

External Meeting Notes

July 15, 2021

CA Aqueduct-San Luis Canal Embankment and Liner Raise Project Tribal Informational Meeting

Prepared by the Department of Water Resources

Purpose

These notes summarize an informational meeting conducted by the California Department of Water Resources (DWR) to provide information to the Yokut Coalition Tribes about the upcoming California (CA) Aqueduct-San Luis Canal Embankment and Liner Raise Project (Project) and associated environmental planning efforts.

Participants

Tribal Representatives:

- Picayune Rancheria of Chukchansi Indians
 - Heather Airey, Cultural Resources Director
 - Michael Wynn, Tribal Environmental/Roads Director
- Santa Rosa Rancheria Tachi Yokut Tribe
 - Shana Powers, Cultural Director
 - Samantha McCarthy, Cultural Specialist
- Tule River Indian Tribe
 - Neil Peyron, Vice Chair
 - Zachary Janoko, Council Member

Department of Water Resources:

- Anecita Agustinez, Tribal Policy Advisor
- Brandon Fore, Tribal Policy Support
- Dan Whisman, Program Manager
- Leroy Ellinghouse, Communications Director
- Nicole Darby, Environmental Planner
- Monica Nolte, Cultural Lead
- Marea McCann, Environmental Project Manager
- Candace Ehringer, Consultant Cultural Support
- Katelyn Matroni, Consultant Administrative Support

List of Acronyms

AB 52	Assembly Bill 52
APE	Area of Potential Effect
BOR	U.S. Bureau of Reclamation
BGS	Below Ground Surface
CASP	California Subsidence Program
CEQA	California Environmental Quality Act
CAAQ	California Aqueduct
DWR	Department of Water Resources
EIR	Environmental Impact Report
EIS	Environmental Impact Statement
NAHC	Native American Heritage Commission
NEPA	National Environmental Policy Act
PEA	Public Entity Agreement
ROW	Right-of-way
SLF	Sacred Lands File
SSJVIC	Southern San Joaquin Valley Information Center
TPO	Tribal Policy Office

Table of Contents

Purpose	1
Participants	1
Tribal Representatives:	1
Department of Water Resources:	1
List of Acronyms.....	2
Table of Contents.....	3
Introductions and Welcome	4
Presentation.....	4
Tribal Information Meeting, CA Aqueduct-San Luis Canal Embankment and Liner Raise Project	4
Tribal Engagement (4:15- 4:27)	4
State Consultation Policies.....	5
Tribal Territories Map	5
NAHC Contact List	5
AB 52 Statewide Contact List	5
Summary of Consultation Outreach	5
CA Aqueduct – San Luis Canal Embankment and Linter Raise Project Overview (4:27 – 4:35).....	6
Project Location:	6
Project Background	6
Project Description.....	7
Cultural Resources Overview (4:35 – 4:40).....	7
Area of Potential Effect	7
Cultural Resources Study	7
Archival research.....	7
Pedestrian Survey	8
Geoarchaeological Study	8
Summary of Cultural Resources Study.....	8
Milestones (4:40 – 4:41)	8
Questions and Discussion (4:41- 5:04).....	8
Adjourn (5:04).....	10

Introductions and Welcome

Anecita Agustinez, Tribal Policy Advisor for DWR, was having technical difficulties and asked that Dan Whisman, Program Manager for DWR introduce himself. Dan Whisman introduced himself and explained that it is extremely important to DWR that they engage with all broad-ranging communities of interest who influence or are influenced by the California Subsidence Program (CASP). Dan Whisman continued explaining that because of the nature of the Project, DWR is beginning outreach to important communities of interest, including Tribal representatives. Dan Whisman described CASP as consisting of both “rehabilitation” and “recovery”. “Rehabilitation” includes looking at the subsidence that has occurred along the California Aqueduct (CAAQ) and all major construction efforts to remedy subsidence. “Recovery” includes the analysis of long-term subsidence that is anticipated within the San Joaquin Valley through the planning horizon of 2075. Dan Whisman welcomes all concerns, guidance, opinions and comments from Tribal representatives and stated that he is looking to establish long-term relationships with all Tribal representatives.

