

Tribal Workshop Summary
Community Benefits Program
Delta Conveyance Project
California Department of Water Resources
May 17, 2021, 1pm - 3pm



Meeting Synopsis

On May 17, 2021, DWR convened a Community Benefits Workshop that was by invitation only to Tribal members, Tribal representatives, Tribal leadership, and Tribal non-governmental organizations. In attendance were 24 participants, with 12 Tribal representatives. The outreach consisted of DWR sending Workshop information and registration links directly to all Tribes consulting on the Delta Conveyance Project and also through a DWR Tribal listserv. DWR also posted a flyer with Workshop information and registration links on DWR's Delta Conveyance Project Tribal Engagement website. Additionally, DWR provided the Workshop information and registration links to the Shingle Springs Band of Miwok Indians for distribution to the Tribal Engagement Committee, which is convened by the Shingle Springs Band of Miwok Indians and is made up of Tribal representatives from Tribes with ancestral ties to the Delta.

As DWR is proposing a Community Benefits Program for the Delta Conveyance Project, Carrie Buckman, Environmental Program Manager for DWR, explained how the Community Benefits Program fits into the Delta Conveyance Project. Background on the proposed program is available on the Delta Conveyance Project website (<https://water.ca.gov/Programs/State-Water-Project/Delta-Conveyance/Community-Benefits-Program>).

Janet Barbieri, Communications and Public Outreach Manager for the Delta Conveyance Project, provided an overview of the proposed Community Benefits Program. Participants were invited to provide input on the proposed concept, funding categories, and implementation commitments. The Workshop concluded with dates for the next public workshop. DWR will use participant input to develop the Community Benefits Program Framework, which will be included as an appendix to the project's Draft Environmental Impact Report (EIR).

Contents

Meeting Synopsis 1

Participant Welcome and Introductions..... 3

How The Proposed Community Benefits Program Fits Into The Delta Conveyance Project 3

Proposed Community Benefits Program Overview 4

Discussion and Input..... 6

Next Steps 11

This meeting summary paraphrases individual comments and suggestions from participants in the Community Benefits Program Workshop.

All materials are available to participants at the DWR [website](#).

*For questions, please contact DWR at DeltaConveyanceCBP@water.ca.gov
1-866-924-9955.*

Participant Welcome and Introductions

The Workshop was opened by Anecita Agustinez, DWR Tribal Policy Advisor, who explained that the goal of the Workshop was to discuss the Community Benefits Program for the Delta Conveyance Project. She explained that, in addition to a series of public workshops, this Tribal Workshop was by invitation only to Tribal members, Tribal representatives, Tribal leadership, and Tribal non-governmental organizations. Ms. Agustinez stated that she appreciated the chance for participants not familiar with the Community Benefits Program to learn more about the program, have opportunities to ask questions, and provide input.

The facilitator, Juliana Birkhoff, Ag Innovations, said the objectives of the Workshop were to:

- Ensure participants understand how the proposed Community Benefits Program would fit into the Delta Conveyance Project (if the Delta Conveyance Project were approved)
- Ensure participants understand the objectives of the Community Benefits Program
- Allow for an opportunity to provide input on the Community Benefits Program and the process to develop the program

She explained that the Workshop would conclude with information on next steps.

How The Proposed Community Benefits Program Fits Into The Delta Conveyance Project

Carrie Buckman, Environmental Program Manager for the Delta Conveyance Project, DWR, presented the purpose of the Delta Conveyance Project. Ms. Buckman started by noting that State Water Project (SWP) infrastructure is aging. She explained how modernizing SWP infrastructure will restore and protect the future reliability of SWP water deliveries. Ms. Buckman outlined that the proposed project is designed to modernize the infrastructure in a cost-effective way and is consistent with California's Water Resilience Portfolio.

Ms. Buckman described the four Delta Conveyance Project objectives. These are:

- Address sea level rise and climate change
- Minimize water supply and disruption due to seismic risk
- Protect water supply reliability
- Provide operational flexibility to improve aquatic conditions

Ms. Buckman reviewed the location and facilities for the proposed project. She pointed out the proposed locations for intake facilities, tunnels, pumping plants, the forebay, and the South Delta conveyance facilities.

