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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).

This section identifies Native American Tribes that are known to have cultural ties or other interest associated with the MFP and discusses the relationship of the MFP to tribal lands. Tribal members have indicated that archaeological sites with Native American artifacts, deposits, and features in the MFP vicinity may be of cultural significance.

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. A description of potential impacts to cultural resources associated with operations and maintenance of the MFP under the Proposed Action and environmental programs and measures implemented under the Proposed Action for managing the cultural resources located within the Area of Potential Effects (APE) of the MFP is provided in Section 8.12 – Cultural Resources Environmental Impacts.

7.13.1 Information Sources

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

The following identifies the Tribal resources associated with the MFP, including: traditional cultural properties, Native American Tribes, Tribal concerns, Tribal lands, and Tribal agreements.

7.13.2 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.

There are no known ethnographic villages in the vicinity of the MFP. Further, no fishing grounds, religious or sacred sites, traditional collection areas, or areas that contribute to cultural patrimony located were identified in areas affected by operations and maintenance of the MFP. One sacred area was identified by the Colfax-Todds Valley Consolidated Tribe (CTVCT) by letter dated July 2, 2010. According to the CTVCT, the sacred area is located near a Project road. Additional consultation with the CTVCT and United States Department of Agriculture-Forest Service (USDA-FS) regarding the exact location, nature, and use of this area is in progress.

7.13.3 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 federally unrecognized Native American groups, communities, or organizations.

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

7.13.4 Tribal Concerns

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.

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; and
- Acknowledgement of Native American cultural traditions—past and present—in the MFP Project area.

7.13.5 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 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.

7.13.6 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.

LITERATURE CITED

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