Tribal Use Water Quality Standards
SCTCA Concept Paper
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Introduction

The ubiquitous use of riparian corridors, streams and wetlands has been a fact of native lifeways in the San Diego Region, from time immemorial. These practices continued long after the establishment of Reservations and the urbanization of the coastal lands to the present day. Riparian/wetland areas were, and remain, some of the richest resources central to traditional lifeways, and the use of these resources continued, and continues, even in areas that were later designated as public lands under various legal constructs.

The use of these areas by native people in the San Diego Region was never considered in the establishment of water quality standards under the Clean Water Act except in areas under tribal or federal jurisdiction. This is likely due to a lack of understanding of those uses by regulatory bodies. Recently, however, the enactment of new categories under State of California law has allowed the local Regional Water Quality Control Board the authority to establish Tribal Beneficial Uses (TBU). The State of California Water Resources Control Board has established Tribal Tradition and Culture (CUL), Tribal Subsistence Fishing (T-SUB), and Subsistence Fishing (SUB) as beneficial uses, effective May 2, 2017. These Tribal Use Standards have been accepted as categories for incorporation by the San Diego Regional Water Quality Control Board (RWQCB), however, it remains a category that has not been implemented and is likely understood at only the conceptual level.

The RWQCB has met with some of the tribes in its region, and begun a dialogue on an approach to designating waterways for the establishment of Tribal Beneficial Uses. This approach will seek to designate and implement Water Quality Objectives which support tribal uses under these categories that ensure the protection of tribal lifeways, based upon both current and potential future needs.

Because of the widespread and varied uses of Tribal traditional use areas, and the fact that they can shift and change over time due to fire, drought, floods and other factors, a baseline standard for all waters of the RWQCB should be for CUL. If there are specific areas that do not or cannot meet this standard then they should be carved out of the general standard designation. This paper helps to establish the justification for this baseline. The fish consumption-related standards are more localized and should be pursued under a separate track.

Background

Evidence of human settlement in the San Diego Region goes back over 12,000 years. The people native to this area interacted with the environment in a way that allowed them to conserve and enhance the native plants and animals in a manner that

helped to ensure a high level of production for resources important to their daily lives. The result is that some traditional harvesting and hunting sites are very old. The traditional view of the world, including plants and animals, was that of an interconnected whole. These interconnections which were integral to Native peoples' existence, necessarily became elements of the culture that remains today. These linkages with the natural world were never completely severed despite many efforts by clergy, teachers and government administrators.

Native people adhered to ancient rules and methods that allowed for resource use while keeping the resource base intact. This type of management created conditions that supported great diversity of species in the environment. The ecological diversity and health of this region was nurtured and enhanced through the practices of burning, traditional harvesting, wetlands enhancement and plantings. The richness of the region was a marvel to the first European explorers, and was largely a product of Native land management and use.

The traditional diet of the people native to the San Diego Region was quite varied, depending on the time of year and the local region. Desert peoples utilized the agave plant, jojoba beans, cactus fruit, and pinon in the higher elevations. The inland chaparral provided acorns, rose hips, manzanita berries, holly leaf redberries, holly leaf cherries, and many forms of leafy foods. The coast provided sea weed, marsh plants and many types of coastal scrub vegetation. Meats were utilized throughout the territories with fish and shellfish staples along the coast. Within these varied zones were different types of riparian areas which supplied foods, medicines, and raw material to manufacture tools, weapons, housing and other implements. The health of these systems was vital to Native uses of all such habitats.

Native people also recognized the importance and effects of disturbance to aquatic and riparian systems. They developed this knowledge over many generations in a climate marked by variations in temperature and rainfall, with periods of drought and flooding. The disturbance these forces brought opened up opportunities for other species to establish or expand. When disturbance was extreme or extended, it was recognized that use of some species needed to be moderated, to ensure their continued survival. These types of management techniques were also reflected in a broad range of living areas tied to the available resources, which could change year to year. Responding to climate change was a natural part of life and natural world management.

European settlers who moved into the San Diego Region during the late 1700's caused great changes to the environment. Looking for agriculture in terms of their own concept, they were blind to wildlands shaped by millennia of native peoples utilizing in-depth knowledge and careful management. These purposeful activities of native people were labeled as primitive or unsophisticated, thus creating a misinformed baseline that became accepted environmental doctrine up to recent times.

Oak forests were cut to open up grazing land, European grasses were introduced, European honeybees, cattle, horses and sheep were brought in. Many of the coastal

indigenous communities of the San Diego region were destroyed, and many others were marginalized after the arrival of the Europeans. No matter the intention, the Europeans who came to southern California wrought devastation both directly, through subjugation and genocide, and indirectly, by developing enterprises that destroyed and greatly altered ecological systems making it difficult, and many times impossible, for Indians to continue their traditional livelihoods.

Some reservations were created, starting in 1875 in rural areas, to be the official protected lands for the indigenous populations. These reservations were created in a marginalized small subset of the habitats which Native communities used and nurtured for thousands of years. The people survived these changing conditions by combining their traditional cultural knowledge with modern knowledge of its day. Though not recognized by the federal government, several villages existed within the present-day City of San Diego boundary up to the late 19th and early 20th Centuries. Mission Valley, Florida Canyon, Lake Murray, and Rose Canyon were just some of the better-known sites, (all now within the city limits of San Diego). Additionally, many of the ranches and farms also hosted small "rancherias" of indigenous workers. The separation of traditional land management from the environment has had a lasting and, in many cases, permanent negative impact on the productivity of the land.

