
1.0 TRIBAL RESOURCES STUDY APPROACH

1.1 PROJECT NEXUS

Continued Project operation and maintenance (O&M) and Project-related recreation activities have potential to affect tribal resources. For the purpose of this Tribal Resources Study Approach (study), tribal resources include Indian Trust Assets (ITA), Traditional Cultural Properties (TCPs), and other potential resources and interests (e.g., ethnographic sites, economic interests, and other tribal cultural interests) important to Indian Tribes. Agreements that may exist between tribes and other entities may be useful in identifying potentially undocumented tribal resources. Each of these tribal resources has the potential to be a historic property. Historic Properties are defined under 36 Code of Federal Regulations Section 800.16(l) as any prehistoric or historic sites, buildings, structures, objects, districts, or locations of traditional use or beliefs that are included in, or eligible for inclusion in, the National Register of Historic Places. This study does not address other cultural resources, which are addressed in the California Department of Water Resources' (DWR) relicensing *Cultural Resources Study Approach*, a separate study approach being undertaken by DWR for this relicensing effort.

1.1.1 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 Federal Energy Regulatory Commission (FERC) Pre-Application Document (PAD). As a summary, DWR identified 63 previous cultural resources investigations and other documentation, of which 24 previous studies occurred directly within the proposed Project boundary. Approximately 80 percent of the investigations within the proposed Project boundary were performed ten or more years ago and were conducted for various DWR projects, private land developments, and transportation projects. None of those 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. Additional information was recently provided to DWR by the San Manuel Band of Mission Indians (SMBMI) in a letter dated December 29, 2016. Relevant information based on comments from the SMBMI have been incorporated into the study approach. A list of potentially interested tribes is provided in Table 1.1-1.

This study will augment existing, relevant, and reasonably available information by providing current information regarding Indian tribal interests and resources that could be affected by the Project.

Table 1.1-1. Tribal Contacts Identified by the Native American Heritage Commission and the Federal Energy Regulatory Commission

Gabrieleno Band of Mission Indians - Kizh Nation Andrew Salas, Chairperson P.O. Box 393 Covina, CA 91723	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
Morongo Band of Mission Indians Robert Martin, Chairperson 12700 Pumarra Road Banning, CA 92220	Morongo Band of Mission Indians Ernest H. Siva, Tribal Elder 9570 Mias Canyon Road Banning, CA 92220
Morongo Band of Mission Indians Denisa Torres, Cultural Resources Manager 12700 Pumarra Road Banning, CA 92220	San Fernando Band of Mission Indians John Valenzuela, Chairperson P.O. Box 221838 Newhall, CA 91322
San Manuel Band of Mission Indians Lee Clauss, Director-CRM Dept 26569 Community Center Drive Highland, CA 92346	San Manuel Band of Mission Indians Lynn Valbuena, Chairwoman 26569 Community Center Highland, CA 92346
Serrano Nation of Mission Indians Goldie Walker, Chairwoman P.O. Box 343 Patton, CA 92369	Tejon Indian Tribe Octavio Escobedo, Tribal Chair 1731 Hasti Drive, #108 Bakersfield, CA 93309

1.1.2 Study Goals and Objectives

The goal of this study is to identify resources and interests important to Indian Tribes within the proposed Project boundary, evaluate potential TCPs in accordance with National Register Bulletin No. 38, *Guidelines for Evaluating and Documenting Traditional Cultural Properties* (Parker and King 1998), and identify continued Project O&M and Project-related recreation activities that may potentially affect these tribal resources and interests.

