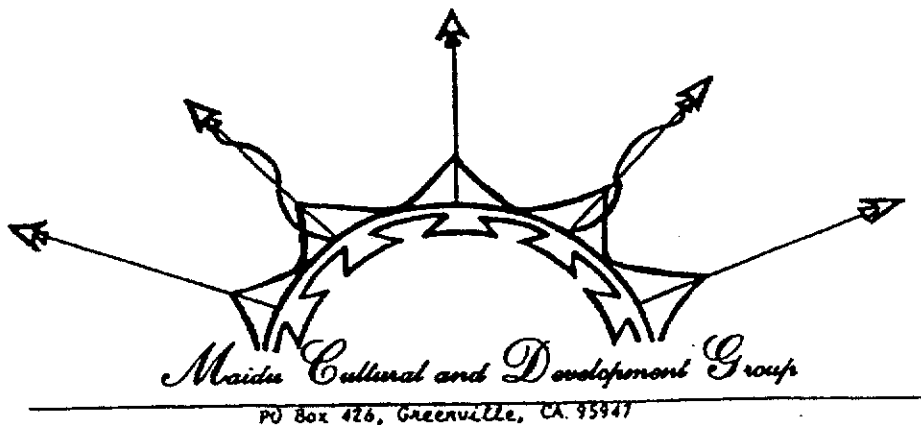


STATE WATER RESOURCES  
CONTROL BOARD

2005 OCT 14 PM 3: 23

DIV. OF WATER RIGHTS  
SACRAMENTO



October 11, 2005

Sharon Stohrer  
State Water Resources Control board  
P.O. Box 2000  
Sacramento, CA 95812-2000

Re: **Maidu Cultural and Development Group  
CEQA Scoping Comments for the Environmental Impact  
Report for Upper North Fork Feather River Hydroelectric  
Project Water Quality Certification, Project 2105**

**The Maidu Cultural and Development Group is an intervener in the 2105 relicensing process and has been involved since the initial meeting. MCDG also commented on the 1962 Rock Creek-Cresta Project in the 1990's. MCDG is instrumental in keeping the Native American Community informed about water projects and issues within our traditional territory and in taking their concerns and comments back to those agencies and companies involved.**

**The hydro projects in Big Meadows, Mountain Meadows, Butt Valley and Humbug Valley have taken 110 Indian land Allotments totaling 16,853 acres resulting in a huge cultural disruption to those Maidu that were displaced. The hydroelectric projects have caused a large cultural disruption by making the Maidu people landless and totally without secure access to traditional cultural sites in these areas, including family burial sites. When you have 110 different families having to relocate to different areas in different directions it can't help but have an effect on their culture and way of life.**

**The dams and hydro projects have had a large and cumulative effect on the Mountain Maidu people. They have stopped the salmon, eels, snapping turtles, etc.**

from traveling up the rivers and streams. They have taken away the way of life that went with the harvesting and gathering of these resources. There were fishing villages, gathering sites, gathering ceremonies, songs, etc. that were lost. These projects changed the culture and way of life completely by taking away the land the people lived on and their resources in the fish, etc. that they harvested for food and ceremonial use.

There were at least nine individual Mountain Maidu villages in the Big Meadows area. By tradition, the Maidu would have a burial ground near each village so that the people could watch over the buried bones of their ancestors. So we maintain that there are at least nine different burial areas in Big Meadows, not just the two listed by the State.

A MCDG priority is Maidu site protection. By sites, we don't just mean the burial sites. We mean all the sites whether burial, village, sacred, ceremonial, or gathering. We have gathering sites for food (both plants and animals), for medicine plants, and for basketry materials. We are concerned with all these aspects of site protection, since many of these sites are within the project area and some are still visited and in use to this day.

When the cultural surveys were done by PAR Environmental for the 2105 Project we had Native American monitors going with the survey crews. These monitors reported that there were artifacts and sites everywhere around the lake and that the survey crews said that whole areas should be declared as sites and protected. We would want to have Cultural Easements or access for the Maidu people to these sites within the project boundaries. We want to see shoreline erosion controlled by means that do not further disturb cultural artifacts and sites.

I have attached our Intervener Comments sent to FERC and a copy of the PG&E's reply to these comments. I've also attached part of the Forest Service 4E Conditions and PG&E's reply to these and parts of the Lassen National Forest Land and Resource Management Plan. PG&E's replies show that they are only considering the protection of "property" such as burials or artifacts and not of sacred, ceremonial or gathering sites. The National Forest in their 4E's refer to the protection as stated in their Land Management Plan which provides for protection of all these different types of cultural sites.

The Maidu oppose the installation of thermal curtains in Lake Almanor and Butt Valley Reservoir because of further disturbances to Maidu burials under the water of these two lakes. There is a Maidu cemetery under the water out from Prattville. PG&E has stated that they dredged through this whole area in the 1930s, possibility scattering our ancestors' bones widely over the lake bottom. We therefore feel that the whole area needs to be declared as a burial site. There are also burials in Butt Valley Reservoir. If the thermal curtains alternative were selected as the required alternative to cool the North Fork of the Feather River reaches, the Maidu community would expect to be consulted on every step of planning and construction

according to State and Federal laws, mainly the Native American Graves Protection and Repatriation Act. We would expect Native American monitors to be on the job sites to see that any dirt dredged from the lake bottoms would be searched for human remains and artifacts. We would expect repatriation of any recovered human remains on-site along the shoreline and a repository or cultural center built by the licensee to house any artifacts removed. As stated above we feel that there are several burial grounds in Big Meadows, some under the water and some above the waterline and we would expect that any construction or dirt moving anywhere around the lake would have a high probability of going into one of these burials.

The Maidu Summit Group is a coalition of ten Mountain Maidu organizations and tribes, both federally recognized and unrecognized. In August 2004, the Maidu Summit Group passed a resolution opposing the thermal curtain alternative and supporting upstream restoration as an alternative. We believe that off-site mitigation to improve the streams in the North Fork Feather River watershed will reflect in improved fish and wildlife habitats and bring many more benefits to the North Fork Feather River and PG&E. Offsite mitigation also provides improved access for our Native American community to many miles of watershed creek for the riparian resources we lost with the flooding of Big Meadows, Mountain Meadows and Butt Valley.

We also question why the North Fork Feather River is being designated only as a cold-water river rather than a warm water fishery and a coldwater fishery, as we used to gather eels, snapping turtles and other warm water species within the North Fork watershed. The river was traditionally cold in the winter but warmer in the summer with the fish that needed the cooler water moving upstream to the shaded pools in the streams of the watershed. Once all the streams in the watershed are restored there will be less silt going downstream and more water being held by the restored meadows until later in the year before being released and there will be improved fish and animal habitat. And in 30 or 40 years we feel that the cooler temperatures in the watershed streams would filter down and cool the reaches in the North Fork Feather River for later into the summer.

If you have further questions, you can contact me at the Maidu Cultural and Development Group office phone (530)284-1601 or email [mcdg@frontiernet.net](mailto:mcdg@frontiernet.net) or our mailing address of P.O. Box 426, Greenville, CA 95947.

Thank you,



Lorena Gorbet, Coordinator  
Maidu Cultural & Development Group

#### ATTACHMENTS

- Further discussion items
- Maps of Indian Allotments

**Lists of Indian Allotments**  
**Letter re: Condemned Indian Allotments**  
**Letters of comment to FERC**  
**PG&E replies, etc.**  
**Maidu Summit Resolution**

## FURTHER DISCUSSION ITEMS

**Further discussion related to the purpose and need for our support of the watershed alternative:**

**What we are requesting here is that the SWRCB not further intensify undue and ongoing social, environmental and economic burdens by the Maidu people that may result from implementation of the chosen 2105 temperature mitigation alternatives. The CEQA alternatives must analyze and disclose impacts to the Tribes including continued cultural disruption. The thermal curtains will result in the further cultural disruption of the Maidu people. If the curtains alternative is chosen we expect that we will be consulted in every step of the process as intended by the Burton Bill SB18 which we believe applies to the SWRCB as you are a state agency. The Burton Bill SB18 requires consultation with both recognized and unrecognized tribes in California in recognition of the fact that 80% of California Indians are unrecognized. We expect that in addition the SWRCB will consult with the federally recognized Susanville and Greenville Indian Rancherias under the federal tribal consultation protocols.**

**We support the offsite watershed mitigation alternative as the only alternative under consideration by the SWRCB that addresses the ongoing and cumulative effects of cultural disruption associated with PG&E's hydroelectric operations in the 2105 project boundary of the NFFR.**

**Many of the Indian Allotments within the project boundaries were sold under what we feel are questionable methods. When we researched the Quit Claim Deeds in Washington, D.C. we found that a majority of the deeds were signed by Xs indicating that the Indians who signed them were unable to read or write and maybe did not know what they were signing their X to or if the Indian signing the X to the paper was the Indian named on that Deed. The sale of the Allotments were brokered by an agent of the Great Western Power Company as the Indian Agent at the Greenville Indian Agency stated in a letter that he was too busy running the boarding school at the agency to broker the land deals. The Indians were not given a choice of whether their land was to be flooded or not. The Indians that chose not to sell had their land condemned by the County. Several of these condemned parcels had only the riparian rights condemned, but somehow they lost their land also and it is now claimed as part of Pacific Gas and Electric project land. Some of the Indians felt that they were trading their land that was to be flooded for land that was above the water level. Their families were to find out years later that the land they were given above the water level was just lease land and they did not own it outright and they were forced to move at the end of the leases. I have attached a copy of the maps from PG&E's 2105 application showing the old Indian Allotments and their overlap with PG&E lands. The maps only cover the 2105 area, but I have also included the information on the lands in Big Meadows, Mountain Meadows, Butt Valley and Humbug Valley so you can see how the hydroelectric projects**

**caused a large cultural disruption by making the Maidu people landless in all of these areas.**

**That also brings up another issue, which is all the "U.S.A." or "U.S.A. Withdrawn" parcels shown on the maps, some under the water and some along the shorelines. When I checked with the BLM offices in Susanville and Sacramento they said that these were not BLM lands; that they only had one parcel near the Chester Airport and that they were in the process of deeding that over to Plumas County. When I checked with the Forest Service they said that the only lands they had were in the North end near the Last Chance Campground. When I checked with the Plumas County Assessor's office in Quincy I was told that the U.S.A. lands are government agency lands and they don't track them, as they are untaxable lands. They just assume that they are Forest Service lands. So, the big question is what government agency do these lands belong to? If they were indeed Forest Service lands then the 4E Conditions would apply to all of these "U.S.A." lands within the project.**

**Maidu Cultural & Development Group  
Indian Land Allotments**

**Big Meadows**

56 Allotments  
8521 acres  
610 Acres condemned  
440 Acres riparian rights only condemned  
300 Acres currently U.S.A. land

**Butt Valley**

18 Allotments  
2668 Acres  
120 Acres Condemned  
360 Acres currently U.S.A. land

**Mountain Meadows**

28 Allotments  
4384 Acres

**Humbug Valley**

8 Allotments  
1280 Acres

**Totals**

109 Allotments  
16,693 Acres

Allotment #	Name	# Acres	Notes
<b>Big Meadows</b>			
	32 Robert Roy	80	
118	Minnie Lincoln	160	80 acres condemned
127	Meley Mack	160	10 acres condemned
128	Sally Mack	160	
129	Ella Mack	160	
135	Panchee Bill	160	
136	Johnny H. Bill	160	
137	Josie Bill	160	
138	Maria Bill	160	
139	Old Bill	160	
140	Johnny Roy	160	
161	John Jenkins	160	
162	Ellen Jenkins	160	
163	Good Seener Jenkins	160	120 acres condemned
164	Hosler Jenkins	160	40 ac condemned, 120 ac riparian rights condemned
165	Harper Jenkins	160	160 ac riparian rights condemned
168	Maggie Jenkins	160	
170	Fannie Jenkins	160	
176	Tom Barclay	160	
179	Maggie Bacala	160	160 ac condemned
180	Charlie Bacala	160	40 ac condemned, 60 ac. U.S.A.
181	Emma Thomas	160	
182	Frank Thomas	160	
183	Little Pete Thomas	160	
184	Neva Thomas	120	
185	Kate Thomas	160	
186	Tenny Gould	160	
187	Charlie Gould	160	
188	Annie Gould	160	
189	Reuby Gould	160	
190	Herbert Gould	160	
191	Julia Gould	160	
194	Louis Thomas	160	
208	Charley James	160	160 ac. Condemned
231	William Dick	160	
232	Flora Dick	160	
233	Harry Dick	160	
234	Andy Dick	160	
236	Nancy Jenkins	160	160 ac riparian rights condemned
237	Girl Jenkins	160	40 ac. U.S.A.
243	Lucy Charley	160	
244	Mary Charley	160	
299	Charlie Wano	160	
300	Linda Wano	160	
301	Ellen Wano	160	
309	Kate Roy	160	
310	Weny Roy	160	
311	Kate Charley	160	
312	Willie Charley	160	80 ac. U.S.A.



