

A wide-angle photograph of the San Diego skyline, featuring numerous skyscrapers and buildings along the waterfront, with the city lights reflecting on the water.

2019 San Diego Integrated Regional Water Management Plan

4 Tribal Nations of San Diego County

Note: Chapter 4 was updated in 2019 to incorporate the 2019 Water Needs Assessment findings. No other changes were made to the chapter. Some information may no longer be current.

This chapter presents an overall summary of the Tribal Nations of San Diego County and the water resources on their reservations. A brief description of each Tribe, along with a summary of available information on each Tribe’s water resources, is provided. The water management issues provided by the Tribe’s representatives at the San Diego IRWM outreach meetings are also presented.

4.1 Reservations

San Diego County features the largest number of Tribes and Reservations of any county in the United States. There are 18 federally-recognized Tribal Nation Reservations and 17 Tribal Governments, because the Barona and Viejas Bands share joint-trust and administrative responsibility for the Capitan Grande Reservation. All of the Tribes within the San Diego IRWM Region are also recognized as California Native American Tribes. These Reservation lands, which are governed by Tribal Nations, total approximately 127,000 acres or 198 square miles. The locations of the Tribal Reservations are presented in Figure 4-1 and summarized in Table 4-1.

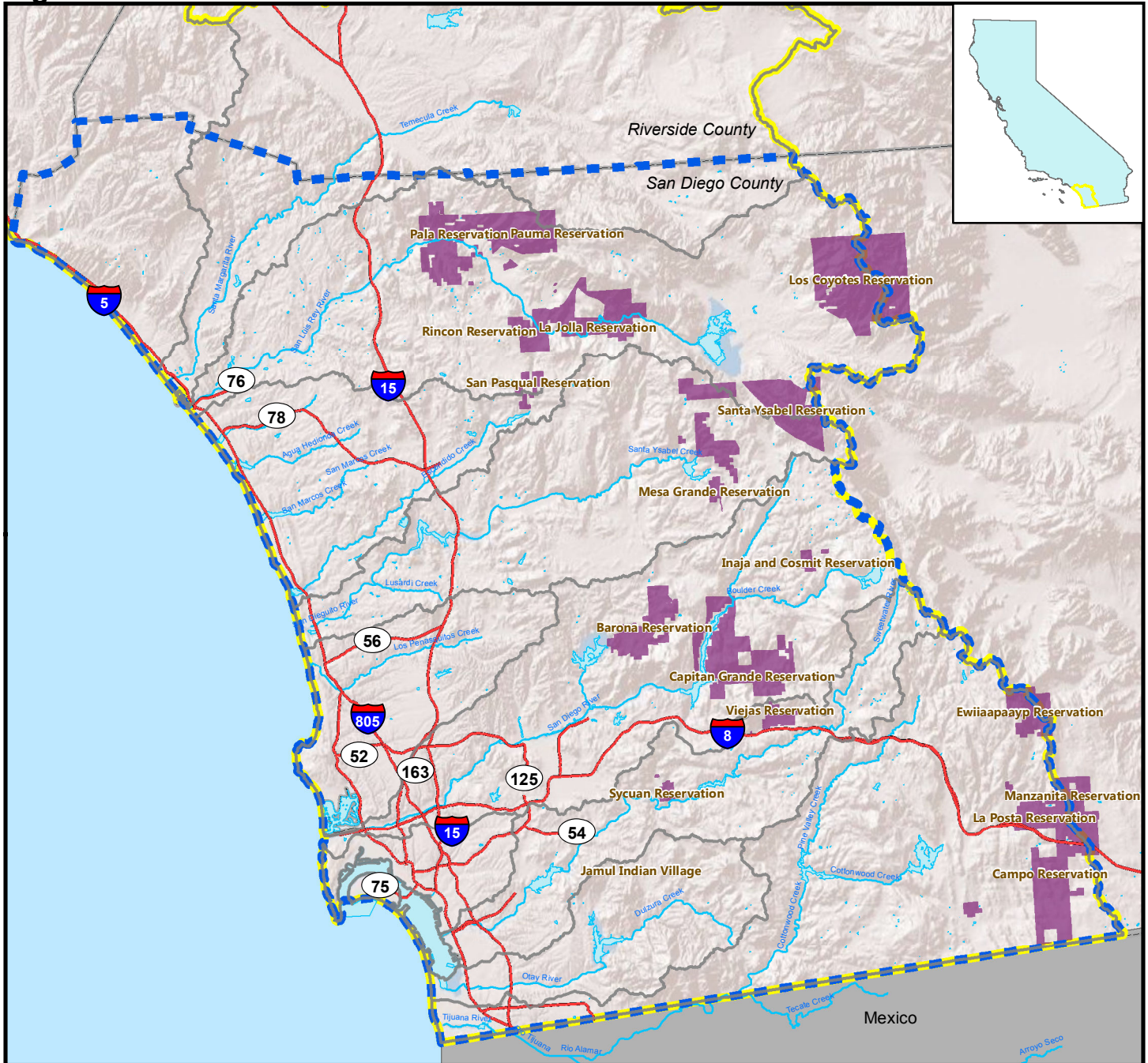
Two additional Tribal Governments do not have federally recognized lands: 1) the San Luis Rey Band of Luiseño Indians (though the Band remains active in the San Diego region) and 2) the Mount Laguna Band of Luiseño Indians.

Note that there may appear to be inconsistencies related to population sizes of tribes in Table 4-1. This is because not all Tribes may choose to participate in population surveys, or may identify with multiple heritages.

4.2 Cultural Groups

Native Americans within the San Diego IRWM Region generally comprise four distinct cultural groups (Kumeyaay/Diegueno, Luiseño, Cahuilla, and Cupeño), which are from two distinct language families (Uto-Aztecan and Yuman-Cochimi). These cultural groups are distributed throughout San Diego County and their respective traditional territories include areas in neighboring counties. In general, Luiseño, Cupeño, and Cahuilla cultural groups are located in the northern half of San Diego County, while Kumeyaay/Diegueno cultural groups are located in the southern half of San Diego County (see Figure 4-2). However, members of the various tribes in San Diego County have interacted for centuries and individuals may consider themselves part of multiple cultural traditions, despite being enrolled in a particular tribe (e.g., Barona Band of Mission Indians) or living on a particular reservation. Neighboring Tribes whose land falls outside the San Diego IRWM Region, but may have an interest in, or impact on, the water management and water issues of the Region include the Pechanga Band of Luiseño Indians, located near Temecula, CA; the Cahuilla Band of Indians, located near Anza, CA; and the Torres-Martinez Desert Cahuilla Indians, located near Coachella, CA.

Figure 4-1: Tribal Nation Reservations



Legend

- Tribal Lands
- Watershed
- San Diego IRWM Region
- Funding Area Boundary
- Waterbody
- County
- River
- Freeway

N

0 2.5 5 10
Miles

Source: San Diego Association of Governments (SANDAG) - GIS Data Warehouse
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Table 4-1: San Diego County Tribal Governments and Reservations