Anecita Agustinez thanked Dan Whisman for his introduction and CASP summary, then welcomed and thanked each of the Tribal representatives for attending the Tribal Informational meeting. Anecita Agustinez asked that each Tribal representative introduce themselves.

- Neil Peyron – Vice Chairman of the Tule River Indian Tribe
- Zachary Janoko – Council Member of the Tule River Indian Tribe
- Shana Powers – Cultural Department Director of the Santa Rosa Rancheria Tachi Yokut Tribe
- Samantha McCarthy, Cultural Specialist of the Santa Rosa Rancheria Tachi Yokut Tribe
- Heather Airey – Cultural Resources Director of the Picayune Rancheria of Chukchansi Indians
- Michael Wynn – Tribal Environmental/Roads Director of the Picayune Rancheria of Chukchansi Indians

Anecita Agustinez explained that DWR attempted to connect with the Tejon Tribe several times, but did not receive a response to the Tribal Information Meeting. Anecita Agustinez also explained that DWR was expecting representation from Table Mountain; however, no representative was present for the meeting. Anecita Agustinez then went over the draft agenda and the various topics that would be discussed within the meeting. Anecita Agustinez also provided a brief summary of the Project Team roles and responsibilities, which included DWR and consultant staff that were present at the meeting.

Presentation

Tribal Information Meeting, CA Aqueduct-San Luis Canal Embankment and Liner Raise Project

Please refer to this presentation’s PDF in the meeting materials for more details on the summary below.

Tribal Engagement (4:15- 4:27)

Presentation by Anecita Agustinez, Tribal Policy Advisor, Department of Water Resources

Anecita Agustinez stated that she hopes that Tribal representatives take the presentation back to representative Tribal councils and use it as a reference source. Anecita Agustinez then explained that high-level notes will be taken and these notes will be made available as reference materials.

State Consultation Policies

- E.O. B-10-11 (Brown)
- CNRA Tribal Consultation Policy (2012)
- DWR's Tribal Engagement Policy (2016)
- Assembly Bill 52 (2014) effective July 1, 2015 (Amended CEQA)
- E.O. N-10-19 (Water Resilience Portfolio)
- E.O. N-15-19 (Apology/Truth and Healing Council)
- Administration Policy on Native American Ancestral Lands (2020)
- Local Government and Tribal Intergovernmental Consultation SB 18 (2005)
- Anecita Agustinez stated that State agency consultation policies over three years old should be upgraded or amended

Tribal Territories Map

The slide displayed a map of potential tribal areas in relation to the Project area. Red areas illustrate the Project's Area of Potential Effect (APE). Anecita Agustinez asked that Tribal representatives let DWR know if they believe the map is not accurate or is outdated.

NAHC Contact List

Anecita Agustinez explained that each of the Tribes listed on the Native American Heritage Commission (NAHC) Contact List was invited to consult on the Project; however, no Tribes responded requesting consultation (including the Tribes of the Yokut Coalition). A few Tribes indicated that the Project was located outside of their territory and/or area of interest. DWR wanted to make sure that all Tribes were contacted in order to connect.

AB 52 Statewide Contact List

Anecita Agustinez displayed the Statewide Contact List for Assembly Bill 52 (AB 52). She explained that DWR invites all Tribal representatives to be included on DWR's AB 52 List, and explained how to go about getting on the list. AB 52 resources are available on the NAHC website, which includes a sample letter of general language that can be sent to any State agency requesting to be placed on an agency's AB 52 list, including DWR (<http://nahc.ca.gov/wp-content/uploads/2015/06/Request-for-Formal-Notification-of-Proposed-CEQA-Projects-.pdf>).

Summary of Consultation Outreach

- One tribe notified under AB 52 (Santa Rosa)
- Thirteen other tribes contacted under DWR's Tribal Engagement Policy
- Letters mailed in December of 2020
- Follow-up conducted January and March 2021
- 4 tribes responded
 - Chicken Ranch Rancheria
 - Project outside tribe's area

- Dumna Wo-Wah
 - No comments at this time
- Dunlap Band
 - Project outside tribe's area
- Traditional Choinumni
 - Project outside tribe's area
 - Requests notification of discoveries

Anecita Agustinez stated that none of the informational meetings (including this meeting) would take the place of one-on-one meetings to occur in the future. DWR welcomes government-to-government discussion.

