

Chapter 23 Tribal Cultural Resources

23.1 Introduction

This chapter describes the environmental setting, methods of analysis, and impact analysis for tribal cultural resources in the study area that would potentially be affected by the construction and operation of the Project.

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

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

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

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

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

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

Alternative	Level of Significance Before Mitigation	Mitigation Measures	Level of Significance After Mitigation
Alternative 2	S	<p>Mitigation Measure TCR-1.1: Implement Mitigation Measures Recommended in Public Resources Code Section 21084.3 to Avoid Damaging Effects on Tribal Cultural Resources</p> <p>Mitigation Measure TCR-1.2: Tribal Monitoring</p> <p>Mitigation Measure TCR-1.3: Implement Agreed-Upon Protocol for the Treatment of Human Remains and Cultural Items</p> <p>Mitigation Measure CUL-2.1: Identify Significant Archaeological Resources</p> <p>Mitigation Measure CUL-2.2: Avoid Significant Archaeological Resources</p> <p>Mitigation Measure CUL-2.3: Protect Significant Archaeological Resources</p> <p>Mitigation Measure CUL-2.4: Significant Archaeological Resources Treatment</p> <p>Mitigation Measure CUL-3.1: Cemetery Relocation Procedure</p> <p>Mitigation Measure CUL-3.2: Avoid, Protect, and Treat Human Burials</p>	SU
Alternative 3	S	<p>Mitigation Measure TCR-1.1: Implement Mitigation Measures Recommended in Public Resources Code Section 21084.3 to Avoid Damaging Effects on Tribal Cultural Resources</p> <p>Mitigation Measure TCR-1.2: Tribal Monitoring</p> <p>Mitigation Measure TCR-1.3: Implement Agreed-Upon Protocol for the Treatment of Human Remains and Cultural Items</p> <p>Mitigation Measure CUL-2.1: Identify Significant Archaeological Resources</p> <p>Mitigation Measure CUL-2.2: Avoid Significant Archaeological Resources</p> <p>Mitigation Measure CUL-2.3: Protect Significant Archaeological Resources</p> <p>Mitigation Measure CUL-2.4: Significant Archaeological Resources Treatment</p> <p>Mitigation Measure CUL-3.1: Cemetery Relocation Procedure</p> <p>Mitigation Measure CUL-3.2: Avoid, Protect, and Treat Human Burials</p>	SU

Notes:

NI = CEQA no impact
 S = CEQA significant impact
 SU = CEQA significant and unavoidable

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

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

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

Notes:

NI = CEQA no impact

S = CEQA significant impact

SU = CEQA significant and unavoidable

23.2 Environmental Setting

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

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

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

Present-day descendants of the Patwin and Nomlaki people continue to live in or near the study area. They are represented by the Yocha Dehe Wintun Nation (Yocha Dehe), Cachil Dehe Band of Wintun Indians (Colusa Indian Community), Kletsel (Cortina) Band of Wintun Indians, Grindstone Indian Rancheria of Wintun-Wailaki Indians, and Paskenta Band of Nomlaki Indians.

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

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

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

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

All of the Native American communities referenced above continue to have strong ties to their ancestral lands and have the potential to identify tribal cultural resources within the Project construction and operating areas. To date, only the Yocha Dehe and Cachil Dehe, described in greater detail below, have requested consultation on this Project under California AB 52.

23.2.1. Yocha Dehe Wintun Nation

Yocha Dehe Wintun Nation is a federally recognized tribe and sovereign tribal government. They currently occupy part of their historic territory in Yolo County (Yocha Dehe n.d.a), with Tribal headquarters in Brooks. In their native language, Yocha Dehe means “home by the spring water,” a description of where their ancestors lived, where their people come from, and who they are as a Tribe. This homeland is the Capay Valley and the watershed of Cache Creek, which, in

their own words, "... gave us precious materials, nourishment, and spiritual well-being. The oak tree gave us food, shelter, and strength" (Yocha Dehe 2015:2).

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

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

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

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

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

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

fields and natural marshes of the northern Sacramento Valley (CICC Outdoor Adventures 2015a, 2015b, and 2015c).

23.3 Methods of Analysis

This section describes the Authority's method of analysis for potential impacts to tribal cultural resources. A key input to the identification of tribal cultural resources is the perspective of California Native American Tribes that are traditionally and culturally affiliated with the Project area. The Project team has been meeting with interested California Native American Tribes at various intervals beginning in 2002, as the Project concept evolved from the late-1990s North-of-Delta Offstream Storage (NODOS) to the Project being evaluated in this RDEIR/SDEIS. Chapter 22, *Cultural Resources*, describes additional past and current efforts conducted to identify study area archaeological resources, including those that may also be important to California Native American Tribes.

