



## Materials Package – Contents List

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- Question/Comment Forms
- Draft BDCP Fast Facts Fact Sheet
- Draft EIR/EIS Fast Facts Fact Sheet
- How to Comment on the Documents Fact Sheet
- Public Open House Meeting Poster Boards (32 total)
- Federal Agency Responsibilities Poster Board
- Federal and State Lead Agency Roles and Actions for the BDCP Poster Board
- Map of BDCP Plan Area and Associated Counties
- California Indian Tribal Homelands and Trust Lands Map – Northern Region
- California Indian Tribal Homelands and Trust Lands Map – North Central Region
- California Indian Tribal Homelands and Trust Lands Map – South Central Region
- California Indian Tribal Homelands and Trust Lands Map – Southern Region
- California Natural Resources Agency Final Tribal Consultation Policy
- Executive Order B-10-11
- Protecting California Native American Sites During Drought and Wild Land Fire Emergencies – A Guide to Relevant Laws and Cultural Resources Management Practices

**BDCP Bay-Delta Tribes Consultation Meeting**  
**June 13, 2014**  
**Natural Resources Building**  
**First Floor Auditorium**  
**1416 Ninth St.**  
**Sacramento, California 95814**

**10:00 a.m. – 2:00 p.m.**

**Agenda**

- 9:30 a.m. – 10:00 a.m.**      **Check-in and Register**
- 10:00 a.m. – 10:15 a.m.**      **Formal Introductions and Discussion of Meeting Purpose**
- Paul Helliker, *Deputy Director, DWR*
  - Anecita Agustinez, *Tribal Policy Advisor, DWR*
- 10:15 a.m. – 11:30 a.m.**      **Presentations/Q&A**
- BDCP Cultural Resources: Alisa Reynolds, *Senior Archaeologist, ICF* and Meg Scantlebury, *Senior Associate, ICF*
  - Federal Process Updates: Ann Stine, *Natural Resources Specialist, USBR*, Laureen Perry, *Regional Archaeologist, USBR* and Janis Offerman, *Senior Cultural Resources Specialist, URS*
- 11:30 a.m. – 12:30 p.m.**      **Lunch** - *Informational poster boards and staff will be available for questions*
- 12:30 a.m. – 12:45 p.m.**      **North-Central Region Updates** - Hong Lin, *Senior Engineer, DWR* and Tito Cervantes, *Tribal Liaison, DWR*
- Regional representatives and DES staff introductions
- 12:45 p.m. – 1:30 p.m.**      **Consultation Session**
- Format:*
- Roundtable discussion facilitated by Paul Helliker and Anecita Agustinez
- General Topics:*
- Draft BDCP and Draft BDCP EIR/EIS
  - Cultural resources analyzed in BDCP EIR/EIS
  - DWR's BDCP consultation process moving forward
- Panel:*
- DWR staff
  - Technical subject matter experts
- 1:30 p.m. – 1:45 p.m.**      **Tribal Presentations on Potential BDCP Impacts:** United Auburn
- 1:45 p.m. – 2:00 p.m.**      **Closing Remarks** – Paul Helliker and Anecita Agustinez
- 2:00 p.m. – 2:30 p.m.**      **Court Reporter Available**
- Opportunity to submit formal verbal comments on Draft BDCP EIR/EIS and Draft BDCP

**Tribal Consultation Meeting on Proposed Bay Delta Conservation Plan and DWR  
Tribal Engagement Policy**

**Question/Comment Form**

Name (Optional):

Region/County:

<b>REPRESENTING</b> <u>Check One</u>	<input type="checkbox"/> Tribal Chairman/Chairwoman	<input type="checkbox"/> Tribal Leader	<input type="checkbox"/> Community Member
	<input type="checkbox"/> Tribal Citizen	<input type="checkbox"/> State/Official Representative	<input type="checkbox"/> Other:

Please write your question or comment below:

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**Contact Information:**  
 Anecita Agustinez  
 Tribal Policy Advisor  
 1416 9th Street, Room 1155-C  
 Sacramento, CA 94236  
 Phone: 916-653-8726  
 Cell: 916-216-8637  
 E-mail:  
 Anecita.Agustinez@water.ca.gov



**Tribal Consultation Meeting on Proposed Bay Delta Conservation Plan and DWR  
Tribal Engagement Policy**

**Question/Comment Form**

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<b>REPRESENTING</b> <u>Check One</u>	<input type="checkbox"/> Tribal Chairman/Chairwoman	<input type="checkbox"/> Tribal Leader	<input type="checkbox"/> Community Member
	<input type="checkbox"/> Tribal Citizen	<input type="checkbox"/> State/Official Representative	<input type="checkbox"/> Other:

Please write your question or comment below:

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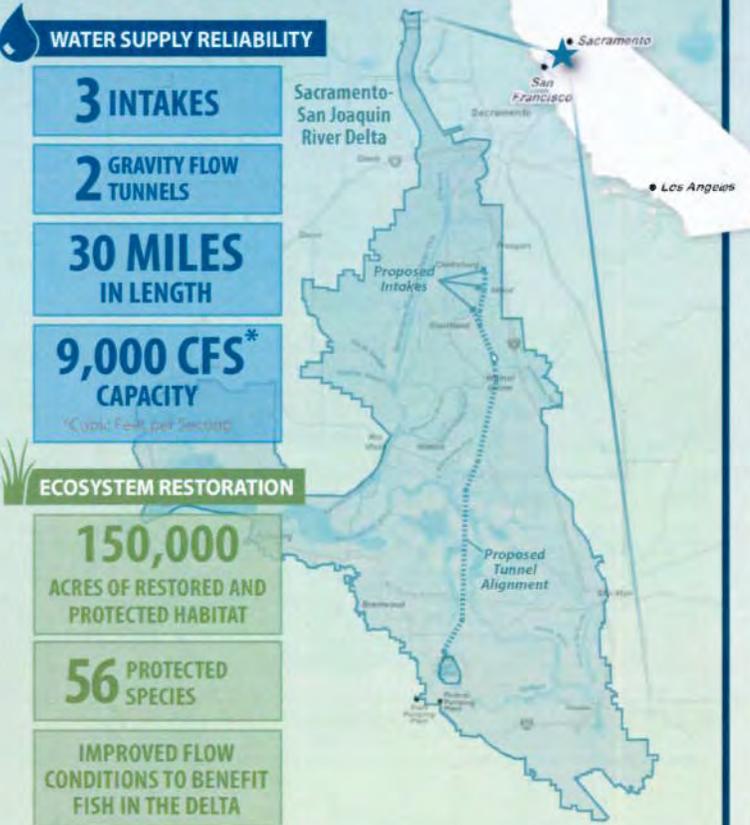
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## The BDCP is...

...a long-term strategy to secure California's water supplies and improve the ecosystem of the Sacramento-San Joaquin River Delta.

### The BDCP Co-Equal Goals



## The BDCP Would Benefit Millions of Californians

The BDCP is one part of California's overall water portfolio. It aims to protect our unique Delta ecosystem and secure water supplies for a vast part of the California economy.

### SECURING WATER SUPPLIES



**4.7-5.6 MILLION ACRE-FEET ON AVERAGE ANNUALLY**  
(An acre-foot is roughly as much water as two California households use, indoors and outdoors, in a year)

### CREATING & PROTECTING JOBS



**1.1 MILLION FULL-TIME EQUIVALENT JOBS CREATED AND SAVED FOR CALIFORNIA**  
(Based on a year by year estimate)

### BOOSTING THE ECONOMY



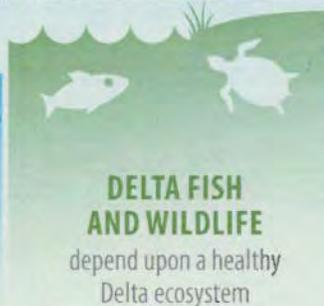
**\$84 BILLION INCREASE IN STATE ECONOMIC PRODUCTIVITY**

## The BDCP is Important for California

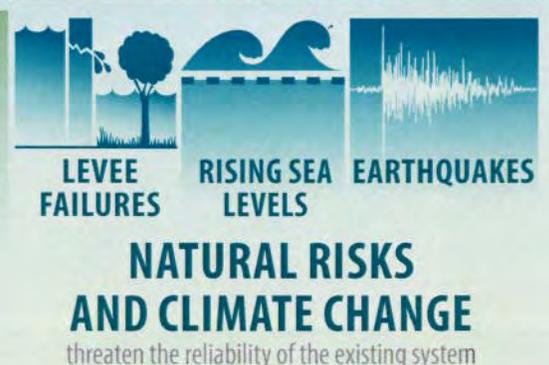
### WATER SUPPLY RELIABILITY



### ECOSYSTEM RESTORATION

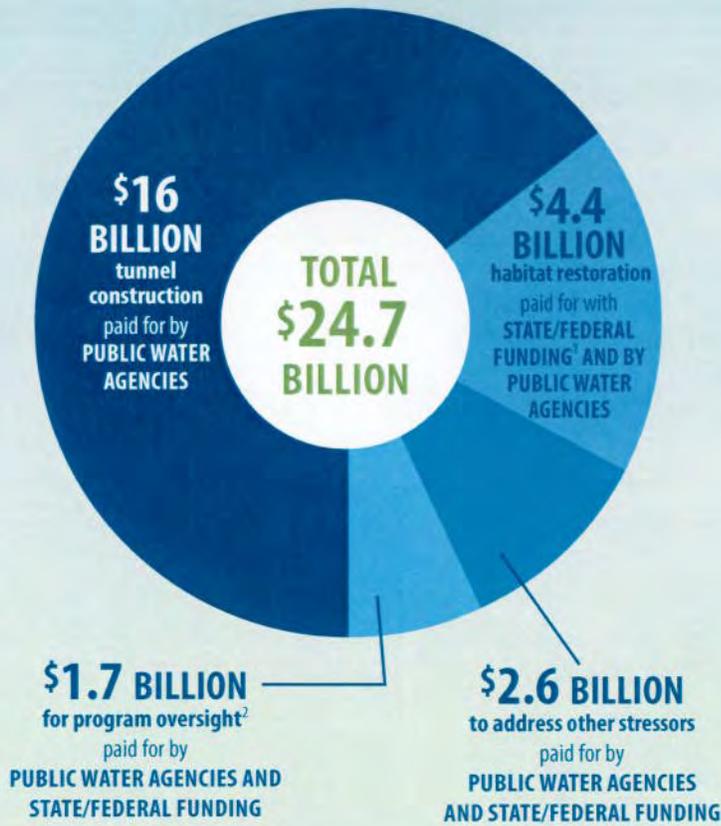


### CLIMATE RISK ADAPTATION



# BDCP Cost and Funding...

...implemented over a 50-year period.



<sup>1</sup>The availability of federal funds will be contingent on future federal appropriations.

<sup>2</sup>Program oversight includes monitoring and research, management/administration, changed circumstances, and property tax revenue replacement.

# The BDCP is Guided by the Best Available Science



## ADAPTIVE MANAGEMENT PROGRAM

to implement and monitor BDCP biological goals and objectives



## WATER OPERATIONS

by the Department of Water Resources and the U.S. Bureau of Reclamation



## OVERSIGHT

by state and federal fish and wildlife agencies

# The BDCP Would Benefit the Delta Ecosystem

## DELTA RESTORATION

BDCP would contribute to the conservation of 56 species of fish, plants and wildlife in the Delta.

45



### SPECIES OF PLANTS & WILDLIFE CONSERVED

through protection and enhancements in the quantity and quality of habitat in the Delta.

52%



### INCREASE IN PROTECTED LAND

in the Delta

11



### FISH SPECIES BENEFIT,

from an increase in the amount and quality of habitat, food sources, and ecological function of Delta flows. Species include Chinook salmon and delta smelt.

10



### OTHER STRESSOR REDUCTION MEASURES

would reduce adverse effects, such as invasive species, predation, and contaminants, to improve the ecological function of the Delta.

For more information, or to submit comments, visit [www.BayDeltaConservationPlan.com](http://www.BayDeltaConservationPlan.com), call 1-866-924-9955, or email [info@BayDeltaConservationPlan.com](mailto:info@BayDeltaConservationPlan.com).

**The BDCP Draft EIR/EIS is...**

An analysis of BDCP and its alternatives' negative and beneficial impacts on the human environment, and actions to avoid or minimize negative impacts, with the goal of improving the Delta ecosystem and ensuring reliable water supplies for 25 million Californians.

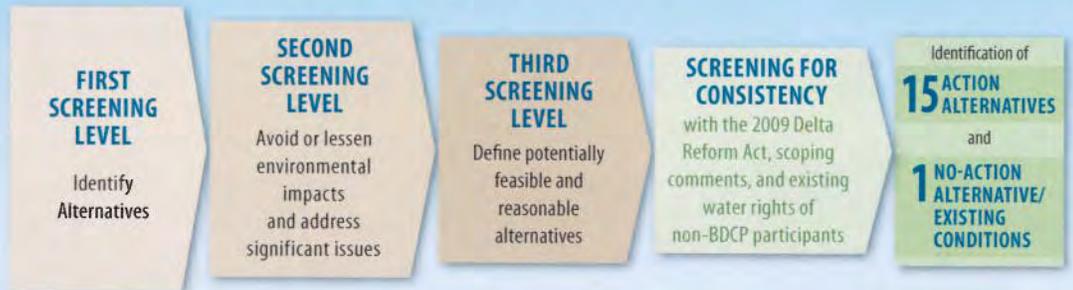
**Environmental Analysis Objectives**



**Robust, Science Driven Screening Process**

Alternatives evaluated in the Draft EIR/EIS must:

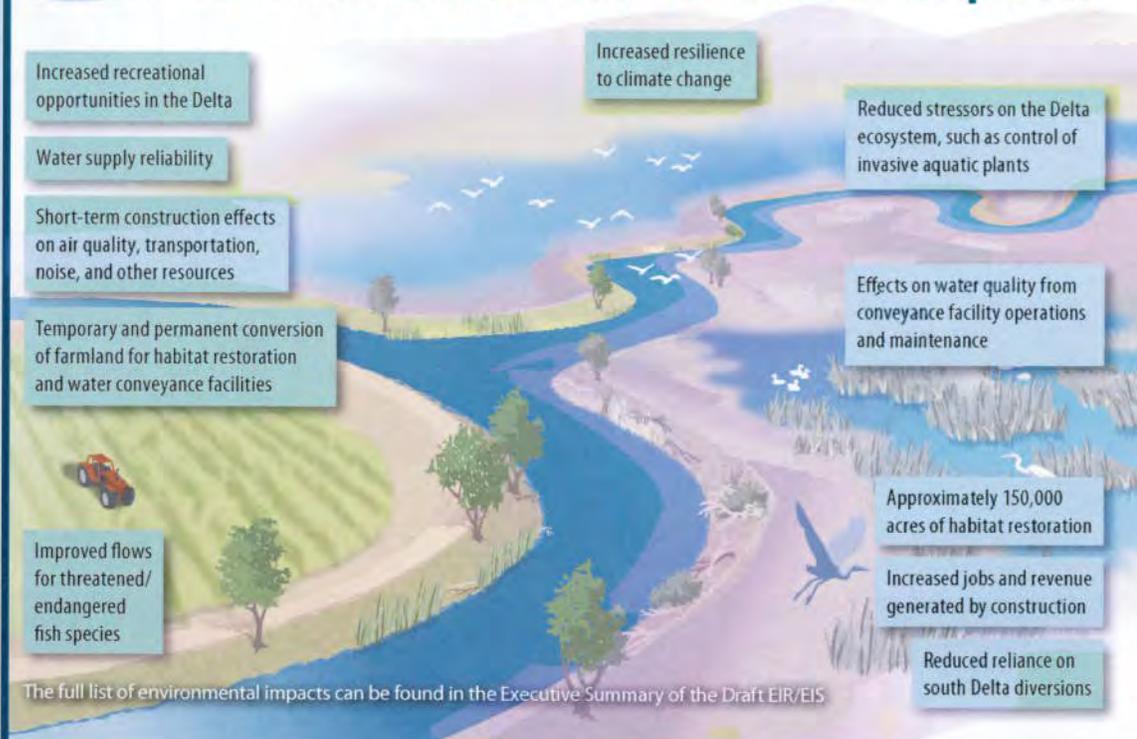
- 1 Be feasible and reasonable
- 2 Meet project objectives
- 3 Avoid or substantially reduce significant impacts



**The BDCP Draft EIR/EIS Analyzes more than 600 resource area impact categories.** Of these resource impact categories, 65-79 environmental impacts were deemed beneficial, depending upon the alternative evaluated. 57-60 resource areas were found to have no impact, and up to 431 resource area impacts were deemed less than significant.

The Draft EIR/EIS determined 54-72 significant and unavoidable impacts (as determined by the California Environmental Quality Act), depending upon alternative, that may be reduced with the implementation of additional mitigation measures.

