

**COLUSA INDIAN COMMUNITY COUNCIL
CACHIL DEHE BAND OF WINTUN INDIANS**

January 3, 2017

James C. Watson, P.E.
General Manager
Sites Joint Powers Authority
PO Box 517
Maxwell, CA 95955

Subject: California Environmental Quality Act Public Resources Code section 21080.3, subdivision. (b) Request for Formal Notification of Proposed Projects within the Cachil Dehe Band of Wintun Indian Tribe's Geographic Area of Traditional and Cultural Affiliation

Dear Mr. Watson:

As of the date of this letter, in accordance with Public Resources Code Section 21080.3.1, subdivision. (b), the Cachil Dehe Band of Wintun Indians for which the Colusa Indian Community Council (CICC) is the governing body, which is traditionally and culturally affiliated with a geographic area within the Sites Joint Powers Authority's geographic area of jurisdiction, requests formal notice of and information on proposed projects for which your agency will serve as a lead agency under the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq.

Pursuant to Public Resources Code section 21080.3.1, subdivision. (b), and until further notice, we hereby designate the following person as the tribe's lead contact person for purposes of receiving notices of proposed projects from your agency:

Oscar Serrano, P.E.
Principal Engineer
3730 Highway 45
Colusa, CA 95932
(530) 458-8231 (office)
(530) 682-5412 (cell)
oserrano@colusa-nsn.gov

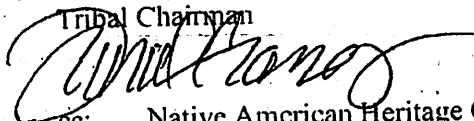
We request that all notices be sent via certified U.S. Mail with return receipt. Following receipt and review of the information your agency provides, within the 30-day period proscribed by Public Resources Code section 21080.3.1, subdivision. (d), the CICC may request consultation, as defined by Public Resources Code section 21080.3.1, subdivision. (b), pursuant to Public

Resources Code section 21080.3.2 to mitigate any project impacts a specific project may cause to tribal cultural resources.

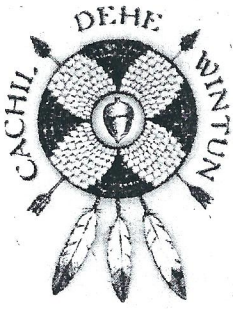
If you have any questions or need additional information, please contact our lead contact person listed above.

Respectfully,

Daniel Gomez
Tribal Chairman



cc: Native American Heritage Commission
Ms. Anecita Agustinez, Tribal Policy Advisor, Department of Water Resources
Mr. Bill Croyle, Acting Director, Department of Water Resources
Ms. Cynthia Gomez, Executive Secretary, Native American Heritage Commission
Mr. Jeff Keohane, Associate, Forman & Associates
Mr. Oscar Serrano, Senior Engineer, CICC



**COLUSA INDIAN COMMUNITY COUNCIL
CACHIL DEHE BAND OF WINTUN INDIANS**

February 6, 2017

Kim Dolbow Vann
Chair
Sites Joint Powers Authority
PO Box 517
Maxwell, CA 95955

Subject: Formal Request for Tribal Consultation Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21080.3, subdivisions (b), (d) and (e) for the Sites Reservoir Project, Colusa County

Dear Chair Dolbow Vann and Authority Board Members:

This letter constitutes a formal request for tribal consultation under the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21080.3.1 subdivisions (b), (d) and (e)) for the mitigation of potential project impacts to tribal cultural resources for the above referenced project. The Colusa Indian Community Council requested formal notice and information for all projects within your agency's geographical jurisdiction on January 3, 2017 and received notification on January 31, 2017 regarding the above referenced project.

The Colusa Indian Community Council (CICC) requests consultation on the following topics checked below, which shall be included in consultation if requested (Public Resources Code section 21080.3.2, subdivision (a)):

- Alternatives to the project
- Recommended mitigation measures
- Significant effects of the project

The CICC also requests consultation on the following discretionary topics checked below (Public Resources Code section 21080.3.2, subdivision (a)):

- Type of environmental review necessary
- Significance of tribal cultural resources, including any regulations, policies or standards used by your agency to determine significance of tribal cultural resources
- Significance of the project's impacts on tribal cultural resources

X Project alternatives and/or appropriate measures for preservation or mitigation that we may recommend, including, but not limited to:

1. Avoidance and preservation of the resources in place, pursuant to Public Resources Code section 21084.3, 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 resources with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resources, 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; and
 - 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.
4. Protecting the resource.

Additionally, the CICC would like to receive any cultural resources assessments or other assessments that have been completed on all or part of the project's potential "area of project effect" (APE), including, but not limited to:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:
 - a) A listing of any and all known cultural resources that have already been recorded on or adjacent to the APE;
 - b) Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
 - c) If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d) Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the potential APE; and
 - e) If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
2. The results of any archaeological inventory survey that was conducted, including:
 - Any report that may contain site forms, site significance, and suggested mitigation measures.
 - All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10.
3. The results of any Sacred Lands File (SFL) check conducted through Native American Heritage Commission. The request form can be found at <http://nahe.ca.gov/wp-content/uploads/2015/04/Sacred-Lands-File-NA-Contact-Form.pdf>. USGS 7.5-minute quadrangle name, township, range, and section are required for the search.

4. Any ethnographic studies conducted for any area including all or part of the potential APE; and
5. Any geotechnical reports regarding all or part of the potential APE.

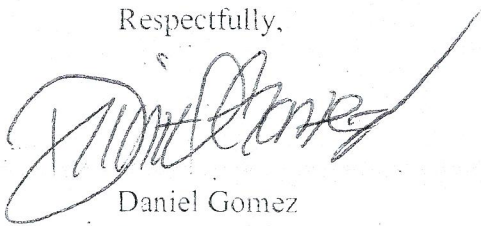
We would like to remind your agency that CEQA Guidelines section 15126.4, subdivision (b) (3) states that preservation in place is the preferred manner of mitigating impacts to archaeological sites. Section 15126.4, subdivision (b) (3) of the CEQA Guidelines has been interpreted by the California Court of Appeal to mean that "feasible preservation in place must be adopted to mitigate impacts to historical resources of an archaeological nature unless the lead agency determines that another form of mitigation is available and provides superior mitigation of impacts." *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal.App.4th 48, disapproved on other grounds, *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439.

The CICC expects to begin consultation within 30 days of your receipt of this letter.

Please contact the CICC's lead contact person identified below:

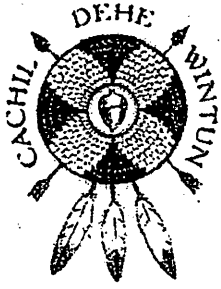
Oscar Serrano, P.E.
Principal Engineer
3730 Highway 45
Colusa, CA 95932
(530) 458-8231 (office)
oserrano@colusa-nsn.gov

Respectfully,



Daniel Gomez
Tribal Chairman

cc: Native American Heritage Commission
Mr. Jeff Keohane, Associate, Forman & Associates
Mr. Oscar Serrano, Principal Engineer, CICC
Mr. Jim Watson, Sites Project Authority



**COLUSA INDIAN COMMUNITY COUNCIL
CACHIL DEHE BAND OF WINTUN INDIANS**

February 6, 2017

Kim Dolbow Vann
Chair
Sites Joint Powers Authority
PO Box 517
Maxwell, CA 95955

Subject: Formal Request for Tribal Consultation Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21080.3, subdivisions (b), (d) and (e) for the Sites Reservoir Project, Colusa County

Dear Chair Dolbow Vann and Authority Board Members:

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2. Treating the resources with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resources, including but not limited to the following:
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 - Any report that may contain site forms, site significance, and suggested mitigation measures.
 - All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10.
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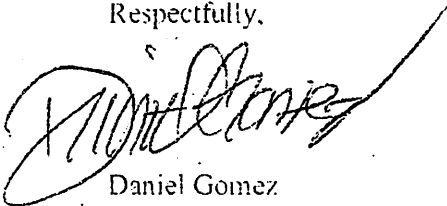
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The CICC expects to begin consultation within 30 days of your receipt of this letter.

Please contact the CICC's lead contact person identified below:

Oscar Serrano, P.E.
Principal Engineer
3730 Highway 45
Colusa, CA 95932
(530) 458-8231 (office)
oserrano@colusa-nsn.gov

Respectfully,



Daniel Gomez
Tribal Chairman

cc: Native American Heritage Commission
Mr. Jeff Keohane, Associate, Forman & Associates
Mr. Oscar Serrano, Principal Engineer, CICC
Mr. Jim Watson, Sites Project Authority

RESOLUTION NO. 18-015

A RESOLUTION OF THE COLUSA COUNTY BOARD OF SUPERVISORS APPROVING THE ADDITION OF THE CACHIL DEHE BAND OF WINTUN INDIANS AS A MEMBER OF THE SITES PROJECT AUTHORITY, CONTINGENT ON THEIR LIMITED WAIVER OF SOVEREIGN IMMUNITY

WHEREAS, the Colusa County Board of Supervisors is a Member of the Sites Project Authority ("Authority"), which was originally formed in August 2010 pursuant to a Joint Exercise of Powers Agreement and which was last amended by the Fourth Amended and Restated Joint Exercise of Powers Agreement, effective February 13, 2017 ("JPA");

WHEREAS, Section 3.3 of the JPA authorizes the admission of new Authority Members authorized to participate in the Authority and located within the Sacramento River watershed, upon the affirmative vote of at least seventy-five percent (75%) of the total number of the Boards of the Authority Members and the new Member's execution of the JPA;

WHEREAS, at the Authority's Board of Directors meeting on December 18, 2017, representatives from the Cachil Dehe Band of Wintun Indians expressed their support of the Sites JPA's mission and their commitment to the successful implementation of the Sites Reservoir Project; and

WHEREAS, the Cachil Dehe Band of Wintun Indians meets the requirements to collectively become an Authority Member and the Colusa County Board of Supervisors supports their admission as an Authority Member;

NOW, THEREFORE, BE IT RESOLVED, the Colusa County Board of Supervisors approves and affirmatively votes to admit the Cachil Dehe Band of Wintun Indians as an Authority Member of the Sites Project Authority, subject to said entities executing the JPA, and contingent on their limited waiver of sovereign immunity.

PASSED AND ADOPTED this 29th day of May 2018, by the following vote:

AYES: Supervisors John D. Loudon, Denise J. Carter, Kent S. Boes, and Gary J. Evans.

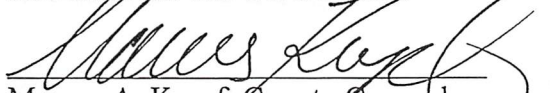
NOES: None.

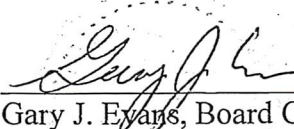
ABSENT: None.

ATTEST: Wendy G. Tyler, Clerk to the Board of Supervisors


Melissa Kitts, Deputy

APPROVED AS TO FORM:


Marcos A. Kropf, County Counsel


Gary J. Evans, Board Chair

I certify this copy to be a true and correct copy of the original record on file in this office.

Attest: Wendy G. Tyler
Clerk of the Board of Supervisors, in and for the County of Colusa, State of California.

By: 
Deputy

I certify this copy to be a true and correct copy of the original record on file in this office.

Attest: Wendy G. Tyler
Clerk of the Board of Supervisors, in and for the County of Colusa, State of California.

By: _____
Deputy Clerk



**COLUSA INDIAN COMMUNITY COUNCIL
CACHIL DEHE BAND OF WINTUN INDIANS**

June 13, 2018

Fritz Durst - Chair
Sites Project Authority
PO Box 517
Maxwell, CA 95955

**Subject: Colusa Indian Community Council – Withdraw Consideration to Join Sites
Project Authority**

Dear Chair Durst and Authority Board Members:

The Colusa Indian Community Council (CICC) would like to withdraw from consideration to join the Sites Project Authority (SPA) Board. The Tribe will continue to attend SPA Board meetings as a federally recognized Tribe and stakeholder. The Tribe will continue to work with the SPA Board through government-to-government consultation and through AB 52 consultation. The Tribe will also continue to participate as a responsible agency on the project through the California Environmental Quality Act and a coordinating agency under the National Environmental Policy Act.

The Tribe looks forward to working with the SPA to minimize any potential impacts the Sites Reservoir project might have on the Tribal community. If you have any questions or need additional information, please contact Mr. Oscar Serrano, Principal Engineer, at oserrano@colusa-nsn.gov.

Respectfully,

Wayne R. Mitchum, Jr.
Tribal Chairman

cc: Mr. Oscar Serrano, Principal Engineer, CICC
Mr. Jim Watson, General Manager, SPA

From: [Molly West](#)
To: [Janis Offermann](#); [Hazel Longmire](#)
Cc: [Alicia Forsythe](#); [Laurie Warner Herson](#)
Subject: RE: [WARNING: UNSCANNABLE EXTRACTION FAILED]RE: Sites Information sent
Date: Monday, October 26, 2020 2:11:07 PM

Hi Janis,

I received them successfully this time.

Thank you!

Molly West

Tribal Project Administrator
Colusa Indian Community Council
3730 Hwy 45
Colusa, CA 95932
Phone (530) 458-8231
Fax (530) 458-3866

From: Janis Offermann [mailto:janis@horizonh2o.com]
Sent: Monday, October 26, 2020 2:10 PM
To: Molly West <mwest@colusa-nsn.gov>; Hazel Longmire <hlongmire@colusa-nsn.gov>
Cc: Alicia Forsythe <aforsythe@sitesproject.org>; Laurie Warner Herson <laurie.warner.herson@phenixenv.com>
Subject: [WARNING: UNSCANNABLE EXTRACTION FAILED]RE: Sites Information sent

Hi, Molly

I just resent the files via Hightail. Hopefully your system will allow you to access them. Please let me know if you have any problems opening the files.

Thanks

Janis

Janis Offermann
Cultural Resources Practice Leader
Horizon Water and Environment
400 Capitol Mall, Suite 2500
Sacramento, CA 95814
916.465.8076 – office
530.220.4918 – mobile

From: Molly West <mwest@colusa-nsn.gov>
Sent: Monday, October 26, 2020 11:24 AM

To: Janis Offermann <janis@horizonh2o.com>; Hazel Longmire <hlongmire@colusa-nsn.gov>
Cc: Alicia Forsythe <aforsythe@sitesproject.org>; Laurie Warner Herson <laurie.warner.herson@phenixenv.com>
Subject: RE: Sites Information sent

Good Morning Janis,

Can you please resend the files? I believe our IT system blocked them the first time.

Thank you,

Molly West

Tribal Project Administrator
Colusa Indian Community Council
3730 Hwy 45
Colusa, CA 95932
Phone (530) 458-8231
Fax (530) 458-3866

From: Janis Offermann [<mailto:janis@horizonh2o.com>]
Sent: Thursday, October 22, 2020 4:10 PM
To: Molly West <mwest@colusa-nsn.gov>; Hazel Longmire <hlongmire@colusa-nsn.gov>
Cc: Alicia Forsythe <aforsythe@sitesproject.org>; Laurie Warner Herson <laurie.warner.herson@phenixenv.com>
Subject: Sites Information sent

Hi, Hazel and Molly

Thank you for meeting with us this afternoon.

I just sent you the information we discussed through a secure file share site called Hightail. If you have difficulty downloading the data, just let me know.

I included the following through Hightail:

- Draft 2013 archaeological survey report
- KMZs:
 - Areas surveyed
 - Archaeological sites (Native American and historic period)
 - Archaeological isolates (Native American and historic period)

I also sent a separate file of the maps from the survey report that show the areas surveyed and the archaeological site locations, so that they are easier to access and review.

I didn't include the KMZs for the project footprint because they are now out dated. We will send the updated files when they are ready. We also have a draft report about the built environment (architectural resources) that are visible from public roads. If you are interested in receiving that,

just let me know and I will send that to you, as well.

Thanks again for meeting with us. Please don't hesitate to reach out if you have any questions, would like additional information, or are interested in a field visit.

Janis

Janis Offermann
Cultural Resources Practice Leader
Horizon Water and Environment
400 Capitol Mall, Suite 2500
Sacramento, CA 95814
916.465.8076 – office
530.220.4918 – mobile

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From: [Janis Offermann](#)
To: [Molly West](#); [Hazel Longmire](#)
Subject: RE: Sites Reservoir update
Date: Monday, December 07, 2020 3:11:41 PM

Thank you for letting me know, Molly.
Much appreciated.
Janis

Janis Offermann
Cultural Resources Practice Leader
Horizon Water and Environment
400 Capitol Mall, Suite 2500
Sacramento, CA 95814
916.465.8076 – office
530.220.4918 – mobile

From: Molly West <mwest@colusa-nsn.gov>
Sent: Monday, December 07, 2020 2:55 PM
To: Janis Offermann <janis@horizonh2o.com>; Hazel Longmire <hlongmire@colusa-nsn.gov>
Subject: RE: Sites Reservoir update

EXTERNAL MESSAGE: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Thank you Janis.

We have responded to Kevin Spesert to continue consultation.

Molly West

Tribal Project Administrator
Colusa Indian Community Council
3730 Hwy 45
Colusa, CA 95932
Phone (530) 458-8231
Fax (530) 458-3866

From: Janis Offermann [<mailto:janis@horizonh2o.com>]
Sent: Tuesday, November 17, 2020 11:16 AM
To: Molly West <mwest@colusa-nsn.gov>; Hazel Longmire <hlongmire@colusa-nsn.gov>
Subject: Sites Reservoir update

Good morning, Hazel and Molly

I am writing to give you a heads up that the attached letter was sent and should arrive at the Colusa office today. Following receipt of the letter, I think it would be sufficient to send an email to Kevin acknowledging it and saying that you would like to continue consultation on the project, if you don't want to respond with a formal letter like you usually do. But it is up to you.

Regarding the shapefiles of the new project footprint, I received information today that the engineers have finally finished their CAD drawings and they have been submitted to the GIS team for review; the shapefiles should be available late this week or next week. I apologize for this continued delay, but please be assured that I will send them to you as soon as they are made available to me.

Please let me know if you have any questions or if you would like to schedule a follow-up meeting after reviewing the data we supplied to you last month.

Hope you and your families are all staying healthy.

Thanks

janis

Janis Offermann

Cultural Resources Practice Leader

Horizon Water and Environment

400 Capitol Mall, Suite 2500

Sacramento, CA 95814

916.465.8076 – office

530.220.4918 – mobile

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From: [Kevin Spesert](#)
To: [Molly West](#); [Hazel Longmire](#)
Cc: [Laurie Warner Herson](#); [Janis Offermann](#); [Alicia Forsythe](#)
Subject: RE: AB 52 Consultation
Date: Tuesday, December 08, 2020 9:22:19 AM

Good Morning Ms. West,

Thank you for your response. We look forward to continue working with the CICC on the Sites Reservoir Project.

Please feel free to give me a call if you have any questions on my cell at (530) 632-4071

Thanks!

Kevin

Kevin Spesert

External Affairs Manager
Sites Project Authority
Phone: 530.632.4071
Email: kspesert@sitesproject.org
Web: www.SitesProject.org
P.O. Box 517
122 Old Hwy 99W
Maxwell, CA 95955

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From: Molly West <mwest@colusa-nsn.gov>
Sent: Monday, December 7, 2020 2:55 PM
To: Kevin Spesert <kspesert@sitesproject.org>
Cc: Hazel Longmire <hlongmire@colusa-nsn.gov>
Subject: AB 52 Consultation

EXTERNAL MESSAGE: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Colusa Indian Community Council (CICC) would like to request to continue consultation on the Sites project.

Please contact myself and Hazel Longmire (hlongmire@colusa-nsn.gov) on all future

correspondence.

Thank you,

Molly West

Tribal Project Administrator
Colusa Indian Community Council
3730 Hwy 45
Colusa, CA 95932
Phone (530) 458-8231
Fax (530) 458-3866

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From: [Janis Offermann](#)
To: [Molly West](#); "[Hazel Longmire](#)"
Cc: "[Kevin Spesert \(kspesert@sitesproject.org\)](mailto:kspesert@sitesproject.org)"; "[Alicia Forsythe](#)"; [Laurie Warner Herson](#)
Subject: Sites Preliminary Project Description
Date: Wednesday, March 17, 2021 10:11:00 AM
Attachments: [Sites Preliminary Project Description 20210219.pdf](#)

Good morning, Hazel and Molly

I hope this email finds both of you well. Molly, I am sure you have your hands full with your new baby!

Attached please find the updated Preliminary Project Description for the Sites Reservoir Project for review and comment. The Authority is circulating this document to facilitate early coordination on initial approaches currently under consideration. While the Authority is not soliciting formal comments in the CEQA sense, and will not be providing formal responses to any comments received, the Authority would appreciate your input and feedback. If you have any comments, questions, or concerns on the project description, please feel free to reach out Kevin Spesert, who is cc'd here.

Thank you
Janis

Janis Offermann
Cultural Resources Practice Leader
Horizon Water and Environment
400 Capitol Mall, Suite 2500
Sacramento, CA 95814
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530.220.4918 – mobile

From: [Janis Offermann](#)
To: [Molly West](#); "[Hazel Longmire](#)"
Cc: "[Kevin Spesert \(kspesert@sitesproject.org\)](mailto:kspesert@sitesproject.org)"; "[Alicia Forsythe](#)"; [Laurie Warner Herson](#)
Subject: Sites Preliminary Project Description
Date: Wednesday, March 17, 2021 10:11:00 AM
Attachments: [Sites Preliminary Project Description 20210219.pdf](#)

Good morning, Hazel and Molly

I hope this email finds both of you well. Molly, I am sure you have your hands full with your new baby!

Attached please find the updated Preliminary Project Description for the Sites Reservoir Project for review and comment. The Authority is circulating this document to facilitate early coordination on initial approaches currently under consideration. While the Authority is not soliciting formal comments in the CEQA sense, and will not be providing formal responses to any comments received, the Authority would appreciate your input and feedback. If you have any comments, questions, or concerns on the project description, please feel free to reach out Kevin Spesert, who is cc'd here.

Thank you
Janis

Janis Offermann
Cultural Resources Practice Leader
Horizon Water and Environment
400 Capitol Mall, Suite 2500
Sacramento, CA 95814
916.465.8076 – office
530.220.4918 – mobile

From: [Molly West](#)
To: [Janis Offermann](#); [Hazel Longmire](#)
Subject: RE: Sites Reservoir cultural report
Date: Tuesday, January 25, 2022 1:44:07 PM

EXTERNAL MESSAGE: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Received. Thank you Janis. We will review it and get back to you.

Thank you,

Molly West

Tribal Administrator
Colusa Indian Community Council
3730 Hwy 45
Colusa, CA 95932
Phone (530) 458-6517
Cell (530) 701-0379
Fax (530) 458-3866

From: Janis Offermann [mailto:janis@horizonh2o.com]
Sent: Tuesday, January 25, 2022 1:13 PM
To: Molly West <mwest@colusa-nsn.gov>; Hazel Longmire <hlongmire@colusa-nsn.gov>
Subject: Sites Reservoir cultural report

EXTERNAL MESSAGE: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hi, Molly and Hazel

I have just sent the confidential cultural report that is an appendix to the revised EIR to you via Hightail.

Please let me know if you have questions or you do not receive it.

Hope all is well.

Thank you

janis

Janis Offermann
Cultural Resources Practice Leader
Horizon Water and Environment
1801 Seventh Street, Suite 100
Sacramento, CA 95811
530.220.4918 (cell)

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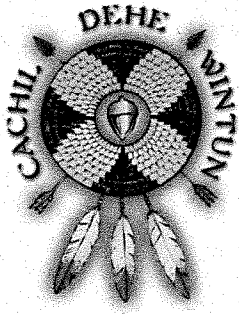
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Thank you

janis

Janis Offermann
Cultural Resources Practice Leader
Horizon Water and Environment
1801 Seventh Street, Suite 100
Sacramento, CA 95811
530.220.4918 (cell)

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**COLUSA INDIAN COMMUNITY COUNCIL
CACHIL DEHE BAND OF WINTUN INDIANS**

RECEIVED

MAR 08 2022

SITES PROJECT AUTHORITY

February 28, 2022

Sites

Attn: Jerry Brown, Executive Director
P.O Box 517
Maxwell, CA 95955

RE: Sites Reservoir Project

Dear Mr. Brown:

Thank you for your project notification letter dated, February 7th 2022, regarding cultural information on or near the proposed Sites Reservoir Project. We appreciate your effort to contact us and wish to respond.

The Executive Committee of the Cachil Dehe Band of Wintun Indians of the Colusa Indian Community (CICC) has reviewed the project. At this time, we do not have the capacity to consult on this project but respectfully ask that you defer all correspondence on this project to:

**Yocha Dehe Wintun Nation
Attn: Laverne Bill
PO Box 18
Brooks, CA 95606**

Please refer to identification number CICC-3001-01 in any future correspondence to CICC concerning this project.

Thank you for providing us the opportunity to comment.

Sincerely,

Daniel Gomez
Chairman

cc: Molly West, Tribal Administrator, CICC

From: [Alicia Forsythe](#)
To: [Janis Offermann \(Janis@Horizonh2o.com\)](#); [Risse, Danielle](#); [Laurie Warner Herson](#); [Kevin Spesert](#)
Subject: [EXTERNAL] Sites Project - Tribal Working Group
Date: Monday, January 23, 2023 2:47:48 PM

Hi all – We have our first interest in the Tribal Working Group!

Kevin – Lets you and I talk about how to contact the other tribes for their interest. I will text you on a time we can talk. We also need to talk about who from the RC/AB we should have attend. Randal wants to participate. We also need to schedule a training session/prep session with them prior to the TWG meeting.

Janis – It sounds like we sent the letter to the wrong person at Colusa. But since they have responded, I don't think we need to resend.

Ali

Alicia Forsythe | Environmental Planning and Permitting Manager | Sites Project Authority |
916.880.0676 | aforsythe@sitesproject.org | www.SitesProject.org

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From: Alicia Forsythe
Sent: Monday, January 23, 2023 2:41 PM
To: Molly West <mwest@colusa-nsn.gov>; Kevin Spesert <kspesert@sitesproject.org>
Cc: Execs <Execs@colusa-nsn.gov>
Subject: RE: TWG

Wonderful Molly! We are really excited for the Tribal Working Group!

We're reaching out to the other tribes here this week. We will circle back in the next week or two on scheduling the first meeting.

Ali

Alicia Forsythe | Environmental Planning and Permitting Manager | Sites Project Authority |
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From: Molly West <mwest@colusa-nsn.gov>
Sent: Thursday, January 19, 2023 5:15 PM
To: Alicia Forsythe <aforsythe@sitesproject.org>; Kevin Spesert <kspesert@sitesproject.org>
Cc: Execs <Execs@colusa-nsn.gov>
Subject: TWG

EXTERNAL MESSAGE: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good Evening,

CICC's Executive Committee is interested in being a part of the Tribal Working Group. Do you know when you will have more details prepared?

Thank you,

Molly West

Tribal Administrator
Colusa Indian Community Council
3730 Hwy 45
Colusa, CA 95932
Phone (530) 458-6517
Cell (530) 701-0379
Fax (530) 458-3866

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From: [Janis Offermann](#)
To: ["mwest@colusa-nsn.gov"](mailto:mwest@colusa-nsn.gov)
Cc: ["Execs@colusa-nsn.gov"](mailto:Execs@colusa-nsn.gov); ["Alicia Forsythe"](#); ["Kevin Spesert"](#); ["Laurie Warner Herson"](#); ["Risse, Danielle"](#)
Subject: Sites Reservoir Geotech Post Review Discovery Plan
Date: Wednesday, January 25, 2023 3:45:00 PM
Attachments: [Sites Geotech PRDP 01122023.pdf](#)

Good afternoon, Molly

We are happy that Colusa is interested in participating in the Tribal Working Group. In order to keep you up to date with the geotechnical studies that are taking place, attached please find the Post Review Discovery Plan, Archaeological Monitoring Plan, and Burial Treatment Plan for the 2022-2024 Sites Reservoir Geologic, Geophysical, and Geotechnical Investigations Project. Please don't hesitate to reach out if you have any questions.

Is there anyone else, other than yourself, that we should be sending these reports to? Perhaps Hazel, who we have included before? We haven't heard from the tribe in a while regarding cultural resources studies, so want to make sure that we target the correct folks.

Many thanks and looking forward to working with you again.
janis

Janis Offermann, MA, RPA
Cultural Resources Practice Lead
Horizon Water and Environment
1801 7th Street, Suite 100
Sacramento, CA 95811
530.220.4918

From: [Alicia Forsythe](#)
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Thank you,

Molly West

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From: [Janis Offermann](#)
To: "Molly West"
Cc: ["Execs@colusa-nsn.gov"](mailto:Execs@colusa-nsn.gov)
Subject: FW: [EXTERNAL] FW: Sites Reservoir Project - Post-Investigation Cultural Resources Monitoring Report Summary for Work Package 1
Date: Friday, February 24, 2023 7:22:00 AM
Attachments: [PRER-TMS01-WorkPackage1_ArchMonMemo_WP1.pdf](#)

Good morning, Molly

In order to keep you informed about the progress of the Sites Reservoir geotechnical studies, please find attached for your files the Post-Investigation Cultural Resources Monitoring Report Summary for Work Package 1 of the 2022-2024 Sites Reservoir Geologic, Geophysical, and Geotechnical Investigations. We will be sending subsequent post-investigation monitoring reports as each work package is completed.

Please let me know if you have any questions.

Thanks

janis

Janis Offermann, MA, RPA
Cultural Resources Practice Lead
Horizon Water and Environment
1801 7th Street, Suite 100
Sacramento, CA 95811
530.220.4918

From: [Janis Offermann](#)
To: [Molly West](#)
Cc: [Execs](#); [Jennie Mitchum](#)
Subject: RE: [EXTERNAL] FW: Sites Reservoir Project - Post-Investigation Cultural Resources Monitoring Report Summary for Work Package 1
Date: Friday, February 24, 2023 12:13:10 PM

Absolutely! I will be sure to do that, Molly.
Nice to meet you, Jennie.

Janis

Janis Offermann, MA, RPA
Cultural Resources Practice Lead
Horizon Water and Environment
1801 7th Street, Suite 100
Sacramento, CA 95811
530.220.4918

From: Molly West <mwest@colusa-nsn.gov>
Sent: Friday, February 24, 2023 12:10 PM
To: Janis Offermann <janis@horizonh2o.com>
Cc: Execs <Execs@colusa-nsn.gov>; Jennie Mitchum <jmitchum@colusa-nsn.gov>
Subject: RE: [EXTERNAL] FW: Sites Reservoir Project - Post-Investigation Cultural Resources Monitoring Report Summary for Work Package 1

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Thank you for the information Janis. We have a new Cultural Preservation Director, Jennie Mitchum. Please include her on all future emails as well 😊

Thank you,

Molly West

Tribal Administrator
Colusa Indian Community Council
3730 Hwy 45
Colusa, CA 95932
Phone (530) 458-6517
Cell (530) 701-0379
Fax (530) 458-3866

From: Janis Offermann [<mailto:janis@horizonh2o.com>]
Sent: Friday, February 24, 2023 7:22 AM
To: Molly West <mwest@colusa-nsn.gov>
Cc: Execs <Execs@colusa-nsn.gov>
Subject: FW: [EXTERNAL] FW: Sites Reservoir Project - Post-Investigation Cultural Resources Monitoring Report Summary for Work Package 1

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Please let me know if you have any questions.

Thanks

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From: [Janis Offermann](#)
To: [Jennie Mitchum](#)
Cc: "[Execs](#)"; "[Molly West](#)"; "[Alicia Forsythe](#)"; "[Kevin Spesert](#)"; "[Laurie Warner Herson](#)"
Subject: Sites Reservoir introduction meeting
Date: Monday, February 27, 2023 3:19:00 PM

Hi, Jennie

I am writing on behalf of the Sites Project Authority (Authority). The Colusa Indian Community formally requested AB 52 consultation with the Authority for the Sites Project in 2017. The Authority met with tribal leaders several times prior to the pandemic, but we have not had the opportunity to meet in quite some time. With your arrival, along with changes in tribal leadership, we are hoping to resume meeting about the project. We thought that an initial meeting would be beneficial to bring you, and any of the tribal leadership who would like to attend, up to date on the status of the project and to discuss next steps for Colusa's involvement in the project.

If such a meeting is agreeable to you, please provide several available dates and times that work for you. The Authority can set up a virtual call or, if you prefer, we are happy to meet in person. We look forward to meeting with you.

Best regards

Janis

Janis Offermann, MA, RPA
Cultural Resources Practice Lead
Horizon Water and Environment
1801 7th Street, Suite 100
Sacramento, CA 95811
530.220.4918

From: [Molly West](#)
To: [Janis Offermann](#); [Jennie Mitchum](#)
Cc: [Execs](#); [Alicia Forsythe](#); [Kevin Spesert](#); [Laurie Warner Herson](#)
Subject: RE: [WARNING: UNSCANNABLE EXTRACTION FAILED]RE: [EXTERNAL] RE: Sites Reservoir introduction meeting
Date: Wednesday, March 15, 2023 5:08:42 PM

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Hi Janis,

The Executive Committee would like to meet with you and your team. Our schedule is pretty busy the next couple of weeks. I would like to propose Tuesday, April 4th at 10am?

