

4.1.13 Tribal Resources Study**4.1.13.1 Project Nexus**

Continued Project O&M and Project-related recreation activities have potential to affect tribal resources. For the purpose of this *Tribal Resources Study*, tribal resources include Indian Trust Assets (ITA), TCPs, and other potential resources and interests important to Indian tribes (e.g., ethnographic sites, economic interests and other tribal cultural interests). Agreements that may exist between tribes and other entities may be useful in identifying potentially undocumented tribal resources (e.g. tribal plant gathering areas on lands where USFS has granted permission). Many of these tribal resources have the potential to be a historic property. Historic properties are defined under 36 C.F.R. § 800.16(l) as any prehistoric or historic sites, buildings, structures, objects, districts, or properties of traditional religious and cultural importance that are included in, or eligible for inclusion in, the NRHP. This *Tribal Resources Study* does not address other cultural resources, which are addressed in the *Cultural Resources Study*, a separate relicensing study.

4.1.13.2 Existing Information and Need for Additional Information

Existing, relevant, and reasonably available information regarding tribal resources within the proposed Project boundary is provided in Section 4.13 of the Licensees' PAD. As a summary, the Licensees identified approximately 100 previous cultural resources investigations and other documentation, of which 41 previous studies occurred directly within the proposed Project boundary. None of the previous studies identified any TCPs, ITAs, sacred lands, Indian reservations, or tribal agreements that pertain to Indian tribal land use within the proposed Project boundary. Previous studies did not include ethnographic or TCP investigations. A list of potentially interested tribes is provided below in Table 4.1-11.

This *Tribal Resources Study* will augment existing, relevant, and reasonably available information by providing current information regarding tribal resources that could be affected by the Project.

Table 4.1-11. Tribal Contacts Provided by the Native American Heritage Commission and FERC

Barbareno/Ventureno Band of Mission Indians Raudel Joe Banuelos, Jr. 331 Mira Flores Court Chumash Camarillo, CA 93012	Barbareno/Ventureno Band of Mission Indians Kathleen Pappo 2762 Vista Mesa Drive Rancho Pales Verdes, CA 90275
Barbareno/Ventureno Band of Mission Indians Julie Lynn Tumamait-Stenslie, Chair 365 North Poli Avenue Ojai, CA 93023	Coastal Band of the Chumash Nation Michael Cordero, Chairperson P.O. Box 4464 Santa Barbara, CA 93140

Table 4.1-11. Tribal Contacts Provided by the Native American Heritage Commission and FERC

Fernandeno Tataviam Band of Mission Indians Rudy Ortega Jr., President 1019 2nd Street San Fernando CA 91403	Gabrielino Band of Mission Indians - Kizh Nation Andrew Salas, Chairperson P.O. Box 393 Covina, CA 91723
Gabrielino Tongva Indians of California Tribal Council Robert F. Dorame, Tribal Chair/Cultural Resources P.O. Box 490 Bellflower, CA 90707	Gabrielino/Tongva Nation Sam Dunlap, Cultural Resources Director P.O. Box 86908 Los Angeles, CA 90086
Gabrielino/Tongva Nation Sandonne Goad, Chairperson 106 1/2 Judge John Aiso Street Los Angeles, CA 90012	Gabrielino/Tongva San Gabriel Band of Mission Indian Anthony Morales, Chairperson P.O. Box 693 San Gabriel, CA 91778
Gabrielino-Tongva Tribe Bernie Acuna, Co-Chairperson 1999 Avenue of the Stars, Suite 1100 Los Angeles, CA 90067	Gabrielino-Tongva Tribe Conrad Acuna 1999 Avenue of the Stars, Suite 1100 Los Angeles, CA 90067
Gabrielino-Tongva Tribe Linda Candelana, Co-Chairperson 1999 Avenue of the Stars, Suite 1100 Los Angeles, CA 90067	Randy Guzman-Folkes 4676 Walnut Avenue Simi Valley, CA 93063
LA City/County Native American Indian Commission Ron Andrade, Director 3175 West 6th Street, Rm. 403 Los Angeles, CA 90020	Melissa M. Parra-Hernandez 119 North Balsam Street Oxnard, CA 93030
PeuYoKo Perez 5501 Stanford Street Ventura, CA 93003	Carol A. Pulido 165 Mountain View Street Oak View, CA 93022
San Fernando Band of Mission Indians John Valenzuela, Chairperson P.O. Box 221838 Newhall, CA 91322	Patrick Tumamait 992 El Camino Corte Ojai, CA 93023
Tongva Ancestral Territorial Tribal Nation John Tommy Rosas, Tribal Admin. 712 Admiralty Way, Suite 172 Marina Del Rey, CA 90292	Tejon Indian Tribe Octavio Escobedo, Tribal Chair 1731 Hasti Drive, #108 Bakersfield, CA 93309
Kern Valley Indian Council Robert Robinson, Co-Chairperson P.O. Box 401 Weldon, CA 93283	Kitanemuk & Yowlumne Tejon Indians Delia Dominguez, Chairperson 115 Radio Street Bakersfield, CA 93305

