

Chapter Details — Administrative Draft

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Chapter 30. Water-Dependent Cultural Resources and Practices

Water-Dependent Cultural Resources and Practices in California

DEFINITION OF CULTURAL RESOURCES

Cultural resources are defined as the ~~collective evidence of the past~~ activities and accomplishments of people. Buildings, objects, features, locations, and structures with scientific, historic, and cultural value are all examples of cultural resources. Cultural resources are finite and non-renewable resources that once destroyed cannot be returned to their original state. ⁱ

Cultural resources include prehistoric and historic archaeological sites, historic standing structures, bridges, cemeteries, and monuments, among others. Impacts to resources eligible for the National Register of Historic Places must be mitigated through excavation, avoidance, or preservation. All Federal and most State agencies are required to identify and protect cultural resources on the lands they manage. Industries, whose projects are licensed by federal and/or state agencies, must identify and mitigate impacts to cultural resources in project areas before construction activities.

Cultural practices refers to the manifestation of a culture or sub-culture, especially in regard to the traditional and customary practices of a particular ethnic or cultural group. In the broadest sense, this term can apply to any person manifesting any aspect of any culture at any time. However, in practical usage it commonly refers to the traditional practices developed within specific cultures, especially those aspects of culture that have been practiced historically. ⁱⁱ

Cultural concerns are gaining in importance due to the increased controversy over "rights of cultural practice", which are protected in many jurisdictions for indigenous peoples and sometimes ethnic minorities. It is also a major component of the field of cultural studies, and is a primary focus of international works such as the United Nations declaration of the rights of indigenous Peoples

Examples of cultural practice:

- Religious and spiritual practices
- Medical treatment practices
- Forms of artistic expression
- Dietary preferences and culinary practices

- Cultural institutions
- Natural resource management
- Housing and construction
- Childcare practices
- Governance, leadership, conflict resolution
- Power relationships
- "Everyday life" practices (including household relationships)
- Other practices not listed above

Water-dependent cultural resources and practices are those that derive from water oriented activities and practices. These may range from ceremonial practices to historic water infrastructure to water based landscapes to heritage practices dependent on water.

Cultural resource and practices management refers to the processes and procedures used to manage, preserve, protect, and conserve cultural resources and social context.

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WHY THIS IS IMPORTANT TO WATER MANAGERS AND PLANNERS

Legal Framework – See Caltrans-

<http://www.dot.ca.gov/ser/vol1/sec3/cultural/ch28arch/chap28.htm#definition>

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Note - this section will discuss all relevant laws related Cultural Resources.

Humanities Framework

Understanding the activities and accomplishments of past groups is important since the decisions that we make in the present are often influenced by the past. Put simply, in order to understand the future, we must first understand the common past heritage that we all share.

This is particularly relevant within California as the State's History is bound to the availability and development of water infrastructure. Without understanding the basis and context of existing infrastructure and management it is difficult to understand the consequences of future actions.

Archaeology also provides a means of verifying and elaborating the past. Written accounts of the past often are biased by ideological, socio-economic, and political factors of their time and very often lack descriptions of the mundane details of day-to-day life that contemporary observers would simply take for granted. Providing insights into past ways

of life and independent verification of past events is often empowering for local communities and allows individuals to understand their common heritage.

In today's context, cultural practices and perspectives may also be a source of conflict or result in special management needs. For example, a number of immigrants bring and continue cultural practices to California that may result in unintended consequences (for example subsistence fishing may expose a community to high levels of contaminants). In other cases, historic practices of long time residents that were of high utility at one time may create or experience unintended consequences due to demands of competing uses or increased concerns over potential negative impacts. One example is the controversy over suction dredging. Still other conflicts arise as the state becomes increasingly urban and loses some of its historic character.

TOPICS FOR DISCUSSION

Water-Dependent Cultural Resources and Practices in California Today

TO WHAT EXTENT DO WE NEED TO OUTLINE THE WATER DEPENDENT CULTURAL STATUS OF THE FOLLOWING?

WHAT KEY MESSAGES SHOULD WE SHARE?

1. Management of historically significant water related cultural infrastructure
 - Gold Rush (Chinese and Indigenous)
 - Mission systems – developed base on water supply and transit.
 - Rancho- laws in California are different than those in other states. This has caused conflicts on water rights and allocation of water rights.
 - Agriculture (including Japanese & Mexican)
 - Other
2. Tourism -- [Reference Water Dependent recreation and Sierra Nevada Conservancy and Sierra Business Council]
3. Regional perspectives –[Depending on where you live in the State, your issues are different. Cultural context depends on where you live.]
 - Example - Salton Sea, Delta, Coastal Waterfront, River communities
 - Example - Reservoirs In some places entire communities have based their

economy on those reservoirs. Reservoirs have also buried cultural resources

- Sample Text: There is a new urgency in planning and protecting the shoreline for water-dependent uses. Many view the preservation of land for water-dependent uses, in part, as the preservation of the historical and cultural resources that contribute to the charm of coastal communities. Policy-makers have used restrictive zoning, tax abatement, public acquisition of critical parcels through fee-simple or less-than-fee purchases, and transfer of development rights to surrounding lands to conserve those lands best suited for water dependent uses (Goodwin, 1994). **The public benefits to be protected or required.** The unique characteristics of waterfronts provide a wide array of public benefits involving the economy and jobs, the culture of the community, the physical environment and access to the waterfront and many other dimensions. These public benefits provide local communities with both the rationale and the goals for developing programs to preserve and maintain water dependent uses.