Thank you,

Molly West

Tribal Administrator
Colusa Indian Community Council
3730 Hwy 45
Colusa, CA 95932
Phone (530) 458-6517
Cell (530) 701-0379
Fax (530) 458-3866

From: Janis Offermann [mailto:janis@horizonh2o.com]
Sent: Wednesday, March 8, 2023 12:52 PM
To: Jennie Mitchum <jmitchum@colusa-nsn.gov>
Cc: Execs <Execs@colusa-nsn.gov>; Molly West <mwest@colusa-nsn.gov>; Alicia Forsythe <aforsythe@sitesproject.org>; Kevin Spesert <kspesert@sitesproject.org>; Laurie Warner Herson <laurie.warner.herson@phenixenv.com>
Subject: [WARNING: UNSCANNABLE EXTRACTION FAILED]RE: [EXTERNAL] RE: Sites Reservoir introduction meeting

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Hi Jennie

I hope you are settling into your new position as Cultural Preservation Officer. I imagine you are very busy coming up to speed on everything, but I thought I would reach out to see if you had a chance to consider when there might be time when you and your tribal leadership can meet with the Site Project Authority about the Sites Reservoir Project. We would value your input regarding tribal cultural resources and establishing the Tribal Working Group.

Please feel free to contact me if you have any questions.

Thanks
Janis

Janis Offermann, MA, RPA
Cultural Resources Practice Lead
Horizon Water and Environment
1801 7th Street, Suite 100
Sacramento, CA 95811
530.220.4918

From: Jennie Mitchum <jmitchum@colusa-nsn.gov>
Sent: Monday, February 27, 2023 5:14 PM
To: Janis Offermann <janis@horizonh2o.com>
Subject: [EXTERNAL] RE: Sites Reservoir introduction meeting

EXTERNAL MESSAGE: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good evening,
I Apologize for not responding sooner, I'm getting to know how to do things please have patience with me.

Thank you
Jennie Mitchum
Cultural Preservation Director
(530)868-8590

From: Janis Offermann <janis@horizonh2o.com>
Sent: Monday, February 27, 2023 3:19 PM
To: Jennie Mitchum <jmitchum@colusa-nsn.gov>
Cc: Execs <Execs@colusa-nsn.gov>; Molly West <mwest@colusa-nsn.gov>; Alicia Forsythe <aforsythe@sitesproject.org>; Kevin Spesert <kspesert@sitesproject.org>; Laurie Warner Herson <laurie.warner.herson@phenixenv.com>
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Horizon Water and Environment
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From: [Molly West](#)
To: [Janis Offermann](#); [Jennie Mitchum](#)
Cc: [Execs](#); [Alicia Forsythe](#); [Kevin Spesert](#); [Laurie Warner Herson](#)
Subject: RE: [WARNING: UNSCANNABLE EXTRACTION FAILED]RE: [WARNING: UNSCANNABLE EXTRACTION FAILED]RE: [WARNING: UNSCANNABLE EXTRACTION FAILED]RE: [EXTERNAL] RE: Sites Reservoir introduction meeting
Date: Thursday, March 16, 2023 9:12:06 AM

EXTERNAL MESSAGE: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Thank you! We can meet in our Administration building located at 3730 Hwy 45.

Thank you,

Molly West

Tribal Administrator
Colusa Indian Community Council
3730 Hwy 45
Colusa, CA 95932
Phone (530) 458-6517
Cell (530) 701-0379
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Sent: Thursday, March 16, 2023 9:00 AM
To: Molly West <mwest@colusa-nsn.gov>; Jennie Mitchum <jmitchum@colusa-nsn.gov>
Cc: Execs <Execs@colusa-nsn.gov>; Alicia Forsythe <aforsythe@sitesproject.org>; Kevin Spesert <kspesert@sitesproject.org>; Laurie Warner Herson <laurie.warner.herson@phenixenv.com>
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Hi, Molly

That day and time work great. We will send out a meeting invitation from our end.

Thank you!

janis

From: Molly West <mwest@colusa-nsn.gov>
Sent: Thursday, March 16, 2023 8:18 AM
To: Janis Offermann <janis@horizonh2o.com>; Jennie Mitchum <jmitchum@colusa-nsn.gov>
Cc: Execs <Execs@colusa-nsn.gov>; Alicia Forsythe <aforsythe@sitesproject.org>; Kevin Spesert <kspesert@sitesproject.org>; Laurie Warner Herson <laurie.warner.herson@phenixenv.com>

Subject: RE: [WARNING: UNSCANNABLE EXTRACTION FAILED]RE: [WARNING: UNSCANNABLE EXTRACTION FAILED]RE: [EXTERNAL] RE: Sites Reservoir introduction meeting

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Good Morning Janis,

No problem at all. How about Tuesday, April 18th at 10am?

Thank you,

Molly West

Tribal Administrator
Colusa Indian Community Council
3730 Hwy 45
Colusa, CA 95932
Phone (530) 458-6517
Cell (530) 701-0379
Fax (530) 458-3866

From: Janis Offermann [<mailto:janis@horizonh2o.com>]

Sent: Thursday, March 16, 2023 7:00 AM

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Cc: Execs <Execs@colusa-nsn.gov>; Alicia Forsythe <aforsythe@sitesproject.org>; Kevin Spesert <kspesert@sitesproject.org>; Laurie Warner Herson <laurie.warner.herson@phenixenv.com>

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Many thanks

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Janis Offermann, MA, RPA
Cultural Resources Practice Lead
Horizon Water and Environment
1801 7th Street, Suite 100
Sacramento, CA 95811
530.220.4918

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Please feel free to contact me if you have any questions.

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Cultural Resources Practice Lead
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Sacramento, CA 95811
530.220.4918

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Sent: Monday, February 27, 2023 5:14 PM

To: Janis Offermann <janis@horizonh2o.com>

Subject: [EXTERNAL] RE: Sites Reservoir introduction meeting

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Jennie Mitchum

Cultural Preservation Director

(530)868-8590

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Best regards

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From: [Janis Offermann](#)
To: "[Molly West](#)"; "[Jennie Mitchum](#)"; "[Execs](#)"
Cc: "[Alicia Forsythe](#)"; "[Kevin Spesert](#)"; "[Laurie Warner Herson](#)"
Subject: RE: [WARNING: UNSCANNABLE EXTRACTION FAILED]RE: [WARNING: UNSCANNABLE EXTRACTION FAILED]RE: [WARNING: UNSCANNABLE EXTRACTION FAILED]RE: [EXTERNAL] RE: Sites Reservoir introduction meeting
Date: Thursday, March 30, 2023 1:39:00 PM
Attachments: [Draft MOA brief 10182022.pdf](#)

Good afternoon, all

I am writing on behalf of the Sites Project Authority (Authority), with reference to our upcoming meeting with you at your Administration offices on Tuesday, April 18, where we hope to bring you up to date on the status of the Sites Reservoir Project and hear about any concerns you might have.

Of particular note, we are wondering if you have any comments on the Project's Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (RDEIR/SDEIS), which was made available for public review on November 12, 2021. To date, the Authority has not received any formal comments from you. The comment period for the RDEIR/SDEIS ended on January 28, 2022, but we are able to receive comments for a short while longer. Please note that we will need any comments very soon, as the Authority is planning to publish the final document in June. For your convenience, the RDEIR/SDEIS is available at [Environmental Review - Sites Reservoir \(sitesproject.org\)](#). We are happy to discuss this more at the upcoming meeting.

We would also like to introduce you to the possible use of a Memorandum of Agreement (MOA) that would allow the Authority to continue to work with the you on assessing and protecting tribal cultural resources following finalization of the RDEIR/SDEIS. It would allow consultations to move forward without rushing, but would allow the Authority to state that AB 52 consultation was completed under CEQA. The MOA would also identify ways that local tribes could participate in future project planning and implementation. A MOA conceptual brief is attached for your consideration.

We look forward to meeting with you in a few weeks.

Best regards

Janis

Janis Offermann, M.A., RPA

Cultural Resources Manager

M: 530.220.4918

jaoffermann@montrose-env.com

Please note new email address after April 1, 2023. I can still receive emails as janis@horizonh2o.com; however, all of my outgoing emails to you will be from jaoffermann@montrose-env.com.

Montrose Environmental

1801 7th Street, Suite 100, Sacramento, CA 95811



From: Molly West <mwest@colusa-nsn.gov>
Sent: Thursday, March 16, 2023 9:12 AM
To: Janis Offermann <janis@horizonh2o.com>; Jennie Mitchum <jmitchum@colusa-nsn.gov>
Cc: Execs <Execs@colusa-nsn.gov>; Alicia Forsythe <aforsythe@sitesproject.org>; Kevin Spesert <kspesert@sitesproject.org>; Laurie Warner Herson <laurie.warner.herson@phenixenv.com>
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Thank you! We can meet in our Administration building located at 3730 Hwy 45.

Thank you,

Molly West

Tribal Administrator
Colusa Indian Community Council
3730 Hwy 45
Colusa, CA 95932
Phone (530) 458-6517
Cell (530) 701-0379
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Sent: Monday, February 27, 2023 5:14 PM

To: Janis Offermann <janis@horizonh2o.com>

Subject: [EXTERNAL] RE: Sites Reservoir introduction meeting

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Cultural Preservation Director

(530)868-8590

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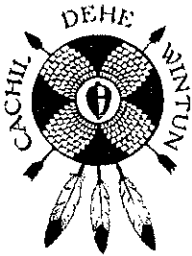
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COLUSA INDIAN COMMUNITY COUNCIL

May 3, 2023

Alicia Forsythe
Kevin Spesert
P.O. Box 517
Maxwell, CA 95955

Dear Alicia Forsythe, Kevin Spesert, and other Sites Project Authority Government Representatives:

This letter is written on behalf of the Cachil DeHe Band of Wintun Indians of the Colusa Indian Community Council (CICC), a federally recognized Indian Tribe and sovereign government. Pursuant to California Government Code (GOV) Sections 6254(r) and 6254.10 and 54 U.S.C. Section 307103(a) of the National Historic Preservation Act (NHPA) (formerly Section 304 [16 U.S.C. 470w-3(a)]) of the NHPA), the Sites Project Authority shall not disclose this letter or any associated details or contents herein, in part or in whole, to any third parties (including, but not limited to, consultants and other local, state, and/or federal agency personnel) without the free, prior, informed, and express written consent of CICC.

CICC thanks Ali Forsythe and Kevin Spesert of the Sites Project Authority for traveling to, meeting with, and taking part in government-to-government consultation with CICC for the Sites Reservoir Project (Project) at the CICC Reservation on April 18, 2023. As Ms. Forsythe conveyed at this meeting, government-to-government consultation, which is an obligation and responsibility of the Sites Project Authority under the California Environmental Quality Act (CEQA) and its Assembly Bill 52 (AB52) additions for the Project, has been long overdue. As members of a federally recognized Native American Tribe, each CICC member holds dual status as citizens of both CICC, a sovereign and self-determined Indigenous Nation, and the United States of America. CICC expects all the rights conferred under this dual status to be honored and respected.

With ongoing government-to-government consultation, CICC expects the very serious concerns, issues, and insights regarding the elision of CICC from Project considerations that CICC shared with Ms. Forsythe and Mr. Spesert at the April 18th consultation meeting to be quickly and restoratively addressed. This must be done to begin to identify, outline, develop, and implement productive pathways that will ensure the full rights afforded to CICC are honored and concerns and insights adequately accounted for under all applicable and guiding laws, policies, regulations, Executive Orders (EOs), and Secretarial Orders (SOs), including but not limited to those guiding CEQA and its AB52 additions, the National Environmental Policy Act (NEPA), and the NHPA. CICC stresses to the Sites Project Authority that the foundational backbone of reasonable and good faith consultation must be reasonable and good faith compliance, with all of the rights under all guiding acts, stipulations, directives, orders, and mandates affirmatively afforded to CICC.

As shared by CICC during the April 18th consultation meeting and necessary to reiterate with this letter, it is highly concerning that there has been a joint effort at coordinating and integrating CEQA Environmental Impact Report (EIR) and NEPA Environmental Impact Statement (EIS) production and review absent reasonable and good faith considerations under either Act of how the Project may, per 40 Code of Federal Regulations (CFR) 1508.8, significantly directly, indirectly, and cumulatively impact CICC members, our historic and cultural resources (per 40 CFR 1502.16(g)), Tribal Cultural Resources (TCRs) (per Public Resource Code [PRC] 21074 *et seq.*), and the overall CICC “Human Environment.” CICC points the Sites Project Authority to 40 CFR 1508.14, which defines the “Human Environment” broadly and states that the:

Human environment shall be interpreted comprehensively to include *the natural and physical environment and the relationship of people with that environment* [emphasis ours].

CICC also brings to the Sites Project Authority attention that as part of efforts to integrate CEQA and NEPA review, guidance provided by the White House Council on Environmental Quality (CEQ) and the California Governor’s Office of Planning and Research (OPR) stresses that if NEPA/CEQA integration is planned, “State and Federal agencies should begin NEPA/CEQA procedures as early as possible in their planning processes in order to allow environmental considerations to influence project design. As always, these issues are subject to individual agency regulations regarding implementation of NEPA and CEQA, which could prescribe more stringent requirements than the general regulations” (CEQ and OPR 2014:20). As requested at the April 18th consultation and once again formally requested with this letter, CICC asks for all records and documentation of the timing of these processes of NEPA/CEQA integration, how they have influenced Project considerations and design, and demonstrations of how all local, state, and federal regulatory procedures have been met to date regarding NEPA and CEQA review.

CICC reminds the Sites Project Authority that 40 CFR 1508.27(b)(8) stipulates that considerations must be given to how the NHPA Section 106 Process will inform NEPA review. As CICC has not yet even been engaged in Section 106 government-to-government consultation by any federal agency for the Project, we are perplexed by how the Sites Project Authority and its agency partners expect the current Revised EIR/EIS to achieve compliance with this NEPA stipulation let alone those for TCRs outlined at 21074 *et seq.* Although coordination and substitution processes exist for NHPA and Section 106 review (see 36 CFR 800.8; CEQ and ACHP 2013), neither process relieves agencies of their responsibilities under NEPA nor the NHPA. In this context, it is important to recognize that NEPA is much broader than NHPA insofar that assessments of and considerations for impacts to or effects on historic and cultural resources—whether they are defined as historic properties, properties of traditional and religious and cultural importance (PTRCIs), traditional cultural properties (TCPs), TCRs, “archaeological sites,” or otherwise—are not limited to those eligible or potentially eligible for listing on the California Register of Historic Resources (CRHR) or the National Register of Historic Places (NRHP).

As discussed during the April 18th consultation meeting and necessary to reiterate in this letter, this matter of our CICC ancestral places and the designation, minimization, and conflation of “resources” of archaeological and archaeologist interests and concerns as the full spectrum of

cultural resources that must be considered as part of EIR/EIS processes is highly problematic, exceedingly dispossessing, and simultaneously deficient and destructive in a multitude of ways. As CICC stated during the April 18th consultation meeting, and as we again bring to your direct attention with this letter, the Project area is enveloped by a CICC historic district and defined traditional cultural landscape, or TCL. Ms. Forsythe requested clarity on what comprises cultural landscapes, which CICC reminds Sites Project Authority are a type of TCR that requires consideration under CEQA review (PRC 21074(a)(1)). CICC points Ms. Forsythe and the Sites Project Authority to guidance from the Advisory Council on Historic Preservation (ACHP), which explains that “[t]here is no single defining feature or set of features that comprise” Native American TCLs. Rather:

Such places could be comprised of natural features such as mountains, caves, plateaus, and outcroppings; water courses and bodies such as rivers, streams, lakes, bays, and inlets; views and view sheds from them, including the overlook or similar locations; vegetation that contributes to its significance; and, manmade features including archaeological sites; buildings and structures; circulation features such as trails; land use patterns; evidence of cultural traditions, such as petroglyphs and evidence of burial practices; and markers or monuments, such as cairns, sleeping circles, and geoglyphs [ACHP 2012:4].

CICC also brings to the attention of the Sites Project Authority insights from different Native scholars who underscore the fundamental importance and absolute imperative of protecting and preserving TCLs for CICC and other Native peoples so that we may retain our capacities for collective continuance and viable futures *as Native peoples* (see Whyte 2018).

Indian tribes combine history and geography so that they have a “sacred geography,” that is to say, every location within their original homeland has a multitude of stories that recount the migrations, revelations, and particular historical incidents that cumulatively produced the tribe in its current condition [Deloria 1994:122].

American Indians ... share a cultural-historical relationship with the land. Their past and future is intertwined with it, as the fabric of their culture is woven of threads tied to places. The sacred locations are the foundation threads of the fabric, the warp, while the cultural connections are the weft threads [Watkins 2001:42].

Our history is written within our unique and specific cultural landscapes. These places hold the memories of our ancestors, speak to us in the present, and are crucial to our survival, as Indian people, into the future [Pablo 2001:18].

It is precisely for these reasons that the ACHP has been active since 2009 in “addressing identified hurdles in the Section 106 and National Environmental Policy Act (NEPA) processes when proposed projects may impact Native American traditional cultural landscapes” and has labored “to ensure that Native American traditional cultural landscapes are considered early in land management and project planning decisions” (ACHP 2011:1). Important for Project compliance obligations, the ACHP also stresses “that the size of such properties or the potential challenges in the management of them should not be considerations in the evaluation of their significance” (ACHP 2012:2). The CICC TCL and historic district that encompass the Project area are comprised of a diversity of contributing resources and

elements that have—so far to date—been wholly contextually neglected and destructively segmented in the Revised EIR/EIS. CICC highly suspects this is in no small part a product and outcome of inappropriate personnel without the correct and proper experience, training, education, sensibilities, and capacities for concern and insight leading the design, implementation, and findings of the studies informing EIR/EIS review.

CICC brings to the Sites Project Authority attention that CICC recently made a direct request for an appropriately trained and trusted ethnohistorian and ethnographer employed by one of the named consulting companies, HDR, to assist with ensuring CICC concerns were more adequately accounted for and considered and to support the Sites Project Authority with its compliance obligations and responsibilities by facilitating the April 18, 2023, consultation meeting. CICC requires a full and transparent accounting and detailed documentation of what decisions were made, precisely why, and explicitly by whom, that resulted in the Tribally requested and appropriately trained subject matter expert to not facilitate or take part in the April 18th consultation meeting. CICC must now suspect that this subject matter expert is also not currently employed as part of the consultant team working for the Sites Project Authority to help guide and fulfill compliance responsibilities to assess significant direct, indirect, and cumulative impacts and adverse effects of the Project using the best available information and in methodologically and conceptually competent and adequately informed ways. Instead, the Sites Project Authority and its consultant team somehow felt it appropriate to send individuals with training and backgrounds in archaeology to take part in the April 18th consultation meeting. There must be full transparency and accountability of how and why these decisions were made and by whom to begin building productive pathways to compliance, as these efforts serve as signs and symptoms to CICC that the Sites Project Authority—or at least its consultant team as currently led, directed, and comprised—view compliance processes less as collaborative efforts than zero-sum games when it comes to Tribal rights and concerns. It is vital that the Sites Project Authority be fully cognizant of how these acts recall, regenerate, and function as enduring attempts to exclude, contain, and erase the people of CICC by settler colonial society and governance.

On June 18, 2019, California Governor Gavin Newsom signed EO N-15-19, presenting the first formal State governmental recognition “that the State [of California] historically sanctioned over a century of depredations and prejudicial policies against California Native Americans.” In its preamble, the State offers contextual acknowledgement that:

[I]n the early decades of California’s statehood, the relationship between the State of California and California Native Americans was fraught with violence, exploitation, dispossession and the attempted destruction of tribal communities, as summed up by California’s first Governor, Peter Burnett, in his 1851 address to the Legislature: “[t]hat a war of extermination will continue to be waged between the two races until the Indian race becomes extinct must be expected”;
... [T]he State of California’s laws and policies discriminating against Native Americans and denying the existence of tribal government powers persisted well into the twentieth century....

Through exclusionary practices and governmental and corporate actors who seek to neglect, undermine, or ignore through silence, deflection, and/or equivocation the full rights afforded to CICC and other Native American Tribes, policies and practices of discrimination and the denial of existence of our Tribal

government powers, political self-determination, and knowledge sovereignty are regenerated and reproduced in the twenty-first century, from yesterday, throughout today, and into tomorrow. In and through the actions and events outlined in this letter and discussed during the April 18th consultation meeting, ongoing Project acts of omission, alienation, marginalization, and attempted erasure—both through exclusionary governmental and regulatory processes and in the destruction and evisceration of our TCL that may and can occur because of inadequate information and negligence in compliance reviews and considerations—cause severe harms and stress in and on our Tribal communities. Scientific studies have shown how these processes of social marginalization and emotional and psychological stress on human bodies can and do threaten mental health, weaken immune systems and inflammatory responses, cause the decline and dysfunction of the prefrontal cortex and the hippocampus, and influence increased rates of cancer incidence, cancer progression, and diabetes (Dai et al., 2020; Williams, 2018).

For these reasons, CICC emphasizes to the Sites Project Authority in the strongest possible terms the necessity of recognizing that natural resources *are* cultural resources to and for the members of CICC, and that in neglecting Tribal knowledges and sciences and “dissecting and shelving of entities and phenomena” as they are in the current Revised EIR/EIS, “Indigenous experiences [become] mutilated by a scientific classificatory matter-of-fact-ness that refuse[s] the metaphysical imperative” (Marker 2018:458). Such enduring practice in environmental and cultural resource review processes “has been and continues to be an act of systemic erasure and trauma” (UAIC 2022:7) that “perpetuate[s] the same acts and practices of governmental and colonial-settler marginalization and violence that have continually worked to ethnically cleanse Native peoples from Native lands and waters of the United States” (Panteah 2021:4). In parallel, CICC must remind and underscore to the Sites Project Authority that values of “research potential” for Western-trained archaeologists in general, and those practicing within the realm of the Cultural Resources Management (CRM) industrial complex in particular, relate predominantly to the exceedingly narrow interests, values, concepts, methods, and concerns of the archaeological discipline.

While, at times, archaeological interests and concerns may align with those of CICC, they by no means can address or encompass the full spectrum of interconnected significance, function, meaning, integrity, capacities, and uses of ancestral places that may be reductively designated and minimized in their recordings as “archaeological.” Archaeologists may offer opinions on the CRHR and/or NRHP eligibility or ineligibility of CICC places and material culture under Criterion 4 of the CRHR and Criterion D of the NHPA through the lenses of their disciplinary valuations, interests, methods, and concerns, but they cannot—both because of the lack of proper training and the absence of informed cultural knowledge—make authoritative, valid, or sound statements of overall non-eligibility for the NRHP or CRHR under any of their four respective eligibility Criteria. Neither do they have ownership nor possession over “information potential” (see Parker and King 1998) under Criterion 4 for the CRHR or Criterion D for the NRHP. All ancestral places recorded or designated as “archaeological” associated with the Project area are in need of evaluations and assessments through CICC systems of knowledge and science production to determine CRHR and NRHP eligibility under all four Criteria—both as standalone sites and as contributing resources to the extant CICC historic district and defined TCL—in order to achieve compliance with the sequential procedures that guide CEQA review and the NHPA Section 106 process.

CICC requests the details and a full accounting of archaeological evaluations that have been conducted to date for these ancestral places, as they do not appear to be provided in the “Sites Reservoir Project Cultural Resources Report” produced by ICF in November of 2021. This report cites several previous studies, and CICC finds the statement on page 30 that “[o]f the 105 archaeological sites identified in the ADI-A, one has been evaluated for NRHP eligibility” extremely curious, if not confounding, as pages 13-14 note and outline that “cultural resources studies were conducted for the Project from 2001 to 2020.” If no evaluations were provided for the NRHP or CRHR in over two decades of studies associated with Project operations outside of one “archaeological site,” CICC requires detailed explanations of precisely why. Moreover, it is necessary to note that archaeological notions and practices of “mitigation” are themselves often directly and cumulatively destructive to the integrity of our ancestral places, in violation of Tribal treatment and stewardship protocols, and that the designation of an “Area of potential direct impact for archaeology,” or ADI-A, is exceedingly nescient and inappropriate. Ancestral places, including those that may be designated and recorded as “archaeological” are part of—and intimately connect to—the total human environment, and impacts to how these places interconnect and interrelate as well as visual and auditory disturbances that may occur to them must be considered as part of the entire Area of Potential Effects (APE), not just ground disturbance to arbitrary grids and artificially bounded and isolated containers archaeologists superimpose on space and time.

Given the actions and events outlined to date, CICC must make the Sites Project Authority aware of the absolute inappropriateness, destructiveness, and counter productiveness of having archaeologists make authoritative claims on our ancestral places, define or take the lead on *cultural* resources studies, and/or contribute to communications and/or consultations on any matters outside the narrow limits of archaeological domains unless they are Tribally certified and/or explicitly approved to do so through processes of free, prior, and informed consent by the Tribe. CICC points the Sites Project Authority to guidance from the California Office of Historic Preservation (OHP) and its *Technical Assistance Series #6: California Register and National Register: A Comparison (for purposes of determining eligibility for the California Register)* (Technical Assistance Series #6), which advises:

When trying to determine if a resource is eligible for the California Register, you may find it easier to first determine a resource’s eligibility for the National Register. Then, if you find it ineligible for the National Register—and keeping in mind the differences between the two programs—move on to determine if it may in fact be eligible for the California Register as a result of these differences [OHP n.d.:1].

National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation (Bulletin 15; NPS 1997:13 n.5) states that information and guidance on traditional cultural values and their associations to historic properties and PTRCIs should be sought from *National Register Bulletin 38, Guidelines for Evaluating and Documenting Traditional Cultural Properties* (Bulletin 38; Parker and King 1998). Notably, *Appendix II* of Bulletin 38: *Professional Qualifications: Ethnography* does not identify archaeological education, experience, or training as valid qualifications for identifying, evaluating, or assessing aspects of traditional religious and cultural significance for places or the living community-place relationships they support and convey.

Archaeology, both by name and in discipline, is heavily concerned with and focused on matters of the *past*, even if this concern and focus may inform and have implications for the present and future. It appears that CICC must make clear that information and implication for the present and future are qualitatively different than providing the appropriate conceptual and methodological trainings, tools, experiences, education, and sensibilities to be able to respectfully, competently, and adequately account for the numerous ways in which our inheritance and heritage resources—whether they are termed historic and cultural resources, TCRs, historic properties, PTRCIs, TCPs, “archaeological sites,” or otherwise—tangibly and intangibly hold and convey intersecting and intertwining spatio-temporal layers and socio-spatial dimensions of traditional religious and cultural importance. Archaeological training and education are also wholly insufficient to account for how different aspects and relations of integrity of and to our inheritance and heritage places are elemental in maintaining CICC’s cultural identity and heritage practices *as a people and a Tribe* as the past, present, and future enfold and unfold.

Given the privileging in cultural studies of archaeology, archaeologists, and settler colonial timelines and valuations of space and place to date for the Project, it is imperative for CICC to bring to the Sites Project Authority’s full attention several interrelated concerns documented by different Native American Tribes, Indigenous archaeologists, and other critically minded archaeologists in recent years regarding archaeological disciplining and practice, concerns which are wholly shared by CICC.

Lack of archaeological evidence for a site or place does not constitute proof that a Tribally identified historic property of religious and cultural significance is not present. It simply means that one line of evidence is not present. Archaeological methods and Tribal methods of identification must not be conflated, as doing so can lead to the undermining of Tribal knowledge and the preservation and protection of Tribally identified historic properties [UAIC 2022:6].

Without reflexivity and the broadening of the epistemological boundaries of the [archaeological] discipline, archaeologists ... easily slip into narratives about the past that uphold colonialist, imperialist, androcentric, and ethnocentric values, leaving little space for others (nonwhite and/or nonmale people) in these narratives [Nelson 2020:224].

[A]n insidious whiteness ... has wreaked havoc on our discipline [of archaeology] since its founding and rests among us today, albeit in different forms, whether we choose to acknowledge it or not. As the struggle for decolonization and equity continue within the field, I argue that we ignore the many-headed hydra of whiteness and White supremacy at our own peril. Furthermore, avoiding whiteness has consequences for critical pedagogical practice, whereby racist ideas of the past are reinforced in new generations of students. This discussion of archaeology’s racist roots is not, therefore, an airing of grievances but a call to reconsider and change how we practice, produce knowledge and teach.... A reckoning with whiteness and White supremacy in archaeology is long overdue [Reilly 2022:2].

Structural racism impacts the practice of archaeology, the sites that we commemorate, and the narratives that we construct... [and t]he dearth of

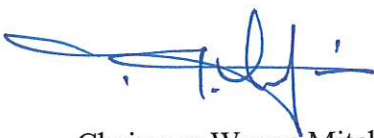
preserved and commemorated historical sites that are associated with marginalized people impacts our public historical narratives. It perpetuates previous forms of structural racism in the ways we remember and memorialize the past [Schumann 2019:255].

[N]egligence in [NHPA and NEPA processes and guidance] consideration and recognition is indelibly entangled in racist perspectives and practices that structurally underpinned—and continue to largely guide and dictate—the development and formation of historic preservation values and approaches in the United States ...[;] which are continually reproduced in dominant cultural resource management practices today.... [And] structural racism against ... [Native American tribes] is reinforced and reproduced in NHPA and NEPA laws and practices when narrow disciplinary archaeological interpretations and disciplinary perspectives and values are privileged in the identification and evaluations of ancestral/archaeological sites (resources) and effects/impacts to their integrity [Panteah 2021:9].

At our April 18th consultation meeting, Ms. Forsythe expressed the desire and need for the Sites Project Authority to be a good neighbor for the next 100 years. CICC expects these sentiments to be foundational and to become structurally entrenched in and institutionally scaffolded by appropriate actions and respect. In the spirit of meaningful and good faith consultation, the April 18th consultation meeting and this letter have worked to identify and outline preliminarily pathways toward these goals.

While CICC is greatly appreciative of the Sites Project Authority for the April 18, 2023, consultation meeting, we feel it necessary to once again underscore that a foundational backbone of reasonable and good faith consultation is ongoing reasonable and good faith compliance. CICC looks forward to receiving the information requested on April 18th and with this letter, and to furthering government-to-government consultation in good faith and meaningful ways. CICC is committed to reasonable, meaningful, and good faith consultation and fulfilling all of the opportunities and rights afforded to us to meet our protection, preservation, and stewardship obligations for the lands, airs, waters, and other heritage resources that comprise our traditional cultural land/waterscapes. These geographies are our inheritance from our ancestors, and protecting and preserving their integrity and capacities are fundamental to maintaining and sustaining our histories, stories, ceremonies, practices, traditional knowledge and sciences systems, identities, and opportunities for viable and collective futures as a unique, sovereign, and self-determined Tribe and people.

Sincerely,

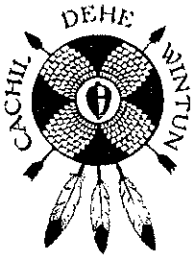
A handwritten signature in blue ink, appearing to read "Wayne Mitchum Jr.", with a long horizontal flourish extending to the left.

Chairman Wayne Mitchum Jr.

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COLUSA INDIAN COMMUNITY COUNCIL

May 3, 2023

Alicia Forsythe
Kevin Spesert
P.O. Box 517
Maxwell, CA 95955

Dear Alicia Forsythe, Kevin Spesert, and other Sites Project Authority Government Representatives:

This letter is written on behalf of the Cachil DeHe Band of Wintun Indians of the Colusa Indian Community Council (CICC), a federally recognized Indian Tribe and sovereign government. Pursuant to California Government Code (GOV) Sections 6254(r) and 6254.10 and 54 U.S.C. Section 307103(a) of the National Historic Preservation Act (NHPA) (formerly Section 304 [16 U.S.C. 470w-3(a)]) of the NHPA), the Sites Project Authority shall not disclose this letter or any associated details or contents herein, in part or in whole, to any third parties (including, but not limited to, consultants and other local, state, and/or federal agency personnel) without the free, prior, informed, and express written consent of CICC.

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CICC reminds the Sites Project Authority that 40 CFR 1508.27(b)(8) stipulates that considerations must be given to how the NHPA Section 106 Process will inform NEPA review. As CICC has not yet even been engaged in Section 106 government-to-government consultation by any federal agency for the Project, we are perplexed by how the Sites Project Authority and its agency partners expect the current Revised EIR/EIS to achieve compliance with this NEPA stipulation let alone those for TCRs outlined at 21074 *et seq.* Although coordination and substitution processes exist for NHPA and Section 106 review (see 36 CFR 800.8; CEQ and ACHP 2013), neither process relieves agencies of their responsibilities under NEPA nor the NHPA. In this context, it is important to recognize that NEPA is much broader than NHPA insofar that assessments of and considerations for impacts to or effects on historic and cultural resources—whether they are defined as historic properties, properties of traditional and religious and cultural importance (PTRCIs), traditional cultural properties (TCPs), TCRs, “archaeological sites,” or otherwise—are not limited to those eligible or potentially eligible for listing on the California Register of Historic Resources (CRHR) or the National Register of Historic Places (NRHP).