¹Santa Ynez Band of Chumash Indians was included in the Native American Heritage Commission's list of contacts but declined FERC's invitation to participate in the relicensing and is, therefore, not included in Table 4.1-11 (FERC 2016).

4.1.13.3 Study Goals and Objectives

The goal of the *Tribal Resources Study* is to identify resources and interests important to Indian tribes within the proposed Project boundary and identify continued Project

O&M and Project-related recreation activities that may potentially affect these tribal resources.

The objective of this *Tribal Resources Study* is to gather sufficient data necessary to fill recognized information gaps using current field and research methods to identify tribal resources.

4.1.13.4 Study Methods

Study Area

The study area for the *Tribal Resources Study* consists of the area within the proposed Project boundary, as defined by the known or potential locations of Project O&M (including direct and indirect disturbances) and Project facilities and features. This study does not include lands overlying the Angeles Tunnel on which the Licensees do not perform any Project O&M activities. The study area for the *Tribal Resources Study* is shown below in Figure 4.1-21.

It is anticipated that the study area and the Area of Potential Effect (APE) are synonymous, pending the SHPO's concurrence on the APE. As defined in 36 C.F.R. Section 800.16(d), an APE is:

...the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The area of potential effects is influenced by the scale and nature of an undertaking and may be different for different kinds of effects caused by the undertaking.

If potential Project-related effects are identified outside of the study area, the Licensees will expand the study area and APE, in consultation with tribes and agencies, and seek concurrence from the SHPO on the expanded APE.

General Concepts and Procedures

- Personal safety is the most important consideration of each fieldwork team. Fieldwork will only occur in safely accessible areas and under conditions deemed safe by the field crews. Locations within the study area that cannot be accessed in a safe manner (e.g., locations containing dense vegetation or unsafe slopes) and areas inundated when the surveys are performed, will not be surveyed; these areas will be identified in the Privileged Report and an explanation for survey exclusion will be provided.
- The *Tribal Resources Study* will begin after FERC issues its Study Plan Determination.
- The *Tribal Resources Study* does not include the development of requirements for the new license, which will be addressed outside of the *Tribal Resources Study*.

- This *Tribal Resources Study* focuses specifically on tribal resources within the proposed Project boundary and APE. Resources that extend beyond the APE may be documented in full, including portions extending outside the APE, if found to be necessary to evaluate the resource and/or to assess Project-related effects on the resource.
- If required for the performance of the *Tribal Resources Study*, the Licensees will make a good faith effort to obtain permission to access private property well in advance of initiating the *Tribal Resources Study*. The Licensees will only enter private property if permission has been provided by the landowner.
- The Licensees will acquire all necessary agency permits and approvals prior to beginning fieldwork for the *Tribal Resources Study*.
- Field crews may make variances to the *Tribal Resources Study* in the field to accommodate actual field conditions and unforeseen problems. Any variances from the *Tribal Resources Study* will be noted in the subsequent study report described below under *Methods*.
- To prevent the introduction and transmittal of amphibian chytrid fungus and invasive aquatic species (e.g., quagga mussels, zebra mussel, and Asian clams), field crews will be trained on, provided with, and use materials (e.g., Quat) for decontaminating their boots, waders, and other equipment when leaving or traveling between water-based study sites. Field crews will follow DWR's Quagga and Zebra Mussel Rapid Response Plan and CDFW's Aquatic Invasive Species Decontamination Protocol which can be found at the following link: (<https://nrm.dfg.ca.gov/FileHandler.ashx?DocumentID=43333>). All boats used during the study will follow cleaning protocols, including inspections before and after use. All decontamination requirements in place at Project reservoirs including those of DWR's *Quagga and Zebra Mussel Rapid Response Plan* for the SWP will be strictly followed (DWR 2010).

