

Rincon Band of Luiseño Indians

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TRIBAL COUNCIL RESOLUTION NO. 2021-36

RESOLUTION DECLARING A STATE OF EMERGENCY ON THE RINCON RESERVATION DUE TO DROUGHT

WHEREAS, the Rincon Band of Luiseño Indians of the Rincon Reservation, California (the “Rincon Band”) is a federally recognized Indian tribe organized pursuant to the Articles of Association adopted February 14, 1960 and approved by the Commissioner of Indian Affairs on March 15, 1960; and

WHEREAS, the Business Committee (“Tribal Council”) of the Rincon Band is the duly elected governing body of the Rincon Band, empowered pursuant to the Articles of Association to represent the Rincon Band and act in all matters that concern the general welfare of the Rincon Band, including the power to enact ordinances and manage lands and resources of the Rincon Reservation; and

WHEREAS, the Rincon Band is eligible for all rights and privileges afforded to federally recognized tribes and has a duty to protect life and property of the Rincon Band tribal members and the Rincon Reservation by mitigating threats from natural or manmade disasters; and

WHEREAS, the Rincon Band has jurisdiction over the lands and waters of the Rincon Reservation and the Rincon Band ancestral territory; and

WHEREAS, much of the Western United States is experiencing an exceptional drought due to climate change, and the Rincon Reservation and the San Luis Rey Basin are in a second year of extremely dry conditions, resulting in drought conditions that are not projected to resolve in the near future; and

WHEREAS, drought conditions and climate change in the San Luis Rey Basin generally and the Rincon Reservation specifically are creating substantial water supply shortages, poor water quality due to harmful algal bloom and presence of cyanotoxins in Lake Henshaw which further degrades water quality and stops water releases into the San Luis Rey River and the Escondido Canal for recreational uses on the La Jolla Reservation and ground water recharge purposes on the Rincon Reservation, exacerbating health risks to humans and animals during the period of the COVID-19 pandemic, substantial economic harm, that may lead to further wildfire emergencies; and

WHEREAS, drought conditions pose a substantial threat to the San Luis Rey River, to which the Rincon Band and its members have been dependent on since from time immemorial, and Rincon Band culture, ceremonies, religion, economics, and all other lifeways are intertwined with the health of the San Luis Rey River and its ecosystems; and

WHEREAS, the current drought emergency comes during an existing COVID-19 pandemic emergency, and a predicted extreme fire season, further complicating responses and limiting available resources; and

WHEREAS, utilization of scientific data from the National Oceanic and Atmospheric Administration (NOAA) and the National Integrated Drought Information System (NIDIS) show and predict current drought conditions have been classified as Severe Drought as of April 27, 2021 and will continue to degrade and move into Extreme Drought or a more severe category in the coming months; and

WHEREAS, in April 2021, the Governor of California declared a drought emergency in the Klamath River, Sacramento-San Joaquin Delta and Tulare Lake watersheds; and

WHEREAS, drought conditions require aggressive source water protection actions and programs for the groundwater and surface water systems on the Rincon Reservation, including and particularly from the ongoing, years-long algal bloom in Lake Henshaw, the primary source of replenishment for the Rincon Reservation aquifer; and

WHEREAS, drought conditions threaten to exacerbate the ongoing, years-long algal bloom in Lake Henshaw, where lake mass reduction results in warming when solar radiation permeates the water column and creates the perfect environment for the proliferation of extreme, prolonged toxic cyanotoxins, which thereby renders the water unfit and dangerous for human and wildlife use; and

WHEREAS, drought conditions increase risk to sensitive riparian and aquatic species, and counter Rincon Band's efforts to restore critical habitats for threatened and endangered riparian wildlife species on the Rincon Reservation; and

WHEREAS, drought conditions increase tree mortality, the risk of further Oak Borer infestation, and decrease vegetation moisture levels, which increases the threat and likelihood of devastating wildfire emergencies on lands owned and managed by the Rincon Band, along with associated additional impacts to terrestrial wildlife species; and

WHEREAS, it is necessary to expeditiously mitigate the effects of the drought conditions in the Rincon Reservation and in the San Luis Rey River watershed to ensure the protection of health, safety, the economy, and the environment; and

WHEREAS, it is necessary to monitor, assess, and actively manage water, air quality, wildlife populations, and crucial habitat supporting threatened, endangered, and culturally important species to assure the most effective mitigation measures are taken; and

WHEREAS, these drought conditions have created a "Drought Emergency" that poses an imminent threat to the survival and well-being of Rincon Band's members, lands, economy, environment, and wildlife; and

