



Agenda Date: 4/7/2021

Agenda Placement: 7B

## Napa Sanitation District Board Agenda Letter

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**TO:** Honorable Board of Directors

**FROM:** Timothy Healy - General Manager  
NS-Technical Services/Engineer

**REPORT BY:** Karl Ono, Associate Engineer - (707) 258-6013

**SUBJECT:** Approve Agreement with Yocha Dehe Wintun Nation for Tribal Monitoring Services for the 66-inch Trunk Sewer Rehabilitation Project (CIP 19701)

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### **RECOMMENDATION**

Authorize General Manager to execute the attached monitoring agreement with the Yocha Dehe Wintun Nation for tribal monitors and cultural sensitivity training for the 66-inch Trunk Sewer Rehabilitation Project (CIP 19701).

### **EXECUTIVE SUMMARY**

On January 20, 2021, NapaSan was issued a Department of the Army Nationwide Permit for Maintenance by the U.S. Army Corps of Engineers (USACE) for the 66-inch Trunk Sewer Rehabilitation Project (CIP 19701). As a condition of the permit, USACE is requiring that NapaSan enter into a tribal monitoring agreement with the Yocha Dehe Wintun Nation (YDWN). The project is within the aboriginal territories of YDWN, and the Tribe has a cultural interest and authority in the area of the project. YDWN has indicated a concern that the project could impact known cultural resources, and has requested that cultural monitors from the Tribe be on-site during ground disturbing activities. YDWN has also requested that project personnel receive cultural sensitivity training from the Tribe prior to commencing any ground disturbing activities.

Based on discussion about the project with YDWN's Cultural Resource Manager, it is anticipated that monitors will be required for approximately 5 days during construction. It is estimated that the total costs to NapaSan under this agreement will be approximately \$5,000. However, if any cultural items or remains are discovered during construction, additional monitoring will be required. The agreement provides for compensation of up to \$20,000 so that additional monitoring and consultation can be provided without creating delays to the project, should cultural items or remains be discovered. The locations where excavations are planned were previously disturbed when the pipeline was originally installed, so it is not anticipated that cultural items or remains will be discovered.

A copy of the monitoring agreement is attached. The agreement has been reviewed by NapaSan's legal counsel.

**FISCAL & STRATEGIC PLAN IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	The project is budgeted in the FY 20/21 Capital Improvement Program.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Tribal Monitoring and Cultural Sensitivity Training are required as a condition of NapaSan's USACE permit for this project.
Is the general fund affected?	Yes
Future fiscal impact:	The agreement will remain in effect until the Board accepts completion of the project. Construction will be completed in FY21/22. Unused budget from the current fiscal year will be carried forward into the next fiscal year.
Consequences if not approved:	NapaSan would not meet the terms of the USACE permit. The USACE permit is required for construction.
Additional Information:	None.

**ENVIRONMENTAL IMPACT**

NapaSan approved the project and adopted a Mitigated Negative Declaration on May 20, 2020 by Resolution 20-005. NapaSan was issued a Department of the Army Nationwide Permit for Maintenance by USACE on January 20, 2021. If the Board approves this agreement, staff will mail a copy of the executed agreement to USACE, which will satisfy a condition of the permit. Provisions of the agreement will be administered by NapaSan's construction manager, Brown and Caldwell, during construction.

**BACKGROUND AND DISCUSSION**

YDWN initially requested cultural monitoring and sensitivity training during public review of the project's Initial Study / Mitigated Negative Declaration. NapaSan responded by incorporating cultural sensitivity training into the project's proposed mitigation measures. However, due to the limited number of planned excavations, all located within previously disturbed areas, NapaSan did not propose to incorporate cultural monitoring during the CEQA process. YDWN was notified of this response and subsequently reiterated their request for cultural monitoring during consultation with USACE.

**SUPPORTING DOCUMENTS**

A . YDWN Monitoring Agreement

Reviewed By: Timothy Healy