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

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

On January 27, 2017, the Authority contacted the California Native American Heritage Commission (NAHC) to request a list of tribes that have a traditional and cultural affiliation with the geographic area of the Project. The NAHC provided the Authority with a list of seven Tribes with traditional lands or cultural places located within the geographic area of the Project. In February 2017, the Authority sent Project notification letters to the seven Tribes identified by the NAHC: the Cachil Dehe Band of Wintun Indians; Cortina Indian Rancheria of Wintun Indians; Grindstone Indian Rancheria of Wintun-Wailaki; Yocha Dehe Wintun Nation; Paskenta Band of Nomlaki Indians; Mechoopda Indian Tribe; and Estom Yumeka Maidu Tribe of the Enterprise Rancheria. One Tribe, the Cachil Dehe Band of Wintun Indians, requested consultation, and the Authority first met with Tribal representatives on July 12, 2017. Separately, the Yocha Dehe contacted Authority staff on May 19, 2017, for information, which the Authority provided on June 22, 2017. No other Tribes requested consultation under AB 52. The contacted Tribes did not identify any potentially affected tribal cultural resources during this period.

In February 2019, the Authority provided notice to the Yocha Dehe, Cachil Dehe, and Cortina Indian Rancheria regarding the Authority's efforts to update the geotechnical investigations for

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

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

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

In June 2021, the Authority expanded outreach to tribes traditionally or culturally affiliated with locations where Project operations have the potential to change river flows as compared to current conditions. These areas include stretches of the Sacramento River from Keswick in Shasta County downstream through the Yolo Bypass in Yolo County; the Feather River from Oroville Dam to the confluence with the Sacramento River; and the American River from Folsom Dam to the confluence with the Sacramento River. Seven additional Tribes with traditional and cultural affiliation to the river reaches were identified within these areas operations: Wintu Tribe of Northern California, Redding Rancheria, Konkow Valley Band of Maidu, United Auburn Indian Community of the Auburn Rancheria, Shingle Springs Band of Miwok Indians, Ione Band of Miwok Indians, and Wilton Rancheria. The Authority sent a letter requesting input on the identification of tribal cultural resources to each of the seven Tribes on June 15, 2021. Each Tribe was contacted by email or telephone on July 8, 2021, as a follow up to the letter.

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

Table 23-2. Summary of AB 52 Consultation

Tribe	AB 52 Notification Letters	Tribal Response	Consultation Actions to Date (7/1/2021)
Cachil Dehe Band of Wintun Indians (Colusa Indian Community Council)	Sent 11/14/2020	Request for information	Prior to letter, conference call. Meetings on August 29, 2019 and October 22, 2020. Project background and updated materials provided. An updated Project description was sent March 17, 2021, and geographic information system data were subsequently provided.
Cortina Indian Rancheria of Wintun Indians	Sent 11/14/2020	None	None; no email available and tribal office phone did not take messages
Estom Yumeka Maidu Tribe of the Enterprise Rancheria	Sent 11/14/2020	None	Authority sent follow up letter via email on December 17, 2020. No response.
Grindstone Indian Rancheria of Wintun-Wailaki	Sent 11/14/2020	None	None; no email available and tribal office phone did not take messages
Mechoopda Indian Tribe	Sent 11/14/2020	None	Authority sent follow up letter via email on December 17, 2020. No response.
Paskenta Band of Nomlaki Indians	Sent 11/14/2020	None	Authority sent follow up letter via email on December 17, 2020. No response.
Yocha Dehe Wintun Nation	Sent 11/14/2020	Request to consult	Prior to letter, quarterly meetings. Meetings on June 28, 2019; June 30, 2020; and October 6, 2020. Project background and updated materials provided. Geographic information system data provided. Field visit conducted January 11, 2021. Informal phone call on June 4, 2021, discussing concerns about erosion by reservoir fluctuations and identifying burial sites at risk. Formal meeting to discuss these issues is planned for the end of July 2021.

Table 23-3 Additional Outreach to California Native American Tribes

Tribe	Outreach Letter	Tribal Response	Actions to Date (7/8/2021)
Ione Band of Miwok Indians	Sent 6/15/2021	None	Authority sent follow up letter via email on July 8, 2021. No response.

