

# Chapter 23 Tribal Cultural Resources

## 23.1 Introduction

This chapter identifies the Native American people with traditional and cultural affiliation with the vicinity of the Project and describes the environmental setting, methods of analysis, and impact analysis for tribal cultural resources in the study area that would potentially be affected by the construction and operation of the Project.

This chapter is strictly providing information and analysis under CEQA. No NEPA conclusions are included because analysis of tribal cultural resources as defined and discussed for this chapter is a State-only requirement under CEQA. Resources that may be important to California Native American Tribes, such as archaeological resources that may be tribal cultural resources, are analyzed for the purposes of NEPA in Chapter 22, *Cultural Resources*.

For context for the reader, it is important to first note the violent relationship of the State of California with California Native Americans and the State's role in the exploitation, dispossession, and attempted destruction of tribal communities. The State sanctioned over a century of depredations and prejudicial policies against California Native Americans. This is reflected in Executive Order N-15-19 and Governor Newsom's apology on behalf of the citizens of the State of California to all California Native Americans. As we acknowledge this violent relationship, it is also important to acknowledge that it has shaped how Tribes have been marginalized and repressed and how the current views of non-Native Americans have been substantially, if not entirely, biased towards quietly ignoring and not acknowledging this relationship or the historical and ongoing marginalizing and repressing of California Native Americans.

Much of the current information and understanding of California's Native Americans comes from non-Native Americans in the early twentieth century who identified with, practiced, and perpetuated a legacy of genocide, removal policies, and assimilation. It is acknowledged that this chapter relies greatly on this information. A concerted effort has been made to represent these data objectively, while acknowledging the bias in these data towards these sentiments, beliefs, and policies. In addition, the written record is biased toward the physical expression of archaeological sites on the surface and lacks a true understanding of how California Native Americans utilized the landscape. The written record is, of course, also biased toward what has been documented and written down. For many Native Americans, what is typically called "history" are verbal stories that are passed down from generation to generation—many of these are not documented in the written record that was utilized in developing and completing the analysis in this chapter. The Authority understands and acknowledges these limitations. The Authority is committed to working with the Tribes with traditional or cultural affiliation with the

Project area throughout the life of the Project to better understand and respectfully incorporate the Tribes from their perspectives.

California Assembly Bill 52 (AB 52) established that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. A tribal cultural resource is defined as a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American Tribe. This may include an archaeological or ethnographic site, geographical location, or natural feature that is associated with the cultural practices or beliefs of a living community that are rooted in that community's history, and that are essential in maintaining the continuing cultural identity of the community. To be considered a tribal cultural resource for CEQA purposes, such sites must be included in or eligible for listing in either the California Register of Historical Resources (CRHR) or a local register of historical resources. A CEQA lead agency may also apply the CRHR eligibility criteria to determine, based on substantial evidence, that a tribal cultural resource exists.

California AB 52 also established a detailed, stepwise process for CEQA lead agency consultation with California Native American Tribes that are traditionally and culturally affiliated with the geographic area of a proposed project. The Authority's AB 52 consultation efforts are discussed in Section 23.3, *Methods of Analysis*. For a more complete description of AB 52 and the regulatory framework for tribal cultural resources, see Appendix 4A, *Regulatory Requirements*.

These consultation actions by the Authority also uphold and support the declarations of California Executive Order B-10-11 and California Executive Order N-15-19, both of which acknowledge the sovereignty of California Tribal communities and the requirement to work with Tribes on a government level. California Executive Order N-15-19, furthermore, recognizes the unique cultural knowledge maintained by the Tribes, which was highlighted under AB 52.

The study area for tribal cultural resources consists of areas of Colusa, Glenn, Tehama, Yolo, Shasta, Butte, Sutter, Yuba, and Sacramento Counties, including waterbodies, that could be affected by Project construction or operations (Figure 1-1). As described in Chapter 2, *Project Description and Alternatives*, the Project would not affect or result in changes in the operation of the CVP Trinity River Division facilities (including Clear Creek) and thus Trinity River resources are not discussed or analyzed further in this chapter.

Tables 23-1a and 23-1b summarize the CEQA tribal cultural resources impact determinations for construction and operation impacts based on each alternative. No NEPA conclusions are included because analysis of tribal cultural resources as defined for this chapter is a State-only requirement under CEQA. Resources that may be important to California Native American Tribes, such as archaeological resources that may also be tribal cultural resources, are analyzed for the purposes of CEQA and NEPA in Chapter 22, *Cultural Resources*.

**Table 23-1a. Summary of Construction Impacts and Mitigation Measures for Tribal Cultural Resources**

Alternative	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact TCR-1: Substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources or other local register or that the Authority has determined to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.			
No Project	NI	-	NI
Alternative 1	S	<p><b>Mitigation Measure TCR-1.1:</b> Implement Mitigation Measures Recommended in Public Resources Code Section 21084.3 to Avoid Damaging Effects on Tribal Cultural Resources</p> <p><b>Mitigation Measure TCR-1.2:</b> Tribal Monitoring</p> <p><b>Mitigation Measure TCR-1.3:</b> Implement Agreed-Upon Protocol for the Treatment of Human Remains and Cultural Items</p> <p><b>Mitigation Measure CUL-2.1:</b> Identify NRHP/CRHR-Eligible Archaeological Resources</p> <p><b>Mitigation Measure CUL-2.2:</b> Avoid NRHP/CRHR-Eligible Archaeological Resources</p> <p><b>Mitigation Measure CUL-2.3:</b> Protect NRHP/CRHR-Eligible Archaeological Resources</p> <p><b>Mitigation Measure CUL-2.4:</b> NRHP/CRHR-Eligible Archaeological Resources Treatment</p> <p><b>Mitigation Measure CUL-3.1:</b> Cemetery Relocation Plan</p> <p><b>Mitigation Measure CUL-3.2:</b> Avoid, Protect, and Treat Human Remains</p>	SU
Alternative 2	S	<p><b>Mitigation Measure TCR-1.1:</b> Implement Mitigation Measures Recommended in Public Resources Code Section 21084.3 to Avoid Damaging Effects on Tribal Cultural Resources</p> <p><b>Mitigation Measure TCR-1.2:</b> Tribal Monitoring</p> <p><b>Mitigation Measure TCR-1.3:</b> Implement Agreed-Upon Protocol for the Treatment of Human Remains and Cultural Items</p>	SU

Alternative	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p><b>Mitigation Measure CUL-2.1:</b> Identify NRHP/CRHR-Eligible Archaeological Resources</p> <p><b>Mitigation Measure CUL-2.2:</b> Avoid NRHP/CRHR-Eligible Archaeological Resources</p> <p><b>Mitigation Measure CUL-2.3:</b> Protect NRHP/CRHR-Eligible Archaeological Resources</p> <p><b>Mitigation Measure CUL-2.4:</b> NRHP/CRHR-Eligible Archaeological Resources Treatment</p> <p><b>Mitigation Measure CUL-3.1:</b> Cemetery Relocation Plan</p> <p><b>Mitigation Measure CUL-3.2:</b> Avoid, Protect, and Treat Human Remains</p>	
Alternative 3	S	<p><b>Mitigation Measure TCR-1.1:</b> Implement Mitigation Measures Recommended in Public Resources Code Section 21084.3 to Avoid Damaging Effects on Tribal Cultural Resources</p> <p><b>Mitigation Measure TCR-1.2:</b> Tribal Monitoring</p> <p><b>Mitigation Measure TCR-1.3:</b> Implement Agreed-Upon Protocol for the Treatment of Human Remains and Cultural Items</p> <p><b>Mitigation Measure CUL-2.1:</b> Identify NRHP/CRHR-Eligible Archaeological Resources</p> <p><b>Mitigation Measure CUL-2.2:</b> Avoid NRHP/CRHR-Eligible Archaeological Resources</p> <p><b>Mitigation Measure CUL-2.3:</b> Protect NRHP/CRHR-Eligible Archaeological Resources</p> <p><b>Mitigation Measure CUL-2.4:</b> NRHP/CRHR-Eligible Archaeological Resources Treatment</p> <p><b>Mitigation Measure CUL-3.1:</b> Cemetery Relocation Plan</p> <p><b>Mitigation Measure CUL-3.2:</b> Avoid, Protect, and Treat Human Remains</p>	SU

