

## 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, Background Research, Licensee's results and findings of records searches performed to identify TCPs and Indian Trust Asset (ITA) lands within the Project Vicinity,<sup>1</sup> and Section 7.13.3, Ethnohistory.

Except as noted below, certain terms and concepts used throughout this section are defined in Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, and its implementing regulations found in 36 CFR 800, as follows:

- Historic Property: "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): 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" (36 CFR 800.16[d]). The APE need not be contiguous, but rather it reflects one or more locations where Project-related activities may disturb or affect historic properties.

Section 106 of the NHPA, requires 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.<sup>2</sup>

The APE is shown in Appendix E of this Preliminary Information Package. 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 include two diversion tunnels and

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<sup>1</sup> 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.

<sup>2</sup> The Federal Energy Regulatory Commission (FERC) Project Boundary is the area that Licensee uses for normal Project operation and maintenance, and is shown in Exhibits J, K, and G of the current license.

dams, one each 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 review and records searches, as well as for other pre-field efforts used to obtain all 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 around 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; and
- 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, and the other at the North Central Information Center (NCIC) at California State University, 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 Vicinity. The research also served to obtain background information pertinent to understanding the history and ethnohistory of the Project Area.<sup>3</sup>

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<sup>3</sup> For the purposes of this document, the Project Area is defined as the area within the Existing FERC Project Boundary and the land immediately surrounding the Existing FERC Project Boundary (i.e., within about 0.5 mile of the Existing FERC Project Boundary) and includes Project-affected reaches between facilities and downstream to the next major water controlling feature or structure.

In addition to the information obtained from the NCIC and NEIC, the United States Department of Agriculture (USDA) Forest Service (Forest Service), Tahoe National Forest (TNF), provided Geographical Information System (GIS) files depicting previously recorded archaeological sites and previous cultural resources studies on National Forest System (NFS) lands, which have been incorporated into the data obtained from the information centers. However, this data does not provide information regarding tribal use areas or TCPs.

**7.13.2.1 Identification of Potentially-Affected Native American Tribes**

Licensee contacted the 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 been identified through other relicensing projects and were contacted in June 2009. Those initially called in April from the NAHC list were re-contacted in June 2009 and provided with updates for the relicensing.

Table 7.13.2-1 lists all tribal representatives who have been identified. Several tribes or tribal representatives have indicated they will not participate, as noted in the Table 7.13.2-1 footnote. As requested, those tribes or individuals are no longer contacted or provided with information relevant to the Project.

In July 2009, Licensee mailed to participating tribal representatives the Project Pre-Application Document (PAD) Information Questionnaire (Appendix A) to solicit potential concerns or additional information regarding the Project.

On August 10, 2009, all previously contacted, participating tribal representatives were invited to attend a Project information meeting on September 9, 2009; invitations to the meeting were mailed to those representatives and to the Forest Service, BLM, State Historic Preservation Officer (SHPO), and FERC. Two individuals from Save the Salmon group attended the meeting and a FERC representative called in from Washington, D.C.; no tribal members, Forest Service, BLM, or SHPO representatives were present.

**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
Colfax-Todds Valley Consolidated Tribe <sup>1</sup>	Lavina Suehead, Chairperson
	Stephen Prout, Vice Chairperson
	Sandy Marks
	Judy Marks
	Alicia Juelch
	Clyde Prout
	Leon Portras
Koncow Maidu Tribe of Mooretown Rancheria	Marjorie J. Cummins
	Gary Archuleta, Chairperson
	Guy Taylor, Director, Environmental Protection Office
	Laura Winner

**Table 7.13.2-1. (continued)**

<b>Tribe</b>	<b>Individual Contacted</b>
Camptonville Community Partnership	Cathy LeBlanc
Enterprise Rancheria of Maidu Indians <sup>2</sup>	Glenda Nelson, Chairperson
	Frank Watson, Vice Chairperson
	Ren Reynolds, Councilman
Greenville Rancheria of Maidu Indians	Kyle Self, Chairperson
	Crista Stewart, Environmental Manager
	Lacie Miles
	Lorie Jaimes, past Chairperson
	Mike DeSpain, past EPA/Cultural Resources
	Gabriel Gorbet, past Tribal Administrator
Maidu Cultural and Development Group	Warren Gorbet, Chairperson
	Lorena Gorbet
Mechoopda Indian Tribe of Chico Rancheria	Michael DeSpain, Director OEPP
	Dennis Ramirez, Chairperson
Nisenan/Maidu	April Moore
Maidu/Miwok	Rose Enos
	Jill Harvey
Shingle Springs Band of Miwok	Nicolas Fonseca, Chairperson
	Jeff Murray
Strawberry Valley Rancheria	Cathy Bishop, Chairperson
	Rea Chichoki
	Pearl Wagner
	Chris Logan
	Calvine Rose, past Chairperson
	Robert Kerfoot
Susanville Indian Rancheria	Melany Johnson, THPO
	Tim Keeseey
Todds Valley Miwok-Maidu Consolidated Tribe	Lavina Suehead, Chairperson
Todds Valley Miwok-Maidu Cultural Foundation	Jerri White Turtle
	Lois Zellner
	Brigette Zellner, Chairperson
Tsi-Akim Maidu Tribe	Don Ryberg, Chairperson
	Grayson Coney
	Bill Jacobson
	Davis Keyser, Chairperson
United Auburn Indian Community of the Auburn Rancheria <sup>3</sup>	Marcos Guerrero
	Yolanda Chavez, past Representative
	Shelly McGinnis, past Representative
	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

<sup>1</sup> Per telephone communications on July 10, 2009, the Colfax-Todds Valley Consolidated Tribe advised Licensee that the Project is too far away and that they will not be participating in the Yuba River Development Project.

<sup>2</sup> 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.” At a meeting held on October 1, 2010, the Enterprise Rancheria advised Licensee that they will participate in the Yuba River Development Project.

<sup>3</sup> Per telephone communications on July 14, 2009, the United Auburn Indian Community (UAIC) of the Auburn Rancheria advised Licensee that the Project is out of their territory and that they will not be participating in the Yuba River Development Project. In an email dated July 28, 2010, UAIC advised Licensee that they will participate in the Yuba River Development Project.

On April 14, 2010 and June 7, 2010, Licensee telephoned participating tribal representatives and extended invitations to attend a meeting on August 12, 2010 to review and approve the Historic Properties and Traditional Cultural Properties (TCP) study plans. The telephone calls were followed-up by an electronic mail (email) notice on July 23, 2010 that provided the meeting details. Representatives of the Strawberry Valley Rancheria, Camptonville Community Partnership, and UAIC attended the meeting on August 12, 2010. A second meeting was held on October 1, 2010 to continue discussions regarding the Historic Properties and TCP study plans. Representatives from the Strawberry Valley and Enterprise Rancherias were in attendance.

#### **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 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, and included a review of: 1) cultural resources records and site location maps; 2) historic General 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 allotments; minerals; water rights; hunting and fishing rights; other natural resources; and 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 ITAs.

No ITAs were discovered in the results of the record searches. The APE does not include reservations, lands designated under Tribal ownership, or any other ITAs. Information obtained from TNF also did not identify any TCPs within the APE.

### **7.13.3 Ethno-history**

The Project Vicinity is considered the homeland of the Nisenan and Koncow-Maidu. A detailed account of the prehistory and ethnographic occupation within the Project Area is provided in Section 7.12 (Cultural Resources) of the PAD.

### **7.13.4 List of Attachments**

None.