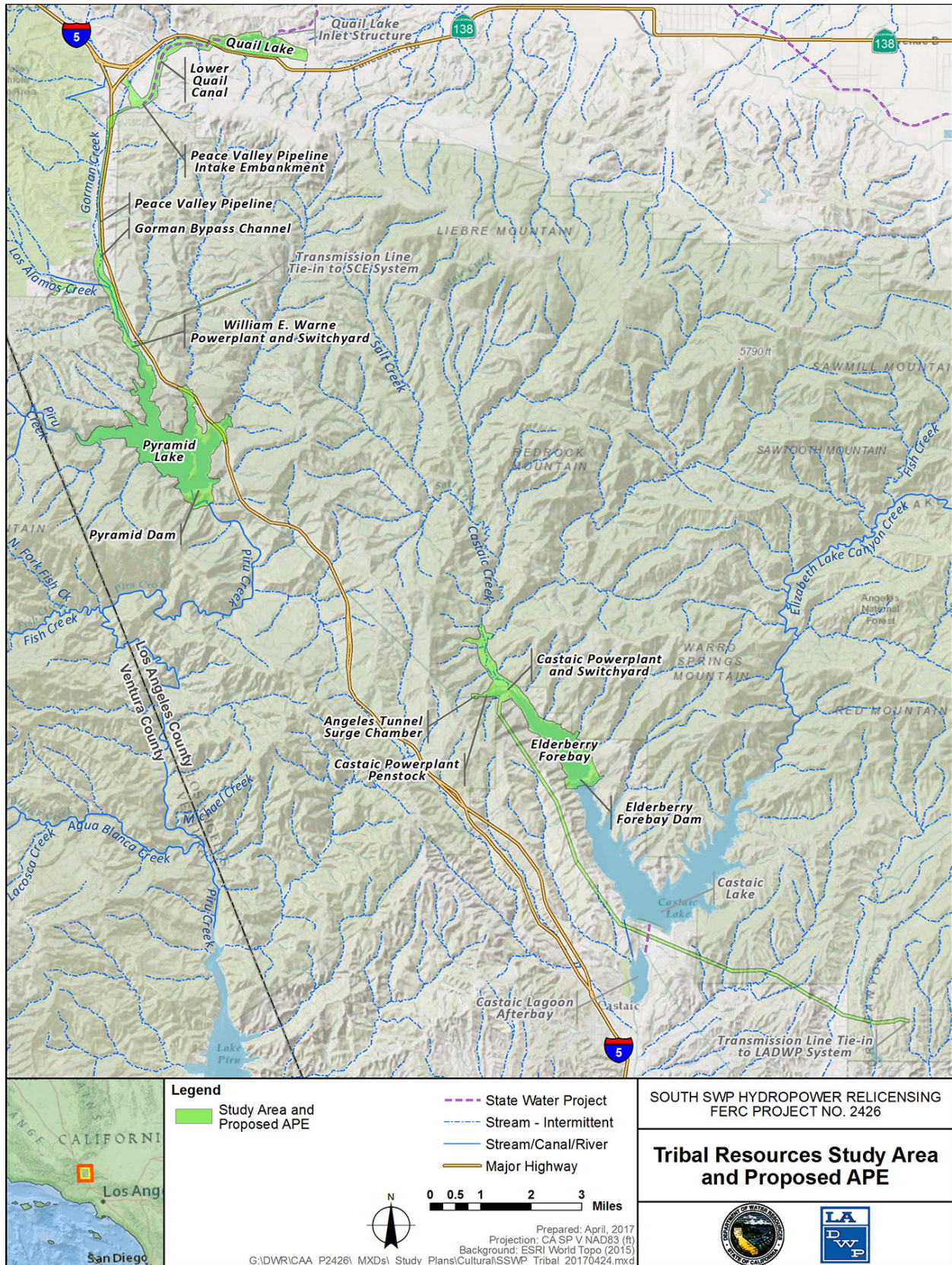


Figure 4.1-21. Tribal Resources Study Area and Proposed APE

Methods

The *Tribal Resources Study* will consist of three steps: (1) perform ethnographic literature review; (2) consult with Indian tribes and identify resources; and (3) conduct site visits. Each of these steps is described below.