Notes:

CRHR = California Register of Historical Resources

NI = CEQA no impact

NRHP = National Register of Historic Places

S = CEQA significant impact  
 SU = CEQA significant and unavoidable

**Table 23-1b. Summary of Operations Impacts and Mitigation Measures for Tribal and Cultural Resources**

Alternative	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Impact TCR-1: Substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources or other local register or that the Authority has determined to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.			
No Project	NI	-	NI
Alternative 1	S	<p><b>Mitigation Measure TCR-1.1:</b> Implement Mitigation Measures Recommended in Public Resources Code Section 21084.3 to Avoid Damaging Effects on Tribal Cultural Resources</p> <p><b>Mitigation Measure TCR-1.2:</b> Tribal Monitoring</p> <p><b>Mitigation Measure TCR-1.3:</b> Implement Agreed-Upon Protocol for the Treatment of Human Remains and Cultural Items</p> <p><b>Mitigation Measure CUL-2.1:</b> Identify NRHP/CRHR-Eligible Archaeological Resources</p> <p><b>Mitigation Measure CUL-2.2:</b> Avoid NRHP/CRHR-Eligible Archaeological Resources</p> <p><b>Mitigation Measure CUL-2.3:</b> Protect NRHP/CRHR-Eligible Archaeological Resources</p> <p><b>Mitigation Measure CUL-2.4:</b> NRHP/CRHR-Eligible Archaeological Resources Treatment</p> <p><b>Mitigation Measure CUL-3.1:</b> Cemetery Relocation Plan</p> <p><b>Mitigation Measure CUL-3.2:</b> Avoid, Protect, and Treat Human Remains</p>	SU
Alternative 2	S	<p><b>Mitigation Measure TCR-1.1:</b> Implement Mitigation Measures Recommended in Public Resources Code Section 21084.3 to Avoid Damaging Effects on Tribal Cultural Resources</p> <p><b>Mitigation Measure TCR-1.2:</b> Tribal Monitoring</p> <p><b>Mitigation Measure TCR-1.3:</b> Implement</p>	SU

Alternative	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
		<p>Agreed-Upon Protocol for the Treatment of Human Remains and Cultural Items</p> <p><b>Mitigation Measure CUL-2.1:</b> Identify NRHP/CRHR-Eligible Archaeological Resources</p> <p><b>Mitigation Measure CUL-2.2:</b> Avoid NRHP/CRHR-Eligible Archaeological Resources</p> <p><b>Mitigation Measure CUL-2.3:</b> Protect NRHP/CRHR-Eligible Archaeological Resources</p> <p><b>Mitigation Measure CUL-2.4:</b> NRHP/CRHR-Eligible Archaeological Resources Treatment</p> <p><b>Mitigation Measure CUL-3.1:</b> Cemetery Relocation Plan</p> <p><b>Mitigation Measure CUL-3.2:</b> Avoid, Protect, and Treat Human Remains</p>	
Alternative 3	S	<p><b>Mitigation Measure TCR-1.1:</b> Implement Mitigation Measures Recommended in Public Resources Code Section 21084.3 to Avoid Damaging Effects on Tribal Cultural Resources</p> <p><b>Mitigation Measure TCR-1.2:</b> Tribal Monitoring</p> <p><b>Mitigation Measure TCR-1.3:</b> Implement Agreed-Upon Protocol for the Treatment of Human Remains and Cultural Items</p> <p><b>Mitigation Measure CUL-2.1:</b> Identify NRHP/CRHR-Eligible Archaeological Resources</p> <p><b>Mitigation Measure CUL-2.2:</b> Avoid NRHP/CRHR-Eligible Archaeological Resources</p> <p><b>Mitigation Measure CUL-2.3:</b> Protect NRHP/CRHR-Eligible Archaeological Resources</p> <p><b>Mitigation Measure CUL-2.4:</b> NRHP/CRHR-Eligible Archaeological Resources Treatment</p> <p><b>Mitigation Measure CUL-3.1:</b> Cemetery Relocation Plan</p> <p><b>Mitigation Measure CUL-3.2:</b> Avoid, Protect, and Treat Human Remains</p>	SU

Notes:

CRHR = California Register of Historical Resources

NI = CEQA no impact

NRHP = National Register of Historic Places

S = CEQA significant impact

SU = CEQA significant and unavoidable

## 23.2 Environmental Setting

The area that would be affected by Project operations involves nearly all of the Sacramento Valley from Redding in the north through the Yolo Bypass in the south, with a focus on the major rivers (i.e., Sacramento, Feather, and American Rivers) that flow into the valley. The rivers supported abundant fisheries (especially salmon) and sustained the vast grasslands of the valley that provided habitat for herds of elk and antelope and allowed for the growth of dense valley oak woodlands. Indigenous California populations favored the Sacramento Valley due to the richness of the resources found there, and a large number of Tribes who spoke different languages lived in the region at the time of Euro-American exploration and colonization.

The Project construction footprint is located in part of the traditional Tribal territory of the northern Patwin and Nomlaki people, who lived in permanent villages in the hills and along the waterways in a large territory west of the Sacramento River and extending as far as Suisun and San Pablo Bays (Knutson 1977:14; Sites Project Authority and Bureau of Reclamation 2017:18-15). Population density in this region was one of the highest in the state. The Patwin and Nomlaki are both linguistically classified as part of the Wintuan family of the Penutian language phylum. Wintuan is separated linguistically and culturally into three major groups from north to south: the Wintu, Nomlaki, and Patwin. The Patwin and Nomlaki groups shared many cultural characteristics (White et al. 2009:15; Sites Project Authority and Bureau of Reclamation 2017:18-15).

The Patwin and Nomlaki of the study area could be divided into “hill people” and “river people” who organized themselves into sociopolitical units represented by small tribal groups. Each small tribal group controlled and defended a well-defined territory recognized by adjoining communities. Each group built a dance house that served as a spiritual and ceremonial center. Acorn granaries were another significant element of Patwin and Nomlaki villages, attesting to the importance of that staple food item (Goldschmidt 1978:347; White et al. 2009:15–16, 20). The people lived well hunting and gathering the territory’s abundant plant, game, and fish resources until the arrival of European and Euro-Americans during the eighteenth and nineteenth centuries. Acorns were supplemented with deer, a variety of fish, birds, berries, seeds, bulbs, and wild honey. The people traded with neighboring Tribes for goods that could not be made or obtained in their own territories (Sites Project Authority and Bureau of Reclamation 2017:18-15). The dense marshlands from the foot of the Sutter Buttes to the Delta in the south provided the Patwin with abundant materials for weaving, which they traded to other Tribes or made into exceptionally strong and distinctive baskets. The river Patwin traveled the rivers and streams in boats made from bundles of tule reeds (Eargle 2000:135). Further information on early Native Americans is provided in Chapter 22, *Cultural Resources*. The arrival of the Spanish missions, miners, trappers, homesteaders, and ranchers, and the violence and disease they brought decimated the native peoples’ numbers and disrupted their lifeways (White et al. 2009:31–41).

Present-day descendants of the Patwin and Nomlaki people continue to live in or near the study area. They are represented by the Cachil Dehe Band of Wintun (Colusa Indian Community) in Colusa; the Kletsel Dehe Wintun Nation (Cortina Indian Rancheria) west of Williams; the Yocha Dehe Wintun Nation (Rumsey Indian Rancheria) in Brooks; the Grindstone Indian Rancheria of Wintun-Wailaki Indians at Elk Creek; and the Paskenta Band of Nomlaki Indians (Nomlāqa Bōda) near Corning.

