

From: [Lyons, Amy@DWR](mailto:Lyons.Amy@DWR)
To: [Janis Offermann](mailto:Janis.Offermann)
Subject: RE: Site Reservoir info
Date: Thursday, July 08, 2021 4:16:06 PM
Attachments: [image006.png](#)
[image001.png](#)

Hi Janis –

Anecita and I met with several DWR attorneys and Ajay, Jim, and Sean this afternoon to continue discussions related to this information request. Anecita asked me to reach out to you to find out which tribes were listed by the NAHC/contacted by the JPA under AB 52 and whether any responses were received. Could you provide that information to us? Thank you - Amy



Amy Lyons
Manager, Environmental Services Section
California Department of Water Resources
Northern Region Office
2440 Main Street
Red Bluff, CA 96080
(530) 528-7439

From: Janis Offermann <janis@horizonh2o.com>
Sent: Wednesday, June 9, 2021 6:56 AM
To: Agustinez, Anecita S.@DWR <Anecita.Agustinez@water.ca.gov>; Velagic, Sanita@DWR <Sanita.Velagic@water.ca.gov>
Cc: Lyons, Amy@DWR <Amy.Lyons@water.ca.gov>
Subject: RE: Site Reservoir info

Hi, Anecita

I am just checking to see if we are still on track to have a call on Thursday or Friday since I haven't seen a meeting invitation come through yet. I am wide open both days.

Thanks

janis

From: Agustinez, Anecita S.@DWR <Anecita.Agustinez@water.ca.gov>
Sent: Friday, June 04, 2021 10:04 AM
To: Velagic, Sanita@DWR <Sanita.Velagic@water.ca.gov>
Cc: Lyons, Amy@DWR <Amy.Lyons@water.ca.gov>; Janis Offermann <janis@horizonh2o.com>
Subject: FW: Site Reservoir info

Sanita, can you please work on calendaring this meeting with all three calendars. Thank you.

From: Lyons, Amy@DWR <Amy.Lyons@water.ca.gov>
Sent: Friday, June 4, 2021 9:59 AM
To: Agustinez, Anecita S.@DWR <Anecita.Agustinez@water.ca.gov>; Janis Offermann <janis@horizonh2o.com>; Wait, Jacqueline@DWR <Jacqueline.Wait@water.ca.gov>
Subject: Re: Site Reservoir info

Hi Anecita -

I will be on vacation Monday-Wednesday next week, but am available all day Thursday and any time after 11:30 on Friday. - Amy

From: Agustinez, Anecita S.@DWR <Anecita.Agustinez@water.ca.gov>
Sent: Friday, June 4, 2021 9:56 AM
To: Janis Offermann <janis@horizonh2o.com>; Lyons, Amy@DWR <Amy.Lyons@water.ca.gov>; Wait, Jacqueline@DWR <Jacqueline.Wait@water.ca.gov>
Subject: RE: Site Reservoir info

Thank you Amy and Janis for researching this infor and for the important notes on the history of the agreement with the private landowners. I do believe there is a need for us to take a new look at our approach and make a determination on how to respond to requests from our Tribal partners.

Please let me know when we can schedule an appointment for further discussion.

~Anecita

From: Janis Offermann <janis@horizonh2o.com>
Sent: Friday, June 4, 2021 9:40 AM
To: Agustinez, Anecita S.@DWR <Anecita.Agustinez@water.ca.gov>
Subject: FW: Site Reservoir info

Hi, Anecita

This is a quick follow up to my voice mail this morning. Below is the recent email I received from Amy Lyons about sharing the site records with Yocha Dehe.

I am taking off for a bit but perhaps we will be able to connect when I get back at 11am or so.