No.	Name		Ethnology/Language	Acreage	Population		Housing Units
	Reservation	Tribal Nation			Total Tribal Members ¹	Reservation Population (Tribal members and non-members) ²	
1	Barona Reservation	Barona Band of Mission Indians	Ipai-Tipai/Diegueno	5,664	536	640	219
2	Campo Reservation	Campo Band of Kumeyaay Indians	Kumeyaay/Diegueno	15,336	351	362	140
3	Capitan Grande Reservation	Capitan Grande Band of Mission Indians, consisting of the Barona and Viejas Bands	Kumeyaay/Diegueno	15,615	33	0	0
4	Ewiiapaayp Reservation	Ewiiapaayp Band of Kumeyaay Indians (formerly Cuyapaipe Band of Mission Indians)	Kumeyaay/Diegueno	4,156	N/A	0	0
5	Inaja & Cosmit Reservation	Inaja – Cosmit Band of Indian	Kumeyaay/Diegueno	846	15 ²	0	0
6	Jamul Indian Village	Jamul Indian Village	Kumeyaay/Diegueno	6.2 ³	60	0	0
7	La Jolla Reservation	La Jolla Band of Indians	Luiseno	8,822	390	476	181
8	La Posta Reservation	La Posta Band of Mission Indians	Kumeyaay/Diegueno	3,471	18	55	19
9	Los Coyotes Reservation	Los Coyotes Band of Cahuilla and Cupeño Indians	Cahuilla, Cupeño	25,050 ³	328 ⁴	98	35
10	Manzanita Reservation	Manzanita Band of the Kumeyaay Nation	Kumeyaay/Diegueno	3,563	69	78	35
11	Mesa Grande Reservation	Mesa Grande Band of Mission Indians	Kumeyaay/Diegueno	1,820	75	98	24
12	Pala Reservation	Pala Band of Mission Indians	Luiseno, Cupeño	12,333	1,573	1,315	425
13	Pauma and Yuima Reservation	Pauma/Yuima Band of Mission Indians	Luiseno	5,826 ⁶	186	206	63
14	Rincon Reservation	Rincon Nation of Luiseno Indians	Luiseno	5,500 ³	1,495	1,215	357
15	San Pasqual Reservation	San Pasqual Band of Indians	Ipai/Kumeyaay	1,500	500 ³	1,097	298
16	Santa Ysabel Reservation	Ipay Nation of Santa Ysabel	Diegueno	15,270	250	330	140
17	Sycuan Reservation	Sycuan Band of the Kumeyaay Nation	Kumeyaay/Diegueno	632	33	211	76
18	Viejas Reservation	Viejas Band of Kumeyaay Indians	Kumeyaay/Diegueno	1,696 ³	394	520	192
19	N/A	San Luis Rey Band of Luiseno Indians ⁵	Luiseno	N/A		N/A	N/A
20	N/A	Mount Laguna Band of Kwaaymii Indians ⁵		N/A		N/A	N/A

¹ Based on latest information from Indian Reservations in San Diego County. Available: <http://www.sandiego.edu/nativeamerican/reservations.php> (Accessed 25 March 2012).

² Based on U.S. Census Bureau, 2010. *U.S. Census Demographic Profiles*. Available: <http://www.census.gov/2010census/popmap/> (Accessed: 26 April 2013).

³ Based on information from the Tribal Characterization Form submitted by the Tribes.

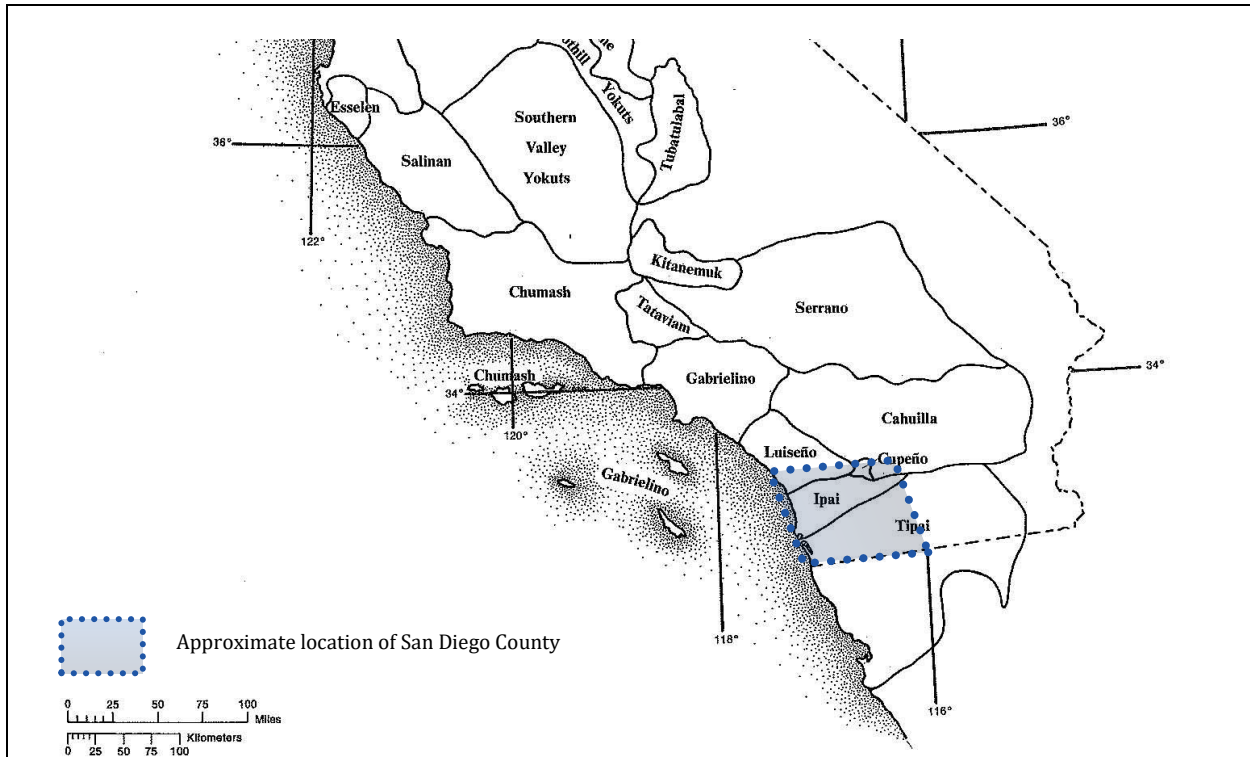
⁴ Based on information from Los Coyotes Indian Reservation. Available: http://www.kumeyaay.info/los_coyotes.html (Accessed 3/25/2013).

⁵ The San Luis Rey Band of Luiseno Indians and the Mount Laguna Band of Luiseno Indians are not federally-recognized tribes.

⁶ Of the 5,826 acres of the reservation, only 200 acres are developable.

As of 2010 only a small percentage of the Region’s Native American population of 17,000 lived within the Tribal Nation Reservation lands. Brief descriptions for each Tribal Nation Reservation are presented in Section 4.6 below.

Figure 4-2: Traditional Territories of Tribal Nations in California



Source: *Handbook of North American Indians*, Robert F. Heiner, ed. Vol. 8: California. 1978.

4.3 Tribal Autonomy

While the Tribal Nations are sovereign and have autonomy over their lands, they are subject to Federal environmental laws and regulations. Sovereign Tribal Nations are not subject to State and local environmental laws and regulations, except for those required under a Compact with the State, and other independent agreements between the Tribal Governments and local agencies. While State and local governments do not have any authority over Tribal Lands, in a few cases, working relationships exist between the Tribes and local jurisdictions to address water and habitat issues. For example, Tribal representatives regularly meet with officials from with the San Diego Association of Governments (SANDAG) and serve on various working groups and committees. A position reserved for a Tribal representative on the Regional Advisory Committee (RAC) is open and awaits filling by the Southern California Tribal Chairmen’s Association; in the past, Tribal representatives have participated on the RAC and on RAC workgroups.

Understanding that Tribes are important partners in water resources management, and acknowledging their cultural and historical ties to the Region and its resources, the Regional Water Management Group has made a concerted effort to reach out to the Tribes within the Region. These efforts are described in detail in *Chapter 6, Governance and Stakeholder Involvement*.

4.4 Tribal Resource Management

The primary function of each of the Region's Tribes is to serve as a government for the members of the Tribe. As such, many Tribes have environmental departments tasked with setting environmental regulations on Tribal lands and monitoring water resources for compliance with applicable federal laws and regulations. These tribal environmental agencies manage groundwater levels through recharge from rainfall on reservation land.

In addition to formal oversight through Tribal agencies, many Tribes have a cultural connection with their water resources. This is captured, in part, in the *Tribal Water Stories of Coastal Southern California* document produced during the tribal outreach conducted during development of the 2013 IRWM Plan. This document is a collection of stories, myths, songs, and poems from Tribes in Southern California, and is meant to educate and inform the reader, as well as honor the cultures and peoples from whom these stories come. The *Tribal Water Stories of Coastal Southern California* is included as Appendix 4-A.

Excerpt from Tribal Water Stories of Coastal Southern California, a collection of stories, myths, and songs from Tribes in San Diego County, collected to entertain and educate readers, while honoring and celebrating the people and cultures from which these stories come. To download the entire collection, visit: www.sdirmwp.org

AH-HA' WI-AH-AH' WATER COLDER WATER

The cold spring, located on the high peak of the Cuyamacas, is well known to all lovers of these mountains, and the Indians, who must ever have a reason for the existence of things, tell how it was created and named by one of their mythical creatures long ago.

