

5.11 Disadvantages and Tribal Community



Soboba Band of Luiseño Indians
Indian Water Rights Signing Ceremony

Introduction

This Chapter provides a brief description of Disadvantaged Communities (DACs) and Native American Indian Tribes (Tribes) located in or near the Santa Ana River Watershed (SARW). A summary of water and related resource opportunities and challenges facing these entities can be found in the Bureau of Reclamation (Reclamation) report Overview of Disadvantaged Communities & Native American Indian Tribes in the Santa Ana River Watershed, located at [Appendix G](#). This Chapter of the OWOW 2.0 Plan updates the OWOW 1.0 report's **Chapter 5.10: Environmental Justice**.

Environmental Justice, as defined by the EPA, is “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” With coordinated efforts by local, state and federal governments, such justice can be achieved in communities throughout the SARW, ensuring that all residents can enjoy the same degree of protection from environmental and health hazards and equal access to the decision-making process to have a healthy environment in which to live, learn, and work.

Information for Reclamation’s report was gathered from several sources including personal interviews, web research, documentation review, and publically available information. This report addresses DACs and Tribes separately, as they each have very different and distinctive demographics and economic bases. The report is not meant to be an exhaustive analysis of their unique factors, but rather an introduction and, in some cases, an overview of these populations and their unique water resources requirements.

There are legitimate water quality issues that impact low income and Tribal communities throughout the SARW, but some perceptions of unsafe water where water supplies are clearly safe for public consumption identify another problem. The solution to these issues is to ensure that all communities have the information, financial and technical resources, and administrative and regulatory policies they need to make informed decisions that can result in benefits to all members of communities within the Watershed.

One of the key provisions found through the research that could assist DACs is the 1996 Safe Drinking Water Act (SDWA) Amendments and the 2006 Safe Drinking Water State Revolving Fund (DWSRF) program. Through the DWSRF, states can provide below-market interest rate loans to publicly and privately owned community water systems and nonprofit non-community water systems for necessary infrastructure improvements. States may also establish separate eligibility criteria and special funding options for economically disadvantaged communities through this program.

Section 1452 of the SDWA defines a disadvantaged community as “the service area of a public water system that meets affordability criteria established after public review and comment by the State in which the public water system is located.” Under this section, states may provide additional subsidies (including forgiveness of principal) to communities that meet the established criteria, or that are expected to meet these criteria as a result of a proposed project.

Though no special provision was found related to Tribes, the U.S. Environmental Protection Agency (EPA) supports “Tribal Assumption of Federal Environmental Laws” under federal statutes, stating, among other things, that “[t]he Agency will recognize tribal governments as the primary parties for setting standards, making environmental policy decisions, and managing programs for reservations, consistent with Agency standards and regulations.” Three Federal environmental statutes - the SDWA, the Clean Water Act, and the Clean Air Act - explicitly authorize EPA to “treat tribes in the same manner as states” for purposes of implementing various EPA environmental programs that may be of benefit to these communities.

Background

This Chapter and the Reclamation report address DACs and Tribes separately. The water and related resources opportunities and challenges for these entities vary widely based on their locations and community compositions. This diversity is captured in compilation tables are found in Table 1 (for DACs), and Table 3 (for Tribes) in Reclamation’s report.

The Conclusion in the report summarizes the information to offer SAWPA water resources planners a means to examine future opportunities, and topics for consideration as the OWOW plan is updated. It also provides recommendations to engage DACs and Tribes in future Proposition 84 grant programs and others grant programs as they arise. Though SARW was considered on the fastest growing regions in California prior to the 2008 recession, it still has some of the poorest residents in the state.

Methodology for Assessing the DACs

The Santa Ana Watershed covers approximately 2,650 square miles and is home to 5.4 million residents. Approximately 69 percent of the cities/communities within the watershed are considered disadvantaged or contain disadvantaged communities. In terms of population, approximately 26 percent (1.4 million residents) of the total watershed population is considered disadvantaged.