**BDCP Environmental Benefits and Impacts**



# 15 Draft EIR/EIS Action Alternatives:

The Draft EIR/EIS alternatives represent a combination of water conveyance configurations, capacities and operational criteria, habitat restoration and conservation targets, stressor reduction measures, and various avoidance and minimization measures.

The BDCP will include approximately 150,000 acres of restored and protected habitat for 56 covered species, and improve flow conditions to benefit fish in the Delta.

Alternative	Maximum Water Diversions	Intakes
<b>1A</b>	15,000 cfs	1-5
<b>2A</b>	15,000 cfs	1-3, 6, 7, or 1-5
<b>3</b>	6,000 cfs	1 & 2
<b>4</b>	9,000 cfs	2, 3 & 5
<b>5</b>	3,000 cfs	1
<b>6A</b>	15,000 cfs	1-5
<b>7</b>	9,000 cfs	2, 3 & 5
<b>8</b>	9,000 cfs	2, 3 & 5
<b>1B</b>	15,000 cfs	1-5
<b>2B</b>	15,000 cfs	1-3, 6, 7, or 1-5
<b>6B</b>	15,000 cfs	1-5 isolated
<b>1C</b>	15,000 cfs	West (W)1
<b>2C</b>	15,000 cfs	W1-W5
<b>6C</b>	15,000 cfs	W1-W5
<b>9</b>	15,000 cfs	Delta Cross Channel and Georgiana Slough channel modifications
<b>NO ACTION/NO PROJECT</b>	Current operations	N/A

### ALTERNATIVE 4:

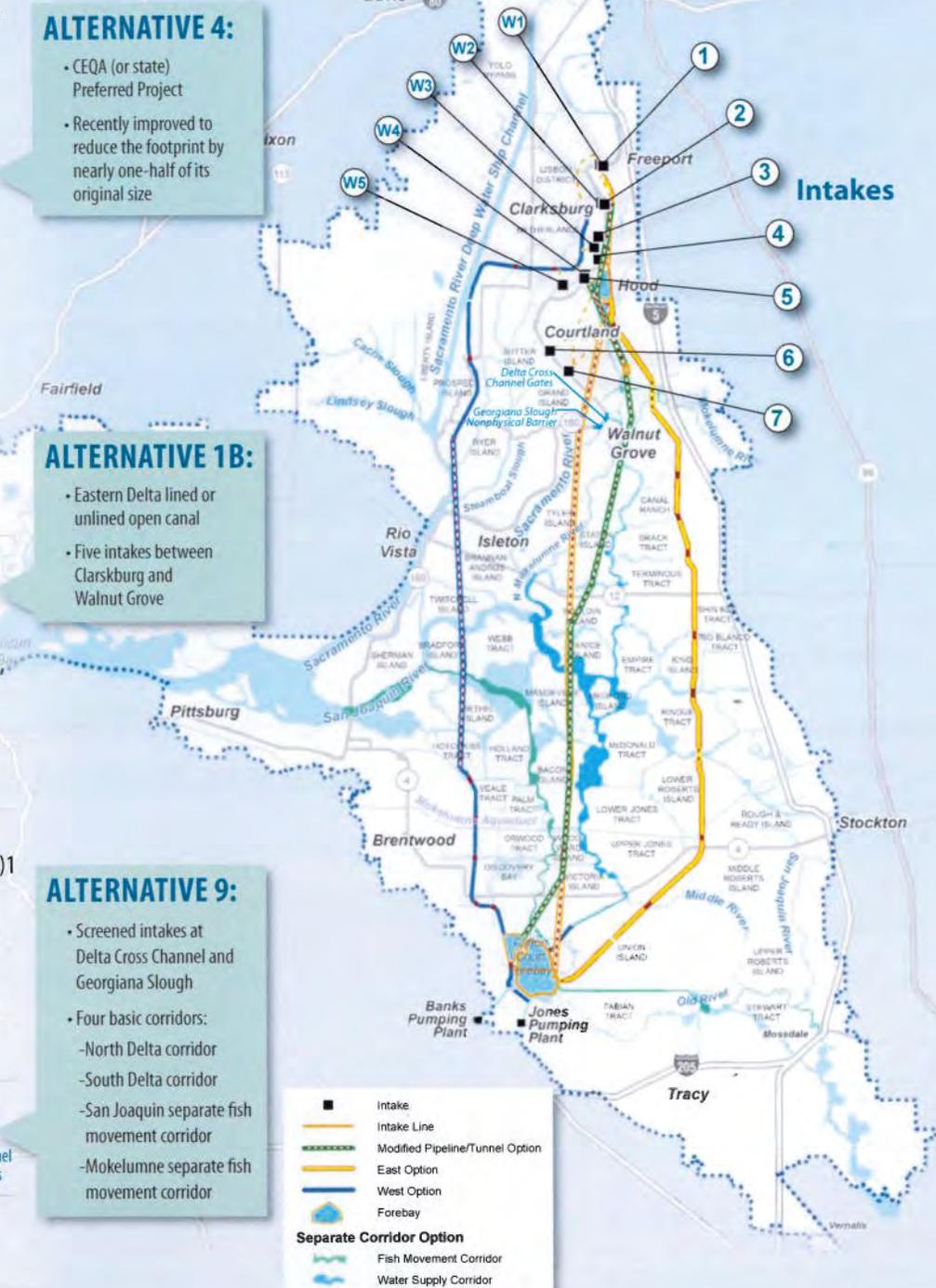
- CEQA (or state) Preferred Project
- Recently improved to reduce the footprint by nearly one-half of its original size

### ALTERNATIVE 1B:

- Eastern Delta lined or unlined open canal
- Five intakes between Clarksburg and Walnut Grove

### ALTERNATIVE 9:

- Screened intakes at Delta Cross Channel and Georgiana Slough
- Four basic corridors:
  - North Delta corridor
  - South Delta corridor
  - San Joaquin separate fish movement corridor
  - Mokelumne separate fish movement corridor



NOTE: A full description of the 15 Action Alternatives, and the No Action Alternative, can be found in Chapter 3 (Alternatives) of the Draft EIR/EIS.

For more information, or to submit comments, visit [www.BayDeltaConservationPlan.com](http://www.BayDeltaConservationPlan.com), call 1-866-924-9955, or email [BDCP.Comments@NOAA.gov](mailto:BDCP.Comments@NOAA.gov).

# Commenting on the Draft Bay Delta Conservation Plan (BDCP) and Associated Draft Environmental Impact Report/ Environmental Impact Statement (EIR/EIS)

May 2014

The Draft BDCP and BDCP Draft EIR/EIS are being made available to the public for a 228-day review period<sup>1</sup>. The public review and comment period is effective December 13, 2013 through July 29, 2014.

Draft documents are available to view at:

Department of Water Resources,  
3500 Industrial Blvd., Room 117,  
West Sacramento, CA 95691

and at:

National Marine Fisheries Service,  
650 Capitol Mall, Suite 5-100,  
Sacramento, CA 95814

and electronically on the project website at [www.BayDeltaConservationPlan.com](http://www.BayDeltaConservationPlan.com) and at libraries throughout the state. Visit [www.BayDeltaConservationPlan.com](http://www.BayDeltaConservationPlan.com) to find a location near you.

Copies of the documents referenced in the Draft EIR/EIS will be available at the DWR Office at 3500 Industrial Blvd., Room 117, West Sacramento, CA 95691.

## How to make effective comments

All comments received on the Draft EIR/EIS will be considered in the Final EIR/EIS and decision-making process. The most effective comments are those that follow the guidelines below:

- Comments should be concise and focus directly on the analysis in the EIR/EIS.
- Comments should identify the specific part of the EIR/EIS at issue and should include supporting evidence and facts.
- The commenter should provide complete references and/or citations, particularly when referring to websites (that is, provide a specific URL address rather than simply citing "DWR website," for example).

The comment period is from  
**December 13, 2013 through July 29, 2014.**

Comments must be received electronically  
or postmarked on or before  
**July 29, 2014.**

## HOW TO COMMENT:



### Mail to

BDCP Comments  
Ryan Wulff, National Marine Fisheries Service  
650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814



### Email to

[BDCP.comments@noaa.gov](mailto:BDCP.comments@noaa.gov)

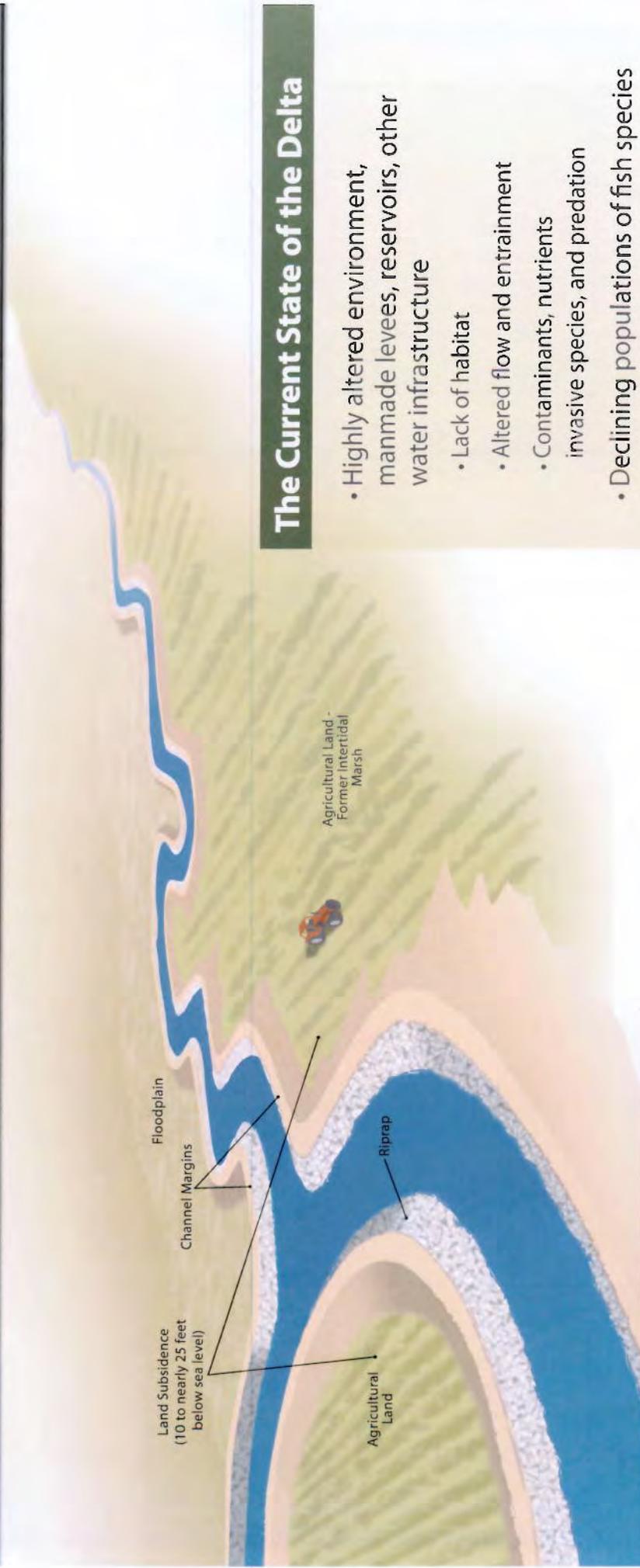
**Only comments submitted via the methods listed above are considered formal comments.**

Statements made to project team members are not considered formal comments. **All comments received on the Draft EIR/EIS will be considered in the Final EIR/EIS and decision-making process.** No final decisions have been made regarding going forward with the BDCP or in selecting an alternative; those decisions will only occur after completion of the CEQA and NEPA processes.

The Draft Implementing Agreement was released on May 30, 2014 for a 60-day public review and comment period through July 29, 2014. More information is available on the project website at [www.BayDeltaConservationPlan.com](http://www.BayDeltaConservationPlan.com).

<sup>1</sup>The Draft BDCP and Draft EIR/EIS are being made available for public review in accordance with the California Natural Community Conservation Planning Act (NCCCPA), Section 10 of the federal Endangered Species Act (ESA), the California Environmental Quality Act (CEQA), and the National Environmental Policy Act (NEPA). The public comment period has been extended to a 228-day comment period. This extension will allow the public more time to review and comment on the public draft documents.

# The Problem



## The Current State of the Delta

- Highly altered environment, manmade levees, reservoirs, other water infrastructure
  - Lack of habitat
  - Altered flow and entrainment
  - Contaminants, nutrients
  - Invasive species, and predation
- Declining populations of fish species
- Increasingly unreliable water deliveries
- Increasing threats of continuing land subsidence, seismic events and climate change

The heart of California's water system rests in the Delta, and its current configuration puts it—and the broader economy—at serious risk. The status quo of the Delta—both the ecosystem and the water system depending on it—is not sustainable.

# The Proposed BDCP Would Benefit

## Millions of Californians

The BDCP is one part of California's overall water portfolio. It aims to protect our unique Delta ecosystem and secure water supplies for a vast part of the California economy by:

### SECURING WATER SUPPLIES



**4.7-5.6 MILLION ACRE-FEET ON AVERAGE ANNUALLY**  
(An acre-foot is roughly as much water as two California households use, indoors and outdoors, in a year)

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### BOOSTING THE ECONOMY



**\$84 BILLION INCREASE IN STATE ECONOMIC PRODUCTIVITY**

## The Delta Ecosystem

### DELTA RESTORATION

BDCP would contribute to the conservation of 56 species of fish, plants and wildlife in the Delta.



**45 SPECIES OF PLANTS & WILDLIFE CONSERVED**  
through protection, restoration, creation, and enhancement of the quantity and quality of habitat in the Delta.



**11 FISH SPECIES BENEFIT**, from an increase in the quantity and quality of habitat, food sources, and ecological function of Delta flows. Species include Chinook salmon and delta smelt.



**52% INCREASE IN PROTECTED LAND**  
in the Delta for habitat.



**10 OTHER STRESSOR REDUCTION MEASURES** would reduce adverse effects, such as invasive species, predation, and contaminants, to improve the ecological function of the Delta.

# The Proposed BDCP is

## The proposed project includes:

### WATER SUPPLY RELIABILITY

**3** INTAKES

**2** GRAVITY FLOW TUNNELS

**30 MILES** IN LENGTH

**9,000 CFS\*** CAPACITY

\*Cubic Feet per Second

### ECOSYSTEM RESTORATION

**150,000** ACRES OF RESTORED AND PROTECTED HABITAT

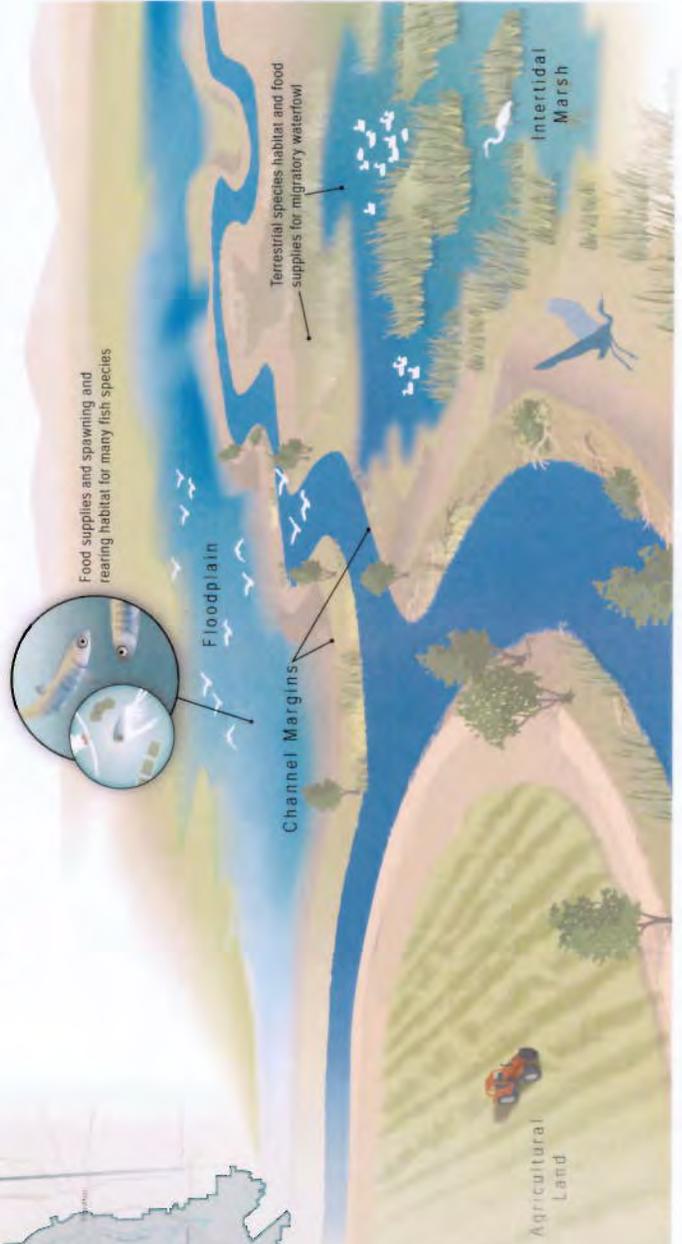
**56** PROTECTED SPECIES

IMPROVED FLOW CONDITIONS TO BENEFIT FISH IN THE DELTA



- A part of California's water management portfolio
- A long term strategy to improve the reliability of California's water supplies and improve the ecosystem of the Sacramento-San Joaquin Delta
- A Habitat Conservation Plan