At one time in the ages past, the Ah-ha' Kwe-ah-mac' (Water Beyond) mountains were infested by monstrous giants with loathsome, ill-shapen bodies, who terrorized the surrounding country. These marauders, lurking and watching their opportunity, frequently stole the Indian maids from their villages, keeping them in bondage as slaves.

One of the giants, named Hum-am' Kwish'wash (Whip to Kill People), lived in the vicinity of Pam-mum'am-wah' (Green Valley).

He reveled in the most fiendish greediness, but his innate sense of the beautiful was keen and strong. He not only selected the most delightful places to live, but surrounded himself with objects pleasing to the eye. Always he stole the fairest of the Indian maids and required them to weave the most exquisite designs known in their art of basket making.

His cruelty was extreme, and did his slaves displease him in the least, they met with the most horrible death imaginable.

This hideous being possessed supernatural powers, which he employed in various ways. It seems that he wanted nothing but the coldest water to drink. He tried the water in the streams and tried the water in the springs that abound throughout the country, but never did any of it suit his taste, so he created for himself a spring of colder water.

Tribal ecological knowledge (TEK) could be a valuable resource for water managers in the Region, because Tribes have been managing their water resources for thousands of years. Land management techniques of local tribes included irrigation, burning, pruning, sowing, selective harvesting, and tilling (Anderson and Nabhan 1991). Locally, the Kumeyaay Diegueno Land Conservancy (KDLC) actively uses tribal ecological knowledge to manage conservancy lands, and these practices are integrated within their partnerships and coordination efforts with Tribal, federal, and non-profit groups, including the Wildlife Conservation Board, US Fish and Wildlife (Tribal Wildlife Grant Program), Cuyamaca State Park, Back Country Land Trust, San Diego Parks and Recreation, and the US Bureau of Land Management, among others (Connolly 2013).

Two TEK practices highlighted by the KDLC that most influence and benefit water and water management systems are fire mosaics and rock drop/gabion structures.

Fire Mosaics

The TEK fire mosaic management technique involves applying fire to particular vegetation areas under specified environmental conditions and descriptors such as seasonality, fire-return interval, and dimensions to achieve select cultural purposes (Anderson and Nabhan 1991). Burning vegetation helps to recycle nutrients within the soil, promotes soil fertility, destroys insects, disease, and quick growing invasive plant species, and promotes a lush understory of vegetation that was essential to the Native American subsistence food supply (Martinez 1993). In addition to the benefits fire mosaics provide as land management, this practice directly influences the way water is retained and controlled. A post burn, open-growth landscape is known to make large trees more drought-tolerant, attract more native grasses, and create a permeable soil surface that manages surface erosion (Martinez 1993). The post burn environment sometimes includes downed logs that act as reservoirs, creating microclimates and promoting moisture retention (Martinez 1993). Fire mosaics promote the carrying capacity of the soil and increase groundwater recharge, both of which are very important to the southern Californian landscape (Connolly 2013).

Rock Drops and Gabions

One particularly important TEK water management technique used on Tribal lands and conservancy efforts is irrigation, by supplying select land areas with water through means of diversion and artificial channels (Anderson and Nabhan 1991). Rock drops and gabions are two types of water management tools used to manipulate the movement of water to increase its potential positive benefits in an area. When a stream or river runs too fast, the surrounding banks tend to erode, habitat potential is lost, and groundwater recharge is limited. In order to stabilize stream flow, enhance groundwater recharge, and create riparian habitats, rock drops are used (Connolly 2013). Similar to a dam, but much less invasive, rock drops are created by the dry (non-cemented) layering of large boulders perpendicular to the natural water flow. This causes the flow to slow and water to saturate the ground more deeply and with more breadth, recharging the water table and stabilizing the stream. The following images, presented by Michael Connolly of the Campo Kumeyaay Nation at the 2013 Tribal Water Summit, illustrate the substantial effect rock drop structures have on an environment.



River landscape before and after rock drop structure installation at Campo Reservation.

Photo credit: Michael Connolly at the 2013 Tribal Water Summit

Gabions are usually made of pillar-like installations of boulders, held together by wire mesh, and placed along the interior banks of a waterway. By manipulating the water flow patterns and creating areas of varying water speed, gabions help to create riparian habitat, stabilize stream flow, and increase groundwater recharge (Connolly 2013). Both rock drops and gabions have been shown to increase Native American traditional food supply, medicine, and building and craft materials, by attracting and fostering the growth of certain plants and cultivating additional biodynamic processes (Connolly 2013).

Following the Winters Doctrine (see box to the right), tribal water rights were established with the reservations, and have precedence over subsequent water claims – whether or not Tribes use their full allocation. In the San Diego IRWM Region, most Tribes have senior water rights over local agencies. Tribes in the San Diego Region also have full rights to the water that falls on their land.

Winters v. United States

The *Winters v. United States* Supreme Court Case (1907-1908) settled questions of water rights of Reservations. The court found that water rights were implied with the creation of a reservation, even if not explicitly stated. Further, the rights are in an amount to allow for a productive, successful settlement on the reservation. These rights have priority over other subsequent water rights. Further, the rights claimed by the reservation are not forfeited through lack of use.

Source: *Winters v. United States*:
<http://supreme.justia.com/cases/federal/us/207/564/case.html>

4.5 Development on Tribal Lands

San Diego County has a semi-arid environment with limited local surface water and groundwater supply. The major forecasts for regional growth in San Diego County are conducted by SANDAG and the County of San Diego. SANDAG has recently completed its 2050 Regional Growth Forecast and the County of San Diego has prepared the San Diego County General Plan. These documents are used by the San Diego County Water Authority and other regional and local agencies for planning current and future water demand and water supply for the region. However, the recent and planned future developments on Tribal lands may not be adequately represented or considered in these planning efforts.

Development on tribal lands is driven by economic factors. Economic growth on the reservations has primarily come from the advent of gaming, though it is also driven by the renewable energy industry and agriculture, among others. Land use on Tribal lands in San Diego County was mostly limited to residential and minor agricultural activities until the Indian Gaming Regulatory Act of 1988 which regulated gaming activities on the Tribal Nations Reservations. Ten gaming facilities have been started on Tribal Reservations in San Diego County since 1988, more than in any other county in the United States, and more are under development. Some of the Tribes have also added malls, resorts, hotels, restaurants, and golfing to their reservation lands.

Development of gaming, visitor, recreational, and associated facilities on the Tribal lands, and the economic benefits associated with them, has resulted in increased development on the reservations. This trend is expected to continue. To support economic development on the reservations, tribes are relying on their previously unclaimed water rights under the Winters Doctrine to extract water from the underlying groundwater basins. The combined impact of water extractions both on and off reservation lands may result in overdraft of the groundwater basins. As such, improved regional and local planning efforts may be needed to maintain local groundwater supplies and incorporate future developments on Tribal Reservations when considering potential off-reservation development, particularly upstream of reservation lands. Tribal water rights, including for economic development, often take precedence over new, off-reservation development, so consideration of development on

tribal lands is important when allocating water to new off-reservation development projects. Because many Tribes have environmental and planning departments that regulate development on tribal lands, communication between these and other agencies may be necessary when considering development projects sharing tribal groundwater sources. In the past, the Water Authority and other agencies in the Region have coordinated with tribes regarding annexation and exploring the potential for water supply delivery to reservation lands due to interest among some Tribes in obtaining imported water supplies.

