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SITES PROJECT AUTHORITY

Comments Submitted by Trygve B. Sletteland on the Proposed Sites Reservoir Project RDEIR/RDEIS, January 10, 2022

Disclosure: These comments are edited by Sletteland from news story by Dan Bacher titled "Tribal Representatives Voice Opposition to Sites Reservoir, Lack of Consultation". Mr. Bacher specifically approved of this use of his story.

The California Water Commission ("Commission") on December 15 voted to approve its staff's findings to maintain Sites Reservoir's Project's eligibility for \$800 million of project subsidies from State of California Proposition 1, despite a multitude of comments by California Tribal representatives and environmental advocates *opposing* the project because of the devastating impact that they can prove it would have on fish, water, the environment.

If built, the Sites Reservoir ("Sites") would be situated on the west side of the Sacramento Valley; approximately 10 miles west of the town of Maxwell, in Glenn and Colusa Counties.

The Commission's vote on Sites means that this project is considered "environmentally and financially feasible" and continues to remain eligible for Proposition 1 funding, which is around \$2.7 billion, according to the environmental group Friends of the River.

Commission Chair Teresa Alvarado of San Jose, the Regional Vice President-South Bay/Central Coast for Pacific Gas and Electric Company, ran the Commission's meeting. Environmental justice and conservation groups and Tribal leaders were not only extremely disappointed with the decision, but upset with the treatment of California Tribal leaders at the meeting. "We're utterly appalled by how Shingle Springs Band of Miwok Vice Chair Malissa Tayaba was treated," said Sierra Club California organizer Caty Wagner. "Earlier in the comments, they said that they would call on Tribal elders first. Eventually, they cut commenters to 2 minutes rather than 3." This was done without proper explanation in the opinion of the Tribal elders. As Vice Chair Tayaba was speaking about how her Tribe has not been adequately consulted in the process, Commission Chair Alvarado spoke over her several times and then cut her off.

The Tribe's TEK program manager, Krystal Moreno, then addressed the situation, noting how Vice Chair Tayaba's position is akin to the Vice President of the United States, and finished reading Tayaba's comment. "This was incredibly disrespectful and appalling. There was no apology or even acknowledgment by the Commission about what just happened. I am floored by that behavior," Wagner stated. Below is the comment that Tayaba delivered at the meeting. She was forced to stop her commentary at the section, where, ironically, she was going to talk about the lack of Tribal Consultation, as required by state and federal law, on the Sites Project:

"Good Morning Commissioners, thank you for the opportunity to speak. I am Malissa Tayaba, Vice Chair of the Shingle Springs Band of Miwok Indians. The Shingle Springs Band of Miwok Indians derives from both Miwok and Nisenan lineage with major village sites in Sacramento, the Delta and beyond. The Tribe's ancestral homelands span seven counties, including Sutter, Yuba, Yolo, Sacramento, El Dorado, Placer & Amador. The interconnectivity of the land, the waterways, the people, the plants, animals and resources is

deep, reciprocal, and timeless. The ancestral waterways are the life blood of the Tribe and include the Sacramento River, American River, Feather River, Bear River, Consumnes River and the watersheds therein.

The Shingle Springs Band of Miwok Indians were originally displaced by colonization, the mission system, disease brought by the fur trade, the arrival of John Sutter, the genocidal violence of the gold rush, the political violence of California statehood and anti-Indian laws and policies. Delta ancestral homelands were lost to reclamation and colonization in the nineteenth century, and we have been kept out by private land ownership and state and federal water resource development in the Delta region.

The Delta is a diminishing resource that once stretched at least as far north as the confluence of the Sacramento and Feather Rivers in Sutter County (near the Nisenan village of Wallock). It is being further diminished, along with its cultural and traditional resources that tribes have utilized from the Delta for food, medicine, transportation, shelter, clothing, ceremony and traditional lifeways from the beginning of time. Additional diversions from the Sacramento River watershed will exacerbate an already damaged and diminishing Delta ecosystem and estuary, and our tribe's ties to our homelands.

I am here today because your decisions regarding the Sites Reservoir have a direct impact on the health, life expectancy, and future of our tribe. Our waterways must be managed holistically."

After several more speakers, TEK Project Leader Krystal Moreno was able to read the final paragraph of Tayaba's presentation. Before reading it, Moreno said, "I was originally not going to make a statement, but after witnessing how inappropriately my boss and Vice-Chair of the Tribe was treated, I felt a statement was necessary. Earlier in the meeting you were going to take tribal representatives first, I believe, and provide them time to speak. You cut off Malissa Tayaba, who again is Vice Chair of the Shingle Springs Band of Miwok Indians. She is equivalent to the Vice President of the United States. She should have been allowed time to complete her statement. As a result, I will complete it for her."

Moreno then read the last paragraph regarding the lack of Tribal consultation on plans to fund and build Sites Reservoir:

"In addition, true and meaningful tribal consultation has not occurred. In fact, my tribe was not consulted at all. In President Biden's November 12th memo heads of federal agencies and departments, he emphasizes the importance and intentions of advancing equity for indigenous people with commitments to ensure that federal agencies conduct 'regular, meaningful and ROBUST consultation' with tribes. To date, consultation efforts have been neither regular, meaningful, nor robust. We urge the commission to not move forward with this project. Thank You."