A number of other Tribes are present along those portions of the Sacramento, Feather, and American Rivers that would be affected by Project operations that would involve regulation of water releases in the rivers, although the Project would not directly encroach on their lands. At the far north end of the Project area along the Sacramento River, the Wintu occupied both sides of the river. As previously mentioned, the Wintu are linguistically and culturally closely related to the Patwin and Nomlaki. In the present day, the Wintu in the Project area are represented by the Wintu Tribe of Northern California and Redding Rancheria.

Below the Wintu and Nomlaki lands, portions of the Sacramento River were traditionally held by Maiduan-speaking Tribes. The Mechoopda Indian Tribe and the Estom Yumeka Maidu Tribe of the Enterprise Rancheria, both Konkow Maidu Tribes, are close neighbors who have ancestral territory along both sides of the Sacramento River in the southeast corner of Tehama County and the northwest corner of Colusa County. The Konkow Maidu also have ancestral lands that encompass the Feather River below Oroville Dam in Butte County. The Mechoopda Indian Tribe and Estom Yumeka Maidu Tribe of the Enterprise Rancheria, along with the Konkow Valley Band of Miwok, represent the Konkow Maidu in this area. Konkow Maidu Tribes who lived along the rivers shared many of the same subsistence practices with the Patwin and Nomlaki, as they lived in the same or similar environment.

The lower portion of the Sacramento River below about Knights Landing, including the Yolo Bypass, Feather River above its confluence with the Sacramento River, and the American River between Folsom Dam and the Sacramento River, is within the ancestral territory of the Nisenan. The Nisenan language is of the Maiduan language family and is therefore closely related to the Konkow Maidu language. The Nisenan also shared many cultural traits with their Konkow Maidu neighbors. Nisenan descendants in the Project area are represented by the United Auburn Indian Community of the Auburn Rancheria.

The southern end of Project operations along the Sacramento River and in the Yolo Bypass is the ancestral home of the Plains Miwok, who also occupied the northern portions of the Sacramento-San Joaquin Delta. The Plains Miwok are one of many Miwokan-speaking Tribes who once inhabited territory across California from the Pacific Ocean to the crest of the Sierra Nevada mountains. Present-day Plains Miwok descendants are found among the Shingle Springs Band of Miwok Indians, Ione Band of Miwok Indians, and the Wilton Rancheria.

All of the Native American communities referenced above continue to have strong ties to their ancestral lands and have the potential to identify tribal cultural resources within the Project construction and operating areas. To date, only the Yocha Dehe Wintun Nation and Cachil Dehe Band of Wintun Indians, described in greater detail below, have requested consultation on this

Project under California AB 52. The Paskenta Band of Nomlaki Indians has expressed interest in tribal cultural resources related to the Project, which are also described in greater detail below.

### **23.2.1. Yocha Dehe Wintun Nation**

Yocha Dehe Wintun Nation is a federally recognized Tribe and sovereign tribal government. They currently occupy part of their historic territory in Yolo County (Yocha Dehe Wintun Nation n.d.a), with Tribal headquarters in Brooks. In their native language, Yocha Dehe means “home by the spring water,” a description of where their ancestors lived, where their people come from, and who they are as a Tribe. This homeland is the Capay Valley and the watershed of Cache Creek, which, in their own words, “... gave us precious materials, nourishment, and spiritual well-being. The oak tree gave us food, shelter, and strength” (Yocha Dehe Wintun Nation 2015:2).

Nineteenth-century Euro-American settlement and U.S. federal policy in 1908 moved the Tribe onto a small reservation in Rumsey, where they struggled to subsist on the poor land and became known as the Rumsey Band of Wintun Indians (Yocha Dehe Wintun Nation 2015:4). In 1940, the federal government relocated the Tribe elsewhere in the Capay Valley, where the Tribe was able to farm on 188 acres of trust land. During the 1980s, the Tribe seized opportunities for tribal economic development created by the federal Indian Gaming Regulatory Act and the California Lottery by opening a bingo hall (Yocha Dehe Wintun Nation 2015:6).

The bingo hall developed into the Cache Creek Casino Resort, the largest private employer in Yolo County. Other Tribal enterprises include the Yocha Dehe Golf Club and agriculture. The Tribe farms more than a dozen crops on 2,200 acres, of which 250 are certified organic; runs more than 400 head of cattle; and has more than 1,200 acres of Tribal land in conservation easements (Yocha Dehe Wintun Nation n.d.b, 2015:14). The Tribe also markets its own brand of wine, extra virgin olive oil, wildflower honey, and organic produce; the olive oil mill also serves other regional growers. Yocha Dehe businesses support education, cultural and environmental stewardship, philanthropy, and community service (Yocha Dehe Wintun Nation 2015:16, 18).

### **23.2.2. Cachil Dehe Band of Wintun Indians (Colusa Indian Community)**

The Cachil Dehe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria is a federally recognized Tribe and sovereign tribal government (U.S. Bureau of Indian Affairs n.d.). On November 23, 1941, the 45 members of the Cachil Dehe adopted a constitution and bylaws. In 1943, the Tribe acquired another 210 acres 1 mile south of their original 80-acre reservation along the Sacramento River near the city of Colusa. This land became the site of the present-day Cachil Dehe Village Complex and Colusa Casino (Colusa Indian Community 2020a).

Consisting of approximately 84 members in the present day, the Colusa Indian Community has prospered while preserving its members’ past and culture. The community spent years building a traditional roundhouse that is the center of traditional spiritual practice. Tribal elders collaborated with the University of California Berkeley linguistics department to publish a first edition of a Cachil Dehe language book as part of an ongoing language preservation project (Colusa Indian Community 2020a).

The Tribe operates the Colusa Casino Resort, which supports Tribal government programs, infrastructure, and Tribal and community economic development. For instance, casino profits fund the Colusa Indian Community Health Clinic, which was originally intended as a resource for Tribal members but now serves the greater Colusa County community. Their wellness center and daycare facility are also open to the public. Casino profits also help fund acquisition of farmland (Colusa Indian Community 2020b). The Tribe farms over 4,000 acres of tree, grain, and field crops, more than half of which are planted in rice. The Tribe also owns a share in a rice drying facility in Maxwell, California, where it dries its rice for market (Colusa Indian Community 2020c). Another Tribal business offers guided hunting and fishing adventures in the rangelands of the Colusa County foothills, on the Sacramento River, and in the flooded grain fields and natural marshes of the northern Sacramento Valley (CICC Outdoor Adventures 2015a, 2015b, and 2015c).

### **23.2.3. Paskenta Band of Nomlaki Indians (Nomlāqa Bōda)**

The Paskenta Band of Nomlaki Indians (Nomlāqa Bōda) is a federally recognized tribe in Tehama County, California. The Nomlaki are Central Wintun, or River and Hill Nomlaki, an indigenous people of California, located in Tehama and Glenn Counties (Paskenta Band of Nomlaki Indians 2022). In 1854, the Nome Lackee Indian Reservation was established in Tehama County; however, after reports of poor conditions at the reservation and fraud committed by U.S. government agents at the reservation, the U.S. Secretary of the Interior called for the abandonment of the reservation in 1859 (National Park Service 2004). Under the authority of the Indian Appropriation Act of 1871, the U.S. government began to sell off reservation lands to non-Native Americans in the early 1870s. Many residents of the reservation subsequently moved to the Round Valley Indian Reservation in Mendocino County (National Park Service 2004).

The Paskenta Band lost its federal recognition in 1959, and its Rancheria was sold to private parties. Despite the denial of federally recognized tribal status, the Paskenta Band maintained its tribal identity and culture while it worked for restoration as a Native American tribe (Paskenta Band of Nomlaki Indians 2022). Finally, in 1994, the federal government restored the Paskenta Band of Nomlaki Indians to full federal status through the Paskenta Band Restoration Act (Pub. L. 103-454). Today, the Paskenta Band of Nomlaki Indians is governed by a Tribal Council comprised of five elected members. In 2000, the Tribe acquired 2,000 acres of land near Corning, California, and soon began construction of Rolling Hills Casino (Paskenta Band of Nomlaki Indians 2022). The casino opened in 2002, providing employment to several hundred local residents.

