

7.13 Tribal Resources

7.13.1 Overview

This section provides information regarding traditional cultural properties (TCP) in the vicinity of Yuba County Water Agency's (YCWA or Licensee) Yuba River Development Project (Project). In addition to this overview, this section is divided into two parts. Section 7.13.2 describes Licensee's results and findings of records searches performed to identify TCPs and Indian Trust Asset (ITA) lands within the Project Vicinity¹ and Ethnohistory in the Project Vicinity is described in Section 7.13.3.

Certain terms and concepts used throughout the section require definition as follows:

- **Historic Property.** As defined under 36 CFR 800.16, "historic property" refers to any prehistoric or historic, district, site, building, structure, object, or traditional cultural property included in or eligible for inclusion in the National Register of Historic Places (NRHP) [36 CFR 800.16(1)].
- **Cultural Resource.** For the purpose of this document, the term "cultural resource" is used to discuss any prehistoric or historic district, site, building, structure, or object, regardless of its National Register eligibility. Information specific to cultural resources other than traditional cultural properties is provided in Section 7.12, Cultural Resources.
- **Area of Potential Effects (APE).** As defined in 36 CFR 800.16(d), the APE is "*...the geographic area or areas within which an undertaking may directly or indirectly cause changes in the character or use of historical properties, if any such properties exist.*" Geographic areas within the APE need not be contiguous, but rather reflect one or more locations where Project-related activities may disturb or affect historic properties.

Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, and its implementing regulations found at 36 CFR 800, require agencies to take into account the effects of their undertakings on historic properties and afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment (36 CFR 800.1[a]). Under 36 CFR 800.4(a) (1), the APE must be delineated and documented during the historic properties identification stage. Accordingly, Licensee has identified the APE for the Project as all lands within the Federal Energy Regulatory Commission (FERC) Project Boundary.²

The APE is shown in Appendix E of this Preliminary Information Package and described in detail in Section 1.2. In general, the APE is mostly contiguous from its northern extent at Race Track Point on the North Yuba River, south through the New Bullards Bar Reservoir and the New Bullards Bar Dam into the New Colgate Power Tunnel to the Power House on the margin of the (main) Yuba River. The APE also includes Project facilities to the east that

¹ For the purposes of this document, the Project Vicinity is defined as the area surrounding the Project on the order of a United States Geological Survey (USGS) 1:24,000 topographic quadrangle.

² The Federal Energy Regulatory Commission (FERC) Project Boundary is the area that Licensee uses for normal Project operations and maintenance, and is shown on Exhibits J, K, and G of the current license.

include two diversion tunnels and dams on Oregon Creek and the Middle Yuba River. One discontinuous section of the APE is southwest of the New Colgate Powerhouse near USACE's Englebright Dam.

- **Data Gathering Area.** For the purpose of this document, the term "Data Gathering Area" refers to the geographic area included in the cultural literature and records searches, as well as for other pre-field efforts used to obtain all pertinent existing, relevant, and reasonably available information. Data gathering areas are generally larger than the APE to allow for flexibility in Project planning, and are not intended to define or infer the location of the FERC Project Boundary, the APE, or potential field studies. The data gathering area used for this Project includes all lands within the FERC Project Boundary (also the APE) plus an additional 0.5-mile radius beyond the FERC Project Boundary.
- **Traditional Cultural Properties.** TCPs are further defined as any property that is "*...eligible for inclusion in the National Register because of its association with cultural practices or beliefs of a living community that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community*" [NR Bulletin 38 (Parker and King 1998:1)].

TCPs can be additionally defined as:

- Locations associated with the traditional beliefs of a Native American group about its origins, its cultural history, or the nature of the world.
- A rural community whose organization, buildings and structures, or patterns of land use reflect the cultural traditions valued by its long-term residents.
- An urban neighborhood that is the traditional home of a particular cultural group, and that reflects its beliefs and practices.
- Locations where Native American religious practitioners have historically gone and are known or thought to go to today, to perform ceremonial cultural rules of practice.
- Locations where a community has traditionally carried out economic, artistic, or other cultural practices important in maintaining its historic identity (NR Bulletin 38, 1998:1).

7.13.2 Background Research

To gather necessary information, records searches and archival research were completed at two information centers of the California Historical Resources Information System; one at the Northeast Information Center (NEIC) at California State University, Chico (CSU, Chico), and the other at the North Central Information Center (NCIC) at California State University, Sacramento (CSU, Sacramento). Additionally, the Native American Heritage Commission (NAHC) was contacted to obtain a contact list of Tribes and tribal members who may have an interest in the Project, and for a list of sacred lands that may be within the Project. The research also served to obtain background information pertinent to understanding the history and

ethnohistory of the Project Area³ and to identify potential gaps in information that may be addressed through additional studies.

7.13.2.1 Identification of Potentially-Affected Indian Tribes

Licensee contacted NAHC on March 9, 2009, to obtain a listing of tribal groups or individuals who should be notified regarding the Project. NAHC replied to this request on March 16, 2009. All individuals and organizations included on NAHC’s list were contacted by telephone in April 2009: four responded to the calls.

Additional tribal representatives with interests in the Project have also identified through other relicensing projects and were contacted in June 2009. Those called in April were also re-contacted in June 2009 to provide an update regarding the relicensing.

In July 2009, Licensee mailed to identified, tribal representatives Project PAD Information Questionnaires (Appendix A) to solicit concerns or additional information regarding the Project.