As discussed during the April 18th consultation meeting and necessary to reiterate in this letter, this matter of our CICC ancestral places and the designation, minimization, and conflation of “resources” of archaeological and archaeologist interests and concerns as the full spectrum of

cultural resources that must be considered as part of EIR/EIS processes is highly problematic, exceedingly dispossessing, and simultaneously deficient and destructive in a multitude of ways. As CICC stated during the April 18th consultation meeting, and as we again bring to your direct attention with this letter, the Project area is enveloped by a CICC historic district and defined traditional cultural landscape, or TCL. Ms. Forsythe requested clarity on what comprises cultural landscapes, which CICC reminds Sites Project Authority are a type of TCR that requires consideration under CEQA review (PRC 21074(a)(1)). CICC points Ms. Forsythe and the Sites Project Authority to guidance from the Advisory Council on Historic Preservation (ACHP), which explains that “[t]here is no single defining feature or set of features that comprise” Native American TCLs. Rather:

Such places could be comprised of natural features such as mountains, caves, plateaus, and outcroppings; water courses and bodies such as rivers, streams, lakes, bays, and inlets; views and view sheds from them, including the overlook or similar locations; vegetation that contributes to its significance; and, manmade features including archaeological sites; buildings and structures; circulation features such as trails; land use patterns; evidence of cultural traditions, such as petroglyphs and evidence of burial practices; and markers or monuments, such as cairns, sleeping circles, and geoglyphs [ACHP 2012:4].

CICC also brings to the attention of the Sites Project Authority insights from different Native scholars who underscore the fundamental importance and absolute imperative of protecting and preserving TCLs for CICC and other Native peoples so that we may retain our capacities for collective continuance and viable futures *as Native peoples* (see Whyte 2018).

Indian tribes combine history and geography so that they have a “sacred geography,” that is to say, every location within their original homeland has a multitude of stories that recount the migrations, revelations, and particular historical incidents that cumulatively produced the tribe in its current condition [Deloria 1994:122].

American Indians ... share a cultural-historical relationship with the land. Their past and future is intertwined with it, as the fabric of their culture is woven of threads tied to places. The sacred locations are the foundation threads of the fabric, the warp, while the cultural connections are the weft threads [Watkins 2001:42].

Our history is written within our unique and specific cultural landscapes. These places hold the memories of our ancestors, speak to us in the present, and are crucial to our survival, as Indian people, into the future [Pablo 2001:18].

It is precisely for these reasons that the ACHP has been active since 2009 in “addressing identified hurdles in the Section 106 and National Environmental Policy Act (NEPA) processes when proposed projects may impact Native American traditional cultural landscapes” and has labored “to ensure that Native American traditional cultural landscapes are considered early in land management and project planning decisions” (ACHP 2011:1). Important for Project compliance obligations, the ACHP also stresses “that the size of such properties or the potential challenges in the management of them should not be considerations in the evaluation of their significance” (ACHP 2012:2). The CICC TCL and historic district that encompass the Project area are comprised of a diversity of contributing resources and

elements that have—so far to date—been wholly contextually neglected and destructively segmented in the Revised EIR/EIS. CICC highly suspects this is in no small part a product and outcome of inappropriate personnel without the correct and proper experience, training, education, sensibilities, and capacities for concern and insight leading the design, implementation, and findings of the studies informing EIR/EIS review.

CICC brings to the Sites Project Authority attention that CICC recently made a direct request for an appropriately trained and trusted ethnohistorian and ethnographer employed by one of the named consulting companies, HDR, to assist with ensuring CICC concerns were more adequately accounted for and considered and to support the Sites Project Authority with its compliance obligations and responsibilities by facilitating the April 18, 2023, consultation meeting. CICC requires a full and transparent accounting and detailed documentation of what decisions were made, precisely why, and explicitly by whom, that resulted in the Tribally requested and appropriately trained subject matter expert to not facilitate or take part in the April 18th consultation meeting. CICC must now suspect that this subject matter expert is also not currently employed as part of the consultant team working for the Sites Project Authority to help guide and fulfill compliance responsibilities to assess significant direct, indirect, and cumulative impacts and adverse effects of the Project using the best available information and in methodologically and conceptually competent and adequately informed ways. Instead, the Sites Project Authority and its consultant team somehow felt it appropriate to send individuals with training and backgrounds in archaeology to take part in the April 18th consultation meeting. There must be full transparency and accountability of how and why these decisions were made and by whom to begin building productive pathways to compliance, as these efforts serve as signs and symptoms to CICC that the Sites Project Authority—or at least its consultant team as currently led, directed, and comprised—view compliance processes less as collaborative efforts than zero-sum games when it comes to Tribal rights and concerns. It is vital that the Sites Project Authority be fully cognizant of how these acts recall, regenerate, and function as enduring attempts to exclude, contain, and erase the people of CICC by settler colonial society and governance.

On June 18, 2019, California Governor Gavin Newsom signed EO N-15-19, presenting the first formal State governmental recognition “that the State [of California] historically sanctioned over a century of depredations and prejudicial policies against California Native Americans.” In its preamble, the State offers contextual acknowledgement that:

[I]n the early decades of California’s statehood, the relationship between the State of California and California Native Americans was fraught with violence, exploitation, dispossession and the attempted destruction of tribal communities, as summed up by California’s first Governor, Peter Burnett, in his 1851 address to the Legislature: “[t]hat a war of extermination will continue to be waged between the two races until the Indian race becomes extinct must be expected”;
... [T]he State of California’s laws and policies discriminating against Native Americans and denying the existence of tribal government powers persisted well into the twentieth century....

Through exclusionary practices and governmental and corporate actors who seek to neglect, undermine, or ignore through silence, deflection, and/or equivocation the full rights afforded to CICC and other Native American Tribes, policies and practices of discrimination and the denial of existence of our Tribal

government powers, political self-determination, and knowledge sovereignty are regenerated and reproduced in the twenty-first century, from yesterday, throughout today, and into tomorrow. In and through the actions and events outlined in this letter and discussed during the April 18th consultation meeting, ongoing Project acts of omission, alienation, marginalization, and attempted erasure—both through exclusionary governmental and regulatory processes and in the destruction and evisceration of our TCL that may and can occur because of inadequate information and negligence in compliance reviews and considerations—cause severe harms and stress in and on our Tribal communities. Scientific studies have shown how these processes of social marginalization and emotional and psychological stress on human bodies can and do threaten mental health, weaken immune systems and inflammatory responses, cause the decline and dysfunction of the prefrontal cortex and the hippocampus, and influence increased rates of cancer incidence, cancer progression, and diabetes (Dai et al., 2020; Williams, 2018).

For these reasons, CICC emphasizes to the Sites Project Authority in the strongest possible terms the necessity of recognizing that natural resources *are* cultural resources to and for the members of CICC, and that in neglecting Tribal knowledges and sciences and “dissecting and shelving of entities and phenomena” as they are in the current Revised EIR/EIS, “Indigenous experiences [become] mutilated by a scientific classificatory matter-of-fact-ness that refuse[s] the metaphysical imperative” (Marker 2018:458). Such enduring practice in environmental and cultural resource review processes “has been and continues to be an act of systemic erasure and trauma” (UAIC 2022:7) that “perpetuate[s] the same acts and practices of governmental and colonial-settler marginalization and violence that have continually worked to ethnically cleanse Native peoples from Native lands and waters of the United States” (Panteah 2021:4). In parallel, CICC must remind and underscore to the Sites Project Authority that values of “research potential” for Western-trained archaeologists in general, and those practicing within the realm of the Cultural Resources Management (CRM) industrial complex in particular, relate predominantly to the exceedingly narrow interests, values, concepts, methods, and concerns of the archaeological discipline.

While, at times, archaeological interests and concerns may align with those of CICC, they by no means can address or encompass the full spectrum of interconnected significance, function, meaning, integrity, capacities, and uses of ancestral places that may be reductively designated and minimized in their recordings as “archaeological.” Archaeologists may offer opinions on the CRHR and/or NRHP eligibility or ineligibility of CICC places and material culture under Criterion 4 of the CRHR and Criterion D of the NHPA through the lenses of their disciplinary valuations, interests, methods, and concerns, but they cannot—both because of the lack of proper training and the absence of informed cultural knowledge—make authoritative, valid, or sound statements of overall non-eligibility for the NRHP or CRHR under any of their four respective eligibility Criteria. Neither do they have ownership nor possession over “information potential” (see Parker and King 1998) under Criterion 4 for the CRHR or Criterion D for the NRHP. All ancestral places recorded or designated as “archaeological” associated with the Project area are in need of evaluations and assessments through CICC systems of knowledge and science production to determine CRHR and NRHP eligibility under all four Criteria—both as standalone sites and as contributing resources to the extant CICC historic district and defined TCL—in order to achieve compliance with the sequential procedures that guide CEQA review and the NHPA Section 106 process.

CICC requests the details and a full accounting of archaeological evaluations that have been conducted to date for these ancestral places, as they do not appear to be provided in the “Sites Reservoir Project Cultural Resources Report” produced by ICF in November of 2021. This report cites several previous studies, and CICC finds the statement on page 30 that “[o]f the 105 archaeological sites identified in the ADI-A, one has been evaluated for NRHP eligibility” extremely curious, if not confounding, as pages 13-14 note and outline that “cultural resources studies were conducted for the Project from 2001 to 2020.” If no evaluations were provided for the NRHP or CRHR in over two decades of studies associated with Project operations outside of one “archaeological site,” CICC requires detailed explanations of precisely why. Moreover, it is necessary to note that archaeological notions and practices of “mitigation” are themselves often directly and cumulatively destructive to the integrity of our ancestral places, in violation of Tribal treatment and stewardship protocols, and that the designation of an “Area of potential direct impact for archaeology,” or ADI-A, is exceedingly nescient and inappropriate. Ancestral places, including those that may be designated and recorded as “archaeological” are part of—and intimately connect to—the total human environment, and impacts to how these places interconnect and interrelate as well as visual and auditory disturbances that may occur to them must be considered as part of the entire Area of Potential Effects (APE), not just ground disturbance to arbitrary grids and artificially bounded and isolated containers archaeologists superimpose on space and time.

Given the actions and events outlined to date, CICC must make the Sites Project Authority aware of the absolute inappropriateness, destructiveness, and counter productiveness of having archaeologists make authoritative claims on our ancestral places, define or take the lead on *cultural* resources studies, and/or contribute to communications and/or consultations on any matters outside the narrow limits of archaeological domains unless they are Tribally certified and/or explicitly approved to do so through processes of free, prior, and informed consent by the Tribe. CICC points the Sites Project Authority to guidance from the California Office of Historic Preservation (OHP) and its *Technical Assistance Series #6: California Register and National Register: A Comparison (for purposes of determining eligibility for the California Register)* (Technical Assistance Series #6), which advises:

When trying to determine if a resource is eligible for the California Register, you may find it easier to first determine a resource’s eligibility for the National Register. Then, if you find it ineligible for the National Register—and keeping in mind the differences between the two programs—move on to determine if it may in fact be eligible for the California Register as a result of these differences [OHP n.d.:1].

National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation (Bulletin 15; NPS 1997:13 n.5) states that information and guidance on traditional cultural values and their associations to historic properties and PTRCIs should be sought from *National Register Bulletin 38, Guidelines for Evaluating and Documenting Traditional Cultural Properties* (Bulletin 38; Parker and King 1998). Notably, *Appendix II* of Bulletin 38: *Professional Qualifications: Ethnography* does not identify archaeological education, experience, or training as valid qualifications for identifying, evaluating, or assessing aspects of traditional religious and cultural significance for places or the living community-place relationships they support and convey.

Archaeology, both by name and in discipline, is heavily concerned with and focused on matters of the *past*, even if this concern and focus may inform and have implications for the present and future. It appears that CICC must make clear that information and implication for the present and future are qualitatively different than providing the appropriate conceptual and methodological trainings, tools, experiences, education, and sensibilities to be able to respectfully, competently, and adequately account for the numerous ways in which our inheritance and heritage resources—whether they are termed historic and cultural resources, TCRs, historic properties, PTRCIs, TCPs, “archaeological sites,” or otherwise—tangibly and intangibly hold and convey intersecting and intertwining spatio-temporal layers and socio-spatial dimensions of traditional religious and cultural importance. Archaeological training and education are also wholly insufficient to account for how different aspects and relations of integrity of and to our inheritance and heritage places are elemental in maintaining CICC’s cultural identity and heritage practices *as a people and a Tribe* as the past, present, and future enfold and unfold.

Given the privileging in cultural studies of archaeology, archaeologists, and settler colonial timelines and valuations of space and place to date for the Project, it is imperative for CICC to bring to the Sites Project Authority’s full attention several interrelated concerns documented by different Native American Tribes, Indigenous archaeologists, and other critically minded archaeologists in recent years regarding archaeological disciplining and practice, concerns which are wholly shared by CICC.

Lack of archaeological evidence for a site or place does not constitute proof that a Tribally identified historic property of religious and cultural significance is not present. It simply means that one line of evidence is not present. Archaeological methods and Tribal methods of identification must not be conflated, as doing so can lead to the undermining of Tribal knowledge and the preservation and protection of Tribally identified historic properties [UAIC 2022:6].

Without reflexivity and the broadening of the epistemological boundaries of the [archaeological] discipline, archaeologists ... easily slip into narratives about the past that uphold colonialist, imperialist, androcentric, and ethnocentric values, leaving little space for others (nonwhite and/or nonmale people) in these narratives [Nelson 2020:224].

[A]n insidious whiteness ... has wreaked havoc on our discipline [of archaeology] since its founding and rests among us today, albeit in different forms, whether we choose to acknowledge it or not. As the struggle for decolonization and equity continue within the field, I argue that we ignore the many-headed hydra of whiteness and White supremacy at our own peril. Furthermore, avoiding whiteness has consequences for critical pedagogical practice, whereby racist ideas of the past are reinforced in new generations of students. This discussion of archaeology’s racist roots is not, therefore, an airing of grievances but a call to reconsider and change how we practice, produce knowledge and teach.... A reckoning with whiteness and White supremacy in archaeology is long overdue [Reilly 2022:2].

Structural racism impacts the practice of archaeology, the sites that we commemorate, and the narratives that we construct... [and t]he dearth of

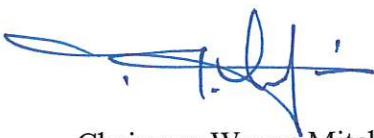
preserved and commemorated historical sites that are associated with marginalized people impacts our public historical narratives. It perpetuates previous forms of structural racism in the ways we remember and memorialize the past [Schumann 2019:255].

[N]egligence in [NHPA and NEPA processes and guidance] consideration and recognition is indelibly entangled in racist perspectives and practices that structurally underpinned—and continue to largely guide and dictate—the development and formation of historic preservation values and approaches in the United States ...[;] which are continually reproduced in dominant cultural resource management practices today.... [And] structural racism against ... [Native American tribes] is reinforced and reproduced in NHPA and NEPA laws and practices when narrow disciplinary archaeological interpretations and disciplinary perspectives and values are privileged in the identification and evaluations of ancestral/archaeological sites (resources) and effects/impacts to their integrity [Panteah 2021:9].

At our April 18th consultation meeting, Ms. Forsythe expressed the desire and need for the Sites Project Authority to be a good neighbor for the next 100 years. CICC expects these sentiments to be foundational and to become structurally entrenched in and institutionally scaffolded by appropriate actions and respect. In the spirit of meaningful and good faith consultation, the April 18th consultation meeting and this letter have worked to identify and outline preliminarily pathways toward these goals.

While CICC is greatly appreciative of the Sites Project Authority for the April 18, 2023, consultation meeting, we feel it necessary to once again underscore that a foundational backbone of reasonable and good faith consultation is ongoing reasonable and good faith compliance. CICC looks forward to receiving the information requested on April 18th and with this letter, and to furthering government-to-government consultation in good faith and meaningful ways. CICC is committed to reasonable, meaningful, and good faith consultation and fulfilling all of the opportunities and rights afforded to us to meet our protection, preservation, and stewardship obligations for the lands, airs, waters, and other heritage resources that comprise our traditional cultural land/waterscapes. These geographies are our inheritance from our ancestors, and protecting and preserving their integrity and capacities are fundamental to maintaining and sustaining our histories, stories, ceremonies, practices, traditional knowledge and sciences systems, identities, and opportunities for viable and collective futures as a unique, sovereign, and self-determined Tribe and people.

Sincerely,



Chairman Wayne Mitchum Jr.

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3730 Highway 45, Colusa CA 95932 Phone: (530) 458-8231 Fax: (530) 458-3866

From: [Janis Offermann](#)
To: ["asmelser@colusa-nsn.gov"](mailto:asmelser@colusa-nsn.gov)
Cc: ["Heather Swearingen"](#); ["Jennie Mitchum"](#)
Subject: RE: [EXTERNAL] Letters resent
Date: Wednesday, May 10, 2023 2:45:00 PM
Attachments: [Compiled Consultation letters_CICC.pdf](#)

Good afternoon, Angela

Per Jennie's request, I am sending you a compilation of all of the AB 52 letters from the Sites Project Authority and the CICC's responses.

In addition, we had in-person meetings at the tribal administration office on July 12, 2017; March 25, 2019, and August 29, 2019; and a conference call on October 22, 2020.

I will also be sending you all of the 9 reports that have been generated, to date. Since some of these contain confidential information, I will send them via a secure share file system. Please note that one of the files is quite large (139,191KB). I will shoot you an email once I have sent them. If you don't receive the email shortly thereafter, please let me know.

Note that I also have the original transmittal emails for the documents, if you would like me to send those as well.

Please don't hesitate to contact me if you have any questions or any problems downloading the files.

Thanks for your help
Janis

Janis Offermann, M.A., RPA
Senior Cultural Resources Manager
M: 530.220.4918
jaoffermand@montrose-env.com

Please note new email address after April 1, 2023. I can still receive emails as janis@horizonh2o.com; however, all of my outgoing emails to you will be from jaoffermand@montrose-env.com.

-----Original Message-----

From: Jennie Mitchum <jmitchum@colusa-nsn.gov>
Sent: Wednesday, May 10, 2023 1:13 PM
To: Janis Offermann <jaoffermand@montrose-env.com>
Cc: Heather Swearingen <hswearingen@colusa-nsn.gov>
Subject: [EXTERNAL] Letters resent

EXTERNAL MESSAGE: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good afternoon Janis,

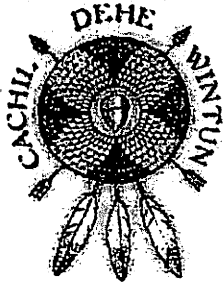
Would you please send any letters regarding Sites to Angela Smelser@ asmelser@colusa-nsn.gov I don't know if you've sent anything, but I haven't received anything.

Thank you

Sent from my iPhone

This email and any files transmitted with it may be privileged, are confidential and intended solely for the use of the

individual or entity to whom addressed. If you have received this email in error, please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail and any attachments from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited..



**COLUSA INDIAN COMMUNITY COUNCIL
CACHIL DEHE BAND OF WINTUN INDIANS**

January 3, 2017

James C. Watson, P.E.
General Manager
Sites Joint Powers Authority
PO Box 517
Maxwell, CA 95955

Subject: California Environmental Quality Act Public Resources Code section 21080.3, subdivision. (b) Request for Formal Notification of Proposed Projects within the Cachil Dehe Band of Wintun Indian Tribe's Geographic Area of Traditional and Cultural Affiliation

Dear Mr. Watson:

As of the date of this letter, in accordance with Public Resources Code Section 21080.3.1, subdivision. (b), the Cachil Dehe Band of Wintun Indians for which the Colusa Indian Community Council (CICC) is the governing body, which is traditionally and culturally affiliated with a geographic area within the Sites Joint Powers Authority's geographic area of jurisdiction, requests formal notice of and information on proposed projects for which your agency will serve as a lead agency under the California Environmental Quality Act (CEQA), Public Resources Code section 21000 et seq.

Pursuant to Public Resources Code section 21080.3.1, subdivision. (b), and until further notice, we hereby designate the following person as the tribe's lead contact person for purposes of receiving notices of proposed projects from your agency:

Oscar Serrano, P.E.
Principal Engineer
3730 Highway 45
Colusa, CA 95932
(530) 458-8231 (office)
(530) 682-5412 (cell)
oserrano@colusa-nsn.gov

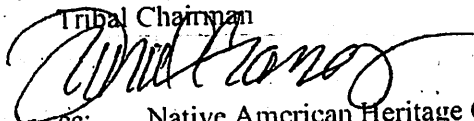
We request that all notices be sent via certified U.S. Mail with return receipt. Following receipt and review of the information your agency provides, within the 30-day period proscribed by Public Resources Code section 21080.3.1, subdivision. (d), the CICC may request consultation, as defined by Public Resources Code section 21080.3.1, subdivision. (b), pursuant to Public

Resources Code section 21080.3.2 to mitigate any project impacts a specific project may cause to tribal cultural resources.

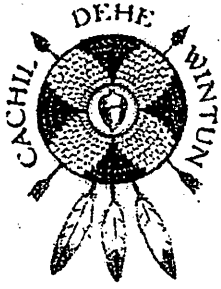
If you have any questions or need additional information, please contact our lead contact person listed above.

Respectfully,

Daniel Gomez
Tribal Chairman



cc: Native American Heritage Commission
Ms. Anecita Agustinez, Tribal Policy Advisor, Department of Water Resources
Mr. Bill Croyle, Acting Director, Department of Water Resources
Ms. Cynthia Gomez, Executive Secretary, Native American Heritage Commission
Mr. Jeff Keohane, Associate, Forman & Associates
Mr. Oscar Serrano, Senior Engineer, CICC



**COLUSA INDIAN COMMUNITY COUNCIL
CACHIL DEHE BAND OF WINTUN INDIANS**

February 6, 2017

Kim Dolbow Vann
Chair
Sites Joint Powers Authority
PO Box 517
Maxwell, CA 95955

Subject: Formal Request for Tribal Consultation Pursuant to the California Environmental Quality Act (CEQA), Public Resources Code Section 21080.3, subdivisions (b), (d) and (e) for the Sites Reservoir Project, Colusa County

Dear Chair Dolbow Vann and Authority Board Members:

This letter constitutes a formal request for tribal consultation under the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21080.3.1 subdivisions (b), (d) and (e)) for the mitigation of potential project impacts to tribal cultural resources for the above referenced project. The Colusa Indian Community Council requested formal notice and information for all projects within your agency's geographical jurisdiction on January 3, 2017 and received notification on January 31, 2017 regarding the above referenced project.

The Colusa Indian Community Council (CICC) requests consultation on the following topics checked below, which shall be included in consultation if requested (Public Resources Code section 21080.3.2, subdivision (a)):

- Alternatives to the project
- Recommended mitigation measures
- Significant effects of the project

The CICC also requests consultation on the following discretionary topics checked below (Public Resources Code section 21080.3.2, subdivision (a)):

- Type of environmental review necessary
- Significance of tribal cultural resources, including any regulations, policies or standards used by your agency to determine significance of tribal cultural resources
- Significance of the project's impacts on tribal cultural resources

X Project alternatives and/or appropriate measures for preservation or mitigation that we may recommend, including, but not limited to:

1. Avoidance and preservation of the resources in place, pursuant to Public Resources Code section 21084.3, 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 resources with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resources, 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; and
 - 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.
4. Protecting the resource.

Additionally, the CICC would like to receive any cultural resources assessments or other assessments that have been completed on all or part of the project's potential "area of project effect" (APE), including, but not limited to:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:
 - a) A listing of any and all known cultural resources that have already been recorded on or adjacent to the APE;
 - b) Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
 - c) If the probability is low, moderate, or high that cultural resources are located in the APE;
 - d) Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the potential APE; and
 - e) If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.
2. The results of any archaeological inventory survey that was conducted, including:
 - Any report that may contain site forms, site significance, and suggested mitigation measures.
 - All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code Section 6254.10.
3. The results of any Sacred Lands File (SFL) check conducted through Native American Heritage Commission. The request form can be found at <http://naahc.ca.gov/wp-content/uploads/2015/04/Sacred-Lands-File-NA-Contact-Form.pdf>. USGS 7.5-minute quadrangle name, township, range, and section are required for the search.

4. Any ethnographic studies conducted for any area including all or part of the potential APE; and
5. Any geotechnical reports regarding all or part of the potential APE.

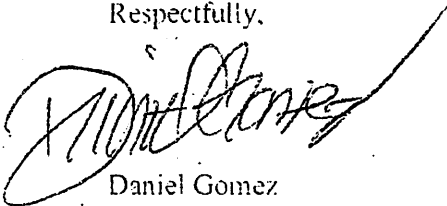
We would like to remind your agency that CEQA Guidelines section 15126.4, subdivision (b) (3) states that preservation in place is the preferred manner of mitigating impacts to archaeological sites. Section 15126.4, subdivision (b) (3) of the CEQA Guidelines has been interpreted by the California Court of Appeal to mean that "feasible preservation in place must be adopted to mitigate impacts to historical resources of an archaeological nature unless the lead agency determines that another form of mitigation is available and provides superior mitigation of impacts." *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal.App.4th 48. disapproved on other grounds, *Neighbors for Smart Rail v. Exposition Metro Line Construction Authority* (2013) 57 Cal.4th 439.

The CICC expects to begin consultation within 30 days of your receipt of this letter.

Please contact the CICC's lead contact person identified below:

Oscar Serrano, P.E.
Principal Engineer
3730 Highway 45
Colusa, CA 95932
(530) 458-8231 (office)
oserrano@colusa-nsn.gov

Respectfully,



Daniel Gomez
Tribal Chairman

cc: Native American Heritage Commission
Mr. Jeff Keohane, Associate, Forman & Associates
Mr. Oscar Serrano, Principal Engineer, CICC
Mr. Jim Watson, Sites Project Authority



February 10, 2017

Mr. Oscar Serrano, P.E.
Principal Engineer
Colusa Indian Community Council
3730 Highway 45
Colusa, CA 95932

From: Kim Dolbow Vann/ Sites Project Authority Board Chair

Subject: Tribal Cultural Resources under the California Environmental Quality Act, AB 52 (Gatto, 2014). Formal Notification of Decision to Consider Undertaking a Project, and Notification of Consultation Opportunity for the Sites Reservoir Project, Colusa and Glenn Counties, California, pursuant to Public Resources Code § 21080.3.1

Dear Mr. Serrano,

The Sites Project Authority has decided to consider undertaking the following project: the Sites Reservoir Project. Below please find a description of the proposed project, the project's location, and the name of our project point of contact, pursuant to Public Resources Code § 21080.3.1(d).

Description of the Proposed Project

The Sites Project Authority proposes to construct the Sites Reservoir Project, which includes a new off-stream storage reservoir with a capacity of up to 1.9 million acre feet, located in Colusa and Glenn counties, California, about 10 miles west of the town of Maxwell. The new reservoir would be in Antelope Valley, on the eastern edge of the North Coast Ranges. The Sites Reservoir Project is proposed to provide storage and operational benefits for water quality and other programs throughout California. For more information regarding the proposed project, please see the attached Notice of Preparation.

Project Location

Please see the attached map showing the project's location.

Lead Agency Point of Contact

Jim Watson, General Manager
Sites Project Authority
P.O. Box 517
Maxwell, CA 95955



P.O. Box 517
Maxwell, CA 95955
530.438.2309

Phone: (530) 438-2309

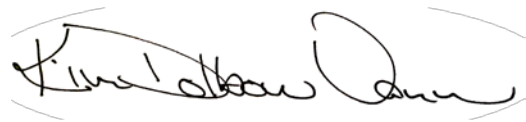
Email: jwatson@sitesproject.org

Pursuant to PRC § 21080.3.1 (b), you have 30 days from the receipt of this letter to request consultation, in writing, with the Sites Project Authority. If you wish to request consultation, or if you have any questions, please contact me at the above address.

If consultation is requested, please provide the name and contact information of the designated lead contact person as part of your request. The Sites Project Authority will contact the designated person to set a meeting date to begin consultation within 30 days of our receipt of your request.

Thank you for giving this matter your prompt attention.

Sincerely,

A handwritten signature in black ink, appearing to read "Kim Dolbow Vann". The signature is written in a cursive style with a large, prominent "V" at the end.

Kim Dolbow Vann
Sites Project Authority



March 6, 2017

Daniel Gomez
Tribal Chairman
Colusa Indian Community Council
3730 Highway 45
Colusa, CA 95932

Subject: Response to Colusa Indian Community Council's Request for Consultation for the Sites Reservoir Project, Colusa and Glenn Counties, California, pursuant to Public Resources Code § 21080.3.1

Dear Chairman Gomez,

The Sites Project Authority welcomes the opportunity to work with our neighbors and better understand important cultural resources from the perspective of the Colusa Indian Community Council. This letter is written in response to your letter requesting consultation with the Sites Project Authority (Authority) on the Sites Reservoir Project (Project) in accordance with Public Resources Code Section 21080.3.

As requested in your letter, consistent with the requirements of Public Resources Code Section 21080.3.1 *et seq.*, Jim Watson, Authority General Manager, has been designated to initiate consultations on behalf of the Authority. Mr Watson will be contacting Mr. Oscar Serrano to set up an initial meeting to discuss your tribe's concerns and address the issues and topics raised in your letter.

Thank you and we look forward to meeting with you soon.

Sincerely,

A stylized, blue, lowercase letter 'i' with a dot above it, serving as a signature or branding element.

Kim Dolbow Vann
Chair, Sites Project Authority

Cc: Jim Watson, P.E., Sites Project Authority
Oscar Serrano, P.E., CICC



P.O. Box 517
Maxwell, CA 95955
530.438.2309



February 15, 2019

Mr. Daniel Gomez
Tribal Chairman
Colusa Indian Community Council
3730 Highway 45
Colusa, CA 95932

Subject: Formal Notification pursuant to Assembly Bill 52 (Public Resources Code 21080.3.1) for the proposed Sites Geotechnical Field Investigations

Dear Honorable Chairperson Gomez,

This letter is a formal invitation to the Colusa Indian Community Council to consult with the Authority regarding the proposed Sites Geotechnical Field Investigations (Project) under Assembly Bill 52 (AB 52), pursuant to Public Resources Code (PRC) § 21080.3.1, concerning Tribal Cultural Resources. This Project is undergoing environmental review separately from the overall Sites Project, on which you are already consulting.

The Sites Project Authority (Authority) is initiating environmental review under the California Environmental Quality Act (CEQA) for geologic, geotechnical, and geophysical exploration and testing needed to support the design of the proposed Sites Project. The Authority is the lead agency under the CEQA for both this Project and the Sites Project.

From our letter of April 2017, the proposed Sites Project would be an approximately 1.8 million acre-foot off-stream storage reservoir and associated water management facilities near the town of Maxwell in Colusa and Glenn Counties in the Sacramento Valley in Northern California. Figure 1, attached, shows the location and the approximate areas where explorations and testing could occur. The specific locations of explorations and testing activities would occur within the broad areas within the locations identified. The exact locations, equipment used and other details are not known at this time. These details are likely to be further adjusted to reduce or avoid environmentally and culturally sensitive areas. Exploration and testing activities will not occur on privately held lands until access to the land has been obtained. The field sample collection and testing activities would begin in the second half of 2019.

Tribal Cultural Resources, as defined under PRC § 21074, include sites, features, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe. The Authority intends to prepare a CEQA initial study/mitigated negative declaration (combined with a National Environmental Policy Act environmental assessment) for this proposed Project, unless information indicating impacts on cultural resources comes to light through the consultation process.



P.O. Box 517
Maxwell, CA 95955
530.438.2309

We appreciate your assistance to date in cultural resource consultations under AB 52 and other state and federal legal provisions. In order to verify that all potential resources of concern to Native American communities are identified and considered in the planning and implementation of the proposed Project, we respectfully request any information you can provide on the location and nature of Tribal Cultural Resources that may be found within or immediately adjacent to the project area. Specifically, we seek your input on the following types of resources so that we may avoid or protect them to the maximum extent possible.

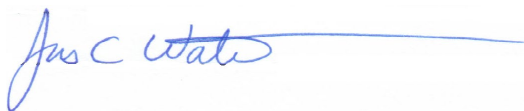
- Prehistoric archaeological sites and features
- Sacred lands or locations that are important in Native American culture
- Places that the Native American community continues to use for ongoing cultural practices
- Historic-era resources.

We understand that the locations of these resources are sensitive. Resource locations will not be disclosed in public documents and will be kept confidential as provided for under California Government Code § 6254.10.