WHEREAS, it is necessary to expeditiously mitigate the effects of the drought conditions in the Rincon Reservation and in the San Luis Rey River watershed to ensure the protection of health, safety, the economy, and the environment; and

WHEREAS, it is necessary to monitor, assess, and actively manage water, air quality, wildlife populations, and crucial habitat supporting threatened, endangered, and culturally important species to assure the most effective mitigation measures are taken; and

WHEREAS, these drought conditions have created a “Drought Emergency” that poses an imminent threat to the survival and well-being of Rincon Band’s members, lands, economy, environment, and wildlife; and

WHEREAS, the Drought Emergency is expected to immediately overwhelm limited tribal resources, and compromise the Rincon Band’s ability to provide critical services to tribal members, thereby increasing the ongoing health and safety risks to our people, lands, environment, and wildlife; and

WHEREAS, it is necessary that all federal, state, and local emergency management agencies and tribal personnel consult with the Rincon Band and coordinate their efforts to provide the highest level of emergency response effectively and efficiently to this ongoing Drought Emergency that threatens the health and safety of the Rincon Band’s people, lands, economy, environment, and wildlife, including assistance with responding to impacts to natural resources, economic activity, and cultural and traditional resources within Rincon Band’s Reservation and ancestral lands.

NOW THEREFORE BE IT RESOLVED, that the Tribal Council declares a State of Emergency due to current and ongoing severe drought, and that the Tribal Council does hereby enact emergency authorities under the Articles of Association to mitigate this threat and protect the people, lands, environment, resources, and economic activity of the Rincon Reservation and surrounding areas; and

BE IT FURTHER RESOLVED, that the Tribal Council is the Tribal Emergency Response Committee as required by SARA Title III; and

BE IT FURTHER RESOLVED, that the Rincon Band will seek assistance from all federal, state, local, tribal, and volunteer resources to include funding resources available to assist in responding to the State of Emergency caused by the drought conditions; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be forwarded to the County of San Diego, Director of Emergency Services, and the County of Riverside, Director of Emergency Services; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be forwarded to the Secretaries of the Interior, Agriculture, and Health and Human Services to request that they dedicate all

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possible resources to drought conditions in the San Luis Rey River basin, and the Rincon Reservation; and

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be forwarded to the President of the United States of America requesting that he issue a Presidential Declaration of Emergency for the Rincon Reservation; and

BE IT FURTHER RESOLVED, that nothing in this Resolution shall be construed as a waiver of the Rincon Band's sovereign immunity; and

BE IT FINALLY RESOLVED, that the Chairman of the Rincon Band is hereby authorized to negotiate all matters pertaining hereto and further authorized to execute, deliver and cause the performance of any agreements necessary to protect the Rincon Band and. Rincon Reservation from the deleterious effects of the drought, provided that any waiver of the Rincon Band's sovereign immunity shall require approval of the Tribal Council.

[Certification on the following page]

CERTIFICATION

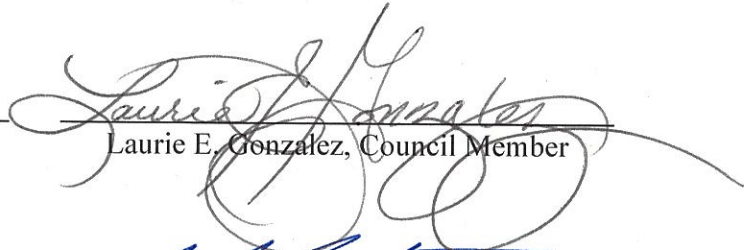
We the undersigned, as the governing body of the Rincon Band of Luiseño Indians of the Rincon Reservation, California, do hereby declare a State of Emergency on the Rincon Reservation due to drought, confirm we comprise the Tribal Emergency Response Committee as required under SARA Title III, resolve to seek all funding resources available to respond to the State of Emergency, will forward a copy of this Resolution to relevant local and federal entities and, by copy of this Resolution to the President of the United States and the Governor of California, do request that they declare and proclaim the Rincon Reservation to be in a state of emergency, and do hereby certify that the Rincon Business Committee is composed of five (5) members of whom three (3) constituting a quorum were present at a meeting duly held on June 3, 2021, by a vote of 5 in favor, 0 against, 0 absent, and 0 abstaining.



Bo Mazzetti, Chairman



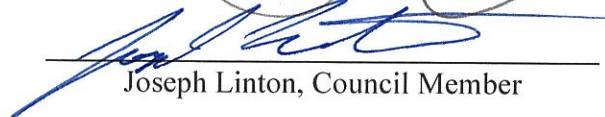
Tishmall Turner, Vice Chair



Laurie E. Gonzalez, Council Member



John Constantino, Council Member



Joseph Linton, Council Member