## The BDCP provides a way to improve water supply reliability and ecosystem health.

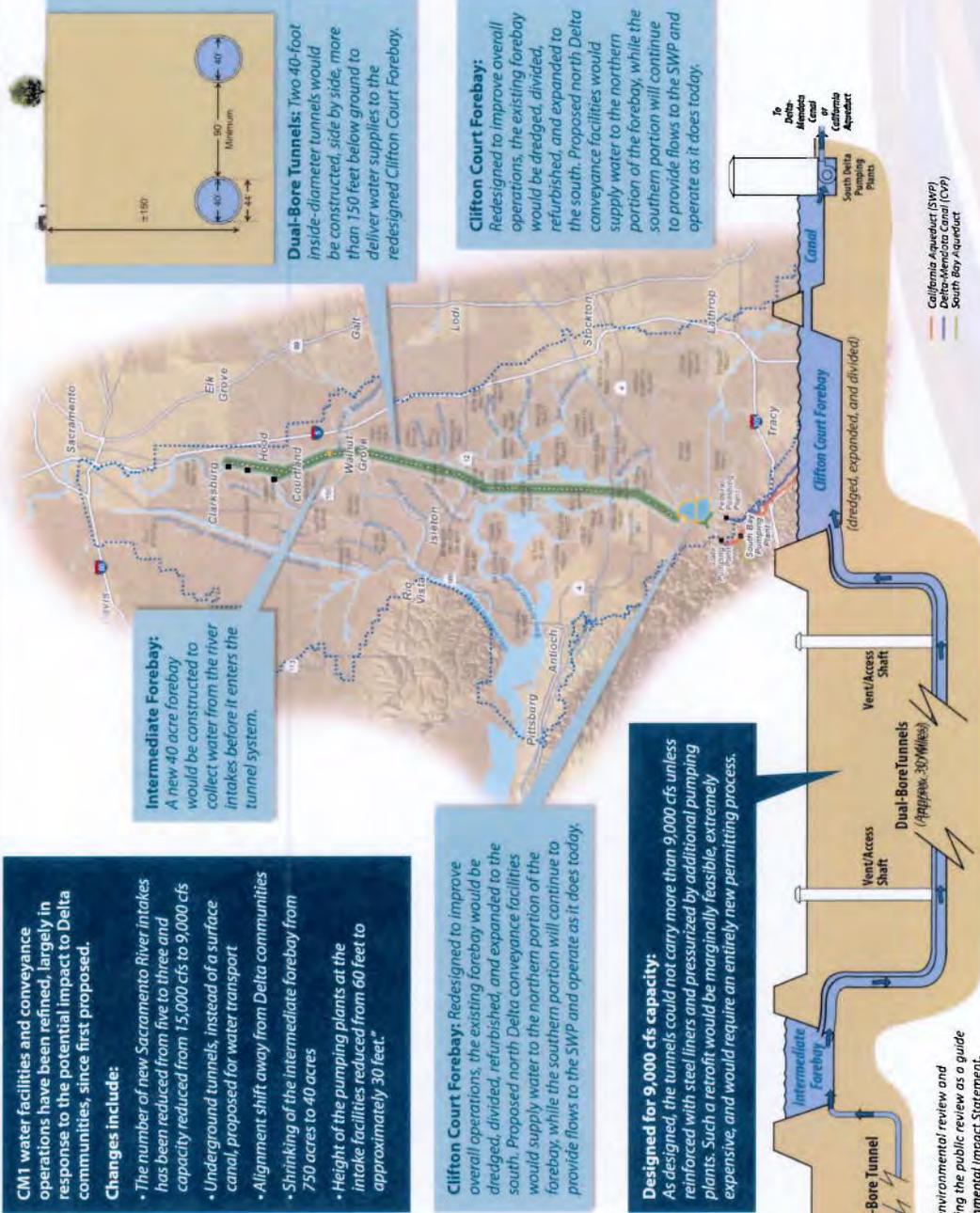




# BDCP Proposed Water Conveyance System (CM1)

## CM1 Features:

- Three intakes, together capable of diverting up to 9,000 cfs.
- State-of-the-art fish screens that would protect passing fish.
- A forebay for collection of the water diverted from the river.
- Two tunnels to carry water 30 miles to the existing pumping plants in the south Delta. From there, water would be moved into existing aqueducts that supply much of the state.



# BDCP Cost and Funding



Estimated COSTS	
Capital	\$19.85 BILLION
Operations & Maintenance	\$4.9 BILLION
<b>Total</b>	<b>\$24.75 BILLION</b>

Estimated FUNDING	
<b>Total</b>	<b>\$24.75 BILLION</b>

<sup>1</sup>The availability of federal funds will be contingent on future federal appropriations.

<sup>2</sup>Program oversight includes monitoring and research, adaptive management, management/administration, changed circumstances, and property tax revenue replacement.

## BDCP Governance

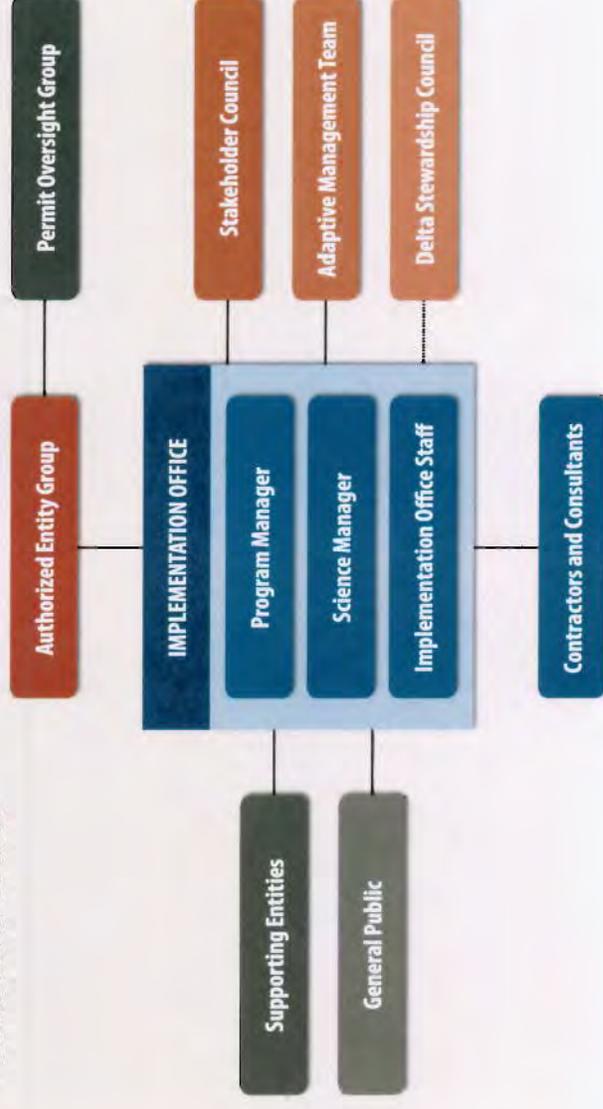
The proposed governance and implementation structure of the BDCP is envisioned as a collaborative effort with defined roles and responsibilities, and a clear process for addressing issues and conflicts as they arise.

### The implementation structure is designed to ensure that:

- Sufficient institutional expertise, capacity, resources, and focus are brought to bear to accomplish the BDCP goals and objectives
- The entities receiving regulatory authorizations are accountable to those agencies granting the regulatory authorizations
- The decision-making process regarding BDCP implementation is transparent and understandable to the public

The implementation structure includes:

- Implementation Office
- Authorized Entity Group
- Permit Oversight Group
- Adaptive Management Team
- Stakeholder Council



## BDCP Expected Outcomes (Effects Analysis)

Chapter 5, Effects Analysis, of the public Draft BDCP looks at the outcomes that are expected to result in the BDCP implementation.

### The Effects Analysis:

- Evaluates the effects of the BDCP actions by comparing an environmental baseline condition to the conditions expected under BDCP
- Compares all conservation measures at various times during BDCP implementation
- Describes the level of take (harm or harassment of species) and the effect of that take from BDCP actions
- Considers climate impacts over the entire 50-year implementation period

### Net Effects

The BDCP Effects Analysis evaluates the combined effects of all covered activities, including the conservation measures, to determine the net effect of implementing the Plan for:

- Ecosystems and landscapes
- Natural communities
- Covered plants and wildlife
- Covered fish

To calculate the net benefit of BDCP actions, the EA summarizes the positive and negative effects of the plan to determine the net effect to each covered species.

BENEFICIAL BDCP EFFECTS

+

ADVERSE BDCP EFFECTS

NET BDCP EFFECTS

For details regarding the positive and negative effects for each category, see Chapter 5, Effects Analysis, of the public Draft BDCP.

### Scientific Uncertainty

Because the Delta is an ecologically complex estuary, there is a degree of scientific uncertainty. Where a high level of uncertainty is associated with the potential for a conservation measure to achieve plan objectives, that uncertainty will be addressed through research, monitoring, and the adaptive management program.

# Anticipated Benefits to Habitat and Species Under Proposed BDCP



## Expanding Sandhill Crane Habitat

The greater sandhill crane, one of the oldest living bird species, winters in California's Central Valley with one of the greatest concentrations in the central east Delta. The cranes roost in habitat consisting of wetlands or flooded agricultural fields.

In addition to the restoration identified in CM10, the BDCP includes a comprehensive strategy for contributing to the species' recovery. Construction and operation of conveyance facilities would be designed to avoid and minimize impacts to the crane. To ensure that the important crane population on Staten Island is unharmed by construction, the plan commits to a performance standard of no net loss of crane use days on Staten Island. This standard would be achieved through a number of avoidance and minimization measures.

### Channel Margin

- Chinook Salmon
- Sacramento Splittail
- Central Valley Steelhead
- Pacific and River Lamprey
- Green Sturgeon
- White Sturgeon

### Tidal Habitat

- Salt Marsh Harvest Mouse
- California Clapper Rail
- Delta Smelt
- Suisun Shrew
- California Black Rail
- White-tailed Kite
- Northern Harrier
- Short-eared Owl

### Grassland

- San Joaquin Kit Fox
- Western Burrowing Owl
- California Tiger Salamander
- California Red-legged Frog
- Swainson's Hawk
- Northern Harrier
- White-tailed Kite
- Loggerhead Shrike
- Tricolored Blackbird
- Grasshopper Sparrow

### Riparian

- Riparian Brush Rabbit
- Swainson's Hawk
- Valley Longhorn Elderberry Beetle
- Riparian Woodrat
- White-tailed Kite
- Cooper's Hawk
- Osprey
- Western Yellow-billed Cuckoo
- Least Bell's Vireo
- Yellow-breasted Chat
- Great Egret
- Great Blue Heron
- Snowy Egret
- Black-crowned Night Heron
- Western Pond Turtle



Sacramento-San Joaquin River Delta

Proposed Intakes

Proposed Tunnel Alignment

### Managed Wetlands and Other Habitats

- White-tailed Kite
- Vernal Pool Tadpole Shrimp
- Giant Garter Snake
- White-faced Ibis
- Northern Harrier

## Purpose of the Draft Environmental Impact Report/ Environmental Impact Statement (EIR/EIS)

### Helps to fulfill the requirements of the:

#### ▶ California Environmental Quality Act (CEQA)

- For CEQA compliance:
  - Describe the proposed project, identify its significant environmental impacts, and develop reasonable mitigation measures and alternatives to eliminate or reduce such impacts
- May support future regulatory actions or approvals

#### ▶ National Environmental Policy Act (NEPA)

- For NEPA compliance:
  - Describe a reasonable range of alternatives that meet project purpose and need, analyze environmental impacts of each alternative, and develop mitigation measures that would avoid or minimize adverse impacts or enhance the environment
- May support future regulatory actions or approvals

## Draft EIR/EIS Project Objectives and Purpose and Need

### Chapter 2 of the Draft EIR/EIS describes the project's objectives, purpose and need as required by CEQA and NEPA.

#### Project Need

*"The need for the action is derived from the multiple, and sometimes conflicting, challenges currently faced within the Delta. The Delta has long been an important resource for California, providing municipal, industrial, agricultural and recreational uses, fish and wildlife habitat, and water supply for large portion of the state. However, by several key criteria, the Delta is now widely perceived to be in crisis. There is an urgent need to improve the conditions for threatened and endangered fish species within the Delta. Improvements to the conveyance system are needed to respond to increased demands upon and risks to water supply reliability, water quality, and the aquatic ecosystem."*

#### CEQA Project Objectives

*"DWR's fundamental purpose in proposing the BDCP is to make physical and operational improvements to the State Water Project (SWP) system in the Delta necessary to restore and protect ecosystem health, water supplies of the SWP and Central Valley Project (CVP) south-of-Delta, and water quality within a stable regulatory framework, consistent with statutory and contractual obligations."*



## Draft EIR/EIS Project Objectives and Purpose and Need

### Chapter 2 of the Draft EIR/EIS describes the project's objectives, purpose and need as required by CEQA and NEPA.

#### NEPA Purpose

1. Consider the applications for incidental take permits for the covered species that authorize take related to the actions listed below.
  - a. The operation of existing SWP Delta facilities.
  - b. The construction and operation of facilities and/or improvements for the movement of water entering the Delta from the Sacramento Valley watershed to the existing SWP and CVP pumping plants located in the southern Delta.
  - c. The implementation of any conservation actions that have the potential to result in take of species that are or may become listed under the ESA, pursuant to the ESA at section 10(a)(1)(B) and its implementing regulations and policies.
2. Improve the ecosystem of the Delta by implementing the actions listed below.
  - a. Providing for the conservation and management of covered species through actions within the BDCP Planning Area that will contribute to the recovery of the species.
  - b. Protecting, restoring, and enhancing certain aquatic, riparian, and associated terrestrial natural communities and ecosystems.
  - c. Reducing the adverse effects on certain listed species due to diverting water.
3. Restore and protect the ability of the SWP and CVP to deliver up to full contract amounts, when hydrologic conditions result in the availability of sufficient water, consistent with the requirements of state and federal law and the terms and conditions of water delivery contracts held by SWP contractors and certain members of San Luis Delta Mendota Water Authority, and other existing applicable agreements.



## Chapter 8 – Water Quality

### Chapter 8 – Water Quality

- ▶ Describes potential impacts on surface water quality
- ▶ The study area includes:
  - The Plan Area
  - Upstream of the Delta region
  - SWP/CVP Export Service Areas

### Chapter 8 addresses two key questions:

- ▶ Would implementation of the BDCP or its alternatives result in effects on water quality in the study area?
- ▶ Would implementation of the BDCP or its alternatives result in changes to water quality that would have impacts to beneficial uses?

See public Draft EIR/EIS Chapter 8 for the impact analysis and conclusions.

You may also be interested in:

- Public Draft EIR/EIS Appendix 8A- Water Quality Criteria and Objectives
- Public Draft EIR/EIS Appendix 8B- Summary of Data Availability Used in Environmental Setting
- Public Draft EIR/EIS Appendix 8C - Screening Analysis
- Public Draft EIR/EIS Appendix 8H- Electrical Conductivity



## Chapter 6 – Surface Water

### Chapter 6 – Surface Water

- ▶ Examines the effects of implementing BDCP or its alternatives on surface waters in the Delta and upstream of the Delta
- ▶ The study area includes:
  - Sacramento hydrologic region
  - The Delta
  - Suisun Marsh

### Chapter 6 analysis focuses on the following types of impacts:

- ▶ Changes in reverse flow conditions in Old River and Middle River
- ▶ Effects on flood management as a result of changes in water storage and flows

See public Draft EIR/EIS Chapter 6 for the impact analysis and conclusions.



## Chapter 7 – Groundwater

### Chapter 7 – Groundwater

- ▶ Examines the effects of implementing BDCP or its alternatives on groundwater resources
- ▶ The study area includes:
  - The Plan Area
  - Upstream of the Delta region
  - SWP and CVP export service areas

### Chapter 7 analysis focuses on the following types of impacts:

- ▶ Depletion of groundwater supplies or interference with groundwater recharge
- ▶ Degradation of groundwater quality
- ▶ Interference with agricultural drainage

See public Draft EIR/EIS Chapter 7 for the impact analysis and conclusions.  
You may also be interested in:

- Public Draft EIR/EIS Appendix 7A- Groundwater Model Documentation



## Chapter 5 – Water Supply

### Chapter 5 – Water Supply

- ▶ Describes the effects that implementing the BDCP or its alternatives would have on water supply conditions
- ▶ The study area includes:
  - The Plan Area
  - Upstream of the Delta region
  - SWP/CVP export service areas



### Chapter 5 analysis focuses on the following types of impacts:

- ▶ Change in Delta outflow
- ▶ Change in SWP and CVP reservoir storage
- ▶ Change in Delta water exports
- ▶ Change in SWP and CVP deliveries

See public Draft EIR/EIS Chapter 5 for the impact analysis and conclusions.