Tribe	Outreach Letter	Tribal Response	Actions to Date (7/8/2021)
Konkow Valley Band of Maidu	Sent 6/15/2021	None	Unsuccessful attempt to email on July 8, 2021. No email or phone number provided on website.
Redding Rancheria	Sent 6/15/2021	None	Follow up phone call on July 8, 2021, to request email address; left message on answering machine. No response.
Shingle Springs Band of Miwok Indians	Sent 6/15/2021	None	Authority sent follow up letter via email on July 8, 2021. No response.
United Auburn Indian Community of the Auburn	Sent 6/15/2021	None	Authority sent follow up letter via email on July 8, 2021. No response.
Wilton Rancheria	Sent 6/15/2021	None	Authority sent follow up letter via email on July 8, 2021. No response.
Wintu Tribe of Northern California	Sent 6/15/2021; returned to sender 6/28/2021	None	Phone call on July 8, 2021 to request email address; left message on answering machine. No response.

23.3.1. Construction and Operation

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

Operational impacts were evaluated by assessing the character of Project operations to understand which operating characteristics have the potential to disturb tribal cultural resources. For example, fluctuating water surface elevation (WSE) in the reservoir, TRR East and West inundation areas, and more broadly, river systems affected by Project operations, could theoretically affect tribal cultural resources by causing erosion or exposing previously unknown buried archaeological resources. Recreational activities and maintenance requirements could also affect tribal cultural resources through looting, vandalism, or ground disturbance.

23.3.2. Thresholds of Significance

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

23.4 Impact Analysis and Mitigation Measures

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

No Project

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

Significance Determination

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

Alternatives 1 and 3

To date, consultation with California Native American Tribes traditionally and culturally affiliated with the geographic area of the Project has indicated that impacts to cemeteries and other sites, such as habitation (village) sites, with a high potential to include human remains are of great concern and should be treated with the utmost respect and dignity. Cemeteries and sensitive habitation sites have been identified in the construction area and are primarily within the inundation area. Although the sites have not been formally evaluated for inclusion in the CRHR, the Authority has determined cemeteries and habitation sites to be tribal cultural resources pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. Similarly, one potential ceremonial site has been identified within the inundation area, and others may be identified during further consultation. These site types are also considered tribal cultural resources by the Authority. Continued consultation with California Native American Tribes may identify other kinds of sites or landscapes that the Authority could determine to be tribal cultural resources. Evaluation studies of archaeological sites pursuant to Mitigation Measure CUL-2.1 in Chapter 22, may also reveal tribal cultural resources.

Construction and Operation

Modifications to existing Sacramento River diversion facilities and conveyances to regulating reservoirs (e.g., adding new pumps in the existing RBPP and a new head gate in the existing GCID canal, upgrading GCID canal siphons, and improving the existing GCID canal road) are not expected to create new significant impacts on tribal cultural resources because these are

existing facilities and work would be done within the facility footprints or immediately adjacent in previously disturbed areas.

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

Operation of the reservoir could interfere with tribal cultural resources related to the Sacramento River and other affected waterbodies, such as by changes in flows that could damage, erode, or obstruct access to buried sites or traditional use sites. No substantial changes in river flows are expected (Chapter 5, *Surface Water Resources*). Flows in several rivers (e.g., Sacramento, Feather, and American Rivers) would experience changes as a result of Alternative 1 or 3. Analysis in Chapter 11, *Aquatic Biological Resources*, shows that the majority of these flows would be within the historical range experienced by the rivers and would not have significant impacts on fish that could be considered tribal cultural resources. Alternatives 1, 2, and 3 include pulse flow protection measures applied to precipitation-generated pulse flow events from October through May and a fish monitoring program to inform real-time operational adjustments to limit the potential for negative effects to juvenile salmonids (Chapter 11). Mitigation Measure FISH-2.1, Wilkins Slough Flow Protection Criteria, described in Chapter 11, will prevent Project diversions from reducing Sacramento River flow below 10,700 cubic feet per second at Wilkins Slough during March, April, and May. Mitigation Measure FISH-2.1 will limit the potential for negative flow-survival effects to winter-run Chinook salmon, spring-run Chinook salmon, fall/late fall-run Chinook salmon, and Central Valley steelhead during dispersal to rearing habitat and/or migration downstream toward the delta (Appendix 11P, *Riverine Flow-Survival*, Section 11P.2).

Modeled changes in flood flows during operations are minor when considered in the context of the larger system and would not represent a substantial increase in the amount or rate of runoff that would result in flooding or alter natural river geomorphic processes or existing geomorphic characteristics. Accordingly, potential adverse changes in erosion or quality of land or sites of religious or cultural importance to a California Native American Tribe are not expected under Alternative 1 or 3.