Ms. Buckman also outlined the timeline for the proposed project, identifying the next major milestone as the release of a public review Draft EIR in early to mid-2022. A PDF version of

the PowerPoint presentation can be found at <https://water.ca.gov/Programs/State-Water-Project/Delta-Conveyance/Tribal-Engagement>.

Ms. Buckman explained that the proposed Community Benefits Program is part of DWR’s approach to address impacts from Delta Conveyance Project construction and operations that are not addressed through traditional mitigation. Ms. Buckman described that the commitments that would be included as part of the Community Benefits Program would go beyond traditional mitigation and California Environmental Quality Act (CEQA) commitments made during government-to-government Tribal consultation under AB 52 or DWR’s Tribal Engagement Policy. She clarified that regulatory mitigation would address proposed project impacts based on requirements in environmental regulations. Ms. Buckman said DWR proposes three complimentary processes to address concerns, described below.

Regulatory Mitigation	Proposed Proposed community benefits program	Ombudsman Program
<ul style="list-style-type: none">• Purpose: Address project impacts related to specific requirements (CEQA/National Environmental Policy Act (NEPA))	<ul style="list-style-type: none">• Purpose: Provide resources to direct benefits toward communities most impacted by implementation, based on community collaboration.	<ul style="list-style-type: none">• Purpose: Clearinghouse single point of contact to streamline information, support, and claims. Includes ensuring just compensation as a result of direct construction impacts.

Ms. Buckman finished her presentation by outlining five core commitments for the proposed Community Benefits Program. She described the five commitments as:

1. Transparent: open process to collaborate effectively
2. Constructive: participation in good faith with community to create a positive legacy
3. Inclusive: broad stakeholder participation to expand capture of voices
4. Fair: benefits related to localized nature of effects
5. Unconditional: community benefits are not dependent on support for project

Proposed Community Benefits Program Overview

Janet Barbieri, Communications and Public Outreach Manager for the Delta Conveyance Project, reviewed proposed Community Benefits Program concepts, purpose, objectives, components, and categories. She explained that DWR proposed creating the Community Benefits Program to acknowledge:

- The majority of direct project benefits are not located inside the Delta

- If the project is approved, it could have potential adverse effects that Delta communities may endure through construction
- The limitations of traditional environmental mitigation

Ms. Barbieri said that community benefits programs are common in large infrastructure projects. She explained that they are a defined set of commitments made by project proponents created with the local community to create lasting, tangible, and potentially significant economic and social benefits to residents, businesses, and organizations facing potential project impacts.

The objectives of the Community Benefits Program, said Ms. Barbieri, are to:

- Provide a mechanism for the Delta community to identify opportunities for local benefits
- Provide a mechanism for the project proponents to demonstrate good faith, transparency, and accountability to the community through formal commitments developed with stakeholder input
- Address potential effects outside environmental regulatory processes to enhance the unique cultural, recreational, natural resource, and agricultural values of the Delta as an evolving place

Ms. Barbieri explained that there are two components to the Community Benefits Program. The first component is a Delta As Place Fund and the second component is project implementation commitments. The Delta As Place Fund is proposed as a grassroots framework for fund development and management that integrates the local community. Projects might be funded in the following proposed categories:

- Water and Air Quality
- Public Safety and Emergency Response
- Recreation
- Habitat Conservation
- Culture and History
- Economy
- Infrastructure
- Agriculture
- Education and Workforce Development
- Levee Maintenance

Project implementation commitments include hiring targets, job training and education, local business utilization, infrastructure, and facilities.

