

SAN LUIS REY BAND OF MISSION INDIANS

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February 7, 2017

Governor Jerry Brown
c/o State Capitol, Suite 1173
Sacramento, CA 95814



Chair Felicia Marcus
State Water Resources Control Board
c/o Jeanine Townsend, Clerk to the Board
P.O. Box 100
Sacramento, CA 95812

VIA ELECTRONIC MAIL
commentletters@waterboards.ca.gov

**RE: HEARING ON BENEFICIAL USES FOR TRADITIONAL,
CULTURAL AND SUBSISTENCE USES OF WATER**

Dear Governor Brown and Chair Marcus:

We, the San Luis Rey Band of Mission Indians (“SLR” or “Tribe”) is highly supportive of the requested changes to adopt additional beneficial uses in California’s *Part 2 of the Water Quality Control Plan for Inland Surface Waters, Enclosed Bays, and Estuaries of California - Tribal and Subsistence Fishing Beneficial Uses and Mercury Provisions* (“the Plan”).

Protecting water quality and the health of our tribal members’ traditional cultural uses is one of the highest priorities for the Tribe. Research clearly provides evidence that when water is degraded by runoff, pesticides, and other contaminants, then vital plants, wildlife, fish and shellfish can retain that pollution. Without including Traditional Cultural Uses in the Plan, our tribal members may be dangerously exposed at much higher rates than the general population to these contaminants. Our tribal members are active in practicing our living culture, including monitoring and gathering plants for medicinal purposes, basketweaving, and other traditional practices. Our tribal members are active in several locations within Region 9 – San Diego – such as, but not limited to, the Santa Margarita River, San Luis Rey River, Buena Vista Creek, El Salto Falls, Buena Vista Lagoon, Agua Hedionda, Bataquitos Lagoon and all of their respective inlets and tributaries. These ancestral waters are indistinguishably linked to our spiritual, cultural, subsistence and traditional ways of life and practices and are not being taken into consideration by existing water quality control measures. We find this to be unacceptable.

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We urge that the adoption of Tribal Traditional & Cultural Uses and Tribal Subsistence Fishing be approved as provided below:

Tribal Traditional & Cultural: Uses of water that support the cultural, spiritual, ceremonial, traditional rights and/or lifeways of California Native American Tribes, including, but not limited to: navigational activities, and fishing, gathering, and/or consumption of natural aquatic resources, including fish, shellfish, vegetation, and materials, as supported by California Native American Tribe(s).

Tribal Subsistence Fishing: Uses of water that support the catching or gathering of natural aquatic resources, including fish and shellfish, by California Native Americans, for consumption by individuals, households, and/or communities to meet fundamental needs for sustenance.

SLR has recently been made aware that there's a movement among industrial groups to remove these uses from the Plan during today's hearing. Bifurcating these uses from the Plan will unreasonably delay protecting our tribal members' ability to use our waters without impairment. Currently, Tribal Traditional & Cultural Uses and Tribal Subsistence Fishing Uses are not considered during the development of any statewide or regional standards, plans or operations such as TMDLs, NPDES permits or Basin Plans. Therefore, we urge that you prevent the removal and delay of acceptance of Tribal Beneficial Uses from this pending statewide Water Quality Control Plan. To do otherwise would be unnecessarily and unfairly discriminatory.

We look forward to working with State Water Resources Control board and other stakeholders in balancing beneficial uses for all waterways in California.

Sincerely,



Merri Lopez-Keifer
Chief Legal Counsel

cc: Mel Vernon, SLR Tribal Captain
Carmen Mojado, SLR Secretary of Government Relations