You may also be interested in:

- Public Draft EIR/EIS Appendix 5A-Modeling Technical Appendix
- Public Draft EIR/EIS Appendix 5B - Responses to Reduced South of Delta Water Supplies
- Public Draft EIR/EIS Appendix 5D- Water Transfer Analysis Methodology and Results



## Chapter 17 – Visual Resources and Chapter 23 – Noise

### Chapter 17 – Aesthetics and Visual

- ▶ Examines the effects of implementing BDCP or its alternatives on visual resources.
- ▶ Study Area includes:
  - The Plan Area

### Chapter 17 analysis focuses on the following types of visual impacts:

- ▶ Visual character
- ▶ Visual quality
- ▶ Viewer response, e.g. exposure, sensitivity, distance and duration of views

See public Draft EIR/EIS Chapter 17 for the impact analysis and conclusions.

You may also be interested in:

- Public Draft EIR/EIS Appendix 17D- Permanent Impacts after Construction is Complete

### Chapter 23 – Noise

- ▶ Examines the potential impacts of noise and vibration resulting from construction and operation of the water conveyance facilities and restoration actions, specifically as they relate to regional city and county noise ordinances and restrictions for sensitive receptors
- ▶ Study Area includes:
  - The Plan Area

### Chapter 23 analysis focuses on the following types of noise impacts:

- ▶ Annoyance, nuisance or dissatisfaction
- ▶ Interference with activities such as speech, sleep or learning
- ▶ Physiological effects such as startling and hearing loss

See public Draft EIR/EIS Chapter 23 for the impact analysis and conclusions.

## Chapter 11 – Fish and Aquatic Resources

### Chapter 11 – Fish and Aquatic Resources

Considers:

- ▶ The effects of implementing BDCP or its alternatives on fish and aquatic resources
- ▶ 11 covered fish species listed as endangered, threatened, or at risk of being listed as endangered or threatened during BDCP permit term
- ▶ 9 non-covered species, either special status species or of particular ecological, recreational, or commercial importance
- ▶ Study Area includes:
  - The Plan Area
  - Upstream of the Delta

### Chapter 11 analysis considered the following categories of impact mechanisms:

- ▶ Construction and maintenance of water conveyance facilities associated with BDCP and its alternatives
- ▶ Water operations of water conveyance facilities associated with BDCP and its alternatives
- ▶ Construction and implementation of restoration measures associated with BDCP and its alternatives
- ▶ Construction and maintenance of other conservation measures associated with BDCP and its alternatives

See public Draft EIR/EIS Chapter 11 – *Fish and Aquatic Resources: Summary of Effects* for a summary of the impact analysis.



## Chapter 12 – Terrestrial Biological Resources

### Chapter 12 – Terrestrial Biological Resources

#### Considers:

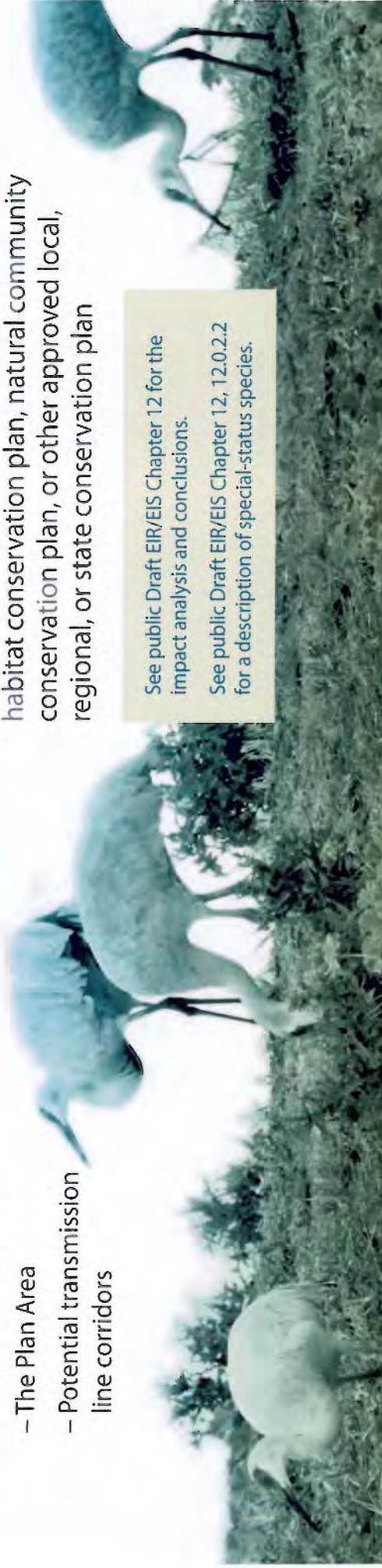
- ▶ 14 Natural Communities
- ▶ 149 special status wildlife and plant species
- ▶ Common wildlife species such as shorebirds and waterfowl
- ▶ Habitat corridors
- ▶ Wetlands and other waters
- ▶ Compatibility with local plans and policies
- ▶ Study Area includes:
  - The Plan Area
  - Potential transmission line corridors

### Chapter 12 analysis focuses on the following types of impacts:

- ▶ Harm or harassment of individuals or populations of special-status species
- ▶ Removal or damage to habitat that supports special-status species
- ▶ Creation of barriers to the movement of special-status species
- ▶ Substantial conflicts with goals set in state or federally approved recovery plans for listed species
- ▶ Conflicts with provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state conservation plan

See public Draft EIR/EIS Chapter 12 for the impact analysis and conclusions.

See public Draft EIR/EIS Chapter 12, 12.0.2.2 for a description of special-status species.



## Chapter 14 – Agricultural Resources

### Chapter 14 – Agricultural Resources

- ▶ Describes the possible effects of implementing BDCP or its alternatives on the Delta’s agricultural region, including the temporary effects associated with construction of water conveyance facilities as well as permanent conversion of agricultural lands to nonagricultural uses in the Delta region (Cache Slough, Cosumnes/Mokelumne, Suisun Marsh, West Delta and South Delta Areas).
- ▶ Other topics related to agricultural resources are discussed in other chapters:
  - Chapter 5, Water Supply
  - Chapter 6, Surface Water
  - Chapter 7, Groundwater
  - Chapter 8, Water Quality
  - Chapter 9, Geology and Seismicity
  - Chapter 10, Soils
  - Chapter 12, Terrestrial Biological Resources
  - Chapter 16, Socioeconomics
  - Chapter 24, Hazards and Hazardous Materials
  - Chapter 25, Public Health
  - Chapter 28, Environmental Justice
  - Chapter 30, Growth Inducement

### Estimated Conversion of Important Farmland to Nonagricultural Uses Associated with CM1

Alternative	Permanent Surface Impacts	Temporary and Short-Term Surface Impacts	Total	Percent of Total Important Farmland in Plan Area
Alternatives 1A and 6A	4,984	1,329	6,313	1.23%
Alternatives 1B and 6B	18,875	2,144	21,019	4.10%
Alternatives 1C and 6C	13,014	3,170	16,184	3.16%
Alternative 2Aa	4,992	1,826	6,818	1.33%
Alternative 2Ba	18,868	2,669	21,537	4.20%
Alternative 2C	13,019	3,170	16,189	3.16%
Alternative 3	4,838	953	5,791	1.13%
Alternative 4	4,975	1,315	6,290	1.23%
Alternative 5	4,770	833	5,603	1.09%
Alternatives 7 and 8	4,883	1,105	5,987	1.17%
Alternative 9	2,459	559	3,018	0.59%

See public Draft EIR/EIS Chapter 14 for the impact analysis and conclusions.

You may also be interested in:  
- Public Draft EIR/EIS Appendix 14B - Delta Agricultural Stewardship Strategies

## Chapter 15 – Recreation

### Chapter 15 – Recreation

- ▶ Examines the effects of implementing BDCP or its alternatives on recreational experiences and facilities. Other chapters that discuss tourism and recreation are Chapter 16, *Socioeconomics*, Chapter 17, *Aesthetics and Visual Resources*, Chapter 20, *Public Services and Utilities*, and Chapter 23, *Noise*.

### Chapter 15 analysis evaluated:

- ▶ Changes in upstream reservoir levels
- ▶ Access to Delta recreation sites
- ▶ Disruption of existing Delta recreation opportunities such as boating and fishing

See public Draft EIR/EIS Chapter 15 for the impact analysis and conclusions.



## Chapter 16 – Socioeconomics

### Chapter 16 – Socioeconomics

- ▶ Describes the socioeconomic conditions in the Delta and the potential effects of BDCP and its alternatives
- ▶ Looks at potential effects on:
  - Social and economic characteristics
  - Employment
  - Income at regional levels
  - Population and housing
  - Community character

### Chapter 16 analysis considers the following categories of effects:

- ▶ Effects of construction, operation, and maintenance of conveyance facilities in the Plan Area and implementation of other conservation measures in the Plan Area
- ▶ Effects in hydrologic regions outside the Delta that could result from changes in water deliveries or transfers

See public Draft EIR/EIS Chapter 16 for the impact analysis and conclusions.

You may also be interested in:

- Public Draft EIR/EIS Appendix 16A Regional Economic Impacts of Water Conveyance Facility Construction



## Other Resources Studied

### The EIR/EIS analysis considers the following categories of effects:

- ▶ **Chapter 13 - Land Use**, describes existing and planned land uses in the Plan Area that could be affected by construction and operation of BDCP or its alternatives
- ▶ **Chapter 21 - Energy**, describes and evaluates the energy production and use associated with the existing SWP and CVP facilities, and the additional energy requirements needed for construction, and operation and maintenance of the BDCP and its alternatives
- ▶ **Chapter 24 - Hazards and Hazardous Materials**, addresses both naturally occurring and human-caused hazards in the Plan Area.
- ▶ **Chapter 25 - Public Health**, addresses potential impacts on human health including but not limited to drinking water quality, pathogens in recreational waters, and disease-carrying mosquitoes.



# Air Quality and Greenhouse Gases, and Climate Change

## Chapter 22 – Air Quality and Greenhouse Gases

- ▶ Examines the effects of implementing BDCP or its alternatives on air quality, focusing on criteria pollutants and greenhouse gas (GHG) emissions



- ▶ The study area includes three air basins: Sacramento Valley, San Joaquin Valley and the San Francisco Bay Area

### The analysis focused on the following types of effects:

- Conflict with the applicable air quality plan
- Violation of any air quality standard
- Total direct emissions
- Exposure to sensitive receptors, e.g. schools or day cares
- Creation of objectionable odors

See public Draft EIR/EIS Chapter 22 for the impact analysis and conclusions.

You may also be interested in:

- Public Draft EIR/EIS Appendix 22D - DWR Climate Action Plan

## Chapter 29 – Climate Change

- ▶ Addresses the question of how the BDCP and its alternatives would affect the resiliency and adaptability of the Plan Area to the effects of climate change.
  - ▶ Resiliency and adaptability mean the ability of the Plan Area to remain stable or flexibly change as the effects of climate change increase, in order to continue providing water supply of suitable water quality and to support ecosystem conditions that maintain or enhance aquatic and terrestrial plant and animal species.

**Chapter 29 is different from other chapters, which identify the effects of actions within BDCP or its alternatives and how to mitigate the effects of those actions. Instead, Chapter 29 looks at how the BDCP or its alternatives perform under future projected conditions due to climate change such as sea-level rise, changes to hydrology, and increased air and water temperatures.**

See public Draft EIR/EIS Chapter 29 for the impact analysis and conclusions.

# Transportation, and Public Services and Utilities

## Chapter 19 – Transportation

- ▶ Examines the transportation systems that serve the study area and the potential effects of BDCP or its alternatives implementation on roadway, marine, rail, and air transportation facilities
- ▶ Study area includes the Plan Area and some roadway segments outside the Plan Area that could be affected by construction activities

### The analysis focused on the following types of effects:

- Substantial increases in traffic, delays or alteration of current circulation patterns
- Creation of traffic hazards or deterioration of roadways
- Interference with emergency management and evacuation routes
- Disruption of marine, air traffic, or transit service during construction or operations
- Interference with bicycle routes
- Conflicts with adopted policies, plans, or programs supporting alternative transportation (such as bicycles and transit services)

See public Draft EIR/EIS Chapter 19 for the impact analysis and conclusions.



## Chapter 20 – Public Services and Utilities

- ▶ Describes the potential effects of implementing BDCP or its alternatives on public services such as law enforcement, fire protection and emergency services
- ▶ Describes the effects of implementing BDCP or its alternatives on utilities such as solid waste management, water treatment and electricity
- ▶ The study area includes the Plan Area

**The analysis focused on the following types of effects:**

- Need for new or altered public service facilities
- Disruption of existing utility services
- Need for new or expanded water or wastewater treatment facilities
- Need for new or expanded water supply resources
- Exceedance of solid waste management capacity
- Noncompliance with applicable statutes and regulations related to solid waste

See public Draft EIR/EIS Chapter 20 for the impact analysis and conclusions.



# Geology and Seismicity, Soils, and Mineral Resources

## Chapter 9 – Geology and Seismicity

- ▶ Describes the existing geologic and seismic conditions and associated potential geologic, seismic, and geotechnical hazards in the Plan Area

### The types of effects evaluated include:

- Exposure of people or structures to potential substantial adverse effects including risk of loss, injury or death
- Areas that are unstable or could become unstable as a result of implementation of projects identified in BDCP and its alternatives, and result in on- or off-site landslides, subsidence, liquefaction, or collapse



See public Draft EIR/EIS Chapter 9 for the impact analysis and conclusions.

## Chapter 10 – Soils

- ▶ Describes existing soil conditions that could be affected by implementation of the BDCP or its alternatives

### The types of effects evaluated include:

- Accelerated soil erosion from water and wind
- Loss of topsoil caused by excavation, overcovering, and inundation
- Land subsidence due to biological oxidation of peat soils
- Effects of corrosive, expansive and compressible soils

See public Draft EIR/EIS Chapter 10 for the impact analysis and conclusions.

## Chapter 26 – Mineral Resources

- ▶ Describes existing mineral resources that could be affected by construction, operation, and maintenance of the water conveyance facilities and restoration activities within BDCP and its alternatives

### The types of effects evaluated include:

- Loss of known mineral resources of value to the region or the state
- Prevention of access to mineral resources
- Reduction of extraction potential from natural gas fields
- Reduced availability for aggregate resources and sites due to the volume used for construction



See public Draft EIR/EIS Chapter 26 for the impact analysis and conclusions.

## Chapter 30 – Growth Inducement

- Addresses the **direct** and **indirect** growth inducement potential of implementing BDCP or its alternatives

**Direct effects** are caused by the action when the project is occurring, e.g. new jobs.

**Direct growth was analyzed by** comparing potential new jobs with existing labor force capacity to meet employment demand.



**Indirect effects** can occur at a later time but are reasonably foreseeable, e.g., land use changes, population density, or growth rate, and effects on air, water, and ecosystems.

**Indirect growth was evaluated by** projecting the potential of BDCP or its alternatives to stimulate housing development and increase need for public services.

- Potential for growth assessed for consistency with local land use plans
- Considered the relationship between water supply and urban population growth and whether growth would occur without increased water deliveries

# Cultural and Paleontological Resources

## Chapter 18 – Cultural Resources

- ▶ Assesses the potential effects of implementing BDCP or its alternatives on cultural resources, such as prehistoric and historic archaeological resources, architectural/built-environment resources, and places important to Native Americans and other ethnic groups
- ▶ The study area includes the Plan Area

### The analysis focused on these effects:

- Ground-disturbing construction that would damage historic or pre-historic sites
- Direct demolition of resources such as historic-era residences or structures
- Direct excavation or alteration of traditional cultural properties
- Direct effects on individual resources, leading to adverse effects on rural historical landscapes
- Potential to alter, directly or indirectly, any of the characteristics of a property that qualifies for inclusion in the National Register of Historic Places

See public Draft EIR/EIS Chapter 18 for the impact analysis and conclusions.

## Chapter 27 – Paleontological Resources

- ▶ Considers the potential effects on fossils or life history artifacts of prehistoric plants and animals
- ▶ Study area includes the Plan Area

**The analysis considered if the alternatives would directly or indirectly destroy unique paleontological resources or sites.**

See public Draft EIR/EIS Chapter 27 for the impact analysis and conclusions.