## **23.3 Methods of Analysis**

This section describes the Authority's method of analysis for potential impacts on tribal cultural resources. A key input to the identification of tribal cultural resources is the perspective of California Native American Tribes that are traditionally and culturally affiliated with the Project area. The Project team has been meeting with interested California Native American Tribes at various intervals beginning in 2002, as the Project concept evolved from the late-1990s North-of-Delta Offstream Storage (NODOS) to the Project being evaluated in this Final EIR/EIS. Chapter

22, *Cultural Resources*, describes additional past and current efforts conducted to identify study area archaeological resources, including those that may also be important to California Native American Tribes.

In 2010 (i.e., prior to the passage of AB 52) the Cortina Band of Wintun Indians submitted a report expressing its concerns about NODOS. The report included a recommendation that the Cortina Band of Wintun Indians be consulted at all phases and, in particular, when the need arose “for site testing, borings, and soil column samplings...” and regarding biological mitigation and enhancements that could affect natural resources used in traditional cultural practices (Cortina Band of Wintun Indians 2010).

### **23.3.1. AB 52 Consultation Efforts**

With the passage of AB 52, California Native American Tribes were encouraged to notify local agencies of their desire to be notified of proposed projects in the geographic area with which the Tribes are traditionally and culturally affiliated. On January 3, 2017, The Cachil Dehe Band of Wintun Indians submitted to the Authority a written request for formal notice of and information on proposed projects for which the Authority will serve as lead CEQA agency. No other Tribes contacted the Authority to request notification of proposed projects.

On January 27, 2017, the Authority contacted the California Native American Heritage Commission (NAHC) to request a list of Tribes that have a traditional and cultural affiliation with the geographic area of the Project. The NAHC provided the Authority with a list of seven Tribes with traditional lands or cultural places located within the geographic area of the Project. In February 2017, the Authority sent Project notification letters to the seven Tribes identified by the NAHC: the Cachil Dehe Band of Wintun Indians; Cortina Indian Rancheria of Wintun Indians; Grindstone Indian Rancheria of Wintun-Wailaki; Yocha Dehe Wintun Nation; Paskenta Band of Nomlaki Indians; Mechoopda Indian Tribe; and Estom Yumeka Maidu Tribe of the Enterprise Rancheria. One Tribe, the Cachil Dehe Band of Wintun Indians, requested consultation, and the Authority first met with Tribal representatives on July 12, 2017. Separately, the Yocha Dehe contacted Authority staff on April 20, 2017, with a request for Project information including maps and geographic information system (GIS) data; the Authority emailed a map of the Project on the same day and later provided GIS data. Yocha Dehe Wintun Nation also sent a letter dated May 19, 2017, in which they requested consultation regarding the Project, as well as additional information. The Authority provided the additional requested information and the draft archaeological survey report on June 22, 2017. No other Tribes requested consultation under AB 52 in response to the 2017 outreach. The contacted Tribes did not identify any potentially affected tribal cultural resources during this period.

In February 2019, the Authority provided notice to the Yocha Dehe, Cachil Dehe, and Cortina Indian Rancheria regarding the Authority’s efforts to update the geotechnical investigations for the Project. The Cortina did not respond, but the Yocha Dehe and Cachil Dehe requested consultation under AB 52. The Authority met with the Yocha Dehe and Cachil Dehe individually to discuss the geotechnical investigations, as well as the overall status of the Project. Yocha Dehe followed up by emailing the Tribe’s *Treatment Protocol for Handling Human Remains and Cultural Items Affiliated with the Yocha Dehe Wintun Nation*, should any be discovered, on July 1, 2019. The Cachil Dehe then provided Tribal monitors for the work. This work and other

phases of geotechnical investigations that were determined exempt from CEQA or were addressed in separate CEQA documents were conducted intermittently in 2020, 2021, and 2022 and are ongoing in 2023 to 2025. Tribal monitors from either the Yocha Dehe or Cachil Dehe have participated in all geotechnical investigations to date.

In the summer and fall of 2020, the Authority again contacted the Yocha Dehe and Cachil Dehe Tribes to provide information related to Project refinements. The Authority held a number of calls and meetings, and shared GIS data with the Yocha Dehe and Cachil Dehe during this time. The Authority held meetings with the Yocha Dehe in June and October 2020. The Authority provided updated Project information to Cachil Dehe and held a conference call with Cachil Dehe Tribal representatives in October 2020. In addition to these outreach and consultation efforts, on November 14, 2020, the Authority mailed AB 52 notification letters to all seven of the Tribes that the NAHC had previously identified to the Authority as traditionally and culturally affiliated with the Project area. The notification concerned the Authority's decision to recirculate the EIR to address modifications to the Project (e.g., elimination of the Delevan Pipeline and addition of the Dunnigan Pipeline). The notification letter also included the revised Project description.

In response to the Authority's November 2020 letter, the Yocha Dehe responded in a letter dated November 19, 2020, in which they requested a site visit. A site visit was conducted on January 11, 2021, which included Tribal representatives. The Authority provided Yocha Dehe with an updated Project description via email on March 15, 2021. Additionally, the Cachil Dehe requested continued consultation on the Project via email on December 7, 2020, and were provided an updated Project description on March 17, 2021. None of the other Tribes that received the Authority's November 2020 outreach responded.

In June 2021, the Authority expanded outreach to Tribes traditionally or culturally affiliated with locations where Project operations have the potential to change river flows as compared to current conditions. These areas include stretches of the Sacramento River from Keswick in Shasta County downstream through the Yolo Bypass in Yolo County; the Feather River from Oroville Dam to the confluence with the Sacramento River; and the American River from Folsom Dam to the confluence with the Sacramento River. Seven additional Tribes with traditional and cultural affiliation to the river reaches were identified within these areas of operations: Wintu Tribe of Northern California, Redding Rancheria, Konkow Valley Band of Maidu, United Auburn Indian Community of the Auburn Rancheria, Shingle Springs Band of Miwok Indians, Ione Band of Miwok Indians, and Wilton Rancheria. The Authority sent a letter requesting input on the identification of tribal cultural resources to each of the seven Tribes on June 15, 2021. Each Tribe was contacted by email or telephone on July 8, 2021, as a follow up to the letter. The United Auburn Indian Community responded via email on July 22, 2021, that they would defer tribal consultation to affiliated Tribes that are closer to the Project, and requested to be kept informed of other Tribes actively consulting. They also requested to continue receiving Project updates and the opportunity to review and comment on the draft EIR, including the cultural report.

Table 23-2 summarizes AB 52 consultation and any responses from Tribes as of the preparation of this Final EIR/EIS, and Table 23-3 identifies additional outreach performed by the Authority.

**Table 23-2. Summary of AB 52 Consultation June 2019 through May 2023**

Tribe	AB 52 Notification Letters	Tribal Response	Consultation Actions
Cachil Dehe Band of Wintun Indians (Colusa Indian Community Council)	Sent 11/14/2020	Request for information	<p>Meetings on August 29, 2019, and October 22, 2020. Project background and updated materials provided. An updated Project description was sent March 17, 2021, and GIS data were subsequently provided.</p> <p>On January 12, 2022, the Tribe emailed the Authority deferring geotechnical monitoring to Yocha Dehe Wintun Nation. On February 28, 2022, the Tribe notified the Authority that they were deferring consultation and communication to the Yocha Dehe. During this time, the Authority continued to notify the Tribe of Project activities and to submit cultural reports and mitigation and monitoring plans developed for the revised EIR and geotechnical investigations.</p> <p>In January 2023, the Authority sent letters inviting the Tribe to participate in a Tribal Working Group, and on January 19, 2023, the Tribe responded that they were interested in participating in the Tribal Working Group. Communications and information sharing continued through February and March 2023, and an AB 52 meeting was held at the Tribe's administration office on April 18, 2023.</p> <p>The Authority and the Tribe continued to coordinate throughout May and June, and an AB 52 meeting was held at the Tribe's administration office addressing both geotechnical activities and the Project on June 15, 2023.</p>
Cortina Indian Rancheria of Wintun Indians	Sent 11/14/2020	None	None; no email was available, and tribal office phone did not take messages.
Estom Yumeka Maidu Tribe of the Enterprise Rancheria	Sent 11/14/2020	None	Authority sent follow-up letter via email on December 17, 2020. No response.
Grindstone Indian Rancheria of Wintun-Wailaki	Sent 11/14/2020	None	None; no email was available, and tribal office phone did not take messages.
Mechoopda Indian Tribe	Sent 11/14/2020	None	Authority sent follow-up letter via email on December 17, 2020. No response.
Paskenta Band of Nomlaki Indians	Sent 11/14/2020	None	<p>Authority sent follow-up letter via email on December 17, 2020. No response.</p> <p>The Authority sent a letter on January 12, 2023, inviting the Tribe to participate in a Tribal Working Group and followed up by email on February 7, 2023. An email</p>

