

Rincon Band of Luiseño Indians

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NEWS RELEASE

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The Rincon Band of Luiseño Indians Prevails In Jurisdiction Over Land Within Reservation

Valley Center, CA... The Rincon Band of Luiseño Indians announced that they have won the regulatory jurisdiction over the Donius property located within the Rincon reservation boundaries. After a torturous and expensive ten-year legal battle, winding through several lawsuits filed in tribal, state, and federal courts, a case involving a non-Indian owner of fee land located within the Rincon Reservation was finally, heard on its merits.

“We are grateful that the courts have confirmed our jurisdiction over this property,” stated Bo Mazzetti, Chairman of the Rincon Band of Luiseño Indians. “It is vital that we protect the groundwater and the underlying basin for the future and well-being of our tribe, neighbors and surrounding communities. To date, we have had no cooperation or information on what pesticides, chemicals or other contaminants are being used on the property. It is my hope that we can finally work with Mr. Donius and get past our differences.”

After extensive discovery, and thirteen days of trial wherein the landowner, was provided an opportunity to present any and all evidence, and any and all arguments regarding his claims and defenses, Mr. Donius lost on the merits.

This case is about the ability of the Rincon Band, a federally-recognized Indian tribe, to take the necessary actions to make certain that activities are not conducted in a manner that could inflict catastrophic environmental consequences.

Even though the judge imposed a 30-day stay to enforcement of the judgment to give Mr. Donius time to produce an operations plan that could be approved by the Rincon Band’s Environmental Director, Mr. Donius sought a stay of the Court’s judgment in hopes of preserving the status quo and to continue activities on the property in open defiance of the Court’s order. On May 23, 2019, the judge denied the request for stay, causing Mr. Donius to appeal to both the Rincon Court of Appeals and the United States Southern District Court in hopes of maintaining the status quo.

Rincon Band Chairman Bo Mazzetti continued, “The Tribe will continue to oppose Mr. Donius’ attempts to stop the judgment and will take all actions necessary to enforce the Court’s judgment.”

The 30-day stay expired on May 19th and the Band is providing Mr. Donius with an additional 10-day Notice prior to enforcing the Court’s judgment. In open defiance of the Court’s judgment, Mr. Donius has authorized a significant increase in both the amount and scope of activities on the property.

Expert evidence presented at trial showed that such activity increases the risk of wildfires. In previous wildfires, objects and activities on Mr. Donius’ property exacerbated the harm resulting from the wind-driven fires. The on-going, present

activities on the property also risk contamination of the Tribe’s pristine drinking water sourced from the groundwater underlying the Reservation.

The Rincon Band of Luiseño Indians plans to enforce the court’s order by blocking access to the property.

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ABOUT THE TRIBE: The Rincon Band of Luiseño Indians reside on a 5,000-acre reservation in Valley Center, California. Established in 1875, the Rincon Band is recognized by the United States of America.



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Alfonso Kolb, Sr.
Councilman