



**THE BUENA VISTA RANCHERIA OF ME-WUK INDIANS
TRIBAL COUNCIL RESOLUTION 2021 - 017
REGRAIDING DROUGHT EMERGENCY DECLARATION**

WHEREAS, the Buena Vista Rancheria of Me-Wuk Indians ("Tribe") is a sovereign federally-recognized Indian tribe, which operates pursuant to the Constitution of the Tribe ("Constitution"), and the Tribe's governing body is the Tribal Council ("Tribal Council");

WHEREAS, the Constitution empowers the Tribal Council with broad authority to operate the tribal government and its activities, affairs, and business, including the power to manage all economic and environmental affairs and enterprises of the Tribe and all "appropriate powers necessary to implement specific provisions of this Constitution and to effectively govern tribal affairs;"

WHEREAS, an acute water supply shortage is threatening the health, safety, and environment of the Tribe, tribal lands, and tribal members, and is expected to cause short- and long-term loss of resources;

WHEREAS, the Tribe must coordinate its response efforts with federal, state, and local emergency management agencies to effectively and efficiently provide the highest level of emergency response; and

WHEREAS, the Tribal Council is the Tribal Emergency Response Committee as required by SARA Title III.

NOW, THEREFORE BE IT RESOLVED THAT:

1. **Findings.** The Tribal Council hereby determines and finds that (i) the Recitals in this Resolution are true and correct in all material respects; (ii) the Tribal Council possesses full power and authority to adopt this Resolution; (iii) all members of the Tribal Council were duly appointed and are validly serving; and (iv) the Tribal Council's adoption of this Resolution is in the best interests of the Tribe and is consistent with the laws, ordinances, resolutions, and public policies of the Tribe.

2. **Declaration and Direction.** On behalf of the Tribe, pursuant to its authority under the Constitution, the Tribal Council hereby: (i) declares a State of Emergency due to the drought; (ii) directs all Tribal Departments to report as directed by the Chief of Staff (Incident Commander) to support emergency response efforts; and (iii) resolves to seek assistance from all federal, state, local, tribal, and volunteer resources available to assist in responding to this emergency.


3. Copies and Requests. A copy of this Resolution shall be forwarded to (i) the County of Sacramento, Director of Emergency Services and the County of Amador, Director of Emergency Services, and the Federal Emergency Management Agency, (ii) the Governor of the State of California, enclosing a request the proclamation that the Buena Vista Rancheria is in a state of emergency, and (iii) the President of the United States of America, enclosing a request for the issuance of a Presidential Declaration of Emergency for the Buena Vista Rancheria.

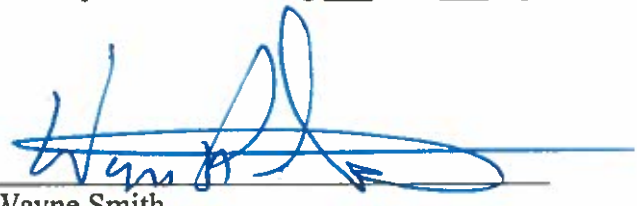
4. Repealer. Any resolutions or other actions of the Tribal Council, or any of the officers, employees, or agents, of the Tribal Council, whether written, unwritten or established by tradition that are in effect and are in conflict with or inconsistent with the terms of this Resolution, are hereby to such extent repealed and annulled, and this Resolution shall supersede the same.

5. Miscellaneous. If any provision of this Resolution or the application of any provision of this Resolution is held to be invalid, the remainder of the Resolution shall not be affected with respect to the same. This Resolution shall become effective as of the date and time of its passage and approval by the Tribal Council.

CERTIFICATION

Voted on this 23 day of September, 2021, with a quorum present and voting 4 For, 0 Against, and 0 Abstaining.