## Chapter 28 – Environmental Justice

- ▶ Addresses the potential for implementation of BDCP or its alternatives to disproportionately affect minority and low-income populations
- ▶ Low-income and minority populations in the study area were identified using 2010 U.S. census data

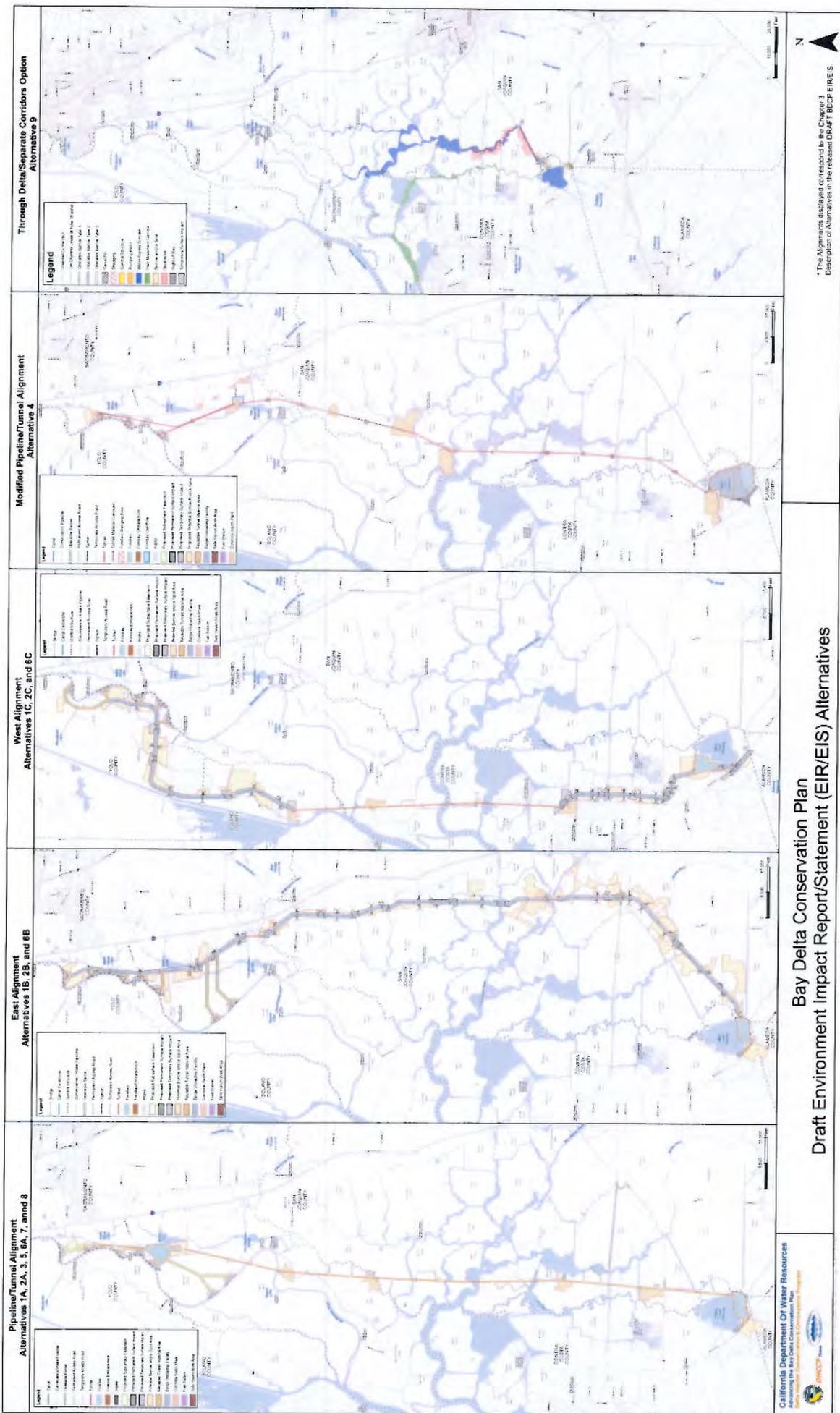
*More information on which low-income and minority populations have been identified in the study area is provided in Chapter 28, 28.2.1, Identification of Environmental Justice Populations in the Study Area.*

### **Chapter 28 analysis focused on the following types of impacts:**

- ▶ Any impact on the natural or physical environment when the minority population is greater than 50% of the population or low-income individuals constitute 20% or more of the population
- ▶ Effects that appreciably exceed the adverse impacts on the general population
- ▶ Effects that would result in cumulative or multiple adverse exposures to environmental hazards appreciably exceeding the effects on the general population

See public Draft EIR/EIS Chapter 28 for the impact analysis and conclusions.

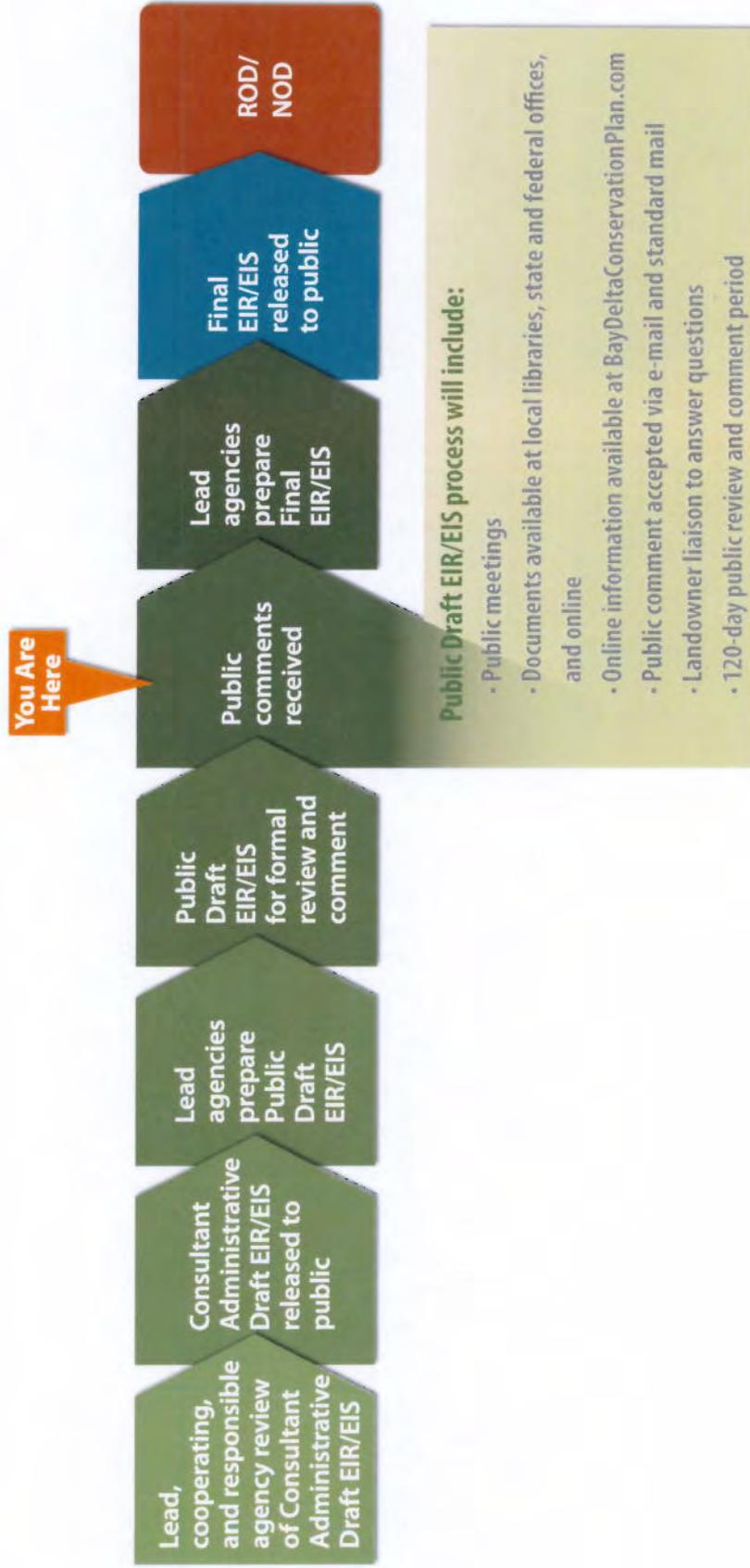




**Bay Delta Conservation Plan  
Draft Environment Impact Report/Statement (EIR/EIS) Alternatives**

\*The Alignments displayed correspond to the Chapter 3 Description of Alternatives in the released DRAFT BDCP EIR/EIS.

# Next Steps



# How to Comment on the Draft BDCP and Associated Draft EIR/EIS

## FORMAL COMMENT PERIOD: December 13, 2013–June 13, 2014

The Draft BDCP and BDCP Draft EIR/EIS are available to the public for a 180-day review period. Comments must be received electronically or postmarked on or before June 13, 2014.



### MAIL TO

BDCP Comments  
Ryan Wulff  
National Marine Fisheries Service  
650 Capitol Mall, Suite 5-100  
Sacramento, CA 95814



### EMAIL TO

[bdcpc.comments@noaa.gov](mailto:bdcpc.comments@noaa.gov)



### AT A PUBLIC MEETING

You may fill out a comment form  
or give verbal comments  
to a court reporter.

### Find BDCP Public Draft Documents

- Project website: [BayDeltaConservationPlan.com](http://BayDeltaConservationPlan.com)
  - Libraries throughout the state
  - State and Federal Offices
- Department of Water Resources** National Marine Fisheries Service  
3500 Industrial Blvd., Room 117 650 Capitol Mall, Suite 5-100  
West Sacramento, CA 95691 Sacramento, CA 95814

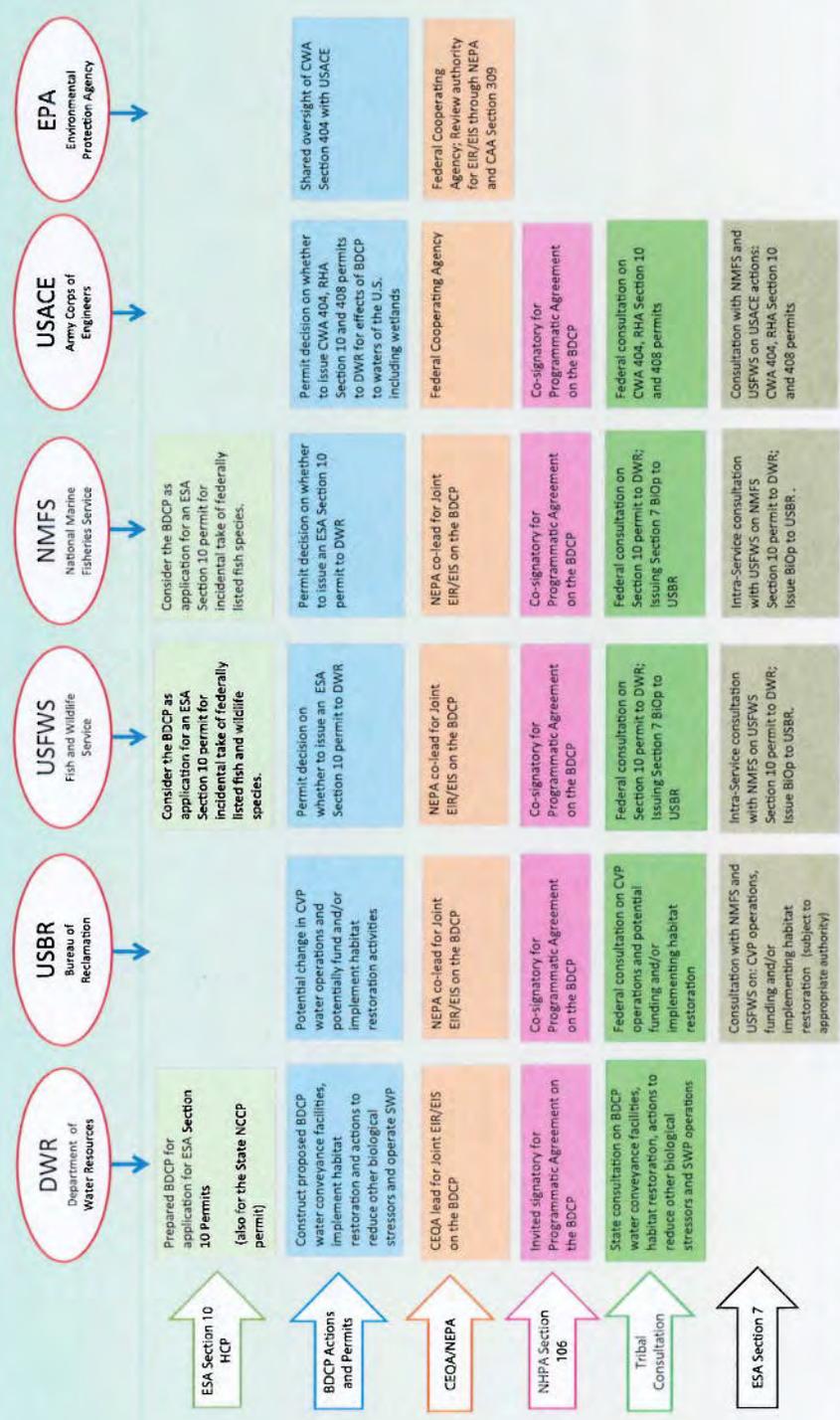
### Submit Effective Comments

- Be concise
- Focus directly on EIR/EIS analysis
- Identify issues within specific parts of the EIR/EIS
- Include supporting evidence and facts
- Provide complete references and/or citations

View the complete Draft BDCP and Draft EIR/EIS on the website at [www.BayDeltaConservationPlan.com](http://www.BayDeltaConservationPlan.com)

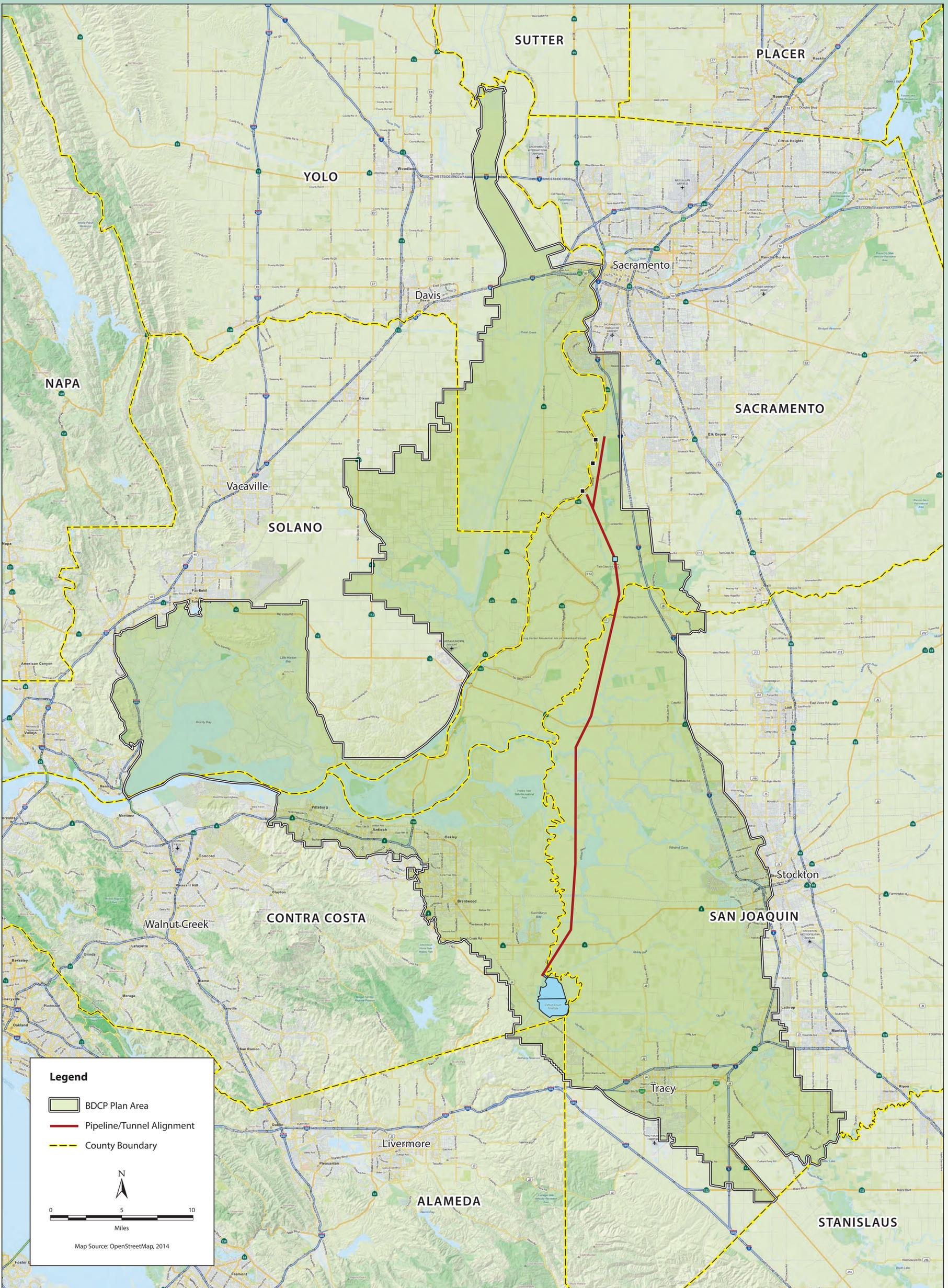


# Federal and State Lead Agency Roles and Actions for the Bay Delta Conservation Plan (BDCP) and Environmental Impact Report/Environmental Impact Statement (EIR/EIS)