Tribe	AB 52 Notification Letters	Tribal Response	Consultation Actions
			<p>exchange commenced on February 9 regarding the Working Group and requesting a copy of the Reclamation’s Section 106 consultation letter, which was provided the same day.</p> <p>The Authority sent a follow-up email on March 8, 2023, regarding the Tribal Working Group and consultation.</p> <p>The Paskenta responded on March 9 requesting a meeting with the Authority and cultural reports. The Authority sent existing cultural reports on March 10. On March 21, the Authority attended a virtual meeting with a Tribal representative. At this meeting, the Tribe verbally expressed a general interest in consulting on the Project. The Authority sent a concept paper on a proposed MOA afterwards. The MOA would conclude AB 52 consultations and confirm the Authority’s commitment to collaborating with the Tribe throughout the duration of the Project. On March 28, the Authority emailed Paskenta reporting on the status of the Section 106 consultation request with Reclamation and on March 29 sent KMZs of site location data in the Project footprint and copies of site records for resources located in Glenn County.</p> <p>The Authority held additional virtual meetings with the Tribe on April 18 and May 18, 2023. Discussions included Tribal concerns about important ancestral resources in the Project footprint and ways in which the Tribe could collaborate with the Authority during Project implementation.</p>
<p>Yocha Dehe Wintun Nation</p>	<p>Sent 11/14/2020</p>	<p>Request to consult</p>	<p>Meetings on June 28, 2019; June 30, 2020; and October 6, 2020.</p> <p>Project background and updated materials provided in November 14, 2020, letter.</p> <p>GIS data provided.</p> <p>Field visit conducted January 11, 2021.</p> <p>An updated Project description was sent March 15, 2021, and GIS data were subsequently provided.</p> <p>Informal phone call on June 4, 2021, discussing concerns about erosion by reservoir fluctuations and identifying human remains sites at risk. Formal meeting to discuss these issues was planned for the end of July 2021 but was postponed.</p> <p>Additional requested GIS data were provided on May 11, 2022. In lieu of the July 2021 meeting, an informal teleconference call was held on June 30, 2022, to review the GIS data. This was followed by a formal consultation</p>

Tribe	AB 52 Notification Letters	Tribal Response	Consultation Actions
			<p>meeting on August 1, 2022, during which a Project status report was provided, and there was discussion about upcoming geotechnical investigations. Strategies for concluding AB 52 consultations and confirming the Authority's commitment to collaborating with the Tribe throughout the duration of the Project were also discussed, including the utility of developing an MOA for this purpose. Meetings to further discuss an approach were held on October 31, during which a draft outline of an MOA was provided to the Tribe, and December 9, 2022.</p> <p>An AB 52 consultation meeting was held on January 5, 2023. Discussion included the timeline for comments on the EIR and a proposed MOA, and logistics for a site visit to locations of interest to the Tribe. It was agreed to hold monthly meetings for the remainder of the year.</p> <p>On January 12, 2023, the Authority sent a letter inviting the Tribe to participate in a Tribal Working Group. Another AB 52 meeting was held on February 9, 2023, in which the Authority provided a status of the EIR/EIS and site access activities, and Yocha Dehe said they would provide comments on the EIR and the MOA by the end of the month.</p> <p>During this time, the Authority continued to notify the Tribe of Project activities and to submit cultural reports and mitigation and monitoring plans developed for the revised EIR/EIS and geotechnical investigations.</p> <p>The March 9, April 13, and May 11, 2023, consultation meetings were not attended by the Tribe.</p>

AB = Assembly Bill; Authority = Sites Project Authority; EIR = environmental impact report; GIS = geographic information system; KMZ = keyhole markup language zipped (GIS file type); MOA = Memorandum of Agreement; Project = Sites Reservoir Project; Reclamation = Bureau of Reclamation.

**Table 23-3. Additional Outreach to California Native American Tribes**

Tribe	Outreach Letter	Letter Received	Tribal Response	Actions to Date (3/25/2022)
Ione Band of Miwok Indians	Sent 6/15/2021	6/17/2021	None	Authority sent follow-up letter via email on July 8, 2021. No response.
Konkow Valley Band of Maidu	Sent 6/15/2021	6/17/2021	None	Unsuccessful attempt to email on July 8, 2021. No email or phone number provided on website.

<b>Tribe</b>	<b>Outreach Letter</b>	<b>Letter Received</b>	<b>Tribal Response</b>	<b>Actions to Date (3/25/2022)</b>
Redding Rancheria	Sent 6/15/2021	6/17/2021	None	Follow-up phone call on July 8, 2021, to request email address; left message on answering machine. No response.
Shingle Springs Band of Miwok Indians	Sent 6/15/2021	6/22/2021	None	Authority sent follow-up letter via email on July 8, 2021. No response.
United Auburn Indian Community of the Auburn	Sent 6/15/2021	6/21/2021	July 22, 2021	Authority sent follow-up letter via email on July 8, 2021. Tribe responded via email on July 22, 2021, that Project is outside the Tribe's area of traditional and cultural affiliation; that they defer consultation to affiliated Tribes closer to the Project, and that they request to be kept informed of Project updates and opportunities to comment on environmental documents and other Tribal consultation.
Wilton Rancheria	Sent 6/15/2021	6/21/2021	None	Authority sent follow-up letter via email on July 8, 2021. No response.
Wintu Tribe of Northern California	Sent 6/15/2021; returned to sender 6/28/2021	Returned 6/28/2021	None	Phone call on July 8, 2021, to request email address; left message on answering machine. No response.

Additional Tribes were also sent a Notice of Availability of the RDEIR/SDEIS on November 12, 2021. These Tribes included the Berry Creek Rancheria of Maidu Indians and the Mooretown Rancheria of Maidu Indians in the upper reaches of the Feather River above Oroville Dam and the Hoopa Valley Tribal Council and Yurok Tribal Council on the Trinity and Klamath Rivers, respectively.

### **Proposed Tribal Working Group**

To increase meaningful communication and collaboration with local Native American Tribes on Project elements, on June 17, 2022, the Joint Reservoir Committee and Authority Board decided to establish a Tribal Government Working Group with the five Tribes who are traditionally or culturally affiliated with the Project footprint (Yocha Dehe, Cachil Dehe, Cortina Rancheria, Grindstone Rancheria, and Paskenta Band of Nomlaki Indians). Participation in this working group is supplemental to any AB 52 consultation with Yocha Dehe Nation and Cachil Dehe Band of Wintun Indians and is intended to provide an opportunity for input from those Tribes who have not previously participated in a sustained or meaningful manner to communicate and collaborate on the Project. Formal invitation letters to the above-listed tribes were sent on January 12, 2023. Updated letters were sent to the Cachil Dehe on January 18, 2023, when it was discovered that a new tribal chairperson had been elected in November 2022. The Cachil Dehe

sent an email to the Authority on January 19, 2023, in which they expressed interest in participating in the Tribal Working Group. Follow-up emails were also sent to the Kletsel Dehe and Paskenta Band of Nomlaki Indians on January 31, 2023, and February 7, 2023, respectively. A telephone voicemail message was also left for Kletsel Dehe on January 31, 2023. These meetings were anticipated to occur in the first half of 2023; however, the Authority continues to reach out to tribes for possible meeting dates. Some Tribes have verbally expressed concerns that a Tribal Government Working Group may not be the best forum and/or may need to have a more limited scope. The Authority is working through these concerns and looking for opportunities to establish meaningful and sustained engagement with the five Tribes who are traditionally or culturally affiliated with the Project footprint.

