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13 *SAN FRANCISCO BAYKEEPER,*  
14 *SHINGLE SPRINGS BAND OF MIWOK INDIANS,*  
15 *CALIFORNIA INDIAN ENVIRONMENTAL*  
*ALLIANCE, RESTORE THE DELTA, GOLDEN STATE*  
*SALMON ASSOCIATION, and THE BAY*  
16 *INSTITUTE*

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
18 **COUNTY OF SACRAMENTO**

19 SAN FRANCISCO BAYKEEPER, SHINGLE  
20 SPRINGS BAND OF MIWOK INDIANS,  
CALIFORNIA INDIAN ENVIRONMENTAL  
21 ALLIANCE, RESTORE THE  
DELTA, GOLDEN STATE SALMON  
22 ASSOCIATION, and THE BAY INSTITUTE,

Case No.: 24WM000017

**DECLARATION OF PETEE RAMIREZ  
IN SUPPORT OF PETITIONERS'  
MOTION FOR PRELIMINARY  
INJUNCTION**

23 **Petitioners,**  
24 **vs.**

25 CALIFORNIA DEPARTMENT OF  
26 WATER RESOURCES,

27 **Respondent.**  
28

1 I, Petee Ramirez, do hereby declare as follows:

2 1. The facts set forth in this declaration are based upon my personal knowledge, and if  
3 called as a witness in these proceedings, I could and would testify competently thereto under oath.  
4 As to those matters that reflect a matter of opinion, they reflect my personal opinion and judgment  
5 upon the matter.

6 2. I am a Senior Tribal Ecological Knowledge (“TEK”) Specialist for the Shingle  
7 Springs Band of Miwok Indians.

8 3. The Shingle Springs Band of Miwok Indians is a federally recognized Indian Tribe  
9 committed to protecting and enhancing the quality of life of its members by preserving, protecting,  
10 and promoting its history, culture, and traditions, promoting self-sufficiency and a strong work  
11 ethic, and exercising the powers of self-government and sovereign immunity, while also providing  
12 social, health, economic, and educational resources, opportunities, and services to contribute to the  
13 well-being of the Tribal community.  
14

15 4. I reside in Stockton, California.

16 5. I have served as a Tribal monitor for the Tribe in relation to the Delta Conveyance  
17 Project (or previous iterations of the Project) since at least 2020.  
18

19 6. As a result, I am aware of the Delta Conveyance Project and the California  
20 Department of Water Resources’ current plan to begin geotechnical investigations throughout the  
21 Sacramento-San Joaquin Delta to begin implementation of that project.  
22

23 7. I am further aware that such investigations will entail the boring of many boreholes,  
24 some of which will be over hundreds of feet deep, the dredging of several massive trenches, and  
25 multiple vibration tests.

26 8. I am concerned that the geotechnical investigations the California Department of  
27 Water Resources plans to undertake beginning in May 2024 will impair and even damage critically  
28 important and irreplaceable Tribal cultural resources.

1           9.       And I am also concerned that the geotechnical investigations the California  
2 Department of Water plans to begin in May 2024 will damage or even destroy irreplaceable buried  
3 Tribal cultural resources, relics, sites, and sensitive cultural resources. Although the Tribe is aware  
4 of buried cultural resources in the Delta, there has been no comprehensive survey of the Delta to  
5 pinpoint and identify the location and extent of Tribal cultural resources, sites, sensitive cultural  
6 resources, and relics. As a result, any of the geotechnical investigations to be undertaken may  
7 inadvertently discover and thereby damage or destroy irreplaceable buried cultural resources. Even  
8 if proper consultation and monitoring occurs, therefore, significant and irreparable impacts may  
9 occur.  
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11           10.       As noted, I serve as a Tribal monitor for geotechnical (and other) site investigations  
12 and have done so for years, including in relation to the Delta Conveyance Project and other projects  
13 with the California Department of Water Resources. I have been involved with at least one hundred  
14 (100) site inspections in this capacity.  
15

16           11.       And I can consequently attest to the fact that consultation with the California  
17 Department of Water Resources has been difficult at times, and I fear that the consultation process  
18 for the geotechnical investigations at issue here may also be difficult or inadequate to effectively  
19 evaluate sites for potential Tribal cultural resources that may be present there.  
20

21           12.       For example, the California Department of Water Resources recently conducted a  
22 site inspection in connection with the Delta Conveyance Project and invited Tribal cultural  
23 resources monitors from the United Auburn Indian Tribe and the Buena Vista Rancheria, but they  
24 did not contact the Shingle Springs Band of Miwok Indians, presumably because the agency felt the  
25 Tribe's participation in this lawsuit meant that it did not want to be included in subsequent  
26 consultation regarding the Delta Conveyance Project. One of the other Tribes' monitors called me  
27 to notify me that sensitive cultural resources had been found and to ask why I was not present  
28 onsite.

1           13.     And, more recently, the California Department of Water Resources notified the  
2 Shingle Springs Band of Miwok Indians about one of two site inspections that occurred last week,  
3 but not the other.

4           14.     Further, during some site inspections I have participated in in connection with the  
5 Delta Conveyance Project, my safety and the safety of my fellow monitors has not been adequately  
6 taken into account. For example, approximately two years ago, a property owner on whose property  
7 we were scheduled to inspect approached me and the other monitors with a visible firearm and  
8 stated that trespassers were not welcome onsite.

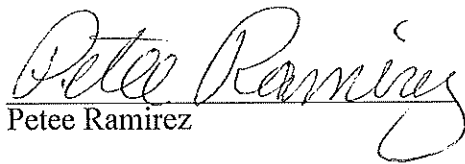
9           15.     And in another, similar instance, the property owner notified regulators that they  
10 would shoot trespassers onsite, but the Delta Conveyance Agency (the agency within the California  
11 Department of Water Resources that has been coordinating Tribal consultation for the Delta  
12 Conveyance Project) insisted that we go anyways, reasoning that a court had ordered the landowner  
13 to acquiesce to the inspection. When we arrived, we had to hop a locked fence and then scale a  
14 steep incline for approximately a quarter mile. A representative of the Delta Conveyance Agency  
15 insisted we hop the fence, but we refused, fearful that doing so would expose us to possible hostility  
16 or confrontation from the landowner.  
17  
18

19           16.     Further, I have noticed that the California Department of Water Resources has often  
20 scheduled site inspections for Tribal monitoring at sites nearby to sites where Tribal cultural  
21 resources are known or strongly suspected to be present, but not at those specific locations, even  
22 when proposed boring or drilling is planned to cut through such locations underground. When I  
23 asked the Department about this, a representative insisted that because the drilling and/or boring  
24 would be hundreds of feet below ground, any Tribal cultural resources there would be undisturbed.  
25 However, and as I stated then, that may not be the case. Given the hydrology of the Delta and the  
26 fact that river channels have changed considerably since the area has been dammed and levied, it is  
27 not clear where previous river banks and river beds were in relation to where they are now. As a  
28

1 result, even sediment buried at the bottom of the Delta may contain buried Tribal cultural resources.  
2 It appears to me that this tactic may be a means by which the California Department of Water  
3 Resources is gaming the system to prevent Tribal cultural monitors and other historical or  
4 archeological monitors from accessing and investigating sites where Tribal cultural resources are  
5 more likely to be found.

6 17. I am consequently concerned that the geotechnical investigations to be undertaken in  
7 the coming months may impair or even destroy Tribal cultural resources despite inspections by  
8 Tribal cultural monitors.  
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10  
11 Executed this Second day of May 2024 in Shingle Springs, California.

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14 Petee Ramirez  
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