

CALFED Tribal Outreach

There have been a series of efforts to consider Native Americans and their concerns in the CALFED process; these efforts are summarized in this paper. As the CALFED process evolved and the concept of a solution area developed, additional efforts were made to communicate with tribal groups. These efforts initially took the form of letters notifying tribal groups of the Draft Programmatic EIS/EIR availability and of meetings in which they were invited to participate. All California tribes were contacted before the June 1999 Draft Programmatic EIS/EIR was distributed.

As early as 1996 the U.S. Bureau of Reclamation contacted the California Native American Heritage Commission for advice regarding the Native Americans within the Delta who should be contacted. (There are no federally recognized tribes in the Delta.) USBR sent letters to the 12 individuals identified by the commission in June 1996. One person responded and asked USBR to provide notice to two additional Native Americans. No other responses were received from this inquiry. As the CALFED process evolved, communication was initiated with tribal groups within the solution area in addition to the contacts in the Delta.

CALFED met with and provided briefings to tribal representatives on several occasions:

- two briefings at regional tribal meetings in April and May 1999
- a multi-agency and multi-tribal consultation in September 1999 was attended by 10 tribal representatives
- a presentation at the Seventh Annual Tribal Environmental Conference, sponsored by the EPA's Regional Tribal Operations Committee (RTOC) in October 1999
- a presentation at the Bureau of Indian Affairs Regional Tribal council in December 1999
- a presentation at a tribal governments meeting in February 2000

Tribal communication efforts accelerated after the EPA's Regional RTOC discussed the CALFED Program at its 1999 winter meeting. CALFED briefed RTOC members and discussed how to best encourage tribal participation. As a result of this effort, follow-up briefings were conducted at the RTOC 1999 May meeting and with the Bureau of Indian Affairs Central Agency policy committee.

In July 1999 the Department of the Interior appointed the representative for the Tribal Caucus of the RTOC to the Bay-Delta Advisory Council. Tribal representatives also regularly attended various policy group and work group meetings.

Communication with tribal groups intensified after the release of the June 1999 Draft Programmatic EIS/EIR. The Phase II Report was sent to all federally recognized California tribes in June 1999. At least three letters went out in spring and summer 1999 inviting tribal groups to participate in the CALFED process by commenting on the Draft Programmatic EIS/EIR and by continuing to attend meetings. Approximately 15 tribes have followed up on these invitations.

E-038906

Key issues are tribal representation in CALFED governance and funding for tribal participation in water management activities.

In November 1999 the CALFED Policy Group approved \$100,000 for tribal participation in the CALFED process. In January 2000 a Request for Proposals for CALFED Tribal Participation and Outreach Grant was sent to tribal governments. An informal workgroup of federal agency and tribal representatives was established, and all California tribes were invited to participate. Based on those discussions, CALFED identified several areas related to increased tribal participation in the CALFED process which formed the basis of the Request for Proposal:

- develop and compile information about, or an inventory of, specific tribal resources that may be affected by potential CALFED actions;
- facilitate increased tribal attendance and participation in CALFED meetings and workgroups (e.g., travel);
- facilitate enhanced outreach and coordination between CALFED agencies and participating tribes; and
- ensure that participating tribes play a key role in educating other affected tribes about the CALFED process and coordinating tribal input to the CALFED program.

Deadline for submitting proposals was March 31, 2000.

As future projects are identified which invoke specific environmental documentation, consultation with Indian tribes will take place on a government-to-government basis if there is a potential effect on Indian trust assets. CALFED will follow the federal government's policy regarding government-to-government relations as spelled out in President Clinton's Executive Order of April 29, 1994. If projects or activities are proposed for an area that contains a reservation or rancheria or any Indian trust asset, consultation will take place early in the planning process.

CALFED itself is not a federal agency and has no consultation obligations. However, the federal agencies that participate in CALFED do have consultation obligations, which they believe have been met.