Ms. Barbieri summarized the input from the first workshop. She explained that workshop participants:

- Did not like the Delta Conveyance Project but were prepared to discuss the Community Benefits Program
- Suggested language refinements for the Community Benefits Program including the proposed purpose and objectives

- Ranked natural resources, water quality, recreation, agriculture, and culture and history as important benefit categories

Discussion and Input

- A participant said that everything that happens in the Delta is critically important to Tribal members and that the Tribe's traditional sites always involve water. He noted that two centuries of Delta uses have created slow violence due to impacts to the wetlands. He said he understood that the project would divert water from all Sacramento River watersheds. The participant said that earlier versions of the project documented traditional cultural properties within the proposed project footprint. He explained that the project would negatively affect cultural sites and values in the region. His concerns include potential impacts to cemeteries, plant gathering areas, contemporary community gathering areas, traditional fishing sites, and ceremonial and sacred sites.
- The participant continued by explaining that he and his Tribe are concerned about the Delta Conveyance Project. He said the project would have severe impacts that cannot be mitigated, and that the project would create lasting harm to Native American religious and spiritual values. Therefore, he could not provide ideas for community benefits. Although there have been discussions about Tribal access to funds and initiatives, he is frustrated that the Agency does not understand Tribal members. The participant concluded that previous generations had passed on spiritual understanding and kinship to ensure that generations maintained their relationships with the Delta region and its resources, and that short term solutions such as the Delta Conveyance Project would cause harm.
- Several other participants agreed with the first participant's comments.
- A participant asked for clarification on what community is benefiting from this, and that she did not feel it was any of the Native communities.
 - Ms. Buckman acknowledged that DWR anticipates that Tribal impacts and mitigation will be addressed through CEQA requirements, and that there may be ideas beyond this mitigation that DWR is looking to get input on during this Workshop. DWR will consult formally with Tribes under AB 52 or DWR's Tribal Engagement Policy. However, this Tribal Workshop was intended to get early input from Tribal members about the Community Benefits Program. The purpose of this workshop is to let Tribes know that DWR is also interested in hearing about their ideas for potential benefits.
 - Ms. Agustinez also clarified that this may be an opportunity which could be used to protect and acknowledge important areas and resources to Tribal communities, and that DWR wants to work closely with Tribal partners as this program is advanced.
- A participant noted that her organization understood that the Delta Conveyance Project would move water from the Sacramento River through a tunnel and other infrastructure. She said the project would destroy fish habitat and increase fish kills. She stated that it was discouraging to hear about the Delta Conveyance Project during a time when there is discussion about truth and healing for California Indian people. She said that Tribes are saying the project is not good for them. She elaborated that there is nothing positive about the project for communities that live in the Bay Area, Delta, or the tributaries of the

Sacramento River and that projects such as bike trails do not change the negatives of the Delta Conveyance Project.

- Another participant explained that the Delta is an economic hub for indigenous California people. He said the SWP is a continuation of the colonial expansion into the West. He asked DWR to look at potential impacts to threatened cultural resources as well as viewsheds and scenic vistas, noting that these are all important for Tribal people. The participant recommended that Tribes have access and understanding of the use of TERO (Tribal Employment Rights Ordinance) and stated that even though it is a federal law a similar mechanism could be used for this project. The participant urged DWR to include a variety of academic, immigrant, and indigenous perspectives in State water plans. He stated that the project was not economically viable and did not take Tribal land rights into recognition. He stated that Tribal people understood how to manage water sustainably and the State needed to work with Tribes to create a new system. He also said that it was important to include local Tribes, whether they have recognition or not, and that Tribes have rights to the land and want to steward their cultural, economic, and natural resources using Native knowledge and Native peoples.
- A participant asked Ms. Buckman to explain how much funding was available, who would fund the program, and how funds would be disbursed.
 - Ms. Buckman explained that the proposed Community Benefits Program would be part of the overall Delta Conveyance Project. DWR would calculate project construction costs which would include Community Benefits Program funds. The public water agencies receiving the water would fund the Community Benefits Program. However, the funding amount has not been calculated. Ms. Buckman stated that it would be useful to have feedback from Tribal members on how projects should be funded and if funds should be disbursed once or available over a sustained period.
- A participant explained that she and her Tribe are not in favor of the project. She said she understood that the project would divert more water out of the Sacramento River, and that these diversions would create negative impacts to eco-cultural resources. She doubted that the benefits from the Community Benefits Program could outweigh the damages from the Delta Conveyance Project. She noted that it was too early to discuss proposed community benefit ideas without knowing more about the costs and impacts from the whole project. However, she encouraged DWR to organize further discussions and opportunities to provide input on the program.
- She noted that the Delta Tribal benefits could include ensuring adequate amounts of water, clean water, and ecosystem restoration for Tribes that rely on the Delta for gathering sites and spiritual connection so those sites could be accessed and utilized, and ensuring that the Delta is healthy.
 - Ms. Buckman acknowledged that these discussions on community benefits are occurring while the identification of impacts and mitigation are still in progress. However, Ms. Buckman stressed that DWR did not want to wait before getting initial ideas from participants so their input would shape the program. She