4. Fishing
5. Subsistence is a reliance on water, fowl, animal, materials for food
6. Lifeways – example – surfing
7. OTHER

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Potential Benefits

TO WHAT EXTENT DO WE NEED TO OUTLINE THE WATER DEPENDENT CULTURAL BENEFITS S OF THE FOLLOWING?

WHAT KEY MESSAGES SHOULD WE SHARE?

1. Sustainable and integrated management

2. Cultural Diversity
3. Litigation avoidance
4. Community goodwill and engagement
5. Other

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Potential Costs

THIS SECTION DISCUSSES THE COST OF IMPLEMENTING BEST PRACTICES – IT CAN ALSO INCLUDE GENERAL PROJECT COSTS – For example production of educational information and outreach, restoration types of activities, and research.

IT DOES NOT CONSIDER AVOIDED COST.

PLEASE INDICATE WHAT COSTS SHOULD BE INCLUDED AND NOTE THE BEST WAY OF HAVING CURRENT INFORMATION ABOUT COSTS INCLUDED IN THE TEXT.

Major Implementation Issues

TO WHAT EXTENT SHOULD THE FOLLOWING BE DISCUSSED? WHAT SHOULD BE THE KEY MESSAGES FOR THIS SECTION?

1. Misunderstanding about:
 - a. Regulatory delays and procedures
 - b. Importance
 - c. Other
2. Archaeological resources may be buried, without surface features, or inconspicuous to the untrained eye.
3. Sites of important events, traditional cultural places, or places associated with an important person may lack obvious physical characteristics.
4. Minor or ordinary features such as fences, ditches, or tree rows may require study when they could constitute part of a larger significant property, such as a potential historic district or landscape.
5. Some water facilities themselves may have potential for significance, and some will require study.
6. It is not always a simple matter to identify and evaluate cultural resources that could possess historical significance and that therefore require consideration under federal and state laws and regulations. Successful completion of this process requires the involvement of, and exercise of professional judgment by, appropriately qualified cultural resources professionals.

7. Cultural distrust of and by immigration and indigenous populations affects ability of decision makers to coordinate and communicate. There is fear that disclosure of practices will result in prevention or detrimental effects on those cultural practices. Therefore we may not have information. These are particular concern with high contamination areas, there is also harm to resources if cultural practices are brought to areas that cannot sustain it either based on cultural practices being based on different ecological systems or change in the ecological system. This could be the result of different contaminants, dropping non-native species in waterways. (check with boating and waterways)

8. Other

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Climate Change

TO WHAT EXTENT SHOULD THE FOLLOWING BE DISCUSSED? WHAT SHOULD BE THE KEY MESSAGES FOR THIS SECTION?

1. History of climate change in California and adaptive management practices.

There are stories to use as a basis for creating management strategies to address these climate changes.

2. Reservoir levels and their affect, coastal water rise. [ask Parks and Recreation about exposed artifacts and adaptive management practices implemented]

Some examples are Salton Sea, Oroville water level went down exposing native and non-native artifacts.

Other RMS –

Examples - Outreach and Education, Forestry, Water Dependent Recreation

Recommendations

WHAT ARE POSSIBLE RECOMMENDATIONS TO FACILITATE BETTER MANAGEMENT OF CULTURAL RESOURCES AND PRACTICES BY WATER PLANNERS AND MANAGERS?

THIS SECTION MUST ADDRESS A BENEFIT OR BARRIER PREVIOUSLY IDENTIFIED IN TEXT.

PLACEHOLDER TEXT - TRIBAL

References

References Cited

National Oceanic and Atmospheric Administration (NOAA). 1998 (on-line). "Preserving Waterfronts for Water Dependent Uses" by Kenneth Walker and Matt Arnn. NOAA's State of the Coast Report. Silver Spring, MD: NOAA.

URL: http://state_of_coast.noaa.gov/bulletins/html/wdu_11/wdu.html

<http://www.dos.ny.gov/communitieswaterfronts/pdfs/hmpguide.pdf>

Personal Communications

End references for any personal communications you are citing in your text appear here.

Additional References

ⁱ State of New York - http://www.nysm.nysed.gov/research/anthropology/crsp/crm_faq.html

ⁱⁱ http://en.wikipedia.org/wiki/Cultural_practice