Step 1 – Perform Archival Research. The Licensees will augment existing, relevant, and reasonably available information described in the PAD by performing additional archival research at various repositories across the state that contain pertinent ethnographic and ethnohistorical records, such as those listed below, as well as other relevant repositories that may be identified during the study:

- University of California, Berkeley, the Bancroft Library
- California State Library, California Room
- South Central Coastal Information Center, California State University, Fullerton
- National Archives and Records Administration, Pacific Region, San Francisco
- National Park Service Preservation Brief 36
- Phoebe Hearst Museum of Anthropology

Step 2 – Consult with Indian Tribes and Identify Resources. Following the ethnographic literature review discussed in Step 1, the Licensees will identify potential tribal resources by consulting and interviewing tribal representatives. Consultation, fieldwork, and potential tribal resources documentation will be consistent with National Register Bulletin No. 38, *Guidelines for Evaluating and Documenting Identification of Traditional Cultural Properties* (Parker and King 1998).

In order to facilitate tribal consultation, the Licensees will retain a qualified, professional ethnographer. This *Tribal Resources Study* will include contacting the tribal representatives identified above in Table 4.1-11. Additionally, Licensees and the ethnographer will work with these tribal contacts and the appropriate land managing agencies (i.e., ANF, LPNF, BLM, etc.) to identify other potential, local tribal contacts and informants not listed in Table 4.1-11 who might be able to provide significant information to the *Tribal Resources Study*.

The Licensees and the ethnographer will coordinate with tribal representatives (i.e., tribal chairs, or his or her delegate, as directed by the tribal chairs) to define the scope and breadth of interviews as well as establish any needed administrative and process requirements including any applicable confidentiality agreements. The ethnographer will arrange for interviews with identified tribal representatives to establish times and locations acceptable to the tribal representatives. The Licensees will arrange for an initial introductory meeting between the Licensees, tribal representatives, and the ethnographer.

Interviews with tribal representatives may be conducted on a one-on-one basis and/or in group settings with the ethnographer. The oral traditions and information collected during the interviews will be used to help define potential tribal resources in the study area for the *Tribal Resources Study*.

If a participating tribe does not wish to disclose the locations of potential tribal resources, the Licensees and the ethnographer will work with the tribe to identify the general issues and concerns that the tribe may have regarding potential impacts of the Project upon resources identified by the tribe.

Step 3 – Conduct Site Visits. Tribal members, or a physically capable designated tribal representative, the Licensees' ethnographer, and the Licensees' cultural resources specialist may visit the general study area and/or specific cultural resource sites and other locations (i.e., locations containing artifacts, features, or other physical remains from past human activities) identified during this *Tribal Resources Study* or during the Licensees' *Cultural Resources Study*. The purpose of the visit will be to provide tribal representatives the opportunity to examine any sites of tribal interest that were encountered during the *Cultural Resources Study* fieldwork, and to enable the ethnographer to obtain additional information on potential tribal resources that may be associated with the sites. The Licensees and the Licensees' ethnographer will cooperatively make a reasonable effort to reach out to interested tribes to invite participation in *Tribal Resources Study* site visits by calling, sending letters by way of the United States Postal Service, or through electronic mail to the tribal chair or his or her designee. If any ethnographic sites (e.g., locations of tribal resources or activities that may or may not contain the physical remains from past or present activities) are identified during background research, tribal representatives may also wish to visit those locations. Depending on the tribes' wishes, the ethnographer may also visit the ethnographic sites.

Places of tribal interest will be mapped. Documentation will include descriptions of the resources, the sources of tribal information, NRHP eligibility status, any Project-related effects, and any correlations to archaeological sites identified in the *Cultural Resources Study*.

Quality Assurance and Quality Control

Field data will be collected in a manner that promotes high quality results, and will be subject to appropriate QA/QC procedures including checking field data for accuracy and completeness. The Licensees' ethnographer will meet the professional qualifications included in National Register Bulletin 38 (Parker and King 1998) to ensure that data gathering techniques, documentation, and other efforts meet current professional standards.

