

**Meeting of the Central Valley Flood Protection Board**  
**Staff Report – Property Management**  
**Mechoopda Indian Tribe of Chico Rancheria Grant of Easement**  
(By: Rick Ramirez, Cassandra Enos and Alejandra Lopez)

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**1.0 – ITEM**

The Department of Water Resources (DWR), on the behalf of the Mechoopda Indian Tribe of Chico Rancheria (Mechoopda Tribe) is requesting a permanent nonexclusive easement of approximately one-acre located within a Sacramento-San Joaquin Drainage District (SSJDD) parcel along the Sacramento River within Butte and Glenn Counties.

**2.0 – BACKGROUND**

For the past several years, Department of Water Resources (DWR) has assisted Department of Parks and Recreation (DPR) in complying with the Native American Graves Protection and Repatriation (NAGPRA) Act of 1990 (Public Law 101-601). This law requires agencies to repatriate human remains and other materials to certain Indian tribes. To make a legitimate claim, tribes must be federally-recognized and must have been deemed culturally affiliated with the remains. DPR holds the remains of approximately 250 individuals from Butte County, most of which were excavated during the construction of DWR’s Oroville facilities. Despite DPR’s compliance efforts, the NAGPRA process has been extremely slow. A major obstacle in working out this complex and sensitive matter has been the lack of an appropriate site to rebury repatriated remains and funerary objects. Working closely with tribal leaders, DWR has facilitated the repatriation process resulting in a recent claim by the Mechoopda.

The Mechoopda Tribe is one of five tribes identified as having shared cultural affiliation with the Butte County Remains. The purpose of the easement would be to allow the Mechoopda Tribe to rebury Native American remains and associated funerary objects that were recovered near the town of Chico. The objective is to find a parcel located within the Mechoopda Tribe ancestral tribal area with Butte and Glenn Counties.

**3.0 – DESCRIPTION**

The potential site would be located within property held in fee-title by SSJDD acting by and through the Central Valley Flood Protection Board (Board). The prospective properties (Attachment A) were acquired by the Board to meet mitigation requirements for riparian habitat and flood control. The parcels were restored to native floodplain habitat and are currently managed as wildlife habitat. The site would be located within either, or both, Glenn and Butte Counties. Reburial activities would be conducted by hand and would not have any adverse impacts to the habitat. The remains and funerary objects are contained in a small box, about 1 cubic-foot volume. It is the desire of the Tribe to have the

burial site as unobtrusive as possible. They do not wish to have markings of any type, no fence or grave markers. It is the intent to allow the site to restore to its natural condition as quickly as possible. Prior to approval of the final location Board staff will ensure that the reburial activities will be compatible with existing land uses, including flood fighting and wildlife habitat.

#### **4.0 – STAFF ANALYSIS**

It is the policy of both the Federal Government and the State of California to protect and preserve known archaeological resources whenever it is reasonable. Under Public Resources Code section 5097.991 “it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated.” Below is a list of other regulations enacted to protect Native American cultural resources:

- California State Regulations
  - Administrative Code, Title 14, Section 4307
  - CCR Section 1427
  - Senate Concurrent Resolution Number 87
  - California Environmental Quality Act
- Federal Regulations
  - Antiquities Act of 1906
  - National Historic Preservation Act of 1966
  - National Environmental Policy Act of 1969
  - Native American Religious Freedom Act of 1978
  - Archaeological Resources Protection Act of 1979
  - Native American Graves Protection and Repatriation Act of 1990

Granting this easement would be consistent with the policy of the United States and the State of California.

#### **5.0 – AGENCY COMMENTS AND ENDORSEMENTS**

Board staff has received several letters of support for this project. Agencies and entities supporting this easement include the California Department of Parks and Recreation, US Fish and Wildlife Service, and Native American Heritage Commission (Attachment B).

#### **6.0 – CEQA ANALYSIS**

Board staff has prepared the following CEQA determination:

The Board will be the governmental entity making the discretionary decision on whether or not to grant the easement, thus the Board is the correct party to serve as the Lead Agency under CEQA. The Board has determined that the project is categorically exempt under a Class 25 Categorical Exemption (CEQA Guidelines Section 15325) covering transfers of ownership of interest in land to preserve existing natural conditions.

**7.0 – STAFF RECOMMENDATION**

Staff recommends that the Board approve the Resolution No. 11-12 which approves the conveyance of a nonexclusive easement from Sacramento and San Joaquin Drainage District to the Mechoopda Indian Tribe of Chico Rancheria and delegates to the Executive Officer the authority to execute the Easement Deed and any associated documents needed for this real estate transaction. It is clearly the intent of the State of California to protect Native American resources when possible. Granting the easement is consistent with this policy.

**8.0 - LIST OF ATTACHMENTS**

- A. Location Map
- B. Resolution No. 11-12
- C. Letters of Support

## Attachment A

Pursuant to California Government Code sections 6254 and 11125.1 (a), this document will not be disclosed to the public.

STATE OF CALIFORNIA  
THE NATURAL RESOURCES AGENCY  
THE CENTRAL VALLEY FLOOD PROTECTION BOARD

RESOLUTION NO. 11-12

AUTHORIZES EXECUTION OF  
AN EASEMENT DEED TO  
MECHOOPDA INDIAN TRIBE OF CHICO RANCHERIA

WHEREAS, the Central Valley Flood Protection Board (Board) recognizes that it is the policy of the State of California that Native American remains and associated grave artifacts be repatriated; and

WHEREAS, the Board wishes to assist in the repatriation efforts undertaken by the Department of Water Resources (DWR) by providing a reburial site for Native American remains uncovered in Butte County; and

WHEREAS, the Board recognizes the public purpose in conveying an interest in Board lands for the above stated purpose; and

WHEREAS, DWR staff recommends that the Board delegates to the Executive Officer the authority to execute a Deed conveying a permanent nonexclusive easement to the Mechoopda Indian Tribe of Chico Rancheria for an approximately one-acre site located within a fee-owned parcel held by Sacramento-San Joaquin Drainage District (SSJDD) acting by and through the Board within Butte and Glenn Counties; and

WHEREAS, Board staff will review the final location of the easement prior to the conveyance in order to ensure that the reburial activities do not interfere with the Board's use of the property.

NOW, THEREFORE, BE IT RESOLVED that the Board:

1. Approves the conveyance of a permanent nonexclusive easement of approximately one-acre on a site located within a fee-owned parcel held by Sacramento San Joaquin Drainage District (acting by and through the Board) within Butte and Glenn Counties, to the Mechoopda Indian Tribe of Chico Rancheria for the purpose of reburial of Native American remains and funerary objects.
2. Delegates to the Executive Officer the authority to approve the final location and execute said Easement Deed along with any associated documents necessary for the real estate transaction.

Date:

THE CENTRAL VALLEY FLOOD PROTECTION  
BOARD OF THE STATE OF CALIFORNIA

By \_\_\_\_\_  
Benjamin F. Carter, President

By \_\_\_\_\_  
Francis I. Hodgkins, Secretary

Approved as to Legal Form  
and Sufficiency

By \_\_\_\_\_  
Jeremy Goldberg, Staff Counsel

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Attachment C

Pursuant to California Government Code sections 6254 and 11125.1 (a), this document will not be disclosed to the public.