313 Howe Charley	160 120 ac. U.S.A.
322 Cora Roy	160
419 Joe Butler	160
431 Julia Gould	160
432 Callie Gould	41
961 Cora Roy	40
962 Herbert Gould	80
	8521

**Butt Valley**

145 Joaquin Meadow	160
146 John Meadow	160 80 ac. U.S.A.
147 Kate Meadow	160 40 ac. U.S.A.
148 Lonkeen Meadow	160
149 Jennie Meadow	160
150 Robert Shafer	160
151 Emma Shafer	160
152 Jessie Shafer	160
153 Tonner Shafer	160
156 Raymond Shafer	160
157 Tony Shafer	160 80 ac. U.S.A.
160 Ike Tom	160 40 ac. U.S.A.
235 Deasy Meadow	148
238 Mattie Gould	160 40 ac. U.S.A.
239 Albert Gould	160 40 ac. U.S.A.
999 Robert Shafer	80
1013 Jennie Meadow	120 120 ac condemned
1014 John Meadow	80 40 ac U.S.A.
	2668

**Mountain Meadows**

6 John Peconam	160
16 Salem Dapesum	160
17 Abe Lowry	160
18 John Dokesim	160
33 Henry John Jenkince	160
34 George Peconim	160
35 Bob Mack	160
48 Ernest Jack	160
49 Mattie Jack	160
50 Lenora Jack	160
53 Frank Bully	160
123 Mary Dopeson	160
124 Celia Jack	160
130 Ehley Mack	160
131 Olie Mack	160
132 Pussy Mack	150
172 Lydia Henry	160
174 Alice Henry	160
199 Charlie Hill	163
283 Frank Peconnam	151
282 Rosy Peconnam	160

284 Carra peconnam	160
285 Bailey Peconnam	160
286 Inis Peconnam	160
287 Walter Peconnam	160
341 Susie Washoe	160
420 Maggie Butler	160
421 Charlie Butler	80
	4384

**Humbug Valley**

154 Lady Shafer	160
155 Elma Shafer	160
158 Jim Shafer	160
159 Doty Shafer	160
175 Maily Barclay	160
192 Jerry Gould	160
193 Maggie Gould	160
427 Lucy Bill	160
	1280

**Totals**

**109 Allotments**

**16853 acres**

Roseburg, Oregon,

April 12, 1916.

Superintendent E. K. Miller,  
Greenville, Calif.

Dear Sir:-

Replying to your letter of April 8th concerning ~~Indian~~ allotments condemned by the Great Western Power Company in Big Meadows, you are advised that the allotments condemned are as follows:

Allotment 127, Meley Mack; Southwest quarter of the northeast quarter of the northeast quarter, Section 28, Township 28 North, Range 8 East, containing Ten acres. The damages allowed by the court on this allotment was \$356, which I now have in my hands and will be transferred to you.

Allotment No. 163, Goodseener Jenkins; Southeast quarter of the Southwest quarter, Section 15, East half of the Northwest quarter, Section 22, Township 27 North, Range 8 East, containing 120 acres. Damages allowed by the court was \$420, which I have in my hands and will be transferred to you.

Allotment No. 208, Charlie James; Southeast quarter of the southeast quarter, Section 7; northeast quarter of the northeast quarter, Sec. 18, and the North half of the Northwest quarter, Section 17, Township 27 North, Range 8 East, containing 150 acres. The damages allowed by the court was \$560, which I have in my hands and will be transferred to you.

Allotment No. 179, Maggie Bacale; South half of the northeast quarter, the northwest quarter of the northeast quarter, the southeast quarter of the northwest quarter, Sec. 17, Township 27 North, Range 8 East, containing 150 acres. The damages allowed by the court was \$560. I have this money in my hands and it will be turned over to you.

-2-

Allotment No. 180, Charlie Bacala; The southwest quarter of the Northwest quarter, Section 17, Township 27 North, Range 8 East, containing 40 acres. The damages allowed by the court was \$140. This amount is in my hands and will be turned over to you.

Harper Jenkins

Allotment No. 165; The northwest quarter of the northeast quarter, Section 28, and the southwest quarter of the northeast quarter, and the northeast quarter of the northeast quarter and the southeast quarter of the north west quarter, Section 28, Township 27 North, Range 8 East, containing 160 acres. The damages allowed by the court was \$40. It appears that the company did not desire to condemn the land but only the riparian rights, and the court allowed \$40 damages for the riparian rights. The amount of \$40 was paid by the company into the court and was paid by the court to John and Nancy Jenkins June 30, 1903. Harper Jenkins is dead.

Allotment No. 236, Nancy Jenkins. East half of the southwest quarter and the west half of the southeast quarter, Section 28, Township 27 North, Range 8 East, containing 160 acres. It appears that the company did not desire to condemn the land but only the riparian rights; the court allowed \$40.00 damages for the riparian rights condemned. This amount was paid into the court by the company November 21, 1902, and the court records show that Nancy Jenkins received this amount - \$40.00 - June 30, 1903.

Allotment No. 1013, Jennie Meadows. The southwest quarter of the southwest quarter, Section 27; the West half of the northwest quarter, Section 34, Township 27 North, Range 7 East, containing 120 acres. The damages allowed by the court was \$420. This amount was paid into the court by the company November 21, 1902, and was paid by the court to Jennie Meadows June 30, 1903.

Allotment No. 164. Hester (Casino or Hoosler) Jenkins; the East half of the southeast quarter, Section 21; the west half of the southwest quarter, Section 22, Township 27 North, Range 8 East, containing 160 acres. It appears that the company did not desire to condemn only 40 acres of this land described by an irregular description and also the riparian rights. The court allowed \$140 damages for the 40 acres condemned and \$20 for the riparian rights condemned; this amount was paid by the company into the court November 21, 1902, and paid by the court to Hester and Goodseener Jenkins June 30, 1903.

-3-

Allotment No. 118, Minnie Lincoln. North half of the southwest quarter, Section 8, Township 27 North, Range 8 East, containing 80 acres. The damages allowed by the court in this case was \$280. This amount was paid into the court by the company November 21, 1902, and was paid by the court to Minnie Lincoln June 30, 1903.

For your information, I would suggest that you write the Indian Office and request them to send you a photographic copy of my letter dated October 15, 1912, in answer to Office letter dated August 16, 1902, "Land Contract 44830-12 C E I". This letter is a 14-page report on the condemnation proceedings of Indian allotments by the Great Western Power Company instituted in the Superior Court of Plumas County, California. I made an exhaustive investigation of this matter in October, 1912, and made a full report to the Indian Office, which I think would be of value to you.

Very truly yours,

  
Supervisor

HGW/S

accounts of the receiver 20 per centum of such proceeds will be certified to the Auditor for the Interior Department, to be set aside as a separate fund under the terms of the act mentioned.

Instructions relative to the terms of sale and payments of the purchase price for lots will be given in each case when sales are ordered.

S. V. PROBERT,

*Assistant Commissioner.*

Approved, April 3, 1913:

LEWIS C. LAYLIN,

*Assistant Secretary.*

### GREAT WESTERN POWER CO.

*Decided March 17, 1913.*

#### POWER AND RESERVOIR SITES WITHIN INDIAN RESERVATIONS.

Sections 13 and 14 of the act of June 25, 1910, authorizing the Secretary of the Interior to reserve power and reservoir sites within Indian reservations, has no application to lands outside of Indian reservations.

#### ALLOTMENTS WITHIN POWER OR RESERVOIR SITES—CANCELLATION OF TRUST PATENTS.

Section 14 of the act of June 25, 1910, authorizing the Secretary of the Interior to cancel Indian trust patents issued on allotments within power or reservoir sites within Indian reservations, contemplates that such patents shall be canceled only in instances where the lands are required or reserved for irrigation purposes authorized under act of Congress.

#### LAYLIN, *Assistant Secretary:*

Under date of April 22, 1912, the Commissioner of the General Land Office transmitted reports of special agents and other papers relating to lands in Tps. 27, 28 and 29 N., Rs. 7 and 8 E., M. D. M., California, involved in what is described as the big Meadows scheme of the Great Western Power Company.

November 1, 1912, the Director of the Geological Survey, in response to reference from the Department, submitted his report and recommendation in the premises, and on December 31, 1912, a report and recommendation was filed by the Acting Commissioner of the Indian Office.

It appears from the papers submitted and from the records of the Department that the Great Western Power Company, a corporation organized under the laws of the State of California, has, by purchase, acquired a considerable area of privately owned lands along the north fork of Feather River, California. Through condemnation proceedings instituted and prosecuted in the California courts under the provisions of the act of March 3, 1901 (31 Stat., 1033), it has acquired title to a considerable area of lands allotted to Indians. A con-

firmatory act passed by Congress May 5, 1908 (35 Stat., 100), quit-claimed, so far as the United States is concerned, the title to certain lands therein described and confirmed same to the Western Power Company, predecessor of the Great Western Power Company.

It is alleged that the Great Western Power Company and its predecessors have, in accordance with the laws of the State of California, appropriated certain waters for the generation of hydro-electric power and for irrigation and other purposes and have already expended approximately \$300,000 in the construction of improvements at a proposed dam site in Sec. 23, T. 27 N., R. 8 E., M. D. M. The proposed power development having attracted the attention of the Geological Survey, an investigation was initiated with the object of retaining the control of the power site in the United States and permitting development, if at all, under the provisions of the act of February 15, 1901. Withdrawals were made November 23, 1911, and February 15, 1912, under the provisions of the act of June 25, 1910 (36 Stat., 847), (power site reserves Nos. 234 and 245).

According to the report of the Geological Survey there are two possible utilizations of the reservoir site. The first, which seems more feasible, and which it is understood the company hopes to have completed in 1913, involves the construction of a dam 63 feet in height, the flowage of which would cover approximately 12,500 acres. Of this area the Survey states 140 acres are vacant public lands. The alternative proposed development contemplates the construction of a 110-foot dam, which would flood 23,250 acres, of which area about 3,000 acres are said to be still under Government control. The so-called power-site withdrawals embrace also about 2,250 acres of lands covered by Indian allotments, as well as about 1,080 acres in unapproved State and lieu selections, and 80 acres in homestead entries.

The Survey, in its recommendation of November 1, 1912, suggests the possibility that the lands included in the Indian allotments may be acquired by the power company through condemnation proceedings, and that if it be desired to retain control of these lands and the power possibilities thereof, the lands be withdrawn and acquired under the provisions of section 14 of the act of June 25, 1910 (36 Stat., 855-8); or, if that be deemed impossible, to create an Indian reservation including the lands.