### **Proposal for a Memorandum of Agreement and Conclusion of AB 52 Consultation**

California Public Resources Code Section 21082.3 identifies that a CEQA lead agency may certify an EIR for a project with a significant impact on an identified tribal cultural resource only if one of the three actions has occurred: (1) the AB 52 consultation process has concluded; (2) the California Native American tribe has requested consultation and has not provided comments to the lead agency, or otherwise engaged in the consultation process; or (3) the lead agency has complied with AB 52 noticing requirements and the California Native American tribe has not requested consultation within 30 days.

Based on consultation with the Tribes formally consulting on the Project (the Yocha Dehe Wintun Nation and Cachil Dehe Band of Wintun Indians), tribal cultural resources are within and surrounding the Project footprint and will be significantly affected by the Project. Mitigation measures for addressing significant impacts on tribal cultural resources have been identified and will be refined and further developed through continued coordination with Yocha Dehe Wintun Nation and Cachil Dehe Band of Wintun Indians (those tribes formally consulting on the Project pursuant to AB 52) as part of Project implementation.<sup>1</sup> However, to date, no specific written comments on the Project or its mitigation measures have been received from the Cachil Dehe Band of Wintun Indians and Yocha Dehe Wintun Nation.

As described in Section 23.4, *Impact Analysis and Mitigation Measures*, the Authority has determined that the Project will have significant impacts on tribal cultural resources. Impacts include the filling of the Sites Reservoir, which would destroy or eliminate access to any resources potentially present in the inundation area (such as, but not limited to, gathering of plant resources) and inundate Native American ancestral sites; construction and operations that could disturb known or currently unknown burial sites; construction that could disturb or destroy both surface and buried tribal cultural resources; and alteration of the landscape, which could disrupt

---

<sup>1</sup> In March 2023, the Paskenta Band of Nomlaki Indians verbally expressed a general interest in consulting on the Project. The Authority has not received a letter requesting formal consultation under AB 52 from the Tribe. However, the Authority appreciates and values the expertise of the Paskenta Band of Nomlaki Indians and their traditional and cultural affiliation with portions of the Project area since time immemorial. The Authority will continue to coordinate with the Paskenta Band of Nomlaki Indians as part of Project planning, implementation, and operations and will continue to seek their input through informal and government-to-government consultation, the Tribal Government Working Group (or what form that may take in the future), and through participation in the Memorandum of Agreement.

cultural and spiritual practices. Mitigation measures have been identified; however, impacts would remain significant and unavoidable.

As no specific written comments have been received as of late June 2023, the Authority sent letters to the Yocha Dehe Wintun Nation and Cachil Dehe Band of Wintun Indians in August 2023 to inform them of the Authority's intent to consider certification of the EIR for the Project with a significant impact on an identified tribal cultural resource at its September 2023 meeting, concluding the AB 52 process for the Project.

A CEQA lead agency may also certify an EIR when the lead agency has complied with AB 52 and the California Native American Tribe has not requested consultation within 30 days. The Paskenta Band of Nomlaki Indians did not request consultation within this timeframe and are not formally consulting on the Project pursuant to AB 52. The Authority sent a letter to the Paskenta Band of Nomlaki Indians in August 2023 to inform them of the Authority's intent to consider certification of the EIR for the Project with a significant impact on an identified tribal cultural resource at its September 2023 meeting, concluding the AB 52 process for the Project.

Regardless of the regulatory process that requires a "conclusion" to AB 52 consultation to proceed with the Project, the Authority is committed to working with Tribes beyond the AB 52 process. To further this commitment, and in addition to establishing the Tribal Government Working Group, the Authority proposes the preparation of a Memorandum of Agreement (MOA) that would formalize a collaborative partnership between the Authority, Yocha Dehe Wintun Nation, Cachil Dehe Band of Wintun Indians, Paskenta Band of Nomlaki Indians, and the additional two Tribes (Cortina Indian Rancheria of Wintun Indians, Grindstone Indian Rancheria of Wintun-Nomlaki) that are traditionally and culturally affiliated with the Project area. The MOA would demonstrate the Authority's commitment to continue to work with the affiliated Tribes to identify tribal cultural resources and methods to avoid, minimize, and mitigate impacts on and manage tribal cultural resources. The partnership defined by the MOA would include a framework for continued collaboration between the Authority and the Tribes during Project planning, implementation, and operations. The Authority would bring to this partnership its commitment to working with the Tribes with traditional or cultural affiliation with the Project area throughout the life of the Project to better understand and respectfully incorporate the Tribes from their perspectives.

### **23.3.2. Construction and Operation**

Construction impacts were evaluated by understanding the potential presence of tribal cultural resources within the footprint of ground-disturbing activities associated with Project construction. A review of the Sacred Lands files by the NAHC, as well as conversations with Yocha Dehe and Cachil Dehe representatives, contributed to knowledge about tribal cultural resources within the Project construction footprint. These data were augmented by information gathered during the archaeological research reported in Chapter 22.

Operational impacts were evaluated by assessing the character of Project operations to understand which operating characteristics have the potential to disturb tribal cultural resources. For example, fluctuating water surface elevation (WSE) in the reservoir, TRR East and West inundation areas, and more broadly, river systems affected by Project operations, could

theoretically affect tribal cultural resources by causing erosion or exposing previously unknown buried archaeological resources. Recreational activities and maintenance requirements could also affect tribal cultural resources through looting, vandalism, or ground disturbance.

### **23.3.3. Thresholds of Significance**

An impact on tribal cultural resources would be considered significant if the Project would cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the CRHR or other local register or that the Authority, in consultation with Tribes, has determined to be significant pursuant to criteria set forth in subdivision (c) of California Public Resources Code Section 5024.1.

## **23.4 Impact Analysis and Mitigation Measures**

**Impact TCR-1: Substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources or other local register or that the Authority has determined to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.**

### *No Project*

Under the No Project Alternative, the Sites Reservoir and associated facilities would not be built. Any tribal cultural resources present in the study area would not be affected by the Project. If other projects were initiated after July 2014 and required a CEQA analysis, they would have had to consult and comply with AB 52 to determine presence of and impacts on tribal cultural resources and propose mitigation in their environmental documents. If projects were initiated before July 2014, AB 52 would not apply. Much of the land affected by the Project is currently privately owned and is not accessible to the public, including Native American Tribes. Activities that are presently occurring in the study area, such as ongoing agricultural activities or grazing, may have the potential to affect tribal cultural landscapes and surface resources along with buried and unknown tribal cultural resources, but this potential effect is part of the environmental setting and would not change under the No Project Alternative.

### Significance Determination

The No Project Alternative would not result in a substantial adverse change on tribal cultural resources because no new Project facilities would be constructed and operated. There would be no impact/no effect.

### *Alternatives 1 and 3*

To date, consultation with California Native American Tribes traditionally and culturally affiliated with the geographic area of the Project has indicated that impacts to cemeteries and other sites, such as habitation (village) sites, with a high potential to include human remains are of great concern and should be treated with the utmost respect and dignity. Cemeteries and sensitive habitation sites have been identified in the construction area and are primarily within the inundation area. Although the sites have not been formally evaluated for inclusion in the CRHR, the Authority has determined cemeteries and habitation sites to be tribal cultural

resources pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. Similarly, one potential ceremonial site has been identified within the inundation area, and others may be identified during further consultation. These site types are also considered tribal cultural resources by the Authority. Continued consultation with California Native American Tribes may identify other kinds of sites or landscapes that the Authority could determine to be tribal cultural resources. Evaluation studies of archaeological sites pursuant to Mitigation Measure CUL-2.1 in Chapter 22, may also reveal tribal cultural resources.

