

# Wiyot Tribe

Public Comment  
Cannabis Policy and Staff Report  
Deadline: 9/6/17 by 12 noon

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State Water Resources Control Board  
Clerk to the Board  
Attn: Jeanine Townsend  
P.O. Box 100  
Sacramento, CA 95812-0100

Subject: Comment Letter – Cannabis Policy and Staff Report

Dear State Water Resources Control Board,

I am speaking on behalf of the Wiyot Tribe and its Natural Resource Department, a federally-recognized Indian Tribe in Humboldt County, regarding the State Water Board Cannabis Policy and Staff Report Draft. My primary comments are in reference to items #19 and #20, and are in regard to ensuring proper identification of ethnobotanical (or historic cultural plant communities), which fall under the umbrella of “Tribal Cultural Resources”, and may qualify as components of a “cultural landscape”. The identification of such plant communities, including hazelnut (*Corlyus cornuta ssp. californica*) scrub, geophyte meadows, beargrass glades, and oak woodlands, for example, if not identified directly by tribal elders, may only be recognized through an interdisciplinary approach and site assessment, many times from both the cultural resource and archaeology fields as well as knowledge in natural resources, botany and forestry. While some cultural plant communities and relict Native American gardens and cultivation areas may qualify as state rare Natural Communities that must be assessed as part of CEQA, many significant culturally-derived and historically maintained vegetation types do not have formal protections, other than as “Tribal Cultural Resources”.

Unlike more classical archaeological artifacts and sites, ethnobotanical resources may be kept confidential among Tribal citizens so as not to threaten exploitation, and thus may not be identified by archaeological professionals lacking botanical knowledge. These resources may also not be identified by the CHRIS system, of which item #19 in the draft cannabis policy places so much emphasis, unless such ethnobotanical resources are associated or noted to occur in known archaeological sites, such as villages or camps. The loss of ethnobotanical plant communities through cannabis cultivation area expansion or mitigation activities would represent the destruction of living historic cultural resources and the loss of “traditional ecological knowledge”. Developments in the processes and increased efforts and importance placed on identifying ethnobotanical resources in Wiyot ancestral territory, has lead to recent discoveries of culturally derived plant communities, not previously known to exist by modern and local science. This highlights the importance and timeliness for identifying ethnobotanical resources on

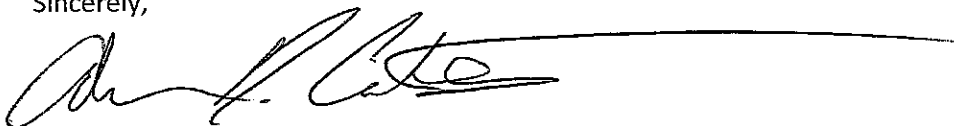
the landscape so they can be protected for future generations and serve as critical pieces of tribal traditional ecological knowledge.

It is recommended that policy language note that ethnobotanical communities or culturally significant vegetation types comprise part of the cultural landscape and are thus protected as Tribal Cultural Resource. It should be noted that ethnobotanical resources and sites may not appear in the CHRIS record search, and that the "Qualified Biologist" or "Professional Archaeologist" assess cultivation areas and other areas planned for disturbance for the presence of ethnobotanical communities, especially if a CHRIS record search confirms that a tribal cultural site is within the application parcel. This may also require consultation with tribal natural resource department staff and botanists/ethnobotanists in addition to cultural resource staff.

In reference to items #11 and #14 which address the importance of re-vegetation with native species for erosion control and mitigation, it should be noted that as indicated in AB 52, that species used should be also culturally appropriate. For example, if a grassland, woodland, or hazelnut stand is modified or needs erosion control and requires re-vegetation, the species used should be both native and be culturally appropriate, meaning that species removed are re-planted with the same species, and/or species found within the same vegetation community, while also trying to maximize species diversity in preparation for future changes in the climate, including possible future changes in rainfall and temperature. I was happy to see the protections and acknowledgement of oak woodlands in the plan, which are being rapidly lost to forest encroachment across the state, and I think this should extend to other vegetation types and species so as not to drive un-intended changes in the broader vegetation mosaic and cultural landscape. For example, if an area is dominated in manzanita, madrone, or hazelnut and is replanted with Douglas fir, we could see the eventual canopy closer and shading from the fir exclude the original plant community, and thus further contribute to a vegetation type's rarity on the landscape, as the newly planted fir stand expands to, and possibly replaces, the adjacent plant community. That said, policy language could address the need for culturally appropriate native plant mitigation as a method of protecting less-common early successional vegetation types we associate with the California landscape, which have been reduced by conifer encroachment and past fire suppression activities. Historic Native American controlled burning practices are known to have helped promote and create the vast vegetation mosaic that is unique to California, and efforts should be taken to preserve the vestiges of these practices and the related diversity that was driven by them. Sticking with parcel appropriate species for re-vegetation also helps to maintain a property's natural hydrology and the ecological services that have evolved there over time. This point is addressed in item #33 for riparian area vegetation, but not for areas requiring native plant re-vegetation outside of riparian areas.

The Wiyot Tribe thanks you for your time in acknowledging and working to address our concerns so as to maintain the best functioning natural environment while allowing for agriculture and also the protection our important Tribal Cultural Resources and their associated traditional ecological knowledge, for future generations. As with other North Coast region Tribes, we look forward to meeting with you to further discuss this important policy.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam N. Canter", with a long horizontal line extending to the right.

Adam N. Canter, Wiyot Natural Resources Department