The objective of this study is to gather sufficient data necessary to fill recognized information gaps using current field and research methods to identify tribal resources. ¹

¹ A draft Historic Properties Management Plan (HPMP) will be prepared separately after the study approach has been completed and will be filed with the DLA. Any stakeholder comments on the draft HPMP will be addressed and a final HPMP will be filed with the FLA. A HPMP is a plan for considering

This study focuses only on obtaining the data necessary to meet the study goal. As provided under 36 CFR 800.2(c)(4), FERC has designated DWR as its non-federal representative for purposes of day-to-day consultation with consulting parties. National Historic Preservation Act (NHPA) Section 106 consultation will be conducted outside of this study, and it will involve consultation with tribes; the United States Forest Service, San Bernardino National Forest (SBNF); the State Historic Preservation Officer (SHPO); and other potentially interested parties. Nevertheless, DWR will make every effort to assure the study area described below and the NHPA Section 106 Area of Potential Effect are the same. In addition, this study does not include tribal consultation under California Public Resources Code Section 21080.3.1, et seq. Consultations required under NHPA Section 106 and Public Resources Code Section 21080.3.1, et seq. will be conducted outside of this study

In its letter of December 29, 2016, the SMBMI requested that botanical resources of importance and use to the tribe be included in the relicensing studies. An ethnographer will work closely with the Tribes during the *Tribal Resources Study* to identify important plants and traditional plant use in the study area. Additionally, a “Non-Exhaustive List of Plants of Cultural Importance to Serrano Peoples” was provided to DWR by the SMBMI. All plant species on the list are included in the species lists for the *Botanical Resources Study Approach* and will be documented to the level specified in the plan. Moreover, many of the plants included on the cultural plant list are included in the *Special-status Terrestrial Wildlife - California Wildlife Habitat Relationships Study Approach* field verification. Information gathered on their locations within the proposed Project boundary will be collected in accordance with the methods of that plan.

1.1.3 Study Methods

1.1.3.1 Study Area

The study area consists of the area within the proposed Project boundary excluding lands overlying the San Bernardino Tunnel, on which DWR does not perform any Project O&M. However, in specific areas the study area will be expanded outside of the proposed Project boundary where continued Project O&M and Project-related recreation might affect tribal resources. The study area is shown in Figure 1.1-1.

1.1.3.2 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.
- The study does not include the development of requirements for the new license, which will be addressed outside of the study.

and managing effects on historic properties that may occur from Project O&M and Project-related recreation activities and establishes a decision-making process for considering those effects.

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- This study focuses specifically on tribal resources within the proposed Project boundary, but where necessary to evaluate a resource, the study area specific to that resource may be modified to extend beyond the Project boundary.
 - Prior to initiating fieldwork, DWR and the ethnographer will work with the Tribes to develop informed consent documents, a list of interview questions, and protocols to be followed for confidentiality and for intellectual property identified during the study. Fieldwork for the study will proceed once these items are finalized.
 - If required for the performance of the study, DWR will make a good faith effort to obtain permission to access private property well in advance of initiating the study. DWR will only enter private property if permission has been provided by the landowner.
 - DWR will acquire all necessary agency permits and approvals prior to beginning fieldwork for the study.
 - Field crews may make variances to the study approach in the field to accommodate actual field conditions and unforeseen problems. Any variances from the study approach will be noted in the data resulting from the study.
 - 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).