Development on tribal lands is regulated by tribal planning agencies and departments. These planning efforts comply with federal law, including Tribal Environmental Impact Report (TEIR) requirements. TEIRs developed for the gaming and associated facilities generally present the following protection measures to manage local water and wastewater in a sustainable manner:

- Minimizing groundwater use by:
 - Using recycled water for irrigation
 - Enhancing infiltration systems and capacity for groundwater recharge
 - Accommodating all wastewater flows on Tribal lands
 - Maintaining groundwater extractions to below local basin’s sustainable yield levels
 - Implementing Groundwater Monitoring and Mitigation Plans (GMMPs)
- Maximizing water conservation by:
 - Using native, drought-resistant plants in landscaping
 - Using proper irrigation timing and duration
 - Implementing indoor water conservation practices in kitchens
 - Using waterless urinals
 - Using low flow toilets
- Managing water quality by:
 - Establishing and enforcing tribal water quality standards under the Clean Water Act
 - U.S. Environmental Protection Agency oversight of drinking water facilities to ensure compliance with the Safe Drinking Water Act
 - Complying with tribal environmental departments’ water quality programs

4.6 Tribal Nation Water Resources

A brief description of demographic information, environmental programs, and water resources for each Tribal Nation Reservation is provided below. The amount or detail of information available varies greatly by Tribe. The information contained in this section reflects the responses provided through a questionnaire sent to each Tribe, as well as other sources. Tribal participation in the questionnaire varied, as reflected by the varying level of detail presented herein, and some tribes expressed concern over how such data may be used.

4.6.1 Barona Band of Mission Indians

The Barona Indian Reservation was established in 1932, and is home to the Barona Band of Mission Indians. The Barona Band of Mission Indians is a federally-recognized Tribe governed by an elected Tribal Council. The reservation has its own museum, school, fire station, gas station, church, and community center, as well as the Barona Valley Ranch Resort & Casino. In the Tribe's continued efforts to preserve its culture, the reservation is also home to the Barona Cultural Center & Museum, a hands-on educational museum. Displays of handmade pottery, reed baskets, paintings,



arrowheads, and other artifacts - over 2,000 in all - date back thousands of years, and bring to life the rich culture and history of San Diego's Native American community.

Barona's Water Resources

Barona's reverence for the environment spans thousands of years and the tribe practices energy and resource conservation throughout the reservation and resort property. Barona's first on-site water treatment facility went online in 1994; a second, more advanced water reclamation plant was completed and implemented in 2000. This facility uses ultraviolet (UV) disinfection to safely and efficiently produce sufficient supplies of clean water. Following its construction, the Tribe converted the Barona Indian Charter School from septic to sewer service. Barona's water reclamation plant treats water from many sources on the resort. At peak capacity, it can treat and filter 750,000 gallons of water per day.

An extensive water recovery program captures irrigation runoff from the golf course and resort landscaping, and rainwater from building rooftops, parking lots, storm gutters, and drains. The collected water is channeled to a series of retention ponds via an aqueduct. There, it is blended with treated water from the water reclamation plant. Four retention ponds have a total capacity of approximately 12 million gallons of water. Combined with the golf course ponds, Barona has a water storage capacity of almost 47 million gallons.

In addition to an aggressive water collection and reclamation system, Barona uses reclaimed water for golf course and landscaping irrigation, and further conserves water through the use of native, water-efficient plants and efficient irrigation systems in landscaping. Equipment, foot traffic, and pesticides are restricted in all habitat and nesting areas, providing protection for native wildlife and the environment.

In order to protect the groundwater resources, the Barona Band is trying to add an additional 600 acres of land to their reservation, which would allow it to pump from two separate aquifers, reducing their impact on a single aquifer.

4.6.2 Campo Band of Kumeyaay Indians

The Kumeyaay Nation once encompassed the lands from northern San Diego County to the dunes of the Imperial Valley and south beyond Ensenada, Mexico. The Kumeyaay were originally organized along clan lines called Sh'mulq, but when the Mexican-American War ended in 1848, the new international border was drawn through the heart of Kumeyaay lands. By 1875, the first of the Kumeyaay territories began to be converted to Reservation trust land. Further additions were taken into trust over the next 25 years, including the first portion of the Campo Indian Reservation in 1893.



In 1978, the Campo people designated the area near the Crestwood freeway off-ramp as an area for economic development. After considerable debate over various development proposals, a casino facility was constructed in 2001.

Campo's Water Resources

The Campo Environmental Protection Agency (CEPA) was created by order of the General Council of the Campo Band of Kumeyaay Indians in July 1990. Originally created to address concerns relating to a commercial development, the scope of CEPA activities has grown to all areas of environmental protection and protection of public health.

Traditional water management techniques, such as rock drop structures, are used on Campo lands. Without a natural fire regime and fire mosaic in the area, vegetation has become less diverse, and more of a monoculture, which has reduced the capacity of streams.

Commercial grazing was banned on tribal lands in January 1995, which has significantly assisted in the recovery of wetland species in riparian areas on tribal lands. CEPA anticipates expanding its stewardship efforts into the 36 miles of perennial and ephemeral streams of the reservation. The Campo Wetlands Restoration Project on Diebold Creek has received national recognition for restoring large stretches of stream habitat. Originally, an overgrazed stretch of valley with a 12 foot deep arroyo and ephemeral water flow, the creek now flows perennially, the arroyo is silted in and new riparian vegetation has grown to over 20 feet. This has all occurred since the original erosion structures were emplaced in 1992.

4.6.3 Capitan Grande Group of Mission Indians

During the 1840s and 1850s, San Diego experienced so much growth that some groups of Indians living in the Mission Valley area were pushed into what is now the East County. In 1853, many of these people established a village in the Capitan Grande area of the upper San Diego River. In 1875 the U.S. Army issued a federal permit for the Indians to inhabit the area, and the general public was warned against disturbing the Indians who resided there. The Capitan Grande Reservation was patented in 1891, and is jointly owned and managed by the Barona Band of Mission Indians and the Viejas Band of Kumeyaay Indians.

Capitan Grande's Water Resources

The Capitan Grande Reservation initially had extensive water resources from the upper San Diego River. However, through non-Tribal policy decisions, much of the water was diverted to meet the increasing water needs of a growing San Diego urban population. Much of the water that originally flowed through the Capitan Grande lands is now diverted to Lake Cuyamaca and El Capitan Reservoir.

4.6.4 Ewiiapaayp Band of Kumeyaay Indians

The Ewiiapaayp Reservation, formerly known as the Cuyapaipe Reservation, is a federal Indian Reservation created in 1891 by the US Congress. This Reservation is owned and managed by the Ewiiapaayp Band, which is headquartered in Alpine, California.



The Ewiiapaayp Reservation is mostly undeveloped, with no utilities and only a single, unpaved, narrow, and steeply graded access road. This limits the economic development of the Reservation. Additionally, the Ewiiapaayp Reservation has limited water resources, and is considering the possibility of constructing a connection to the Padre Dam Water District distribution system. In 1986, the 8.6 acre Little Ewiiapaayp trust land was taken into trust for the Ewiiapaayp Band, and an additional 1.42 acre parcel was taken into trust in 1997. These parcels are not proclaimed as a part of the Ewiiapaayp Indian Reservation. These two parcels are leased to the Southern Indian Health Council (SIHC) to host the SIHC Clinic. The SIHC is a healthcare organization formed in 1982 as a tribal organization by the Ewiiapaayp along with several other local tribes (Campo Band of Diegueno Mission Indians, Jamul Indian Village, the Manzanita Band of Diegueno Mission Indians, La Posta Band of Diegueno Mission Indians, and the Capitan Grande Band of Diegueno Mission Indians (the Barona Group of the Barona Reservation and the Viejas Group of the Viejas Reservation) and Sycuan Band of the Kumeyaay Nation). Recently, the Ewiiapaayp approached the National Indian Gaming Commission for a review a consulting services agreement

and a development services agreement with WGSD, LLC, a subsidiary of Warner Gaming, LLC for a gaming facility on the lands where the SIHC is currently located.

4.6.5 Inaja-Cosmit Band of Indians

The Inaja-Cosmit Band of Indians is a federally-recognized tribe of Kumeyaay Indians. The Inaja-Cosmit Reservation was established in 1875 and is located in eastern San Diego County near the US-Mexico Border, though the Inaja-Cosmit Band is headquartered in Escondido, California.



The Inaja-Cosmit Reservation consists of two parcels of remote and inaccessible land near Cuyamaca Peak. At present there are no permanent inhabitants of these 852 acres, though some remodeling is underway on Inaja. Winter snows and a lack of facilities make these locations relatively inhospitable. However, the Tribe has received an approximately \$21,000 grant under the American Recovery and Reinvestment Act of 2009 to rehabilitate tribal housing to make it more energy efficient.

