



Tribal Outreach Meeting #3

**Wednesday May 1, 2013
1:00 – 3:00 pm**

**Pala Administration Building
12196 Pala Mission Road
Pala, CA 92059**

Meeting Notes

Attendees:

Mark Stadler, SDCWA	George Wilkins, La Jolla Band of Luiseño Indians
Toby Roy, SDCWA	John Flores, San Pasqual Band of Mission Indians
Sheri McPherson, County of San Diego	Tiffany Wolfe, Rincon Band of Luiseño Indians
Goldy Thach, City of San Diego	Hillary Warren, AECOM
Rosalyn Prickett, RMC	Melissa Estes, Campo Band of Mission Indians
Stev Weidlich, AECOM	Heidi Brow, Pala Band of Mission Indians
Tobias Stoneburner, Los Coyotes Band of Cahuilla and Cupeño Indians	Michael Connolly, Campo Band of Kumeyaay Indians

Notes:

1. Welcome and Introduction

Mr. Stev Weidlich, AECOM, welcomed everyone to the meeting and the Pala Administration Building.

2. Presentation and Discussion of San Diego IRWM Plan Tribal Nations Chapter

After introductions, Mr. Weidlich gave a brief summary of the previous Native American outreach events for the Integrated Regional Water Management (IRWM) Plan process and an overview of the meeting’s agenda. Ms. Rosalyn Prickett, RMC Water and Environment, and Mr. Mark Stadler, San Diego County Water Authority (SDCWA), started the meeting by thanking Pala for hosting. The draft “Tribal Nations of San Diego County” chapter of the 2013 IRWM Plan was introduced. Mr. Stadler requested that comments either be made during the meeting or as follow-up. Ms. Prickett added that comments should be received before the end of May so they can be integrated into the draft before it is released to the public for comment. Mr. Stadler requested that, if anything in the report should not be included in the public version, please let him and the rest of the team know so that it can be removed.

Ms. Prickett continued by stating that the 2007 San Diego IRWM Plan did not include much information on San Diego Tribes or issues regarding water quality and/or water management on reservation lands. Ms. Prickett stated that the chapter distributed for review, and slated for inclusion in the 2013 IRWM Plan, was created from information collected from previous meetings held last summer (2012), completed questionnaires from six Tribes that responded to the previous outreach efforts, and the 2003

County of San Diego document, *Update on Impacts of Tribal Economic Development Projects in San Diego County*. Ms. Prickett reiterated that comments and or edits should be provided to Stev Weidlich, Hillary Warren, or a member of the SDCWA team by the end of May. She also stated that the Draft Plan will be out for public review on June 20 and that an additional chance to provide comments will be provided during the public comment period.

Ms. Prickett then turned the attention of the group to the first section of the draft chapter and asked if anyone had any additional knowledge about the (non-federally recognized) Mt. Laguna Tribe in particular, as it does not have a website and the SDCWA team had difficulty finding information on them online.

Mr. Michael Connolly, Campo Band of Kumeyaay Indians, stated that there are some issues with Figure 4-2: Native American Language Families in the San Diego IRWM Region, as it may reflect published research but not the way Tribes in the area actually self-identify. Mr. Connolly offered his assistance in editing the figure.

Several attendees commented on issues with Table 4-1: San Diego County Tribal Governments and Reservations. Mr. George Wilkins, La Jolla Band of Luiseño Indians, said that the two population counts for La Jolla were not correct. Mr. Wilkins said that he will go back to Tribal Council and ask them for the correct population counts. Ms. Melissa Estes, Campo Band of Mission Indians, asked what the intention was of having both the number of enrolled members and the number of people living on the reservation published in the report. Ms. Prickett responded that it was important to distinguish how many people, whether or not they live on the reservation, may have a stake or interest in water issues in the area.