As previously noted above, the Watershed was separated into regions for investigation. To assist in identifying DACs in each region, meetings were held with the California Department of Public Health and the Santa Ana Regional Water Quality Control Board. Once a DAC was identified, meetings were held with local public agencies to gain detailed knowledge about the unique characteristics of each region. Meetings were also held with the residents of these communities to help gain an understanding of their water quality and supply concerns. **Figure 5.11-2** lists known Disadvantaged Communities or Partially Disadvantaged Communities in the SARW.

Figure 5.11-2 Disadvantaged or Partially Disadvantaged Communities in SARW

Anaheim	Garden Grove	Long Beach	Riverside
Banning	Glen Avon	Los Alamitos	Romoland
Beaumont	Grand Terrace	March AFB	Rubidoux
Big Bear City	Hemet	Mira Loma	San Jacinto
Big Bear Lake	Highgrove	Montclair	Santa Ana
Bloomington	Highland	Moreno Valley	Seal Beach
Buena Park	Home Gardens	Muscoy	Sedco Hills
Calimesa	Homeland	Newport Beach	Stanton
Cherry Valley	Huntington Beach	Norco	Sun City
Chino	Idyllwild-Pine Cove	Nuevo	Sunnyslope
Claremont	Irvine	Ontario	Upland
Colton	La Habra	Orange	Valle Vista
Corona	La Mirada	Placentia	Westminster
Costa Mesa	La Palma	Pomona	Wildomar
East Hemet	Laguna Hills	Quail Valley	Winchester
El Toro	Lake Elsinore	Rancho Cucamonga	Woodcrest
Fontana	Lakeland Village	Redlands	Yucaipa
Fullerton	Loma Linda	Rialto	

DAC Challenges and Opportunities

The SARW is rich in diversity and, as like many arid regions in the West, faces numerous water and related resources challenges. There are distinct regional differences throughout the watershed with much variability due to economic factors. Numerous economic resources are concentrated along the Orange County coast, and many natural resources are concentrated in the San Bernardino Mountains and its headwaters. The Santa Ana River is the watershed's unifying element.

