the reach of this listening session to other Delta decision-making bodies, the Chair of the Delta Independent Science Board, as well as other invited Delta agencies, may also participate in the listening session.

The goal of the listening session is to hear and recognize tribal perspectives on Delta management, ask questions to gain a shared understanding, and continue to build relationships for future collaboration on Delta efforts.

The Council would like to sincerely thank each of the Tribes for their partnership and participation in this listening session and other Council initiatives and looks forward to discussing the common challenges and issues in Delta management and partnering on future endeavors.

## Fiscal Information

Not applicable.

## List of Attachments

*Attachment 1: Delta Stewardship Council Tribal Consultation Policy*

## Contact

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