Analysis

The Licensees will identify any continued Project O&M and Project-related recreation activities that have a potential to affect tribal resources documented during the *Tribal Resources Study* survey.

Reporting

Tribal Resources Study results, excluding any confidential information, will be summarized in the Licensees' ISR, USR, DLA, and FLA. The Licensees will also prepare a Privileged report at the conclusion of the *Tribal Resources Study* that includes the following sections: (1) *Tribal Resources Study* Goals and Objectives; (2) Methods; (3) Results (i.e., results of tribal resources identification efforts and descriptions of any tribal resources documented); (4) NRHP evaluations of identified resources following National Register Bulletin No. 38, *Guidelines for Evaluating and Documenting Identification of Traditional Cultural Properties* (Parker and King 1998); and (5) assessment of Project effects to NRHP eligible tribal resources and management recommendations¹. The history of consultation regarding the study, and the associated correspondence, will be appended to the report.

The Privileged report will contain sensitive, confidential information. As such, the report will have restricted distribution and will only be distributed on a need to know basis. The draft Privileged report will be provided to the tribes for a 60-day review and comment period. The report will also be distributed to appropriate staff within the ANF, LPNF, and BLM for review and comment if any tribal resources are located on NFS and BLM lands. Following tribal and agency review of the document, the report will be submitted to SHPO for review and concurrence. The final report will be filed with FERC as Privileged. With the tribe's approval, a copy of the final report will be filed with the California State University, Fullerton, South Central Coastal Information Center.

4.1.13.5 NHPA Section 106 Consultation

The PAD and draft *Tribal Resources Study Plan* were provided to potentially affected Indian tribes, land managing agencies, and the SHPO for review and comment. Additionally, FERC has initiated consultation with the tribes and SHPO for purposes of the undertaking, and designated the Licensees as FERC's non-federal representative for purposes of day-to-day consultation. The Licensees will consult with the tribes, agencies, and SHPO throughout the study and relicensing process.

¹ Because it is not possible to determine all of the effects of various activities that may occur over the course of a license, FERC typically concludes its Section 106 responsibilities for the relicensing by issuing a Programmatic Agreement that requires Licensee develop and implement an HPMP that considers and manages effects on historic properties throughout the term of the license. While not a part of this study, it is anticipated that the information developed by this and other relicensing studies will be used to develop a HPMP in consultation with interested parties after the Cultural Resources Study has been completed.

4.1.13.6 Consistency of Methodology with Generally Accepted Scientific Practices

This *Tribal Resources Study* is consistent with the goals, objectives, and methods outlined for the most recent FERC hydropower relicensing efforts in California, including the Don Pedro Project (FERC No. 2299), the Yuba River Development Project (FERC No. 2246), and the Merced River Hydroelectric Project (FERC No. 2174) relicensing. The methods are consistent with the ACHP's guidelines.

4.1.13.7 Schedule

The *Tribal Resources Study* will begin after FERC issues its Study Plan Determination. The Licensees anticipate the schedule below will be followed to complete the *Tribal Resources Study*.

Fieldwork Preparation (Step 1)	July 2017 – August 2017
Fieldwork (Steps 2 and 3)	August 2017 – June 2018
Data QA/QC	June 2018 – July 2018
Data Analysis and Reporting	July 2018 – October 2018

4.1.13.8 Level of Effort and Cost

Based on the work effort described above, the Licensees estimate the current cost to complete this *Tribal Resources Study* will range between \$141,000 and \$188,000.

4.1.13.9 References

- DWR. 2010. The Quagga and Zebra Mussel Rapid Response Plan for the State Water Project. 93 pp. CONFIDENTIAL/PRIVILEGED – Not for Public Distribution.
- FERC. 2016. Tribal Consultation Contact with the Santa Ynez Band of Chumash Indians Regarding the Relicensing of the South SWP Hydropower Project. Telephone memo filed in FERC's electronic Public Files on August 22, 2016
- Parker, Patricia L., and Thomas F. King. 1998. Guidelines for Evaluating and Documenting Traditional Cultural Properties. Revised. National Register Bulletin 38. United States Department of the Interior, National Park Service, National Register, History, and Education Division, Washington, D.C.