reiterated that input on the proposed Community Benefits Program does not indicate any support for the Delta Conveyance Project.

- A participant said that very few people support the Delta Conveyance Project, and that it seems as if concerns are being ignored as people have explained there was no way to mitigate the impacts from the project. In particular, she was concerned about fish species extinction. The participant said she believed there were better uses for the money than the Delta Conveyance Project and that community benefits were not likely to outweigh the negatives of the project.
- A participant asked what the timeline was for developing and implementing the Community Benefit Program and if there would be other opportunities to provide input. She explained that Tribes cannot think of any community benefits because of the destruction to Delta cemeteries, fishing, and the overall Delta from the project. She emphasized that restoration of the waterways is important.
 - Ms. Barbieri explained that the Community Benefits Program would take a while to develop, and that there would be many opportunities to provide input as the process moves forward.
 - Ms. Barbieri also clarified that the framework is being developed to go into the Draft EIR for additional public comment.
 - Ms. Agustinez reiterated that this is a very early process and there will be continued conversations with Tribes and Tribal organizations as ideas are raised.
- A participant explained that protecting water reliability was not the same thing as protecting water delivery to the State Water Project. The participant expressed that the project would create more pressure to divert water from the Trinity and Klamath rivers to the Sacramento River. She stated that there was not currently enough water in those rivers for juvenile salmon, and that the proposed Delta Conveyance Project would reduce water amounts for fish. She agreed with others that Tribes could not have a discussion of community benefits without knowing Delta Conveyance Project impacts and proposed mitigation. She also said that some of the proposed Community Benefit Program ideas would not benefit everyone or benefit everyone in the same way. She recommended for DWR to have more meetings and to meet specifically with Tribes on the north coast in Northern California.
- A participant asked for more information on the Delta Conveyance Project, such as what will or will not be included in the project.
 - Ms. Buckman said that DWR was planning a series of public technical workshops this summer to provide more information to help prepare people to review the EIR. She explained that the EIR was scheduled for public comment in mid-2022. She assured participants that Tribal communities would be notified of these public technical workshops.
- A participant asked if there were any discussions or analyses to circumvent CEQA.

- Ms. Buckman answered that she had not heard any policies to circumvent CEQA or the National Environmental Policy Act. She explained that her goal as the Environmental Program Manager is to disclose the impacts. As DWR hears comments from the Tribal communities and the public, DWR can assess those questions in potential impacts. She said she heard concerns about indirect impacts to the Trinity and Klamath rivers during scoping. She did not think there would be any impact on those watersheds from the Delta Conveyance Project, but DWR will be looking at the potential for indirect effects. However, it would be useful to talk to Tribes about their concerns even before the draft EIR.
- This participant also stressed that if there were water deliveries to the Sacramento River, the reliability and stability of water deliveries would have a negative impact on the Trinity River. He explained that this would encourage more diversion into the Central Valley because of Trinity and Sacramento River connections. He said there would be a direct impact because of how the state maneuvers water.
 - Ms. Buckman explained the Trinity River and Shasta Reservoir are part of the Central Valley Project, not the State Water Project, and that the Central Valley Project is not currently engaged in this project and therefore those systems would not likely be directly affected.
- This participant also asked how DWR will protect confidential cultural, social, and natural intellectual property, and how DWR would protect sensitive Tribal place-based information.
 - Ms. Agustinez explained that confidential information is being shared with DWR through ongoing Tribal consultation, which will remain confidential. She also noted that the United States Army Corps of Engineers would be working on NEPA issues and would be responsible for National Historic Protection Act Section 106 consultations with the Tribes. DWR will not be sharing confidential information publicly, and the government-to-government consultation process can be used to maintain the confidentiality of Tribal information.
- A participant explained that “community benefits” was a complicated term, because Tribal members see current Delta water project destruction and the amount of potential destruction. Furthermore, this participant commented that the potential funding ideas are abstract, and that they are not specific implementable programs or projects. This participant asked for clarification on the scope of the program, such as information on how many projects or programs, what funding is available, and if there are any limitations. The participant expressed concern that there will be potential impacts to cemeteries and cultural landscapes, and expressed interest in turning these spaces back to Tribally-owned spaces as part of this program. He also stated that the Community Benefit fund should focus on funding current projects and programs, and that the program should build on and expand current work. The participant provided an example that there are many levee projects that need funding. He concluded that there needed to many more discussions and workshops with the Tribal community.