4.6.6 Jamul Indian Village of California

The Jamul Indian Village sits on six acres east of the town of Jamul. After years of tenacious endurance, the Jamul village was finally declared a reservation. The reservation has administration offices and a community center.



The reservation receives drinking water from Otay Water District and wastewater is managed with onsite (septic) systems, which are pumped monthly. Upstream cattle and failing septic systems cause high nutrient levels and algae growth in surface water. Additionally, there is new development upstream that impacts the flow of stormwater through the reservation. The Tribe's stream, Willow Creek, is a direct result of runoff from the highway.

The Jamul Indian Village has a dedicated environmental protection group, the Jamul Environmental Agency (JEA). The JEA was created in 2001 to administer United States Environmental Protection Agency (EPA) related programs, monitor environmental issues, implement tribal environmental ordinances, consult with government agencies, and provide environmental education. JEA produces literature for members on pesticide safety, announces environmental and health hazards, and attends environmental trainings.

4.6.7 La Jolla Band of Luiseño Indians

La Jolla Indian Reservation, consisting of approximately 8,822 acres, is located in the foothills of the Palomar Mountains, on the banks of the San Luis Rey River.

The La Jolla Indian Reservation was established in 1875, though it has been home to the Luiseño (Payomkawichum) people for at least the last 10,000 years. Today, there are about 700 tribal members and a Tribal Council that governs the Tribe.



The La Jolla Tribe operates three EPA-regulated Public Water Supply Systems that provide treated groundwater to Tribal residents. La Jolla has had great success in properly managing water resources and has constructed a domestic water filtration plant, a groundwater monitoring system, and a wastewater treatment facility. The Tribe was the first in California to have an approved Drought Mitigation Plan. La Jolla maintains an Environmental Protection Office that manages multiple programs including a water quality monitoring program and a nonpoint source pollution control

program, under Sections 106 and 319 of the Clean Water Act. Additionally, re-vegetation projects help to protect the natural environment. The Tribe has numerous other environmental initiatives including a wastewater management program, an Integrated Solid Waste Management Plan, Household Hazardous Waste and E-Waste collection for residents, and Source Water Assessment Planning, that protect the environment and local water resources.

The Tribe is continually working on emergency preparedness and planning for natural disasters. Encroachment of the urban population and vehicular traffic on Highway 76 stresses the Tribal infrastructure, and a lack of sufficient funding to implement needed programs is an issue.

4.6.8 La Posta Band of Mission Indians

La Posta is a 3.8-acre reservation near Mount Laguna and the Cleveland National Forest. The La Posta Reservation is a federal Indian reservation, and was established in 1893.

It has occasional residents, and access to the land is mostly limited to Tribal members. The one entry road is either dusty or muddy, and is fenced off from intruders.



4.6.9 Los Coyotes Band of Cahuilla and Cupeño Indians

With approximately 25,000 acres of tribal land, the Los Coyotes Indian Reservation is the largest reservation in San Diego County. The Los Coyotes Reservation water source is groundwater and the wastewater system consists of septic systems for each house. The tribe does not have sufficient funds to hire a full time operator. The Los Coyotes Band has established the Los Coyotes Campground and Los Coyotes Horse Camp on their property for camping, hiking trails, horse riding, and biking.



Los Coyotes Indians and La Jolla Band of Luiseño Indians have a joint Tribal Wetlands Program. Los Coyotes Indian Reservation and the La Jolla Band of Luiseño Indians jointly obtained a Wetlands Development Grant from EPA in 2006 to initiate a watershed-based dual tribal Wetlands Program for the Upper San Luis Rey River and build on existing capacity for environmental management and study in the La Jolla Tribal Water and Environmental Resources Office. This program will characterize the wetlands of Los Coyotes Indian Reservation and study nutrient flow in the upper San Luis Rey River that may be impairing wetlands function.

4.6.10 Manzanita Band of the Kumeyaay Nation

The Manzanita Reservation was established in 1893 and is located in southeastern San Diego County within ten miles of the US-Mexico Border. The Manzanita, named for the brushy brush so common over drier California, occupies a 3,580-acre rectangle of infertile upland valleys and meadows in the western part of the Carrizo Desert. Homes of the residents are widely scattered, tucked behind boulders and hillsides for protection from the uncompromising summer sun.



4.6.11 Mesa Grande Band of Mission Indians

The Mesa Grande Reservation, a federal Indian reservation, was founded in 1875. Situated in a group of hills above the forests of Black Canyon (part of Cleveland National Forest), the Mesa Grande Reservation is often covered with snow in winter.



Water resources of the Tribe consist solely of groundwater pumped from wells on the Reservation. For their living during the year, the families commute to nearby towns, but also keep some horses and cows and maintain a few farms in a variety of frame, rock, adobe and mobile homes on 920 acres of land (some newly acquired from the Bureau of Land Management).

4.6.12 Pala Band of Mission Indians

The Pala Band of Mission Indians is comprised of two groups: Luiseños and Cupeños. The Luiseño people of Pala were given a reservation in 1875. In 1903, they were joined by the Cupeños, who had been evicted from the village of Cupa (present-day Warner Springs) and forcibly removed to the reservation at Pala. The San Luis Rey River runs through the Pala Reservation.



The Pala Casino Spa and Resort is the major economic driver of the reservation. Pala also has avocado and citrus groves. The tribe provides land for housing for tribal members and has an active construction program for tribal residents.

Pala's Water Resources

The Pala Tribe created the Pala Environmental Department (PED) in 1997 to protect and preserve the natural resources of the Pala Reservation. The San Luis Rey River is an important tribal resource, along with the groundwater throughout the Pala Basin. The river itself is a cultural feature, as water is considered a sacred resource to the Pala Tribe. PED's Water Resources Program oversees the protection of the Pala Tribe's water resources, including surface and groundwater resources, as well as the Tribe's drinking water system and compliance with federal Safe Drinking Water Act regulations. This program conducts various activities, including: monitoring both the water quality and quantity on the reservation, on-the-ground projects to reduce erosion and remove nonpoint source pollution, and identification of any water resource issues that might impact the Pala Tribe.

The Pala Reservation has two public water systems, both of which are served by local wells, and treated before use. These water systems comply with all Safe Drinking Water Act regulations. The Pala Environmental Department and Pala Utilities Department conduct bi-weekly tests of water safety and quality.

The Pala Band has a tertiary wastewater treatment plant that services most of the buildings on the reservation, including the casino. Many of the homes south of the San Luis Rey River still have septic tanks, although the majority of the reservation is on sewer service. Areas still on septic are monitored to ensure groundwater protection.

During exceptionally rainy years, the San Luis Rey River and tributary creeks can flood and cause problems on roads and for some buildings, including the casino. The Pala Tribe is continually working on emergency preparedness and long-term mitigation measures to prevent stormwater and flooding damage. Pala Environmental Department has installed some flood-warning stream gages around the reservation in order to monitor potential flooding.

4.6.13 Pauma Band of Mission Indians

Officially established in 1893, the nearly 6,000-acre Pauma reservation currently encompasses only a small portion of traditional Pauma territory, which expands into Northern San Diego, Riverside and Orange counties.

Pauma Band of Luiseño Indians has a thriving agricultural program, which are relatively sustainably managed. The T-Y Nursery, however, is impacting reservation wells. Tribal lands consist of four parcels equaling approximately 5,800 acres. The Tribe grows 60 acres of avocados, Valencia oranges, and lemons.



4.6.14 Rincon Band of Luiseño Indians

The Rincon reservation was established in 1875 and is home to the Rincon Luiseño Indian. Historically, the Luiseño tribes lived in the areas of San Diego, Riverside and San Bernardino Counties. The reservation is comprised of residential, agricultural, preserve/habitat, private and tribal land.



Rincon's Water Resources

The San Luis Rey River runs through the reservation. This riparian habitat is monitored by the Tribe and is a sanctuary for some endangered species. The Tribal Environmental Office oversees the natural resources on the reservation and works with the Tribal Council to ensure the land is protected. The Tribe collects and analyzes surface water and groundwater samples. No water quality issues have been observed and the sample results are within the limits.