If you would like to participate in formal AB 52 consultation concerning the proposed project, please notify me in writing within 30 calendar days of the receipt of this formal notice. After we receive your written request, we will contact you within 30 calendar days to begin consultation.

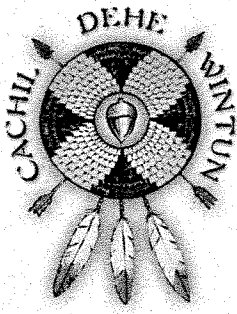
If the Tribe notifies the Authority in writing that the project does not involve any Tribal Cultural Resources of concern, then consultation under AB 52 will be considered concluded. If the Authority does not receive a written request to consult within 30 calendar days, we will assume the Tribe declines the invitation to formally consult under AB 52. However, the Authority is committed to working with you to properly account for and manage resources important to the Colusa Indian Community Council, and we welcome any recommendations regarding appropriate management or treatment of resources that occur within the project area. This notification does not limit the ability of the Tribe to submit information to the Authority (PRC § 21080.3.2(c)(1)). If you have any questions regarding this invitation or the AB 52 process, please contact me, or in my absence contact Rob Thomson at 805-689-5854.

Sincerely,



Jim Watson
General Manager, Sites Project Authority

Cc: Oscar Serrano, P.E., CICC
Attachment



COLUSA INDIAN COMMUNITY COUNCIL
CACHIL DEHE BAND OF WINTUN INDIANS

RECEIVED

MAR 04 2019

SITES PROJECT AUTHORITY

February 26, 2019

Jim Watson
General Manager
Sites Project Authority
P.O. Box 517
Maxwell, CA 95955

RE: Tribal Consultation for the proposed Sites Geotechnical Field Investigations

Dear Mr. Watson:

Thank you for the notification dated February 15, 2019 and received February 19, 2019 regarding cultural information on or near the proposed Sites Geotechnical Field Investigations in Colusa County. We appreciate your effort to contact us and wish to respond.

Based on the review of the proposed project by the Tribe's Cultural Preservation Department, the Tribe has concerns that the project could impact archaeological/cultural sites and are requesting Tribal Consultation. The Cachil Dehe Band of Wintun Indians of the Colusa Indian Community (CICC) highly recommends including cultural monitors during development or ground disturbing activity, including backhoe trenching and excavations. Please refer to the attached Fee Schedule.

To set up a consultation meeting and a monitoring agreement, please contact:

Samaurrii Coleman
Executive Affairs Manager
Office: (530) 458-8231
Email: scoleman@colusa-nsn.gov

Please refer to identification number CICC-021919-01 in any correspondence concerning this project. The CICC expects to begin consultation on this project within 30 days of your receipt of this letter. Please provide our Cultural Preservation Department with a project timeline, detailed project information and the latest cultural study for the proposed project.

Sincerely,

Clifford Mota
Cultural Preservation Liaison

Fee Schedule

The fee schedule below is a listing of fees used to pay the Cultural Preservation Liaison and the Cultural Preservation Monitor fees, or other consultants. This listing of fee maximums is used to reimburse the Cultural Preservation Liaison and/or other Service provider(s) on a fee-for-service basis.

“Executive Order 13175 – Consultation and Coordination with Indian Tribal Governments:

Section 5 (b): To the extent practicable and permitted by law, no agency shall promulgate any regulation that has tribal implication, that imposes substantial direct compliance costs on Indian tribal governments, and that is not required by statute, unless: (1) funds necessary to pay the direct costs incurred by the Indian tribal government of the tribe in complying with the regulation are provided by the federal government.”

Services provided by the Cachil Dehe Band of Wintun Indians of the Colusa Indian Community’s Cultural Preservation Department:

Tribal Record Search	\$400.00
Tribal Record Search + Site Visit	\$450.00 (Plus travel expenses)
Cultural Preservation Liaison	\$200.00 (per hour)
Cultural Preservation Monitor (4 hour minimum)	\$75.00 (per hour)

Time is billed in increments of 15 minutes. Cachil Dehe’s monitors will bill for time spent traveling to and from any Project site. In addition, Cachil Dehe shall be reimbursed for all costs associated with travel to and from the Project. Eligible items for cost-reimbursement shall include, but not be limited to, mileage (or fuel purchases, at the submitter’s election), hotel, and per diem (GSA rate).

Cultural preservation monitor crew size to be determined by the Cultural Preservation Liaison, in accordance with Cachil Dehe Band of Wintun Indians of the Colusa Indian Community Cultural Law.

Payments should be made to:

Cachil Dehe Band of Wintun Indians of the Colusa Indian Community
Department of Cultural Preservation
3730 Highway 45, Colusa, CA 95932

Please contact the following individual if you have any questions or concerns:

Clifford Mota
Cultural Preservation Liaison
Office: (530) 458-8231
Email: cmota@colusa-nsn.gov

cc: Samaurii Coleman, Executive Affairs Manager, CICC
Oscar Serrano, Principal Engineer, CICC



November 13, 2020

Mr. Daniel Gomez, Chairperson
Colusa Indian Community Council
3730 Highway 45
Colusa, CA 95932

From: Fritz Durst/ Sites Project Authority Board Chair

Subject: Tribal Cultural Resources under the California Environmental Quality Act, Assembly Bill (AB) 52. Formal Notification of the Preferred Project for the Purposes of the California Environmental Quality Act (CEQA) Analysis and Notification of Consultation Opportunity for the Sites Reservoir Project, Colusa, Tehama, Glenn, and Yolo Counties, California, pursuant to Public Resources Code § 21080.3.1

Dear Honorable Chairperson Gomez,

The Sites Project Authority (Authority) initially contacted your tribe in February 2017 in compliance with the project notification requirements pursuant to Public Resources Code § 21080.3.1(d) for the Sites Reservoir Project. A Draft Environmental Impact Report (EIR) was published for public review in August 2017. After receipt of public comments on the Draft EIR, the Authority reconsidered elements of the project. In October 2019, representatives from both the Authority Board and Reservoir Committee began undertaking a “value planning” process, an effort to identify and evaluate additional alternatives. As a result of the the “value planning process,” the Authority identified a project that reduced the size of the proposed Sites Reservoir from 1.8 million acre feet to 1.5 million acre feet, removed the Delevan Pipeline and associated facilities, and made minor adjustments to other project features.

On April 22, 2020, the Authority directed staff to revise and recirculate a Draft EIR consistent with the California Environmental Quality Act (CEQA) to analyze the environmental effects of the facility options identified in the Sites Project Value Planning Report.¹ The Revised Draft EIR is anticipated to be released for public review in the summer of 2021. In response to preparing the Revised Draft EIR, the Authority is providing you with a description of the revised project for your consideration pursuant to Public Resources Code § 21080.3.1(d).

Description of the Proposed Project

The Authority proposes to construct the revised Sites Reservoir Project, which includes a new off-stream storage reservoir and associated water conveyance facilities located in Colusa, Tehama, Glenn, and Yolo counties, California. The new reservoir would be located in Antelope Valley, on the eastern edge of the North Coast Ranges and approximately 10 miles west of the town of Maxwell.

¹ https://3hm5en24txyp2e4cxyxaklbs-wpengine.netdna-ssl.com/wp-content/uploads/2019/11/02-01.a-Authority-Board_Value-Planning.pdf



The Sites Reservoir Project is proposed to provide storage and operational benefits including water supply resiliency, water dedicated to environmental uses, and other programs throughout California.

Two alternatives (Alternative 1 and Alternative 2) are currently under consideration. The primary differences in the alternatives is that Alternative 1 will impound up to 1.5 million acre feet of water and discharge water into the Colusa Drain, via the Tehama Colusa Canal, in the vicinity of Dunnigan, Yolo County. In contrast, Alternative 2 will hold up to 1.3 million acre feet of water and discharge water via the Tehama Colusa Canal into the Sacramento River; again, in the vicinity of Dunnigan. Alternative 1 also includes a bridge to extend the Sites Lodoga Road directly across the reservoir, while Alternative 2 re-routes the road around the south end of the reservoir and continues to Lodoga along the west side of the reservoir. Alternative 1 was designated by the Authority as the preferred project for the purposes of the CEQA analysis and permit development on September 17, 2020.

For more information regarding the proposed project alternatives, please see the attached Preliminary Project Description.

Pursuant to PRC § 21080.3.1 (b), please respond, in writing, within 30 days if you wish to request consultation. If you have any questions or wish to consult on this project, please contact the Authority's Lead Agency Point of Contact for AB 52 consultations:

Kevin Spesert, External Affairs Manager
Sites Project Authority
P.O. Box 517
Maxwell, CA 95955
Phone: (530) 632-4071
Email: kspesert@sitesproject.org

If consultation is requested, please provide the name and contact information of the designated lead contact person as part of your request. The Authority will contact the designated person to set a meeting date to begin consultation within 30 days of our receipt of your request.

Thank you for giving this matter your prompt attention.

Sincerely,



Fritz Durst
Sites Project Authority



Janis Offermann <jaoffermann@montrose-env.com>

RE: AB 52 Consultation

2 messages

Kevin Spesert <kspesert@sitesproject.org>

Tue, Dec 8, 2020 at 9:22 AM

To: Molly West <mwest@colusa-nsn.gov>, Hazel Longmire <hlongmire@colusa-nsn.gov>

Cc: Laurie Warner Herson <laurie.warner.herson@phenixenv.com>, Janis Offermann <janis@horizonh2o.com>, Alicia Forsythe <aforsythe@sitesproject.org>

Good Morning Ms. West,

Thank you for your response. We look forward to continue working with the CICC on the Sites Reservoir Project.

Please feel free to give me a call if you have any questions on my cell at (530) 632-4071

Thanks!

Kevin

Kevin Spesert

External Affairs Manager

Sites Project Authority

Phone: 530.632.4071

Email: kspesert@sitesproject.org

Web: www.SitesProject.org

P.O. Box 517

122 Old Hwy 99W
Maxwell, CA 95955

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From: Molly West <mwest@colusa-nsn.gov>
Sent: Monday, December 7, 2020 2:55 PM
To: Kevin Spesert <kspesert@sitesproject.org>
Cc: Hazel Longmire <hlongmire@colusa-nsn.gov>
Subject: AB 52 Consultation

EXTERNAL MESSAGE: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good Afternoon Mr. Spesert,

Colusa Indian Community Council (CICC) would like to request to continue consultation on the Sites project.

Please contact myself and Hazel Longmire (hlongmire@colusa-nsn.gov) on all future correspondence.

Thank you,

Molly West

Tribal Project Administrator

Colusa Indian Community Council

3730 Hwy 45

Colusa, CA 95932

Phone (530) 458-8231

Fax (530) 458-3866

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February 7, 2022

Mr. Daniel Gomez, Tribal Chairman
Colusa Indian Community Council
3730 Highway 45
Colusa, CA 95932

Subject: Formal Notification of Consultation Opportunity pursuant to Assembly Bill 52 (Public Resources Code § 21080.3.1) for the proposed Sites Geotechnical Investigations; Sites Reservoir Project in Glenn, Colusa, and Yolo Counties, California.

Dear Honorable Chairman Gomez,

This letter is a formal invitation to the Colusa Indian Community Council to consult with the Sites Project Authority (Authority) regarding the proposed Sites Geotechnical Investigations (Proposed Project) under Assembly Bill 52 (AB 52), pursuant to Public Resources Code (PRC) § 21080.3.1, concerning Tribal Cultural Resources. The Proposed Project is undergoing environmental review under the California Environmental Quality Act (CEQA) for geologic, geotechnical, and geophysical exploration and testing needed to support the design of the proposed Sites Reservoir Project.¹ The proposed Sites Reservoir Project would be an approximately 1.5 million acre-foot off-stream storage reservoir with associated facilities located in Colusa, Tehama, Glenn, and Yolo Counties, California. The Authority is the lead agency under CEQA for both this Proposed Project and the Sites Reservoir Project.

Proposed Project Description

At this time, the Bureau of Reclamation (Reclamation) and the Authority are proposing additional geotechnical and geophysical investigations in Glenn, Colusa, and Yolo Counties to further inform the design and construction of the proposed Sites Reservoir and its associated facilities. The proposed work includes geologic, geotechnical, and geophysical investigations that would be implemented in various locations near Funks Reservoir in Colusa and Glenn Counties within the proposed Sites Reservoir inundation area and south of Dunnigan in Yolo County along the proposed Dunnigan Pipeline. Figure 1, attached, shows the Proposed Project location and the approximate areas where explorations and testing could occur, identified as the Action Area. The Action Area vicinity includes grasslands, oak woodlands, wetlands, drainages, croplands, a reservoir, dirt roads where specific access is granted by the current landowner, and developed roads, including existing county right-of-ways. The specific locations of explorations and testing activities would occur within the Action Area. Exploration and testing activities will not occur on privately held lands until access to the land has been obtained.

Geologic mapping surveys are needed to map the existing geology of the proposed inundation area, proposed conveyance facilities, and roads and would be performed on foot within areas immediately

¹ Consultation and environmental review for the Proposed Project is separate from the Sites Reservoir Project, for which the Colusa Indian Community Council and the Authority are already consulting, and is also a separate effort from the Geotechnical Field Investigations on which the Authority and the Colusa Indian Community Council have consulted in 2019 and 2020.



surrounding Funks Reservoir and lands between the existing reservoir and the proposed Sites Reservoir inundation area including lands south of Hunters Creek, east and south of Funks Creek, adjacent to Maxwell Sites Road, and throughout the proposed Dunnigan Pipeline corridor. The geotechnical investigations would include up to 70 pavement cores, 258 augers and borings, and 33 cone penetration test probes throughout the proposed Sites Reservoir inundation area and associated conveyance facilities in Glenn and Yolo Counties. In addition, approximately 70 piezometers/wells are proposed at select auger or boring locations. The geophysical surveys would be comprised of up to 100 transect lines in portions of the Proposed Project area within the Sites Reservoir inundation area in Glenn and Colusa counties. Up to 16 geologic pedestrian surveys are also proposed. in the Action Area. With the exception of subsurface geotechnical investigations (i.e., borings), much of the proposed field work would be minimally invasive. Equipment, vehicles, and materials would be temporarily staged at each work area. Investigation areas would be returned to existing conditions upon completion of activities. The anticipated number and types of geotechnical investigations are listed in Table 1 along with anticipated depth of disturbance.

Table 1. Investigation Type and Approximate Number with Depth of Disturbance

Investigation Type	Approximate Number of Investigations	Depth of Disturbance
Pavement Cores	70	3 feet below grade
Augers and Borings	258	Varying from 20 to 550 feet below grades
Cone penetration test probes	33	70 to 90 feet below grades
Piezometers/wells	70	Varying from 50 to 350 feet below grades
Geologic mapping surveys	16	Non-invasive
Geophysics survey at each investigation point	348	Non-invasive

The proposed geotechnical sample collection and testing activities are scheduled to occur between June 2022 and December 2024. Tribal monitors will be invited to be present during Geotechnical Investigations and archaeological monitors will be present during Geotechnical Investigations.

Consultation

The Authority appreciates the assistance from Colusa Indian Community Council to date in AB 52 consultation, as well as with other state and federal legal provisions. The Authority is providing this formal invitation to consult regarding the potential for the Proposed Project to impact Tribal Cultural Resources, as defined in PRC § 21074. The purpose of tribal consultation under Section 21080.3.1 is to determine, as part of the CEQA review process, whether Tribal Cultural Resources are present within the Proposed Project Action Area, and if so, whether the Proposed Project will significantly impact those resources. If Tribal Cultural Resources may be significantly impacted, then consultation will also help to determine the most appropriate way to avoid or mitigate those impacts. The Authority intends to prepare a CEQA initial study/mitigated negative declaration (combined with a National Environmental Policy Act environmental assessment) for the Proposed Project, unless information indicating significant

impacts on cultural resources comes to light through the consultation process.

At this time, the Authority respectfully request any available information on the location and nature of Tribal Cultural Resources that may be found within or immediately adjacent to the Proposed Project Action Area. The Authority understands that locations of resources are sensitive; resource locations will not be disclosed in public documents and will be kept confidential as provided for under California Government Code § 6254.10. Specifically, we seek your input on the following types of resources so that they may be avoided or protected to the maximum extent possible:

- Prehistoric archaeological sites and features,
- Sacred lands or locations that are important in Native American culture,
- Places that the Native American community continues to use for ongoing cultural practices, and
- Historic-era resources.

Pursuant to PRC § 21080.3.1 (b), please respond in writing within 30 days if Colusa Indian Community Council would like to participate in formal AB 52 consultation concerning the Proposed Project. With the request, please provide the name and contact information of the designated lead contact person. The Authority will contact the designated person to set a meeting date to begin consultation within 30 days of receipt of the request. If you have any questions or wish to consult on the Proposed Project, please contact the Authority's Lead Agency Point of Contact for AB 52 consultation:

Alicia Forsythe, Environmental Planning and Permitting Manager
Sites Project Authority
P.O. Box 517
Maxwell, CA 95955
Phone: (916) 880-0676
Email: aforsythe@sitesproject.org

If Colusa Indian Community Council notifies the Authority in writing that the Proposed Project does not involve any Tribal Cultural Resources of concern, then consultation under AB 52 will be considered concluded. If the Authority does not receive a written request to consult within 30 calendar days, it will be assumed that the Tribe declines the invitation to formally consult under AB 52. However, the Authority is committed to working with Colusa Indian Community Council to properly account for and manage resources important to the Colusa Indian Community Council, and we welcome any recommendations regarding appropriate management or treatment of resources that occur within the Proposed Project Action Area. This notification does not limit the ability of the Tribe to submit information to the Authority (PRC § 21080.3.2(c)(1)).

Honorable Chairman Gomez
Colusa Indian Community Council
Page 4 of 4

Thank you for giving this matter your prompt attention. Please contact Alicia Forsythe at the contact information above if you have any questions regarding this request.

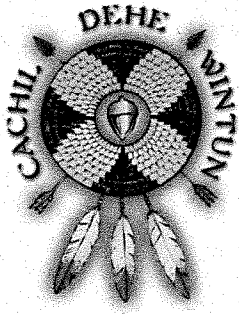
Sincerely,

A handwritten signature in black ink, appearing to read "Jerry Brown". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jerry Brown
Executive Director

Cc: Oscar Serrano, P.E.
Colusa Indian Community Council
3730 Highway 45
Colusa, CA 95932

Attachment: Figure 1 – Project Location and Action Area Map



**COLUSA INDIAN COMMUNITY COUNCIL
CACHIL DEHE BAND OF WINTUN INDIANS**

RECEIVED

MAR 08 2022

SITES PROJECT AUTHORITY

February 28, 2022

Sites

Attn: Jerry Brown, Executive Director
P.O Box 517
Maxwell, CA 95955

RE: Sites Reservoir Project

Dear Mr. Brown:

Thank you for your project notification letter dated, February 7th 2022, regarding cultural information on or near the proposed Sites Reservoir Project. We appreciate your effort to contact us and wish to respond.

The Executive Committee of the Cachil Dehe Band of Wintun Indians of the Colusa Indian Community (CICC) has reviewed the project. At this time, we do not have the capacity to consult on this project but respectfully ask that you defer all correspondence on this project to:

**Yocha Dehe Wintun Nation
Attn: Laverne Bill
PO Box 18
Brooks, CA 95606**

Please refer to identification number CICC-3001-01 in any future correspondence to CICC concerning this project.

Thank you for providing us the opportunity to comment.

Sincerely,

Daniel Gomez
Chairman

cc: Molly West, Tribal Administrator, CICC



August 4, 2022

Mr. Daniel Gomez, Tribal Chairman
Colusa Indian Community Council
3730 Highway 45
Colusa, CA 95932

Subject: Formal Notification of Consultation Opportunity pursuant to Assembly Bill 52 (Public Resources Code § 21080.3.1) for the **2023-2024 Sites Reservoir Test Pits, Fault Studies, and Quarry Studies** (“Proposed Project”); Sites Reservoir Project in Glenn, Colusa, and Yolo Counties, California.

Dear Honorable Chairman Gomez:

This letter is a formal invitation to the Colusa Indian Community Council to consult with the Sites Project Authority (Authority) regarding the proposed **2023-2024 Sites Reservoir Test Pits, Fault Studies, and Quarry Studies** (Proposed Project) under Assembly Bill 52 (AB 52), pursuant to Public Resources Code (PRC) § 21080.3.1, concerning Tribal Cultural Resources. The Proposed Project is undergoing environmental review under the California Environmental Quality Act (CEQA) for geotechnical investigations to include test pits, fault studies, and quarry studies needed to support ongoing engineering evaluations and design development for the proposed Sites Reservoir and associated facilities.¹ The proposed Sites Reservoir Project would be an approximately 1.5 million acre-foot off-stream storage reservoir with associated facilities located in Colusa, Glenn, and Yolo Counties, California. The Authority is the lead agency under CEQA for both this Proposed Project and the Sites Reservoir Project.

Proposed Project Description

At this time, the Authority is proposing geotechnical investigations be implemented in areas where the dams, reservoirs, pipelines, and related facilities could be located for the proposed Sites Reservoir in and near Antelope Valley in Colusa and Glenn Counties, and in areas where pipelines and related facilities could be located for the proposed Sites Reservoir near the town of Dunnigan in Yolo County. The Action Area identified in **Figure 1**, attached, shows the Proposed Project location and the approximate areas where explorations could occur. The Action Area vicinity includes grasslands and open areas of oak woodlands north of the town of Sites, and agricultural areas of Dunnigan.

The proposed geotechnical investigations would consist of up to 84 test pits, 11 fault studies, and seven quarry studies throughout the proposed Sites Reservoir inundation area and associated conveyance facilities in Glenn, Colusa, and Yolo Counties to further inform the design and construction of the Sites Reservoir Project. No tree removal or trimming is included in the Proposed Project. The anticipated

¹ Consultation and environmental review for the Proposed Project is separate from the Sites Reservoir Project, for which Colusa Indian Community Council and the Authority are already consulting, and is also a separate effort from the Geotechnical Field Investigations on which the Authority and Colusa Indian Community Council have consulted in 2019, 2020, and 2022.



number and types of investigations are listed in **Table 1** along with anticipated depth of disturbance. The Proposed Project is scheduled to occur between January 2023 and December 2024. The sequence would depend on site and seasonal conditions, as well as landowner access; exploration and testing activities will not occur on privately held lands until access to the land has been obtained.

Table 1. Investigation Type, Approximate Number, Location, and Depth of Disturbance

Investigation Type	Approximate Number of Investigations (up to #)				Total Number of Investigations	Depth of Disturbance
	Sites Reservoir	Funks Reservoir	Terminal Regulating Reservoir and Pipeline	Dunnigan Pipeline		
Test Pits	76	3	4	1	84	18 to 20 feet below grade
Fault Studies	9	2	-	-	11	10 to 15 feet below grade
Quarry Studies	7	-	-	-	7	15 to 20 feet below grade

Test pits are intended to determine the quantity and quality of borrow materials proposed for dam and reservoir feature construction fill as well as information regarding pipeline trench stability analysis. Proposed test pit locations were selected to provide sufficient assessment of Sites Reservoir Project feature footprints and to allow collection of soil samples for engineering and laboratory analysis. Within a 50 by 50 foot work area, each test pit would be dug by excavator or backhoe to an approximately 20 by 15 feet rectangular pit, approximately 18 to 20 feet deep, and samples would then be collected. Excavation and sampling would take about one to two days to complete at each location. Stockpiling of excavated materials would occur adjacent to the hole within the established 50-foot-wide work area. Test pits would be backfilled with the excavated material on the same day as they are excavated with the stockpiled topsoil placed at the surface and the area restored, as closely as possible, to its original condition.

Fault studies are intended to determine the stratigraphy of areas both suspected and known as fault traces/zones and to further evaluate the areas for evidence of last movement. Fault trenches have been selected at specific existing and suspected fault lines in proximity to planned Sites Reservoir Project features. Work areas for fault trenches would be up to approximately 40 feet wide and range from 100 to 1,000 feet long. Each trench would be approximately 5 feet wide, would vary from 10 to 15 feet deep, and varying length within the designated work areas. Proposed trenches would consist of the smallest footprint necessary to complete the investigations and avoid impacts to biological resources, cultural resources including Tribal Cultural Resources, and any other sensitive resources. The trenches would be excavated using a conventional backhoe and be fitted with temporary shoring. Fault studies will take up to 25 days to complete. Stockpiling of excavated materials would occur adjacent to the trench within the established 40-foot-wide work area. Trenches would be temporarily covered with heavy duty plywood sheets (3/4 inch or thicker sheets) at the end of each workday. Once trenching and mapping are complete, the trenches would be backfilled with excavated materials placed in thin lifts, or fill layers, and tamped in place by the backhoe bucket and roller attachments, before a subsequent lift of material

is placed as backfill. Lifts do not exceed about 8 inches thick and allow for material to be replaced consistent with previous conditions. Upon completion of each proposed fault study, the area would be returned to its original condition.

Quarry studies are intended to determine the quantity and quality of borrow materials proposed for dam and reservoir feature construction fill and to assess the means and methods needed to remove overburden and rock materials during construction of Sites Reservoir Project. These studies would only be conducted in areas of planned quarries. Work areas for the dozer trenches for quarry studies would be approximately 40 feet wide and range from 1,000 to 2,300 feet long. Each trench would be excavated using a bulldozer to approximately 20 feet wide, would vary from 5 to 10 feet deep, and have varying length within the designated work areas. Stockpiling would occur adjacent to each trench within the established 40-foot-wide work area. Investigations at a quarry study trench would occur in sections to minimize the length of trench open at any given time. Open portions of the trenches would be backfilled at the end of each day by track-walking excavated materials back into place by the dozer. Each quarry study trench will take four days to complete. Upon completion of each proposed study, the area would be returned to its original condition.

Equipment, vehicles, and materials would be temporarily staged at each designated work area. Equipment use would be planned to optimize onsite staging and reduce offsite traffic and travel. All staging areas would avoid known cultural resources, and be located outside of wetlands and other aquatic resources and adhere to species-specific buffer zones. Crew vehicles and equipment would access the work areas daily over the Proposed Project duration. Flaggers, cones, and other measures would be used to control the flow of traffic near active roadways where necessary, and neighbors would be notified prior to commencement of Proposed Project activities in their area. **Table 2** provides the estimated number of each type of equipment required to complete the Proposed Project.

Table 2. Proposed Project Equipment and Anticipated Duration of Use

Equipment	Estimated Maximum Number of Equipment	Hours per Day
Skid Steer	2	12
Backhoe	2	12
Bulldozer	1	12
Water Trucks	2 (included for dust suppression)	12
ATV and Trailers	4	12
Pickup Trucks/Sport Utility Vehicles	4	12

Activities at each work area described above would require up to 10 to 15 personnel, including equipment operators and assistants; a utility locator; a geologist/engineer; various resource monitors; project managers; and safety staff. Tribal monitors will be present during study activities and archaeological monitors will be present during study activities.

Consultation

The Authority would like to thank Colusa Indian Community Council for its involvement in consultation to date. This letter is an additional formal invitation to initiate consultation as part of the CEQA review

process under Section 21080.3.1 regarding the potential for the current Proposed Project to impact Tribal Cultural Resources, as defined in PRC § 21074. It is the goal of the Authority to respectfully honor and abide by the full rights and opportunities afforded to Colusa Indian Community Council under CEQA and its AB52 additions. This goal includes, but is not limited to, avoidance of impacts that may rise to the level of a substantial adverse change in the significance of a Tribal Cultural Resource, per PRC 21084.1-21084.2.

The Authority seeks to engage in consultation to determine whether Tribal Cultural Resources are present within the Proposed Project Action Area, and if so, whether the Proposed Project will significantly impact those resources. If Tribal Cultural Resources may be significantly impacted, the Authority seeks to determine the most appropriate way to avoid or mitigate those impacts. The Authority intends to prepare an initial study (IS) with proposed mitigated negative declaration (MND) for the Proposed Project, unless information indicating significant impacts on Tribal Cultural Resources or other resources comes to light through the consultation process.

At this time, the Authority respectfully requests any available information on the location and nature of Tribal Cultural Resources that may be found within or immediately adjacent to the Proposed Project Action Area. The Authority understands that locations of resources are sensitive; resource locations will not be disclosed in public documents and will be kept confidential as provided for under California Government Code § 6254.10. Specifically, the Authority is seeking input on the following types of resources so that they may be avoided or protected to the maximum extent possible:

- Native American archaeological sites and features,
- Sacred lands or locations that are important in Native American culture,
- Places that the Native American community continues to use for ongoing cultural practices, and
- Historic-era resources.

Pursuant to PRC § 21080.3.1 (b), please respond in writing within 30 days if Colusa Indian Community Council would like to participate in formal AB 52 consultation concerning the Proposed Project. With the request, please provide the name and contact information of the designated lead contact person. The Authority will contact the designated person to set a meeting date to begin consultation within 30 days of receipt of the request. If you have any questions or wish to consult on the Proposed Project, please contact the Authority's Lead Agency Point of Contact for AB 52 consultation:

Alicia Forsythe, Environmental Planning and Permitting Manager
Sites Project Authority
P.O. Box 517
Maxwell, CA 95955
Phone: (916) 880-0676
Email: aforsythe@sitesproject.org

If Colusa Indian Community Council notifies the Authority in writing that the Proposed Project does not involve any Tribal Cultural Resources of concern, then consultation under AB 52 will be considered concluded. If the Authority does not receive a written request to consult within 30 calendar days, it will be assumed that the Tribe declines the invitation to formally consult under AB 52. However, the Authority is committed to working with Colusa Indian Community Council to properly account for and

Honorable Chairman Gomez
Colusa Indian Community Council
Page 5 of 5

manage resources important to the Colusa Indian Community Council and welcomes any recommendations and guidance regarding appropriate management or treatment of resources that occur within the Proposed Project Action Area. This notification does not limit the ability of the Tribe to submit information to the Authority (PRC § 21080.3.2(c)(1)).

Thank you for giving this matter your prompt attention. Please contact Alicia Forsythe at the contact information above if you have any questions regarding this request.

Sincerely,

A handwritten signature in black ink that reads "Jerry Brown". The signature is fluid and cursive, with a long horizontal line extending to the right from the end of the name.

Jerry Brown
Executive Director

Cc: Molly West, Tribal Administrator
Colusa Indian Community Council
3730 Highway 45
Colusa, CA 95932

Attachment: Figure 1 – Project Location and Action Area Map

From: files@montroseportal.com
To: jaffermann@montrose-env.com
Subject: File Download Receipt [ID: ribrpDseuk1BnZ9oB0GQBU] Sites Reservoir cultural resources documents
Date: Wednesday, May 10, 2023 4:25:35 PM

Download Receipt

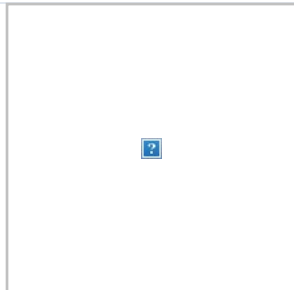
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Message ID	ribrpDseuk1BnZ9oB0GQBU
Message URL	https://files.montroseportal.com/message/ribrpDseuk1BnZ9oB0GQBU
Subject	Sites Reservoir cultural resources documents
Recipient	asmelser@colusa-nsn.gov
Time of Download	Wednesday, 10 May 16:25:32
Downloaded From	74.82.59.122 (74.82.59.122)
Download Location	Not Available
Browser	Chrome (113.0.0.0) - Windows 10

Files in this ZIP

Filename	Size	Checksum (SHA256)
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2022_0513PER-TMS01-Archaeological Monitoring Report TRR Early Eval_Final.pdf	7.75 MB	f058a806f08108f061d03549d76a6027c4e2b6f0437579ddd58c66c5066ea041
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2020_09_SitesGeotech_Rpt_ADDENDUM_09232020.pdf	9.76 MB	096530129ea809813827cc2bc84156c8314d75970d85238eaaa576c743915e27
2021_11_Confidential_Cultural_Resources_Report_Stacked.pdf	136 MB	29dc5f95e6d036a507dc0ce16b3f758cf839d6ea95b6393551633e5652e8e816

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From: [Janis Offermann](#)
To: asmelser@colusa-nsn.gov
Cc: "[Heather Swearinger](#)"; "[Jennie Mitchum](#)"
Subject: RE: [EXTERNAL] Letters resent
Attachments: [Compiled Consultation letters CICC.pdf](#)

Good afternoon, Angela

Per Jennie's request, I am sending you a compilation of all of the AB 52 letters from the Sites Project Authority and the CICC's responses. In addition, we had in-person meetings at the tribal administration office on July 12, 2017; March 25, 2019, and August 29, 2019; and a conference call on October 22, 2020.

I will also be sending you all of the 9 reports that have been generated, to date. Since some of these contain confidential information, I will send them via a secure share file system. Please note that one of the files is quite large (139,191KB). I will shoot you an email once I have sent them. If you don't receive the email shortly thereafter, please let me know. Note that I also have the original transmittal emails for the documents, if you would like me to send those as well.

Please don't hesitate to contact me if you have any questions or any problems downloading the files.

