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## **8.13 TRIBAL RESOURCES ENVIRONMENTAL EFFECTS**

This section describes potential impacts to tribal resources under the Proposed Action for the Middle Fork American River Project (MFP or Project). The information presented in this section is based on extensive consultation with appropriate federal and state agencies, Native American Tribes and individuals, and members of the public regarding relicensing of the MFP and its associated tribal resources. The discussion is organized as follows:

- Tribal Lands;
- Tribal Agreements;
- Tribal Concerns; and
- Traditional Cultural Properties.

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

### **8.13.1 Tribal Lands**

No federally recognized tribal lands are located within or near the existing Federal Energy Regulatory Commission (FERC or Commission) Project boundary or within the Proposed FERC Project boundary. Therefore, implementation of the Proposed Action will not impact any tribal lands.

### **8.13.2 Tribal Agreements**

There are no known agreements between federally recognized tribes or 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. Therefore, implementation of the Proposed Action will not affect tribal agreements.

### **8.13.3 Tribal Concerns**

Tribal concerns identified during consultation for the relicensing of the MFP are described in Section 7.13 – Tribal Resources Affected Environment. The concerns expressed by the Native American Tribes are addressed in the Draft Historic Properties Management Plan (HPMP) particularly in relation to NRHP-eligible sites, as summarized in the following:

- PCWA will notify each of the Tribes prior to conducting any construction or ground-disturbing activities at or near one of the four NRHP-eligible sites to allow a Tribal representative to be present.
- Any human remains uncovered during Project-related activities will be treated in accordance with Native American Graves Protection and Repatriation Act (NAGPRA) guidelines, Eldorado National Forest (ENF) and Tahoe National Forest (TNF) NAGPRA plans, and California Health and Safety Code Section 7050.5(b).
- PCWA will review the Draft HPMP every five years and provide the FERC, ENF, TNF, other pertinent land managers, and the Native American community an opportunity to comment on the Draft HPMP.
- PCWA will implement management measures included in the Draft HPMP to protect NRHP-eligible sites from adverse effect, including: employee and public education, avoidance (design and buffers), and monitoring.

As required, the Draft HPMP focuses on the four sites that are eligible for listing on the NRHP. However, PCWA will work with the United States Department of Agriculture-Forest Service (USDA-FS) and Native American Tribes to protect the cultural values of all cultural resources located within the APE, consistent with PCWA's existing cultural resources management policy. This commitment is included in the Draft HPMP.

The measures contained in the Draft HPMP address the concerns raised by the Native American Tribes regarding operation and maintenance of the MFP.

#### **8.13.4 Traditional Cultural Properties**

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. Therefore, these resources will not be impacted by implementation of the Proposed Action.

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. Three primary concerns were expressed by the CTVCT and discussed at the meeting, as follows:

- Road maintenance activities, specifically the side casting of slide material, may degrade the site;
- Recreation visitors and other types of users may damage the site; and

- Hazard tree removal could damage the site.

Based on the information identified during the site visit, PCWA developed the following measures to protect the site from potential damage. These measures were discussed during the September 9, 2010 site visit and are included in the PCWA's Draft HPMP (PCWA 2011a; Supporting Document [SD] E).

- PCWA will remove slide material from the Project road and will not push slide material off of the adjacent slope;
- PCWA will monitor the area during routine operation and maintenance activities and report improper recreation use of the site to the TNF; and
- PCWA will consult with the TNF prior to removing hazard trees in the vicinity of the site.

#### **8.13.4.1 Traditional Gathering Areas**

To date, neither the Tribes nor the resource agencies have identified any specific traditional gathering areas in the vicinity of the MFP. However, in a letter dated December 17, 2010, the resource agencies expressed an interest in protecting traditional gathering areas, should they be identified in the vicinity of the MFP in the future. PCWA understands the importance of traditional gathering areas to the Native American Tribes. Accordingly, PCWA's Vegetation and Integrated Pest Management Plan (VIPMP) (PCWA 2011b; SD A) and Draft HPMP (PCWA 2011a; SD E) includes measures that will be implemented to manage Project activities that may impact traditional gathering areas that are yet to be identified by the Native American Tribes or USDA-FS.

Routine Project vegetation and integrated pest management have the potential to adversely affect traditional gathering areas. Routine Project vegetation and integrated pest management includes the trimming of vegetation and application of herbicides, pesticides, and rodenticides within and around select MFP facilities and recreation facilities. These activities are described in detail in PCWA's VIPMP (PCWA 2011b; SD A).

As outlined in the VIPMP, PCWA will conduct an annual consultation meeting with the USDA-FS to identify vegetation and pest management activities for the upcoming year, including the specific areas to be treated. After identifying the specific areas to be treated, PCWA will implement the following measures to manage Project activities at potential traditional gathering areas, as specified in the Draft HPMP (PCWA 2011a; SD E):

- PCWA will notify the Native American Tribes within two weeks after completion on the annual consultation meeting with USDA-FS to identify areas proposed for vegetation and integrated pest management (including vegetation removal and application of pesticides, herbicides, or rodenticides). The notification will be

provided in writing and will include activity and location-specific information. A copy of the notification will be provided to the USDA-FS. The purpose of this notification is to allow the Native American Tribes to contact PCWA if the Project activities could potentially impact a previously unidentified traditional gathering area. If a traditional gathering area is identified through this process, PCWA will consult with the USDA-FS and Native American Tribes to document the location of the gathering area and to identify additional measures to manage Project activities at that location.

- In addition, all areas that are being treated with pesticides, herbicides, or rodenticides will be identified with clearly visible signs along likely access points. The signs will indicate the type of treatment, treatment date, and the name and phone number of a contact person. The signs will remain posted for three weeks following application of any chemicals.

With these measures, implementation of the Proposed Action will protect traditional gathering areas over the term of the license.

#### **8.13.5 Unavoidable Adverse Effects**

There are no unavoidable adverse effects to tribal resources under the Proposed Action.

#### **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.

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

\_\_\_\_\_. 2011b. Vegetation and Integrated Pest Management Plan. Available in PCWA's Application for New License – Supporting Document A.