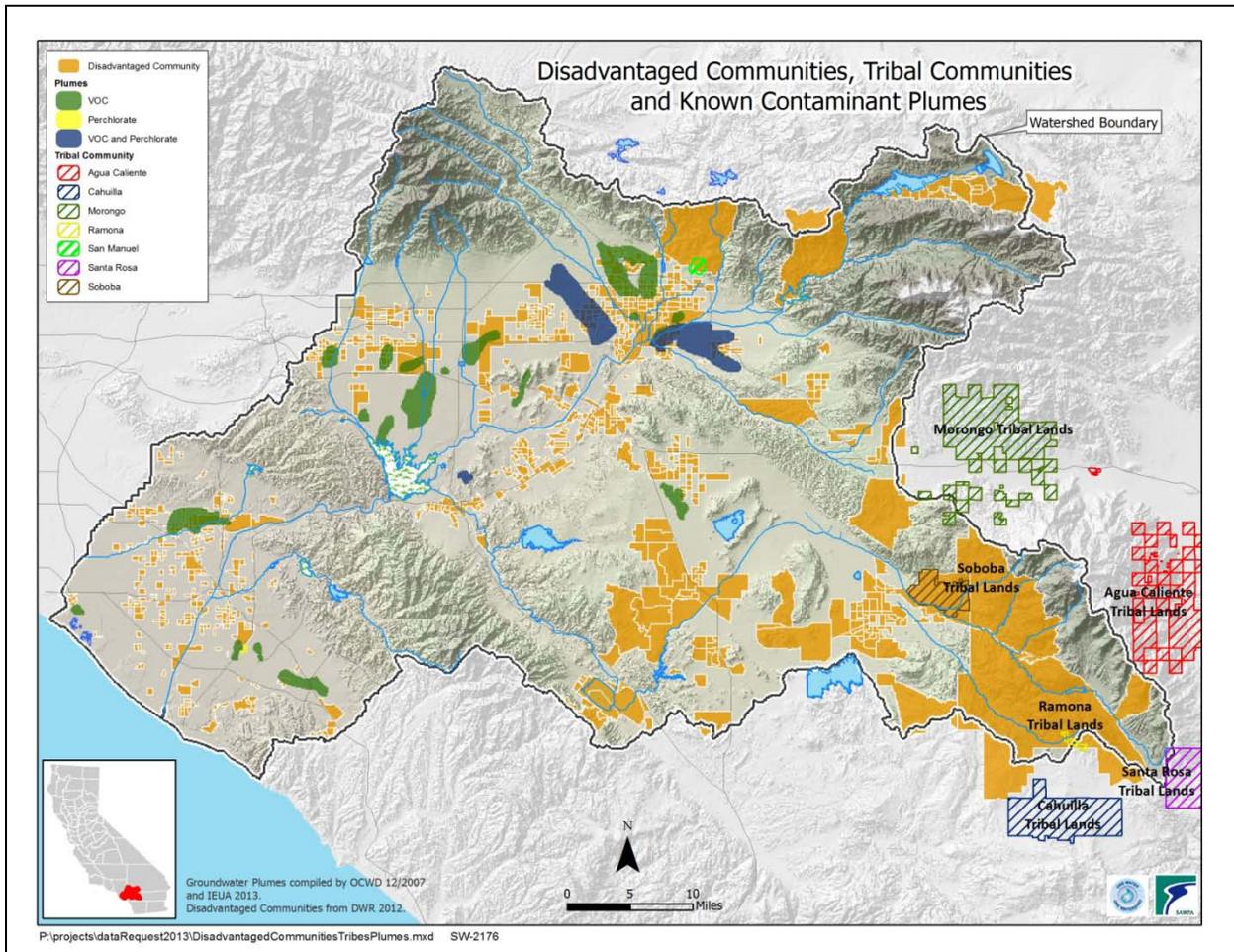
Through the OWOW planning process, significant outreach has been conducted to communicate with DACs within its service area; however, more needs to be done. These small and/or disadvantaged communities are often located in sparsely populated, rural areas and cannot provide the economies of scale necessary to build and maintain adequate water and wastewater systems. Also, many of these communities lack the resources and in-house expertise necessary to apply for grants and loans to help make wastewater projects more feasible, and often do not have the technical expertise to determine the best project alternative to appropriately plan and manage long-term operations and maintenance needs. Thus, as SAWPA moves forward with its Integrated Regional Watershed Management Planning, best practices to help with DAC assessments and stakeholder engagement will be critical.

DACs also face many of the same challenges as their neighboring communities, including:

- a. Limited funding/funding sources
- b. High infrastructure costs
- c. Poor water quality
- d. Limited water supplies
- e. Failing septic systems/undersized treatment facilities
- f. Increasing demands on existing water resources
- g. Flooding or drought
- h. Inadequate community support
- i. Limited project communication

Groundwater is highly used throughout the state of California and in SARW. DACs in particular tap this vital resource as their primary drinking water source. **Figure 5.11-3** depicts the various groundwater contaminant plumes (volatile organic compounds (VOC), perchlorate, and VOC and perchlorate) in or near these disadvantaged or Tribal communities within the SARW.

Figure 5.11-3 DACs, Tribal Communities and Known Groundwater Contaminant Plumes



Future DAC Support and Implementation

The ‘Quail Valley Subarea 9, Phase 1 Sewer System Project’ and ‘Home Gardens Well Rehabilitation, Corona - Multi-jurisdictional Transmission Line Project’ were approved for Round 2 Prop 84 funding and will have significant value-added benefits not only for the DAC areas involved, but for the surrounding communities and water agencies that work with these entities. The early engagement process with DACs can’t be overstated.

These proposed projects were scored, ranked and proposed for funding under OWOW Prop 84 Round 2 Implementation. OWOW 2.0 calls for all of SARW to see the links between stormwater management and local water supply, land use and water quality, and accommodation of a growing population with finite water resources. It is only through a view of the watershed as an integrated system that SAWPA and its member agencies can successfully develop operational efficiencies system-wide. These DAC projects as well as future ones will help achieve that objective.