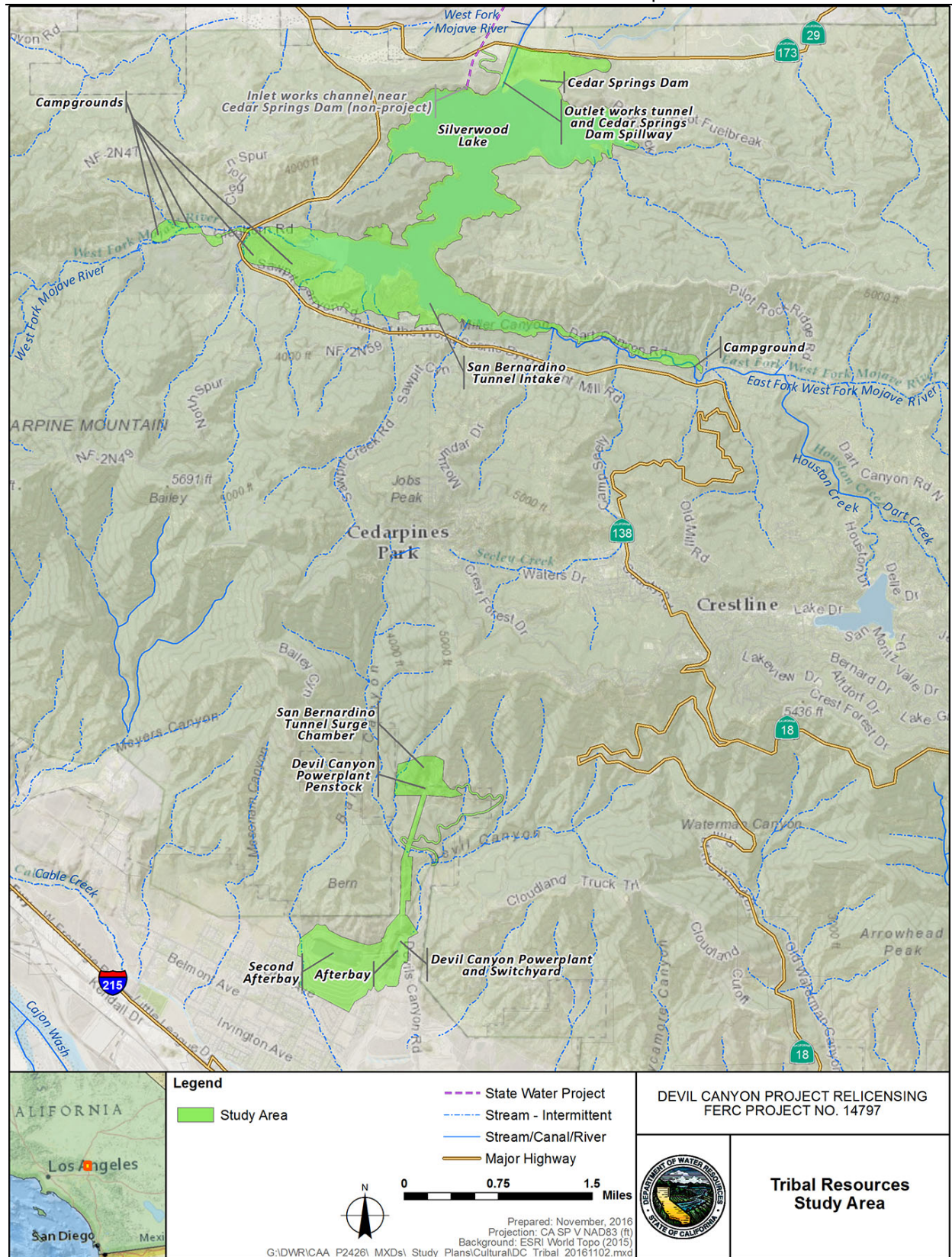


Figure 1.1-1. Tribal Resources Study Area

1.1.3.3 **Methods**

The study will consist of four steps: (1) perform archival research, (2) consult with tribes and identify resources, (3) conduct site visits, and (4) evaluate. These steps are described below.

Step 1 – Perform Archival Research. DWR will augment existing, relevant, and reasonably available information described in the PAD by additional archival research at:

- 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
- Phoebe Hearst Museum of Anthropology
- Other appropriate repositories identified during the research

Step 2 – Consult with Tribes and Identify Resources. Following the archival research, DWR 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 Traditional Cultural Properties* (Parker and King 1998), and will take into account individual tribal processes that may be required during the study. If appropriate based on the study findings, the results of the study will be assessed in accordance with National Park Service Preservation Brief 36, *Cultural Landscapes: Planning, Treatment and Management of Historic Landscapes* (Birnbaum 1994).

In order to facilitate tribal consultation, DWR will retain a qualified, professional ethnographer. This study will include contacting the representatives identified in Table 1.1-1.

DWR 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. The ethnographer will arrange for interviews with identified tribal contacts to establish times and locations acceptable to the tribal representatives. If necessary, DWR will arrange for an initial introductory meeting between DWR, tribal representatives, and the ethnographer.

Interviews with tribal interviewees may be conducted on a one-on-one basis 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.

If participating tribes do not wish to disclose the locations of potential tribal resources, DWR and the ethnographer will work with the tribes to identify the general issues and concerns that the tribe(s) may have regarding potential impacts of the Project upon resources identified by the tribe(s).