Thanks for your help
Janis

Janis Offermann, M.A., RPA
Senior Cultural Resources Manager
M: 530.220.4918
jaoffermand@montrose-env.com
Please note new email address after April 1, 2023. I can still receive emails as janis@horizonh2o.com; however, all of my outgoing emails to you will be from jaoffermand@montrose-env.com.

-----Original Message-----

From: Jennie Mitchum <jmitchum@colusa-nsn.gov>
Sent: Wednesday, May 10, 2023 1:13 PM
To: Janis Offermann <jaoffermand@montrose-env.com>
Cc: Heather Swearinger <hswearinger@colusa-nsn.gov>
Subject: [EXTERNAL] Letters resent

EXTERNAL MESSAGE: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good afternoon Janis,
Would you please send any letters regarding Sites to Angela Smelser@asmelser@colusa-nsn.gov I don't know if you've sent anything, but I haven't received anything.
Thank you

Sent from my iPhone

This email and any files transmitted with it may be privileged, are confidential and intended solely for the use of the individual or entity to whom addressed. If you have received this email in error, please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail and any attachments from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited..

From: [Janis Offermann](#)
To: asmelser@colusa-nsn.gov
Cc: jmitchum@colusa-nsn.gov; hswearinger@colusa-nsn.gov
Subject: Sites Reservoir cultural resources documents
Date: Wednesday, May 10, 2023 2:59:17 PM

Hi, Angela

Here are the documents I mentioned.

If you have any problems downloading them, just let me know.

thanks

janis

Secure Message Info

Message ID	rlbrpDseuk1BnZ9oB0GQBU
Message Expires	Friday, 9 June
Message URL	https://files.montroseportal.com/message/rlbrpDseuk1BnZ9oB0GQBU
Permission	Only specified recipients can access the files attached to this message.

Files attached to this message

Filename	Size
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2020_09_SitesGeotech_Rpt_ADDENDUM_09232020.pdf	9.76 MB
2020_1113_PRDP_Geotech.pdf	446 KB
2019_08_SitesGeotech_CR Rpt_08142019.pdf	6.37 MB
2022_0513PER-TMS01-Archaeological Monitoring Report TRR Early Eval_Final.pdf	7.75 MB
2023_01_Sites Geotech PRDP 01122023.pdf	2.81 MB

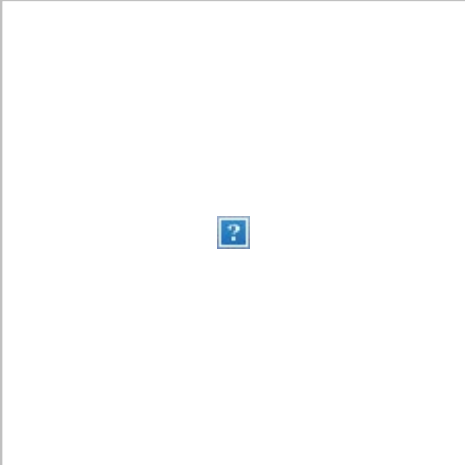
2021-0426_PER-TMS01-Archaeological Monitoring Report Phase 2 Final Submittal.pdf	5.96 MB
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2023_0221_PRER-TMS01-WorkPackage1_ArchMonMemo_WP1.pdf	13.7 MB

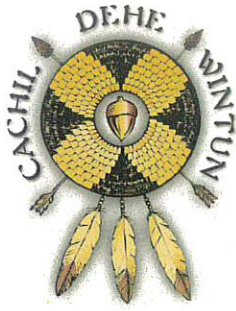
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COLUSA INDIAN COMMUNITY COUNCIL CACHIL DEHE BAND OF WINTUN INDIANS

Dear Ali Forsythe, Jerry Brown, and other Sites Project Authority Government Representatives:

This letter is written on behalf of the Cachil DeHe Band of Wintun Indians of the Colusa Indian Community Council (CICC), a federally recognized Indian Tribe and sovereign government. Pursuant to California Government Code (GOV) Sections 6254(r) and 6254.10 and 54 U.S.C. Section 307103(a) of the National Historic Preservation Act (NHPA) (formerly Section 304 [16 U.S.C. 470w-3(a)]) of the NHPA, the Sites Project Authority shall not disclose this letter or any associated details or contents herein, in part or in whole, to any third parties (including, but not limited to, consultants and other local, state, and/or federal agency personnel) without the free, prior, informed, and express written consent of CICC.

Based on an email communication from Ms. Ali Forsyth on May 22, 2023, CICC understands that the Sites Project Authority continues to conduct geotechnical activities in the Project area. CICC has formally informed the Sites Project Authority through in-person consultation on April 18, 2023, and a letter dated and sent May 3, 2023 and emailed May 9, 2023 that the Project is within a CICC historic district and defined cultural landscape, a property of traditional religious and cultural importance (PTRCI) and tribal cultural resource (TCR) that must be accounted for and adverse effects on and impacts to its integrity considered under the California Environmental Quality Act (CEQA), its Assembly Bill 52 additions (AB52), the National Environmental Policy Act (NEPA), and Section 106 of the National Historic Preservation Act (NHPA).

The fact that the Sites Project Authority and the Bureau of Reclamation (Reclamation) continue with ground disturbing activities without fulfilling compliance obligations and responsibilities and considering the full direct, indirect, and cumulative adverse effects on CICC, our abilities to continue with our traditional religious and cultural practices and identities indelibly tied to this PTRCI and TCR, and the serious short- and long-term harm that damage to this cultural resource will have on our capacities for collective continuance as a unique people is extremely concerning. As Reclamation clearly has an undertaking per 54 United States Code (U.S.C.) 300320, it is also extremely concerning that CICC has not yet been consulted to date as part of the Section 106 process. This raises a dire specter that the ongoing ground disturbing activities with full knowledge that they have the very real potential to disturb, disrupt, and possibly destroy a PTRCI and TCR respectively eligible for listing in the National Register of Historic Places (NRHP) and California Register of Historical Resources (CRHR) may be efforts at causing intentional adverse effects and anticipatory demolition (see 36 CFR 800.9(c)).

For these reasons, CICC is once again calling for the immediate cessation of all ground disturbing activities associated with the Project, and for direct government-to-government consultation with the Sites Project Authority. CICC is committed to reasonable, meaningful, and good faith consultation and fulfilling all of the opportunities and rights afforded to us to meet our protection, preservation, and stewardship obligations for the lands, airs, waters, and other heritage resources that comprise our traditional cultural land/waterscapes. These geographies are our inheritance from our ancestors, and protecting and preserving their integrity and capacities are fundamental to maintaining and sustaining our



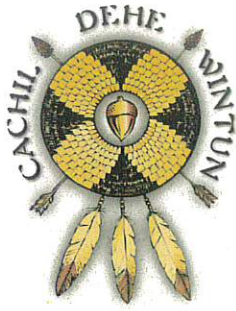
COLUSA INDIAN COMMUNITY COUNCIL CACHIL DEHE BAND OF WINTUN INDIANS

histories, stories, ceremonies, practices, traditional knowledge and sciences systems, identities, and opportunities for viable and collective futures as a unique, sovereign, and self-determined Tribe and people.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Wayne Mitchum Jr.', with a long horizontal flourish extending to the left.

Chairman, Wayne Mitchum Jr.



COLUSA INDIAN COMMUNITY COUNCIL CACHIL DEHE BAND OF WINTUN INDIANS

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For these reasons, CICC is once again calling for the immediate cessation of all ground disturbing activities associated with the Project, and for direct government-to-government consultation with the Sites Project Authority. CICC is committed to reasonable, meaningful, and good faith consultation and fulfilling all of the opportunities and rights afforded to us to meet our protection, preservation, and stewardship obligations for the lands, airs, waters, and other heritage resources that comprise our traditional cultural land/waterscapes. These geographies are our inheritance from our ancestors, and protecting and preserving their integrity and capacities are fundamental to maintaining and sustaining our



COLUSA INDIAN COMMUNITY COUNCIL CACHIL DEHE BAND OF WINTUN INDIANS

histories, stories, ceremonies, practices, traditional knowledge and sciences systems, identities, and opportunities for viable and collective futures as a unique, sovereign, and self-determined Tribe and people.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Wayne Mitchum Jr.', with a long horizontal flourish extending to the left.

Chairman, Wayne Mitchum Jr.

Alicia Forsythe

From: Angela Smelser <asmelser@colusa-nsn.gov>
Sent: Thursday, June 15, 2023 2:24 PM
To: Alicia Forsythe; Molly West
Cc: Jerry Brown; Kevin Spesert
Subject: RE: Sites Project - Bureau of Reclamation Contact

EXTERNAL MESSAGE: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Thank you Ali,

I will reach out to Mark and see what information he can provide.

Angela Smelser

Executive Assistant
Colusa Indian Community Council
3730 Hwy 45
Colusa, CA 95932
Phone (530) 458-6512
Cell (530) 868-8579
Fax (530) 458-3866

From: Alicia Forsythe <aforsythe@sitesproject.org>
Sent: Thursday, June 15, 2023 2:22 PM
To: Angela Smelser <asmelser@colusa-nsn.gov>; Molly West <mwest@colusa-nsn.gov>
Cc: Jerry Brown <jbrown@sitesproject.org>; Kevin Spesert <kspesert@sitesproject.org>
Subject: Sites Project - Bureau of Reclamation Contact

EXTERNAL MESSAGE: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hi Angela and Molly – I wasn't sure who to send this information to, so I am hoping you can share within CICC.

As we mentioned at our meeting this morning, the Bureau of Reclamation is the lead Federal agency and has retained its authority to complete the Section 106 process. Reclamation's lead for the Sites Project is Mark Carper. His email is mcarper@usbr.gov and phone number is # 916-978-5552.

Based on the files that I have, it looks like Reclamation sent a letter to CICC on April 5, 2021 to initiate Section 106 consultation for the EIR/EIS process. A separate letter was sent on March 3, 2022 to initiate Section 106 consultation for the geotechnical effort.

I hope this is helpful. Please let me know if I should send this information onto anyone else.

Ali

Alicia Forsythe | Environmental Planning and Permitting Manager | Sites Project Authority | 916.880.0676
| aforsythe@sitesproject.org | www.SitesProject.org

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June 23, 2023

The Honorable Chairman Wayne Mitchum Jr.
Colusa Indian Community Council
Cachil Dehe Band of Wintun Indians
3730 Highway 45
Colusa, CA 95932
Sent via email only

Subject: Geotechnical Work for the Sites Reservoir Project

Dear Chairman Mitchum:

The Sites Project Authority received your June 2, 2023 letter in which the Cachil DeHe Band of Wintun Indians of the Colusa Indian Community Council (CICC) expressed concerns with the Authority's geotechnical field work efforts. We appreciate your willingness to rearrange your schedule so that we could meet quickly to discuss these concerns. We also appreciate your willingness to welcome us into your homelands when you met with us on June 15, 2023. The productive discussions at our meeting build common understanding, setting the foundation for a stronger collective existence together.

In your letter and at our meeting, CICC expressed concerns that the Authority has not completed Assembly Bill 52 requirements and that the Bureau of Reclamation (Reclamation) has not satisfied National Historic Preservation Act, Section 106 requirements for the geotechnical efforts. To clarify, the Authority has two on-going geotechnical efforts. These two efforts and a brief summary of the Assembly Bill 52 and the Section 106 consultations for each effort is described below. A timeline of the Assembly Bill 52 consultation efforts for these geotechnical efforts is provided in Attachment A.

- **2022-2024 Sites Reservoir Geologic, Geophysical and Geotechnical Investigations (Geologic Investigations)** – The Authority is undertaking and funding the Geologic Investigations and thus is the state lead agency under the California Environmental Quality Act and associated consultation under Assembly Bill 52. Reclamation is sharing costs for the Geologic Investigations and thus is the federal lead agency under the National Environmental Policy Act and for the associated Section 106 consultation. The field efforts are underway. The Authority initiated Assembly Bill 52 consultation by letter dated February 7, 2022. On February 28, 2022, CICC responded by letter, identifying that it did not have the capacity to consult and deferred



correspondence to the Yocha Dehe Wintun Nation. The Authority continued to send reports and information to CICC in the event that CICC was able to participate. Reclamation initiated Section 106 consultation with CICC by letter dated March 3, 2022¹. CICC did not respond to Reclamation's letter. Reclamation subsequently initiated consultation with the State Historic Preservation Officer by letter on April 11, 2022 and the State Historic Preservation Officer expressed no objection to Reclamation's finding of no effect on May 6, 2022. The Authority and Reclamation jointly prepared and released a Draft Environmental Assessment/Initial Study and Mitigated Negative Declaration in May 2022 and a Final Environmental Assessment/Initial Study and Mitigated Negative Declaration in July 2022. The document can be found on our website here: <https://sitesproject.org/environmental-review/>.

- **2022-2024 Sites Reservoir Test Pits, Fault Studies and Quarry Studies (Test Pits) –** The Authority is undertaking and funding the Test Pits and thus is the state lead agency under the California Environmental Quality Act and Assembly Bill 52. There is no federal cost share or federal approvals for the Test Pits and thus, no National Environmental Policy Act or Section 106 compliance is required. The field efforts are scheduled to begin in July 2023. The Authority initiated Assembly Bill 52 consultation by letter dated August 4, 2022. The Authority did not receive a response from CICC. The Authority prepared and released a Draft Initial Study/Mitigated Negative Declaration in September 2022 and a Final in December 2022. The Initial Study and Mitigated Negative Declarations can be found on the same website above.

Thus, the Authority did satisfy the Assembly Bill 52 requirements for both geotechnical study efforts. Reclamation is only involved one of the two geotechnical study efforts, the Geologic Investigations, and satisfied the Section 106 requirements for that effort.

At our June 15 meeting, you identified that CICC would now like to be involved in these efforts. We continue to welcome that involvement and welcome CICC to assist the Authority with field avoidance and monitoring efforts. At its June 16, 2023 meeting, the Authority Board approved funding to compensate CICC for its participation in geotechnical field monitoring efforts. We are working expeditiously to update our existing contract with CICC to include these efforts. For both the Geologic Investigations and the Test Pits, we have developed a robust pre-site visit process to first avoid all impacts to resources (known or observed in the field) at both the geotechnical locations and along overland access routes. For those resources that remain unknown but may be encountered during subsurface

¹ Reclamation has retained its authority to complete the Section 106 process. This letter addresses the Section 106 process generally. The Authority requests that CICC contact Reclamation's lead for the Sites Project, Mark Carper, at mcarper@usbr.gov and 916-978-5552, with any questions on the Section 106 process.



activities, the environmental mitigation requirements include stop work authority and other mitigation measures to minimize and mitigate any unanticipated impacts. Protocols for addressing the inadvertent discovery of Native American resources or human remains not visible on the ground surface are outlined in the respective Post-review Discovery Plan. The Post-review Discovery Plan for the Geologic Investigations was prepared and sent to CICC on January 25, 2023 and the Plan for the Test Pits is under development and will be sent shortly.

We deeply appreciate CICC bringing these concerns to our attention and your willingness to work together going forward. In building common understanding and stronger relationship, I believe we can set a foundation for a collective existence, achieving both of our missions and goals. We look forward to continuing to work with CICC on these important matters. If there are any questions on this letter please contact me at jbrown@sitesproject.org or 925-260-7417 or Alicia Forsythe, Environmental Planning and Permitting Manager, at aforsythe@sitesproject.org or 916-880-0676.

Sincerely,



Jerry Brown
Executive Director

Enclosure



**Timeline of AB 52 Consultation between the Sites Project Authority and
the Cachil Dehe Band of Wintun Indians for the Geotechnical Investigation Efforts
June 23, 2023**

The timeline provided below includes key activities and communications between the Sites Project Authority (Authority) and the Cachil Dehe Band of Wintun Indians (Cachil Dehe or Tribe) related to the Authority’s geotechnical activities. The Authority previously conducted geotechnical activities in 2019, 2020 and 2021. On-going geotechnical activities include the 2022-2024 Sites Reservoir Geologic, Geophysical and Geotechnical Investigations (2022-2024 Geotechnical Investigations) and the 2022-2024 Sites Reservoir Test Pits, Fault Studies, and Quarry Studies. This timeline provides information on all of the geotechnical activities – both prior and currently on-going activities.

DATE	ACTION
February 15, 2019	Project notification letter sent from the Authority to the Cachil Dehe pursuant to Cal. Pub. Res. Code 21080.3.1(d) for upcoming geotechnical investigations.
February 26, 2019	Letter from the Tribe requesting consultation on the geotechnical studies.
March 25, 2019	Meeting with the Cachil Dehe and the Authority at Tribal office to restart project and discuss upcoming geotechnical work. Provided Cachil Dehe with GIS data for proposed geotechnical work and cultural resources, and copies of cultural resources reports, to date.
March 26, 2019	The shapefiles for the geotechnical studies discussed on March 25, 2019 were sent by the Authority to the Tribe. Cachil Dehe acknowledged receipt of the files the same day.
August 29, 2019	Meeting with the Cachil Dehe and the Authority at Tribal office to discuss geotechnical studies and arranging for Tribal monitoring of work. Provided Cachil Dehe with updated GIS data for geotechnical studies.
October 1, 2019	Authority executed a contract with Cachil Dehe to provide Tribal monitors for scheduled geotechnical work. The Tribe provided monitors from fall of 2019 through 2021.
September 3, 2020	Sites 2020-2021 Geotechnical Investigations project notification letter from Reclamation to the Cachil Dehe pursuant to Section 106 of the National Historic Preservation Act.
January 11, 2022	Email from Authority requesting a meeting to discuss monitoring needs for two upcoming phases of the geotechnical studies.
January 12, 2022	Email from the Tribe stating that they did not have monitors on staff and deferred geotechnical monitoring to Yocha Dehe.
January 15, 2022	Email from the Tribe providing a contact at Yocha Dehe to arrange for Tribal monitoring of the geotechnical studies.
February 7, 2022	Sites 2022-2024 Geotechnical Investigations project notification letter sent from the Authority to the Cachil Dehe pursuant to Cal. Pub. Res. Code 21080.3.1(d).
February 28, 2022	Letter from Cachil Dehe saying that they are deferring consultation and communication to Yocha Dehe, with reference to the February 7, 2022 letter from the Authority.
March 29, 2022	Authority sent link to access the 2022-2024 Geotechnical Investigations cultural resources sensitivity analysis report.

DATE	ACTION
April 20, 2022	Authority sent revised 2022-2024 Geotechnical Investigations cultural resources sensitivity analysis report.
August 4, 2022	Sites 2023-2024 Test Pits, Fault Studies, and Quarry Studies project notification letter sent from the Authority to the Cachil Dehe pursuant to Cal. Pub. Res. Code 21080.3.1(d).
January 25, 2023	Authority sent a copy of the Post Review Discovery Plan, Archaeological Monitoring Plan, and Burial Treatment Plan for the 2022-2024 Sites Reservoir Geologic, Geophysical, and Geotechnical Investigations Project report to Cachil Dehe.
February 24, 2023	Authority provided a copy of the Post-Investigation Cultural Resources Monitoring Report Summary for Work Package 1 of the 2022-2024 Sites Reservoir Geologic, Geophysical, and Geotechnical Investigations report to Cachil Dehe. Cachil Dehe responded the same day, acknowledging receipt of the report and noting that a new Cultural Preservation Director had been appointed.
May 8, 2023	Call from Cachil Dehe to the Authority requesting information about the ongoing geotechnical work and request for all AB 52 consultation letters and responses, and all cultural resources reports (EIR and geotech), to date.
May 10, 2023	Authority provided the Tribe with copies all AB 52 consultation letters and responses, and all cultural resources reports (EIR and geotech), to date.
May 12, 2023	Email from Authority to Cachil Dehe to follow up May 10, 2023 call regarding contract for geotechnical study monitors.
May 22, 2023	Follow-up email from Authority to Cachil Dehe regarding monitoring contract.
June 2, 2023	Letter from Cachil Dehe to the Authority expressing concerns with the ongoing geotechnical efforts, identifying a historic district and defined cultural landscape and requesting the Authority cease field activities.
June 15, 2023	Meeting with the Cachil Dehe and the Authority to discuss concerns expressed in the June 2, 2023 letter.
June 23, 2023	Letter from the Authority in response to the Cachil Dehe's June 2, 2023 letter.

Note, this timeline does not include the April 18, 2023 meeting between the Authority and Cachil Dehe and the May 3, 2023 letter from the Cachil Dehe to the Authority as these activities were related more to the overall Sites Reservoir Project.



September 15, 2023

The Honorable Chairman Wayne Mitchum Jr.
Colusa Indian Community Council
Cachil Dehe Band of Wintun Indians
3730 Highway 45
Colusa, CA 95932

Sent via email

Subject: Consultation under Assembly Bill 52 for the Sites Reservoir Project

Dear Chairman Mitchum:

I would like to personally thank you and the leadership team at the Colusa Indian Community Council (CICC) for the constructive engagement with me and the Sites Authority team over the past several months. I know these discussions are not easy, but I appreciate CICC's willingness to meet and talk through these items. It is my goal to work in collaboration with CICC to develop a path that addresses your concerns while also meeting the Sites Project Authority's mission.

Attached to this letter are responses to the questions and concerns raised in your May 3, 2023, letter. I apologize for the lateness of our response as it has taken us longer than expected to provide this response to you. As you can see from our responses, we are working hard to understand and address the points in your May 3 letter. I realize you may not agree with our responses, but I want to personally assure you that I take your questions and concerns seriously and want to continue working with you to identify actionable items that can be implemented to address your concerns. To this end, I respectfully request time to walk through our responses and discuss them with you and CICC leadership.

We deeply appreciate CICC bringing these concerns to our attention and your willingness to work together going forward. As noted above, we would like to meet with you to discuss our responses and next steps and will reach out to schedule a meeting. In the meantime, if there



P.O. Box 517
Maxwell, CA 95955
530.438.2309

Honorable Chairman Wayne Mitchum Jr.
Subject: Consultation under Assembly Bill 52 for the Sites Reservoir Project

2

are any questions on this letter in the intervening time, please contact me at
jbrown@sitesproject.org or 925-260-7417 or Alicia Forsythe, Environmental Planning and
Permitting Manager, at aforsythe@sitesproject.org or 916-880-0676.

Sincerely,



Jerry Brown
Executive Director

Enclosures:

- Attachment A – Sites Project Authority’s Responses to Detailed Concerns in the Colusa Indian Community Council’s May 3, 2023 Letter
- Attachment B – Timeline of AB 52 Consultation between the Sites Project Authority and the Cachil Dehe Band of Wintun Indians for the EIR





Attachment A
Sites Project Authority's Responses to Detailed Concerns in the
Colusa Indian Community Council's May 3, 2023 Letter
September 15, 2023

Below are responses from the Sites Project Authority (Authority) to the concerns expressed in the Colusa Indian Community Council's (CICC's) May 3, 2023 letter to the Authority. This attachment focuses on the Authority's efforts on the overall Sites Reservoir Project (Project). The Authority is working to understand CICC's concerns and have organized this attachment in a way that we hope delineates the concerns and addresses each one. A separate letter exchange and discussion has occurred on the Authority's geotechnical efforts and these geotechnical efforts are not addressed here.

AB 52 Consultation for the Project

In the May 3 letter and in some of our recent meetings, CICC expressed concerns that Assembly Bill (AB) 52 consultation is overdue for the Project and that there has been an absence of reasonable and good faith consultation. A timeline of the Assembly Bill 52 consultation efforts for the Project is provided in Attachment B. The AB 52 consultation began in February 2017 with the CICC's letter requesting consultation on the Project. Meetings and information sharing between CICC and the Authority have been ongoing since that time. Throughout the years of consultation, the Authority has worked to provide information to CICC and solicit feedback on the Project, including CICC's knowledge and concerns related to tribal cultural resources and the mitigation measures proposed as part of the Project. The Authority recognizes that there has been a change in leadership at the CICC, and we kept in contact with CICC through these changes. While specific details have not been shared in these consultations, the Authority understands that tribal cultural resources important to the CICC are located within the vicinity of the Project location and that construction and operation of the Project will significantly impact these resources.

Project's California Environmental Quality Act (CEQA) Process

CICC's May 3 letter included a request for all records and documents of the timing of the integration of the CEQA and National Environmental Policy Act (NEPA) processes and demonstration of how all local, state, and federal regulatory procedures have been met to date regarding the CEQA and NEPA review. This information is publicly available on our website at www.sitesproject.org/environmental-review/ and www.sitesproject.org/ceqa-record-of-proceeding/.



The CEQA and NEPA process for the Project began in 2002 with the California Department of Water Resources (DWR) as the CEQA lead agency and the Bureau of Reclamation (Reclamation) as the NEPA lead agency. DWR issued a Notice of Preparation under CEQA in November 2001 and Reclamation released a Notice of Intent to Prepare an EIS under NEPA in November 2001.

The Authority assumed the CEQA lead agency role and issued a Supplemental Notice of Preparation in January 2017. The Authority and Reclamation issued a joint Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) in August 2017, to which CICC provided a comment letter¹. Based on the comments received on the 2017 Draft EIR/EIS, the Authority and Reclamation made a number of changes to the Project, including the removal of the Delevan Pipeline, associated pumping plant and power lines, which was the focus of the CICC’s 2017 comment letter. The Authority and Reclamation released a Revised Draft EIR/Supplemental Draft EIS in November 2021. In addition to the noticing requirements under CEQA, the Authority emailed CICC in December 2021 to ensure that CICC was aware of the availability of the Revised Draft EIR/Supplemental Draft EIS. The Authority and Reclamation did not receive comments on the 2021 Revised Draft EIR/Supplemental Draft EIS from the CICC either through the public review process or through AB 52 consultation efforts.

Work Conducted to Date and Approach for the Future

In its May 3, 2023 letter, CICC requests information on work conducted to date to identify cultural and tribal cultural resources. As described in Chapter 22, Cultural Resources of the Revised Draft EIR/Supplemental Draft EIS, portions of the Project footprint have been previously surveyed by DWR in the 2000 timeframe. DWR surveyed over 85 percent of the current Project footprint. Due to the rural nature of the area and minimal change in land use, the data collected still provides a robust and viable dataset. Due to lack of access to the private land that makes up most of the Project footprint, the Authority and Reclamation did not conduct new field surveys as part of the preparation of the Revised Draft EIR/Supplemental Draft EIS or upcoming Final EIR/EIS.

Recognizing that the DWR survey information is important, but dated, the Authority has included a mitigation measure in the Revised Draft EIR/Supplemental Draft EIS (Mitigation Measure CUL-2.1) that requires surveying the entire Project footprint once land access is obtained. Once land access is obtained, pedestrian surveys will be conducted for the entire Project footprint. Previously mapped and newly identified resources will be located, mapped, and evaluated. While the previous evaluations conducted by DWR will be

¹ https://sitesproject.org/wp-content/uploads/2023/08/0004_Colusa-Indian-Community-Council_DEIR_Comments_011018.pdf



informative, the Authority will evaluate the eligibility of all resources (even those previously determined not eligible). As land access is obtained, a CICC representative may join the on-the-ground-survey team. As identified in your letter, CICC’s knowledge is important in assessing eligibility of tribal cultural resources and for identifying potential Project impacts and how to avoid, minimize, and mitigate impacts to such resources, and we welcome your participation in this effort.

Resource-specific treatment plans will be developed in consultation with tribes, interested parties, and agencies to ensure that all significant resources potentially affected by the Project will be treated according to best practices and professional standards (Mitigation Measure CUL-2.4). Treatment options will include a range from avoidance and minimization of impacts to mitigation of impacts that cannot be avoided and/or minimized. The Authority will first seek to avoid and preserve significant resources to the extent possible (Mitigation Measure TCR-1.1, CUL-2.2). Avoidance and preservation in place may be possible through Project design changes and design specifications along with construction protocols including worker cultural resources sensitivity training. For those resources avoided and protected in place, the Authority will seek ways to protect the cultural and natural context. The Authority will next implement protection measures for significant resources to the extent possible (Mitigation Measure CUL-2.3). Protection measures include the development of protocols to ensure qualified staff perform monitoring during ground disturbing activities to protect known resources, identify any unanticipated discoveries, and implement the Post-Review Discovery Procedure along with implementing resource-specific protection plans. Treatment may include, but would not be limited to, data recovery, site capping, analysis of existing artifact collections, or interpretive displays, among other things. Appropriate treatment will be determined based on resource type, resource location, types of impacts to the resource, and results of consultation with tribes, interested parties, and agencies.

The Authority is committed to including Tribal monitors to observe all ground-disturbing activities (Mitigation Measure TCR-1.2). Recognizing that impacts to all significant resources will not be able to be fully avoided due to the nature of the Project and the reservoir inundation, the Authority has determined impacts to tribal cultural resources to be significant and unavoidable. In all activities, with guidance from consulting Tribes, the Authority will treat resources with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource. Effectively avoiding, minimizing, and mitigating impacts will require input from CICC and the Authority looks forward to working together as the Project progresses.

It is important to note that the mitigation measures and efforts discussed in this section are from the Revised Draft EIR/Supplemental Draft EIS and upcoming Final EIR/EIS (i.e., from the



CEQA/NEPA processes). Additional efforts will be implemented as committed to by the signatories in the Section 106 process.

CICC Historic District and Defined Traditional Cultural Landscape

At our April 18 and June 15 meetings, and in the May 3 letter, CICC identifies that the Project area is within a defined CICC historic landscape and defined traditional cultural landscape. As acknowledged at the April 18 meeting and again at the June 15 meeting, Alicia Forsythe, the Authority’s Environmental Planning and Permitting Manager requested additional information on the defined CICC historic landscape and defined traditional cultural landscape. To date, the information provided by CICC cites existing laws and statues but lacks any information on the defining characteristics of the CICC historic landscape and defined traditional cultural landscape, such as the geographic size and scope of the landscape and other factors that would determine its eligibility for inclusion in the California Register of Historical Resources, a local register of historical resources, or the National Register of Historic Places.

The Authority has conducted extensive records searches and research and has not found any information on the defined CICC historic landscape and defined traditional cultural landscape. Section 1(b)(4) of AB 52 states “Because the California Environmental Quality Act calls for a sufficient degree of analysis, *tribal knowledge about the land and tribal cultural resources at issue should be included in environmental assessments* for projects that may have a significant impact on those resources [emphasis added].” Without such receiving such tribal knowledge from CICC, it is impossible for the Authority to work with the CICC to assess the Project’s impacts on this defined CICC historic landscape and defined traditional cultural landscape.

As discussed above, the Authority recognizes that the construction and operations of the Project would result in disturbance or destruction of tribal cultural resources. In the Revised Draft EIR/Supplemental Draft EIS and upcoming Final EIR/EIS, the Authority has analyzed impacts to tribal cultural resources to the best of our ability based on the information available to us. While the Authority does not have detailed information on the defined CICC historic landscape and defined traditional cultural landscape it is likely reasonable to assume that impacts to it would also be significant. The Authority has included a number of mitigation measures in the Revised Draft EIR/Supplemental Draft EIS and upcoming Final EIR/EIS (as discussed above and in more detail in Chapters 22 and 23 of the document). These mitigation measures could reduce some but not all impacts, and impacts would remain significant and unavoidable.



We respectfully again request additional information on such defining characteristics, including the geographic size and scope of the landscape and other factors that would determine its eligibility for inclusion in the California Register of Historical Resources, a local register of historical resources, or the National Register of Historic Places. With this information, the Authority and CICC can work together to assess detailed impacts and work to avoid impacts to the defined CICC historic landscape and defined traditional cultural landscape consistent with the mitigation measures and any requirements in the Section 106 process.

Section 106 Consultation under the National Historic Preservation Act (NHPA) and Other Federal Requirements

Your letter also expressed concerns related to compliance with various Federal laws and Federal Executive Orders, including consultation efforts under Section 106 of NHPA. Reclamation is the federal lead agency under NEPA and the NHPA. The Authority is not authorized to speak on behalf of Reclamation with regard to their efforts to comply with Section 106, related laws and executive orders. In the time between your May 3 letter and this letter, the Authority has provided you with the contact information for Reclamation’s cultural resources lead and we understand that CICC has reached out to Reclamation to engage in Section 106 consultation. The Tribe should continue to reach out to Reclamation to address your concerns with compliance with Section 106 and various Federal laws and Federal Executive Orders.

Request for Ethnohistorian and Ethnographer

The May 3, 2023 letter identifies that CICC “made a direct request for an appropriately trained and trusted ethnohistorian and ethnographer employed by one of the named consulting companies, HDR, to assist with ensuring CICC concerns were more adequately accounted for and considered.” The Authority is not aware of a request from CICC directly to the Authority. An individual from HDR that is not currently part of the Sites Project team contacted the Authority and requested to attend the April 18, 2023 meeting. This request came from an individual employed by a consulting firm and was not a direct request of the CICC government.