Here is the link to the recording. Tayaba's statement is at 2:41:22 and Moreno's statement is at 2:48:24: <https://www.water-ca.com/archives.html>

Members of other California Tribes also indicated their opposition to the Sites Reservoir project because of the impact that it would have on salmon populations and native people. "The rivers are barely surviving," said Margo Robbins, a member of the Yurok Tribe on the Klamath River. "They can barely sustain life as it is. I would hope that you would take into

consideration the huge detriment that this will be to the salmon and native people. We have been working to restore flows to help water quality, and to bring salmon back over the dams and back to native lands for salmon survival and Tribal people,” explained Pit River Tribal member Morning Star Gali regarding Sites Reservoir in a press release by the environmental group Save California Salmon. “California is losing the salmon and our clean water. This is an issue of justice. We already have over a thousand reservoirs, and more water allocated than exists in California. This is called “paper water”! An environmentally destructive private reservoir being built in an area that is important to native people is a step in the wrong direction.”

The massive opposition to the project by one commenter after another was underlined by the submission to the Commission of a petition created by Save California Salmon -containing nearly 50,000 signatures - urging them to reject the proposed Sites Reservoir project.

Friends of the River (“FOR”), a Sacramento-based non-profit that has been engaged in tracking and opposing Proposition 1 funding for surface water storage projects since 2014, was also disappointed with the results of the commission meeting. “After having to deal with essentially the same destructive projects for decades, I found the Commission’s ‘rubber stamp’ approach during the meeting particularly concerning,” noted Ron Stork, FOR’s Senior Policy Advocate. “The Commission was given the authority under Proposition 1 to do a rigorous technical review of consequential water projects, and it was clear they were not willing to do so.”

In response to the Commission vote, Brandon Dawson, director of Sierra Club California, issued the following statement: “The Commission’s actions today will harm California communities, ecosystems, lands, and wildlife. These two destructive projects provide marginal public benefits but massive destruction, such as depleting salmon populations and flooding precious California lands. The climate crisis and its impacts on California water supplies demand that we move away from large storage projects like these, and start investing in local and sustainable water conservation, efficiency, and recycling programs and technology.

Even more egregious than the Commission’s vote was its rejection of the public comments opposing the project, and its treatment of tribal representatives who will be adversely affected by the project. Tribal members continuously voiced concerns about the lack of tribal consultation during the meeting’s public comment portion, and were resoundingly ignored. Every member of the public deserves the time and opportunity to voice their opinion without fear of being shut down.”

The 13,200 acres Sites Reservoir would include new water diversions from the Sacramento River that could also impact the Trinity River, the largest tributary of the Klamath River, according to Save California Salmon. The Yurok, Hoopa Valley, Karuk and other tribes have depended on the salmon and other fish as part of their livelihood and culture for many thousands of years, but the salmon populations have collapsed dramatically in recent years. The plan includes water storage for the Bureau of Reclamation, the agency that delivers federal Central Valley Project water to Westlands Water District, the major diverter of Trinity River water.

Sites could cause the Sacramento River and Shasta and Trinity Reservoirs to be over-drafted. Sites Reservoir would be used to divert more Northern California water to San

Joaquin Valley agribusiness for export crops like almonds through the Delta Tunnel when what is needed to restore fish populations is *more* water for fish, not less. For the past three years, no Delta smelt, once the most abundant fish in the entire Sacramento-San Joaquin River Delta, have been found in California Department of Fish and Wildlife's "Fall Midwater Trawl" survey. Two other surveys on the Delta have turned up similar results for the Delta smelt, with only 1 (one) smelt captured between the two surveys. "This year's results indicate that Delta smelt are likely virtually extinct in the wild," said California Sportfishing Protection Alliance fishery biologist Tom Cannon.

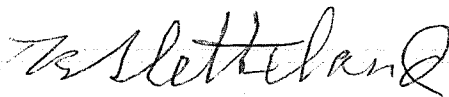
The virtual extinction of Delta smelt in the wild is part of a greater ecosystem crash caused by massive water exports to corporate agribusiness interests in the San Joaquin Valley, combined with toxics, declining water quality, and invasive species in the Delta. The diversion and export of water for Central Valley agribusiness interests during a drought has also had a huge impact on imperiled Sacramento River fish populations, just as it has had on driving the Delta smelt to become virtually extinct in the wild. This year up to 98 percent of winter-run Chinook salmon juveniles in the Sacramento River perished as water was delivered to water contractors as the Bureau of Reclamation violated their own plan to only kill 80 percent of winter run salmon every day but one through the diversion season. Not only did nearly all of the winter-run Chinook salmon juveniles perish due to warm water conditions in the Sacramento River this year, but so did the majority of adult spring-run Chinook salmon on Butte Creek - over 14,500 of an estimated 18,000 fish - before spawning this year, due to an outbreak of disease in low and warm water conditions.

It is worth noting again that Commission Chair Teresa Alvarado of San Jose is Regional Vice President-South Bay/Central Coast for Pacific Gas and Electric Company, the company that is largely responsible for the fish kill by not releasing enough cold water from its hydroelectric facilities on Butte Creek to keep the majority of salmon alive until they spawned.

After the Commission's votes moving the project forward, FOR's Resilient Rivers Director Ashley Overhouse, emphasized, "While it was a setback, this is not the end. The Commission noted that 'this is just the beginning' and there is 'plenty of time before funding allocations.' We agree, and believe these projects will not hold up under more rigorous scrutiny. Friends of the River and our allies will continue to fight for healthy rivers and sustainable water solutions like water recycling and groundwater recharge in 2022. We must continue to engage with the Commission and other stakeholders to ensure our state achieves a resilient water future in the face of climate change," Overhouse concluded.

Please keep me informed of any further action by the Commission regarding this project.

Sincerely,



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