CA Aqueduct – San Luis Canal Embankment and Linter Raise Project Overview (4:27 – 4:35)

Presentation by Marea McCann, Environmental Project Manager, Department of Water Resources

Project Location:

- San Joaquin Valley
- Fresno and Kings Counties
- Between Los Banos and Kettleman City
- San Luis Division of the California Aqueduct
- Pools 17-18
- Mileposts 122-143
- Pools 20-21
- Mileposts 155-172
- 41 miles long

Project Background

- San Luis Canal (SLC) traverses portions of the San Joaquin Valley that have experienced subsidence
- Land subsidence has reduced the freeboard and capacity of the aqueduct system to transport floodwater and deliver irrigation water
- To maintain delivery capacity, portions of the aqueduct that have experienced subsidence require retrofitting to extend the concrete liner within the aqueduct prism to restore storage and conveyance capacity
- Joint State and Federal Action
 - DWR is Lead State Agency
 - U.S. Bureau of Reclamation (BOR) is Lead Federal Agency
- Joint CEQA/NEPA Document
 - In process of drafting an Initial Study/Environmental Assessment
 - An EIR will be required for CEQA
 - BOR is in process of determining the level of NEPA

Project Description

- Elevate the embankments and concrete liner on both sides of 41-mile segment SLC
- Includes structure modifications to turnouts, turnins, check structures, bridges, irrigation and utility crossings
- Majority of earthwork materials would be borrowed material from property adjacent to the SLC
- Elevate and raise embankments and concrete liner
 - The waterside embankment would be excavated approx. 3-6 feet behind the existing liner and then be backfilled
 - Embankments will be raised up to 6 feet
- Structure modifications
 - Eight bridge raises
 - Requires detour routes for traffic
 - Thirty to forty irrigation crossings abandoned or replaced
 - Forty-seven turnouts/turnins replaced
 - Nine utility overcrossings elevated or reconstructed
 - Check 17 would be reconstructed
- Borrow Areas
 - Approximately 4.5 million cubic yards of soil would be excavated
 - Pools 17-18 borrow areas are located within adjacent farmland
 - Excavations approx. 5-15 feet below ground surface (bgs)
 - Pools 20-21 borrow areas are within right-of-way on either side of the SLC
 - Excavations approximately 10-15 feet bgs

Cultural Resources Overview (4:35 – 4:40)

Presentation by Candace Ehringer, Consultant Cultural Report, Department of Water Resources

Area of Potential Effect

- 5,595 acres
- Within right-of-way (ROW) and adjacent farmland
- Vertical APE = 5-50 feet bgs

Cultural Resources Study

- Archival research
 - SSJVIC
 - NAHC SLF
- Pedestrian surveys
 - In progress
- Geoarchaeological study
 - Subsurface sensitivity assessment
- Reporting
 - In progress

Archival research

- SSJVIC Records Search
 - One indigenous resource in APE – a possible mano fragment in a borrow area
 - No other indigenous resources previously recorded within the APE or a 0.25-mile buffer

- Results for detour routes pending
- SLF Searches
 - Negative results

Pedestrian Survey

- 70% of APE surveyed
- Ground visibility generally good (80-90%)
- Possible mano fragment could not be re-located
- DWR recorded chert biface in ROW during previous survey, which could not be re-located on current surveys
- No new indigenous resources identified to date

Geoarchaeological Study

- Previous (2013) joint geotechnical/ geoarchaeological investigation conducted in Pools 17-18
 - No artifacts or other cultural indicators observed
 - No paleosols identified
 - Suggests lower sensitivity in Pools 17-18
- Current study underway. Preliminary data suggests higher sensitivity in closer proximity to Tulare Lakebed (southern part of APE).