- Ms. Buckman answered that the current list of funding ideas summarized Delta residents' ideas from interviews and previous workshops. She acknowledged that many of the ideas are general but that they can be used to get a sense of the categories of project ideas. The conclusions about what to fund or what the program will look like have not been decided. It is important now to get ideas and input about the structure of the program.
- Some participants asked if there was still a chance to participate in the Environmental Justice survey.
 - Ms. Birkhoff responded that there will be more chances to participate and provide information for the Community Benefits Program and Delta Conveyance Project. She understood that some people had not participated in the Environmental Justice survey, interviews, or previous workshops. Ms. Birkhoff explained that she would continue to work with DWR to organize opportunities for Tribal members to provide ideas on the Community Benefits Program.
- A participant said it was good to see so many Tribes and people from different areas in the Delta. This participant noted that the Delta is a sacred landscape. This participant stated that it is difficult to see any benefits from projects that impact that landscape. The participant commented that every time an updated version of this project comes out, it creates a spiritual and mental drain. He stated that restoration of Delta habitats would be the only benefit for future generations. He also stated that the landscape will be heavily impacted from sea level rise and that Tribal members have no ability to steward it through sea level rise or to steward the land for fish, wildlife, or wildfowl habitat. This participant said that Tribes should lead the restoration of these lands, and that there must be sustainable funding for ecosystem stewardship. He explained that Tribes have been excluded from their ancestral homelands. He expressed that it seems as though DWR is wanting to know what payments can be made for impacted communities to feel good about the project.
- Another participant wanted to make sure diverse Tribal organizations were included in future conversations. He asked for more details on how the State would fund the Delta Conveyance Project and the Community Benefits fund. He wondered if the State would fund the project from proceeds from California futures water traded on the New York Stock exchange.
 - Ms. Buckman responded that, regarding project funding, the State would issue bonds to get revenue, and those revenue bonds would be paid for by the water agencies that would receive water from the Delta Conveyance Project.
 - Ms. Birkhoff added that, during the interviews and previous workshops, people have suggested ways to distribute proposed Community Benefit funds, such as community foundations, grant programs, savings accounts, or funding specific organizations.
 - Ms. Agustinez confirmed that DWR will be looking into coordinating a follow-up Tribal Workshop, and explained that DWR would like to curate a list, though Tribal input, of Tribal funding ideas and would also like to include Tribal advocacy in the

development of the Framework. Ms. Agustinez also acknowledged there are many restoration projects that are ongoing, and they may need sustainable funding. She said that truth and healing, land displacement, and indigenizing spaces are critical issues.

Next Steps

The facilitator explained that Ag Innovations would summarize participants ideas into a meeting summary and circulate it to Tribal members.

The facilitator explained that Tribal members are invited to participate in a public Workshop on May 25, focusing on implementation commitments and how the public should be involved in developing the program.

Information from the interviews, public workshops, emails to the program, and input from the comment forms will inform the draft Community Benefits Framework, which will be included as an appendix in the Draft EIR.

Workshop Adjourned