The City of Escondido and the Vista Irrigation District [VID] deliver water from the San Luis Rey River to the Rincon Band of Mission Indians. The amount of water delivered depends upon the amount of surface water and groundwater available, and therefore varies on an annual basis.

The reservation is serviced by scattered site septic systems; however, the Tribe is interested in installing a sewer system on the reservation for protection of the groundwater.

4.6.15 San Pasqual Band of Indians

The San Pasqual Indian Reservation is located in northeastern San Diego County, California, near Valley Center. The ancestors of the San Pasqual Indians lived for thousands of years in the valley carved by the Santa Ysabel Creek, where modern Highway 78 now winds, near the present site of the San Diego Zoo's Safari Park. The San Pasqual Indian Reservation is adjacent to the Rincon Band of Mission Indians, and is nearby several other Indian Reservations, including Pauma, Pala, La Jolla, Santa Ysabel, Mesa Grande, Los Coyotes, and Pechanga.



The San Pasqual Indian Reservation was established by Presidential decree in 1910. Despite being one of the last reservations to be established in Southern California, much of the San Pasqual Indian Reservation has been removed from its original location. The original site is now occupied by Lake Wohlford and the San Diego Zoo's Safari Park. The compensatory land is now in five parcels, totaling 1,500 acres of trust land, on dry, scrub oak hills east of Valley Center. Indian administration and activities are centered at the Tribal Hall and education center.

San Pasqual encompasses approximately 1,500 acres of trust land and is considered a "checkerboard" Reservation, as it does not occupy one contiguous land mass. The San Pasqual

Reservation is divided into three non-continuous districts: A, B, and C. The topography consists of steep slopes and few irrigable lands and the average annual rainfall varies from 10 – 20 inches a year. The Reservation is near the headwaters of the San Luis Rey Watershed and rainwater falling on the area enters the San Luis Rey River via Paradise Creek to the north and Lake Wohlford to the south. Lake Wohlford is a storage reservoir for the City of Escondido. The Reservation land is located in both the San Luis Rey watershed and the Carlsbad watershed.

Tribal membership consists of approximately 500 people. The Reservation population is approximately 1,097 total residents, occupying 298 homes. The majority of homes and residents on the Reservation currently reside in Districts A and B, with a small population and clusters of homes in District C.

San Pasqual's Water Resources

The San Pasqual Water Department manages and operates a Public Water System serving the Tribal communities in Districts A and B. The majority of the Tribe's drinking water is purchased from Valley Center Municipal Water District.

The Reservation does not have a community sewer system and relies on individual home septic tanks and leach fields for collection and disposal of its waste water. The Tribe's Environmental Protection and Compliance Department monitors and manages the environmental health and quality of the Reservation including monitoring and testing surface water and groundwater quality.

4.6.16 Iipay Nation of Santa Ysabel

The Santa Ysabel Reservation was established in 1893. The Reservation is located on Hwy 79, in North San Diego County near Lake Henshaw between the towns of Santa Ysabel and Warner Springs. The homes on these 15,527 acres are mostly older. There have been some improvements to the tribal hall and clinic.



Historically, the area surrounding the Santa Ysabel Valley was known by the Indian name "Ellykwanan." The original inhabitants who lived in the Santa Ysabel village called themselves "Iipay," "the People." The Iipay are part of the larger Kumeyaay people who once populated much of the geographic area of present day San Diego County. The Iipay of "Ellykwanan" lived in the general vicinity of the Santa Ysabel Valley as well as the villages of Mataguay and San Felipe near S-2. The Iipay were governed by a "Kuseyaay" or "Captain" who managed the religious, political and economic life of the people as well as trade relations with other tribes.

The Santa Ysabel Patent to create the Reservation was approved in 1893. The villages of Ellykwanan, Mataguay, and San Felipe along with Tekemuk would be combined to comprise Tracts 1, 2, and 3 of the Santa Ysabel Reservation and would make up the population of the Santa Ysabel Band of Mission (Diegueno) Indians, the name by which the Tribe is most commonly known.

The Santa Ysabel Indian Reservation ranges from 3,200 feet to 5,700 feet in elevation and comprises a land base of over 15,000 acres on three tracts of land. The mountainous topography of the Reservation is home to a wide variety of indigenous plants and trees, including seven different species of oak trees, musky sage plants, verdant wild ferns, vibrantly blue lilacs, and waves of golden poppies that flourish along the hillsides and ridges of Volcan Mountain.

4.6.17 Sycuan Band of the Kumeyaay Nation

The Sycuan Reservation was established in 1891; however, Sycuan ancestors have lived in the San Diego area for nearly 12,000 years. Currently, there are 130 Sycuan tribal members.

As specified in the Tribal Outreach meeting held by the San Diego IRWM Program in August 2012, Sycuan has basic water resources needs including an antiquated water distribution on the reservation that should be modernized. The reservation also needs a new reservoir and to maximize its well system. The Sycuan Band has investigated the possibility of connecting to the Otay and Padre Dam water systems, in order to receive water from these water districts.



4.6.18 Viejas Band of Kumeyaay Indians

The Viejas Band of Kumeyaay Indians, one of the remaining 12 bands of the Kumeyaay Indian Nation, resides on a 1,600-acre reservation in the Viejas Valley, east of the community of Alpine. In 1875, a presidential executive order withdrew lands from the federal domain, setting aside a number of small reservations, including the Capitan Grande Reservation from which the Viejas Band descended. Capitan Grande, patented in 1891, included portions of ancestral land of the Los Coñejos Band.



As the non-Indian population grew, demand for water increased. The City of San Diego diverted most of the San Diego River water originally used by the Kumeyaay. The City later decided to dam the river and create El Capitan Reservoir. Congress granted the city permission to purchase much of the Capitan Grande Reservation, where many Kumeyaay had built homes. From the proceeds of this forced "sale" of lands, some of the valley's inhabitants, the Coapan Band, or Capitan Grande, bought Barona Valley and are now known as the Barona Band of Mission Indians.

Another 28 families, including members of the Los Coñejos Band, purchased the Viejas Valley land (once a ranch owned by Baron Long) and incorporated the name Viejas. After the move, the Viejas and Barona Bands were denied their water rights and each valley became solely dependent on meager supplies of rainfall and groundwater until the issue was resolved by court action.

Today, members of the Viejas Band of Kumeyaay Indians are the direct descendants of the families who pooled their shares of dam-site purchase money to buy Viejas Valley. The Viejas band continues to share a joint-trust patent with the Barona Band for the 15,000 remaining acres of the Capitan Grande Reservation. Tribal landscapes consist of wetlands and coastal mountain slopes. The key land use drivers within the tribal lands are agricultural, residential and commercial.

Viejas' Water Resources

Viejas operates a municipal water system to American Water Works Association (AWWA) water standards, including domestic water supply and wastewater compliance with Title 22. There are no identified water quality issues or stormwater or flood management issues. Storm water and floodwater are managed within federal standards.

The Viejas Band has converted all homes on the Reservation from septic to sewer in order to protect groundwater and has instituted water conservation measures at their casino and outlets, as well as at governmental facilities.

4.6.19 San Luis Rey Band of Luiseño Indians

The Spaniards established the Mission San Luis Rey in 1798 as part of the El Camino Real trail between Mission San Diego (1769) and Mission San Juan Capistrano (1776). During this period, the missionaries imposed the name San Luiseño on the original inhabitants of the land. The Mexican Period (1832 - 1848) included further social, cultural, economic, and political changes by relocating the Tribes to newly established ranchos. During the American Period and treaty negotiations of 1851, the American government wanted to consolidate all the San Luiseño people into a single representative group. In the 1870s, a few reservations were established for some of the San Luiseño people near Palomar Mountain. However, a reservation in the San Luis Rey Valley was denied the San Luis Rey Band of Luiseño Indians.

The San Luis Rey Band of Luiseño Indians has kept its identity as a people within the local communities that now exist on ancestral tribal lands. Elective leadership committees and volunteers help to oversee the affairs of the San Luis Rey Band. Today, the San Luis Rey Band of Luiseño Indians is focused on preserving and sharing their culture and heritage with future generations. The San Luis Rey Band of Luiseño Indians is associated with the other six Luiseño and Cupeño tribes: La Jolla, Pala, Pauma, Pechanga, Rincon, Saboba and their cultural departments as a Tribal Coalition, working together to preserve sacred ancestral cultural heritage with local governments and museums.