Summary of Cultural Resources Study

- Two previously identified isolates (mano fragment, biface) not re-located
- No previously unidentified indigenous resources recorded during current surveys
- SLF searches negative
- Lower potential for subsurface in northern part of APE
- Higher potential for subsurface in southern part of APE

Milestones (4:40 – 4:41)

Presentation by Marea McCann, Environmental Project Manager, Department of Water Resources

- Complete cultural surveys and finalize cultural report
 - Anticipate end of 2021
- Prepare EIS/EIR
 - Anticipate public scoping in Winter 2021
 - Anticipate public review period starting in Winter 2022
- Construction start dates
 - December 2023 (Pools 20-21)
 - April 2024 (Pools 17-18)
- Construction will last 2 years

Questions and Discussion (4:41- 5:04)

Presentation by Anecita Agustinez, Tribal Policy Advisor, Department of Water Resources

Please note that this section represents a summary of the discussion and is not meant to act as a transcript of the question and discussion session.

Anecita Agustinez thanked the Tribal representatives for their time and for attending the meeting, and asked that they please share any sensitive areas that DWR should be familiar with. Anecita Agustinez

then stated that the DWR would be happy to prepare maps of specific areas, if requested; and sensitive or confidential discussions and meetings of maps and information would occur at a different time. Anecita Agustinez welcomed all engagement and described the website, which will contain updates to the Project schedule and many more resources. Anecita Agustinez emphasized that the meeting did not replace government-to-government consultation and that DWR is looking forward to additional opportunity for further discussion and/or presentation with the Yokut Coalition Tribes.

Anecita Agustinez asked each Tribal representative if they had any questions:

- Vice Chairman Neil Peyron stated that he is looking to schedule a meeting for Friday August 20th and suggested reaching out to Beverly Hunter and Table Mountain representatives. Vice Chairman Neil Peyron explained that another presentation with all of the coalition present would be beneficial and requested that all written documents regarding the Project be sent to the Tribes prior to the meeting. Vice Chairman Neil Peyron stated that he is only speaking for Tule River.
 - Anecita Agustinez to follow up with Beverly Hunter and Felix Christman
 - Vice Chairman Neil Peyron provided an email for Felix Christman
 - Anecita Agustinez hopes to discuss pedestrian survey updates and provide updates on the status of the non-locatable isolates.
 - Cultural Director Shana Powers requested to be notified of the survey results.
- Cultural Director Shana Powers agreed with Vice Chairman Neil's Peyron's suggestions.
- Council Member Zachary Janoko stated that the presentation was good and understands what work will occur in the future; and thinks that with the next Yokut Coalition meeting, Tribal members should be able to pinpoint sensitive locations based off previous experience with the High Speed Rail Project.
- Tribal Environmental/Roads Director Michael Wynn stated that most of their questions were responded to or covered within the presentation. They did not realize how large of a Project it is and they are most interested in the APE and environmental documentation to be reviewed in the future.
- Cultural Resources Director Heather Airey did not have any additional questions or comments.
- Cultural Specialist Samantha McCarthy did not have any comments or concerns as well.

Anecita Agustinez discussed future construction and tribal monitoring to occur at each appropriate location and time and that further conversation should be had. Anecita Agustinez asked Brandon Fore, Tribal Policy Support, to pull up a sample cost sheet and other forms necessary for a Public Entity Agreement (PEA).

- A PEA is a new process that allows for a direct payment to Tribes.
- The PEA process requires:
 - Vendor Forms
 - Scope of Work
 - Cost Sheet
 - Sample Work Order
 - Tribal Resolution
 - Tribal Territory Map

- DWR has entered into four agreements Statewide. The agreements are new and DWR is the first agency to engage in this contract mechanism.
 - One coalition tribal member, Tejon Indian Tribe, has gone through this process.
- A PEA was previously offered to Santa Rosa Tachi and Anecita Agustinez would like to revisit this in the future.
- Sample vendor forms and other PEA documentation to be presented at the August 20th meeting.

In the Zoom chat, Cultural Lead Monica Nolte, writes: “We are happy to provide updates on survey results at upcoming meetings. We can also send email updates and/or share the confidential draft reports prepared by ESA with consulting tribes. Just let us know how your Tribe prefers to receive this information and who the appropriate recipients would be. Cultural Director Shana Powers then states (in chat): “Thank you for your time. We will be reaching out for formal consultation.”

Anecita Agustinez ended the meeting by asking for last comments or questions. Tribal representatives did not have any items to discuss further and the meeting was adjourned.

Adjourn (5:04)