For a variety of reasons, the Authority chose not to have this individual participate in the April 18, 2023 meeting as representing the Authority but left open the possibility to including this individual in future efforts. Since the April 18, 2023 meeting, the Authority has become aware of this individual having a real or perceived possible personal conflict with Mr. Giorgio Curti, whom at the April 18 and June 15 meetings, stated that he was part of the CICC government. The Authority takes professional standards of care and real or perceived



conflicts seriously as these can compromise the process and work product regardless of the quality of the effort. Until this real or perceived possible personal conflict is better understood and evaluated for ethical and legal considerations, the Authority believes that it is best to not have this individual working on the Sites Project as representing the Authority.

The Authority is open to working with CICC to employ an ethnohistorian and/or ethnographer. This effort can be completed by the Authority with a mutually agreed upon ethnohistorian and/or ethnographer hired by the Authority to work with CICC or the Authority can contract with CICC to allow CICC to obtain the services of any ethnohistorian and/or ethnographer of its choosing. An ethnographic study conducted of the Project area completed by CICC would be beneficial. Please let us know if CICC would like to discuss this further.

Concerns Expressed at the April 18 Consultation Meeting

Your letter states that you expect the concerns expressed “at the April 18 consultation meeting to be quickly and restoratively addressed.” In addition to those identified above, in the April 18 meeting, May 3 letter, June 15, and July 26 meeting, we heard concerns that our documents may foster certain biases and are not culturally sensitive. We take this seriously and appreciate this feedback as it makes us more aware and thoughtful in our words and actions.

We have carefully reviewed the upcoming Final EIR/EIS and its appendices and have made changes to remove language that might imply biases, groupings, characterizations, or otherwise could be interpreted to marginalize or disrespect Native Americans. In reviewing and updating the language in the Final EIR/EIS, a concerted effort has been made to represent data objectively and to acknowledge the biases and data limitations in much of the current information and understanding. A concerted effort has also been made to acknowledge the bias toward the written record and the surface expression of archeological sites. The tribal cultural resources chapter has also been revised to reflect a commitment to work throughout the life of the Project to better understand and respectfully incorporate and honor CICC from the Tribe’s perspective.

We also heard concerns that the Authority is employing individuals with archeological degrees in its efforts to address tribal cultural resources. This is true. In our opinion, the personal drive and convictions of individuals along with their personal integrity are more important than the specific degree they hold from an institution. We believe that the individuals employed by the Authority have extensive experience in working with tribes, care deeply about tribes and tribal concerns, and have strong personal convictions and integrity. While we have confidence in our team, a core value of the Authority is to always seek ways



to innovate and improve, and we remain open to expanding our team to include individual(s) that are mutually agreed upon by the Authority and CICC to assist the Authority into the future. Please let us know if CICC would like to discuss this further.



**Timeline of AB 52 Consultation between the Sites Project Authority and
the Cachil Dehe Band of Wintun Indians for the EIR
September 14, 2023**

Consultations with tribal governments started in the late 1990s through the CALFED program, nearly two decades before implementation of AB 52. The Sites Reservoir Project (then known as North-of-Delta Offstream Storage, or NODOS) Study Team (CALFED, California Department of Water Resources (DWR), and Department of the Interior, Bureau of Reclamation (Reclamation)) identified the following tribes that could be affected by implementation of the Sites Reservoir:

- Cachil Dehe Band of Wintun Indians;
- Cortina Indian Rancheria of Wintun Indians;
- Grindstone Indian Rancheria of Wintun-Wailaki;
- Paskenta Band of Nomlaki Indians;
- Round Valley Indian Tribe of Round Valley;
- Wintun Tribe in Redding; and
- Yoche Dehe Wintun Nation.

The NODOS Study Team developed the “Guiding Principles: Working with Indian Tribes on North-of-the-Delta Offstream Storage” in consultation with the tribes to direct planning activities involving the tribes. The NODOS Study Team met at a scoping meeting on January 23, 2002 and at eight subsequent meetings and one field tour of Sites Reservoir location through March 2004 to provide updates on the NODOS progress and to encourage input on issues of concern from the tribes. A Tribal Forum on the Project was held by DWR and Department of the Interior on February 26, 2004. At least one Cachil Dehe representative was present at all of the above-listed meetings.

The timeline provided below generally starts with the Sites Project Authority’s (Authority’s) activities on the Project.

DATE	ACTION
January 3, 2017	The Cachil Dehe Band of Wintun Indians (Cachil Dehe) submitted to the Sites Project Authority (Authority) a written request for formal notice of and information on proposed projects for which the Authority will serve as lead CEQA agency pursuant to Cal. Pub. Res. Code § 21080.3.1(b) (Assembly Bill 52).
January 31, 2017	The Notice of Preparation (NOP) for the Sites Project EIR was sent to the Tribe.
February 6, 2017	Letter from Cachil Dehe to the Authority requesting consultation on the Sites Project. The letter was likely sent in response to the NOP.
February 10, 2017	Project notification letter sent from the Authority to the Cachil Dehe pursuant to Cal. Pub. Res. Code 21080.3.1(d).
March 6, 2017	Letter from the Authority to Cachil Dehe acknowledging their request for consultation and noting that they would be in touch to set up a meeting to discuss the Project.
July 12, 2017	Meeting at Tribal office to introduce the Project, discuss the cultural resources studies that had previously been conducted. Subsequently sent copies of all GIS data and archaeological reports to the Tribe for review and comment.
December 17, 2017	The Tribe submitted a request to join the Site Project Authority Board.

DATE	ACTION
June 13, 2018	Letter from the Tribe withdrawing their request for joining the Site Project Authority Board, but would continue to work with them on government-to-government and AB 52 consultations.
March 25, 2019	Meeting at Tribal office to restart Project and discuss upcoming geotechnical work. Provided Cachil Dehe with GIS data for proposed geotechnical work and cultural resources, and copies of cultural resources reports, to date. ¹
March 27, 2019	Email from Cachil Dehe requesting copies of some references cited in the cultural report supplied on March 25, 2019 and cited in the draft EIR.
March 28, 2019	The Authority sent the requested references, with the exception of one, which needed to be tracked down.
April 11, 2019	Email to the Tribe, noting that the missing reference is at DWR and a request has been made to DWR for a copy.
August 9, 2019	Authority sent the missing reference noted above.
October 22, 2020	Conference call to provide update on the Project description and status of the environmental document. Provided updated project description, GIS data for cultural resources, and draft archaeological report. The Tribe said they would like to take some time to review the data. Sent files to the Tribe.
October 26, 2020	Project information re-sent to the Tribe per their request in an email sent earlier in the day.
November 13, 2020	Updated Project notification letter sent from the Authority to the Cachil Dehe pursuant to Cal. Pub. Res. Code 21080.3.1(d), due to Project modifications and recirculation of the EIR.
December 7, 2020	Email from Cachil Dehe in response to November 13 letter, stating that they would like to continue consultation on the Project. The email identified Hazel Longmire and Molly Wood as contacts.
March 17, 2021	Email to Cachil Dehe, providing revised preliminary Project description.
November 12, 2021	The Authority issued a Notice of Availability announcing the public review and comment period for the RDEIR/SDEIS and dates of virtual public meetings. The virtual public meetings were held on December 15 and 16, 2021. The public review and comment period ended January 28, 2022. The Tribe was included in the issuance of the Notice.
December 10, 2021	Email to the Tribe providing link to the RDEIR/SDEIS and letting them know that the cultural report prepared in support of the document was available; requested who should receive the document.
January 11, 2022	Email from Authority requesting a meeting to discuss monitoring needs for two upcoming phases of the geotechnical studies.
January 12, 2022	Email from the Tribe stating that they did not have monitors on staff and deferred geotechnical monitoring to Yocha Dehe.

¹ The Authority has been in consultation with the Cachil Dehe for both the whole of the Project through the EIR efforts and for geotechnical efforts. The consultation history for geotechnical efforts are addressed in a separate timeline as these were separate AB 52 processes from the whole of the Project and the EIR efforts. Some meetings covered both activities and those meetings are included in this timeline. In addition, some additional communications on geotechnical activities are provided in this timeline as in early 2022, the Tribe deferred geotechnical activities to the Yocha Dehe Wintun Nation. During 2022, the Authority continued to coordinate with the Tribe, primarily on geotechnical activities, and generally, no response was received from the Tribe.

DATE	ACTION
January 15, 2022	Email from the Tribe providing a contact at Yocha Dehe to arrange for Tribal monitoring of the geotechnical studies.
January 25, 2022	Authority sent the confidential cultural report that is an appendix to the RDEIR.
February 7, 2022	Sites 2022-2024 Geotechnical Investigations project notification letter sent from the Authority to the Cachil Dehe pursuant to Cal. Pub. Res. Code 21080.3.1(d).
February 28, 2022	Letter from Cachil Dehe saying that they are deferring geotechnical consultation and communication to Yocha Dehe, with reference to the February 7, 2022 letter from the Authority.
March, April and August 2022	The Authority sent a few items to the Tribe on geotechnical activities. No response was received from the Tribe.
January 12, 2023	Authority sent a letter inviting the Tribe to participate in a Tribal Working Group.
January 18, 2023	Tribal Working Group letter resent when it was realized that the Tribal leadership had changed.
January 19, 2023	Email response from Cachil Dehe that they are interested in participating in the Tribal Working Group.
February 27, 2023	Email to Cachil Dehe's new Cultural Preservation Director, Jennie Mitchum, suggesting to meet for introductions and provide updated information about the Sites Reservoir Project.
March 8, 2023	Follow-up email to Jennie Mitchum regarding a meeting with the Tribe.
March 15, 2023	Email from the Tribe stating that they would like to meet and suggested a date.
March 16, 2023	Email exchange to settle meeting date on April 18, 2023.
March 30, 2023	Email to Cachil Dehe referencing upcoming meeting, noting that comments on the RDEIR/SDEIS would need to be received soon, and introduction of the proposed Memorandum of Agreement.
April 18, 2023	AB 52 meeting held at the Tribe's administration office.
May 3, 2023	Cachil Dehe followed up the April 18, 2023 with a letter to the Authority, which reiterated much of the exchange of the meeting and requested additional documentation.
May 8, 2023	Call from Cachil Dehe requesting information about the on-going geotechnical work and request for all AB 52 consultation letters and responses, and all cultural resources reports (EIR and geotech), to date.
May 10, 2023	Authority provided the tribe with copies all AB 52 consultation letters and responses, and all cultural resources reports (EIR and geotech), to date.
June 15, 2023	AB 52 meeting held at the Tribe's administration office.
June 15, 2023	Authority sent the Tribe contact information for Reclamation's cultural resources lead for the Project.
July 26, 2023	AB 52 meeting held at the Authority's office in Maxwell.



Attachment A
Sites Project Authority's Responses to Detailed Concerns in the
Colusa Indian Community Council's May 3, 2023 Letter
September 15, 2023

Below are responses from the Sites Project Authority (Authority) to the concerns expressed in the Colusa Indian Community Council's (CICC's) May 3, 2023 letter to the Authority. This attachment focuses on the Authority's efforts on the overall Sites Reservoir Project (Project). The Authority is working to understand CICC's concerns and have organized this attachment in a way that we hope delineates the concerns and addresses each one. A separate letter exchange and discussion has occurred on the Authority's geotechnical efforts and these geotechnical efforts are not addressed here.

AB 52 Consultation for the Project

In the May 3 letter and in some of our recent meetings, CICC expressed concerns that Assembly Bill (AB) 52 consultation is overdue for the Project and that there has been an absence of reasonable and good faith consultation. A timeline of the Assembly Bill 52 consultation efforts for the Project is provided in Attachment B. The AB 52 consultation began in February 2017 with the CICC's letter requesting consultation on the Project. Meetings and information sharing between CICC and the Authority have been ongoing since that time. Throughout the years of consultation, the Authority has worked to provide information to CICC and solicit feedback on the Project, including CICC's knowledge and concerns related to tribal cultural resources and the mitigation measures proposed as part of the Project. The Authority recognizes that there has been a change in leadership at the CICC, and we kept in contact with CICC through these changes. While specific details have not been shared in these consultations, the Authority understands that tribal cultural resources important to the CICC are located within the vicinity of the Project location and that construction and operation of the Project will significantly impact these resources.

Project's California Environmental Quality Act (CEQA) Process

CICC's May 3 letter included a request for all records and documents of the timing of the integration of the CEQA and National Environmental Policy Act (NEPA) processes and demonstration of how all local, state, and federal regulatory procedures have been met to date regarding the CEQA and NEPA review. This information is publicly available on our website at www.sitesproject.org/environmental-review/ and www.sitesproject.org/ceqa-record-of-proceeding/.



The CEQA and NEPA process for the Project began in 2002 with the California Department of Water Resources (DWR) as the CEQA lead agency and the Bureau of Reclamation (Reclamation) as the NEPA lead agency. DWR issued a Notice of Preparation under CEQA in November 2001 and Reclamation released a Notice of Intent to Prepare an EIS under NEPA in November 2001.

The Authority assumed the CEQA lead agency role and issued a Supplemental Notice of Preparation in January 2017. The Authority and Reclamation issued a joint Draft Environmental Impact Report/Environmental Impact Statement (EIR/EIS) in August 2017, to which CICC provided a comment letter¹. Based on the comments received on the 2017 Draft EIR/EIS, the Authority and Reclamation made a number of changes to the Project, including the removal of the Delevan Pipeline, associated pumping plant and power lines, which was the focus of the CICC’s 2017 comment letter. The Authority and Reclamation released a Revised Draft EIR/Supplemental Draft EIS in November 2021. In addition to the noticing requirements under CEQA, the Authority emailed CICC in December 2021 to ensure that CICC was aware of the availability of the Revised Draft EIR/Supplemental Draft EIS. The Authority and Reclamation did not receive comments on the 2021 Revised Draft EIR/Supplemental Draft EIS from the CICC either through the public review process or through AB 52 consultation efforts.

Work Conducted to Date and Approach for the Future

In its May 3, 2023 letter, CICC requests information on work conducted to date to identify cultural and tribal cultural resources. As described in Chapter 22, Cultural Resources of the Revised Draft EIR/Supplemental Draft EIS, portions of the Project footprint have been previously surveyed by DWR in the 2000 timeframe. DWR surveyed over 85 percent of the current Project footprint. Due to the rural nature of the area and minimal change in land use, the data collected still provides a robust and viable dataset. Due to lack of access to the private land that makes up most of the Project footprint, the Authority and Reclamation did not conduct new field surveys as part of the preparation of the Revised Draft EIR/Supplemental Draft EIS or upcoming Final EIR/EIS.

Recognizing that the DWR survey information is important, but dated, the Authority has included a mitigation measure in the Revised Draft EIR/Supplemental Draft EIS (Mitigation Measure CUL-2.1) that requires surveying the entire Project footprint once land access is obtained. Once land access is obtained, pedestrian surveys will be conducted for the entire Project footprint. Previously mapped and newly identified resources will be located, mapped, and evaluated. While the previous evaluations conducted by DWR will be

¹ https://sitesproject.org/wp-content/uploads/2023/08/0004_Colusa-Indian-Community-Council_DEIR_Comments_011018.pdf



informative, the Authority will evaluate the eligibility of all resources (even those previously determined not eligible). As land access is obtained, a CICC representative may join the on-the-ground-survey team. As identified in your letter, CICC’s knowledge is important in assessing eligibility of tribal cultural resources and for identifying potential Project impacts and how to avoid, minimize, and mitigate impacts to such resources, and we welcome your participation in this effort.

Resource-specific treatment plans will be developed in consultation with tribes, interested parties, and agencies to ensure that all significant resources potentially affected by the Project will be treated according to best practices and professional standards (Mitigation Measure CUL-2.4). Treatment options will include a range from avoidance and minimization of impacts to mitigation of impacts that cannot be avoided and/or minimized. The Authority will first seek to avoid and preserve significant resources to the extent possible (Mitigation Measure TCR-1.1, CUL-2.2). Avoidance and preservation in place may be possible through Project design changes and design specifications along with construction protocols including worker cultural resources sensitivity training. For those resources avoided and protected in place, the Authority will seek ways to protect the cultural and natural context. The Authority will next implement protection measures for significant resources to the extent possible (Mitigation Measure CUL-2.3). Protection measures include the development of protocols to ensure qualified staff perform monitoring during ground disturbing activities to protect known resources, identify any unanticipated discoveries, and implement the Post-Review Discovery Procedure along with implementing resource-specific protection plans. Treatment may include, but would not be limited to, data recovery, site capping, analysis of existing artifact collections, or interpretive displays, among other things. Appropriate treatment will be determined based on resource type, resource location, types of impacts to the resource, and results of consultation with tribes, interested parties, and agencies.

The Authority is committed to including Tribal monitors to observe all ground-disturbing activities (Mitigation Measure TCR-1.2). Recognizing that impacts to all significant resources will not be able to be fully avoided due to the nature of the Project and the reservoir inundation, the Authority has determined impacts to tribal cultural resources to be significant and unavoidable. In all activities, with guidance from consulting Tribes, the Authority will treat resources with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource. Effectively avoiding, minimizing, and mitigating impacts will require input from CICC and the Authority looks forward to working together as the Project progresses.

It is important to note that the mitigation measures and efforts discussed in this section are from the Revised Draft EIR/Supplemental Draft EIS and upcoming Final EIR/EIS (i.e., from the



CEQA/NEPA processes). Additional efforts will be implemented as committed to by the signatories in the Section 106 process.

CICC Historic District and Defined Traditional Cultural Landscape

At our April 18 and June 15 meetings, and in the May 3 letter, CICC identifies that the Project area is within a defined CICC historic landscape and defined traditional cultural landscape. As acknowledged at the April 18 meeting and again at the June 15 meeting, Alicia Forsythe, the Authority’s Environmental Planning and Permitting Manager requested additional information on the defined CICC historic landscape and defined traditional cultural landscape. To date, the information provided by CICC cites existing laws and statues but lacks any information on the defining characteristics of the CICC historic landscape and defined traditional cultural landscape, such as the geographic size and scope of the landscape and other factors that would determine its eligibility for inclusion in the California Register of Historical Resources, a local register of historical resources, or the National Register of Historic Places.

The Authority has conducted extensive records searches and research and has not found any information on the defined CICC historic landscape and defined traditional cultural landscape. Section 1(b)(4) of AB 52 states “Because the California Environmental Quality Act calls for a sufficient degree of analysis, *tribal knowledge about the land and tribal cultural resources at issue should be included in environmental assessments* for projects that may have a significant impact on those resources [emphasis added].” Without such receiving such tribal knowledge from CICC, it is impossible for the Authority to work with the CICC to assess the Project’s impacts on this defined CICC historic landscape and defined traditional cultural landscape.

As discussed above, the Authority recognizes that the construction and operations of the Project would result in disturbance or destruction of tribal cultural resources. In the Revised Draft EIR/Supplemental Draft EIS and upcoming Final EIR/EIS, the Authority has analyzed impacts to tribal cultural resources to the best of our ability based on the information available to us. While the Authority does not have detailed information on the defined CICC historic landscape and defined traditional cultural landscape it is likely reasonable to assume that impacts to it would also be significant. The Authority has included a number of mitigation measures in the Revised Draft EIR/Supplemental Draft EIS and upcoming Final EIR/EIS (as discussed above and in more detail in Chapters 22 and 23 of the document). These mitigation measures could reduce some but not all impacts, and impacts would remain significant and unavoidable.



We respectfully again request additional information on such defining characteristics, including the geographic size and scope of the landscape and other factors that would determine its eligibility for inclusion in the California Register of Historical Resources, a local register of historical resources, or the National Register of Historic Places. With this information, the Authority and CICC can work together to assess detailed impacts and work to avoid impacts to the defined CICC historic landscape and defined traditional cultural landscape consistent with the mitigation measures and any requirements in the Section 106 process.

Section 106 Consultation under the National Historic Preservation Act (NHPA) and Other Federal Requirements

Your letter also expressed concerns related to compliance with various Federal laws and Federal Executive Orders, including consultation efforts under Section 106 of NHPA. Reclamation is the federal lead agency under NEPA and the NHPA. The Authority is not authorized to speak on behalf of Reclamation with regard to their efforts to comply with Section 106, related laws and executive orders. In the time between your May 3 letter and this letter, the Authority has provided you with the contact information for Reclamation’s cultural resources lead and we understand that CICC has reached out to Reclamation to engage in Section 106 consultation. The Tribe should continue to reach out to Reclamation to address your concerns with compliance with Section 106 and various Federal laws and Federal Executive Orders.

Request for Ethnohistorian and Ethnographer

The May 3, 2023 letter identifies that CICC “made a direct request for an appropriately trained and trusted ethnohistorian and ethnographer employed by one of the named consulting companies, HDR, to assist with ensuring CICC concerns were more adequately accounted for and considered.” The Authority is not aware of a request from CICC directly to the Authority. An individual from HDR that is not currently part of the Sites Project team contacted the Authority and requested to attend the April 18, 2023 meeting. This request came from an individual employed by a consulting firm and was not a direct request of the CICC government.

For a variety of reasons, the Authority chose not to have this individual participate in the April 18, 2023 meeting as representing the Authority but left open the possibility to including this individual in future efforts. Since the April 18, 2023 meeting, the Authority has become aware of this individual having a real or perceived possible personal conflict with Mr. Giorgio Curti, whom at the April 18 and June 15 meetings, stated that he was part of the CICC government. The Authority takes professional standards of care and real or perceived



conflicts seriously as these can compromise the process and work product regardless of the quality of the effort. Until this real or perceived possible personal conflict is better understood and evaluated for ethical and legal considerations, the Authority believes that it is best to not have this individual working on the Sites Project as representing the Authority.

The Authority is open to working with CICC to employ an ethnohistorian and/or ethnographer. This effort can be completed by the Authority with a mutually agreed upon ethnohistorian and/or ethnographer hired by the Authority to work with CICC or the Authority can contract with CICC to allow CICC to obtain the services of any ethnohistorian and/or ethnographer of its choosing. An ethnographic study conducted of the Project area completed by CICC would be beneficial. Please let us know if CICC would like to discuss this further.

Concerns Expressed at the April 18 Consultation Meeting

Your letter states that you expect the concerns expressed “at the April 18 consultation meeting to be quickly and restoratively addressed.” In addition to those identified above, in the April 18 meeting, May 3 letter, June 15, and July 26 meeting, we heard concerns that our documents may foster certain biases and are not culturally sensitive. We take this seriously and appreciate this feedback as it makes us more aware and thoughtful in our words and actions.

We have carefully reviewed the upcoming Final EIR/EIS and its appendices and have made changes to remove language that might imply biases, groupings, characterizations, or otherwise could be interpreted to marginalize or disrespect Native Americans. In reviewing and updating the language in the Final EIR/EIS, a concerted effort has been made to represent data objectively and to acknowledge the biases and data limitations in much of the current information and understanding. A concerted effort has also been made to acknowledge the bias toward the written record and the surface expression of archeological sites. The tribal cultural resources chapter has also been revised to reflect a commitment to work throughout the life of the Project to better understand and respectfully incorporate and honor CICC from the Tribe’s perspective.

We also heard concerns that the Authority is employing individuals with archeological degrees in its efforts to address tribal cultural resources. This is true. In our opinion, the personal drive and convictions of individuals along with their personal integrity are more important than the specific degree they hold from an institution. We believe that the individuals employed by the Authority have extensive experience in working with tribes, care deeply about tribes and tribal concerns, and have strong personal convictions and integrity. While we have confidence in our team, a core value of the Authority is to always seek ways



to innovate and improve, and we remain open to expanding our team to include individual(s) that are mutually agreed upon by the Authority and CICC to assist the Authority into the future. Please let us know if CICC would like to discuss this further.



Alicia Forsythe

From: Angela Smelser <asmelser@colusa-nsn.gov>
Sent: Wednesday, October 11, 2023 5:48 PM
To: Alicia Forsythe
Subject: RE: CICC's formal AB52 and government-to-government consultation response to your September 15, 2023, letter
Attachments: CICC_Letter_Sites_References Requested.pdf

EXTERNAL MESSAGE: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hi Ali,

I have attached the references above.

Have a good evening,

Angela Smelser
Executive Assistant
Colusa Indian Community Council
3730 Hwy 45
Colusa, CA 95932
Phone (530) 458-6512
Cell (530) 868-8579
Fax (530) 458-3866

From: Alicia Forsythe <aforsythe@sitesproject.org>
Sent: Monday, October 9, 2023 1:19 PM
To: Angela Smelser <asmelser@colusa-nsn.gov>
Subject: RE: CICC's formal AB52 and government-to-government consultation response to your September 15, 2023, letter

EXTERNAL MESSAGE: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Hi Angela – We are working on a response to CICC's September 29, 2023 letter. Can you provide the full citations for the references included in the letter? I just want to make sure we are looking at the correct documents as we review materials in detail. And if it is appropriate for the Tribe or your in-house socio-cultural geographer and ethnographer to provide copies of any of these references, that would be very helpful.

Thank you!

Ali

Alicia Forsythe | Environmental Planning and Permitting Manager | Sites Project Authority | 916.880.0676
| aforsythe@sitesproject.org | www.SitesProject.org

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From: Angela Smelser <asmelser@colusa-nsn.gov>

Sent: Friday, September 29, 2023 2:58 PM

To: Alicia Forsythe <aforsythe@sitesproject.org>; Jerry Brown <jbrown@sitesproject.org>

Cc: Kevin Spesert <kspesert@sitesproject.org>; Carper, Mark A <mcarper@usbr.gov>; aleigh@usbr.gov; shunt@usbr.gov; mdekar@usbr.gov; Williams, Scott A <sawilliams@usbr.gov>; Brown, Jody L@Parks <Jody.L.Brown@parks.ca.gov>; Polanco, Julianne@Parks <Julianne.Polanco@parks.ca.gov>; aclark@achp.gov; wdancingfeather@achp.gov; rnelson@achp.gov; imatt@achp.gov; jloichinger@achp.gov; jeddins@achp.gov; jmarks@achp.gov

Subject: CICC's formal AB52 and government-to-government consultation response to your September 15, 2023, letter

EXTERNAL MESSAGE: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear Ms. Forsythe and Mr. Brown,

Please find attached CICC's formal AB52 and government-to-government consultation response to your September 15, 2023, letter. Regarding sharing your letter and CICC concerns related to confidentiality, CICC clearly stated "Pursuant to California Government Code (GOV) Sections 6254(r) and 6254.10 and 54 U.S.C. Section 307103(a) of the National Historic Preservation Act (NHPA) (formerly Section 304 [16 U.S.C. 470w-3(a)]) of the NHPA, the Sites Project Authority shall not disclose this letter or any associated details or contents herein, in part or in whole, to any third parties (including, but not limited to, consultants and other local, state, and/or federal agency personnel) *without the free, prior, informed, and express written consent of CICC.*" If the statement made in your email regarding sharing the response letter dated September 15, 2023 is the Sites Project Authority's way of asking for consent to share your letter with the folks included in this email, CICC has no objections.

With this email and the attached letter, CICC is also formally making Reclamation aware that the concerns outlined in the attached letter are also comments on and relate to the parallel EIS and NEPA process. CICC reminds Reclamation that while coordination and substitution processes exist for NEPA and NHPA and Section 106 review (see 36 CFR 800.8 and CEQ and ACHP 2013), neither process relieves an agency of its responsibilities under each Act.

We look forward to discussing the issues and concerns outlined in this letter in detail with the Sites Project Authority next Tuesday.

Best,

Angela Smelser
Executive Assistant
Colusa Indian Community Council
3730 Hwy 45
Colusa, CA 95932
Phone (530) 458-6512
Cell (530) 868-8579
Fax (530) 458-3866

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Alicia Forsythe

From: Joe Trapasso
Sent: Thursday, October 19, 2023 1:21 PM
To: Angela Smelser
Cc: Alicia Forsythe; Lori Jones
Subject: RE: CICC Agreement Amendment No. 1 for Review and Signature

Thanks Angela!

I will provide you an executed amendment soon.

Joe

From: Angela Smelser <asmelser@colusa-nsn.gov>
Sent: Thursday, October 19, 2023 12:39 PM
To: Joe Trapasso <jtrapasso@sitesproject.org>
Cc: Alicia Forsythe <aforsythe@sitesproject.org>; Lori Jones <LJones@BrwnCald.com>
Subject: RE: CICC Agreement Amendment No. 1 for Review and Signature

EXTERNAL MESSAGE: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good afternoon Joe,

I have attached the signed amendment above.

Thank you,

Angela Smelser
Executive Assistant
Colusa Indian Community Council
3730 Hwy 45
Colusa, CA 95932
Phone (530) 458-6512
Cell (530) 868-8579
Fax (530) 458-3866

From: Angela Smelser
Sent: Tuesday, October 17, 2023 9:03 AM
To: 'Joe Trapasso' <jtrapasso@sitesproject.org>
Cc: Alicia Forsythe <aforsythe@sitesproject.org>; Lori Jones <LJones@BrwnCald.com>
Subject: RE: CICC Agreement Amendment No. 1 for Review and Signature

Good morning Joe,

I apologize for not getting this back to you yet. My question would be which date should be added as the effective date? Will it be the date that you emailed me giving your approval for the fee schedule which was August 8, 2023?

Thank you,

Angela Smelser
Executive Assistant
Colusa Indian Community Council
3730 Hwy 45
Colusa, CA 95932
Phone (530) 458-6512
Cell (530) 868-8579
Fax (530) 458-3866

From: Joe Trapasso <jtrapasso@sitesproject.org>
Sent: Tuesday, October 17, 2023 7:03 AM
To: Angela Smelser <asmelser@colusa-nsn.gov>
Cc: Alicia Forsythe <aforsythe@sitesproject.org>; Lori Jones <LJones@BrwnCald.com>
Subject: RE: CICC Agreement Amendment No. 1 for Review and Signature

EXTERNAL MESSAGE: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Angela,

Just checking to see if you have any questions on the Amendment No. 1 to the Standard Monitoring Agreement between the Cachil Dehe Band of Wintun Indians of the Colusa Indian Community and the Sites Project Authority.

Thanks,

Joe

From: Joe Trapasso
Sent: Friday, September 1, 2023 12:32 PM
To: asmelser@colusa-nsn.gov
Cc: Alicia Forsythe <aforsythe@sitesproject.org>; Lori Jones <LJones@BrwnCald.com>
Subject: CICC Agreement Amendment No. 1 for Review and Signature

Angela,

Please find attached Amendment No. 1 to the Standard Monitoring Agreement between the Cachil Dehe Band of Wintun Indians of the Colusa Indian Community and the Sites Project Authority. This amendment includes:

- The revised fee schedule that was addressed in my August 8, 2023 email to you.
- The overall Agreement budget and budget for calendar year 2023.
- The overall Agreement's period of performance.

Please review the amendment and if you approve, sign, and email me the signed amendment. I will then execute the agreement and provide you a copy.

Please let me know if you have any questions on the above.

Thanks!

Joe

Joe Trapasso
Program Operations Manager
Sites Reservoir Project
Phone: 530.387.1102
Email: jtrapasso@sitesproject.org
Web: www.SitesProject.org
P.O. Box 517
122 Old Highway 99 West
Maxwell, CA 95955

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**Standard Monitoring Agreement Between
Sites Project Authority
And
The Cachil Dehe Band of Wintun Indians of the
Colusa Indian Community**

Amendment No. 1

The Cachil Dehe Band of Wintun Indians of the Colusa Indian Community referred to as “Cachil Dehe”

Amendment No. 1 to Agreement, effective on August 8, 2023 (“**Effective Date**”), is agreed to by the Authority and Cachil Dehe to amend Agreement executed on October 1, 2019, as amended from time to time, as follows:

Under **Section II Terms, Paragraph B. Term**, **DELETE** “This Agreement shall be effective when it has been executed by both parties, and it shall remain in effect until the completion of the 2019 Geotechnical Investigations depicted in Attachment 1.”, **REPLACE WITH** “This Agreement became effective on the Effective Date and shall remain in effect until December 31, 2024.”

Under **Section II Terms, Paragraph D. Fee Schedule**, **ADD** the following roles and approved rates:

Tribe Role	Approved Rates
Cultural Resources Manager (4 hour minimum)	\$175.00/hour
Cultural Sensitivity Training	\$250.00 onetime charge

Under **Section II Terms, Paragraph D. Fee Schedule**, as the last paragraph, **ADD** the following:

“The authorized not-to-exceed total Budget for the Agreement is \$120,000, with an authorized not-to-exceed Budget for execution of Services to be completed in 2023 of \$60,000, pursuant to this Task Order Amendment.”

Scope of Services

Scope of Services, including tasks, deliverables, and assumptions remains unchanged.



Schedule

Cachil Dehe is authorized to proceed with any modification set forth in this Amendment as of the Effective Date of this executed Amendment and notice-to-proceed for execution of Services until December 31, 2023 is provided.

The Agreement Schedule is amended as follows:

The Agreement’s End Date is modified to be December 31, 2024.

Except as expressly provided for in this Amendment, all terms and conditions of the Agreement and any amendments thereto remain unchanged.

This Amendment No. 1 is hereby executed by duly authorized representatives of the parties.

**THE CACHIL DEHE BAND OF WINTUN INDIANS
OF THE COLUSA INDIAN COMMUNITY**

By: 

Printed Name: Wayne Mitchum Jr.