Native inhabitants were no longer able to maintain the land with regular burning, clearing and replanting. As older native trees died there were no new trees to take their place. In some areas fast growing exotic plants were brought in to replace the native species. Many survivors found a meager living through day labor in city businesses and rural ranches. Many native people became proficient apiarists (beekeepers), sometimes using traditional materials, such as pottery, to establish hives. Today, our native people eat similar diets to most Americans. However, many traditional foods are being brought back, and are often served for special occasions or for traditional gatherings.

By the late 19th and early 20th century, policies of the federal government had created systems of cultural destruction designed to destroy American Indian cultures and forcibly assimilate Indian people into American culture. However, even though they no longer had access to all the traditional resources, native people of the region were quick to adapt where needed to survive, working quietly to preserve what they could of their language and culture.

The use of traditional resources by the indigenous people of the region is something that continued even as populations were adapting to the 20th century economy. The people are resilient and have adapted to the changing conditions to the best of their abilities. Native people utilized the riparian areas for the harvest of fish and wildlife, and other materials used for food, medicine and crafts. In some areas this made the difference between survival and starvation. Evidence for this is in the drought years of 1897-1904 where back-to-back droughts devastated the acorn crops and many of the riparian sources of food. Emergency food supplies were brought to the existing Reservations but officials didn't understand the extent of the dependence on traditional

food sources and widespread starvation was reported, especially in the mountain regions. The Sequoyah League, an Indian advocacy organization, sent wagon trains of food to the mountain regions. Traditional harvesting allowed for drought years by shifting to other food sources, but with the limitations created by homesteaders, cattle, sheep and horses, native alternatives were no longer available.

It is sad irony that after most native people were relocated to the Indian Reservations the Bureau of Indian affairs began an active program of draining wetlands to help establish farms using plows and draft animals. The result was the gradual destruction and, in many cases, the desertification of the riparian areas. Traditional use of the riparian resources continued, sometimes in secret, in the still intact areas of various parts of the region. Many of the urban native population utilized the closest resources to their homes & villages.

Fire Management

Wildfire is a naturally occurring phenomenon in the San Diego Region, usually occurring during the late summer and early fall. Many plant species are able to survive fire, and some even need it to thrive. The native people of this area knew this long ago, creating and using fire to increase the abundance of edible plants for humans and wildlife, to control insects and diseases that could harm edible and useful plants, and to increase plant materials used in making baskets, cordage, clothing, and tools. The transitional ecotones of multiple areas in various stages of succession were a key part of the bounty of the traditional ecosystem.

The use of fire is being reintroduced, on a limited basis, in many areas of the region, as attempts are made to recreate some of the beneficial aspects of the burn regime. Most significantly is the reduction in the fuel load which reduces the potential of catastrophic wildfire. Wetlands and riparian areas were a key part of the fire cycle. They provided refuge during the fires for vulnerable species and became the source of species for rapid recolonization.

Water Management

Springtime floods are another natural disturbance occurring in southern California. Some ecosystems and their plants depend upon such disturbance, which increases the diversity of many plants and animals.

Native people of the San Diego Region created and enhanced inland water areas known as wetlands and riparian areas, through the use of rock and brush weirs. By laying rocks and brush across stream channels in mountainous areas, water was slowed down so it dropped its silt. The slower water speed allowed the soils to absorb more moisture, thereby increasing groundwater recharge. This enabled the creation of wetlands and healthy riparian areas. Stream flow was also enhanced for the drier parts of the year. The modern use of the traditional rock drop structures has allowed for recreation and enhancement of wetland and riparian areas throughout the San Diego Region.

In recent years there has been increasing appreciation for environmental practices of the indigenous people of the San Diego Region, and many of the ancient practices are being re-introduced on lands today. The Kumeyaay Diegueno Land Conservancy was formed for the protection of cultural resources and to enhance understanding of the traditional relationship of people to the environment. This is being done by incorporating traditional principals into environmental resource management to enhance wetland and riparian environments, and groundwater storage capacity to provide foods and crafts, and an overall healthier and more sustainable ecosystem.

It is also acknowledged by riparian specialists that traditional harvest and planting techniques can serve to stabilize and enhance the health of riparian ecosystems, thereby benefitting all species. This is especially important as local riparian ecosystems are stressed by the effects of climate change. Improving the health of the ecosystem increases the resiliency of these systems to climate stressors.

Water Quality Protection

As the San Diego regional economy developed, waterways began to suffer the effects of modern pollution, diminished area and overuse. Agricultural herbicides and pesticides, run-off from roadways, industry, urban storm water runoff, landfills and underground storage tanks were all factors that contributed to the present level of degraded water systems. To meet these threats State and federal legislation created regulatory programs to protect human populations. Later, additional laws expanded protections to threatened and endangered species. During this time of expanded protections to people and wildlife, the ongoing presence and use of resources in the riparian areas by indigenous populations was never formally addressed.

There is a significant amount of diversity in the routes and durations of exposure. Harvesting wetland plants can involve hours of direct contact with water and sediments. Basket weaving can result in ingestion exposure through the manipulation of materials with the mouth. Collection of roots from wetland plants can result in cuts and scrapes that need to be considered for dermal exposure to unhealthy substances. Of course, foods and medicines are recognized as ingestion routes, but teas or medicinal tinctures may represent a concentration of exposures in ingestion routes that need to be considered. These and other factors in traditional use highlight the need for a thorough and considered approach to the development of the tribal use standards.

Based on this background, it is the conclusion of this paper that the best course of action in implementing the Tribal Tradition and Culture (CUL) standards is to accept that all waters in the jurisdiction of the Regional Board may be utilized at one time or another, for Tribal traditional use purposes, and that this should be the default standard for the region. Those areas where it is not feasible to meet this standard should then be carved out as the exceptions. The rationale for such exceptions should be limited and based on impossibility of cultural uses. The population should be educated on why those areas are out-of-bounds to traditional practices and why.