Activities: BICP = Biological Opinion; CWA = Clean Air Act; CVP = Central Valley Project; CEQA = California Environmental Quality Act; CWA = Clean Water Act; BSA = Biological Services Act; HCP = Habitat Conservation Plan; NEPA = National Environmental Policy Act; NCCP = National Community Conservation Plan; NHPA = National Historic Preservation Act; BSA = Bay State Act; BSA = Bay State Act; SWP = State Water Project

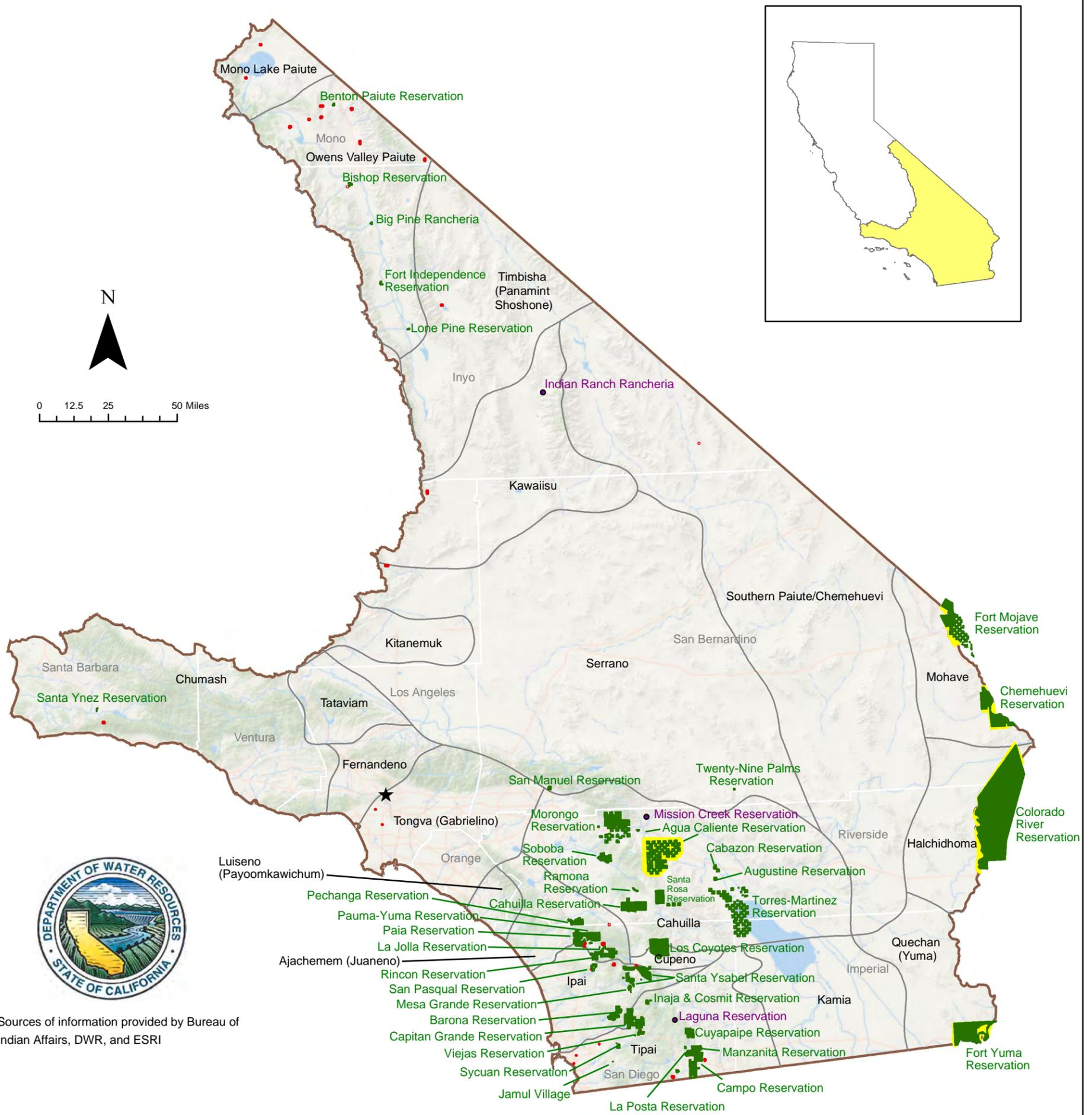
## BDCP Plan Area



# California Indian Tribal Homelands and Trust Lands Map

California Department of Water Resources

Southern Region Office



0 12.5 25 50 Miles



Sources of information provided by Bureau of Indian Affairs, DWR, and ESRI

## Legend

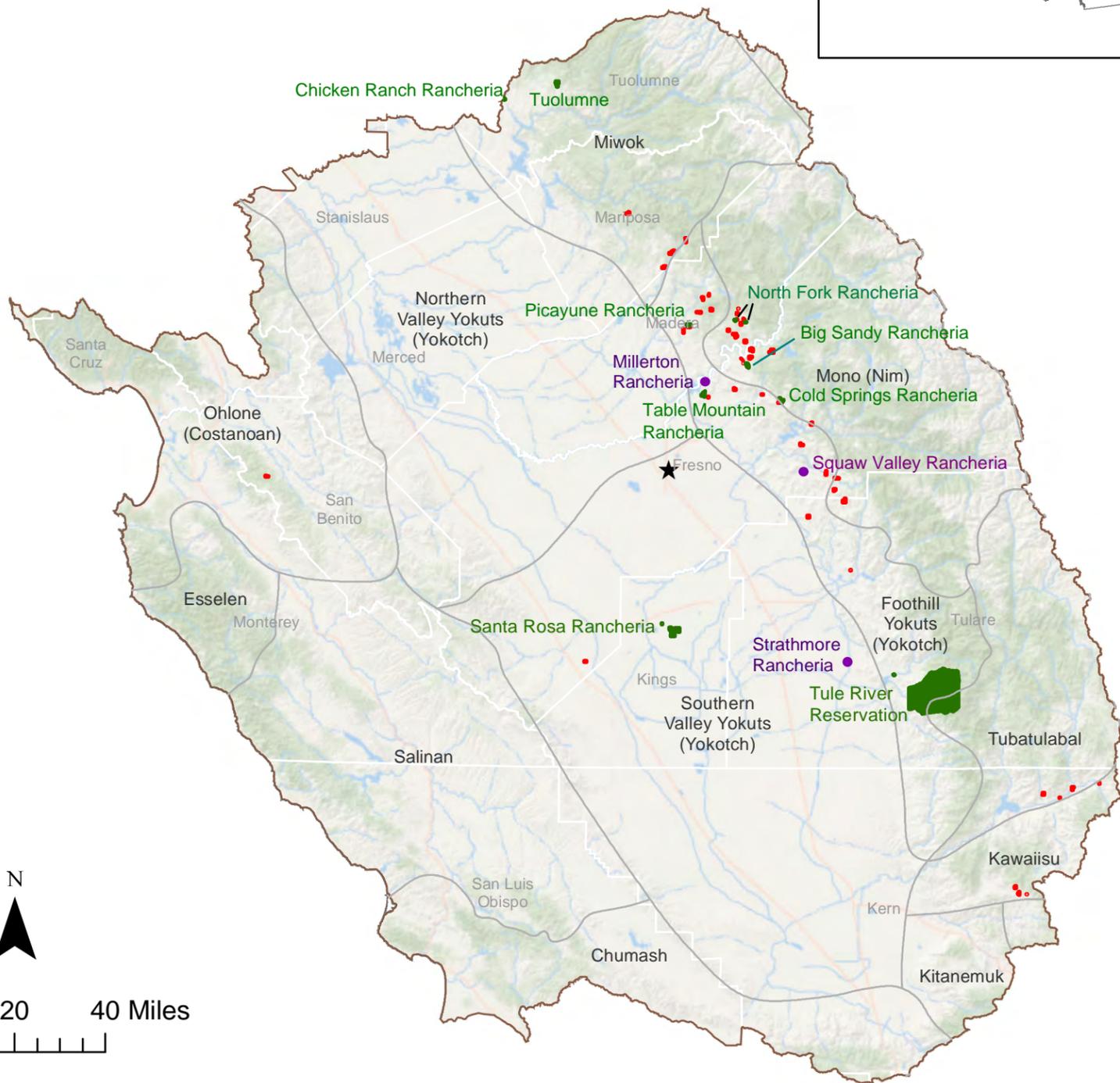
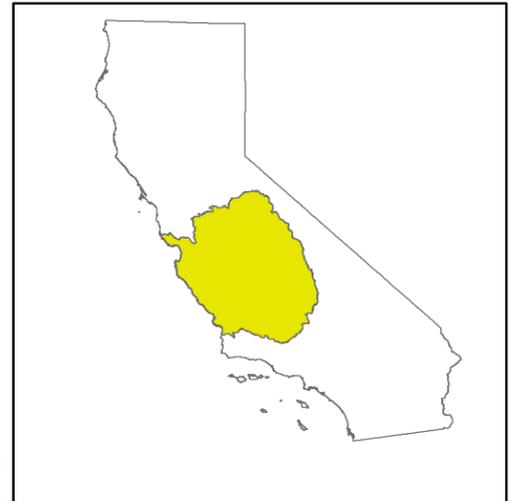
- California Tribal/Cultural Areas
- Indian land currently held in Trust by the United States Government
- Historical location of Indian land which was once held in Trust for a Terminated Tribe and/or the location of a landless Federally Recognized Tribe
- Indian land currently held in Trust by the United States Government and known as a Public Domain Allotment
- Indian land currently held in Trust by the United States Government but resides in the Nevada or Arizona Jurisdiction

★ DWR Southern Region Office, 770 Fairmont Avenue, Suite 102, CA 91203  
 Phone: (818) 500 -1645  
 Region Office Chief: Mark Stuart  
 Website: <http://www.water.ca.gov/irwm/resources/sro.cfm>

# California Indian Tribal Homelands and Trust Lands Map

California Department of Water Resources

South Central Region Office



## Legend

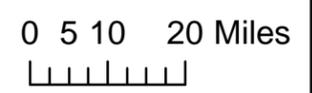
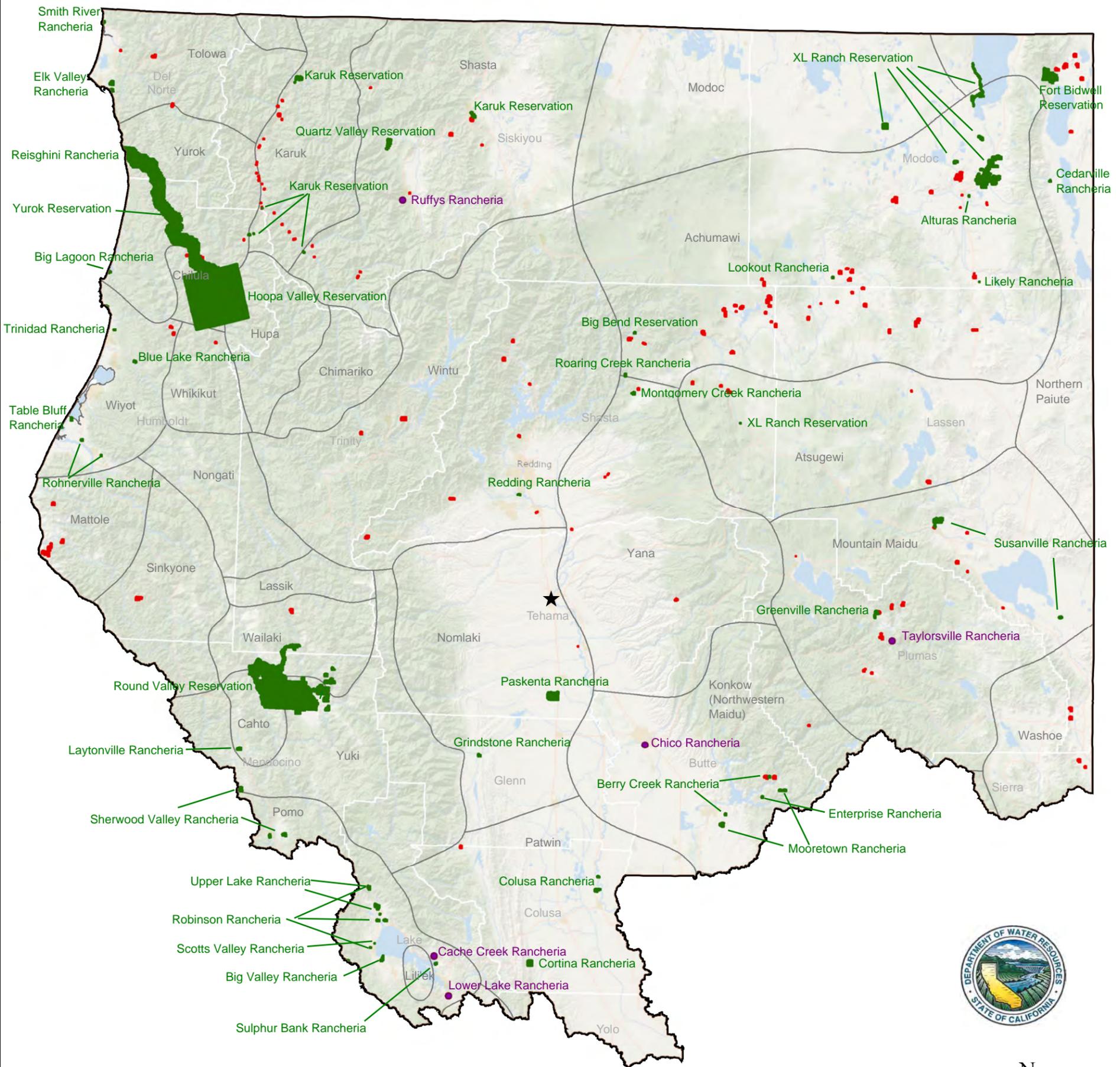
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- Indian land currently held in Trust by the United States Government and known as a Public Domain Allotment
- DWR South Central Region Office, 3374 East Shields Avenue, Fresno, CA 93726  
Phone: (559) 230-3300  
Region Office Chief: Kevin Faulkenberry  
Website: <http://www.water.ca.gov/irwm/resources/scro.cfm>

Sources of information provided by Bureau of Indian Affairs, DWR, and ESRI

DWR makes no warranties, representations, or guarantees, either expressed or implied as to the completeness, accuracy, or correctness of the information depicted on these maps nor assumes any liability from its use.

