



SAN DIEGO RW00B

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**Cody J. Martinez**  
*Chairman*

October 3, 2018

**Henry R. Murphy**  
*Vice Chairman*

Via Mail and Fax (619) 516-1994

**Charlene Worrell**  
*Secretary*

Ms. Jody Ebsen

**LaShunna Davidson**  
*Treasurer*

Engineering Geologist  
Restoration & Protection Planning Unit  
San Diego Regional Water Control Board  
2375 Northside Dr., Suite 100  
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**Shu Brown**  
*Council Member*

[jody.ebsen@waterboards.ca.gov](mailto:jody.ebsen@waterboards.ca.gov)

**Joshua Muse**  
*Council Member*

**Re: 2018 Basin Plan Triennial Review  
Tribal Cultural & Traditional Uses (CUL)**

**Alanna Sandoval**  
*Councilwoman*

Dear Ms. Ebsen:

The Sycuan Band of Kumeyaay Nation ("Tribe") received notice that the Region 9 Water Control Board is conducting review of its 2018 Basin Plan, but has omitted to include Tribal Traditional and Cultural Uses ("CUL") as a consideration. The State Water Resource Control Board ("Board") and U.S. Environmental Protection Agency ("EPA") recently approved CUL as one of three new beneficial uses to be assessed by Region 9 in its Triennial Plan. In addition to Traditional and Cultural Uses, the EPA recognized Tribal Fishing and Subsistence Fishing as protected activities. Recognition of tribal ceremonial and cultural activities is an integral component of beneficial uses and should be a priority for Region 9. The Sycuan Band specifically requests that Region 9 update and augment its Triennial Plan to include Tribal Traditional and Cultural Uses.

Specifically, the Region should: (a) update the Basin Plan to recognize CUL within the San Diego Region; (b) consult with federally recognized tribes in the region to designate and protect specific waterways, water bodies, inland surface waters and tributaries as CUL uses; and (c) adopt procedures to protect culturally sensitive and confidential data derived during the consultation process. In addition, the Tribe requests that the Board commence designation of its historic and traditional water sources, including the Sweetwater River, the Loveland Reservoir, and the Sweetwater Reservoir, all of which affect the Tribe's historic and cultural uses.

It is imperative that the Board incorporate CUL as a beneficial use component as authorized by the State Board, the EPA, and consistent with Regions 2 and 6 which have commenced

recognition of CUL in their Triennial Plans. Implementation of CUL should not be incongruously applied in California, nor should it be treated as a request-only consideration. Nevertheless, application of the CUL beneficial use can only be effective after the Regional Board adopts its use for specific waterways in the Basin Plan. For that reason, the Triennial Plan is incomplete and ineffective absent inclusion of the CUL, and to the extent applicable, Tribal Subsistence Fishing Use (T-SUB) and Subsistence Fishing Use (SUB). These new beneficial uses are not self-effecting, and in order to activate their protections the Regional Board must be proactive and (1) adopt the beneficial uses, and (2) designate waterways.

For generations tribal members used the Sweetwater River and North Fork for subsistence, gardening, bathing, livestock maintenance, church and cultural events, as well as for the tribe's cemetery and for ceremonies. The connection between the Loveland Dam restricting water flow in the Sweetwater River and tributaries is documented and significant. Although the Tribe's cultural and aboriginal uses of the water were diminished, they were not destroyed, and should be included in any beneficial use analysis within Region 9. Accordingly, Sycuan requests that the Triennial Plan adopt CUL, SUB, and T-SUB as beneficial uses and align this Region with state standards.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Cody J. Martinez', with a large, stylized flourish at the end.

Cody J. Martinez  
Chairman