Hope all is well

janis

From: Lyons, Amy@DWR <Amy.Lyons@water.ca.gov>
Sent: Wednesday, June 02, 2021 10:36 AM
To: Janis Offermann <janis@horizonh2o.com>
Subject: RE: Site Reservoir info

Hi Janis –

I met with Jim Wieking, Sean Sou, and Ajay Goyal today about releasing the data. We are in agreement that it shouldn't be released, but will schedule a meeting with DWR Legal to discuss. I wanted to update you so that you know we are still looking into it. - Amy



Amy Lyons

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From: Janis Offermann <janis@horizonh2o.com>

Sent: Wednesday, May 19, 2021 3:17 PM

To: Lyons, Amy@DWR <Amy.Lyons@water.ca.gov>

Subject: RE: Site Reservoir info

Hi, Amy

Thanks so much for your quick reply. I never saw a TEP, myself, but I remember James telling me about the restrictions on submitting our site records to the Information Center. Hopefully he will respond and give us some guidance. I will let you know!!

Thanks again

janis

From: Lyons, Amy@DWR <Amy.Lyons@water.ca.gov>

Sent: Wednesday, May 19, 2021 3:12 PM

To: Janis Offermann <janis@horizonh2o.com>

Subject: RE: Site Reservoir info

Hi Janis –

Of course I remember you! This topic comes up every few years and is a strange one. The Temporary Entry Permits (TEPs) that were used to gain property access have a lot of conditions on them, but no mention of data or how it is to be handled. I just looked through several of the TEPs to confirm. They date back to a time when a typewriter was used (!). The language didn't change over the years. The story that I was told when I started (and that most people recall) is that Naser Bateni made a 'handshake' agreement with the landowners to hold onto the data gathered from their properties until the project was approved and land acquisition was imminent. They did not want

anyone to be able to trace data back to their individual properties, likely out of safe harbor concerns.

Barbara Castro, our lead botanist, desperately tried to get permission to submit her Sites/Newville plant data to the CDFW California Natural Diversity Database before she retired. Ultimately, she was told that she shouldn't, but it was based on this word-of-mouth agreement. Ultimately, I think it will be up to Jim Wieking since he is considered to be the DWR project manager.

I wish I had a more definitive answer for you. Please let me know if you hear back from Sean or Jim.
Thanks - Amy



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From: Janis Offermann <janis@horizonh2o.com>
Sent: Wednesday, May 19, 2021 2:24 PM
To: Lyons, Amy@DWR <Amy.Lyons@water.ca.gov>
Subject: FW: Site Reservoir info

Hi, Amy

You may not remember me, but I was the DWR archaeologist when the department was doing the Sites Reservoir project. The archaeological surveys of the Sites Reservoir had already begun when I started at DWR and it is my recollection that property owners agreed to the archaeological and biological surveys as long as the data were kept by DWR and not submitted to the Information Centers (for archaeological data) or the regulatory agencies or other organizations (for biological data). This was specified in the permissions to enter signed by DWR and the property owners. I remember seeing a copy of that agreement, but I never had one in my possession. The DWR Department of Environmental Services continues to curate the archaeological site records generated during those studies.

I am currently working on the Sites Project as a sub consultant to ICF. Jackie Wait, DES' lead cultural resources manager, let us borrow the hard copy versions of the site records to do the analysis needed for the upcoming revised Environmental Impact Report for the Sites Reservoir Project. My primary job is working with the Native American tribes who once lived in the project area. They are requesting copies of the site records; however, the Authority is hesitant to provide them the records due to the original agreement with the landowners. The Authority would like to review the original

agreement to better understand the nature of the agreement.

My questions for you are, do you happen to still have a copy of that agreement in your files, or do you know where to track it down? Or do you remember the language contained in the agreement? Is there anything that would indicate that sharing the information with Native American tribes would violate the terms of the agreement? Was there a sunset clause? I have also reached out to Sean Sou and James Wieking, but since the contract was run out of the Red Bluff office, I thought you might have some knowledge of it.

I am sorry to bombard you with all of these questions out of the blue, but it is becoming a critical point in the Authority's relationship with the tribes. Any bit of advice or information would be much appreciated.

Many thanks

janis

Janis Offermann

Cultural Resources Practice Leader

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