

San Manuel Band of Mission Indians

February 10, 2022

VIA E-MAIL (EXEC-AdminHrgOffice@Waterboards.ca.gov)

Alan B. Lilly
Presiding Hearing Officer, Administrative Hearings Office
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812

RE: Proposed site visit to Arrowhead Springs property

Dear Mr. Lilly:

This letter follows the correspondence sent by you on January 15 and via email on January 20 requesting access to the Arrowhead Springs Hotel property for a site visit originally scheduled for January 26-27, then moved to February 10, but we understand is now set for February 16-17, 2022. We understand that the purpose of the site visit is for named and interested parties and the administrative record in the hearing on the draft cease and desist order issued by the State Water Resources Control Board ("SWRCB") against BlueTriton Brands, Inc. to see facilities associated with BlueTriton Brands, Inc.'s operations. I appreciate your acknowledgement that the San Manuel Band of Mission Indians ("Tribe") is not a party to the ongoing proceedings, neither is it subject to the jurisdiction of the SWRCB, nor is it subject to any order the SWRCB Board may adopt.

As discussed the Arrowhead Springs area is a deeply sacred place for the Serrano people. The area known today as Arrowhead Springs was once the home of a Serrano village established in the area long before Europeans arrived. The arrowhead on the mountain and the springs below are culturally significant given their association with oral tradition about the Tribe's Creator, ancestors' habitation, and with supernatural powers and healing properties. The Arrowhead Springs property also continues to be home to numerous plants and animals which are critical to the Tribe's traditional lifeways, including ceremonies, and contemporary self-sufficiency and wellness. It is important to note that the Tribe's renewed ability to directly care for the land as stewards has given the Tribe the ability to heal from the trauma of dispossession. The Tribe and its citizens value the sacredness of this space and do not currently permit the general public to access the property.

The Tribe is a sovereign nation possessing the inherent right to govern its own people and lands. Generally, the approval process for such a request to access tribal property follows formal government-to-government consultation and is submitted to the Tribe's Business Committee and Tribal Chairman for review and approval. The agenda for the Business Committee and Tribal Chairman is set weeks in advance. I understand the proposed site visit date is quickly approaching but must make you aware that approvals

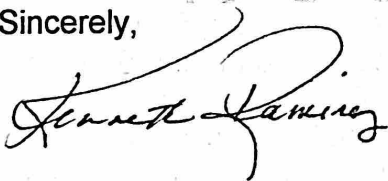
of this kind must go through the aforementioned formal process and our processes take time.

Additionally, our government takes very seriously the well-being of its citizens, guests and employees and take seriously all safety precautions related to the COVID-19 pandemic. The idea of such a large gathering of people for this site visit during the ongoing pandemic is of great concern.

Considering the above, as well as the time sensitive nature of your request, and because the Tribe values the good relationship we have with the State of California and its many regulatory agencies, I have the limited authority to offer the following alternative which we can strive to accomplish by the February 16-17 site visit, or shortly thereafter. I propose a virtual visit where our staff can take detailed video of the four sites (a-d) listed in your January 15, letter and can make those available to you. Alternatively, I propose our staff take photographs of the sites (a-d) listed in your January 15, letter and again, make those available to you. Please let us know if this is agreeable to you.

Again, because Tribe is not a party to or participant in this proceeding, any correspondence exchanged, or information submitted to you in response to your letters requesting a site visit to tribal property, is not intended to be construed as a waiver of the Tribe's sovereign immunity nor is it to be construed as participation in your administrative process. Thank you again for contacting the Tribe on this issue and for your understanding of the sacredness this site and surrounding area holds for our people.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth Ramirez". The signature is fluid and cursive, with a large, sweeping initial "K".

Kenneth Ramirez, Chairman
San Manuel Band of Mission Indians