



Elem Indian Colony
A Sovereign Nation

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February 4, 2017

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

RE: SWRCB Hearing on Beneficial Uses for Traditional, Cultural and Subsistence Uses of Water

Dear Governor Brown:

The Elem Indian Colony Pomo 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*.

Protecting water quality for our members' use and enjoyment is the highest priority for the Tribe. We understand that when water is degraded by runoff, pesticides, and other contaminants, that wildlife, fish and shellfish and plants can retain that pollution. Our members can then be exposed at higher rates than the general population to these contaminants. Our uses of Clear Lake and other 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. To enable the protection of our traditional uses, in 2014 the Elem Indian Colony Pomo Tribe submitted to the State Water Resources Control Board, Resolution EPA-101214 *A Resolution Supporting the Adoption of Beneficial Use Definitions For Subsistence Fishing and Native American Cultural Use of Water in the California State Water Resources Control Board Basin Plan*.

Currently, the Tribal beneficial uses are in discussion and hearings with the State Water Resources Control Board and the next public hearing is Tuesday February 7th to accept comments on the Water Quality Control Plan. The adoption of these uses will protect existing Tribal beneficial uses which would lead to improved water quality for all Californians. These definitions are as follows:

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.

We understand that there's a movement among industrial groups to remove these uses from the plan during Tuesday's hearing. Bifurcating these uses from the plan will unreasonably delay protecting our members' ability to use our waters without impairment. Currently, Tribal traditional 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.

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

Sincerely,



Agustin Garcia,
Tribal Chairman

Cc: Chair Felicia Marcus and Members of the Board, State Water Resources Control Board