4.6.20 Mount Laguna Band of Kwaaymii Indians

The Mount Laguna Band of Kwaaymii Indians, and was once federally recognized with reservation lands. However, with only one surviving full-blooded member of the tribe, in 1947 the Mount Laguna reservation lands were transferred into private property – the 320-acre Lucas Ranch. It remains the only tribal reservation that has been successfully transferred from reservation into private land. The Lucas Ranch is located in the Laguna Mountains, and burned during the Cedar fire in 2003. Today, it is owned and managed by the daughters of the last of the Kwaaymii, who are committed to preserving both the land and legacy of their tribe.

4.7 Water Management Issues on Tribal Lands

Water resources of San Diego County consist of local surface water, local groundwater, imported surface water, reclaimed water and, soon, desalted seawater. San Diego County has eleven principal stream systems originating in the higher elevations of the eastern parts of the County that flow west to the Pacific Ocean. Dams and reservoirs have been built on most of these streams to capture and store the natural runoff and imported water.

The Water Authority was created in 1944 as a public agency to administer the region's Colorado River water rights and later State Water Project water from Northern California. The Water Authority delivers imported water through several regional pipelines to its 24 member retail water agencies. A major effort in the region with significant impact on Tribal water resources is the San Luis Rey Indian Rights Settlement Act of 1988. Some of the reservations would benefit from water deliveries under this agreement; however, most Tribes have to rely on the limited water resources of the reservations.

4.7.1 Santa Margarita River Watershed Conflicts

The Santa Margarita River Watershed has been subject to over 80 years of litigation and conflicts over water rights. Conflicts began in 1926, with a lawsuit between Vail Ranch and Rancho Santa Margarita, which resulted in a division of water rights between the two parties, but failed to consider

the 1930 water rights permit issued to Fallbrook Irrigation District. In 1966, after a series of court cases and appeals that included Congress, the federal government, the State of California, Department of Justice, and the Navy, in addition to the original parties, the water rights issue was decided by the Appellate Court, which upheld the original decision and validated Fallbrook's water rights. However, in the 1980s, studies by the Navy, BLM, and Fallbrook resulted in conflicting findings over the feasibility of implementation of solutions to the water rights conflict (Davies 2004).

Further water conflicts arose over the issues of recycled water and water quality. Under the "Four Part Agreement" in 1990, downstream users recognized the benefits of upstream users discharging recycled water into the river. An agreement was made to operate groundwater basins and treatment facilities as a conjunctive use project (Davies 2004). However, in 1992, effluent limits allowed by the Regional Board permit at the upstream Santa Rosa Water Reclamation Facility were found to exceed the water quality objectives of the downstream Murrieta Creek. This had led to conflict over the appropriateness of existing water quality objectives in the watershed and applicable permits, which has resulted in a decreased ability to recharge groundwater basins with recycled water.

The Santa Margarita River IRWM project, funded through a Proposition 84 - Round 1 Implementation Grant, aims to study the beneficial uses and water quality objectives, to determine if current objectives are appropriate and protective of beneficial uses, or if the Regional Board should consider changes to water quality objectives in the watershed.

The Anza and Cahuilla Indian Tribe is located in the Riverside County portion of the Santa Margarita River Watershed. In 2006, the Cahuilla tribe asked the courts to recognize their water rights, granted to them with the establishment of the reservation in 1908, prior to the water rights of other parties involved in litigation. The Cahuilla have rights to water flowing through and under their lands, which total approximately 13,000 acres. There is concern from the Tribe that these rights will be impacted with large developments in neighboring areas that also use groundwater. The result of this case may affect Rancho California, which has been involved in water rights disputes in the watershed for decades and serves over 130,000 people. Previously Rancho California was able to resolve water rights conflicts with the Pechanga tribe through an aquifer-sharing agreement (Kumeyaay 2010).

4.7.2 Waters of the San Luis Rey River and Colorado River

The San Luis Rey River, originating in Cleveland National Forest, is approximately 70 miles long and drains 560 square miles of northern San Diego County lands. The stream flow of this river ranges from 6 cubic feet per second (CFS) to as high as 170 CFS, with most months averaging less than 30 CFS. Portions of the river are dry for several months each year; however, flows as high as 95,500 CFS have been recorded during flood years prior to the completion of the Lake Henshaw Dam. Streamflow was measured near the City of Oceanside, where stream data has been collected (with some gaps) since 1913 (DFW 2010). The reservations of Los Coyotes, Santa Ysabel, San Pasqual, La Jolla, Rincon, Pauma/Yuima, and Pala are located within the San Luis Rey watershed.

Lake Henshaw, a reservoir with an area of more than 1,100 acres and a capacity of 52,000 AF, is located on the San Luis Rey River, about five miles east of the La Jolla Reservation. The lake was constructed in 1923 with construction of the 123-foot tall and 650-foot wide Henshaw Dam on the San Luis Rey River. Lake Henshaw is owned by VID.

A 200 square-mile watershed, mostly undeveloped and shared by Santa Ysabel and Los Coyotes Reservations and VID, provides runoff to Lake Henshaw. Natural runoff from this watershed along with groundwater pumped from the Warner Basin, a 37 square-mile basin to the east of Lake Henshaw, is stored in Lake Henshaw. Henshaw water is delivered to VID, the City of Escondido and the Rincon Band of Indians.



Lake Henshaw from Mesa Grande Road

Photo credit: Philip Erdelsky

In 1969, the Rincon and La Jolla Indian Bands initiated litigation against the City of Escondido and VID concerning use of the waters of the San Luis Rey River, Lake Henshaw and Warner Basin. The Indian Bands now included in this litigation are La Jolla, Rincon, San Pasqual, Pauma, and Pala Bands. A tentative settlement was reached in 1985 and enacted on November 17, 1988 as the San Luis Rey Indian Rights Settlement Act. The Settlement Act provided the following:

- Indian Bands were authorized to enter into a settlement agreement,
- A \$30 million federal trust fund was established for settlement implementation, and
- The Secretary of the Interior was directed to arrange for the development of 16,000 acre-feet/year of supplemental water for use by the settlement parties.

However, it should be noted that at the time of the 2013 IRWM Plan, the settlement has not been implemented, and therefore no water has been delivered yet to the settlement parties.

The source of the supplemental water is a portion of the water savings produced by Water Authority projects to line portions of two large earthen canals that convey water from the Colorado River to the Imperial and Coachella valleys in Southern California, reducing water loss.

Three additional agreements were needed to bring the Colorado River water to the Bands. These agreements were signed in 2003 and consist of the following:

- Allocation Agreement – Water saved by lining portions of the All-American and Coachella Canals will be allocated as follows:
 - The first 16,000 acre-feet/year of the conserved water is allocated to the San Luis Rey Settlement Parties, consisting of the five Bands, VID, and City of Escondido.
 - The remaining conserved water, approximately 77,000 acre-feet/year, is allocated to the San Diego County Water Authority.
- Water Delivery Agreement – Metropolitan Water District will transfer the conserved Colorado River water from Lake Havasu, located on the border between California and Arizona, to northern San Diego County.
- Water Conveyance Agreement – San Diego County Water Authority will transfer the settlement water from northern San Diego County to the five reservations, Escondido, and VID. Any water not needed by the Bands may be sold to Escondido and VID.

To ensure that the Indian Bands have input in the San Luis Rey River Basin's water use and supply, the San Luis Rey Indian Water Authority was created by the La Jolla, Pala, Pauma, Rincon and San

Pasqual Bands of Mission Indians. Based on the information available from the San Luis Rey Indian Water Authority website, no settlement water has been delivered to the Bands' reservations.