The Indian Office, in its report of December 31, 1912, commenting upon the recommendation of the Survey, expresses the opinion that the interest of the Indians will be best subserved by offering for sale the lands of the Indians within the area involved at an appraised price which shall include their value for agriculture, timber, and power purposes.

Section 14 of the act of June 25, 1910, *supra*, as well as the preceding section 13, is by its express terms applicable only to lands

in Indian reservations, and section 14 imposes the further condition that where it is proposed to cancel trust patents issued on allotments within such power or reservoir sites, the lands must be required or reserved for irrigation purposes authorized under authority of Congress. That it has in contemplation only sites reserved in connection with irrigation projects is further shown by the concluding clause of section 14, which provides that the Indian whose allotment is canceled shall be allotted land of equal value "subject to irrigation by the project." It seems, therefore, that the lands within the Indian allotments here involved can not be withheld under said section 14.

With respect to the suggestion that the lands be included in an Indian reservation, the Department is aware of no circumstances which would warrant such action. These Indians are not concentrated upon a given area of public land and are not maintaining tribal relations, but are and have been for a number of years occupying these individual and scattered allotments made to them upon the public domain. The Department is not convinced that the best interests of the Indians would be subserved, even were it possible to make the withdrawals suggested by the Geological Survey. The Indian Office seems to be of the opinion that they would not.

While the power-site withdrawals heretofore made under the act of June 25, 1910 (36 Stat., 847), for vacant public lands, might be maintained, there are, according to the Survey's statement, but 140 acres within the flow line of the 63-foot dam site still under Government control. This is such an infinitesimal portion of the proposed reservoir, the remainder being in private ownership, that the Department does not feel warranted in interposing this as an obstacle to the development of the power company's power and irrigation projects. The 110-foot dam, if constructed, would include a somewhat larger area of public lands, but even in that case not exceeding one-eighth of the area involved.

Upon full consideration of the matter the Department concurs in the recommendation of the Commissioner of Indian Affairs that better returns for the Indians will be secured through the sale of lands needed by the power company, upon an appraised value. The Commissioner of Indian Affairs is accordingly hereby authorized and directed to proceed with the sale of the lands of Indian allottees involved in this matter, upon the express condition that the lands be first appraised on the basis of their value for agriculture, timber, and power-site purposes, and disposed of for not less than that valuation.

As to the public lands within the limits of the company's proposed reservoir, the Commissioner of the General Land Office is authorized and directed, upon receipt of an application by the company for the



right to use the lands under the act of February 15, 1901 (31 Stat., 790), to forward such application, together with his recommendation, to the Department, whereupon the advisability of recommending to the President that power-site withdrawals Nos. 234 and 245 be modified to the extent of lands applied for, will be given consideration by the Department. The papers submitted by the Commissioner of the General Land Office will be returned to the files of that office.

**ETHEL M. CATRON.**

*Decided March 17, 1913.*

**RELINQUISHMENT OF RECLAMATION ENTRIES.**

The provision in the act of February 18, 1911, that where entries made prior to June 25, 1910, embracing lands within a reclamation project, have been or may be relinquished, in whole or in part, the lands so relinquished shall be subject to settlement and entry under the homestead law as modified by the reclamation act, is applicable only to entries under the reclamation act, and can not be invoked as to entries canceled prior to the reclamation act or made before and afterwards canceled for fraud.

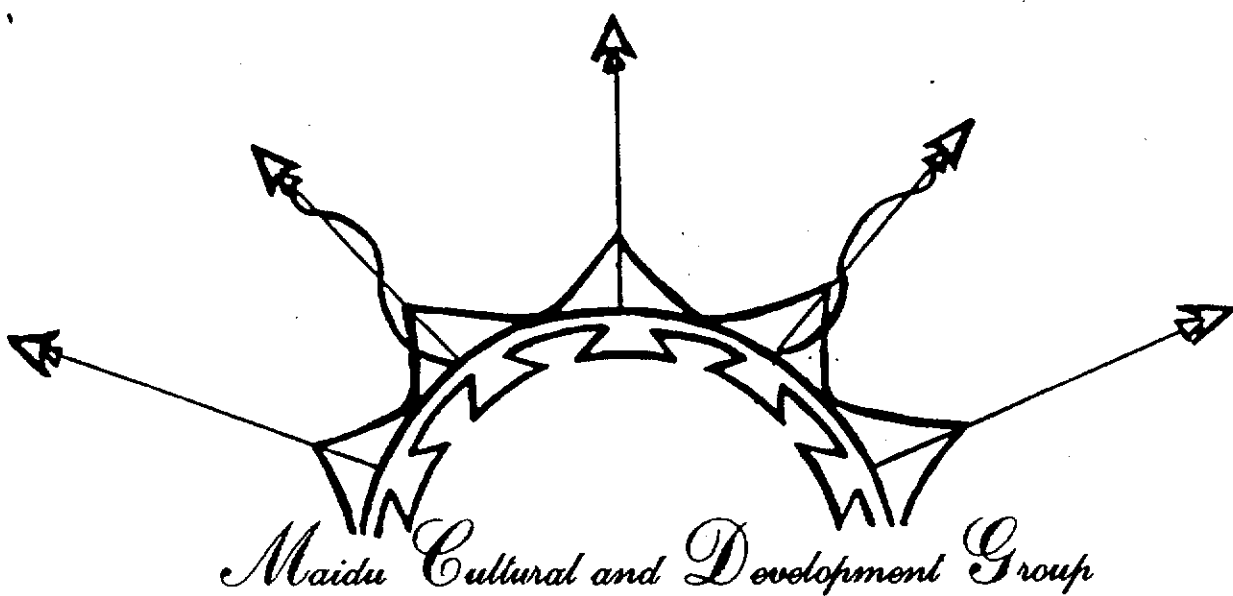
**LAYLEN, Assistant Secretary:**

Ethel M. Catron appealed from decision of the Commissioner of the General Land Office of May 2, 1912, denying her homestead application for SE.  $\frac{1}{4}$ , Sec. 25, T. 20 N., R. 50 W., 6th P. M., Alliance, Nebraska:

May 13, 1911, Catron applied for homestead entry which the local office rejected because the land applied for is not subject to entry under act of June 25, 1910. She appealed and the Commissioner affirmed that action.

The former history of this land is, that it was entered October 17, 1891, by Ellen Hearson, who relinquished August 31, 1899, on which date Mary E. Ryan made homestead entry, therefor, submitted final proof, and patent issued to her October 10, 1907. On charges of fraud made by a special agent suit was begun to set aside the patent, and the entry was canceled October 10, 1910.

The township including this land was withdrawn from entry by the Secretary of the Interior February 11, 1903, for reclamation under act of June 17, 1902 (32 Stat., 388). It has not been restored to entry. The act of June 25, 1910 (36 Stat., 836), provided that entry of lands so withdrawn should not be permitted "until the Secretary of the Interior shall have established the unit of acreage and fixed the water charges when the water can be applied and made public announcement of the same." The act of February 18, 1911, amended this section by a proviso that where entries made before June 25, 1910, have been or may be relinquished in whole or in part,



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PO Box 426, Greenville, CA 95947

December 10, 1999

Ann Miles, Chief  
Licensing West Branch  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, D.C. 20426

RE: Suggested Studies for FERC Hydroelectric Re-licensing Project No. 2105, Lake Almanor.

Dear Ms. Miles,

The Maidu Cultural and Development Group (MCDG) has several studies that we believe should be accomplished during the re-licensing of Project No. 2105. Cultural Resource concerns and the continuing impacts of the hydroelectric projects on the indigenous people of the area should not be ignored. Study should be conducted of the land record and Native American allotments within the project area. The actual places where indigenous people lived should be identified. An ethnographic study should be conducted of the Maidu people with relation to the project area and a sociological study should be conducted to record the affects of the project on the Maidu community from the beginning of the hydroelectric projects to the present. It is critical that each cultural resource crew doing fieldwork include a Maidu person, approved by the MCDG, to ensure the greater success of the field studies and to ensure that our view is represented.

It is the MCDG's position that the Maidu deserve just compensation for the cultural disruption and the lands lost as a result of these hydroelectric projects. The project area, and the greater area affected by the project, includes locations that are very important to the Maidu, both historically and today. The license holder should be responsible for helping to maintain the Maidu presence in our traditional homeland. While we realize that it is not possible to return to the time before these projects existed, mitigations are possible.

These mitigations should include:

- > donations of land to the MCDG,
- > financial assistance in maintaining and developing the donated lands through the life of the license,
- > financial assistance to build and maintain a Maidu Cultural Community Center, and
- > funding to develop and produce educational materials on the Maidu history and culture, and
- > financial assistance to build and maintain a Native American museum.

These responsibilities should be those of the license holder, whether it is the Pacific Gas and Electric (Company) or any future owner of the hydroelectric facilities.

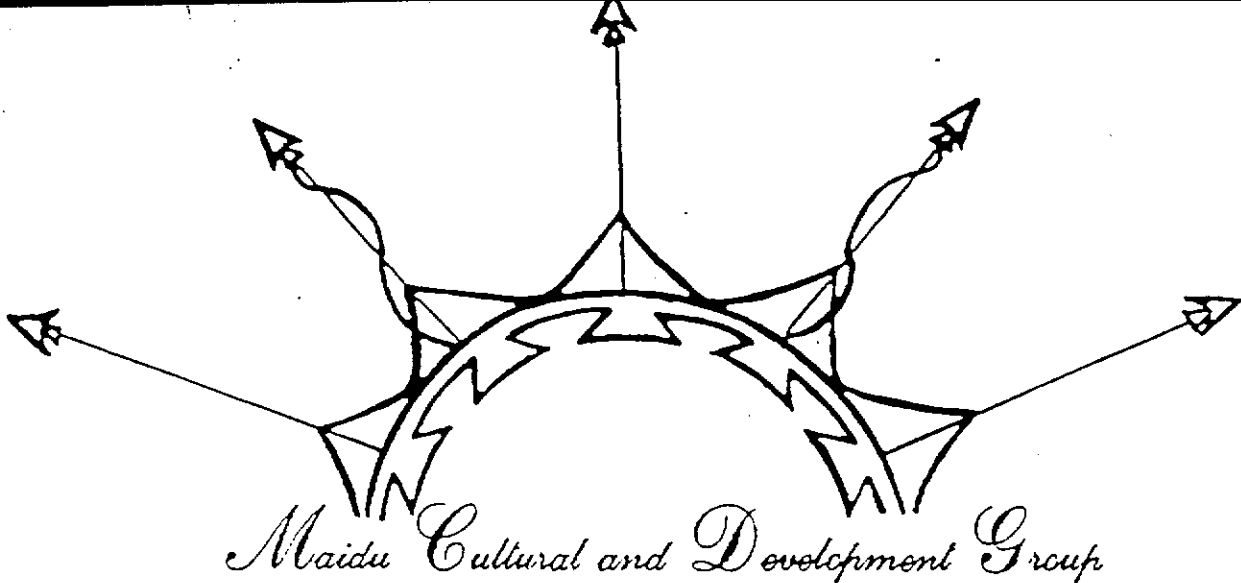
It is important to correct the deficiencies of the past and to document the effect of these hydroelectric projects on the indigenous people of this area, both historical and present.

Sincerely,

*F/ Farrell Cunningham*

Farrell Cunningham  
Project Coordinator

Cc: Tom Jereb, PG&E Hydroelectric Re-licensing Project Manager  
Alison MacDougall, PG&E Cultural Resources Specialist  
Robert Meacher, Plumas County Supervisor  
Bill Dennison, Plumas County Supervisor  
File



*Maidu Cultural and Development Group*

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PO Box 426, Greenville, CA 95947

November 24, 2003

Magalie R. Salas, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, D.C. 20426

Re: In the Matter of Relicensing of the Upper North Fork Feather River Project 2105.  
Request to the FERC to analyze and address the following impacts to the Maidu  
Indians in the 2105 Environmental Impact Statement.