Best Practices for DAC Engagement and Participation

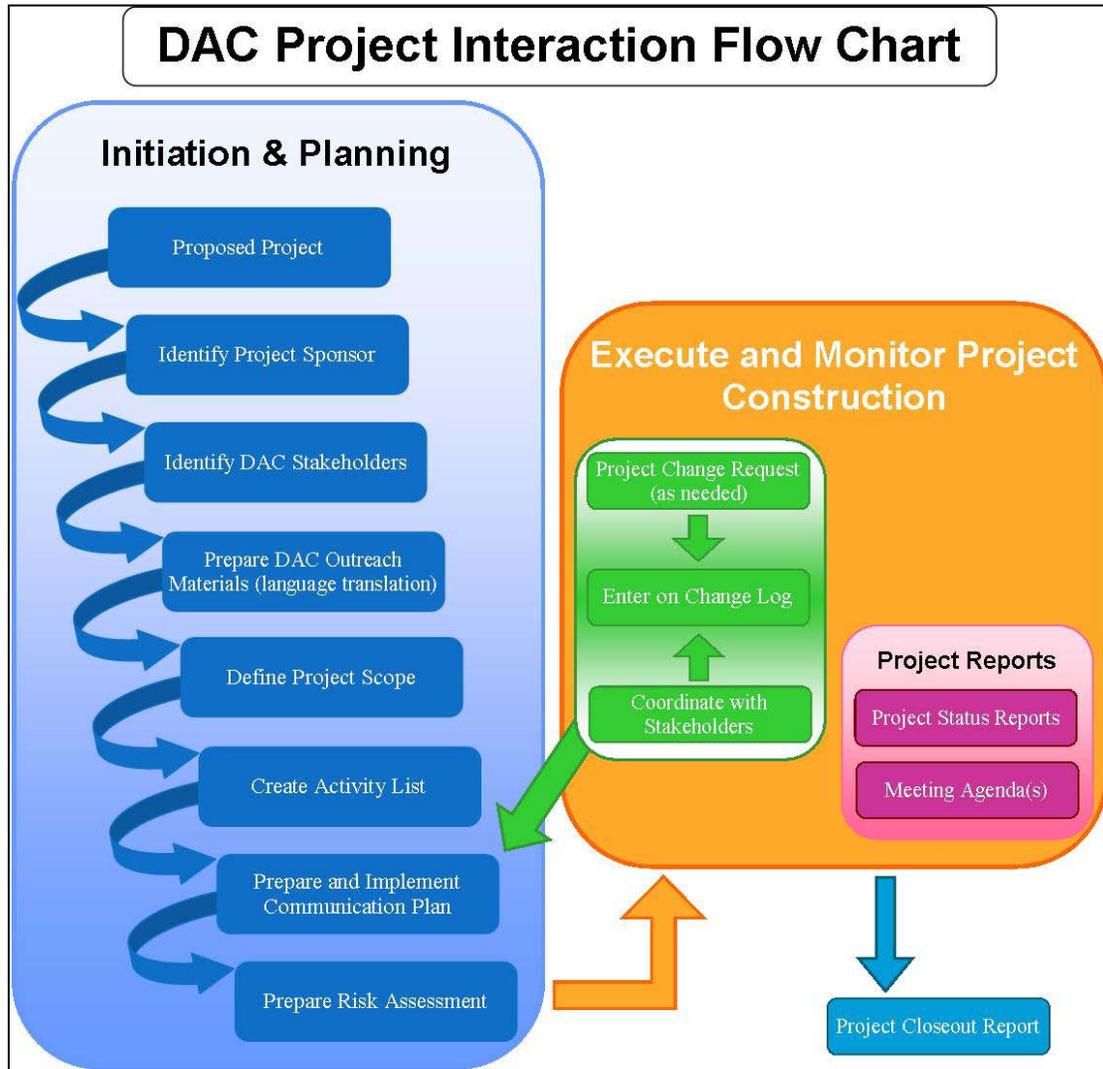
At times, community outreach is seen as a cursory notification for an upcoming event. For many water agencies, it may be conducted by sending a billing notice with an insert, or using an email blast or a website posting. However, these outreach methods should be modified to effectively work with DACs. It may be possible that English is not a DAC population's first language, and substantial cultural differences may also affect message reception. To effectively communicate the impact of a potential project, water and other public service agencies should create diverse lines of communication with their stakeholders and customers.

