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**Cc:** [sherri Norris](#); [Joel Sedano](#)  
**Subject:** Comment Letter Sites Project Authority and Bureau of Reclamation  
**Date:** Friday, January 28, 2022 10:33:03 AM  
**Attachments:** [Comment Letter Sites Project Authority and Bureau of Reclamation.pdf](#)

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Hello,

Please find the attached comment RE: Comments to Sites Project Authority and Bureau of Reclamation's Revised Draft of Environmental Impact Report and Environmental Impact Statement of North of Delta Offstream Storage (NODOS) / Sites Reservoir Project letter from the California Indian Environmental Alliance.

Thank you,

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Sites Project Authority  
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January 20, 2022

Submitted electronically to: [aforsythe@sitesproject.org](mailto:aforsythe@sitesproject.org), [vking@usbr.gov](mailto:vking@usbr.gov), [EIR-EIS-Comments@SitesProject.org](mailto:EIR-EIS-Comments@SitesProject.org)

**RE: Comments to Sites Project Authority and Bureau of Reclamation's Revised Draft of Environmental Impact Report and Environmental Impact Statement of North of Delta Offstream Storage (NODOS) / Sites Reservoir Project**

CIEA is writing to express our opposition to the continuation of the North of Delta Off-stream Storage Sites Reservoir Project. After reviewing the EIR/EIS, CIEA noticed a lack of meaningful consultation with Tribal Peoples within and adjacent the footprint area of the proposed project. We also noticed environmental issues that would affect Tribal People and Californians at large. CIEA asks that you withdraw the proposal and consider consulting meaningfully with Tribes.

This project will negatively impact the environment and does not honor Tribal Trust Responsibilities that the federal government has with Tribal Nations established through Treaties and agreements. Tribal Consultation in accordance with California State Assembly Bill 52 (AB-52) is missing from this process and therefore it would not be in good faith to move forward with the proposal. AB52 requires the state to invite and engage in consultation in a meaningful way with Tribes regarding Tribal cultural resources. We understand that Tribes had been invited to engage in consultation but consultation was limited to a few Tribes and there are over 20+ Tribes within and adjacent to the footprint area of the proposed project that had not been asked to offer insight and feedback on the project. Furthermore, it should not be the burden of Tribes to seek meaningful consultation by request when this is something that is required of the state to provide to Tribes.

As a result of all the above stated, we ask that the proposal be withdrawn because of non-compliance with AB-52 by the state or at least halted until meaningful consultation takes place with Tribal Nations and members in accordance with AB-52. Not all affected Tribes were outreached to appropriately. Please reach out to all Tribes who utilized the area, all of those whose source water will be utilized to fill the reservoir, and those in the receiving waters though to the Pacific Ocean.

The proposal would also tip the scales on cost-benefit analysis, giving much more weight to costs to extractive and harmful industries, while ignoring the benefits to species, especially those on the verge of extinction. We know that when we save nature, we save ecosystem services, we protect our environment, our health, and our future generations. Not only are the benefits of withdrawing this proposal better for all than for the few, the state will save money in the long run on correcting environmental impacts that will occur as a result of this proposal. We do not agree with this change and we urge you to withdraw this proposal.

We would also like to mention that aquifers naturally filter and clean. This is a key aspect of proper land management that Tribal Peoples seek to maintain collaborations with state agencies CIEA would like to note that dam water is not clean and is contaminated. The amount of mercury and PCBs found in dam water is unacceptable. We ask you to stop funding projects before EIR and EIS reports are done because of the harmful impacts and Tribes and Tribal entities having not assessed the situation and further environmental impacts. While the San Francisco Bay Area has recently confirmed they have maintained water savings, that is not the case for the agricultural, manufacturing and communities that will be the beneficiaries of this project. Instead of trying to provide more water in these areas, we should be looking to alternatives that conserve and prevent water waste.

We recommend that the Sites Project Authority and Bureau of Reclamation apply the new Tribal beneficial use definitions and water quality criteria that was adopted in California on May 2, 2017 by the State Water Resources Control Board to the water bodies impacted by this project. CIEA has supported Tribal engagement in Northern California for Tribal efforts to regionally designate traditionally used water bodies under the “new” statewide beneficial use definitions, “Tribal Subsistence Fishing” and “Tribal Cultural Uses including critical habitats for endangered species. These new definitions are now legally defensible under the Clean Water Act (CWA) and this issue areas should be part of the needed meaningful Tribal consultation.

We must remember that this is Native Land and Native people are humans and as the first Peoples of this land we seek to support the cultural continuance of Tribes to continue practicing their place-based cultures. Attached to this is the need to access to their homelands without state barriers, and to steward their lands which includes the need to protect the use of water to support regional landscapes, traditional foods and cultural uses. The proposed project and the EIR/EIS in their current state does not support Tribal traditional uses.

We encourage state and federal agencies to support Native American rights to cultural subsistence as stated by the U.N. Declaration on the Rights of Indigenous Peoples, and in California to support the intent of Governor Newsom’s apology as stated in N-15-19 and the

resulting the Truth and Healing Council to work with California Tribes to support healing, collaboration and co-management with Tribes. The best way to support Tribes in healing is to support the cultural continuance of Tribes, provide access to cultural and subsistence resources and to protect culturally sensitive areas. What is the purpose of these proclamations/policies/entities, if you're going to continue to perpetrate the mistreatment and dispossession of the Tribal People? Please uphold and protect not only the cultural practices and the continuance of California Native Peoples.

Please join us in recommending the project and all actions involving the proposed project be halted until all Tribes, within and outside the footprint area, are meaningfully consulted. False statements made within the reports should be reinvestigated and corrected. Therefore, the Sites Authority and Bureau of Reclamation need to conduct proper EIR and EIS with Tribal involvement and Tribal consultation with all Tribes needs to be completed before this project continues.

Thank you,



Sherri Norris

Executive Director

California Indian Environmental Alliance

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