Date: 10.18.23

AUTHORITY

By: _____

Printed Name: _____

Date: _____

AUTHORITY (Executive Director*)

By: _____

Printed Name: _____

Date: _____

**Executive Director authorization required as needed, in accordance with the Budget Policy and Delegation of Authority.*

Alicia Forsythe

From: Alicia Forsythe
Sent: Friday, October 20, 2023 3:33 PM
To: Angela Smelser
Cc: Jerry Brown; Kevin Spesert
Subject: RE: CICC's formal AB52 and government-to-government consultation response to your September 15, 2023, letter
Attachments: 20231020_Sites to CICC_Response to Sept Letter_Final signed.pdf

Angela – Thank you for the reference list.

Attached is the Authority's response to CICC's September 29 letter. As noted in the letter, we would like to meet with CICC to discuss our responses and next steps along with another other items of interest to the Tribe. I believe that Marica has reached out to you to schedule such a meeting. We look forward to our continued dialogue.

I hope you have a great weekend!

Ali

Alicia Forsythe | Environmental Planning and Permitting Manager | Sites Project Authority | 916.880.0676
| aforsythe@sitesproject.org | www.SitesProject.org

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From: Angela Smelser <asmelser@colusa-nsn.gov>
Sent: Wednesday, October 11, 2023 5:48 PM
To: Alicia Forsythe <aforsythe@sitesproject.org>
Subject: RE: CICC's formal AB52 and government-to-government consultation response to your September 15, 2023, letter

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Hi Ali,

I have attached the references above.

Have a good evening,

Angela Smelser
Executive Assistant
Colusa Indian Community Council
3730 Hwy 45

Colusa, CA 95932
Phone (530) 458-6512
Cell (530) 868-8579
Fax (530) 458-3866

From: Alicia Forsythe <aforsythe@sitesproject.org>
Sent: Monday, October 9, 2023 1:19 PM
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Subject: RE: CICC's formal AB52 and government-to-government consultation response to your September 15, 2023, letter

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Hi Angela – We are working on a response to CICC's September 29, 2023 letter. Can you provide the full citations for the references included in the letter? I just want to make sure we are looking at the correct documents as we review materials in detail. And if it is appropriate for the Tribe or your in-house socio-cultural geographer and ethnographer to provide copies of any of these references, that would be very helpful.

Thank you!

Ali

Alicia Forsythe | Environmental Planning and Permitting Manager | Sites Project Authority | 916.880.0676
| aforsythe@sitesproject.org | www.SitesProject.org

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From: Angela Smelser <asmelser@colusa-nsn.gov>
Sent: Friday, September 29, 2023 2:58 PM
To: Alicia Forsythe <aforsythe@sitesproject.org>; Jerry Brown <jbrown@sitesproject.org>
Cc: Kevin Spesert <kspesert@sitesproject.org>; Carper, Mark A <mcarper@usbr.gov>; aleigh@usbr.gov; shunt@usbr.gov; mdekar@usbr.gov; Williams, Scott A <sawilliams@usbr.gov>; Brown, Jody L@Parks <Jody.L.Brown@parks.ca.gov>; Polanco, Julianne@Parks <Julianne.Polanco@parks.ca.gov>; aclark@achp.gov; wdancingfeather@achp.gov; rnelson@achp.gov; imatt@achp.gov; jloichinger@achp.gov; jeddins@achp.gov; jmarks@achp.gov
Subject: CICC's formal AB52 and government-to-government consultation response to your September 15, 2023, letter

EXTERNAL MESSAGE: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear Ms. Forsythe and Mr. Brown,

Please find attached CICC's formal AB52 and government-to-government consultation response to your September 15, 2023, letter. Regarding sharing your letter and CICC concerns related to confidentiality, CICC clearly stated "Pursuant to California Government Code (GOV) Sections 6254(r) and 6254.10 and 54 U.S.C. Section 307103(a) of the National Historic Preservation Act (NHPA) (formerly Section 304 [16 U.S.C. 470w-3(a)]) of the NHPA, the Sites Project Authority shall not disclose this letter or any associated details or contents herein, in part or in whole, to any third parties (including, but not limited to, consultants and other local, state, and/or federal agency personnel) *without the free, prior, informed, and express written consent of CICC.*" If the statement made in your email regarding sharing the response letter dated September 15, 2023 is the Sites Project Authority's way of asking for consent to share your letter with the folks included in this email, CICC has no objections.

With this email and the attached letter, CICC is also formally making Reclamation aware that the concerns outlined in the attached letter are also comments on and relate to the parallel EIS and NEPA process. CICC reminds Reclamation that while coordination and substitution processes exist for NEPA and NHPA and Section 106 review (see 36 CFR 800.8 and CEQ and ACHP 2013), neither process relieves an agency of its responsibilities under each Act.

We look forward to discussing the issues and concerns outlined in this letter in detail with the Sites Project Authority next Tuesday.

Best,

Angela Smelser
Executive Assistant
Colusa Indian Community Council
3730 Hwy 45
Colusa, CA 95932
Phone (530) 458-6512
Cell (530) 868-8579
Fax (530) 458-3866

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October 20, 2023

The Honorable Chairman Wayne Mitchum Jr.
Colusa Indian Community Council
Cachil Dehe Band of Wintun Indians
3730 Highway 45
Colusa, CA 95932

Sent via email

Subject: Consultation under Assembly Bill 52 for the Sites Reservoir Project

Dear Chairman Mitchum:

The Sites Project Authority greatly appreciates the opportunity to consult with the Cachil Dehe Band of Wintun Indians, a federally recognized Indian Tribe and sovereign government. We especially appreciate the time spent by members of your government, staff, and your consultant to engage with the Authority over the past several months and for taking the time to meet with us on October 2 to discuss the proposed Sites Reservoir Project. At our October 2 meeting, a detailed response to CICC's September 29, 2023, letter was requested. Attached to this letter are responses to the questions and concerns raised in your September 29, 2023, letter. Similar to our September 15, 2023 letter, the Authority is working to understand CICC's concerns and has organized this attachment in a way that we hope delineates and addresses each concern.

I realize you may not agree with our responses and that we may have a difference of opinion on some of these items. I respect your viewpoint and take your concerns seriously and want to continue working with you to identify actionable items that can be implemented to address your concerns, build a working relationship with the Tribe that continues beyond the present efforts, and chart a path forward that honors and respects the Tribe from your perspective. As I mentioned at the end of our October 2 meeting, we are trying hard to understand and constructively engage with you and I am personally committed to this. To this end, I respectfully request time to walk through our responses and discuss them with you and CICC government's leadership, address the materials that we left behind at our September 29 meeting, and discuss any other topics of interest to you.



P.O. Box 517
Maxwell, CA 95955
530.438.2309

In addition, AB 52 and the California Public Resources Code Section 21082.3(c)(1) calls for confidentiality in the AB 52 process and requires the Authority to obtain written consent from CICC prior to the public disclosure of information submitted by the Tribe during the environmental review process. We are wrapping up our Final Environmental Impact Report (EIR) and expect to ask our Board of Directors to consider certification of the Final EIR and adoption of the Project at its November 17, 2023 meeting. We would like to discuss with you what, if any, of our discussions and letter interactions should be disclosed in materials available to the public. While at times, CICC has stated that information should be considered and included in our Final EIR there are also times when CICC has requested confidentiality. We would like to seek clarity to ensure we understand and are able to honor your expectations.

We deeply appreciate CICC's willingness to continue to engage and bring these concerns to our attention and your willingness to work together going forward. As noted above, we would like to meet with you to discuss our responses and next steps and would like to schedule a meeting very soon in light of our schedule to close out the CEQA process. In the meantime, if there are any questions on this letter in the intervening time, please contact me at jbrown@sitesproject.org or 925-260-7417 or Alicia Forsythe, Environmental Planning and Permitting Manager, at aforsythe@sitesproject.org or 916-880-0676.

Sincerely,



Jerry Brown
Executive Director

Enclosures:

- Attachment A – Sites Project Authority's Responses to Detailed Concerns in the Colusa Indian Community Council's September 29, 2023 Letter
- Attachment B – Emails between Mrs. Alicia Forsythe and Mrs. Monica Ruth Regarding April 18, 2023 Consultation Meeting
- Attachment C – Summary of Proposed Commitments by the Sites Project Authority to the Colusa Indian Community Council





Attachment A
Sites Project Authority's Responses to Detailed Concerns in the
Colusa Indian Community Council's September 29, 2023 Materials
October 20, 2023

Below are responses from the Sites Project Authority (Authority) to the concerns expressed in the letter dated September 29, 2023 from the Cachil Dehe Band of Wintun Indians of the Colusa Indian Community Council (CICC), a federally recognized Indian Tribe and sovereign nation. As the Authority expressed in its September 15, 2023 letter, the Authority has worked to understand CICC's concerns and has organized this attachment in a way that we hope identifies and addresses each concern. Where appropriate, we have used the same headings from our September 15 letter and have added a few additional headings to address expanded topics. We hope that you accept these responses in the spirit of collaborative dialogue and toward finding a joint path forward that bridges our differences and is respectful of your needs and concerns.

AB 52 Consultation for the Project

In the May 3 and September 29 letters and in all of our recent meetings, CICC expressed concerns that Assembly Bill (AB) 52 consultation is overdue for the Project and that there has been an absence of reasonable and good faith consultation. In our September 15 response letter, we provided a timeline of the AB 52 consultation efforts for the Project. As identified in the timeline, CICC requested to consult on the Project in 2017 and reconfirmed that request in December 2020. The Authority sent information to CICC on multiple occasions, including in March 2019, August 2019, October 2020, March 2021, December 2021, and January 2022, to solicit feedback on the Project including CICC's knowledge and concerns related to tribal cultural resources and the mitigation measures proposed as part of the Project. The Authority received no response from CICC aside from confirmation of receipt of the materials and to request references. Wanting to further engage tribes in the Project and thinking about mechanisms for lasting engagement throughout the life of the Project, the Authority proposed a Tribal Working Group in a letter to CICC in January 2023. This January 2023 letter ultimately led to the April 18, 2023 meeting with the Authority and CICC and our current efforts.

AB 52 embodies the intent of the Legislature to "ensure that local and tribal governments, public agencies, and project proponents have information available, early in the California Environmental Quality Act environmental review process, for purposes of identifying and addressing potential adverse impacts to tribal cultural resources and to reduce the potential for delay and conflicts in the environmental review process." AB 52 § 1(a)(7). The prescribed



timelines for AB 52 consultation further underscore this intent to generate substantive information and discussion early in the California Environmental Quality Act (CEQA) process. Specifically, under AB 52, the lead agency is to formally notify tribes with traditional and cultural affiliation with a project area early in the project timeframe and the tribe is to respond within 30 days of that notification identifying if it would like to engage in consultation. Cal. Pub. Res. Code § 21080.3.

Although CICC timely responded that it would like to engage in consultation, CICC did not respond to the Authority regarding materials sent by the Authority to CICC from March 2019 to the end of calendar year 2022 other than to confirm receipt and to request references (which were provided by the Authority). CICC’s September 29 letter states “the Sites Project Authority cannot claim with reasonableness or good faith with its over four months-long delay in response [to CICC’s May 3 letter] that it has conducted meaningful AB52 consultation . . .”. We respectfully disagree as the Authority did seek to engage CICC on multiple occasions for more than three and a half years from 2019 through 2022 yet CICC did not respond to the Authority.

California Public Resources Code Section 21080.3.1(b) identifies that “for the purposes of this section . . . ‘consultation’ shall have the same meaning as provided in Section 65352.4 of the Government Code.” Section 65352.4 of the Government Code states that:

“consultation” means the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties’ cultural values and, where feasible, seeking agreement. Consultation between government agencies and Native American tribes shall be conducted in a way that is mutually respectful of each party’s sovereignty. Consultation shall also recognize the tribes’ potential needs for confidentiality with respect to places that have traditional tribal cultural significance.

California Public Resources Code Section 21080.3.2.(a) further states that:

As a part of the consultation pursuant to Section 21080.3.1, the parties may propose mitigation measures, including, but not limited to, those recommended in Section 21084.3, capable of avoiding or substantially lessening potential significant impacts to a tribal cultural resource or alternatives that would avoid significant impacts to a tribal cultural resource. If the California Native American tribe requests consultation regarding alternatives to the project, recommended mitigation measures, or significant effects, the consultation shall include those topics. The consultation may include discussion concerning the type of environmental review necessary, the significance of tribal cultural resources, the significance of the project’s impacts on



the tribal cultural resources, and, if necessary, project alternatives or the appropriate measures for preservation or mitigation that the California Native American tribe may recommended to the lead agency.

Throughout the consultation process, the Authority has sought feedback from CICC on the Project, Project alternatives, the significance of tribal cultural resources, and the significance of the Project’s impacts on tribal cultural resources, along with mitigation measures to reduce these impacts. The Authority’s March 2019 materials included copies of cultural resources reports prepared as of that date and reference materials; the August 2019 materials included the remaining reference material requested; the October 2020 discussion and material included an updated Project description, GIS data for cultural resources, and a draft archeological report; the March 2021 materials included a revised preliminary Project description, including the range of alternatives being considered for the Project; the December 2021 materials included a link to the Revised Draft Environmental Impact Report/Supplemental Draft Environmental Impact Statement (Revised Draft EIR/Supplemental Draft EIS); and the January 2022 materials included the confidential cultural resources report that is an appendix to the Revised Draft EIR/Supplemental Draft EIS.

The California Office of Planning and Research’s (OPR) June 2017 Technical Advisory on AB 52 and Tribal Cultural Resources in CEQA states that consultation “is a process in which *both* the *tribe* and *local government* invest time and effort into seeking a mutually agreeable resolution for the purpose of preserving or mitigating impacts to a cultural place, where feasible.”¹ (Emphasis added.) The Authority has been committed to the principles set forth in AB 52 and has reached out to CICC numerous times over the years to seek feedback and engage in consultation efforts. Over the last six months of this process, the Authority has acted in good faith with reasonable efforts to understand CICC’s concerns with respect to the CICC historic district and defined traditional cultural landscape but, as discussed below, the Authority lacks the information necessary to evaluate this resource and come to a mutual agreement.

Project’s California Environmental Quality Act (CEQA) Process

CICC’s September 29 letter expresses concern that the Authority’s mission prevents it from preparing an impartial EIR analysis. The lead agency for a CEQA document is “the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment.” Cal. Pub. Res. Code § 21067. Inherent

¹ Available here: https://opr.ca.gov/ceqa/docs/20200224-AB_52_Technical_Advisory_Feb_2020.pdf



to CEQA is that the agency carrying out the project is the agency that is preparing the environmental document. As stated on OPR’s website²:

CEQA requires public agencies to “look before they leap” and consider the environmental consequences of their discretionary actions. CEQA is intended to inform government decisionmakers and the public about the potential environmental effects of proposed activities and to prevent significant, avoidable environmental damage.

CEQA requires a consideration and disclosure of environmental effects of a discretionary agency action to inform decisionmakers and the public. The CEQA statute and CEQA Guidelines set forth an extensive procedural framework for how a lead agency is to complete the CEQA process to ensure that a project’s impacts are adequately analyzed, considered and disclosed.

CEQA requires the consideration and discussion of alternatives to a proposed project, including a no project alternative. Cal. Pub. Res. Code § 15126.6. An EIR is to “describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project.” *Id.* An EIR shall also include a no project alternative. California Public Resources Code Section 15126.6 (e)(1) states that “the purpose of describing and analyzing a no project alternative is to allow decision makers to compare the impacts of approving the proposed project with the impacts of not approving the proposed project.” As the no project alternative does not carry out the proposed project and thus, presumably does not meet the project’s basic objectives, it is by definition, not a viable action alternative. The Authority’s stance regarding the no project alternative does not amount to a failure by the Authority to undertake the analysis and undertake the procedural process required by CEQA.

At our April 18 and June 15 meetings, CICC stated that it would like to include information in the Final EIR/EIS for the Project. At both the April 18 and June 15 meetings, we understood CICC to say that this information would be in the form of a statement from the Tribe that the Authority could not change in any way and would publish the statement in whole as exactly written by CICC. We stated that we would include information provided by the Tribe in the Final EIR/EIS and asked for this statement. At our October 2 meeting, and also referenced in CICC’s September 29 letter, CICC states that “CICC directly offered . . . to provide the Sites Project Authority with a statement of significance on our TCL/historic district and other contributing TCRs and the direct, indirect, and cumulative impacts that will occur to them

² Available here: <https://opr.ca.gov/ceqa/>



under all alternatives, including the No Project or Action alternative, to directly include in the EIR.” At our October 2 meeting, we reiterated that we would include such a statement provided by the Tribe in the Final EIR/EIS. As of the preparation of this letter, the Authority has not received this statement from CICC. Our Final EIR/EIS is in the final production stages and there is no longer time to include such a statement in the Final EIR/EIS. However, we will include such a statement provided by the Tribe in the Authority’s CEQA administrative record but will need to have this statement no later than close of business, October 27. If the statement is received after October 27 but before our Board meeting, which is scheduled for November 17, we will include it in the information the Board members receive.

CICC Historic District and Defined Traditional Cultural Landscape

We appreciate the worldview of Native people in seeing the land and environment as intrinsically intertwined with human development and wellbeing. We also understand that natural resources can be considered cultural resources and should be assessed as such. We have a whole-hearted appreciation for this connection – it is a connection to a place, to a home, to a being that many people no longer have. We value the time that CICC has spent in helping us understand this connection.

Throughout our recent meetings and correspondence, CICC has identified that that it views the Project area as within a CICC historic district and defined traditional cultural landscape. At our recent meetings and correspondence, the Authority has requested additional information on the defined CICC historic district and defined traditional cultural landscape. We are not questioning CICC’s belief that there is a CICC historic district and defined traditional cultural landscape. We are asking these questions as we need to analyze these issues within a regulatory framework. .

California Public Resources Code Section 21074(b) defines a cultural landscape as a tribal cultural resource if it meets both the defining criteria of a tribal cultural resource and the landscape is geographically defined in terms of size and scope. California Public Resources Code Section 21074(a) defines a tribal cultural resource as either of the following:

- (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - (A) Included or determined to be eligible for inclusion in the California Register of Historical Resources³.

³ California Public Resources Code Section 5024.1 identifies the criteria to be eligible for the California Register of Historical Resources as follows:



(B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1⁴.

- (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

OPR’s June 2017 Technical Advisory on AB 52 and Tribal Cultural Resources in CEQA provides additional guidance on what constitutes substantial evidence in a lead agency determination of a tribal cultural resource as follows:

Evidence that may support such a finding could include elder testimony, oral history, tribal government archival information, testimony of a qualified archaeologist certified by the relevant tribe, testimony of an expert certified by the tribal government, official tribal government declarations or resolutions, formal statements from a certified Tribal Historic Preservation Officer, or historical/anthropological records.

Thus, state law directs the Authority to examine whether a historic district and defined traditional cultural landscape, geographically defined in terms of size and scope and is: (1) eligible for inclusion in the California Register of Historical Resources or a local register of historical resources; or (2) a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant. We have asked for more information on the CICC historic district and defined traditional cultural landscape as such information is necessary for us to meet the statutory obligations of AB 52 and the California Public Resources Code. We regret that CICC did not bring the presence of a historic district and

-
- (b) The California Register shall include historical resources determined by the commission, according to procedures adopted by the commission, to be significant and to meet the criteria in subdivision (c).
- (c) A resource may be listed as an historical resource in the California Register if it meets any of the following National Register of Historic Places criteria:
- (1) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
 - (2) Is associated with the lives of persons important in our past.
 - (3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
 - (4) Has yielded, or may be likely to yield, information important in prehistory or history.

⁴ California Public Resources Code Section 5020.1(k) defines “Local register of historical resources” as a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.



traditional cultural landscape to our attention earlier, so that we could have explored this with you more thoroughly.

At our October 2 meeting and in the September 29 CICC letter, extensive, but general information was provided on the connection between Native People and natural landscapes. The CICC September 29 document provides numerous citations to literature, to Deloria 1994, Watkins 2001, Pablo 2001, Casey 2013, Marker 2018, and others. None of this literature, however, addresses how the CICC historic district and defined traditional cultural landscape is eligible for inclusion in the California Register of Historical Resources or a local register, or provides substantial evidence for the Authority to make a determination of significance. CICC’s September 29 letter goes on to identify “the presence of intensively significant and unique plants and animal gathering and intergenerational teaching and learning areas, ancestral remains . . .”. This information is helpful but additional information is needed.

The Authority has offered to fund the CICC direct cost to complete an ethnographic study of the Project area. Such a study would assist CICC in developing the information and documentation necessary to both support a determination of eligibility for inclusion in the California Register of Historical Resources or a local register and would provide information important to informing the path forward for the Project. The avoidance, minimization, and mitigation measures in the Final EIR/EIS allow for the continued consideration of the CICC historic district and defined traditional cultural landscape.

Qualification and Competency of Individuals Working on the Project

CICC’s September 29 letter reiterates portions of CICC’s May 3 letter and the Authority’s September 15 response regarding the request to include an ethnohistorian/ethnographer in the April 18 meeting. This topic was also discussed at length at the October 2 consultation meeting. While we include responses to concerns related to competency and qualifications of the professional staff working on the Project, we feel these are distractions from the real issues and do not help us build understanding and collaboration which we believe is our mutual goal.

Attached are the emails between Monica Ruth, the requested ethnohistorian/ethnographer and Alicia Forsythe, with the Authority. We stand by our statement that the Authority understood the request came from an individual and not from the CICC government. While the September 29 letter states that “CICC felt this was the best approach and did not directly reach out to request this ethnohistorian/ethnographer participation”, that lack of direct outreach from CICC led Mrs. Forsythe to believe that this individual was taking it upon themselves to be invited to the meeting. Mrs. Forsythe’s email on Monday, April 17 at 4:27 PM was clear “that the Tribe is always welcome to invite whomever they would like to the



meeting.” We hope that improved communication between the Authority and CICC will prevent such confusion in the future.

CICC’s September 29 letter states that the requested ethnohistorian/ethnographer is the “only person among the consulting firm preparing your EIR who can organize and provide you with the best possible information necessary to inform decisionmakers.” We would like to clarify that HDR is serving as the Authority’s Integration contractor. In this role, HDR ensures that activities are coordinated among all of the Authority’s contractors. HDR is not preparing the Project’s EIR. Rather, ICF is under contract to prepare the EIR.

CICC’s September 29 letter states that “it appears that the Sites Project Authority has refused to include the ethnohistorian/ethnographer specifically requested by CICC to ensure that you do not have the best possible information to provide to decisionmakers in the EIR.” As stated in our September 15 letter, we left open the possibility to including this individual in future efforts. Since the April 18, 2023 meeting, the Authority understands that this individual is or was in a personal relationship with your consultant, Dr. Giorgio Curti. The CICC September 29 letter seems to acknowledge this relationship. The Authority takes all matters related to conflict and ethics very seriously and has examined this specific matter thoroughly. Please understand that it is not the Authority’s desire to exclude CICC’s preferred consultants from working on this aspect of the Project. Instead, this is a matter between the employee and their employer. The Authority has been advised that the firm to whom this individual is employed has determined this individual is not authorized to work on this Project while under employment by this firm.

CICC’s September 29 letter also raises questions about the ethics of all Project consultants, stating that the Authority has a “legal and ethical responsibility to investigate [our] representatives and [our] consultants for their own conflicts of interest in reproducing and perpetuating the marginalization of CICC in and through the CEQA and AB 52 process, and in potential influences and pressures, monetary self-interest, and the purposeful elisions of information and qualified and competent personnel in the preparation of the EIR.” Again, the Authority takes all matters related to conflict and ethics very seriously. The Authority’s standard consultant contract includes financial disclosure requirements, conflict of interest disclosure requirements and a standard of conduct and performance requirement and these provisions are vigorously enforced, with any violations dealt with appropriately. Under the Authority’s standard contract, consulting firms can be terminated for not properly disclosing and addressing conflicts, not properly disclosing and addressing financial interests, and not adhering to a standard of conduct and performance that is generally accepted professional practices. In addition, Authority Agents, such as myself, Mrs. Alicia Forsythe, and Mr. Kevin Spesert, along with all of our Board members, our Reservoir Committee members, and other key Project personnel all file a Statement of Economic Interests with the California Fair



Political Practices Commission annually in our roles as public officials making or influencing governmental decisions.

CICC’s September 29 letter states in a number of places that the Authority is not employing “qualified and competent individuals in the preparation of EIR.” The qualifications of the individuals working on the EIR are clearly stated in Chapter 33, Consultation and Coordination and List of Preparers of the Revised Draft EIR/Supplemental Draft EIS. All of the individuals working on the EIR are qualified in their respective field and the majority have over 10 years of experience. CICC’s September 29 letter states “we remind the Sites Project Authority that continual assertions of using ‘the best available information’ are not demonstrations of such, and that CEQA calls for the use of qualified and competent individuals in the preparation of EIRs (Public Resources Code [PRC] 21000, 21001, and 21100; AEP 2023:234)”. We note that California Public Resources Code Sections 21000, 21001, and 21100 speak to the overall purpose of CEQA and do not support the statement that “CEQA calls for the use of qualified and competent individuals in the preparation of EIRs”. Regardless, the Authority’s consultants, both the firm and the primary individuals, are all competent and highly qualified.

Path Forward

As mentioned above, we expect our Board of Directors to consider certification of the Final EIR and adoption of the Project at its November 17, 2023 meeting. Although we are completing the CEQA process, our desire and invitation to work together through future Project planning, implementation, and operations continues. We look forward to your partnership and collaboration in implementing the avoidance, minimization, and mitigation measures identified in the EIR. The Authority is committed to collaborating with CICC on future studies, such as elder interviews and the recordings of Tribal histories to document significant cultural places and events in the Project area and region; the identification of locations outside of the proposed reservoir footprint for the repatriation of Native American human remains and sacred objects, as desired by the Tribe; botanical studies that could contribute to biological mitigation requirements and the establishment of areas to be made accessible to tribes for the collection of plants; and the development of recreational trails and interpretive signage, among other items. Such actions could be memorialized in a legally binding Memorandum of Agreement, which we previously suggested to you. We also propose establishing a Tribal Working Group to address related topics, which may also be of interest to the other Tribe’s represented by attendees at our October 3 meeting. At our September 29 meeting, we presented the attached materials that include the mitigation measures from the Final EIR along with our proposal of additional commitments that the Authority is willing to implement in collaboration with CICC throughout the life of the Project. We look forward to further discussing these matters.



Alicia Forsythe

From: Ruth, Monica <Monica.Ruth@hdrinc.com>
Sent: Tuesday, April 18, 2023 7:57 AM
To: Alicia Forsythe; Janis Offermann; Kevin Spesert; Laurie Warner Herson
Cc: Risse, Danielle; Lloyd, John
Subject: Re: upcoming meeting with Colusa

Hello Ali,

Thank you for letting me know.

Monica Ruth, M.A.
Cultural Resource Specialist
Ethnohistorian and Ethnographer
HDR
mobile: 916-813-3060
Monica.Ruth@hdrinc.com

From: Alicia Forsythe <aforsythe@sitesproject.org>
Sent: Monday, April 17, 2023, 4:27 PM
To: Ruth, Monica <Monica.Ruth@hdrinc.com>; Janis Offermann <jaoffermand@montrose-env.com>; Kevin Spesert <kspesert@sitesproject.org>; Laurie Warner Herson <laurie.warner.herson@phenixenv.com>
Cc: Risse, Danielle <danielle.risse@hdrinc.com>; Lloyd, John <John.Lloyd@hdrinc.com>
Subject: RE: upcoming meeting with Colusa

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Monica – I've thought a lot about this today and I am just not comfortable with you attending the meeting in a capacity that is representing / paid by the Authority. The Authority has an established team on this Project through HDR and Horizon that have been working with the Tribe for a number of years. The Project is extensive with multiple years of construction and long-term operations and we've been working out a strategy to complete consultation and partner with Tribes throughout the life of the Project.

Without an understand of all of this, it could be very confusing and feel conflicting for the Tribe if your representing the Authority but don't understand the Project or how the Authority is planning to partner with the Tribe into the future.

I do respect that the Tribe is always welcome to invite whomever they would like to the meeting. But I want to be clear that I am not comfortable with you attending representing or being paid by the Authority.

Ali

Alicia Forsythe | Environmental Planning and Permitting Manager | Sites Project Authority | 916.880.0676 | aforsythe@sitesproject.org | www.SitesProject.org

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From: Ruth, Monica <Monica.Ruth@hdrinc.com>
Sent: Monday, April 17, 2023 10:49 AM
To: Alicia Forsythe <aforsythe@sitesproject.org>; Janis Offermann <jaoffermann@montrose-env.com>; Kevin Spesert <kspesert@sitesproject.org>; Laurie Warner Herson <laurie.warner.herson@phenixenv.com>
Cc: Risse, Danielle <danielle.risse@hdrinc.com>; Lloyd, John <John.Lloyd@hdrinc.com>
Subject: RE: upcoming meeting with Colusa

Hi Ali,

Thank you for reaching out; I appreciate your thoughtful response. My role would be to assist Sites Authority in achieving full compliance with all applicable relevant cultural resource/historic property laws and regulations, and in doing so, it would be most appropriate to utilize the contract between HDR and Sites. I will certainly reach out to Jay and Danielle for context, thank you for the recommendation. Would you have time to chat later today or tomorrow morning to touch base? I'm tied up between 3-4 today, but otherwise very available.

-Monica

Monica Ruth, M.A.
M 916-813-3060

hdrinc.com/follow-us

From: Alicia Forsythe <aforsythe@sitesproject.org>
Sent: Friday, April 14, 2023 3:48 PM
To: Ruth, Monica <Monica.Ruth@hdrinc.com>; Janis Offermann <jaoffermann@montrose-env.com>; Kevin Spesert <kspesert@sitesproject.org>; Laurie Warner Herson <laurie.warner.herson@phenixenv.com>
Cc: Risse, Danielle <Danielle.Risse@hdrinc.com>; Lloyd, John <John.Lloyd@hdrinc.com>
Subject: RE: upcoming meeting with Colusa

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Monica – I am just getting to emails that came in while I was on vacation. I did reach out to Robert Boling on this as he's our principle in charge for HDR's work on the Sites Project.

I am fine with you attending the meeting. As CICC invited you, I assume you'll be attending as "representing" CICC.

The Sites Project Authority also has an extensive contract with HDR for services, including Tribal services. Danielle Risse and Jay Lloyd have been involved in the Project fairly extensively. You may want to catch up with them prior to the meeting for some context.

If you will be attending sort of representing both parties or representing Sites and billing to our contract with HDR, then I would want to chat prior to the meeting and bring you up to speed as to where we are and how we're looking to move forward.

I realize HDR has lots of different clients, so I am totally fine with you being there. I just would like to be clear on who you are "representing" when at the meeting so no one feels surprised.

I am excited to re-engage with the tribe and always appreciate team members that have relationships that help us all come together to help us understand and find solutions. I just want to be careful that we don't inadvertently get crosswise.

Ali

Alicia Forsythe | Environmental Planning and Permitting Manager | Sites Project Authority | 916.880.0676 | aforsythe@sitesproject.org | www.SitesProject.org

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From: Ruth, Monica <Monica.Ruth@hdrinc.com>

Sent: Monday, April 10, 2023 11:30 AM

To: Janis Offermann <jaoffermann@montrose-env.com>; Alicia Forsythe <aforsythe@sitesproject.org>; Kevin Spesert <kspesert@sitesproject.org>; Laurie Warner Herson <laurie.warner.herson@phenixenv.com>

Subject: RE: upcoming meeting with Colusa

Thank you, Janis. That is the gist of my conversation with CICC Executive Committee last week. I understand from our conversation this morning that the AB52 process for the overall project has been ongoing since 2017 (please correct me if I don't have that right) and in this time, several meetings took place prior to COVID. Since these meetings, there have been changes in the Tribe's Executive Committee as well as the Cultural Department. Because of my working relationship with CICC outside of the Sites Project, along with my experience with AB52 consultation, my participation in the upcoming meeting would be supportive of the required Tribal consultation process, particularly in respecting and honoring Tribal Sovereignty as it is the Tribe's request that I join the conversation.

I look forward to further conversation. Please let me know if I can provide any additional information.

Thank you,
Monica

Monica Ruth, M.A. (*she/her*)

Ethnohistorian and Ethnographer

HDR

Mobile: 916-813-3060

Monica.Ruth@hdrinc.com

hdrinc.com/follow-us

From: Janis Offermann <jaoffermann@montrose-env.com>

Sent: Monday, April 10, 2023 10:45 AM

To: Alicia Forsythe <aforsythe@sitesproject.org>; Kevin Spesert <kspesert@sitesproject.org>; Laurie Warner Herson

<laurie.warner.herson@phenixenv.com>

Cc: Ruth, Monica <Monica.Ruth@hdrinc.com>

Subject: upcoming meeting with Colusa

CAUTION: [EXTERNAL] This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning, Ali

I believe you might still be on vacation, but I wanted to report to you a conversation that I had with Monica Ruth, of HDR and cc'd here, this morning.