All individuals contacted during the June 2009 call were invited to attend a Project information meeting on September 9, 2009, and invitations to the meeting were mailed on August 10, 2009, to each representative as well as to the Forest Service, BLM, State Historic Preservation Officer and FERC. Two individuals, both from Save the Salmon, and no tribal members or agencies attended the September 9 meeting.

Table 7.13.2-1 lists tribe members who Licensee has contacted to date.

Table 7.13.2-1. Tribes and tribal representatives contacted as of September 18, 2009.

Tribe	Individual Contacted
Berry Creek Rancheria of Maidu Indians	Jim Edwards, Chairperson
	Dwayne M. Brown, Jr., Environmental Coordinator
Butte Tribal Council	Ren Reynolds
	Lavina Suehead, Chairperson
Colfax-Todds Valley Consolidated Tribe	Stephen Prout, Vice Chairperson
	Sandy Marks
	Judy Marks
	Alicia Juelch
	Clyde Prout
	Leon Portras
	Marjorie J. Cummins
	Gary Archuleta, Chairperson
Concow Maidu Tribe of Mooretown Rancheria	Guy Taylor, Director, Environmental Protection Office
	Glenda Nelson, Chairperson
Enterprise Rancheria of Maidu Indians ¹	Frank Watson, Vice Chairperson
	Kyle Self, Chairperson
Greenville Rancheria of Maidu Indians	Crista Stewart, Environmental Manager
	Lacie Miles
Mechoopda Indian Tribe of Chico Rancheria	Michael DeSpain, Director OEPP
Mooretown Rancheria of Maidu Indians	Gary Archuleta, Chairperson
Nisenan/Maidu	April Moore

³ For the purposes of this document, the Project Area is defined as the area within the FERC Project Boundary and the land immediately surrounding the FERC Project Boundary (*i.e.*, within about 0.25 mile of the FERC Project Boundary) and includes Project-affected reaches between facilities and downstream to the next major water controlling feature or structure, USACE’s Daguerre Point Dam.

Table 7.13.2-1. (continued)

Tribe	Individual Contacted
Strawberry Valley Rancheria	Calvine Rose, Chairperson
	Robert Kerfoot
Todds Valley Miwok-Maidu	Jerri White Turtle
	Lois Zellner
	Brigette Zellner
Tsi-Akim Maidu Tribe	Don Ryberg, Chairperson
	Grayson Coney
United Auburn Indian Community of the Auburn Rancheria	Dolly Suehead
	John Williams
	Tracy Ocampo
	Waldo Walker, Chairperson
Washoe Tribe of Nevada and California	Darrel Cruz, THPO
	Rose Wood
	Lynda Shoshone
	Brian Wallace
	Clara LeCompte
Unaffiliated Individuals	Tyrone Gore
	Bill Jacobson

By letter dated August 12, 2009, the Enterprise Rancheria advised Licensee that "At this time Enterprise Rancheria will not be interested in the Yuba River Development Project."

7.13.2.2 Identification of Known Indian Trust Assets and Traditional Cultural Properties

In its reply to Licensee, the NAHC did not identify any sacred lands that may be within the Project.

As noted above, two records searches and archival research were performed at State of California repositories to gather existing, relevant, and reasonably available information regarding Tribal resources in the Project Vicinity. In addition to identifying historic properties and other cultural resources, this research also served to obtain background information pertinent to understanding the archaeology, history, and ethnohistory of the data gathering area. This information included previously inventoried and recorded cultural resources and documented cultural studies.

The record searches were conducted in May and June 2009 at NEIC and NCIC, which included a review of: 1) cultural resources records and site location maps; 2) historic Government Land Office (GLO) maps; 3) an up-to-date list of NRHP-listed properties; 4) the California Register of Historic Resources; 5) the Office of Historic Preservation Historic Property Directories for Yuba, Nevada, and Sierra counties; 6) 1992 California Points of Historical Interest; 7) 1996 California State Historic landmarks; and 8) 1976 California Inventory of Historic Resources.

The records searches were employed in part to identify ITAs and TCPs within the APE. ITAs are legal interests in assets held in trust by the federal government for Indian tribes or individual Indians. ITAs can be real property, physical assets, or intangible property rights. A characteristic of an ITA is that it cannot be sold, leased, or otherwise alienated without the United States government's approval. Examples of ITAs are lands, including reservations and public domain allotment; minerals; water rights; hunting and fishing rights; other natural resources; money or claims. ITAs do not include things in which a tribe or individuals have no legal interest. For

example, off-reservation sacred lands or archaeological sites in which a tribe has no interest are not ITA.

No ITAs were discovered in the results of the record searches. The APE does not include Indian reservations, lands designated under Tribal ownership, or any other ITAs.

Licensee anticipates that as part of its relicensing studies, additional archival and field research will be required to augment data collected to date in order to identify whether TCPs are present in the APE. Repositories that will or may be included for additional data include: the Forest Service's Tahoe National Forest (TNF) and Plumas National Forest (PNF); Geographic Information System (GIS) files containing locations of cultural resources and prior cultural resources studies; BLM; the State Library; Bancroft Library; local museums and historical societies; and other appropriate facilities identified during the relicensing.

7.13.3 Ethno-history

The Project Vicinity is considered the homeland of the Nisenan and Konkow. A detailed account of the pre-history and ethnographic occupation within the Project Area are provided in Section 7.12 (Cultural Resources) of the Preliminary Information Package.

7.13.4 List of Attachments

None.

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