# California Indian Tribal Homelands and Trust Lands Map

California Department of Water Resources  
Northern Region Office



## Legend

- California Tribal/Cultural Areas
- Indian land currently held in Trust by the United States Government
- Historical location of Indian land which was once held in Trust for a Terminated Tribe and/or the location of a landless Federally Recognized Tribe
- Indian land currently held in Trust by the United States Government and known as a Public Domain Allotment

★ DWR Northern Region Office, 2440 Main Street, Red Bluff, CA 96080, Phone: (530) 529-7300  
 Region Office Chief: Curtis Anderson  
 Website: <http://www.water.ca.gov/irwm/resources/nro.cfm>

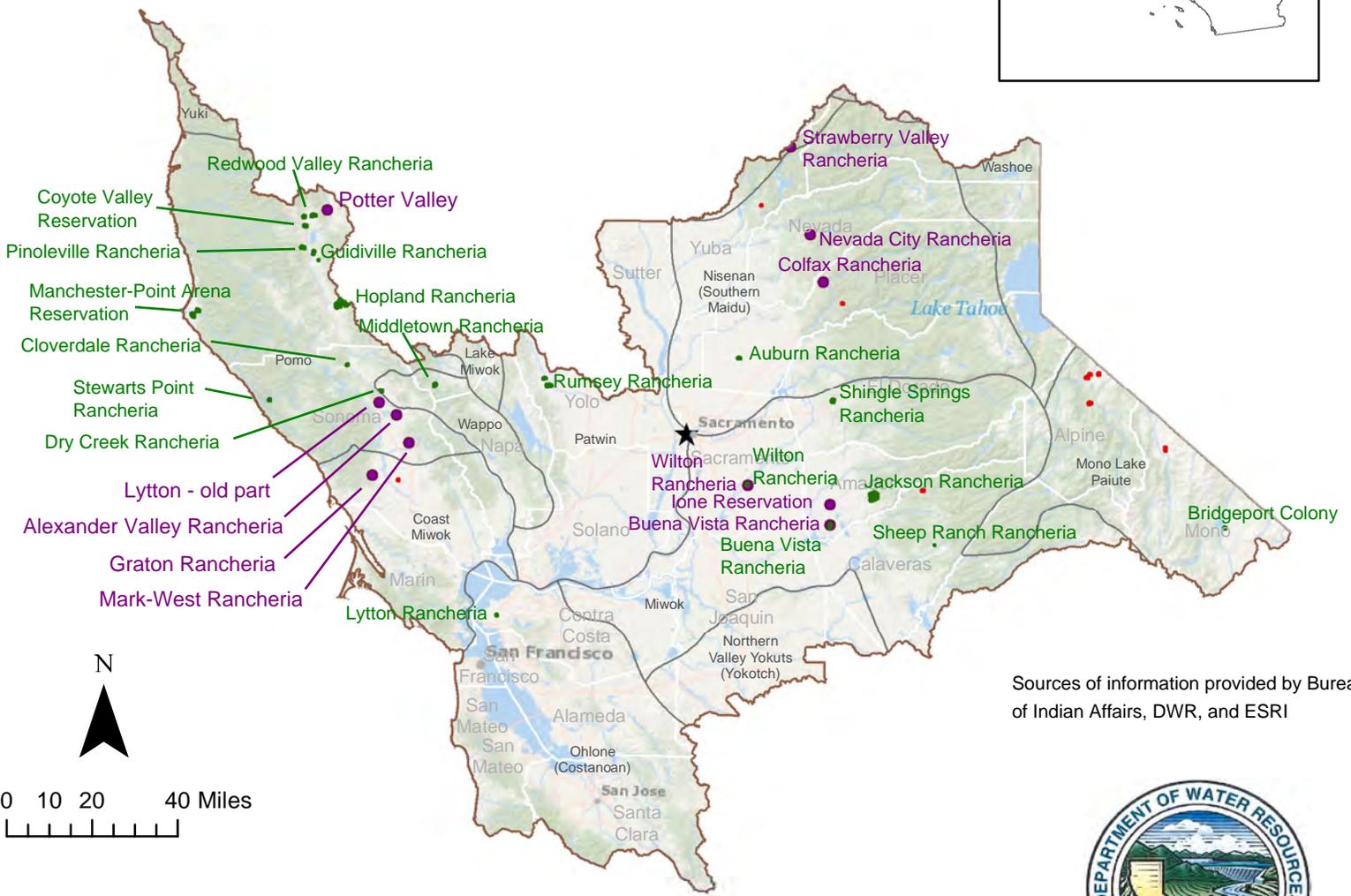
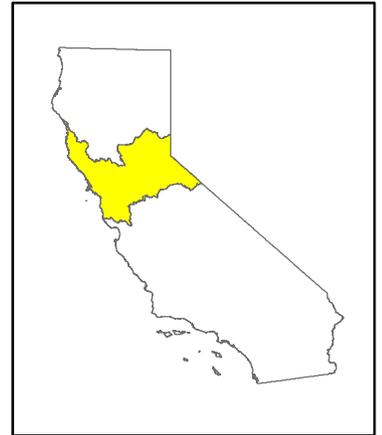
Sources of information provided by DWR, Bureau of Indian Affairs, and ESRI.

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# California Indian Tribal Homelands and Trust Lands Map

California Department of Water Resources

North Central Region Office



Sources of information provided by Bureau of Indian Affairs, DWR, and ESRI



## Legend

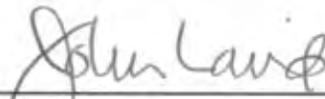
-  California Tribal/Cultural Areas
-  Indian land currently held in Trust by the United States Government
-  Historical location of Indian land which was once held in Trust for a Terminated Tribe and/or the location of a landless Federally Recognized Tribe
-  Indian land currently held in Trust by the United States Government and known as a Public Domain Allotment
-  DWR North Central Region Office, 3500 Industrial Boulevard, West Sacramento, CA 95961  
Phone: (916) 376-9600, Website: <http://www.water.ca.gov/irwm/resources/ncro.cfm>

CALIFORNIA NATURAL RESOURCES AGENCY  
ADOPTION OF FINAL TRIBAL CONSULTATION POLICY

November 20, 2012

Pursuant to Executive Order B-10-11 dated September 19, 2011, the California Natural Resources Agency hereby adopts the attached Final Tribal Consultation Policy, Exhibit A.

Date: 11/20/12

  
\_\_\_\_\_  
John Laird  
Secretary for the California Natural Resources Agency

1416 Ninth Street, Suite 1311, Sacramento, CA 95814 Ph. 916.653.5656 Fax 916.653.8102 <http://resources.ca.gov>



## California Natural Resources Agency Tribal Consultation Policy

### Purpose of the Policy

The mission of the California Natural Resources Agency is to restore, protect and manage the state's natural, historical and cultural resources for current and future generations using creative approaches and solutions based on science, collaboration and respect for all the communities and interests involved. California Native American Tribes and tribal communities have sovereign authority over their members and territory and a unique relationship with California's resources. All California Tribes and tribal communities, whether federally recognized or not, have distinct cultural, spiritual, environmental, economic and public health interests and unique traditional cultural knowledge about California resources.

On September 19, 2011, Governor Edmund G. Brown, Jr. issued Executive Order B-10-11, which provides, among other things, that it is the policy of the administration that every state agency and Department subject to executive control to implement effective government-to-government consultation with California Indian Tribes.

The purpose of this policy is to ensure effective government-to-government consultation between the Natural Resources Agency, its Departments of the Natural Resources Agency and Indian tribes and tribal communities to further this mission and to provide meaningful input into the development of regulations, rules, policies, programs, projects, plans, property decisions and activities that may affect tribal communities. It is only by engaging in open, inclusive and regular communication efforts that the interests of California's Tribes and tribal communities will be recognized and understood in the larger context of complex decision-making. The goal of the policy is to engage in the timely and active process of respectfully seeking, discussing and considering the views of California Indian Tribes, Tribal communities and Tribal Consortia in an effort to resolve concerns of as many parties as possible.

Each Department in the Natural Resources Agency has a different statutory mandate and, in some cases, may have consultation, communication, collaboration or interaction requirements imposed on it by other laws or regulations. For instance, Departments may have requirements under federal law to engage in consultation with Tribal governments. This policy is not intended to replace or supplant obligations mandated by federal law. This policy defines provisions for improving Natural Resources Agency consultation, communication and collaboration with tribes to the extent that a conflict does not exist with applicable law or regulations. Department is defined as any department, board, commission, council or conservancy subject to executive control.

This policy anticipates a deliberate process that aims to create effective collaboration and informed decision making where all parties share a goal of reaching a decision together. All parties in the process should promote respect, shared responsibility and an open and free

1416 Ninth Street, Suite 1311, Sacramento, CA 95814 Ph. 916.653.5656 Fax 916.653.8102 <http://resources.ca.gov>

Tribal Policy  
Page 2

exchange of information. The inclusion of tribes and tribal communities throughout the decision-making process will promote positive, achievable, durable outcomes.

This policy is intended solely for the guidance of employees of the Natural Resources Agency and its Departments and does not extend to other governmental entities, although the Natural Resources Agency encourages cooperation, education and communication on the part of all governmental entities. This policy is not intended, and should not be construed, to define the legal relationship between the Natural Resources Agency and its Departments and California tribes and tribal communities. This policy is not a regulation, and it does not create, expand, limit, waive, or interpret any legal rights or obligations.

The Secretary of the Natural Resources Agency hereby directs the Agency staff and Departments to undertake implementation of the policy as set forth below.



### Implementation of the Tribal Consultation Policy

1. Outreach. The Agency and Departments must identify the Native American tribes to consult at the earliest possible time in the planning process and allow a reasonable opportunity for tribes to respond and participate. Each Department is responsible for meaningful consultation with Native American tribes that promote regular and early consultation through communication and collaboration. Each Department will identify participants in the process - including the decision-makers and staff with an appropriate level of responsibility - that can ensure that tribal concerns will be brought forward.

Each Department shall disseminate public documents, notices and information to California Indian Tribes, tribal communities and tribal consortia, minimally by contacting tribal government officials. The documents, regarding the topic for consultation, shall be made readily accessible to tribes and be provided at the earliest opportunity. Notification should include sufficient detail of the topic to be discussed to allow tribal leaders an opportunity to fully engage in a substantive dialogue. In the event the Department makes an attempt to initiate contact and does not receive a response, the Department should make reasonable and periodic efforts throughout the process to repeat the invitation.

Each Department should conduct meetings, outreach and workshops at times and locations that facilitate tribal participation as much as possible. The Departments will be open to communication opportunities initiated by Tribes and seek opportunities for collaboration by communicating regularly with tribes. Each Department should establish a mechanism to request relevant and available information, studies and data from tribes when conducting research or studies that relate to, or could impact, tribal lands or cultural resources. The Department should seek to protect any confidential information provided to the fullest extent allowed by the law, recognizing that the Departments are subject to the California Public Records Act.

2. Tribal Liaisons. Each Department should designate a tribal liaison, or liaisons, to serve as the central point of contact for Indian tribes. The role of the tribal liaison will be to ensure that Department outreach and communication efforts are undertaken in a manner consistent with this policy. Tribal liaisons should be encouraged and empowered to



Tribal Policy  
Page 4

develop ongoing and regular communication with tribal representatives. Where possible and where consistent with Administration policy and guidance, tribal liaisons should use these ongoing relationships to inform tribes of issues of interest that may not necessitate consultation, such as legislative proposals that may affect tribal communities. Tribal liaisons should make an effort to provide feedback to the tribes on how information obtained from a consultation informed the Department's decision making process.

3. Tribal Liaison Committee. The Agency hereby designates the CNRA Tribal Liaison Committee consisting of Department tribal liaisons that will meet on a regular basis in the Office of the Secretary to review tribal consultation efforts and opportunities in the Departments and share information.
4. Access to Contact Information. The Agency shall work with the Native American Heritage Commission to maintain a contact list of tribal representatives from federally-recognized and non-federally recognized California Indian Tribes.
5. Training. The Agency will provide training to tribal liaisons and executive staff, managers, supervisors and employees on implementation of this policy.



SEP 19 2011

By *[Signature]*  
Deputy Secretary of State

Executive Department  
State of California

EXECUTIVE ORDER B-10-11

WHEREAS California is home to many Native American Tribes with whom the State of California has an important relationship, as set forth and affirmed in state and federal law; and

WHEREAS the State of California recognizes and reaffirms the inherent right of these Tribes to exercise sovereign authority over their members and territory; and

WHEREAS the State and the Tribes are better able to adopt and implement mutually-beneficial policies when they cooperate and engage in meaningful consultation; and

WHEREAS the State is committed to strengthening and sustaining effective government-to-government relationships between the State and the Tribes by identifying areas of mutual concern and working to develop partnerships and consensus; and

WHEREAS tribal people, as both citizens of California and their respective sovereign nations, have a shared interest in creating increased opportunities for all California citizens.

NOW, THEREFORE, I, EDMUND G. BROWN JR., Governor of the State of California, by virtue of the power vested in me by the Constitution and the statutes of the State of California, do hereby issue the following orders to become effective immediately:

IT IS ORDERED that the position of Governor's Tribal Advisor shall exist within the Office of the Governor;

IT IS FURTHER ORDERED that the Governor's Tribal Advisor shall oversee and implement effective government-to-government consultation between my Administration and Tribes on policies that affect California tribal communities, and shall:

- Serve as a direct link between the Tribes and the Governor of the State of California.
- Facilitate communication and consultations between the Tribes, the Office of the Governor, state agencies, and agency tribal liaisons.
- Review state legislation and regulations affecting Tribes and make recommendations on these proposals.

IT IS FURTHER ORDERED that the Office of the Governor shall meet regularly with the elected officials of California Indian Tribes to discuss state policies that may affect tribal communities.

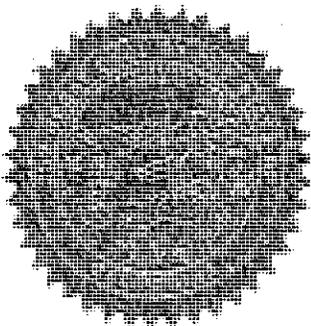
IT IS FURTHER ORDERED that it is the policy of this Administration that every state agency and department subject to my executive control shall encourage communication and consultation with California Indian Tribes. Agencies and departments shall permit elected officials and other representatives of tribal governments to provide meaningful input into the development of legislation, regulations, rules, and policies on matters that may affect tribal communities.

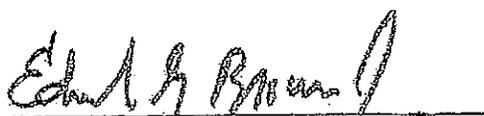
For purposes of this Order, the terms "Tribe," "California Indian Tribe", and "tribal" include all Federally Recognized Tribes and other California Native Americans.

This Executive Order is not intended to create, and does not create, any rights or benefits, whether substantive or procedural, or enforceable at law or in equity, against the State of California or its agencies, departments, entities, officers, employees, or any other person.

I FURTHER DIRECT that as soon as hereafter possible, this Order shall be filed with the Office of the Secretary of State and that it be given widespread publicity and notice.

IN WITNESS WHEREOF I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 19th day of September 2011.



  
EDMUND G. BROWN JR.  
Governor of California

ATTEST:

  
DEBRA BOWEN  
Secretary of State

**PROTECTING CALIFORNIA NATIVE AMERICAN  
SITES  
DURING DROUGHT AND WILD LAND FIRE  
EMERGENCIES**

**A GUIDE TO RELEVANT LAWS AND CULTURAL  
RESOURCES  
MANAGEMENT PRACTICES**

**MAY 2014**

**STATE OF CALIFORNIA**

Edmund G. Brown Jr.

Governor

**NATIVE AMERICAN HERITAGE COMMISSION**

Cynthia Gomez  
Governor's Tribal Advisor  
And  
Executive Secretary  
Native American Heritage Commission

1500 Harbor Blvd.  
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## Introduction

With California facing its driest year in recorded state history, state lakes, rivers, and reservoirs are at their lowest levels in decades. As a result, Governor Brown declared a drought state of emergency on January 1, 2014. As water levels recede, long submerged Native American cultural sites and cultural items will be exposed. With California's drought emergency will come the increasing threat of wild land fires that are prevalent in California even in years of adequate seasonal rainfall. Wild land fires can severely threaten, damage or destroy Native American sacred places and sites of religious and ceremonial importance. Previous hidden sites may be exposed, making them vulnerable to vandalism.

To be prepared for these events, it is important that California's resources agencies be informed about the laws and best practices regarding the protection of Native American cultural sites and cultural resources. This guide provides information on the protection of Native American cultural resources in the face of California's unprecedented drought as well as best Native American cultural resources management practices before, during, and after a wild land fire.

This guide provides information on the statutes, regulations and executive orders that protect Native American human remains and associated grave goods, religious or ceremonial sites, sacred places, and archaeological sites so that agency staff will know what to do in the event these items are encountered.

## Protecting California Native American Cultural Resources: Laws, Definitions and Procedures

The following is a partial listing of federal and state statutes, regulations and executive orders that protect California Native American cultural resources, background information on what cultural resources are and why they are important, and a discussion of procedures and penalties under California law to protect Native American human remains and cultural resources.

### ➤ Federal Statutes

Antiquities Act of 1906 (16 U.S.C. §431)

Archaeological Resources Protection Act of 1979 (16 U.S.C. § 470 et seq.)

National Historic Preservation Act of 1966 (16 U.S.C. §470 et seq.)

Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. § 3001 et seq.)

➤ California Statutes, Regulations and Executive Orders

California Environmental Quality Act (Pub. Resources Code §21084.1)  
California Environmental Quality Act Guidelines (Cal. Code Regs. tit. 14, §§ 15064.5 and 15331)

Public Resources Code sections 5097.9, 5097.94, 5097.97, 5097.99 and 5097.991 (Native American cultural resources)

California Native American Graves Protection and Repatriation Act (Health & Saf. Code § 8010 et seq.)

Health and Safety Code section 7050.5 (Removal of Human Remains from Area Other Than a Dedicated Cemetery, Offense; Discovery of Remains)

Forest Practices Regulations (Cal. Code Regs., tit. 14, §§ 929-929.7; 949-949.7; 969-969.7; 1052; 1092.14 and 1104.1(a)(3))

Government Code sections 65092, 65351, 65352.3, and 65562.5 (Preparation, Adoption and Amendment of General Plan)

Civil Code section 815.3 (Entities Authorized to Acquire and Hold Conservation Easements)

State Historical Building Code (Health and Saf. Code § 18950 et seq.)