Rhonda L. Morningstar Pope-Flores
Tribal Council Chairwoman


Wayne Smith
Tribal Chief of Staff/Witness

BVR NRD Drought Declaration Recommendation

September 17, 2021

Executive Summary

The State of California is currently experiencing one the worst drought periods since 1976. California Governor Gavin Newsom declared drought proclamation on April 21, 2021 and has expanded the proclamation on May 10th and July 8th, 2021 to include a total of 50 counties including Amador County. At least seven Tribal nations have declared drought emergencies in California this year. Amador county is experiencing drought conditions with below average precipitation, early and sudden melting of the snowpack, shrinking reservoirs, dry streambeds, very dry soils, and extreme wildfire. Surface water rights curtailments are in effect on the Mokelumne River and Tier 1 and Tier 2 drought statements for water conservation have been issued by Amador Water Agency and Jackson Irrigation Districts respectively.

The Buena Vista Rancheria has seen water levels of its ponds decrease dramatically, with several ponds drying up including the pond on the 56-acre property, and the wetland pond on the 67.5-acre reservation impacting important habitats that support culturally significant species and support tribal ecological and cultural uses. To date, the sacred spring is still flowing at 1 gallon per minute and provides a water source to the Tribal house, the upper pond, and native plant restoration projects.

Three on site groundwater wells have been a reliable source of water for Tribal operations, however the water quality from three groundwater wells is poor, and overall groundwater levels are in decline. Generally, operational groundwater wells recover immediately after pumping ceases. Daily maximum pumping of the groundwater wells has been occurring to meet daily water demands from casino, tribal, and fire operations, and the aquifer is in constant demand leaving little time for aquifer recovery. Daily water demand is currently 58,000-60,000 gallons, maximum daily pumping allowed is 60,000 gallons per day. The wastewater treatment plant processes approximately 40,000 gallons per day with a loss of 20,000 gallons to the distribution system. These 20,000 gallons are currently unaccounted for, yet this water this water is likely being used by Casino landscaping, BVR reservation facilities, and the BVR fire department, some water is likely lost due to leaks.

Long-range temperature and precipitation forecasts published by the National Oceanic and Atmospheric Administration (NOAA) predict above average temperatures for October, November, and December, but show equal probability of below average, average, and above average rainfall for the same time period. October, November, and December 2020 saw 0, 0.9, and 1.84 inches of precipitation respectively. NOAA climate center forecasters predict a 70%-80% chance that we are heading toward La Niña climate pattern which typically results in dryer winter conditions in the western united states. With current extreme drought conditions occurring, we can anticipate warm and dry conditions to persist going forward. We can anticipate low precipitation, reduced river and stream flows thus reduced reservoir storage levels, and reduced aquifer recharged.

The NRD recommends the BVR develop and pass a Drought Emergency Declaration, open up emergency funding and seek federal and state funding to implement strategies to cope with drought conditions. These funds can aid the tribe in developing drought strategies including but not limited to: the development of a drought contingency plan, conducting an internal water audit to understand

overall operational water use, development of tier-based water conservation strategies, development of new water supplies and diversifying operational water supplies.

Drought declaration

Notes and source information

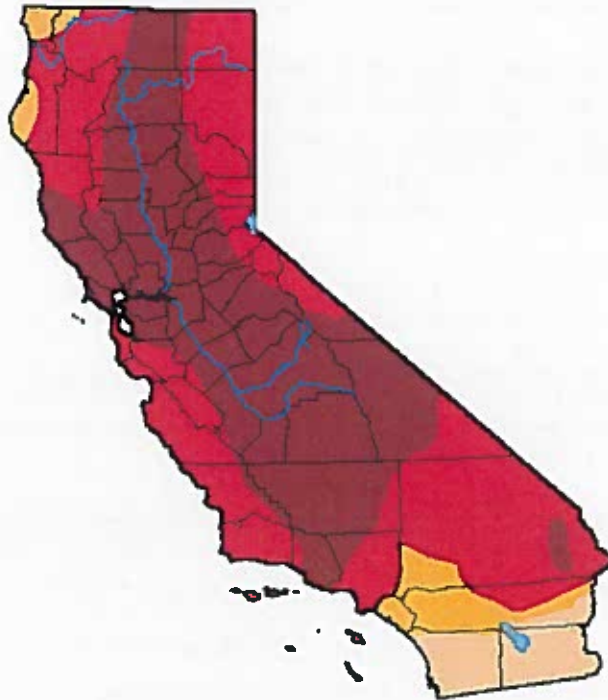
Link to drought orders and proclamations in CA

https://www.waterboards.ca.gov/waterrights/water_issues/programs/drought/drought_orders_proclamations.html