### Construction and Operation

Modifications to existing Sacramento River diversion facilities and conveyances to regulating reservoirs (e.g., adding new pumps in the existing RBPP and a new head gate in the existing GCID canal, upgrading GCID canal siphons, and improving the existing GCID canal road) are not expected to create new significant impacts on tribal cultural resources because these are existing facilities and work would be done within the facility footprints or immediately adjacent in previously disturbed areas.

Constructing the Sites Reservoir, Golden Gate Dam, Sites Dam, saddle dams, saddle dikes, I/O Works, TRR East, conveyance facilities, roads, and recreation facilities would involve earthmoving and altering the landscape in the Antelope Valley and surrounding environs. Earthmoving would have the potential to disturb or destroy both surface and buried tribal cultural resources. Altering the landscape could disrupt cultural and spiritual practices. Filling the Sites Reservoir would destroy or eliminate access to any resources potentially present in the inundation area.

Operation of the reservoir could interfere with tribal cultural resources related to the Sacramento River and other affected waterbodies, such as by changes in flows that could damage, erode, or obstruct access to buried sites or traditional use sites. No substantial changes in river flows are expected (Chapter 5, *Surface Water Resources*). Flows in several rivers (e.g., Sacramento, Feather, and American Rivers) would experience changes as a result of Alternative 1 or 3. Analysis in Chapter 11, *Aquatic Biological Resources*, shows that the majority of these flows would be within the historical range experienced by the rivers and would not have significant impacts on fish that could be considered tribal cultural resources. Alternatives 1, 2, and 3 include pulse flow protection measures applied to precipitation-generated pulse flow events from October through May and a fish monitoring program to inform real-time operational adjustments to limit the potential for negative effects to juvenile salmonids (Chapter 11). The alternatives also include a minimum bypass flow criterion, as described in Chapter 11, to prevent Project diversions from reducing Sacramento River flow below 10,700 cubic feet per second at Wilkins Slough from October 1 to June 14, and 5,000 cfs in September. No diversions to Sites Reservoir would occur from June 15 to August 31. The criterion will limit the potential for negative flow-survival effects on winter-run Chinook salmon, spring-run Chinook salmon, fall/late fall-run Chinook salmon, and Central Valley steelhead during dispersal to rearing habitat and/or migration downstream toward the delta (Appendix 11P, *Riverine Flow-Survival*, Section 11P.2).

Modeled changes in flood flows during operations are minor when considered in the context of the larger system and would not represent a substantial increase in the amount or rate of runoff that would result in flooding or alter natural river geomorphic processes or existing geomorphic

characteristics. Accordingly, potential adverse changes in erosion or quality of land or sites of religious or cultural importance to a California Native American Tribe are not expected under Alternative 1 or 3.

Chapter 22 reports that a total of 45 known California Native American archaeological resources (early Native American sites or multicomponent sites) within the inundation areas for Sites Reservoir and TRR East have the potential to be disturbed by fluctuating WSE; the Yocha Dehe have expressed concern about erosion of known burial sites in the Sites Reservoir inundation area from these fluctuations. The operation of public recreational facilities and use of security measures at on-land Project facilities could also damage or obstruct access to tribal cultural resources within facility boundaries and affect their sacred character.

#### CEQA Significance Determination and Mitigation Measures

Modifications to existing Sacramento River diversion facilities and conveyances to regulating reservoirs would have no impact because these facilities are already in place. Operation of Alternative 1 or 3 would generally not result in substantial changes in river flows and flows would be within the historical range experienced by the rivers; therefore, most impacts related to river flows would be less than significant. Impacts related to juvenile salmonid rearing and/or migration habitat would be limited through pulse flow protection measures applied to precipitation-generated pulse flow events from October through May, a fish monitoring program to inform real-time operational adjustments, and a minimum flow criterion at Wilkins Slough. Accordingly, impacts on juvenile salmonids would be less than significant with mitigation incorporated under Alternative 1 or 3.

Construction of the reservoir and new facilities under Alternatives 1 and 3 would result in disturbance or destruction of tribal cultural resources. Implementing mitigation measures, such as those described below, could reduce some, but not all, impacts of construction and operation of Alternative 1 or 3 to a less-than-significant level. Mitigation Measures TCR-1.2 and TCR-1.3 reflect measures described in the *Treatment Protocol for Handling Human Remains and Cultural Items Affiliated with the Yocha Dehe Wintun Nation* and will be applied to any tribal cultural resource identified by any Tribe. Known cemeteries and habitation sites that are tribal cultural resources would be permanently altered or destroyed by inundation of the reservoir or construction of other facilities. Impacts would be significant and unavoidable.

#### **Mitigation Measure TCR-1.1: Implement Mitigation Measures Recommended in Public Resources Code Section 21084.3 to Avoid Damaging Effects on Tribal Cultural Resources**

- (1) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- (2) Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:

- (A) Protecting the cultural character and integrity of the resource.
  - (B) Protecting the traditional use of the resource.
  - (C) Protecting the confidentiality of the resource.
- (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

**Mitigation Measure TCR-1.2: Tribal Monitoring**

Tribal monitors will be permitted to observe all ground-disturbing activities.

**Mitigation Measure TCR-1.3: Implement Agreed-Upon Protocol for the Treatment of Human Remains and Cultural Items**

If unanticipated discoveries of National Register of Historic Places (NRHP)/CRHR-eligible resources occur on federal land, the federal land manager will be immediately contacted, and the federal agency will follow its own process for complying with the federal Native American Graves Protection and Repatriation Act and other federal obligations, as directed under Title 43 of Code of Federal Regulations, Part 10.

If NRHP/CRHR-eligible sites or cultural items, other than human remains, are discovered on non-federal land, the Authority will work with the consulting Tribes to determine affiliation and develop appropriate treatment.

If human remains or associated grave goods are discovered during or after environmental review, the Authority will provide for the following actions:

- Immediately notify the County coroner and cease ground-disturbing activities in that location.
- If the County coroner determines the remains are those of a Native American, the coroner will notify the NAHC to establish the most likely descendant and contact the culturally affiliated Tribe.
- Allow the designated Tribal member(s) to inspect the site of the discovery and determine how the human remains and grave goods should be treated with appropriate dignity and respect.
- The location of a reburial will be recorded with the California Historic Resources Inventory System.
- The Authority, its contractors and consultants, and the coroner will not disclose the location of the original burial or reburial site.
- Treatment of all cultural items, including ceremonial items and archaeological items will reflect the religious beliefs, customs, and practices of the culturally affiliated Tribe. All cultural items, including ceremonial items and archaeological items,

discovered during Project construction and operation will be turned over to the Tribe for appropriate treatment, unless otherwise ordered by a court or agency of competent jurisdiction. The Authority will waive any and all claims to ownership of Tribal cultural items, including ceremonial items and archaeological items that may be found.

- Work of Tribal monitors and treatment of human remains will proceed in accordance with treatment plans developed in consultation with the most likely descendant of the culturally affiliated Tribe as identified by the NAHC.

The following mitigation measures specified in Chapter 22, Section 22.4, *Impact Analysis and Mitigation Measures*, would also be implemented and would apply to tribal cultural resources.

**Mitigation Measure CUL-2.1: Identify NRHP/CRHR-Eligible Archaeological Resources**

**Mitigation Measure CUL-2.2: Avoid NRHP/CRHR-Eligible Archaeological Resources**

**Mitigation Measure CUL-2.3: Protect NRHP/CRHR-Eligible Archaeological Resources**

**Mitigation Measure CUL-2.4: NRHP/CRHR-Eligible Archaeological Resources Treatment**

**Mitigation Measure CUL-3.1: Cemetery Relocation Plan**

**Mitigation Measure CUL-3.2: Avoid, Protect, and Treat Human Remains**

***Alternative 2***

Under Alternative 2, the reservoir would be smaller. The proposed South Road alignment would follow a drainage and the potential for impacts could be greater compared to Alternatives 1 and 3 if tribal cultural resources are identified in that area, because the South Road is not included in Alternatives 1 and 3.