Ms. Prickett moved onto Section 4.4, Future Developments on Tribal Lands. Mr. Connolly commented that the way San Diego County references Tribes in its published reports portrays Tribes as businesses and not as Nations that were already here. Mr. Connolly continued by stating that Tribes are not businesses that need to mitigate their impacts. He questioned why, when Tribes build a casino, there are concerns about the resources affected, but the cumulative impact of development surrounding reservations is never taken into consideration. He continued that off-reservation impacts resulting from off-reservation projects are, from his perspective, treated as more important; impacts to reservations from off-reservation projects are rarely taken into consideration. Several other attendees agreed with Mr. Connolly and stated that some sort of reciprocity is needed in considering the environmental impacts off-reservation developments have to reservation lands. Mr. Connolly continued by stating that Tribes have three claims to water: (1) surface water rights, (2) groundwater rights, and (3) access to water conveyance systems. The third claim has been difficult for Natives to obtain, Mr. Connolly mentioned. It was suggested that a paragraph on recharging groundwater be added to the report.

Mr. Connolly and Mr. Wilkins continued in agreement with each other that the overall “vibe” of the chapter does not consider the positive things that Tribes are doing with regard to acting responsibly and performing as stewards for reservation lands. Mr. Connolly stated that Tribes have been responsible and analytical in their decision making with regard to natural resources and would like this chapter to reflect that. He would also like the chapter to be clear about the fact that Tribes are not explicitly obligated to mitigate impacts to others off of reservation lands, as the tone of the chapter (and referenced reports used to inform the chapter) seem to suggest. Mr. Connolly also stated that the third paragraph of Section 4.4 needs to be edited to reflect that Tribes have established water rights for themselves and for their economic development writ large—and is not limited to gaming. He stated that it would be helpful for the chapter to include a discussion about the legal foundation for Tribal water rights.

Ms. Estes then requested a source or reference for the “new economic benefits of gaming” within Section 4.4. She suggested that the way the sentence is currently worded makes it seem like gaming would provide a boost to population, which is overly simplistic. Ms. Estes also questioned why the section only mentioned gaming as an economic opportunity. Ms. Prickett responded by asking what other economic factors should be considered. Ms. Estes suggested renewable energy as another type of income and that, generally, other economic development be included. Ms. Tiffany Wolfe, Rincon Band of Luiseño Indians, asked if the reason why gaming is mentioned so often is because of its water use. Mr. Wilkins suggested that the chapter include all economic activities that may impact water usage. Mr. Connolly commented that a field of alfalfa uses much more water than a gaming facility, and that, overall, agricultural businesses surrounding reservations are not held to regulatory standards when it comes to water use. Mr. Connolly continued and said that agricultural businesses pull from the groundwater and recharge that is created on reservation lands. Ms. Estes commented that the report does not currently reflect these issues.

Mr. Tobias Stoneburner, Los Coyotes Band of Cahuilla and Cupeño Indians, then commented on Table 4-1, stating that the naming of Los Coyotes is inaccurate and that it should be “Los Coyotes Band of Cahuilla and Cupeño Indians.” Mr. Wilkins also corrected the table, stating that the La Jolla Tribe should be called, “La Jolla Band of Luiseño Indians.” Mr. Connolly mentioned that even the Federal Register of Native American Tribes does not refer to Tribes the way they would like and that a document like this should refer to each Tribe the way they wish.

The conversation returned to water regulations and Mr. Wilkins commented that Tribes follow the same U.S. Environmental Protection Agency (EPA) standards for drinking water as any other entity.

The conversation then moved onto Section 4.5, Tribal Nation Water Resources. Mr. Connolly suggested a philosophical item that would be nice to include in the report is the Kumeyaay Digueño Land Conservancy projects. These projects incorporate traditional practices of groundwater recharging, water storage and filtering, fire mosaic protection practices, etc., which enhance the carrying capacity of the environment. Mr. Connolly continued by saying that the concept of taking people out of the process of maintaining the environment is counterintuitive, and the conservation easements usually put in place by the Army Corps of Engineers or other governmental entities very rarely incorporate natural and traditional practices of water restoration and management. Mr. Wilkins said that the Tribes themselves are the sources of this knowledge and stated that what Mr. Connolly mentioned is really important. He continued by stating he has learned a huge amount about water hydrology and water use processes from working with Natives. He continued, saying that, by partnering and collaborating with the Tribes, the State of California and other governing bodies may reconsider their positions on certain management issues. Mr. Connolly stated that he presented at the State Water Summit and that all the presentations are available (or forthcoming) on the website.

