

CALFED Bay-Delta Program Update on Tribal Issues

In the last year, CALFED has made an increased effort to coordinate with tribal governments on the CALFED program (please see attachment for summary of the CALFED Bay-Delta Program). Most notably, a tribal representative was appointed to the Bay Delta Advisory Council (BDAC); an initial consultation on the CALFED program was held with leaders and environmental professionals from 12 California tribes; and EPA facilitated a follow-up workshop with CALFED technical staff and environmental professionals from 15 tribes during the Region 9 Tribal EPA Conference. Nevertheless, there is still much work to be done.

As a result of these meetings, several issues that directly affect how CALFED works with tribes have been identified (listed below). To address these issues and any other potential outreach issues, EPA, as a CALFED member agency, has offered to facilitate and invite tribal staff and leaders to participate in an informal tribal workgroup. The meeting will take place via conference call. During these meetings tribal representatives will have the opportunity to provide direction for CALFED interaction with tribes.

CALFED agencies and tribes that are affected by the CALFED program are invited to participate. The date and time for the call is *Monday, December 13 at 2pm*. All tribal representatives should call Lisa Penaska at (415) 744-1597 to participate on this workgroup. Representatives will be asked to submit a letter of appointment from their respective tribal government.

In an effort to initiate dialogue, we have identified a few key issues on which we need your input. Many of these matters will become increasingly important as CALFED moves toward a final Programmatic EIS/EIR and Record of Decision by June 2000. Workgroup participants should be prepared to discuss the issues listed below. Tribal review and comment on these topics are crucial to the CALFED decision making process. Any other concerns regarding tribal outreach on the CALFED process are also welcome.

1) Funding

At their November meeting, the CALFED Policy Group, which represents the state and federal agencies with management and regulatory responsibility in the Bay-Delta Estuary, formally approved \$100,000 (FY 2000) for tribal participation in the CALFED process. CALFED now needs to determine how this money will be allocated. Below are some particular questions that have been identified for discussion:

- a) Which tribes should be eligible for funding? Should funding be limited to tribes within the CALFED problem or solution areas?
- b) What kind of products will CALFED receive from this funding? For example, tribal outreach and the documentation of tribal concerns and potentially affected resources could be a product. This would be helpful for delineating tribal issues and setting

Several questions remain unanswered and are listed below for discussion:

- a) How many tribal representatives should be recommended? How should these representatives be selected?
- b) Another option is to develop a separate tribal entity apart from the proposed commission. For example, a "Fed-Tribe" group could closely coordinate with the commission and the appropriate Federal agencies (but remain separate) to implement tribal programs related to the Bay-Delta ecosystem (e.g., tribal watershed programs). What are the advantages and disadvantages to such an approach?

Timeline: CALFED has a detailed governance proposal. Key decisions will be made on this issue over the next 2 weeks (for presentation at the December 15th Policy Group meeting). In addition, state legislative hearings on a governance proposal being drafted by Assemblyman Machado are likely to be held in early January.