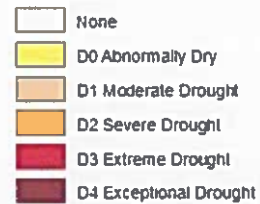
- From drought.gov on 9/13/21
- California
 - On July 8th, 2021, Gov. Gavin Newsom signed a Proclamation of a State of Emergency for drought expanding on his prior May 10th, and April 21, 2021 drought emergency proclamations to include additional watersheds including: Klamath River, Sacramento-San Joaquin Delta, Tulare Lake watershed Counties, and several more counties. Amador County was included in the May 10, 2021 emergency proclamation.
 - 58 CA counties have USDA disaster designations
 - 37.3 million people in CA affected by drought
 - 2021 saw the 23rd driest August over the past 127 years
 - 2021 is the 9th driest year to date over the last 127 years.
- State Water board <https://www.waterboards.ca.gov/drought/delta/#tableau>
 - Issuing water right curtailments since May 2021 and continues to curtail water rights statewide.
 - Water curtailments in effect for many water right holders in the Mokelumne river
 - This means no surface water diversions are allowed if the water right is curtailed
 - Amador water agency has all water rights curtailed on Mokelumne river
 - JVID no longer receiving water from Pardee reservoir.

U.S. Drought Monitor
California

September 7, 2021
(Released Thursday, Sep. 9, 2021)
Valid 8 a.m. EDT



Intensity:



The Drought Monitor focuses on broad-scale conditions. Local conditions may vary. For more information on the Drought Monitor, go to <https://droughtmonitor.unl.edu/About.aspx>

Author:

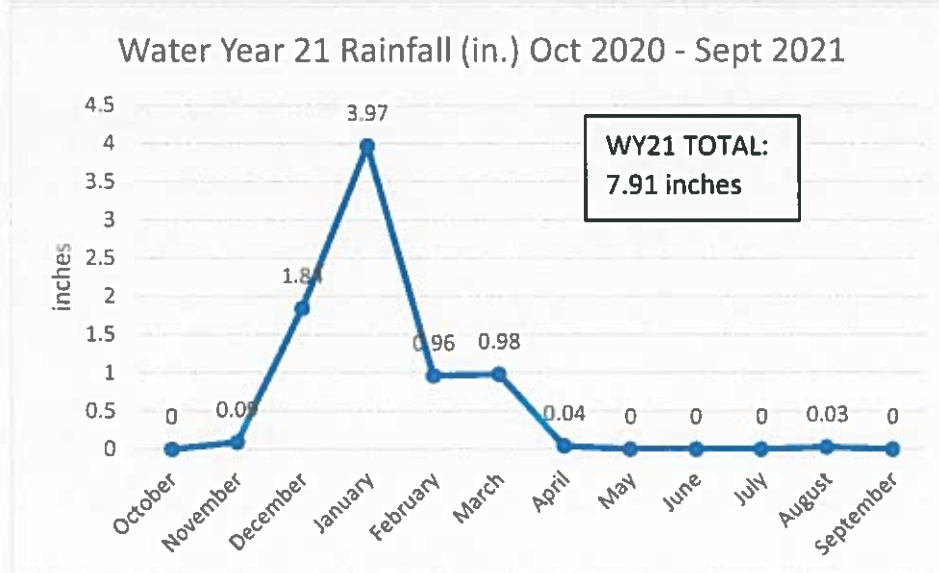
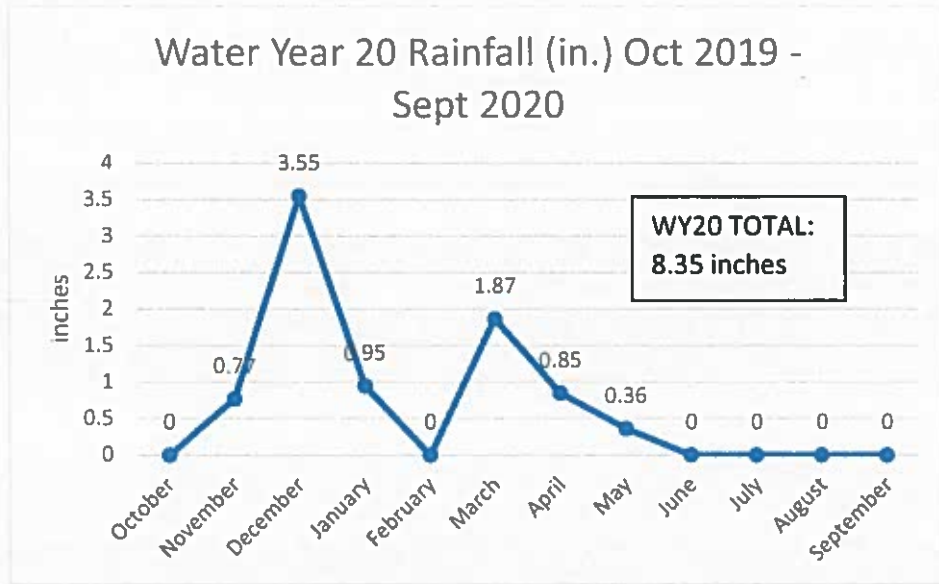
David Simeral
Western Regional Climate Center



droughtmonitor.unl.edu

- Amador county
 - 38,091 people in Amador co affected by drought
 - 100% of people in Amador co are affected by drought
 - 17th driest water year in 127 years occurred in 2021.
 - ~10.07 inches below normal precipitation (17-20 inches/year)
 - Amador Water Agency issued a water conservation statement September 14, 2021
Declaring a stage-1 water alert
 - Jackson Valley Irrigation District Board Declares Tier 2 Extreme Water Shortage/Drought on 5/12/21 with a revision on 6/10/21
 - <https://www.drought.gov/location/95640%2C%20lone%2C%20California>