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

CEQA Significance Determination and Mitigation Measures

Modifications to existing Sacramento River diversion facilities and conveyances to regulating reservoirs would have no impact because these facilities are already in place. Operation of Alternative 1 or 3 would generally not result in substantial changes in river flows and flows would be within the historical range experienced by the rivers; therefore, most impacts related to river flows would be less than significant. Impacts related to juvenile salmonid rearing and/or migration habitat would be limited through pulse flow protection measures applied to precipitation-generated pulse flow events from October through May, a fish monitoring program to inform real-time operational adjustments, and Mitigation Measure FISH-2.1. Accordingly, impacts on juvenile salmonids would be less than significant with mitigation incorporated under Alternative 1 or 3.

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

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

- (1) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- (2) Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - (A) Protecting the cultural character and integrity of the resource.
 - (B) Protecting the traditional use of the resource.
 - (C) Protecting the confidentiality of the resource.
- (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.

Mitigation Measure TCR-1.2: Tribal Monitoring

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

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

If 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.
- The County 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 archeological items will reflect the religious beliefs, customs, and practices of the culturally affiliated Tribe. All cultural items, including ceremonial items and archeological 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 ceremonial and cultural items that may be found.
- Work of Tribal monitors and treatment of human remains will proceed in accordance with treatment plans developed in consultation with the most likely descendant of the culturally affiliated Tribe as identified by the NAHC.

The following mitigation measures specified in Chapter 11, Section 11.4 and Chapter 22, Section 22.4 would also be implemented and would apply to tribal cultural resources.

Mitigation Measure FISH-2.1: Wilkins Slough Flow Protection Criteria**Mitigation Measure CUL-2.1: Identify Significant Archaeological Resources****Mitigation Measure CUL-2.2: Avoid Significant Archaeological Resources****Mitigation Measure CUL-2.3: Protect Significant Archaeological Resources****Mitigation Measure CUL-2.4: Significant Archaeological Resources Treatment****Mitigation Measure CUL-3.1: Cemetery Relocation Procedure****Mitigation Measure CUL-3.2: Avoid, Protect, and Treat Human Burials**

If non-burial or other significant sites or cultural items are discovered, the Authority will work with the consulting Tribes to determine affiliation and develop appropriate treatment.

If unanticipated discoveries of culturally significant 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.

Alternative 2

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

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

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

Construction and Operation

Tribal consultation to identify tribal cultural resources is ongoing. To date, Tribes have identified cemeteries and any locations with burials to be of concern, and the Authority has determined such sites to be tribal cultural resources. Sites with ceremonial significance are also considered tribal cultural resources. These site types are largely within the Sites Reservoir inundation area. Chapter 22 reports that a total of 45 known Native American archaeological resources (early

Native American sites or multicomponent sites) within the inundation areas have the potential to be disturbed by fluctuating WSE; the Yocha Dehe have expressed concern about erosion of known burial sites in the Sites Reservoir inundation area from these fluctuations. Due to the Tribes' traditional occupation and use of the study area for thousands of years and into the present, it is assumed that additional tribal cultural resources are present and could be located throughout the Project area. The nature of construction and operational impacts under Alternative 2 would be the same as under Alternatives 1 and 3. The magnitude of impacts under Alternative 2 may be different, depending on the location of facilities and TCRs.

CEQA Significance Determination and Mitigation Measures

The modifications to existing Sacramento River diversion facilities and conveyances to regulating reservoirs would be the same under Alternative 2 as those for Alternative 1 or 3; there would be no impact from modification of existing facilities. Operation of Alternative 2 would generally not result in substantial changes in river flows and flows would be within the historical range experienced by the rivers; therefore, most impacts related to river flows would be less than significant. Impacts related to juvenile salmonid rearing and/or migration habitat would be limited through pulse flow protection measures applied to precipitation-generated pulse flow events from October through May, a fish monitoring program to inform real-time operational adjustments, and Mitigation Measure FISH-2.1. Accordingly, impacts on juvenile salmonids would be less than significant with mitigation incorporated under Alternative 2.

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

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

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

Mitigation Measure TCR-1.2: Tribal Monitoring

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

The following mitigation measures specified in Chapter 11 and Chapter 22 would also be implemented and would apply to tribal cultural resources.

Mitigation Measure FISH-2.1: Wilkins Slough Flow Protection Criteria

Mitigation Measure CUL-2.1: Identify Significant Archaeological Resources

Mitigation Measure CUL-2.2: Avoid Significant Archaeological Resources

Mitigation Measure CUL-2.3: Protect Significant Archaeological Resources

Mitigation Measure CUL-2.4: Significant Archaeological Resources Treatment

Mitigation Measure CUL-3.1: Cemetery Relocation Procedure

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

23.5 References

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