Dear Secretary Salas:

**Intervener Status**

The Maidu Cultural & Development Group was granted intervener status for Project No. 2105-089-California, Upper North Fork Feather River Project. We request that the FERC analyze the ongoing cultural disruption suffered by the Maidu people for their forced removal from Big Meadows and Butt Valley and mitigate damages wrought and continuing to be wrought on Maidu culture for lack of communal and trust lands upon which to practice and perpetuate the environmental and ceremonial aspects of their culture. The Maidu lost access to cultural sites that are of pre-historic, historic, and of contemporary significance to the Maidu community and that are currently unusable and/or inaccessible due to the continued maintenance and use of the hydroelectric project 2105.

**The Maidu Cultural & Development Group**

The Maidu Cultural & Development Group (MCDG) is a nonprofit 501(c)(4) organization representing a number of Mountain Maidu groups including the United

Maidu Nation (a petitioning non recognized tribe), the Maidu Elders of Indian Valley (Plumas County), the Maidu Veterans of Plumas County, the Roundhouse Council (a Plumas County Indian Education 501(c)(3) organization), the Susanville Rancheria (Lassen County recognized tribe), Maidu business (Indian Head Logging, Inc.) and Plumas County Indians, Inc. (a 501(c)(3) Indian organization).

The Maidu community has within the last year formed a new organization called the Maidu Summit Group, which represents 10 of the 11 Mountain Maidu tribes, organizations and groups in Plumas and Lassen counties. Besides the MCDG tribes and groups, this includes the Tsiakim Maidu (Taylorsville Rancheria-non recognized), Greenville Rancheria (recognized), Tasmam Koyom Foundation (Humbug Valley Maidu, Plumas & Tehema counties), The Big Meadows Maidu Historic Preservation Association (Westwood, Lassen County), Stiver's Indian Cemetery Association (American Valley, Plumas County) and members at large Taras Gaither, Danny Manning, Jerome Merino, Melvern Merino and Marlene Mullen. The Honey Lake Maidu (unrecognized) is the only tribe that chose to not be involved in the Maidu Summit Group. Some members of the Maidu Summit group have written letters of support of the return of lands to the Maidu and funds to support a cultural center and museum as just compensation for the cultural disruption and losses of land that resulted from the 2105 project. We therefore feel that The MCDG represents a large part of the Mountain Maidu Community and that their concerns and wishes are reflected in this document.

### Rationale For the Request

Lake Almanor is located in the central area of the Mountain Maidu aboriginal territory. The lake is located roughly equidistant from other major population centers of the Mountain Maidu such as Indian Valley, Mountain Meadows, and the North Fork of the Feather River at Caribou. Lake Almanor, formerly known as Big Meadows (Na'kam Koyo in the Mountain Maidu language) was noted for several reasons among the Mountain Maidu. The valley was filled with numerous springs that created ponds and marshes. These ponds and marshes created habitat for vast numbers of waterfowl and fish as well as willow and maple for basketry. There was a waterfall in the valley that afforded excellent salmon and eel fishing. All of these things were resources that formed the ecological foundation for Maidu culture. Furthermore, the valley figured prominently in the Maidu creation story. Worldmaker was said to have traveled through the area while preparing the world for the human beings and he left evidence of his journey in the valley. These evidences of Worldmaker's traveling formed a constant connection among the Maidu to the creation and the words of Worldmaker. Thus, the Lake Almanor area served as an important resource base area for both material and philosophical culture. These cultural sites, the physical evidence of Worldmaker's travels retain cultural importance and yet are beneath the lake's waters.

The rich material resource base of the Big Meadows/Lake Almanor area allowed for trade and kinship connections to be established between the residents of Big

Meadows and the rest of the Mountain Maidu and Sacramento Valley populations. These trade and kinship connections formed the social fabric that allowed the Maidu to maintain a complete cultural identity. For example, it is known in Maidu oral history that the Big Meadows area, within the historic era, once supported at least two bear dances. The bear dance is the principle ceremony of the Mountain Maidu. Thus, people from various areas within Maidu territory attended and participated in these dances. The Maidu people living in the Big Meadows area formed a part of the fabric of kinship, trade, language and environmental and cultural stewardship, that when completed within the larger aboriginal homeland of the Maidu tribal landscape served to create and maintain the Maidu identity.

### Historical Context for Continued Cultural Disruption

In looking at historic Maidu cemeteries within the Lake Almanor area a picture of Big Meadows as a part of the overall Maidu social and cultural setting becomes clear. Cemeteries in the Big Meadows area include people from Indian Valley including North Arm and Taylorsville, Genesee, Quincy, Humbug Valley, Seneca, Westwood, and Susanville. In short, people from all Mountain Maidu areas felt that Big Meadows was important enough to them that they would be buried in the area. In reviewing the 1928 Indian Census of the area many current descendants of that roll who continue to practice as individuals and families, traditional basket making, dancing, ceremonies, "Big Times" and language usage; trace their roots to the Big Meadows area.

In the time that preceded the wholesale condemnation of Indian lands in Big Meadows, the records of the sales of Indian allotments to Red River Lumber Company and to the Great Western Power Company, document the names of Maidu families that, today, still bear those names: Baker, Henry..Charley, Gould, Thomas, Dick, Butler, Mack, Peconam, Jenkins, and Lowry, to name a few. Sales documents were often marked with an "X" and were finalized within days or weeks from the granting of the allotment. Most of the signature Xs were obtained by agents of the companies acquiring the lands since the Greenville Indian Agent *did not have the time to do all of that traveling.*

As a result of the creation of the first 2105 project, in the 1900s, Maidu social fabric was ripped and cultural disruption ensued. As Great Western Power Company's reservoir filled, fishing areas were destroyed. Basketry material gathering areas were drowned. Food and medicine plants were lost. Cemeteries were inundated. The ancestral villages were buried under water or washed bare along the water's edge while ceremonial and other sites of extreme cultural importance were inundated.

Looking at Lake Almanor, Butt Valley Reservoir, Hamilton Branch, and Mountain Meadows reservoir we can intuit that a large ecological disruption has occurred in these areas. A land base that was once meadow, forest, stream, springs, and ponds, is now water - a series of large reservoirs. No baseline was established so most of the ecological affect will go undocumented in a scientific way. Yet the endurance of Maidu culture in the face of extreme adversity is also documented. Lack of access is

still felt in the Maidu people of today. Large ecological disruptions are associated with large social disruptions where people are primarily or wholly dependent on that land base for subsistence and social cohesion. In the case of the 2105 hydroelectric project, the social disruption was primarily felt by the aboriginal inhabitants (the Maidu) who had been given lands retained under and around present Lake Almanor for a period of at least thirty years. No sale of that property was to occur so that the Maidu could become accustomed to the notion of small individual, scattered private property ownerships with taxes and titles. Private property was a foreign concept codified in a language that was also completely foreign to Maidu people in the early 1900s. The Maidu have a cultural system that is built around the landscape and its ecosystem and which, until the late 1890s and early 1900s, was expressed in an aboriginal land tenure system that recognized perpetual communal stewardship of common ancestral lands, with particular family lineages having particular stewardship responsibilities within that shared landscape. The material, spiritual, philosophical, and social culture of the Maidu remains tied to this landscape, although the land tenure ties have been severed. When entire valleys that were once places where people lived and died are converted to reservoirs, the people become displaced, physically and culturally. As cultural disruption continues, each generation of the people suffer greater and greater losses to identity and traditional environmental, spiritual and cultural knowledge, a whole of which is maintained only through continuous practice and through transmission, by example, "in place", from one generation to the next. Thus, ancestral knowledge and culture become ever more endangered as an integral part of life as contemporary Maidu people. The following quote from a Department of Interior decision document describes the circumstances and rationale for the termination of Indian allotments in Big Meadows and their sale to Great Western Power Company in 1913 for the purposes of constructing a 110-foot dam inundating the area to the 4500-foot elevation.

*"November 1, 1912, the Director of the Geological Survey in response to reference from the department, submitted his report and recommendation in the premises, and on December 31, 1912, a report and recommendation was filed by the Acting Commissioner of the Indian Office. According to a report of the Geological survey, there are two possible utilizations of the reservoir site. The alternative proposed development contemplates the construction of a 110 foot dam, which would flood 23,250 acres of which an area of about 3000 acres are said to be still under Government control. The so-called power-site withdrawals embrace also about 2,250 acres of lands covered by Indian allotments. The Survey in its recommendations of November 1, 1912 suggests that the possibility that the lands included in the Indian allotments may be acquired by the power company through condemnation proceedings or, if that is deemed impossible, to create an Indian reservation including the lands. The Indian Office in its report of December 31, 1912, commenting upon the recommendation of the Survey expresses the opinion that the interest of the Indians will be*

*best sub served by offering for sale the lands of the Indians within the area involved at an appraised price which shall include their value for agriculture, timber, and power purposes. With respect to the suggestion that the lands be included in an Indian reservation, the department is aware of no circumstances, which would warrant such an action. These Indians are not concentrated upon a given area of public land and are not maintaining tribal relations, but are and have been for a number of years occupying these individual and scattered allotments made to them upon the public domain. The Department is not convinced that the best interests would be sub served, even were it possible to make the withdrawals suggested by the Geological Survey. The Indian office seems to be of the opinion that they would not." (Decisions Relating to Public Lands Approved April 3, 1913 Great Western Power Co. Decided March 17, 1913)*

We have bolded and underlined the section that describes the conundrum that has been unresolved in each succeeding hydro-license renewal since 1913. Until now, when the FERC has granted the MCDG intervener status and thereby invited Maidu people to express their views, directly, for the first time; there has been no venue for providing alternative views by the majority of Maidu people, who remain "unrecognized" by the federal government as tribes, about what best maintains their culture and how best to mitigate for ongoing cultural disruption from the continued operation of the 2105 project.

The notion that the culture is so disrupted that it is no longer worth saving, ignores two realities. First, the Maidu culture was disrupted in large part from government policy that intended to disrupt it. Second, if hydroelectric development and hydroelectric operations create barriers through inundation and other restrictions that are effective in isolating the Maidu from their cultural sites and practices; then the effectiveness of those severances should not be used to justify cultural isolation, erosion and disruption in the future.

Today, a new landscape is forming the cultural identity and this must be reconciled with the older landscape-informed cultural lens. Therein lies the ongoing cultural disruption. Ceremonial grounds at Big Meadows lie beneath the water or along the waters edge unused.' The potential for this place to produce new bear dance songs and to sing the sacred handgame songs with spontaneous beauty, is limited.' The Maidu suffer because the potential material and philosophical base of the Maidu culture is disrupted.

Which Maidu were affected?' If one were to research the family lineage of the current Mountain Maidu they would find that all Maidu were related at one time in their family history and that all the families had someone from the Mountain Meadows, Butt Valley, Humbug Valley, Big Meadows areas in their family tree. It should be noted that



allotment records are by no means a complete list of Big Meadow Maidu. Members of many of the Maidu families had already moved from this area before this even, displaced in the mid 1800's when the Indians were moved off the land and deeds were given to the homesteading ranchers and miners. Many of these relocated families owned land elsewhere by the time that Indian allotments were being given out in Big Meadows and thus were not included in the allotments provided there, even though their roots and connection to the land was unbroken until the 1900s.

This was such an important area to the Maidu. All Maidu were affected because they are so connected to the land and the Maidu Cultural landscape, which was turned into largely inaccessible reservoirs.