- BVR area rainfall

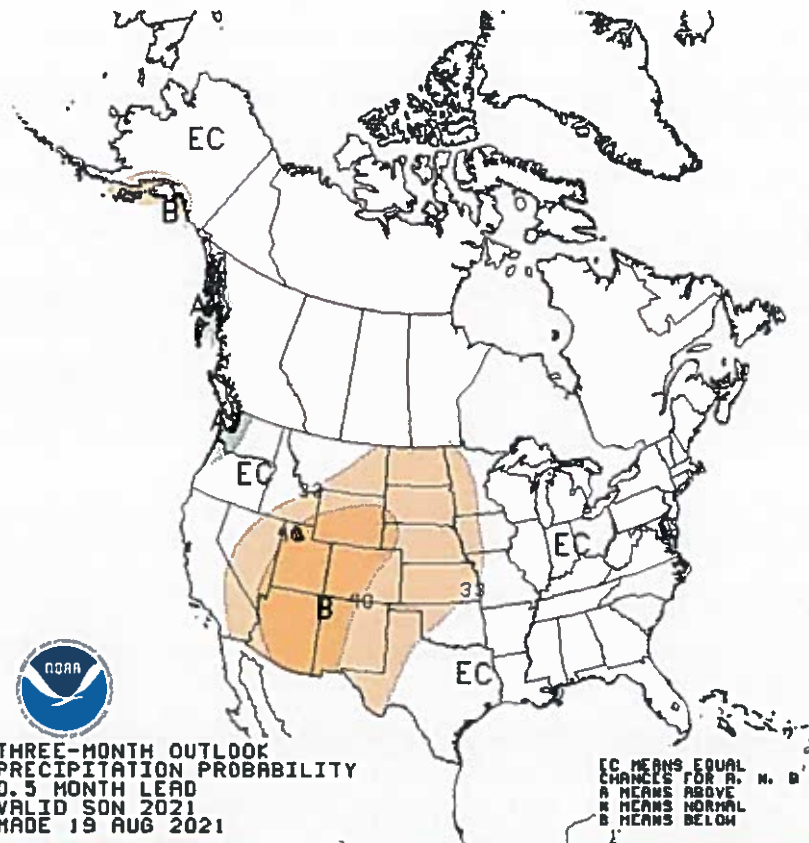


- Regional reservoirs

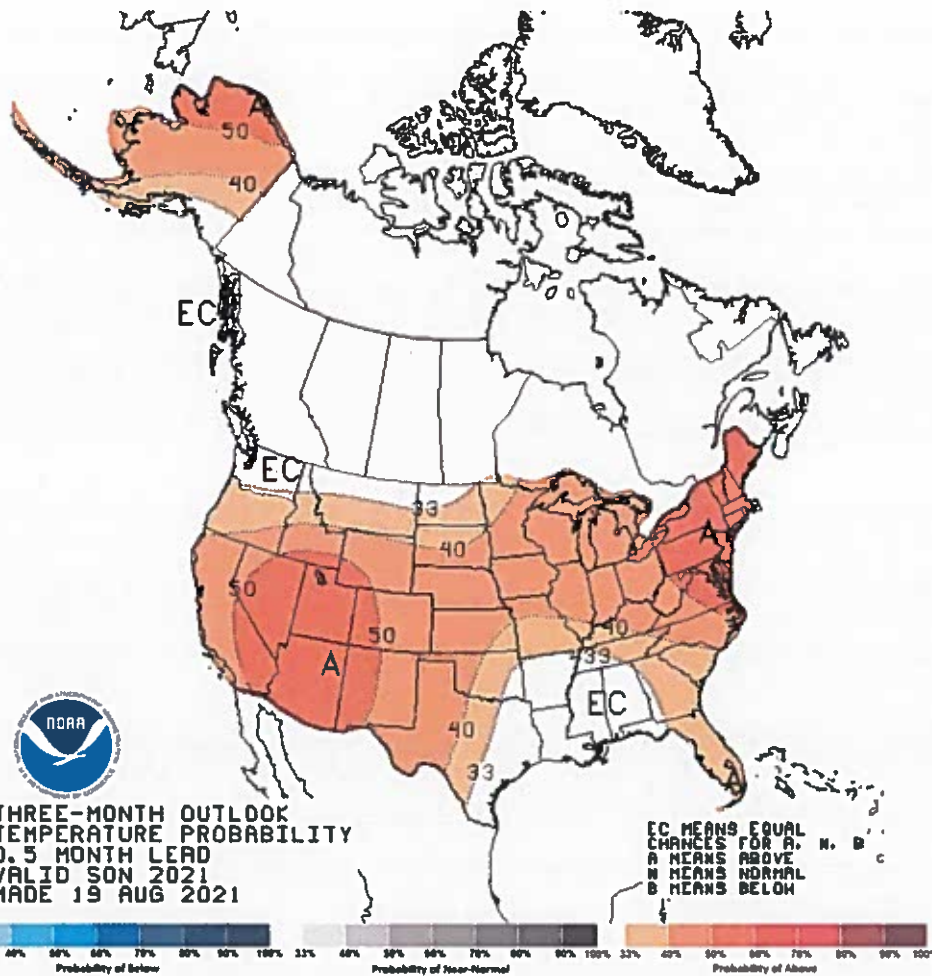
- East Bay Mud continues to operate Pardee and Camanche Reservoirs for their water users but has cut off Jackson Valley Irrigation District.