4.7.3 Water Management Issues

Tribal Nations within the Region are located on lands mostly outside of the Water Authority's service area and are wholly dependent on local sources of water. However, in the past, the Water Authority has coordinated with tribes regarding potential annexation and exploring the potential for water supply delivery to reservation lands. Also, the Barona Band has approached the City of San Diego to explore means of delivering City water supplies to the reservation via a proposed agreement that would transfer supplies from a Colorado River Tribal Nation to San Vicente Reservoir. The San Pasqual Band already purchases water from Valley Center Municipal Water District. Though tribes may have adequate, modern, systems in place, they cannot purchase or receive imported water without annexing all or part of their systems to a water district, which can be a barrier because it may be considered a lack of acknowledgement of Tribes' sovereign governmental status.

The summary list below provides an overview of water management issues on tribal lands, which was compiled using information from: 1) Tribal outreach meetings in June 2010, 2) Tribal outreach meetings in August 2012, and 3) San Diego County General Plan Update Final Environmental Impact Report.

1. **Groundwater Management** – Some groundwater basins shared by tribes and other basin users are being overdrafted. Possible solutions include extending access by basin users to regional conveyance systems or a financial incentive system to eliminate overdraft. Because off- and on-reservation groundwater use affecting groundwater basins within some tribal lands may be unsustainable, supplemental water sources are already required to reduce potential overdraft concerns. Consideration of both reservation and non-reservation water rights when planning development could also help reduce potential future overdraft.
2. **Water from Water Agencies** - Tribes may concurrently annex into retail and wholesale water agency service areas in order to obtain imported water supplies, but prefer to manage their own water supplies. State law prevents both retail and wholesale water agencies from waiving water agency annexation requirements. Many tribes have viewed the annexation requirements as an infringement on their sovereign rights. Where tribes can locate alternative supplies, local agencies can assist the tribes with delivery of the water to their reservation through wheeling or other agreements. The Water Authority considers annexation of tribal lands consistent with its 2006 Annexation Policies. The 2006 Annexation Policies acknowledge the tribes as sovereign governments and provides an approach to handling the annexation of tribal lands.
3. **Future Water Demands** - County land use planning and associated groundwater basin demand projections need to consider reservation build-out and the associated assertion of tribal water rights. For planning purposes only, the Water Authority's long-term water demand forecast, included in its 2010 Urban Water Management Plan, does contain estimated demands of tribes that have demonstrated interest in the past to annex tribal lands, but does not include all tribal lands within the San Diego IRWM Region.
4. **County Groundwater Ordinance** - Tribal lands generally are not subject to the San Diego County Groundwater Ordinance; some Tribes have tribal groundwater ordinances in place to protect groundwater supplies. As a result, County and Tribal planning strategies may not consider the entire demand on the basins. Better coordination of planning for future

groundwater use would ensure that all parties understand the full impact on groundwater supplies. Where imported water supplies are unavailable and groundwater is not adequate to meet all needs, this may inherently lead to conflict.

5. **Impact of Neighboring Communities** – Tribal lands located near other communities, areas with high development densities, or near land uses with large water demands will likely experience more substantial groundwater availability issues than average tribal lands, which are generally located in rural areas away from water-intensive land uses.
6. **Water Recycling Facilities** - Expansion of water recycling facilities at casino sites and other developed areas on tribal lands would provide greater supply reliability.
7. **Additional Wastewater Treatment** - Cumulative development within tribal lands, like other development, could result in the need for additional wastewater treatment services.
8. **Adverse Impact of Groundwater Depletion on Water Quality** - Groundwater depletion can concentrate adverse water quality constituents (such as radio-nucleotides). Naturally occurring uranium has also been identified in groundwater in rural areas in levels above drinking water standards.
9. **Increased Runoff from Newly Developed Impervious Surfaces** - Development of tribal lands, like other development, can potentially increase impervious surfaces and cause water quality impacts.
10. **Impact of Imported Water** – Concern has been expressed about the water quality impacts associated with imported water supplies, namely the importing of constituents of concern (e.g., TDS), to the Region.
11. **Chlorine Sediments** – Chlorine sediments in the watershed are an issue for area tribes. Possible sources may be imported water from Northern California.
12. **Inadequate Flood Protection Infrastructure** - Need to mitigate flooding on tribal lands. Culverts are undersized; only a portion of culverts were improved using FEMA funding after 2007 wildfires. Section 3.5.10 in this Plan addresses flood protection infrastructure and the County’s Flood Warning Program, which includes tribal lands within the County’s jurisdiction.
13. **Tribal Lands in Flood and Inundation Areas** - Tribal lands may be located within known flood areas or downstream of a dam (within a dam inundation area).
14. **Coordination of Multiple Species Conservation Planning** – Tribes would like to see better coordination of planning and implementation of MSCP and habitat conservation plans in areas adjacent to Tribal lands. Coordination is important, because many tribal lands have been mapped as assumed wildlife corridors or natural spaces that will not be developed in the County’s MSCP without consultation with tribes or acknowledgement of tribal development plans.
15. **Water quality impact from off-reservation sources** – Off-reservation activities can impact water quality on tribal lands. Some sources of water quality issues on tribal lands that originate off-reservation include: atmospheric deposition from poor air quality in surrounding areas, high nitrates from pesticide and fertilizer use on agricultural lands, sedimentation from erosion, and nutrients from cattle operations.

Tribal outreach was also included as part of the 2019 Water Needs Assessment, further described in *Chapter 7, Regional Coordination*. The Funding Area-wide Water Needs Assessment was completed in 2019 to identify disadvantaged communities (DAC), economically distressed areas (EDA), and underrepresented communities (URC), as well as communities affected by environmental justice (EJ) issues, across the San Diego Funding Area, including the San Diego IRWM Region. It sought to engage DACs, EDAs, and URCs in defining their water management needs. All Native American Tribes are considered URCs under the state's IRWM Program, regardless of their economic status, and local tribes were included in outreach conducted under the Water Needs Assessment. In total, 27 tribal representatives participated in the Water Needs Assessment through community meetings, webinars, or a questionnaire. The tribal needs identified in the Water Needs Assessment reflect only some of the water and wastewater resource needs facing tribes, and tribes are invited to identify their own needs and issues when submitting projects or providing feedback to the IRWM Program.

Feedback specific to tribal needs included concern about water rights, and what is perceived as a "race to the bottom," or lowering of the groundwater table, due to recent water management policies. The most pressing water challenges identified by tribal participants included groundwater quality and quantity, in addition to a general low water supply. Tribal stakeholders also were strongly concerned about climate change and its potential impacts, which would compound water-related challenges. Tribal stakeholders cited an interest in learning more about sustainable development options which will positively impact flooding, water quality, and water supply. Another pressing water challenge identified by tribal participants is wastewater management. One potential project discussed at a community meeting was the construction of a shared wastewater treatment plant system for local tribes to promote integrated waste management and water recycling.

Related to some of the issues described above, there exists conflict between Tribes and surrounding communities over water supplies and quality, and of particular concern is the availability of groundwater supplies and the impact of projects on water quality and runoff. The County of San Diego has identified actions to help address some of the water conflicts that exist between Tribes and other communities. These actions include increased communication and cooperation between Tribal and local governments, and an increased awareness of how one party's projects will impact another party's water resources.

The regulatory framework for environmental compliance on tribal lands includes development and enforcement of tribal environmental policies, compliance with the Federal Clean Water Act and Safe Drinking Water Act, and compliance with NEPA for Federal projects. Most tribes are delegated primacy for implementation of the Clean Water Act and develop their own set of water quality standards. Most tribes rely on the EPA to oversee their drinking water supplies to ensure compliance with the Safe Drinking Water Act. State environmental laws, including the California Environmental Quality Act (CEQA), do not apply to tribal reservations. Funding agreements for project sponsors under Proposition 84 require submittal of documentation of compliance for applicable CEQA requirements to the Department of Water Resources. However, for the tribes there are no applicable requirements. Any attempt to apply CEQA requirements to tribes would be a significant barrier to tribal participation in the IRWM Program since it would require tribes to give up their tribal sovereignty in order to use State funding for a project on tribal land.

This chapter mainly addresses the water resources conditions of the Tribal Nations Reservations. Several other factors that may impact the quantity and quality of available water at the reservations were not considered. These factors include endangered species and the Multiple Species Conservation Plan in San Diego County, climate change impacts, developments in areas neighboring

the Tribal Reservations, excluding long-term needs of Indian Reservations in shared basins, and county-wide flood management planning and implementation activities.

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