The private land around the lake is still being sold at high prices, so high that the Maidu people, having disproportionately low incomes in the Almanor and Indian Valley areas, are less and less able to afford to buy access to the waters edge. Reconnecting with Big Meadows through traditional ceremony and land stewardship activities at the shoreline, becomes ever more difficult, but from an economic reality rather than a loss of cultural affinity. The Lake covered homeland of Big Meadows remains visible at a distance, and is still remembered and honored, remotely, from the remnant spots that are most sacred to the Maidu of today. The Maidu culture is disrupted and fragmented because of institutional and economic barriers that constrain access to the landscape in ways that created and recreated the Maidu cultural identity each day-not from cultural disinterest and disconnection.

The MCDG has documented that there were 73 Indian land allotments totaling 11,039 acres in or near the 2105 project. Another 36 allotments totaling 5664 acres were in Mountain Meadows and Humbug Valley, which are PG&E watershed lands associated with the project but outside the boundaries of the 2105 licensure. These allotments were obtained for the project either by quitclaim deeds or condemnation. Families who were forced to relocate by having their lands condemned were paid a small dollar amount for their land determined by the court. Money from lands that were sold was put into trust accounts with the BIA and not received by the Indians themselves.

Of the 11,039 allotment acres, 730 acres were condemned by Great Western Power Co. through the Plumas Superior Court. Also Great Western Power Co. condemned 440 acres of riparian rights only on allotment land. (Copies of this archival research are available upon request.)

### **Request for Further Analysis**

There are three former allotments totaling 120 acres that are not owned by Pacific Gas & Electric although they are under the waters of the 2105 project and being used exclusively by PG&E and another 5 former allotments totaling 540 acres are included in the project not totally under the water year-round. All of these 660 acres of former

allotment lands are listed as "USA" or "USA Withdrawn" on the maps provided by PG&E in Exhibit G, "Maps of the Project", in the "Final License Application Upper North Fork Feather River Project FERC No. 2105" (Exhibits G3-7 and G31-32). The MCDG will be happy to provide the FERC plat maps G3-7 and G31-32 showing Indian Allotments and "USA" and "USA Withdrawn" lands on request.

According to the BLM Sacramento office "USA Withdrawn" means that these lands are owned by a government agency. Through our research we were told by BLM personnel in the BLM Susanville office that BLM owns only one small parcel of land within the project and it has a dirt landing strip on it at the Chester airport and that BLM is currently in the process of deeding that land to Plumas County.

The Bureau of Indian Affairs (BIA) California Area Realty Office in Sacramento told us that there are no BIA administrated allotment lands in Plumas County. There are only six BIA registered "public domain parcels" within the county and none of them are within the boundaries of the 2105 project.

The US Forest Service (USFS) maps show no land under the lake as being Forest Service land, although their map shows lands around the lake as belonging to the Forest Service.

The Assessor's office in Quincy shows these lands under the lake as "USA" lands and they indicated that all such lands are considered US Forest Service lands. The Assessor said that the office does not track these lands, as they are not taxed.

Therefore, we are assuming that these "USA" and "USA Withdrawn" lands are now under the control of the US Forest Service even though the USFS has no knowledge in the district offices that administer USFS lands around Lake Almanor of their ownership of these parcels. However, USFS maps do show that the former William Charley allotment land as BLM land (unbeknownst to the BLM). The USFS maps do not show any of the "USA" and "USA Withdrawn" lands under the waters of Lake Almanor.

Nonetheless, these "USA" and "USA Withdrawn" lands are being used exclusively by PG&E as they are completely inundated by their project year-round. A map and listing of the allotments either purchased or condemned that are within or near the 2105 project is available upon request.

The MCDG has been requesting some form of just compensation to the Maidu Community for the lands being used by PG&E. In our December 10, 1999 letter to FERC it was suggested that possible mitigations for cultural disruption could include: donations of land to the MCDG; financial assistance in maintaining and developing the donated lands through the life of the license; financial assistance to build and maintain a Maidu Cultural Community Center; funding to develop and produce educational materials on the Maidu history and culture; and financial assistance to

build and maintain a Native American museum. On November 27, 2002 by letter, and thereafter verbally, the MCDG requested that PG&E provide information to the MCDG on the name and contact information of the government agency titled "USA Withdrawn" that should have been revealed to PG&E in a title search pursuant to their new license application. Perhaps the FERC will have better luck obtaining this crucial title search information from PG&E. The MCDG letter to PG&E is available upon request.

Since the condemned Indian allotment lands still belong to "USA" or "USA Withdrawn" and not to PG&E and they are former Indian allotment lands still under government control we would like to see some type of just compensation to the Maidu Indian community for these formerly Maidu lands, now public domain lands, being used exclusively by PG&E. Perhaps PG&E land or Forest Service land on the shores of Lake Almanor and elsewhere in the vicinity of Lake Almanor, Butt and Humbug valleys, and Mountain Meadows, could be likewise exclusively used by the Maidu people for traditional cultural activities and a place for the Maidu people to meaningfully reconnect their culture with the land and practice their culture for the next 50 years (and more) of future 2105 FERC licenses.

A similar concept for a culture center only was presented to the 2105 Settlement Committee in November 2003 by the Tasmam Koyom Foundation (Humbug Maidu) requesting land for a cultural center and museum. This proposal lists three purposes for such a center: 1) Public Education, 2) Meeting Place (gatherings, ceremonies, etc.) and 3) Cultural Archives. Significance of the Proposal include: 1) establishing a strong sense of community involvement with everyday Center functioning that will create a strong bond among the Maidu people and increase their sense of connection to the greater local community, 2) utilizing the strength of the Maidu community members to facilitate unity and accomplishment that furthers the chance for a positive self-sustaining future of Maidu descendants, 3) ideals of understanding and cooperation will be used to continually evaluate the current problems facing our community, enabling our culture to progress into the 21st century as a vigorous participant in global citizenship, 4) provide educational guidance and opportunity to the youth of the Maidu people and 5) revitalize efforts to teach Maidu language and crafts. This proposal concept was well received by the 2105 Settlement Committee. Settlement Committee members including two Plumas County Supervisors and a USFS District Ranger indicated that a coordinated effort among the various Mountain Maidu organizations would be a stronger proposal. Recognizing that the Mountain Maidu do not have any cultural center or museum, the interest by many of the 2105 Settlement Committee members in finding land and funding for such a project was expressed. A copy of the Tasmam Koyom Foundation proposal is available on request.

Also it is the MCDG's understanding that the Greenville Rancheria and Susanville Rancheria have been meeting with PG&E about establishing a cultural visitor's center at Lake Almanor. Very few of the Mountain Maidu are represented by Federally

Recognized tribes. Therefore, we feel that such a cultural center should include, as a minimum, the Maidu Cultural and Development Group, which represents several different groups, not just one group or organization, or the goal of Maidu cultural perpetuation and revitalization cannot be realized. The Greenville and Susanville Rancherias also have Pitt River, Washoe, Paiute and Wintu Indians as members who are not descended from the Mountain Meadows area. We are proposing something that is truly inclusive, being open to visitors, and accessible to all Maidu Indians for traditional cultural perpetuation. Including recognized and non-recognized Maidu means including the lineal descendents of the displaced Indian people of Big Meadows, Butt Valley, Humbug Valley and Mountain Meadows as well as Maidu Tribal and non-profit and public service organizations and associations. We propose that all Mountain Maidu tribal, group and organizational representatives work together as a trustee board to plan and implement the Mountain Maidu Culture Center and Museum. PG&E, "USA", "USA Withdrawn" and the US Forest Service could partner with the MCDG to develop an administrative framework and schedule for securing land and an endowment for this use.

The MCDG requests that the following proposed Protection Mitigation and Enhancement Measures (PM&Es) be analyzed by the FERC in the EIS for the new 2105 License.

The MCDG is requesting the following 2105 license PM&E mitigation and enhancement measures be analyzed by the FERC in the EIS for the new 2105 license:

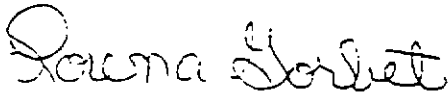
- 540 acres of perpetual cultural easements, including some acres of the Lake Almanor shoreline, where the Maidu could again hold their ceremonies and practice their traditional land stewardship ways over at least the next 50 years of the license period. The land could be: 1) a renewable 50 year special use permit with whoever "USA" or "USA Withdrawn" turns out to be, and/or the US Forest Service, or 2) A perpetual conservation easement with PG&E or a land trust or a public agency (depending on the outcome of the PG&E federal bankruptcy proceedings and the resulting plan for the disposition of PG&E's watershed lands which include some shoreline lands). The land trust arrangement or cultural easement arrangement between the MCDG and PG&E could include mutually agreeable PG&E lands that are partially or wholly Lake Almanor shoreline parcels, and near shore areas within the 2105 Project boundary and could include offsite mitigation areas, on PG&E's "watershed lands" in Humbug and Butt Valleys, and Mountain Meadows, or lands made available through land exchanges between PG&E and other public or private landowners in the vicinity of Lake Almanor.
- An outright fee title dedication of land to the MCDG for traditional Maidu cultural purposes, with a license condition ensuring perpetual access by all Maidu people for traditional cultural uses, of 120 acres of land. Portions of the 120 acres, including some acres on the shoreline of Lake Almanor, would be used

for the construction and operation of a Mountain Maidu Cultural Center, Mountain Maidu land stewardship and traditional environmental knowledge (TEK) demonstration areas and a Mountain Maidu museum and archive. A conservation easement with a land trust such as the Feather River Land Trust could be executed to ensure the conservation of environmental values of such lands if necessary. A letter of support from the Feather River Land Trust is available upon request. An endowment fund set up for construction and continued maintenance of such facilities should be provided by PG&E.

## Conclusion

Again, the Maidu Cultural & Development Group wishes to stress that what we are requesting on 660 acres of former Mountain Maidu Indian land as just compensation for ongoing cultural disruption due to the operation of FERC License No. 2105 is for everyone in the Mountain Maidu Community and has the support of all the members of our Board and the groups that they represent. We will be happy to discuss anything in this request with you and have available more information upon your request. We are willing to undertake further conversations with PG&E, "USA", "USA Withdrawn" and the US Forest Service once they have recognized the status of their properties and the legitimacy of our request.

Respectfully Submitted,



Lorena Gorbet  
Vice Chairman, Board of Directors  
Maidu Cultural & Development Group  
P.O. Box 426, Greenville, CA 95947  
mcdg@fcresearch.org  
(530)284-1022

cc: Service List of interested parties

### MCDG Board of Directors:

Tommy Merino, Chairman, POBox 102, Taylorsville, CA 95983  
Lorena Gorbet, Vice-Chairman, POBox 458, Greenville, CA 95947  
Reina Rogers, Secretary, POBox 677, Greenville, CA 95947  
Leah Wills, Treasurer, POBox 44, Taylorsville, CA 95983  
Leland Washoe, Member, POBox 81, Greenville, CA 95947  
Warren Gorbet, Member, POBox 306, Greenville, CA 95947  
Marvena Harris, Member, 107 Lassen Dr., Westwood, CA 96137  
Farrell Cunningham, Coordinator, POBox 957, Greenville, CA 95947  
Jeanene Hafen, Consultant, POBox 1397, Graeagle, CA 96103

Maidu Summit Member Organizations:

Greenville Rancheria, Richard Thompson, POBox 279, Greenville, CA

95947

Susanville Rancheria, Allen Lowry, Drawer U, Susanville, CA 96130

Tsia Kim Maidu, Don Ryberg, 152 Mill St., Ste. A, Grass Valley, CA 95945

Tasmam Koyom Foundation, Kenneth Holbrook, 170 Cottini Way, Santa Cruz, CA 95060

Stiver's Cemetery Group, Joanne Hedrick, POBox 4005, Quincy, Ca 95971

United Maidu Nation, Lorena Gorbet, POBox 204, Susanville, CA 96130

Plumas County Indians, Inc., Tommy Merino, POBox 102, Taylorsville, CA

Roundhouse Council, Warren Gorbet, POBox 217, Greenville, CA 95947

Big Meadows Maidu Historic Preservation, Marvena Harris, 107 Lassen

Dr.,

Westwood, CA 96137

Maidu Cultural & Development Group, Farrell Cunningham, POBox 426,  
Greenville, Ca 95947

Members at Large:

Terri Gaither

Jerome Merino

Danny Manning

Melvorn Merino

Marlene Mullen

Plumas County Supervisors:

Bill Dennison

Robert Meacher

Honorable Senator Diane Feinstein

One Post Street, Suite 2450

San Francisco, CA 94104

Honorable Senator Barbara Boxer

1700 Montgomery St., Suite 240

San Francisco, CA 94111

Secretary of the Interior

Gale A. Norton

U.S. Department of the Interior

1849 C Street, NW

Washington, DC 10140

Attachment:

# FEATHER RIVER



## LAND TRUST

P. O. BOX 1826  
QUINCY, CA 95971

TEL/FAX: 530.283.5758  
Email: frlt@psln.com

### Mission Statement

The purpose of the Feather River Land Trust is to conserve, restore, and manage land in the Feather River region in cooperation with willing landowners for the benefit of current and future generations.