○

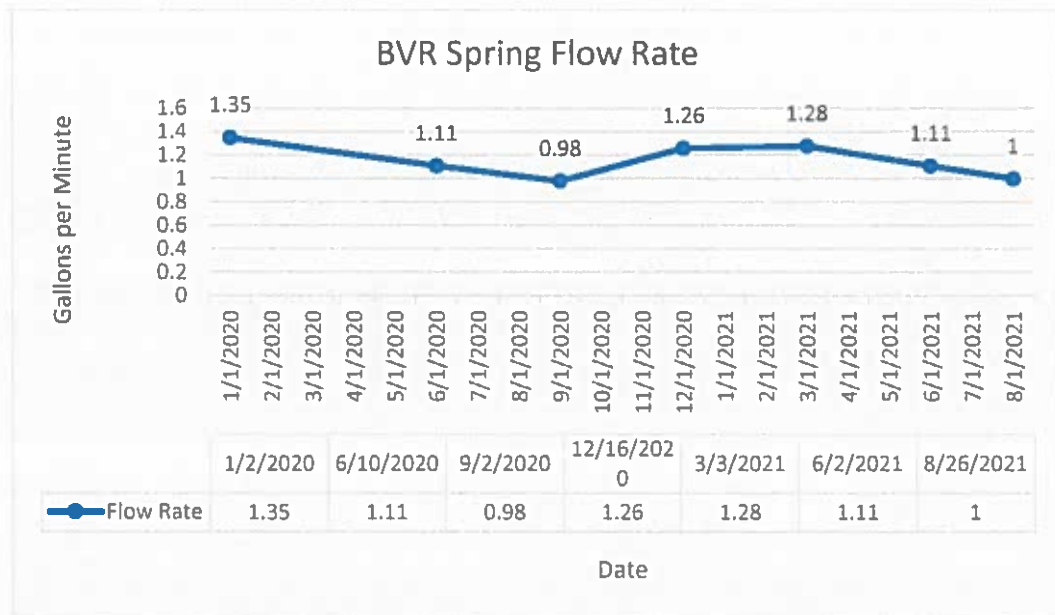
- Long range forecasts developed by the National Oceanic and Atmospheric Administration (NOAA)



- Our region is predicted to have equal chances of having either above average precipitation, normal or below average precipitation. The one-month forecast predicts below average rainfall for sept/oct 2021

