



DEPARTMENT OF NATIVE AMERICAN STUDIES
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Public Comment
Beneficial Uses and Mercury Objectives
Deadline: 2/17/17 12 noon



February 16, 2017

Jeanine Townsend, Clerk to the Board
State Water Resources Control Board
PO Box 100, Sacramento, CA 95812-2000

To Whom It May Concern:

I write in full support of the proposed beneficial use designations: Tribal Traditional and Cultural Use; Tribal Subsistence Fishing Use; and Subsistence Fishing Use. I am an Associate Professor of Native American Studies at UC Davis with a focus on examining and improving environmental policies and planning to protect and advance tribal interests. While I will focus this letter on the importance of the Tribal Traditional and Cultural Use and the Tribal Subsistence Fishing Use designations, I will also note that I am personally impacted by the Subsistence Fishing Use designation, as I grew up eating fish regularly out of local waterways, with no information made available to my family as to the levels of contamination in those fisheries.

The Tribal Traditional and Cultural Use and Tribal Subsistence Fishing Use designations are long overdue. Tribal members' relationship to fisheries throughout California, and tribal members' level of consumption of fish from California waterways are not accounted for in current beneficial use designations and associated water quality standards. The current beneficial uses and standards assume a qualitatively and quantitatively lower level of use and subsistence than that practiced by many California tribal members. The current beneficial uses are effectively *sickening* tribal members by disregarding their extensive use of fish and other aquatic flora and fauna. Beneficial use designations must protect all Californians; most significantly first Californians, who have been stewarding these resources and waterways since time immemorial.

I encourage the Board to adopt the proposed beneficial use designations, and to apply them immediately throughout the state. The 2014 California Tribes Fish-Use study by Shilling et al. looks at tribal members' current suppressed rate of consumption, which is approximately half of the traditional rate of consumption. The study included surveys with 23 tribes in the state, who use approximately 25% of waterbodies in the state. This indicates that, if all tribes participated in the study, their uses of fisheries would involve all waterbodies throughout the state. As such, all waterbodies should be subject to Tribal Traditional and Cultural Use and Tribal Subsistence Fishing Use designations. I also feel strongly that polluters, or those discharging wastewater into waterways, should have to prove that they are not negatively impacting the Tribal Traditional and

Cultural Use and Tribal Subsistence Fishing Use designations, rather than tribes having to prove that these beneficial uses apply to the waterways in question. Tribal environmental departments are already often stretched thin, and setting up another process in which tribes have to prove cultural importance of a waterway or aquatic species would place another onerous and undue burden on tribes.

I also call on the Board and associated agencies to commit to strongly protect these significant and much-needed beneficial use designations once they are approved. It is within your authority, for example, to designate flow regimes that protect the Tribal Traditional and Cultural Use and Tribal Subsistence Fishing Use designations. Please use that authority to protect the tribal rights that have been disrespected for so long.

In sum, I applaud the State Water Resources Control Board for considering adopting the proposed Tribal Traditional and Cultural Use and Tribal Subsistence Fishing Use designations. These designations could not be more necessary. Tribal traditional stewardship of and interdependence with the species that live in local waterways has been constant in California since time immemorial. It is time that regulations recognize, respect, and protect the oldest beneficial uses of water in the state.

Respectfully,

A handwritten signature in blue ink, appearing to read "Elisabeth Middleton Manning". The signature is fluid and cursive, written over a light blue horizontal line.

Elisabeth Middleton Manning
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Yocha Dehe Endowed Chair in California Indian Studies
Department of Native American Studies, UC Davis