### Board of Directors

Michael Yost, *President*  
Taylorsville

Trina Cunningham, *Vice President*  
Indian Valley

Patrick Flynn, *Secretary*  
Quincy

Robert Cobb, *Treasurer*  
Quincy

Barry Ford  
Chester

Betsy Kraemer  
Genesee Valley

Rob Wade  
Meadow Valley

### Staff

Paul Hardy  
*Executive Director*  
Quincy

Susan Payne  
*Executive Assistant*  
Meadow Valley

## *Protecting the Places that Make the Feather River Country Special*

December 1, 2003

Magalie R. Salas, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, D.C. 20426

**RE: In the Matter of Relicensing of the Upper North Fork Feather River Project 2105. Letter of support for the Maidu Cultural and Development Group's proposed Protection Mitigation and Enhancement Measures.**

Dear Secretary Salas,

I am writing to express the Feather River Land Trust's full and enthusiastic support of the Maidu Cultural and Development Group's (MCDG) proposed Protection Mitigation and Enhancement Measures (PM&Es) for the new 2105 license EIS. In their proposal letter, dated November 24, 2003, the MCDG requests that the FERC analyze the ongoing cultural disruption suffered by the Maidu people due to their forced removal from Big Meadows and Butt Valley and mitigate damages wrought and continuing to be wrought on Maidu culture due to the lack of communal and trust lands upon which to practice and perpetuate the environmental and ceremonial aspects of their culture. The Maidu lost access to cultural sites of pre-historic, historic, and contemporary significance to the Maidu community and that are currently unusable and/or inaccessible due to the continued use and maintenance of hydroelectric project 2105.

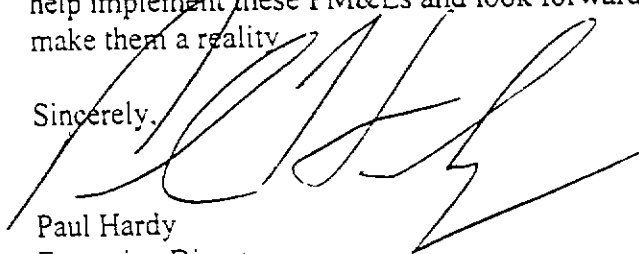
In their November 24 letter, the MCDG requests that two primary PM&Es be analyzed by the FERC in the EIS for the new 2105 license: 1) 540 acres of perpetual cultural easements, including some areas of the Lake Almanor shoreline, where the Maidu could again hold their ceremonies and practice their traditional land stewardship over at least the next 50 years of the license period; and 2) an outright fee title dedication of 120 acres of land to the MCDG for traditional Maidu cultural purposes, with a license condition ensuring perpetual access by all Maidu people for traditional cultural uses.

The Feather River Land Trust strongly supports the above PM&Es and would be willing to play a major role in their execution. Specifically, roles the land trust would be willing play include helping to identify parcels of interest, executing land transactions, legal services, writing conservation easements, holding conservation easements, and holding fee title to lands subject to cultural conservation easements.

The Feather River Land Trust is a nonprofit 501(c)(3) land conservation organization based in Quincy, California. The mission of the land trust is to conserve, restore and manage land in the Feather River Watershed in cooperation with willing landowners for the benefit of current and future generations. The types of land that the land trust seeks to conserve are those of cultural, educational, natural, recreational, and scenic value within the Feather River Watershed, including lands of significance to the Mountain Maidu peoples of the region. The land trust is the primary local land trust operating in the Feather River Watershed and has a membership of nearly 600 individuals. Since our formation in 2000, the Feather River Land Trust has helped protect over 14,000 acres with conservation easements and owns and manages the 575-acre Maddalena Ranch in Sierra Valley.

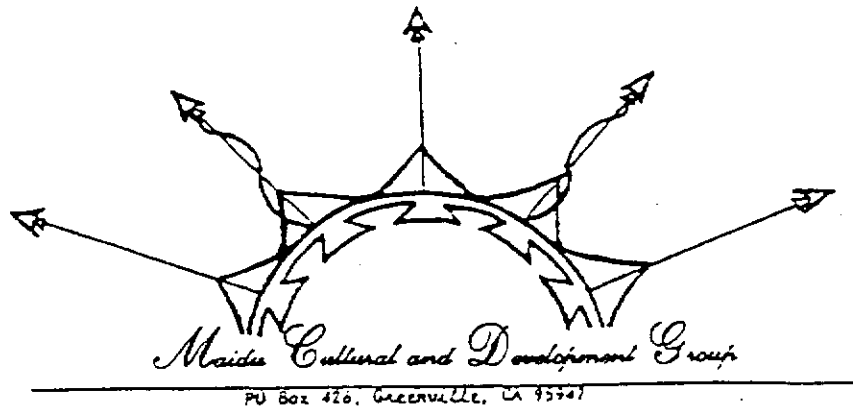
We encourage you to analyze the MCDG's proposed PM&Es within the EIS for the new 2105 license. We feel that these PM&Es are fair, just, and would do much to restore the damage caused to the Maidu people, their culture, and their traditional relationship with the lands of the Big Meadows/Almanor Basin. We also feel that the MCDG is well-suited to successfully carry out the projects entailed by the proposed PM&Es. We reiterate our enthusiastic willingness to help implement these PM&Es and look forward to working with you and the MCDG to help make them a reality.

Sincerely,



Paul Hardy  
Executive Director





29 October 2004

Magalie R. Salas  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, DC 20426

Re: FERC Project No. 2105-089 Draft Environmental Impact Statement Comments

Dear Secretary Salas:

The Maidu Cultural and Development Group (MCDG) has several concerns about this DEIS. The main issue is the lack of real mitigation for the effects this project continues to have on the Mountain Maidu people. Just as the hydropower from this project benefits people in distant locations, most of the mitigation currently being considered in the Settlement Agreement and DEIS ignores the people who continue to be most impacted by the project.

Many of the Traditional Cultural Properties listed are judged by the writers of this document as "does not retain qualities of TCP." Since this is a judgment call that is not shared by the Maidu, we object to the decision that no mitigation is needed. For the recorded prehistoric sites, the common suggested mitigation is to develop a public education program. For many of these sites, PG&E will put up signs as the "public education." This has the potential to cause further degradation of the sites. The Stage 1, Stage 2, and Stage 3 progression with monitoring of the first two stages is not practicable. It will be a miracle if any parts of the sites survive Stage 1. The proposed public Interpretive & Education Program covers many topics and is not an adequate mitigation for the Maidu loss of culture and land caused by the project. PG&E will "formulate a

public I&E program" and "more fully investigate" the idea of a curation facility and interpretive center. That sounds like a lot of study and no action.

MCDG again asks that a curation facility and interpretive center along with deeded land be required as a mitigation for the continued impacts of this project on the Maidu. The land and facility should be available for all Maidu, not just those members of federally recognized tribal governments. Access for gathering and tending of plants should be required. There should be definite specific mitigation measures that benefit the Maidu.

We appreciate being listed as a consulting party for the process of Section 106 of the NHPA consultation. We request that the meetings for the various proposed studies be held in the project area where it will be easier for the various Maidu groups to attend. Most of our community are not of a socio-economic bracket that we can take frequent leave from work and travel long distances for meetings.

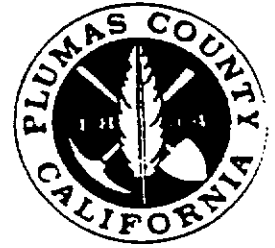
Our community continues today to be impacted by this project. Please require that some of the mitigation measures help remedy this situation. At a minimum we should have cultural easements to gathering and sacred sites and a cultural center on deeded land.

Sincerely,

/Submitted Electronically

Lorena Gorbet  
Project Coordinator  
Maidu Cultural and Development Group

✓ cc: Service List for P-2105-000  
Pacific Gas & Electric Company



# BOARD OF SUPERVISORS

B.J. PEARSON, DISTRICT 1  
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NOV 19 2004

Magalie Roman Salas  
Secretary  
Federal Energy Regulatory Commission  
888 First St., NE  
Washington, DC 20426

October 29, 2004

Honorable Secretary Salas:

Attached please find the Comments of Plumas County, CA on the Draft Environmental Impact Statement for the Upper North Fork Feather River Project, FERC Project # 2105.

Sincerely,

A handwritten signature in black ink, appearing to read "Kenneth Nelson", written over a horizontal line.

Kenneth Nelson, Chairman

Copied only comments  
referring to MCDE issues.

### Section 1.6 Settlement Agreement

Plumas appreciates FERC staff's finding to issue a new license consistent with the terms of the Settlement Agreement (SA) reached by members of the 2105 LG Committee. The SA contains provisions on minimum downstream stream flows, pulse flows, stream flow measurements, ramping rates, stream flow and habitat monitoring, biological monitoring, recreation river flow management, reservoir operation: including lake level management, water year type, water quality monitoring, wildlife habitat enhancement, recreation facilities and enhancements, and land management and visual resource protection, including a Shoreline Management Plan. The County notes FERC staff altered some of the provisions of the Settlement Agreement.

Our comments below reflect FERC's recommended changes.

Plumas concurs with Measure (7) for revision of the draft SMP, but recommends that PG&E meet with local citizens and the 2105 Committee prior to finalizing the plan and filing it with the Commission. We have held several follow up meetings with PG&E and have resolved most of the outstanding SMP issues with PG&E. However, prior to filing the revised plan with the Commission, additional public input, particularly on the revised landuse classifications, enforcement and permitting could benefit the SMP.

Plumas agrees that monitoring of salmonid and wakasagi populations in Lake Almanor and Butt Valley Reservoir would be important if the Prattville Intake modifications were to proceed. However, we continue our concern that so many references to the Thermal Curtain, provides a credibility and perpetuation of a cold water option that is not warranted.

We recommend under Measure (21) that PG&E provide financing for a portion or all of a duration facility and/or interpretive center as retribution for the Tribal Lands of Big Meadows that were covered by Lake Almanor and Butt Reservoir.

successors, lessees and assigns, may boat, hunt, fish and take other recreation upon the waters of both of said reservoirs and each of them, subject, however, to the right of first parties to use said reservoirs for irrigation and power purposes." This deed covenant of 1927 predates the FERC license of the Project. Over the past decade, attorneys representing both PG&E and the Red River Deed owners have reached workable conditions to honor the Deed and still help PG&E comply with Article 42 of the existing license. Very specifically, the attorneys for the Licensee and the attorneys for the Owner have stipulated that the Dock and Buoy Agreements are just that - agreements - not permits. While the Owners are completely willing to assist PG&E with compliance of the terms of Article 42, they are not willing to relinquish the property rights that are conferred by the Red River Deed. Only the courts can do that and there are U.S. Constitutional standards related to the forfeiture of property that apply in this regard. Plumas requests that FERC acknowledge that there is a Red River Deed issue as they develop the wording of the license. Instructing PG&E to consult with Plumas County on the development of such a proposal for the license is requested.