California Executive Order W-26-92

Native American Cultural Resources Defined

- Native American cultural resources are evidence of past peoples and cultures identified by a culturally affiliated tribal representative. They can include villages, ceremonial sites, religious sites, and burial sites.
- The culturally affiliated Native American tribe defines its cultural resources. A tribe sometimes may be the only source of information regarding a cultural site.
- Other sources of information may be archaeological sites recorded in the California Historical Resources Information System (CHRIS) and the Native American Heritage Commission (NAHC) Sacred Lands Inventory.
- Examples of sites in the Sacred Lands Inventory include petroglyphs, pictographs, bedrock mortars, rock art, ceremonial places, burial grounds, and historic structures.

### Why Cultural Resources Matter

- They are significant to local Native Americans and represent their tribal cultural values. A strong bond exists between present-day descendants and their sacred places and sites, no matter how small in nature or how old in years.
- They reflect the indigenous human history reaching back more than 10,000 years before the arrival of Europeans.
- They provide factual explanation and illustration of human habitation and life prior to European contact.
- They may be places of religious and ceremonial significance still in use by Native American communities.

### Protecting Native American Human Remains

The following actions must be taken immediately upon the discovery of skeletal remains at any site other than a dedicated cemetery. Note that, for purposes of California law, human remains of a Native American may be in the form of an inhumation or a cremation and in any state of decomposition or skeletal completeness. Any items that are placed or buried with Native American human remains are to be treated in the same manner as the remains, but they do not by themselves constitute human remains. (Pub. Resources Code § 5097.98(d)).

- Procedures under Health and Safety Code Section 7050.5 When Human Remains are Discovered
  - Stop work immediately at the site of the discovery and/or any nearby area reasonably suspected to overlie adjacent remains. Contact the County Coroner.
  - Protect the discovery site from any additional subsurface disturbance. The Coroner will have two working days to determine if the remains are subject to his or her authority as part of a crime.
  - If the Coroner determines that the remains are that of a Native American, the Coroner must contact the NAHC within 24 hours.

➤ NAHC Procedures Under Public Resources Code Section 5097.98  
When Native American Human Remains Are Discovered

- The NAHC will immediately notify the person or tribe it believes to be the most likely descendant of the deceased Native American.
- The most likely descendant has 48 hours from being granted access to the site to inspect the site and make recommendations to the landowner or the landowner's representative for the treatment or disposition, with appropriate dignity, of the Native American human remains and any associated grave goods.
- The landowner shall ensure that the immediate vicinity where the Native American human remains are located, is not damaged or disturbed by further development activity, according to generally accepted cultural or archaeological standards or practices, until the landowner has *discussed and conferred* with the most likely descendant their recommendations, taking into account the possibility of multiple human remains, if applicable.

*“Discuss and confer,” means the meaningful and timely discussion and careful consideration of the views of each party, in a manner that is cognizant of all parties’ cultural values, and, where feasible, seeking agreement. Each party shall recognize the other’s needs and concerns for confidentiality of information provided to the other.*

- If the landowner does not accept the most likely descendant's recommendations, either party may request mediation by the NAHC pursuant to Public Resources Code section 5097.94(k). If the mediation fails, the landowner shall reinter the human remains and any associated grave items with appropriate dignity on the property, protecting the site from any further and future subsurface disturbance as specified by the law.
- Only by mutual agreement between the landowner and the most likely descendant can Native American human remains and any associated grave goods be reinterred in a location other than the property where they were discovered.
- Third parties, e.g., archaeologists, cannot authorize the destructive or non-destructive testing of Native American human remains or associated grave goods.

- If the NAHC is unable to identify a descendant, or the most likely descendant does not make recommendations within 48 hours of being allowed access to the site, the landowner or his or her authorized representative shall reinter the remains and any associated grave items with appropriate dignity on the property in a location not subject to further and future subsurface disturbance as specified by law. The landowner shall protect the site by doing one or more of the following:
  - ✓ Record the site with the NAHC or other appropriate CHRIS Information Center.
  - ✓ Utilize an open space or conservation zoning designation or easement.
  - ✓ Record a document titled “Notice of Reinterment of Native American Remains” with the county in which the property is located. The document shall include a legal description of the property, the name of the owner of the property, and the owner’s acknowledged signature, in addition to any other information required by law. The document shall be indexed as a notice under the name of the owner.

#### Protecting Archaeological Sites, Ceremonial Places, and Cultural Items

If Native American cultural resources, including archaeological sites, are inadvertently discovered, the first consideration must be protecting them in place undisturbed.

While the treatment and disposition of Native American human remains and associated grave items are addressed by California codes, as noted above, other Native American cultural items, or artifacts, that may be uncovered by drought conditions are not. Culturally affiliated tribes should be consulted regarding recommendations for the treatment and disposition of any cultural items that may be discovered as the result of receding water levels or wild land fires.

The following California statutes protect Native American cultural sites, provide access to sites by Native Americans for ceremonial purposes, mitigate impacts to cultural sites on public lands, and provide penalties for the willful destruction of Native American cultural sites.

Public Resources Code Section 5097.99 (Possession of Native American Artifacts or Human Remains)

Anyone knowingly or willfully obtaining or possessing Native American artifacts or human remains taken from a grave or cairn on or after January 1, 1984, unless authorized under Public Resources Code sections 5097.94 or 5097.98, is guilty of a felony.

Public Resources Code Section 5097.94 (NAHC Power To Seek Injunctive Relief to Protect or Provide Access to Native American Sacred Sites on Public Property)

The NAHC has the power to bring an action to prevent sever and irreparable damage to, or assure appropriate access for Native Americans to, a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, pursuant to Public Resources Code section 5097.97. If the court finds that severe and irreparable damage will occur or that appropriate access will be denied, and appropriate mitigation measures are not available, it shall issue an injunction, unless it finds on clear and convincing evidence that the public interest and necessity require otherwise.

Public Resources Code Section 5097.97 (NAHC Investigation of Potential Damage to or Denial of Access to Native American Sacred Site on Public Property)

In the event that any Native American organization, tribe, group, or individual advises the NAHC that a proposed action by a public agency may cause severe or irreparable damage to a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, or may bar appropriate access by Native Americans, the NAHC shall conduct an investigation as to the effect of the proposed action. If the NAHC finds, after a public hearing, that the proposed action would result in irreparable damage to a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine on public property, the NAHC may ask the Attorney General to take appropriate legal action pursuant to subdivision (g) of Public Resources Code section 5097.94.

The Native American Historic Resources Protection Act (Public Resources Code Sections 5097.993 and 5097.994)

California law protects Native American cultural sites and cultural items from wanton destruction. Any person who unlawfully and maliciously excavates or damages a native American historic, cultural, or sacred site that is listed or eligible for listing on the California Register of Historic Places may be found guilty of a misdemeanor if the act was committed with specific intent to vandalize, deface, destroy, steal, convert, possess, collect or sell a Native American historic, cultural or sacred artifact, art object, inscription, feature or site, and may be sentenced to up to one year in jail and a fine not to exceed \$10,000. Persons convicted of these charges may also face up to \$50,000 in civil penalties.

Government Code Section 6254, Subdivision (r) (Exemption of Records of Native American Graves, Cemeteries and Sacred Places from Disclosure Under the Public Records Act)

The Public Records Act exempts from disclosure records of Native American graves, cemeteries, and sacred places and the records of Native American places, features and objects described in Public Resources Code section 5097.9 and 5097.993 maintained by, or in the possession of, the Native American Heritage Commission, another state agency, or a local agency.

Government Code Section 6254.10 (Exemption of Records Related to Archaeological Site Information Maintained by Various Resources Agencies)

The Public Records Act exempts disclosure of records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the Native American Heritage Commissions, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a California Native American tribe and a state or local agency.

The NAHC recommends that agencies create guidelines in consultation with Native American tribes to address the protection of these records.

## Cultural Resources Management Guidelines and Best Practices In the Event of Wild Land Fire

With California's drought emergency there is a threat of increased wild land fires. Wild fires can severely threaten, damage or destroy Native American sacred places, and sites of religious and ceremonial importance, as well as expose previously hidden sites, making them vulnerable to vandalism. This section is intended to provide fire suppression agencies the tools needed to collaborate with California tribes in the protection of their fragile cultural resources in the event of a wild land fire. Before and during a wild land fire, tribes and their tribal fire departments can provide California Department of Forestry and Fire Protection (CAL FIRE) and other fire suppression organizations with information and guidance to prevent and/or minimize damage to their cultural resources.

California Native American tribes, especially those that have wild land fire suppression capability, have expressed concerns that they lack the authority during a wild land fire to protect their cultural resources. This is in part due to the limitations imposed on tribes by the National Fire Program, which provides funding from the U.S. Department of the Interior to CAL FIRE for fire suppression services on California reservations and rancherias (with the exceptions of the Hoopa and Tule River reservations), giving CAL FIRE authority for fire suppression activities on California reservations and rancherias.

The information provided here resulted from discussions between tribes, Native American fire fighters, and CAL FIRE archaeologists. It is intended to provide tribes more control of the protection of their cultural resources during wild land fire operations and have tribes prioritize certain areas of their cultural territories and recommend protocols and methodologies during wild land fires to CAL FIRE and other fire suppression organizations in order to provide for the protection of Native American sacred sites.

### Effects of Fire on Native American Cultural Resources

- Fire destroys wooden structures and fixtures, discolors and causes severe cracking and disintegration of stone masonry and sandstone, breaks obsidian artifacts, carbonizes or oxidizes ceramic items, chars or destroys bone and other organic material, and scorches petroglyphs and pictographs.
- In addition to fire directly damaging or destroying cultural resources, other factors can also be very damaging, such as erosion and run-off caused by the fire, destruction of plant material in the soils, falling trees, harsh fire

retardant chemicals, the movement of hoses during fire suppression activities, and especially the use of heavy equipment on the fire lines.

- Destruction of plant material that may be used for “gathering” purposes, including the removal of pollinating plant species, is also damaging to Native American cultural resources.
- Heat, intense flames and smoke all cause damage to vulnerable cultural resources.
- Looting and theft of artifacts can also occur following a fire.

#### Cultural Resources Management Guidelines

- Pre-Fire Educational Activities
  - The tribe may identify tribal representatives to consult in case of a fire, including contact information, for CAL FIRE and other fire organizations to use in advance of a fire.
  - Affected tribes may determine how fires will affect cultural resources and recommend tactics, suppression methodology, or operation methods to use that will best protect their cultural resources.
  - Tribal representatives may present information to CAL FIRE and other fire suppression units about their resources, including cultural significance, and which areas require extra consideration during a fire.
  - Tribal fire departments may provide a Fire Map/Protection Plan that identifies and prioritizes Culturally Sensitive Areas/Zones (CSA/Zs), recognizing the confidential nature of the site locations, describing the appropriate fire management protocols, which may include color-coded “flagging,” and identifying areas to avoid during a fire to preserve cultural resources.
- Pre-Fire Prevention and Planning Guidelines
  - Pre-fire planning guidelines may be created by tribes to prioritize CSA/Zs and recommend operation protocols to CAL FIRE and other fire agencies in order to minimize wild land fire damage to cultural resources. Such protocols may include using minimally invasive fire suppression methods, identifying zones of cultural sensitivity while maintaining the confidentiality of site locations, and recommending

appropriate fire suppression measures (such as the use of alternative methods to heavy equipment) in order to protect and preserve as many cultural resources as possible.

- As part of a pre-fire cultural resources management strategy, tribes may survey their tribal territory to identify the type of fuel surrounding the area and recommend steps to reduce damage to cultural resources, including fuel reduction projects to reduce the fuel load in areas surrounding cultural resources in order to create a buffer. Methods may include mechanical thinning to remove highly flammable trees and vegetation as well as prescribed burning.
- When the above pre-fire activities occur in a known Native American cultural area, a representative designated by the culturally affiliated tribe should approve them.
- Vegetation that is a contributing element to an area's cultural importance should not be removed.
- Slash piles should be burned in an area away from cultural resource sites.

➤ During the Fire: Operational Guidelines

- Presence of Tribal Representatives During Fire Suppression Activities

A tribal representative should always be present during all fire suppression activities described here to advise on the treatment and care of cultural resources. Ideally, the tribal representative or team leader should be a member of the local fire response team and be knowledgeable about the Native American community's needs and concerns. Typically, the best policy lies with a minimalist strategy. The less activity in an area, the less likely it is that cultural resources will be damaged.

- The use of Minimum Impact Suppression Tactics (MIST) may be recommended by tribes for use by CAL FIRE and other fire suppression organizations. This is a standard used by many federal fire suppression units.
- In the CSA/Zs, tribes may recommend the use of hand tools as opposed to the use of heavy equipment; the latter can cause considerable damage to cultural resources. Other methods recommended may include

building a fire line by hand instead of using a dozer. Heavy equipment, like dozers, can easily destroy the natural environment as well as any cultural resources present and can leave trails where they did not exist before, creating a new area of exposure.

- Tribes may determine a standard color and marking strategy to identify sensitive areas during fire suppression and restoration phases. Standards for color-coding are already available to fire-fighting units.
  - ✓ Yellow and black-striped flagging is a signal for wildlife hazards like hornets or bees.
  - ✓ Use a specific color to mark safety zones and escape routes.
  - ✓ It will be important to make flagging effective depending on conditions and geographic factors, for example, greater use of flags for night time or thicker forest; flag the areas that contain priority cultural resources so that fire lines created are at optimal position and minimally invasive methods will be employed.
  - ✓ Remove unnecessary flags to avoid confusion between multiple crews when and if a fire line is rerouted.
- Positioning fire trucks in close proximity to areas of high-risk cultural resources before a fire starts is another recommended tactic.
- Where feasible, building a pond as a source of water in a predetermined area to facilitate the use of aircraft water relief has been found helpful in suppressing many wild land fires; however, crews must work with tribal representatives to ensure that cultural resources are not impacted.
- Use local rivers or lakes for water resources accessible by helicopter, with the approval of the tribe or landowner.
- Use of fire retardants/foam agents
  - ✓ Can be used on/around cultural resources, subject to tribal advice, to determine if the fire retardant is harmful to the specific type of cultural resource.

- ✓ The use of soil and water can be used in fire lines to cool down the fire and make items, like a tree stump, less likely to catch fire.
- Fire Wraps
  - ✓ Vulnerable resources may be wrapped in or surrounded by fire resistant material to create barriers between them and the fire.
- Fire Lines
  - ✓ Use fire lines to break fuel lines leading up to cultural resources.
  - ✓ Clean fire line to mineral soil to prevent the spread of fire through fuel, such as dead roots.
  - ✓ Use existing trails (like cattle trails or gravel roads) as fire lines, where possible.
  - ✓ Various types of fire lines include hand-built fire lines, natural, retardant, wet, scratch, and cat lines
- Burial of Cultural Resources
  - ✓ By burying the cultural resources at least 10 cm below the surface, the severity of fire damage can be significantly reduced.
- Post-Fire: Restoration and Cleanup Practices
  - Conduct a post-site evaluation to determine:
    - ✓ The post-fire effects on the surrounding area;
    - ✓ If cultural resources were damaged;
    - ✓ How plant species were affected.
  - Create a future plan that will better protect cultural resources and prevent post-fire impacts.

- Disguise heritage sites to protect against looting and loss of heritage site value.
  - Consult the Burned Area Rehabilitation (BAR) Guidebook on how to stabilize the affected area immediately after the fire.
  - Assess the Pre-Fire Plan's success, cooperation between parties, and appropriate use of material.
- Example of Cultural Resources Management Best Practices in the Event of Fire
- Identification of Native American Cultural Resources by CAL FIRE Archaeologists
    - ✓ After notification of a fire incident, CAL FIRE archaeologists have taken on the role of identifying Native American archaeological sites that may have been threatened during a wild land fire. These archaeologists have then operated in the field during the fire to flag sites and keep fire equipment and fire suppression activities from damaging archaeological sites. To identify threatened sites prior to a fire, CAL FIRE archaeologists have done the following:
      - Completed archaeological site records searches at the appropriate California Historical Resources Information System (CHRIS) regional archaeological records information center to identify threatened recorded archaeological sites;
      - Completed a Sacred Lands Inventory search through the NAHC, at which time an NAHC staff member has provided the CAL FIRE archaeologist with contact information for the tribe or the individual California Native American who submitted the site for listing;
      - Contacted the tribes or individuals provided by the NAHC and collaborated with them to identify the locations of threatened sites.
      - Contacted the culturally affiliated tribes and individuals on the CAL FIRE Native American contacts list to see if they may be able to provide additional information.

## Conclusion

It will take the coordinated and concerted efforts of tribes, resources agencies, and fire suppression agencies to protect California Native American human remains and cultural resources from the effects of drought and fire. It is our intention that this guide provides the tools to accomplish such protection.

Any questions or concerns about this guide should be directed to Rob Wood at the Native American Heritage Commission, [nahc@pacbell.net](mailto:nahc@pacbell.net), (916) 373-3710.