A participatory planning process - one in which all the stakeholders are involved - is often the most effective and inclusive way to work with DAC residents. This process provides community ownership and support; information about community history, politics, and past mistakes; and respect and a voice for everyone. It also takes time, care, mutual respect, and commitment. To conduct such a process well, stakeholders must be identified, and communication techniques must be used that are specifically designed to reach them. Also, the process must be maintained over time, so momentum will not be lost. By implementing a planning process that meets all these requirements, it is likely that SAWPA can conduct successful community interactions that truly work and meet DACs' unique needs.

Through direct assistance to DAC drinking water and wastewater treatment facility managers, many systems can begin to achieve compliance with health and safety regulations. Or the solution may lie in consolidating with adjacent systems so as to gain an economy of scale that assures fiscal sustainability. Either way, the goal of a safe, reliable, and sustainable water system is essential to securing protection to the public health, economy, and environment of California's rural and economically disadvantaged communities.

Figure 5.11-4 lists some of the activities that should be considered and/or implemented when conducting outreach with DACs.

Figure 5.11-4 SARW Disadvantaged Communities Engagement Flow Chart



Native American Indian Tribes

Definitions

Federally Recognized Tribe: As identified in CFR Section 900.6 an Indian Tribe “means any Indian tribe, band, nation or other organized group or community, including pueblos, Rancherias, colonies and any Alaska Native Village, or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act, which recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.”

Santa Ana River Watershed Tribes

The Soboba Band of Luiseno Indians, the San Manuel Band of Serrano Mission Indians, the Morongo Band of Mission Indians, and the Santa Rosa Band of Cahuilla Indians reside within the SARW boundary. Just outside the communities of the Agua Caliente Band of Cahuilla Indians, the Cahuilla Band of Mission Indians, the Ramona Band of Cahuilla Mission Indians, and the Pechanga Band of Luiseno Indians. For purposes of this Chapter and the Reclamation report, contact was made with all these Tribes.

Tribal Challenges and Opportunities

Water resources in the Santa Ana Watershed consist of local surface water and groundwater, imported surface water, and reclaimed water. In many cases, the water challenges Tribes encounter are no different than local, state, or federal challenges. A decision to use water for a particular purpose can have far-reaching impacts which can affect not only state and local communities, but the Tribal communities as well. Early in the planning process, it is particularly important to include Tribes to ensure their possibly unique requirements may be recognized.

Listed below are potential water management issues on tribal lands:

- a. Groundwater overdraft
- b. Insufficient groundwater supply
- c. Growing water demands
- d. Habitat conservation planning requirements
- e. County groundwater ordinances (if applicable)
- f. Impact of neighboring communities
- g. Inadequate water recycling facilities
- h. Adverse impact of groundwater depletion on water quality
- i. Increased runoff from newly developed impervious surfaces
- j. High cost of imported water
- k. Chlorine sediments
- l. Inadequate flood protection infrastructure
- m. Tribal lands in flood inundation areas
- n. California Environmental Quality Act compliance

Future Tribal Support and Implementation

Similar to approaches with DACs, the importance of an early engagement and effective outreach with Tribes cannot be overstated. Though only four Tribes are within the SARW, they have important roles in their neighboring communities as well as the region's economy. Additionally, more work and coordination is needed to isolate water and related resources issues in these communities, and make SAWPA and its member agencies aware of requirements for unique Tribal activities. Consultation protocols with Tribes should be used by senior SAWPA and District staff. Improving coordination with regulating agencies like the Santa Ana Regional Water Quality Control Board and EPA will also help characterize issues and solutions.