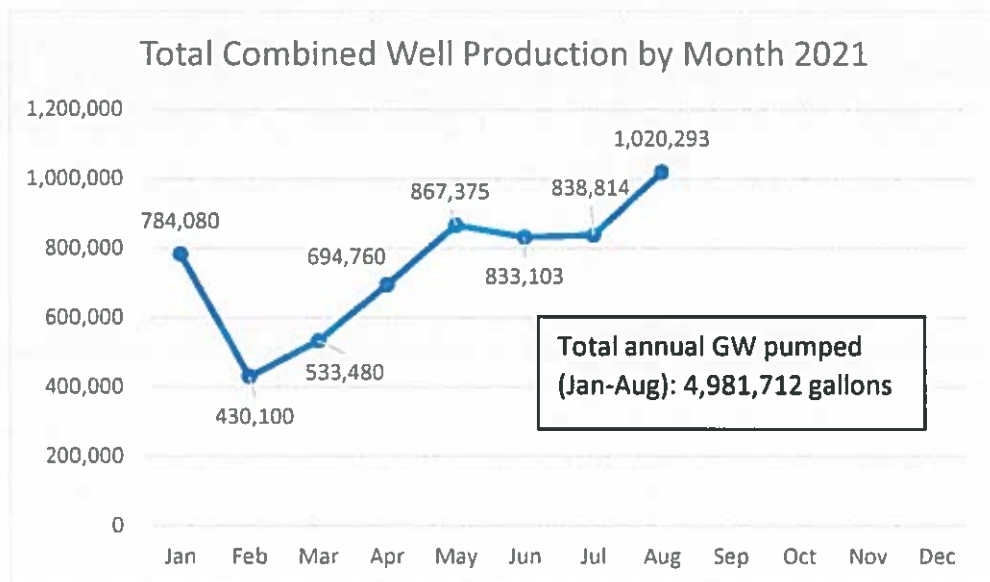


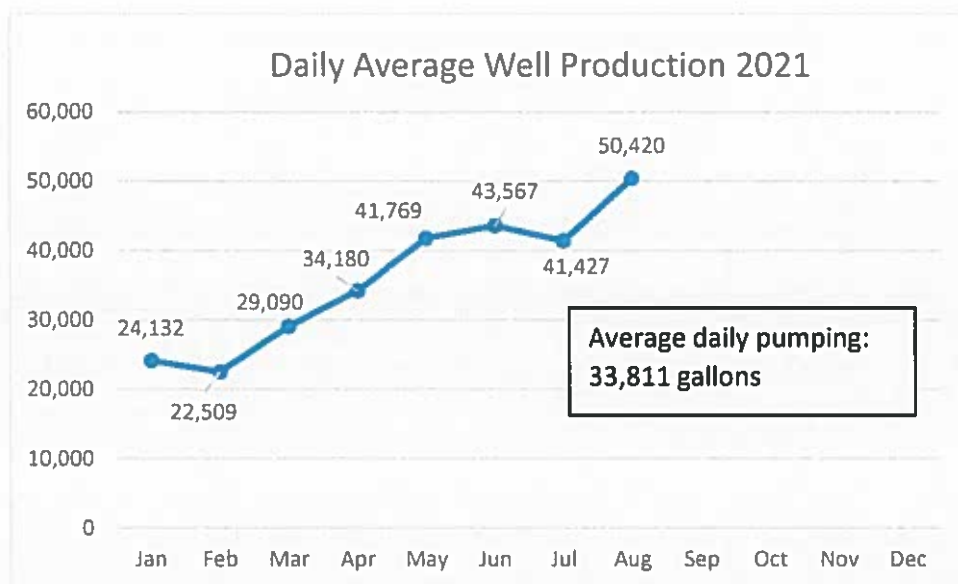
- 3-month temperature predictions indicate a 50% probability of having temperatures higher than average sept-dec 2021
- NOAA forecasters estimate a 70-80% chance of a La Niña pattern developing which typically means drier winters for northern California regions
- BVR
 - Spring flow rate remains relatively consistent for this time of year flowing at 1 gpm



- **BVR Groundwater**

- **4,981,712** gallons of groundwater or 15.29 acre-feet of GW pumped between Jan and Aug 2021
- Daily average GW pumping rate between Jan-Aug 2021 is **33,811 gal/day**
- Daily water demand of potable water from the water plant is **58K-60K per day**.
- If tribe did not pump ground water, we have 30 days of water storage
 - BVR potable water storage at 39' water level (FULL due to max capacity GW pumping) 50% water storage is for fire suppression 50% for casino and tribal operations.





- May 20, 2021 well monitoring conducted by Kleinfelder monitored depth to water and drawdown for Well W-1, W-2, W-3 during pumping and recharge when pumping ceased. Data show the wells respond to pumping by dropping in water level, and show a immediate recharge response when pumping ceases.
- Operations has increased pumping on the wells despite drought conditions to keep storage tank full (39')
- A recent study by the USGS shows that water quality in groundwater deteriorates when accelerated groundwater pumping occurs during drought conditions. BVR already experiences poor GW quality. When the GW supply is not being replenished poor WQ that may be above the screened area then drops down and is then within the pumping area of the public operations well.
 - See: <https://www.usgs.gov/news/increased-pumping-california-s-central-valley-during-drought-worsens-groundwater-quality> and <https://agupubs.onlinelibrary.wiley.com/doi/epdf/10.1029/2021GL094398>
 -