Monica met with Colusa last week on an entirely different project and the topic of Sites Reservoir came up. Present at the meeting were Jennie Mitchum, the new cultural resources director, Rick Mithcum, Galina Mitchum, and Amanda Ragudo, vice-chairperson.

Monica noted that the conversation was not lengthy or in-depth since she is not really involved with the Sites Project; however, the tribe mentioned that they were concerned about traditional gathering places within the reservoir footprint (though Monica wasn't sure if they meant trails through the valley to resources on the other side), and "ancestors," which I am guessing would be cemeteries.

The tribe also mentioned our upcoming meeting and subsequently forwarded the meeting invitation to Monica so that she can attend. Apparently, they also offered to send an email to you to ask that Monica be included in that meeting. Monica can correct me if I am wrong, but she has met with this new team a couple of times on another project, and they are obviously comfortable talking with her.

Anyway, I wanted to bring this to your attention, so that you could decide if Monica should attend on the 18th.

thanks

janis

--

Janis Offermann, M.A., RPA

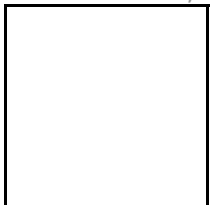
Cultural Resources Manager

M: 530.220.4918

jaoffermann@montrose-env.com

Please note new email address after April 1, 2023. I can still receive emails as janis@horizonh2o.com; however, all of my outgoing emails to you will be from jaoffermann@montrose-env.com.

Montrose Environmental
1801 7th Street, Suite 100, Sacramento, CA 95811



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**Summary of Proposed Commitments by the Sites Project Authority to the
Colusa Indian Community Council
October 2, 2023**

These commitments are proposed by Authority staff. The Authority's Board of Directors would have to approve the final set of commitments and approve execution of a Memorandum of Agreement and contract(s) to carry out these commitments.

Final EIR/EIS and Programmatic Agreement

- The Authority will comply with all commitments and mitigation measures identified in the Project Final EIR/EIS (see attached excerpts) and those commitments in the Project's Programmatic Agreement, including but not limited to, the commitment to engage and collaborate with the Tribe in the ongoing development and implementation of the Project.
- The Authority will engage and collaborate with the Tribe to move and relocate facilities to avoid impacts to tribal cultural resources to the extent possible, recognizing that some facilities cannot be moved.
- The Authority will provide funding for the Tribe to complete an ethnographic study or similar requested initiative.
- The Authority will include the Tribe in the development of the Project Recreation Management Plan (Plan development to begin in 2025 timeframe).
- The Authority will engage and collaborate with the Tribe to protect resources that can be avoided on Authority-owned lands, including granting protective easements to the Tribe, establishing exclusion areas for the general public, and allowing Tribal members to access these resources, to the extent feasible.
- The Authority will provide funding for the Tribe to participate in the above efforts and in construction monitoring efforts through the construction of the Project.
- The Authority will waive any and all claims to ownership of tribal cultural items found on the Authority's lands, including ceremonial items and archaeological items, and work diligently and expeditiously to provide these to the appropriate Tribe. For example only, items found along the Dunnigan Pipeline in Yolo County may be most appropriately provided to the Yocha Dehe Wintun Nation.

Economic Development

- To the extent feasible, the Authority would work with the Tribe to identify appropriate Authority planned Project expenditures to serve as a local cost share, where possible, toward Federal and State grants and loans sought for Tribal community improvements.
- The Authority would include CICC businesses in its proposed local preference purchasing program and commits to packaging construction, equipment, and materials contracts for the Project, as feasible, in ways that afford opportunity for CICC businesses to compete for the work.
- The Authority would commit to funding the development of a Maxwell Community Plan, led by the County and to be completed by May 2024. The Authority would ensure that 1) the Tribe has the opportunity to meaningfully participate in the development of the Maxwell Community Plan and 2) the existing Tribe-owned property in Maxwell (near the sewer ponds) is included in the consideration for future development.
- The Authority would extend regional training and employment opportunities being offered in conjunction with the Project (e.g. MC3 worker training program) to CICC members.

Cultural and Traditional Recognition and Preservation

- The Authority would provide access to Authority-owned land to the Tribe for cultural and traditional activities (area, granted rights, and applicability to be determined in the future). This would include both Authority owned land around the reservoir and Authority-owned biological resource mitigation lands.
- The Authority is planning two recreation areas at the new Sites Reservoir. The Authority would commit to 1) planning, designing and constructing physical improvements in close coordination with the Tribe and 2) seek to honor the culture and traditions of the Tribe, including considering the following:
 - Naming of recreation area landmarks and roads internal to the recreation area.
 - Designing the recreation area - such as designing the road and tent spots around a traditional roundhouse concept or traditional village layout concept.
 - Including interpretive signs, informational kiosks, and trail markers, within the recreational area boundaries that honor the cultural and traditional heritage of the Tribe from the Tribes perspective.

Other local community members have expressed strong interests in the recreation areas and the Authority must meet certain contractual obligations to the State for the development and operation of the recreation areas. The Authority would honor the above commitments with the Tribe while balancing the interests of others.

- The Authority is considering developing a visitors/interpretive center. At this time, no final decision has been made and no site has been selected. However, if developed, the Authority would work with the Tribe to represent the Tribe in exhibits from the perspective of the Tribe. If a visitor center is not ultimately developed, then the Authority would work with the Tribe to represent the Tribe in the Authority's public office in a way that the general public can access (such as in the Authority's main office lobby).
- The Authority would work with the Tribe and the four other tribes with traditional or cultural affiliation to the Project area to develop a page on its website to recognize that the Project is being built on unceded lands of the Patwin and Nomlaki people.
- The Authority will work with the Tribe to relocate any Native American burials found in the Sites Valley consistent with the Tribes wishes and in a way that respects the dignity of the individual and the Tribe. Opportunities being considered by the Authority include relocating Native American burials to an area together outside of the reservoir footprint but on Authority lands. Ideally, a location would be found and able to be acquired that held significance to the Tribe, such as an area that has other, existing tribal cultural resources, and relocating individuals there brings them all back together around the existing resource. The goal of the Authority would be to transfer fee title to this land to the Tribe. Note that this would apply to any burials found on the Authority's lands; burials found on Reclamation lands would proceed through the federal process.

Commitments would be memorialized in a Memorandum of Agreement or other binding agreement.

In exchange for these considerations by the Sites Project Authority:

- The Tribe agrees to be a collaborative partner in the implementation of the Project.

Mitigation Measures in the Upcoming Final EIR/EIS

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.

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

The Authority will identify NRHP-/CRHR-eligible archaeological resources in the study area. The work will be conducted by a Registered Professional Archaeologist. The following will occur as part of the identification.

- Relocate and map previously recorded archaeological resources that are potentially NRHP/CRHR-eligible. Upon access to previously inaccessible areas, all previously recorded archaeological resources will be located and their boundaries mapped with sub-meter accuracy Global Positioning System (GPS) units to identify their exact location in relation to Project components that have the potential to affect the resources.
- Locate and map archaeological resources that are potentially NRHP/CRHR-eligible in areas that have not been accessible previously. Upon access to previously inaccessible areas, pedestrian surveys will be conducted to identify archaeological resources that are potentially NRHP/CRHR-eligible. The surveys will be conducted using transects spaced no greater than 94 feet (30 meters) apart. All newly identified archaeological resources will be recorded on applicable DPR 523-series forms and resource boundaries, features, and diagnostic artifacts outside of features or concentrations will be recorded using sub-meter accuracy GPS units to identify their exact location in relation to Project components that have the potential to impact the resources.
- Evaluate the NRHP/CRHR eligibility of recorded archaeological resources. Once all previously and newly recorded archaeological resources have been documented, each resource will be evaluated for NRHP and CRHR eligibility. As discussed in Appendix 4A, Regulatory Requirements, cultural resources are eligible for the NRHP and CRHR if they have integrity and meet one or more of the four criteria as defined in the regulations for the NRHP (Section 4A.18.1.3, National Register of Historic Places) and CRHR (Section

4A.18.2.2, California Register of Historical Resources). Eligibility will be assessed using a combination of (but not limited to) archival, ethnographic, and tribal research, including tribal coordination and assistance, resource condition assessment, subsurface testing, and laboratory analysis. If the resource is evaluated as not eligible, no further action is required, and avoidance is preferred.

- Assess impacts on NRHP-/CRHR-eligible archaeological resources. NRHP-/CRHR-eligible archaeological resources will be individually analyzed in relation to the Project components within or near those NRHP-/CRHR-eligible resources. Thresholds of significance identified in Section 22.3.1 will be applied.

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

The Authority will avoid NRHP/CRHR-eligible archaeological resources in the study area by performing the tasks listed below. The work will be conducted by a Registered Professional Archaeologist.

- The Authority will develop feasible Project design specifications to avoid NRHP/CRHR-eligible archaeological resources. If Project design allows modification, design changes will be implemented to avoid NRHP-/CRHR-eligible archaeological resources or avoid impacts on significant values of the resources (features, artifacts, or any other elements of the resource which make the resource NRHP-/CRHR-eligible).
- The Authority will develop and implement feasible Project construction protocols to avoid NRHP-/CRHR-eligible archaeological resources, including workers' cultural resources sensitivity training. Prior to construction activities in the vicinity of NRHP-/CRHR-eligible archaeological resources, the Authority will require a qualified archaeologist to provide a cultural resources sensitivity training tailboard to all construction personnel working in the vicinity of the resources. The training will identify the sensitivity, nature, and components of the resource, and inform the construction personnel of necessary protocol in the case of an unanticipated discovery. Tribes will also be invited to participate in and lead part of the workers' cultural resources sensitivity training.
- The Authority will develop and implement feasible Project operations protocols that avoid NRHP-/CRHR-eligible archaeological resources. Similar to the workers' cultural resources sensitivity training during construction activities, all personnel in charge of managing the operations will be required to have cultural resources sensitivity training for the resources near Project facilities and have a familiarity with the resource locations and identifications so that future operations or changes in operations can avoid those resources. Tribes will also be invited to participate in and lead part of the cultural resources sensitivity training.

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

The Authority will develop feasible Project protection of NRHP/CRHR-eligible archaeological resources during construction and operations.

- The Authority will develop protections protocols to ensure that qualified staff perform monitoring during Project-related ground disturbance to protect known resources, to

identify any unanticipated discoveries, and to implement the Post-Review Discovery Procedure.

- The Authority will develop resource-specific protection plans considering at a minimum Environmentally Sensitive Area delineation and physical fencing, and requiring archaeological monitoring where construction or operation would be in the vicinity of a known NRHP-/CRHR-eligible archaeological resource. The resource-specific protection plans will establish the methods and standards for when and how Environmentally Sensitive Area delineations will be required and when archaeological monitoring activities will be conducted for specific types of sites that will need to be protected. The resource-specific protection plans will establish the methods and standards for when Tribal monitoring activities will be invited and conducted for specific activities and/or types of sites that will need to be protected. The plans will also identify the roles and responsibilities of monitors and construction crews and specify communication protocols and reporting requirements.

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

The Authority will develop and implement resource-specific treatment plans in consultation with Tribes and other interested parties who are associated with or identify with the resource. The resource-specific archaeological treatment plans will ensure that all NRHP-/CRHR-eligible archaeological resources potentially affected by the Project will be treated according to best practices and professional standards, in a traditionally and culturally sensitive manner, and that treatment options will include a range of interventions from avoidance and minimization of impacts to mitigation for the loss of the physical resource. Treatment may include, but would not be limited to, data recovery, site capping, analysis of existing artifact collections, or interpretive displays, among other things. Appropriate treatment will be determined based on resource type, resource location, types of impacts on the resource, and results of consultation with Tribes, interested parties, and agencies.

Mitigation Measure CUL-3.1: Cemetery Relocation Plan

The Authority will develop a Cemetery Relocation Plan for relocating two known, dedicated cemeteries located in the inundation area. This will be part of Reclamation's Programmatic Historic Properties Management Plan that would be prepared in consultation with SHPO.

Avoidance of the disturbance and/or inundation of two known cemeteries is not expected to be feasible except under the No Project Alternative. The Cemetery Relocation Plan will ensure that all remains in these two cemeteries are treated with respect and in accordance with the wishes of identifiable descendants. The Cemetery Relocation Plan will also ensure that state and county health and safety codes are followed for those interments that are relocated.

Two dedicated cemeteries in the inundation area will be relocated to a site or sites approved for interment of human remains per requirements of the California Health and Safety Code (Sections 7500–7527). This procedure will be developed through consultation and coordination with descendants and other parties with demonstrated interest in the occupants of the cemeteries. The procedure will outline legal requirements, such as acquiring a written order from the local health department or county superior court before human remains may be

moved, and other rules and regulations adopted by the board of health or health officer of the county.

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

The Authority will avoid and protect any human remains encountered during pre-construction, construction, post-construction, operations, and maintenance. The Authority will follow appropriate state guidelines for halting Project activities at the discovery location, contacting the appropriate county coroner to report the discovery, and proceeding with implementation of Project policies regarding Native American consultation or implementation of a burial treatment plan. See Appendix 4A, *Regulatory Resources*, Sections 4A.18.1, *Federal Policies and Regulations*, and 4A.18.2, *State Policies and Regulations*.

The Authority and its qualified contractors will prepare a plan for treating human remains and/or grave goods encountered during archaeological investigations, Project construction, or Project operations. The Burial Treatment Plan will identify ways to avoid or reduce the likelihood of encountering as yet unidentified remains.

The Burial Treatment Plan will ensure that the Authority and its contractors respond to unanticipated discovery of human remains with respect and in accordance with the wishes of identifiable descendants. The Burial Treatment Plan will also ensure that state and county health and safety codes are followed for those interments that are relocated.

This procedure will identify legal requirements and best practices for treating Native American and non-Native American remains encountered outside of a dedicated cemetery. The Native American portion of the Burial Treatment Plan will be developed in consultation with consulting Tribes and may include individual Tribes' burial treatment plans.

The Authority and its qualified contractors will complete preparation of the Burial Treatment Plan within 6 months of issuance of the NOD/ROD, adopt the plan prior to selection of the construction contractor, and fully implement the plan prior to any soil disturbance within 500 feet of remains.

Alicia Forsythe

From: Joe Trapasso
Sent: Tuesday, October 24, 2023 12:40 PM
To: Angela Smelser
Cc: Alicia Forsythe; Lori Jones
Subject: Executed Cachil Dehe A #1 to Monitoring Agreement
Attachments: Executed Cachil Dehe Agreement A#1.pdf

Angela,

Please find attached an executed Amendment No. 1 to the Standard Monitoring Agreement between the Cachil Dehe Band of Wintun Indians of the Colusa Indian Community and Sites Project Authority.

The Authority looks forward to Cachil Dehe's continued support on the Sites Reservoir Project!

Thanks,

Joe

Joe Trapasso
Program Operations Manager
Sites Reservoir Project
Phone: 530.387.1102
Email: jtrapasso@sitesproject.org
Web: www.SitesProject.org
P.O. Box 517
122 Old Highway 99 West
Maxwell, CA 95955



**Standard Monitoring Agreement Between
Sites Project Authority
And
The Cachil Dehe Band of Wintun Indians of the
Colusa Indian Community**

Amendment No. 1

The Cachil Dehe Band of Wintun Indians of the Colusa Indian Community referred to as “Cachil Dehe”

Amendment No. 1 to Agreement, effective on August 8, 2023 (“**Effective Date**”), is agreed to by the Authority and Cachil Dehe to amend Agreement executed on October 1, 2019, as amended from time to time, as follows:

Under **Section II Terms, Paragraph B. Term**, **DELETE** “This Agreement shall be effective when it has been executed by both parties, and it shall remain in effect until the completion of the 2019 Geotechnical Investigations depicted in Attachment 1.”, **REPLACE WITH** “This Agreement became effective on the Effective Date and shall remain in effect until December 31, 2024.”

Under **Section II Terms, Paragraph D. Fee Schedule**, **ADD** the following roles and approved rates:

Tribe Role	Approved Rates
Cultural Resources Manager (4 hour minimum)	\$175.00/hour
Cultural Sensitivity Training	\$250.00 onetime charge

Under **Section II Terms, Paragraph D. Fee Schedule**, as the last paragraph, **ADD** the following:

“The authorized not-to-exceed total Budget for the Agreement is \$120,000, with an authorized not-to-exceed Budget for execution of Services to be completed in 2023 of \$60,000, pursuant to this Task Order Amendment.”

Scope of Services

Scope of Services, including tasks, deliverables, and assumptions remains unchanged.



Schedule

Cachil Dehe is authorized to proceed with any modification set forth in this Amendment as of the Effective Date of this executed Amendment and notice-to-proceed for execution of Services until December 31, 2023 is provided.

The Agreement Schedule is amended as follows:

The Agreement’s End Date is modified to be December 31, 2024.

Except as expressly provided for in this Amendment, all terms and conditions of the Agreement and any amendments thereto remain unchanged.

This Amendment No. 1 is hereby executed by duly authorized representatives of the parties.


**THE CACHIL DEHE BAND OF WINTUN INDIANS
OF THE COLUSA INDIAN COMMUNITY**

By: 

Printed Name: Wayne Mitchum Jr.

Date: 10.18.23

AUTHORITY

By: 

Printed Name: Joe Trapasso

Date: October 24, 2023

Authority Board Approval Date: June 16, 2023

Agenda Item: 2.2

Alicia Forsythe

From: Angela Smelser <asmelser@colusa-nsn.gov>
Sent: Friday, October 27, 2023 1:07 PM
To: Alicia Forsythe; Jerry Brown; Kevin Spesert
Cc: Carper, Mark A; aleigh@usbr.gov; shunt@usbr.gov; mdekar@usbr.gov; Williams, Scott A; Brown, Jody L@Parks; Polanco, Julianne@Parks; aclark@achp.gov; wdancingfeather@achp.gov; rnelson@achp.gov; imatt@achp.gov; jloichinger@achp.gov; jeddins@achp.gov; jmarks@achp.gov
Subject: CICC's statement to be added to the Sites Project Authority's CEQA administrative record
Attachments: CICC's EIR Statement.pdf

Categories: Record, Needs to Get Done

EXTERNAL MESSAGE: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear Ali Forsythe, Jerry Brown and other Sites Project Authority Government Representatives,

Please find attached CICC's statement to be added to the Sites Project Authority's CEQA administrative record. CICC reserves the right to provide additional statements, documentation, and other information for the Sites Project Authority Board members before November 17.

It is notable that the October 20, 2023, letter is the first confirmation from the Sites Project Authority that information from CICC would be included, without edit or change, as part of the CEQA and EIR process. It is equally notable to call attention to the fact that the Sites Project Authority is requesting "more information." If this request was made in good faith, the specific information you think you require would be readily and clearly identified. As it stands, this is a well-known tactic by agencies to burden and marginalize Tribes from environmental and cultural resource review processes.

Finally, the Sites Project Authority states that it "lacks the information necessary to evaluate this resource and come to a mutual agreement." First, the Sites Project Authority has already--in a consultation letter--assumed CRHR eligibility for the TCR, second CICC has provided more than enough information for competent and qualified subject matter experts to accomplish the task you claim there is not enough information to establish. CICC is currently developing language on the CRHR and NRHP eligibility of the defined cultural landscape and historic district under at least Criteria A/1 and D/4, and will provide the Sites Project Authority with a Scope of Work for an ethnographic study to be conducted by the Tribe and necessary to adequately and comprehensively document the TCR and PTRCI following applicable state and federal laws, statutes, regulations, and guidelines related to CEQA/AB 52, NHPA, and NEPA. CICC will also provide further comments on and address numerous bad faith inaccuracies, half-truths, deflections, and lack of sufficient responses by the Sites Project Authority in your October 20, 2023, letter in due course.

If you have any questions, please contact Ms. Angela Smelser .

Angela Smelser
Executive Assistant
Colusa Indian Community Council
3730 Hwy 45
Colusa, CA 95932
Phone (530) 458-6512
Cell (530) 868-8579
Fax (530) 458-3866

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COLUSA INDIAN COMMUNITY COUNCIL CACHIL DEHE BAND OF WINTUN INDIANS

10/27/2023

Cachil Dehe Band of Wintun Indians of the Colusa Indian Community Council EIR Statement

Statement for the EIR

We are the people of the Cachil DeHe Band of Wintun Indians of the Colusa Indian Community Council (CICC), and we have—since time immemorial—dwelled and lived with and in the landscape where the Sites Project Authority seeks to impose and entrench the Sites Reservoir Project. We, the people of CICC, are intimately and indelibly a part of this landscape. When we speak of land, we do not simply speak of the surface of the ground, but of water and air, of plants and animals, of geographical features and hydrological bodies, of what is below and what is above. The land/waterscape of the proposed Sites Reservoir and the diversity of life that it sustains are our family, our kin, and our material heritage and inheritance from our ancestors. It is has been and continues to be our deep obligation and responsibility to protect, preserve, and steward this life and the places and land/waterscapes fundamental to our traditions, knowledges, practices, and identities as a unique Tribe and people. We accept these deep obligations and responsibilities so that our forthcoming generations may know our sacred geographies, environments, and non-human and more-than-human kin in the future the same way our people have known and honored them in the past, as we know and honor them today.

Rather than accounting for this deep time relationship we have shared with the environment of the proposed Sites Reservoir Project, the Environmental Impact Report (EIR) prepared by the Sites Project Authority as part of California Environmental Quality Act (CEQA) and Assembly 52 (AB 52) review and compliance essentially works to exclude and make us and all affiliated Native peoples invisible in the environmental setting of the proposed land/waterscape they seek to flood and destroy as if we do not—and never did—exist. As part of the preparation of the EIR, it has been the Sites Project Authority's responsibility to bring to the Board of Directors and all decision makers the best available information. They have not. The proposed Sites Reservoir Project will flood and destroy essential parts of our land/waterscape, significantly impact unique and essential plant gathering areas, sacred sites, and ancestral burial locations, heavily harm and damage the integrity of the environmental setting and human environment relationships that define our traditional use areas, and irrevocably undermine our capacities for viable futures as a Tribe and people. We will never be able to visit the plants, animals, or waters of this area again if the Project is approved, because it will inundate ancestral remains, and therefore become imbalanced, polluted, and contaminated as taught in and by our traditional knowledge and science systems.

The Sites Project Authority has failed to reasonably, meaningfully, and in good faith fulfill its environmental review responsibilities under CEQA and its AB 52 amendments in accounting for our Native environmental settings and relationships to this place and land/waterscape. The Sites Project Authority has also used unqualified staff—as clearly demonstrated by the complete lack of consideration

for the First Peoples of the lands and waters of the proposed Project area—and continue to make claims that they are using the best available information when they neglected to respond to Tribal concerns and offers of collaboration to help fulfill the purpose of CEQA and AB 52. Moreover, the Sites Project Authority Executive Director, Jerry Brown, and Environmental Planning and Permitting Manager, Alicia Forsythe, have repeatedly and publicly presented the position that, because the No Project Alternative does not carry out the Sites Project Authority's mission and objectives for the proposed Project, it is not a viable action alternative. While the Sites Project Authority makes repeated claims that this stance regarding the No Project Alternative does not amount to a failure by them to undertake the necessary analysis and abide by the procedural processes required by CEQA and its AB 52 additions, this claim is demonstrably specious. In this stance, the Sites Project Authority, as the lead agency, has predetermined that regardless of the intensity, breadth, and destruction of the significant impacts that will occur to our tribal cultural resources (TCRs), and thus the environment, the proposed Site Reservoir Project will go through. This stance is pre-decisional and a clear and blatant violation of the procedures that guide CEQA.

We, the people of CICC, therefore ask that the Sites Project Authority Board of Directors and other decision makers closely and carefully consider not only what the proposed Sites Reservoir Project will be building, but what it will be irreversibly destroying. PRC 21084.1 states that “[a] project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment,” and PRC 21084.2 clarifies 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.” The No Project Alternative, which assumes the Project will not be implemented, is required to consider what would be reasonably expected to occur in the foreseeable future if the Project is not approved. For the people of CICC, only the No Project Alternative will permit our people to continue fulfilling our stewardship obligations and traditional religious and cultural practices that indelibly depend on the integrity and presence of our TCRs that have existed and sustained us since the time of Creation.

We bring to the attention of the Board of Directors and other decision makers that on June 18, 2019, California Governor Gavin Newsom signed Executive Order (EO) N-15-19, presenting the first formal State governmental recognition “that the State [of California] historically sanctioned over a century of depredations and prejudicial policies against California Native Americans.” In its preamble, the State offers acknowledgement that:

[I]n the early decades of California's statehood, the relationship between the State of California and California Native Americans was fraught with violence, exploitation, dispossession and the attempted destruction of tribal communities, as summed up by California's first Governor, Peter Burnett, in his 1851 address to the Legislature: “[t]hat a war of extermination will continue to be waged between the two races until the Indian race becomes extinct must be expected”;

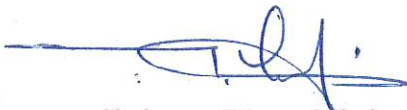
.... [T]he State of California's laws and policies discriminating against Native Americans and denying the existence of tribal government powers persisted well into the twentieth century....

When appropriate levels of inclusion of the rights, opportunities, and special expertise of the Native peoples are not readily and affirmatively afforded as part of CEQA and AB 52 compliance processes and in considerations of adverse effects on and significant environmental impacts to our TCRs—as they have not been by the Sites Project Authority Executive Director, Environmental Planning and Permitting

Manager, and the consultants at HDR and ICF who have worked as Sites Authority Project advocates and representatives rather than impartial preparers of the EIR—these depredations and their prejudicial, marginalizing, alienating, and discriminatory practices are regenerated and reproduced against CICC well into the twenty-first century.

As a federally recognized Native American tribe, each CICC member holds dual status as citizens of both CICC, a sovereign Indigenous Nation, and the United States of America and its State of California. This dual status means that CICC concerns must be approached, consulted on, and considered attentively, considerately, and with respect for Tribal cultural sensitivity and information sharing protocols. CICC is not a bureaucratic check-box and our cultural information is not a matter to be inattentively plugged into and subsumed under predesignated categories of settler colonial governance. How the Sites Project Authority has claimed adequate levels of outreach and consultation with CICC has been unreasonable and in bad faith, and has neither fostered transparency, developed pathways for trust, nor built reasonable and good faith opportunities to account for and take a hard look at significant impacts to our TCRs, as is required under CEQA and AB 52 review.

The area of the proposed Project is part of a historic district and defined cultural landscape TCR that—according to the special expertise of CICC—are preliminarily eligible, respectively, for listing on the National Register of Historic Places (NRHP) under Criteria A and D and the California Register of Historical Resources (CRHR) under Criteria 1 and 4 and which together serve as the last place left in our traditional use area and traditional cultural land/waterscape to provide our people unique capacities and opportunities to continue to be the people of CICC. If the Sites Reservoir Project is approved, this will all be irrevocably damaged and destroyed. The Sites Project Authority Board of Directors and other decision makers have it within their decision making power to stop this proposed Project and the destructive swift and slow violence and social and environmental *in*justices it will impose on the people of CICC. So much has already been taken from CICC and other Native peoples of California, and the direct, indirect, and cumulative adverse effects, significant environmental impacts, and permanent damage that will be caused by the proposed Project will forever destroy the integrity, capacities, and sanctity of the lands and waters of the proposed Project area.



Chairman, Wayne Mitchum Jr.



Vice Chairwoman, Amanda Mitchum

Alicia Forsythe

From: Angela Smelser <asmelser@colusa-nsn.gov>
Sent: Thursday, November 9, 2023 11:14 AM
To: Alicia Forsythe
Cc: Jerry Brown; Kevin Spesert
Subject: RE: CICC's statement to be added to the Sites Project Authority's CEQA administrative record

Categories: Record, Needs to Get Done

EXTERNAL MESSAGE: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Good Morning Ali,

Thank you for letting us know the statement was received.

Please consider this formal notification that the Tribe would like all of the letters mentioned below and any correspondence regarding the Sites Project to be included in the public record unless specifically deemed confidential.

Please let me know if there is anything further CICC needs to do to have the communications made available to the public. I appreciate your help.

Sincerely,

Angela Smelser
Executive Assistant
Colusa Indian Community Council
3730 Hwy 45
Colusa, CA 95932
Phone (530) 458-6512
Cell (530) 868-8579
Fax (530) 458-3866

From: Alicia Forsythe <aforsythe@sitesproject.org>
Sent: Wednesday, November 8, 2023 4:21 PM
To: Angela Smelser <asmelser@colusa-nsn.gov>
Cc: Jerry Brown <jbrown@sitesproject.org>; Kevin Spesert <kspesert@sitesproject.org>
Subject: RE: CICC's statement to be added to the Sites Project Authority's CEQA administrative record

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Angela –

Thank you for CICC's statement.

As CICC is aware, AB 52 requires the Authority to maintain confidentiality of information submitted by a tribe as part of the AB 52 process (such as the location, description and use of tribal cultural resources), unless the

tribe consents in writing to public disclosure. (Public Resources Code Section 21082.3(c)(1).) We therefore would like to confirm with the Tribe whether its October 27, 2023 correspondence (including a statement that CICC requested be included "as part of the CEQA and EIR process") should be part of the Authority's public record under CEQA.

We similarly want to confirm whether the Authority's public record should also include the Tribe's correspondence dated May 3, 2023, June 2, 2023, and September 29, 2023, as well as with the Authority's letters dated June 23, 2023, September 15, 2023, and October 20, 2023. If any of this correspondence is not included in the Authority's public record of proceedings, it will be part of a confidential appendix to the Authority's CEQA record that would not be publicly accessible.

We appreciate your attention to this matter, as we want to make sure we are honoring the expectations of CICC on whether these materials are made available to the public. Please confirm in writing how you would like the communications to be handled.

We appreciate your time and continued efforts.

Ali

Alicia Forsythe | Environmental Planning and Permitting Manager | Sites Project Authority | 916.880.0676
| aforsythe@sitesproject.org | www.SitesProject.org

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From: Angela Smelser <asmelser@colusa-nsn.gov>

Sent: Friday, October 27, 2023 1:07 PM

To: Alicia Forsythe <aforsythe@sitesproject.org>; Jerry Brown <jbrown@sitesproject.org>; Kevin Spesert <kspesert@sitesproject.org>

Cc: Carper, Mark A <mcarper@usbr.gov>; aleigh@usbr.gov; shunt@usbr.gov; mdekar@usbr.gov; Williams, Scott A <sawilliams@usbr.gov>; Brown, Jody L@Parks <Jody.L.Brown@parks.ca.gov>; Polanco, Julianne@Parks <Julianne.Polanco@parks.ca.gov>; aclark@achp.gov; wdancingfeather@achp.gov; rnelson@achp.gov; imatt@achp.gov; jloichinger@achp.gov; jeddins@achp.gov; jmarks@achp.gov

Subject: CICC's statement to be added to the Sites Project Authority's CEQA administrative record

EXTERNAL MESSAGE: Do not click any links or open any attachments unless you trust the sender and know the content is safe.

Dear Ali Forsythe, Jerry Brown and other Sites Project Authority Government Representatives,

Please find attached CICC's statement to be added to the Sites Project Authority's CEQA administrative record. CICC reserves the right to provide additional statements, documentation, and other information for the Sites Project Authority Board members before November 17.

It is notable that the October 20, 2023, letter is the first confirmation from the Sites Project Authority that information from CICC would be included, without edit or change, as part of the CEQA and EIR process. It is equally notable to call attention to the fact that the Sites Project Authority is requesting "more information." If this request was made in good faith, the specific information you think you require would be readily and clearly identified. As it stands, this is a well-known tactic by agencies to burden and marginalize Tribes from environmental and cultural resource review processes.

Finally, the Sites Project Authority states that it "lacks the information necessary to evaluate this resource and come to a mutual agreement." First, the Sites Project Authority has already--in a consultation letter--assumed CRHR eligibility for the TCR, second CICC has provided more than enough information for competent and qualified subject matter experts to accomplish the task you claim there is not enough information to establish. CICC is currently developing language on the CRHR and NRHP eligibility of the defined cultural landscape and historic district under at least Criteria A/1 and D/4, and will provide the Sites Project Authority with a Scope of Work for an ethnographic study to be conducted by the Tribe and necessary to adequately and comprehensively document the TCR and PTRCI following applicable state and federal laws, statutes, regulations, and guidelines related to CEQA/AB 52, NHPA, and NEPA. CICC will also provide further comments on and address numerous bad faith inaccuracies, half-truths, deflections, and lack of sufficient responses by the Sites Project Authority in your October 20, 2023, letter in due course.

If you have any questions, please contact Ms. Angela Smelser .

Angela Smelser
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Colusa Indian Community Council
3730 Hwy 45
Colusa, CA 95932
Phone (530) 458-6512
Cell (530) 868-8579
Fax (530) 458-3866

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