

SAN LUIS REY INDIAN WATER AUTHORITY

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United States Bureau of Reclamation
Revised Draft Supplemental Environmental Impact Statement for Near-term Colorado River
Operations
P.O. Box 25007
Denver, CO 80225

Via Email: CRinterimops@usbr.gov

Subject: San Luis Rey Indian Water Authority's Comments on the U.S. Department of the Interior, Bureau of Reclamation Revised Draft Supplemental Environmental Impact Statement for Near-term Colorado River Operations

Dear Bureau of Reclamation:

The San Luis Rey Indian Water Authority (SLRIWA), an intertribal Indian entity established by five federally-recognized Indian tribes in San Diego County, California: the La Jolla Band of Luiseño Indians, the Rincon Band of Luiseño Indians, the San Pasqual Band of Mission Indians, the Pauma Band of Luiseño Mission Indians, and the Pala Band of Mission Indians (Bands), offers this response to the Bureau of Reclamation's [Revised Draft Supplemental Environmental Impact Statement for Near-term Colorado River Operations \(Revised Draft SEIS\)](#).

The SLRIWA was established by the Bands as a permanent intertribal entity pursuant to duly adopted Tribal ordinances to act on behalf of the Bands in the implementation of the San Luis Rey Indian Water Rights Settlement. The authority of the SLRIWA was approved and recognized by Congress in the San Luis Rey Indian Water Rights Settlement Act, Public Law 100-675, as amendment (San Luis Rey Settlement Act), at § 107. Pursuant to the San Luis Rey Settlement Act at § 107(b), the SLRIWA "shall be treated as an Indian entity under Federal law with which the United States has a trust relationship."

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The Bands, along with their San Luis Rey Settlement partners, the City of Escondido and the Vista Irrigation District, depend upon 16,000 acre-feet of conserved Colorado River water from the lining of the All-American Canal and its Coachella Branch that is provided under the San Luis Rey Settlement Act. Pursuant to the San Luis Rey Settlement Act, as amended by Public Law 106-377, App. B., § 211 (October 27, 2000): “Notwithstanding any other provision of law, in order to fulfill the trust responsibility to the Bands, the Secretary, acting through the Commissioner of Reclamation, ***shall permanently furnish annually ... 16,000 acre-feet of the [Colorado River] water*** conserved [by the lining projects] for the benefit of the Bands and the local entities in accordance with [the San Luis Rey Settlement].” (emphasis added).

The SLRIWA previously submitted *Comments on the Bureau of Reclamation’s Notice of Intent to Prepare an Environmental Impact Statement and Notice to Solicit Comments and Hold Public Scoping Meetings on the Development of Post-2026 Operational Guidelines and Strategies for Lake Powell and Lake Mead* on August 14, 2023. As set forth in those Comments and reiterated here, the 16,000 acre-feet of conserved Colorado River water provided under the San Luis Rey Settlement Act is not subject to mandatory reduction by Reclamation because that water has been permanently allocated for the benefit of the San Luis Rey Settlement parties in a Settlement approved by Congress, signed by the Secretary of the Interior and the Attorney General of the United States, and upheld in the United States District Court.

The SLRIWA appreciates that the Revised Draft SEIS eliminated Action Alternatives 1 and 2 from detailed analysis in the Revised Draft SEIS, and focused instead on the Lower Division Proposal, which is based on voluntary conservation measures, and is consistent with applicable federal laws, including the San Luis Rey Settlement Act.

Respectfully submitted,



Bo Mazzetti, Board President
San Luis Rey Indian Water Authority