

15 January, 2018

Bureau of Reclamation and Sites Project Authority
P.O. Box 517
Maxwell, CA 95955

To Whom It May Concern:

This transmits comments regarding the Sites Reservoir DEIR/DEIS and Draft Feasibility Report on behalf of the California Indian Water Commission (CIWC), a tribal self-determination organization. The CIWC was unable to access the DEIR/DEIS (document) from the links provided in the federal register notice, and via links provided by BOR. A set of disks was provided with less than one week to review. We requested an extension of comments based on these circumstances, and the agency representative did not provide a response. These comments are based on our brief review of the materials provided.

First and foremost, we support the no project alternative. The development of the Sites project is counterintuitive to the laws of nature, and will continue to adversely affect trust resources, for which the involved agencies share responsibilities for on behalf of tribes, tribal individuals, and tribal organizations pursuant to federal and state laws including PL 93-638 and executive order B-10-11. The lack of understanding of these matters is evident in the discussion of Indian Trust Assets in the document, which does not reflect the full scope of the Bureau and other agencies, including state, trust responsibilities to tribes, tribal individuals, and tribal organizations. Trust responsibilities extend to all transitory resources (e.g., fish, wildlife, water), and other cultural properties including sacred sites, gathering sites, etc. In regards to water, prior legal precedence demonstrates that our preeminent rights to surface and ground water (see *Winters v. United States* and *Agua Caliente v. Coachella Valley Water District & Desert Water Agency*). However, local, state, and federal projects past and present have failed to acknowledge this fact, and have failed to achieve implementation of actions to make the systems sustainable and resilient to social and environmental change. We encourage the agencies to further their responsibilities to not only to trust resources, but also the recovery of species (e.g., Delta smelt, green sturgeon, Chinook salmon) pursuant to the endangered species act. Such actions would include seeking restoration of the natural basins and sinks throughout the Central Valley as a means to provide surface storage and groundwater recharge amongst other functions and services the natural system provides. This could be achieved via land retirement of lands formerly "reclaimed" pursuant to acts including the Swamp Lands Act, which have compromised the natural function of many regional ecosystems. In consideration of land retirement and restoration, we strongly encourage BOR and the SPA to work with Tribes as receivers for such land-based actions including project mitigation.

Ecocultural effects of the project have been inadequately analyzed. We suggest consulting with tribes, traditional cultural practitioners, and tribal organizations to better determine project effects, alternatives, and mitigation. To understand the environmental setting requires an assessment which begins at the top of the contributing watersheds and extends through the

ocean. Furthermore, there are some aspects of the environment such as spiritual or metaphysical parameters, which are not currently assessed in any environmental impact review. We recommend analysis of such impacts through the use of the Mauri-o-meter (<http://mauriometer.com>). The Mauri-o-meter assesses impacts to the environment, cultural wellbeing (inclusive of metaphysical aspects), social wellbeing, and economic wellbeing using a series of questions that are filtered through a heuristic model.

Sincerely,

Don Hankins, Ph.D.
President