Step 3 – Conduct Site Visits. A Tribal member(s), or a physically capable designated tribal representative(s), and DWR’s ethnographer may wish to visit cultural resource sites (i.e., locations containing artifacts, features, or other physical remains from past human activities) identified during this study or during DWR’s relicensing *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. DWR and DWR’s ethnographer will make a reasonable effort to reach out to interested tribes to invite participation in study site visits by calling, sending letters by way of the U.S. 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.

Step 4 – Evaluation of Tribal Resources. If the study results in the identification of tribal resources, they will be evaluated for their eligibility for potential listing on the NRHP, if deemed applicable by the ethnographers and Tribes, and the evaluations will follow the guidelines presented in National Register Bulletin No. 38, *Guidelines for Evaluating and Documenting Traditional Cultural Properties* (Parker and King 1998).

1.1.3.4 Quality Assurance and Quality Control

Field data will be collected in a manner that promotes high quality results, and will be subject to appropriate quality assurance and quality control (QA/QC) procedures. The study ethnographer will meet the Professional Qualifications: Ethnography presented in Parker and King (1998:27) to ensure that data gathering techniques, documentation, and other efforts meet current professional standards.

1.1.3.5 Analysis

DWR will identify any continued Project O&M and Project-related recreation activities that may have potential to affect tribal resources documented during the study survey.

1.1.3.6 Reporting

Study results, as well as other existing and relevant information will be summarized in the Draft License Application and Final License Application. DWR will also prepare a “privileged” report at the conclusion of the study that includes the following sections: (1) Study Goals and Objectives, (2) Methods, (3) Results, and, if potential tribal

resources are identified, (4) Evaluation of identified resources following National Register Bulletin No. 38, *Guidelines for Evaluating and Documenting Traditional Cultural Properties* (Parker and King 1998). The report will contain sensitive, confidential, and privileged information. As such, the report will be prepared with the consideration of any potential informed consent and intellectual property considerations and processes, and distributed only on a need to know basis. As part of the NHPA Section 106 consultation process that will be conducted outside of this study, the draft report will be provided to the participating tribes for a review and comment period of up to 60 days, and then to the SHPO for concurrence. If the potential information affects National Forest System lands, the report will also be distributed to SBNF for review and comment. The final report will be filed with FERC as "privileged." With the tribes' approval, a copy of the final report will be filed with the South Central Coastal Information Center at the California State University, Fullerton.

1.1.3.7 Consistency of Methodology with Generally Accepted Scientific Practices

This study is consistent with the goals, objectives, and methods outlined for recent FERC hydropower relicensing efforts in California, including the Don Pedro Project (FERC No. 2299), Yuba River Development Project (FERC No. 2246), and Merced River Hydroelectric Project (FERC No. 2174) relicensing. The methods are consistent with Parker and King (1998:6-22).

1.1.4 Schedule

The study may begin as early as June 2017. DWR anticipates the schedule below will be followed to complete the study.

Fieldwork Preparation	August 2017 – September 2017
Fieldwork	September 2017 – January 2018
Data QA/QC	January 2018 – February 2018
Data Analysis and Reporting	February 2018 – June 2018

1.1.5 Level of Effort and Cost

Based on the work effort described above, DWR estimates the current cost to complete this study will range between \$280,000 and \$340,000.

1.1.6 References

Birnbaum, Charles A. 1994. Cultural Landscapes: Planning, Treatment and Managing Historic Landscapes. Preservation Brief 36. U.S. Department of the Interior, National Park Service, Preservation Assistance Division, Washington, D.C.

DWR. 2010. The Quagga and Zebra Mussel Rapid Response Plan for the State Water Project. 93 pp. CONFIDENTIAL/PRIVILEGED – Not for Public Distribution.

Parker, Patricia L., and Thomas F. King. 1998. Guidelines for Evaluating and Documenting Traditional Cultural Properties. Revised. National Register Bulletin 38. U.S. Department of the Interior, National Park Service, National Register, History, and Education Division, Washington, D.C.