**Page 340; line 4-6:** Plan for application of dust palliatives. This schedule is for completing within two years of license issuance. This action should be accelerated according to the method as proposed in the first section under

**Page 340; line 11-15:** Include in the facilities to be maintained, the houses or cottages at the site. They were included in other references and for clarity should be included here. These cottages are fine examples of the historic nature of the old Caribou work camp and the style of the cottages is exemplary of the design of worker housing of old company towns. They are in disrepair and need exterior maintenance.

#### Cultural Resources

The County maintains that at those sites where PG&E did not propose treatment because the sites are inundated, that FERC NEPA review is incomplete in consideration of the proposed alternative: the curtain and in the absence of other alternatives to the temperature issue.

Lake Almanor Recreation Trail: Should be added to Appendix A

Lighting of Goose Island and Peninsula: Not included in document

# DEPARTMENT OF PUBLIC WORKS

1834 EAST MAIN, QUINCY, CA 95971 PHONE (530) 283-6268 FAX (530) 283-6323

RECEIVED  
JAN 14 2005



Honorable Magalie Roman Salas  
Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, D.C. 20426

TOM HUNTER  
DIRECTOR

MARTIN BYRNE  
ASST. DIRECTOR

MIKE MANIT  
DEPUTY DIRECTOR

December 27, 2004

Re: Draft Environmental Impact Statement and Notice of Settlement Agreement (FERC No. 2105) for the Upper North Fork Feather River Project, Plumas County California

Dear Secretary Salas:

Plumas County Flood Control and Water Conservation District wishes to comment on comments provided in response to the Draft EIS for Project 2105.

### Unites States Dept. of the Interior

Plumas County is in full support of the Settlement Agreement, and is generally not in favor of an amended flow schedule down the Seneca reach. However, due to the ramifications of the implementation of the Prattville Intake modifications, Plumas County has proposed an alternative that reflects NOAA fisheries desire to manage for Adult salmonids in Seneca and beyond, that would require increased flows. Changes to the Lake Level Agreement would not be acceptable to Plumas County, and it is worth noting that higher lake levels preserve the maximum amount of cold water available to lake trout and stream trout at the most critical time of year.

Plumas is opposed to the re-introduction of spring run Chinook salmon into the Upper North Fork Feather River specifically because the fish spawning, rearing and holding areas are inadequate under current and proposed conditions. The genetic uncertainty of the strain to be introduced and the introduction of disease into the watershed are of major concern. Should this course of action be pursued, Plumas has offered an alternative site in waters unaffected by project 2105. Also, Plumas County has not been consulted on the ramifications of the fish passage operations is a severe oversight.

Requiring pulse flows in dry and critically dry years is inconsistent with a natural hydrograph. Separate from the temperature issue, Plumas County does not agree that these flows are necessary and is confident the proposed Recreational Flow schedule for dry and critically dry years is sufficient to promote diversity in the reaches downstream from Belden.

Plumas County is in support of a water temperature management plan to address the watershed approach in stream course health.

**United State Fish and Wildlife Service**

In the absence of a watershed approach to relicensing, Plumas rejects the Fish and Wildlife Services recommendation to connect the licenses with a trap and haul project between projects for salmon in the North Fork Feather River. If re-introduction is to occur, Plumas proposes an alternative site that will not impact logging, power production or recreation. Plumas needs to be consulted on any of these proposals.

**State Water Resources Control Board**

Plumas agrees with SWRCB recommendations to include alternatives analysis to temperature reductions downstream, in addition to solutions to depleted dissolved oxygen levels in Lake Almanor and Butt Valley Reservoir.

**United States Forest Service**

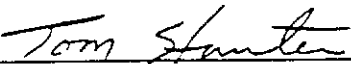
Plumas would also like to see the final EIS reflect the language in the Settlement Agreement for purposes of congruity with the 4(e) conditions.

**Maidu Cultural Development Group et al**

Plumas concurs with the various Recognized and Unrecognized Maidu Tribal groups that it is not for PG&E and the FERC to determine the significance of sites, and therefore the level of protection afforded them. We encourage PG&E to fully implement section 106 and consider a cultural resource center on deeded land or through special use permit from the Forest Service.

Thank you for this opportunity to comment.

Sincerely,

  
\_\_\_\_\_  
Tom Hunter, Director of Public Works  
1834 E. Main St.  
Quincy, CA 95971

CC: Service List



**Pacific Gas and  
Electric Company**

Power Generation

245 Market Street  
San Francisco, CA 94105

*Mailing Address*  
Mail Code N11C  
P.O. Box 770000  
San Francisco, CA 94177

January 15, 2004

Filed via Electronic Submittal

Honorable Magalie Roman Salas, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, DC 20426

Re: **REPLY COMMENTS**  
**Upper North Fork Feather River Project (FERC NO. 2105-089)**

Dear Secretary Salas:

This letter provides the Pacific Gas and Electric Company's reply comments to the following comment and recommendation submittal to the Commission on the Upper North Fork Feather River Project.

- Maidu Cultural and Development Group request to analyze and address impacts dated November 24, 2003.
- California Department of Fish and Game Section 10(j) recommendations dated November 26, 2003.
- National Marine Fisheries Service comments, recommended terms and conditions and prescriptions dated November 26, 2003.
- American Whitewater, Chico Paddleheads, and Shasta Paddlers comments and terms and conditions dated December 1, 2003
- United States Department of the Interior comments and recommendations dated December 1, 2003
- USDA Office of the General Counsel preliminary 4(e) conditions dated December 1, 2003

If you have any questions, please call me at (415) 973-9320.

Sincerely,

Tom Jereb

Upper North Fork Feather River Project Relicensing Manager

Cc: See attached list

Attachments



**Pacific Gas and Electric Company**  
**Upper North Fork Feather River Project, FERC No. 2105**  
**REPLY COMMENTS**

In Response to Maidu Cultural and Development Group November 24, 2003  
Comments

The Licensee appreciates the letter provided to the FERC by the Maidu Cultural and Development Group (MCDG). The Licensee would like to take this opportunity to address several different issues mentioned by the MCDG in its letter.

MCDG Comments on Historical Context for Continued Cultural Disruption

*"Until now, when the FERC has granted the MCDG intervener status and thereby invited Maidu people to express their views, directly, for the first time; there has been no venue for providing alternative views by the majority of Maidu people, who remain "unrecognized" by the federal government as tribes, about what best maintains their culture and how best to mitigate for ongoing disruption from the continued operation of the 2105 project." (Page 5)*

License Response - The MCDG states, "there has been no venue for providing alternative views by the majority of Maidu people, who remain 'unrecognized'." (pg. 5). The Licensee is very aware of and sensitive to the fact that many Mountain Maidu are not represented by either of the federally recognized tribes. For this reason, the Licensee has always been careful to invite both federally recognized and "unrecognized" Maidu groups and individuals to every Licensee consultation meeting from the onset of the relicensing process and has never excluded any Maidu with an interest in the Project area. The MCDG, Roundhouse Council, United Maidu Nation, Honey Lake Maidu, and other "unrecognized" groups and individuals have always been active participants in these meetings and the Licensee greatly appreciates and considers their input alongside that provided by the participating federal tribes. The Licensee will continue to encourage all Mountain Maidu participation throughout the remainder of the relicensing process and over the course of any new license term. Their involvement in the development of the various resource management plans that are currently being prepared is invaluable and greatly appreciated.

MCDG Request for Further Analysis -

*"All of these 660 acres of former allotment lands are listed as 'USA' or 'USA Withdrawn' on the maps provided by PG&E in Exhibit G...Since the condemned Indian allotment lands still belong to 'USA' or 'USA Withdrawn' and not to PG&E and they are former allotment lands still under government control we would like to see some type of compensation to the Maidu Indian community for these formerly Maidu lands, now public domain lands being used exclusively by PG&E." (Pages 6 and 8)*

*"...it is the MCDG's understanding that the Greenville Rancheria and Susanville Rancheria have been meeting with PG&E about establishing a cultural visitor's center at Lake Almanor." (Page 8)*

License Response - In responding to the MGDG's comment it is appropriate to give historical background which describes the early development of the Project. In the 1850's, Euroamerican settlement of the Lake Almanor/Big Meadows area began in the form of large ranches and small settlements. In 1887 Congress passed laws that provided for granting parcels of U.S. Government land to Native American individuals. By law, the granted parcels (called Indian Allotments) were to be held in trust by the U.S. Government for a limited period of 25 years and following the 25 years the land ownership legal title became that of the Native American individual. In the Lake Almanor area, there

were numerous Indian Allotments established. The Licensee's research indicates that 35 allotments were located within FERC License boundaries at Lake Almanor.

Beginning in 1902 the Licensee's predecessor companies (Western Power Company, Great Western Power Company, and Great Western Power Company of California) began obtaining all the necessary lands for the development of hydropower on the North Fork Feather River. The lands included a combination of private, U.S. Government and Indian Allotment lands (all Indian Allotment lands were still held in trust by the U.S. Government). U.S. Government and/or Plumas County records show that the Licensee's predecessor companies legally and rightfully purchased more than 250 parcels beneath or directly adjacent to Lake Almanor from 1) private individuals, 2) the U.S. Government or 3) U.S. Government supervised sales of 26 Indian Allotment parcels. A total of nine additional Indian Allotment parcels were condemned by the Plumas County Superior Court. All of these were legal land transactions approved by federal, state, and/or local governments. When the Licensee purchased the predecessor's assets in 1930, well after these land transactions took place, it also acquired all legal and rightful ownership of these previous allotment lands. Compensation was paid at the time the necessary lands were obtained by the Licensee's predecessors.

The Maidu Cultural and Development Group (MCDG) is correct in its assertion that some parcels of land beneath Lake Almanor are identified as "USA" or "USA Withdrawn" (refer to Project Exhibit Drawings). The Licensee also agrees with the MCDG that these lands remain under the jurisdiction of the USDA Forest Service and that they are utilized for Project purposes. The Licensee currently pays an annual land use fee to the federal government (the Federal Energy Regulatory Commission). It is therefore the Licensee's position that *additional* compensation to the Maidu for use of these government-owned lands is not warranted.

The MCDG's letter also states "the Greenville Rancheria and Susanville Rancheria have been meeting with PG&E about establishing a cultural visitor's center at Lake Almanor." Although the recommendation of a cultural center has been discussed at past cultural resources and general consultation meetings, the Licensee has *not* met separately with the two federally recognized tribes regarding the establishment of such a center.

MCDG Proposed Protection Mitigation and Enhancement Measures -

*"The MCDG is requesting the following 2105 license PM&E mitigation and enhancement measures be analyzed by the FER in the EIS for the new 2105 license:*

- 540 acres of perpetual cultural easements, including some acres of the Lake Almanor shoreline, where the Maidu could again hold ceremonies and practice their traditional land stewardship ways...*
- An outright fee title dedication of land to the MCDG for traditional Maidu cultural purposes...of 120 acres of land. Portions of the 120 acres, including some acres on the shoreline of Lake Almanor, would be used for the construction and operation of a Mountain Maidu Cultural Center, Mountain Maidu land stewardship and traditional environmental knowledge (TEK) demonstration areas, and a Mountain Maidu museum and archive...An endowment fund set up for construction and continued maintenance of such facilities should be provided by PG&E." (Pages 9-10)*

*"...the Maidu Cultural and Development Group wishes to stress that what we are requesting on 660 acres of former Mountain Maidu Indian land as just compensation for ongoing cultural disruption due to the operation of FERC License No. 2105 is for everyone in the Mountain Maidu Community..." (Page 10)*

Licensee Response - The MCDG letter recommends several Protection, Mitigation, and Enhancement measures (PM&Es) and requests "660 acres of former Mountain Maidu Indian Land as just compensation for ongoing cultural disruption due to the operation of FERC License No. 2105." The two Federally recognized tribes (Greenville and Susanville Rancherias), the MCDG, the Tasman Koyom Foundation (Humbug Maidu), and other Maidu organizations and individuals have previously suggested that such "compensation" lands could be utilized to construct a cultural center and museum for the purposes of public education, traditional Maidu gatherings, and other cultural activities.