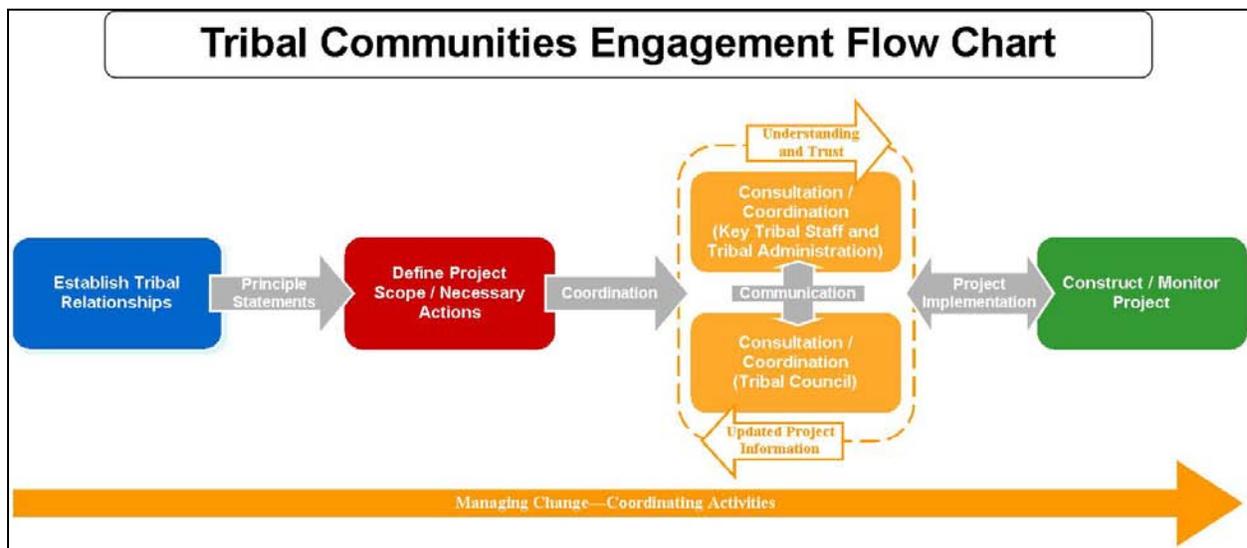
Soboba Band of Luiseño Indians Wastewater Treatment Project

One success story is already in the making. The Soboba Band of Luiseño Indians joined forces with Eastern Municipal Water District, Lake Hemet Municipal Water District, and the federal Bureau of Indian Affairs to propose a Wastewater Treatment Plan project for Round 2 Prop 84 funding. After review by the Project Selection Committee, it was ranked and prioritized and recommended for funding. This \$15 million wastewater treatment plant on the Soboba Indian Reservation will improve the health and welfare of Soboba tribal members, and extend local water supplies by reclaiming previously unused low-quality water. Also, under an historic agreement among the Tribe and two local water agencies – Eastern and Lake Hemet Municipal Water Districts – the partners will cooperatively restore and protect the health of the San Jacinto River groundwater basin, part of the SARW that provides valuable water resources to the region. The Soboba wastewater treatment plant will address much needed water and sewer improvements on the reservation, positively impacting tribal members for generations to come, and will improve the quality of life for non-Tribal citizens residing near the reservation.

Best Practices for Tribal Engagement and Participation

A variety of goals and actions for tribal involvement are in the Reclamation report, but **Figure 5.11-6** offers a step-by-step process to successfully engage Tribes in decision-making related to water resources programs.

Figure 5.11-6 Tribal Engagement Process



Conclusion

Engaging DACs and Tribes in water and related resources planning through effective outreach is good for both the community and the water sector itself. There are distinct differences due to cultural and historic context; however, the two groups have more in common. Both need their voices heard during proposed project development.

Today, DACs and Tribes face critical and serious water and related resources challenges, such as failing septic systems, isolation, language barriers, flood risk, and lack of funding and or resources to name a few. It is imperative that the water sector and its key stakeholders recognize proposed DAC and Tribe water project needs, and engage these communities early in the process. The OWOW 2.0 process recognizes the various funding needs for DACs and Tribes, and the Federal and State funding programs available to them.

Water sector outreach and engagement should include speaking with DAC residents, listening to their issues, attending Tribal Council meetings, participating on DAC and or Tribal-related committees, and conducting continuous networking. These actions could lead to consensus-based development and implementation project solutions for these groups, and the sooner that approach is under taken by the water sector, the better for everyone within the SARW.

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