The TRR West facilities under Alternative 2 would be similar to TRR East facilities under Alternatives 1 and 3, but in a different location and orientation, west of the GCID Main Canal and east of Funks Reservoir. TRR West facilities would involve inundation and surface and subsurface impacts that could affect tribal cultural resources if any are present.

Alternative 2 would also involve a 6-mile extension of Dunnigan Pipeline from the CBD outlet, traversing under agricultural fields and passing through a discharge structure at the western levee of the Sacramento River at approximately River Mile 100.8 (Figure 2-40). It would require a new gravel access road to the Sacramento River discharge. The Dunnigan Pipeline extension and discharge structure would expand the area where surface and subsurface tribal cultural resources might be found compared to Alternatives 1 and 3.

### Construction and Operation

To date, Tribes have identified cemeteries and any locations with human remains to be of concern, and the Authority has determined such sites to be tribal cultural resources. Sites with ceremonial significance are also considered tribal cultural resources. These site types are largely within the Sites Reservoir inundation area. Chapter 22 reports that a total of 45 known Native American archaeological resources (early Native American sites or multicomponent sites) within the inundation areas have the potential to be disturbed by fluctuating WSE; the Yocha Dehe have expressed concern about erosion of known burial sites in the Sites Reservoir inundation area from these fluctuations. Due to the Tribes' traditional occupation and use of the study area for thousands of years and into the present, it is assumed that additional tribal cultural resources are present and could be located throughout the Project area. The nature of construction and operational impacts under Alternative 2 would be the same as under Alternatives 1 and 3. The magnitude of impacts under Alternative 2 may be different, depending on the location of facilities and tribal cultural resources.

### CEQA Significance Determination and Mitigation Measures

The modifications to existing Sacramento River diversion facilities and conveyances to regulating reservoirs would be the same under Alternative 2 as those for Alternative 1 or 3; there would be no impact from modification of existing facilities. Operation of Alternative 2 would generally not result in substantial changes in river flows and flows would be within the historical range experienced by the rivers; therefore, most impacts related to river flows would be less than significant. Impacts related to juvenile salmonid rearing and/or migration habitat would be limited through pulse flow protection measures applied to precipitation-generated pulse flow events from October through May, a fish monitoring program to inform real-time operational adjustments, and a minimum flow criterion at Wilkins Slough. Accordingly, impacts on juvenile salmonids would be less than significant with mitigation incorporated under Alternative 2.

Construction and operation impacts associated with new facilities under Alternative 2 would be significant for the same reasons as under Alternative 1 or 3. Mitigation measures such as tribal monitoring, respectful treatment of human remains, and curation or conservation of material resources could reduce some, but not all, impacts of construction and operation to a less-than-significant level. Because ultimately resources would be permanently destroyed by inundation of the reservoir or construction of other facilities, the impact would be significant and unavoidable.

Mitigation measures would be the same as under Alternatives 1 and 3.

#### **Mitigation Measure TCR-1.1: Implement Mitigation Measures Recommended in Public Resources Code Section 21084.3 to Avoid Damaging Effects on Tribal Cultural Resources**

#### **Mitigation Measure TCR-1.2: Tribal Monitoring**

#### **Mitigation Measure TCR-1.3: Implement Agreed-Upon Protocol for the Treatment of Human Remains and Cultural Items**

The following mitigation measures specified in Chapter 22 would also be implemented and would apply to tribal cultural resources.

**Mitigation Measure CUL-2.1: Identify NRHP/CRHR-Eligible Archaeological Resources**

**Mitigation Measure CUL-2.2: Avoid NRHP/CRHR-Eligible Archaeological Resources**

**Mitigation Measure CUL-2.3: Protect NRHP/CRHR-Eligible Archaeological Resources**

**Mitigation Measure CUL-2.4: NRHP/CRHR-Eligible Archaeological Resources Treatment**

**Mitigation Measure CUL-3.1: Cemetery Relocation Plan**

**Mitigation Measure CUL-3.2: Avoid, Protect, and Treat Human Remains**

## 23.5 References

### 23.5.1. Printed References

CCIC Outdoor Adventures. 2015a. *Big Game Hunts*. Available: <http://hunt-fish-game.com/big-game-hunts/>. Accessed: November 10, 2020.

CCIC Outdoor Adventures. 2015b. *Guided Fishing Trips*. Available: <http://hunt-fish-game.com/sport-fishing-trips/>. Accessed: November 10, 2020

CCIC Outdoor Adventures. 2015c. *Guided Waterfowl Shoots*. Available: <http://hunt-fish-game.com/guided-waterfowl-shoots/>. Accessed: November 10, 2020.

Colusa Indian Community. 2020a. *Government*. Available: <http://www.colusansn.gov/Government/Government.html>. Accessed: November 10, 2020.

Colusa Indian Community. 2020b. *Economic Development*. Available: <http://www.colusansn.gov/Government/Economic-Development.html>. Accessed: November 10, 2020.

Colusa Indian Community. 2020c. *Farming*. Available: <http://www.colusansn.gov/Farming/Farming.html>. Accessed: November 10, 2020.

Cortina Band of Wintun Indians. 2010. *North of Delta Off-Stream Storage Interim Report*. On file with the Bureau of Reclamation, Sacramento, CA.

Eargle, D. H., Jr. 2000. *Native California Guide: Weaving the Past and Present*. San Francisco, CA: Trees Company Press.

- Goldschmidt, W. 1978. *Nomlaki*. In *California, Vol. 8, Handbook of North American Indians*, pgs. 341-349. R. F. Heizer, volume editor; W. C. Sturtevant, general editor. Washington, D.C.: Smithsonian Institution.
- Knudtson, P. M. 1977. *The Wintun Indians of California and their Neighbors*. Happy Camp, CA: Naturegraph Publishers, Inc.
- National Park Service. 2004. *A History of American Indians in California: Historic Sites. Nome Lackee Indian Reservation*. History. Available: [https://www.nps.gov/parkhistory/online\\_books/5views/5views1h55.htm](https://www.nps.gov/parkhistory/online_books/5views/5views1h55.htm). Accessed: May 24, 2023.
- Paskenta Band of Nomlaki Indians. 2022. Available: <https://paskenta-nsn.gov/>. Accessed: May 24, 2023.
- Sites Project Authority and Bureau of Reclamation. 2017. *Sites Reservoir Project Draft Environmental Impact Report/Environmental Impact Statement*. August. Available: <https://www.sitesproject.org/resources/environmental-review/draft-environmental-impact-report-environmental-impact-statement/>.
- U.S. Bureau of Indian Affairs. No date. *Tribal Leaders Directory*. Available: <https://www.bia.gov/bia/ois/tribal-leaders-directory/tribes/cachil-dehe>. Accessed: November 16, 2020.
- White, G. G., J. Kraft, and K. Hillman. 2009. *Archaeological Overview, Inventory Report, and Research Design, Proposed Sites Reservoir APE, Colusa and Glenn Counties, California*. Reports No. 55. August. California State University, Chico. Prepared for Department of Water Resources, Red Bluff, CA.
- Yocha Dehe Wintun Nation. No date a. *Heritage*. Available: <https://www.yochadehe.org/heritage>. Accessed: November 13, 2020.
- Yocha Dehe Wintun Nation. No date b. *Farm & Ranch*. Available: <https://www.yochadehe.org/farm-ranch>. Accessed: November 13, 2020.
- Yocha Dehe Wintun Nation. 2015. *Yocha Dehe Tribal Brochure*. e-brochure. Available: [https://issuu.com/yochadehe/docs/f5\\_rw-981\\_tribal\\_brochure/10](https://issuu.com/yochadehe/docs/f5_rw-981_tribal_brochure/10). Accessed: November 13, 2020.