

3.2.11 Tribal Interests

3.2.11.1 Overview

In addition to this introductory information, this section is divided into three subsections. Section 3.2.11.2 provides a list of Native American tribes and sacred lands potentially affected by the Project. Section 3.2.11.3 identifies Indian Trust Assets (ITA) and TCPs potentially affected by the Project. Section 3.2.11.4 describes known or potential Project effects on tribal interests.

SSWD prepared this section based on its collection of existing, relevant and reasonably available information on tribal interests. Specifically, SSWD found three source documents regarding tribal interests. These are listed below and cited throughout this section:

- Records at the NCIC (e.g., previous cultural resources studies, site record forms, historic maps, and historic property databases)
- Sacred lands and tribal contacts from the NAHC database
- Maps and GIS files of tribal reservation and land status from the Bureau of Indian Affairs (BIA)

3.2.11.2 Potentially-Affected Native American Tribes and Sacred Lands

On December 22, 2014, SSWD contacted the NAHC to obtain a list of Native American tribes and tribal individuals who may have an interest in the Project relicensing, and for a list of sacred lands that may be within the Project Cultural Data Gathering Area. The NAHC replied to this request on December 31, 2014. Table 3.2.11-1 lists all tribal representatives who have been identified by the NAHC. In its reply to SSWD, the NAHC did not identify any sacred lands that may be within the Project Cultural Data Gathering Area.

Table 3.2.11-1. Tribes and tribal representatives identified by the NAHC who may have an interest in the Project.

Tribe	Tribal Representative
Colfax-Todds Valley Consolidated Tribe	Pamela Cubbler
	Judy Marks
Tsi-Akim Maidu	Don Ryberg, Chairperson
	Eileen Moon, Vice Chairperson
	Greyson Coney
	Gene Whitehouse, Chairperson
United Auburn Indian Community of the Auburn Rancheria (UAIC)	Jason Camp, Tribal Historic Preservation Officer
	Marcos Guerrero, Tribal Preservation Committee

In addition, based on other recent activities at the Project, SSWD has reason to believe that the tribes and tribal individuals listed in Table 3.2.11-2 may have knowledge of cultural resources and an interest in the relicensing.

Table 3.2.11-2. Additional tribes and tribal representatives who may have an interest in the Project.

Tribe	Tribal Representative
Enterprise Rancheria of Maidu Indians	Glenda Nelson, Chairperson
	Gary Archuleta, Chairperson
Mooretown Rancheria of Maidu Indians	Guy Taylor
	Laura Winner
Nevada City Rancheria	Richard Johnson, Chairperson
	Shelly Covert, Secretary

3.2.11.3 Known Indian Trust Assets and Traditional Cultural Properties

Indian Trust Assets are legal interests in property held in trust by the U.S. for Indian tribes or individual Native Americans. The Secretary of the Interior, acting as the trustee, holds many assets in trust. ITAs can be real property, physical assets, or intangible property rights. 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. While most ITAs are on reservations, they may also be found off-reservation. A characteristic of an ITA is that it cannot be sold, leased, or otherwise alienated without the U.S. government's approval. 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.

Traditional Cultural Properties are explained and defined in Parker and King (1998:1) as follows:

One kind of cultural significance a property may possess, and that may make it eligible for inclusion in the [National] Register, is traditional cultural significance. "Traditional" in this context refers to those beliefs, customs, and practices of a living community of people that have been passed down through the generations, usually orally or through practice. The traditional cultural significance of a historic property, then, is significance derived from the role the property plays in a community's historically rooted beliefs, customs, and practices. Examples of properties possessing such significance include:

- a location 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;
- a location where Native American religious practitioners have historically gone, and are known or thought to go today, to perform ceremonial activities in accordance with traditional cultural rules of practice; and
- a location where a community has traditionally carried out economic, artistic, or other cultural practices important in maintaining its historic identity.

A traditional cultural property, then, can be defined generally as one 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.

As detailed in Section 3.2.10.2, a records search and archival research was completed at the NCIC repository and various online resources to gather necessary information on cultural resource and tribal interests. Furthermore, SSWD contacted the BIA to obtain information on tribal lands and ITAs that might be affected by the Project. In addition to identifying potentially-affected tribal interests, this research also served to obtain background information pertinent to understanding the ethnohistory and ethnography of the Project Cultural Data Gathering Area and to identify potential gaps in information that may be addressed through additional studies.

No ITAs or known TCPs were identified as a result of the research conducted at NCIC and BIA. The APE does not include any Indian reservations or other lands under tribal ownership.

An account of the prehistoric and ethnohistoric occupation within the Project Cultural Data Gathering Area is provided in Section 3.2.10.3 of the PAD.

3.2.11.4 Known or Potential Project Effects

Provided below is a list of known or potential Project effects on tribal interests. The list was developed based on responses to SSWD's PAD Information Questionnaire and SSWD's current understanding of the issues.

- From Responses to SSWD's PAD Information Questionnaire:¹
 - Effects of any construction related to the Project on TCPs (identified by UAIC).
- From SSWD:
 - Effects of Project O&M and associated Project recreation on potentially unevaluated or undocumented ethnographic sites and traditional cultural properties related to tribal interests.

3.2.11.5 List of Attachments

There are no attachments to this section.

¹ The only respondent to SSWD's May 7, 2015, Information Questionnaire pertaining to tribal interests was the UAIC, who provided information on tribal interests in the APE and expressed an interest in participating in the relicensing. UAIC also requested entering into formal government-to-government consultation with FERC. By filing this PAD, SSWD provides UAIC's request for government-to-government consultation to FERC.

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