Ms. Prickett continued and asked the Tribes for input on the Tribal Characterizations section. Ms. Prickett specifically requested information on Mt. Laguna and other non-federally recognized Tribes. It was suggested that she contact Carmen Lucas, who is part of the Mt. Laguna Tribe.

The San Luis Rey River and Colorado River watersheds were then brought up by members of the group. Mr. Wilkins suggested that all portions of the chapter referencing the “5 Tribes Settlement” be referred to the San Luis Rey Indian Water Authority for approval of all language, as the settlement is not yet finalized.

Mr. Wilkins continued by asking the group how much historic information can/should the report contain, as there are several very important historical water-based issues that set the foundation for

contemporary understanding. Mr. Connolly continued, stating that the Cupeño relocation from Warner Hot Springs to Pala in 1903 and the eviction of Kumeyaay from the Capitan Grande Reservation in the 1930s for a dam had a very serious impact on the state of Natives in Southern California. Mr. Wilkins also mentioned that the chapter should reference a book on the Capitan Grande Reservation that was just recently published.

Ms. Prickett asked the group if they felt like a section on history should be added to the report and several mentioned that it would offer a great sense of perspective. Mr. Wilkins continued by saying that the Tribes have rights and need to develop their water systems; the IRWM effort needs to coexist with preserving the water rights of Natives. Mr. Stadler stated that it would be good for this report to acknowledge that in writing.

Ms. Prickett continued to the Water Management Issues section of the report, stating that projects referenced in this section are the kind that could be funded with grants from the State Department of Water Resources (DWR). Mr. Connolly stated that many reports do not consider Natives as stakeholders, even when reservations or traditional lands are in the areas the reports are discussing. Water issues are particularly important as they relate to every type of environmental or conservation effort.

Ms. Estes commented that the sentence, “Additionally, compliance with the California Environmental Quality Act (CEQA) poses a challenge for tribal participation in the IRWM program and water resource projects funded through State grant funding programs,” sets an inaccurate tone for the relationship between Natives and CEQA. Ms. Estes continued by stating that Tribes are not required to comply with CEQA and this language makes it seem like the Tribes are not *able* to comply instead of not *required*. Ms. Prickett noted that the language of the report would be reviewed and revised. Mr. Stadler stated that CEQA compliance is one of the roadblocks of the IRWM process and is preventing more Tribal involvement. Mr. Wilkins stated that there are Tribal water quality standards and Tribal Environmental Policies accepted under federal law, and that Tribes are the regulators of those laws, suggesting that CEQA is largely redundant. Mr. Connolly suggested that California Indian Legal Services may be able to create a Limited Waiver of Sovereign Immunity when entering into contracts with the state, so that sovereignty concerns are covered. Ms. Prickett continued by stating that the Rural Communities Assistance Corporation (RCAC) receives IRWM funding for projects and that a teaming agreement between the RCAC and Tribes may be another way for Tribes to receive money. Mr. Connolly suggested that RCAC file a negative programmatic CEQA compliance declaration, covering the CEQA requirement for Tribes. One additional roadblock that Mr. Connolly brought up was that CEQA requirements are tied to the general plans of the state and counties and that these documents can run contrary to Tribal interests.

3. Presentation and Discussion of Tribal Water Stories of Coastal Southern California

The Tribal Water Stories of Coastal Southern California document was then introduced by Mr. Weidlich. Mr. Stoneburner suggested that we look into the book *Coyote Tales* at the Malki Museum that presents Desert and Mountain Cahuilla stories, written by Catherine Sauble.

4. Open Discussion/Question and Answer Session

Questions were asked and answered, and discussion occurred, as topics were discussed, as included in these notes.

5. Identification of Other Tribes in Adjacent Regions Interested in the San Diego IRWM Region

Upon closing the meeting, Ms. Prickett requested any additional comments. Ms. Prickett also asked if other regional Tribal groups should be included in the IRWM discussions. It was suggested by the group that Pechanga may be interested, as well as other Tribes near the Salton Sea and across the United States/Mexico border.