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7.13 TRIBAL RESOURCES AFFECTED ENVIRONMENT

This section describes the tribal resources associated with the Middle Fork American River Project (MFP or Project). The information presented in this section is organized as follows:

- Information Sources;
- Native American Tribes;
- Tribal Lands;
- Tribal Agreements;
- Tribal Concerns; and
- Traditional Cultural Properties.

A description of cultural resources occurring in the Project vicinity, including those of interest to the Native American community, and their eligibility for the National Register of Historic Places (NRHP) is included in Section 7.12 – Cultural Resources Affected Environment.

7.13.1 Information Sources

Information on Tribal Resources is based on a review of relevant information and extensive consultation with the Tribes and resource agencies. Relevant reports are available in Placer County Water Agency's (PCWA) Pre-Application Document (PAD) (PCWA 2007) and in Supporting Document (SD) D of this Application for New License (License Application). PCWA's consultation efforts are documented in Section 14.0 – Consultation Documentation.

7.13.2 Native American Tribes

A “federally recognized tribe” is any tribe, band, nation, or other organized Indian group or community of Indians, including any Alaska Native Village or corporation as defined in or established by the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians (16 U.S.C. 470w). A list of such tribes is maintained by the Secretary of the Interior. For the purposes of this discussion “tribe” also refers to Native American groups, communities, or organizations that are not federally recognized.

To date, the following tribes have expressed interest in the MFP. Federally recognized tribes are indicated by an asterisk (*).

- Colfax-Todds Valley Consolidated Tribe
- El Dorado County Indian Council

- Shingle Springs Rancheria*
- Todds Valley Miwok-Maidu Cultural Foundation
- Tsi-Akim Maidu
- United Auburn Indian Community*
- Washoe Tribe of Nevada and California*
- Miwok Tribe of the El Dorado Rancheria
- Nisenan Maidu

7.13.3 Tribal Lands

Tribal lands are defined as all lands within the boundaries of an Indian reservation and all dependent Indian communities (36 CFR Part 800.16[x]) and any lands held in trust for any tribe by the Bureau of Indian Affairs (BIA). No federally recognized tribal lands are within or near the Federal Energy Regulatory Commission (FERC) Project boundary. However, the Middle Fork American River and Rubicon River watersheds were part of the aboriginal culture area of Nisenan and Washoe people.

7.13.4 Tribal Agreements

There are no known agreements between federally recognized Tribes and other entities that have a connection to the operation and maintenance of the MFP apart from the trust responsibilities accorded to tribes acknowledged by agencies of the United States.

7.13.5 Tribal Concerns

PCWA has consulted extensively with the Native American Tribes in association with the MFP relicensing. To facilitate consultation with Native American Tribes and individuals, and to explain the Integrated Licensing Process (ILP), PCWA conducted: (1) regular meetings with the Cultural Resources Technical Working Group (TWG), which included resource agency representatives, Tribal representatives, PCWA staff, and members of the public; (2) periodic meetings with individual tribes; and (3) site visits with tribal representatives. PCWA's tribal consultation efforts are summarized in Table 14-6 of the License Application.

During the relicensing process, the Native American Tribes expressed the following concerns in letters provided to PCWA:

- Opportunity to provide on-site tribal monitors should excavation be required;
- Immediate notification in the event of an inadvertent discovery of prehistoric cultural resources or human burial sites;

- Protection of Native American related archaeological sites regardless of NRHP eligibility;
- Management of appropriate cultural resources in cooperation with Native Americans;
- Opportunity to be present during artifact return;
- Acknowledgement of Native American cultural traditions—past and present—in the MFP Project area; and
- Protection of one site located along a Project road that is currently used and may have historically been used by Native Americans.

These concerns have been addressed in PCWA's Draft Historic Properties Management Plan (HPMP) (PCWA 2011; SD E).

7.13.6 Traditional Cultural Properties

The upper reaches of the Middle Fork American River and Rubicon River lie within the ethnographic territory of two indigenous Native American groups, the Hill Nisenan (Southern Maidu) and Washoe. However, there are no known ethnographic villages in the vicinity of the MFP. Further, no fishing grounds or areas that contribute to cultural patrimony were identified in areas affected by operations and maintenance of the MFP.

To date, none of the Native American Tribes has identified any traditional gathering or collection areas. However, by letter dated December 17, 2010, the resource agencies indicated that MFP activities should be managed to avoid impacting traditional gathering areas should they exist in the vicinity of the MFP. Traditional gathering areas are addressed in PCWA's Draft HPMP (PCWA 2011; SD E).

By letter dated July 2, 2010, the Colfax-Todds Valley Consolidated Tribe (CTVCT) identified a site located along a creek near a Project road that is currently used and may have historically been used by Native Americans. PCWA subsequently conducted a site visit on September 9, 2010, to identify the exact location of the site and to discuss the concerns and suggestions identified in the CTVCT's July 2, 2010 letter. The site visit was attended by two representatives of the CTVCT, two Tahoe National Forest representatives and two PCWA representatives.

LITERATURE CITED

Placer County Water Agency (PCWA). 2007. Pre-Application Document for the Middle Fork American River Project. Volume 2, SD F, Existing Resources, Section 14.0 – Tribal Resources.

_____. 2011. Draft Historic Properties Management Plan. Available in PCWA's Application for New License – Supporting Document E.