The Licensee understands the Mountain Maidu and MCDG's genuine concern regarding the lands within the Upper North Fork Feather River project area and their desire to regain lands. However, the Licensee does not feel that additional compensation for lands that are legally owned by the Licensee or for which the Licensee currently pays an annual land use fee to the Federal government is the Licensee's responsibility. In its letter, the MCDG cites the *Department of the Interior's* rationale for the termination of Indian Allotments at Big Meadows and its subsequent sale to the Licensee's predecessor, Great Western Power (pg. 4). Concerns regarding these early government land transactions and any requests for additional compensation in any form should therefore be addressed towards the Department of the Interior, the Bureau of Indian Affairs (which supervised the allotment sales) and the Superior Court, County of Plumas, State of California (which condemned nine allotments). As mentioned above, the Licensee (a) rightfully and legally purchased and currently owns, or (b) currently compensates the legal and rightful owners of all lands within the FERC license boundary that are used for Project purposes. Additional mitigation and/or compensation for these legal transactions in the form of land donations, construction of cultural centers, or payments/fees to any outside parties is not the responsibility of the Licensee.

Pacific Region, USDA Office of the General Counsel  
33 New Montgomery, 17<sup>th</sup> Floor  
San Francisco, CA 94105

Telephone: 415-744-3177  
Fax: 415-744-3170  
Email: Jack.Gipsman@usda.gov

December 1, 2003

Via Electronic Filing

Ms. Magalie R. Salas, Secretary  
Federal Energy Regulatory Commission  
888 First Street, NE  
Washington, D. C. 20426

Subject: **FOREST SERVICE PRELIMINARY 4(e) CONDITIONS**  
**PG&E - Upper North Fork Feather River Project FERC No. 2105**

Dear Ms. Salas:

Enclosed for filing are the Forest Service Preliminary Terms and Conditions for inclusion in a new license for this project as well as comments, recommendations and rationale pursuant to Sections 4(e) and 10(a) of the Federal Power Act. This filing is in response to your notice of "Ready for Environmental Assessment" (REA) dated August 25, 2003.

The preliminary "4(e) license conditions" and "10(a) recommendations" contained in this document were developed by comparing the "desired condition" (the condition towards which we are trying to move the resources) with our knowledge of the existing condition of the resource (the state of the resources today). Comprehensive Forest Plan direction, Forest Service policy, rules, laws, and regulations were used as the basis for determining the desired conditions. The results of many studies completed by the Pacific Gas and Electric Company (Licensee), Forest Service data collection, observations of the affected resources and professional judgment were used as the basis for determining the existing resource condition. The Forest Service has used this comparison of "Existing" to "Desired" resource condition as a measure of project affects throughout much of the relicensing process.

Where the "desired" and "existing" resource conditions are not the same, the objective is to move the resources towards the "desired" condition. Where this difference can be demonstrated to result from direct or indirect effects of the Upper North Fork Feather River Project (Project), "4(e) license conditions" or "10(a) recommendations" are prescribed in this document to narrow the gap. The Forest Service has prescribed mandatory 4(e) license conditions and explanatory rationale where there is a direct or indirect linkage between the project and effects to National Forest System lands. Optional 10(a) recommendations and a rationale are provided for your consideration, where project effects are not directly or indirectly affecting National Forest System lands.

- Ensure project-related activities shall meet restrictions included in site management plans for listed species.
- Develop implementation and effectiveness monitoring of measures taken or employed to reduce effects to listed species.

#### **Condition No. 39 - Cultural Resources Management Plan**

The Licensee shall file with the FERC, within one year following license acceptance, a Cultural Resources Management Plan (CRMP), approved by the Forest Service, for the purpose of protecting and interpreting heritage resources. The Licensee shall consult with the State Historic Preservation Officer, Native American Tribes, Forest Service, and other applicable agencies and communities during the preparation of the plan. The CRMP shall be incorporated into the Programmatic Agreement, of which the Forest Service will be a signatory, by reference. The CRMP shall accurately define the area of potential effects, including effects of implementing Section 4(e) conditions, and shall take into account Project effects on National Register properties, Native American traditional cultural values, and Project-induced recreational impacts to archaeological properties on or affecting National Forest System lands. The CRMP shall also provide measures to mitigate the identified impacts, a monitoring program, and management protocols for the ongoing protection of archaeological properties. The plan shall be filed with the FERC.

If, prior to or during ground-disturbing activities or as a result of project operations, items of potential cultural, historical, archeological, or paleontological value are reported or discovered, or a known deposit of such items is disturbed on National Forest System lands and Licensee adjoining fee title property, the Licensee shall immediately cease work in the area so affected. The Licensee shall then: (1) consult with the California State Historic Preservation Officer (SHPO) and the Forest Service about the discovery; (2) prepare a site-specific plan, including a schedule, to evaluate the significance of the find and to avoid or mitigate any impacts to sites found eligible for inclusion in the National Register of Historic Places; (3) base the site-specific plan on recommendations of the SHPO, the Forest Service, and the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation; (4) file the site-specific plan for Commission approval, together with the written comments of the SHPO and the Forest Service; and (5) take the necessary steps to protect the sites from further impact until informed by the Commission that the requirements have been fulfilled.

#### **Condition No. 40 - Recreation Coordination and Review**

Licensee shall, every six years (coinciding with the FERC recreation inspection schedule), consult with the Forest Service, appropriate agencies, and interested parties to review and adjust project-wide recreation management objectives. This consultation should take the form of an in-person meeting within reasonable distance to the project. This review shall be based on monitoring results from recreation surveys, law

**Pacific Gas and Electric Company**  
**Upper North Fork Feather River Project, FERC No. 2105**  
**REPLY COMMENTS**

In response to USFS December 1, 2003 Preliminary 4(e) conditions

General Comments: The Licensee has been involved in collaborative discussions with numerous stakeholders in this Project, including the USDA Forest Service (FS). These discussions have resulted in the development of a Draft Settlement Agreement, on which the Parties are currently in the process of making final changes. Licensee assumes that the proposed conditions and recommendations of the parties entering into the final Settlement Agreement will be modified to reflect the final version of the Settlement Agreement. Accordingly, Licensee's reply comments are limited to those proposed conditions that either conflict with or are not addressed in the Draft Settlement Agreement. The Licensee also notes that the scope of all final 4(e) conditions provided by the FS should be limited to actions that have the potential to affect National Forest System Lands (NFSL).

*Forest Service 4(e) Recommendation, Condition No. 2 – Forest Service Approval of Final Design*

*"Prior to undertaking activities on National Forest Service lands, the Licensee shall obtain written approval from the Forest Service for all final design plans for project components that the Forest Service deems as affecting or potentially affecting National Forest System lands and resources."*

Licensee Response: The term "activities" is overly broad, and as written could be interpreted to require plans and review for simple repairs or replacement of worn components to any part of the extensive hydro system facilities. The term "activities" should be qualified so that only ground-disturbing, significant repair, or major construction projects for which plans are developed will be subject to FS review.

*Forest Service 4(e) Recommendation, Condition No. 14 - Water Pollution.*

*"Unless authorized by the State, the Licensee shall discharge no waste or byproduct if it contains any substances in concentrations that would result in violation of water quality standards set forth by the State; would impair present or future beneficial uses of water; would cause pollution, nuisance, or contamination; or would unreasonably degrade the quality of any waters in violation of any federal or state law. During any new construction, the Licensee shall prevent water pollution by using management practices identified as necessary by the Forest Service"*

Licensee Response: The Licensee acknowledges the requirements outlined as Condition No. 14. Licensee exercises due diligence and best management practices when dealing with situations that could cause violation of water quality standards. Petroleum products, chemicals, and other substances associated with the operation and maintenance of Project facilities are carefully handled and stored to minimize the potential for spills or releases to waters in the Project area. The Licensee has developed and implemented a Spill Prevention, Control and Countermeasure Plan to address specific actions to be taken in the event of a release of potentially toxic or hazardous substances. Routine construction and maintenance activities that impact Project waters are conducted following consultations with the appropriate resource agencies.

Licensee Response: Licensee understands the need to comply with FS Standards and Guidelines for protection of listed and proposed threatened and endangered species, Forest sensitive species and other special status species in conjunction with any plans for new facility development, including recreation developments, proposed on NFSL within the Project boundary. Prior to construction of new Project features (e.g., recreation facilities) on NFSL, Licensee will prepare for FS review and approval, a Biological Assessment containing sufficient information to allow a determination of the nature and extent of impacts to species proposed for listing or listed under the federal Endangered Species Act or that may affect a species critical habitat or a FS sensitive or other special status species or their habitats.

*Forest Service 4(e)Recommendation Condition No. 40 – Cultural Resources Management Plan –*

*“...The Licensee shall file with the Commission, within one year following license issuance, a Cultural Resources Management Plan (CRMP), approved by the Forest Service, for the purpose of protecting and interpreting heritage resources.”*

*“The CRMP shall be incorporated into the Programmatic Agreement, of which the Forest Service will be a signatory. by reference.”*

*“The CRMP shall...take into account Project effects on National Register properties, Native American traditional cultural values, and Project-induced recreational impacts to archaeological properties on or affecting National Forest System lands.”*

*“If, prior to or during ground-disturbing activities or as a result of project operations, items of potential cultural, historical, archeological, or paleontological value are reported or discovered, or a known deposit of such items is disturbed on National Forest System lands and Licensee adjoining fee title property, the Licensee shall immediately cease work in the area so affected.”*

Licensee Response: This condition states that within one year following License issuance, a Cultural Resources Management Plan (CRMP), approved by the FS shall be filed with the FERC. According to the proposed Programmatic Agreement (PA) for the Project, the Cultural Resources Management Plan (CRMP) is to be an attachment to the PA. However, should license issuance take place prior to completion of the CRMP, the PA will likely stipulate that the CRMP must be filed within a period of time that will be specified by FERC. For other projects owned by Licensee, this period has been one year. The CRMP will take into account Project-related impacts upon all identified cultural resource sites and historic properties and areas of traditional cultural importance to the Maidu community. Appropriate management of Project-related impacts and mitigations measures for these resources will be detailed within the final CRMP. The detail will include but is not limited to a monitoring program that specifies the locations to be monitored, frequency, and documentation protocols; protocols for regular communications with the Maidu community and FS.

This condition states that the FS will be a signatory to the PA. The appropriate signatories for the PA will be determined by the FERC. According to the FERC's Guidelines for the Development of Historic Properties Management Plans for FERC Hydroelectric Projects, “FERC typically completes Section 106 by entering into a Programmatic Agreement (PA) or Memorandum of Agreement (MOA) with the License Applicant, the Council, and the State and/or Tribal Historic Preservation Officer (SHPO/THPO).” (FERC, May 20, 2002). The Licensee, and all other consulting parties, including the FS are concurring parties on the PA and not signatories. The Licensee agrees with these guidelines: as the PA will detail consultation protocols to be

undertaken with the FS concerning NFSL, Licensee does not believe the FS needs to be a signatory to the PA but will defer to FERC on this issue.

This condition also states that the CRMP shall take into account "Native American traditional cultural values." The CRMP will be developed in order to meet the FERC and Licensee's Section 106 responsibilities. Section 106 of the National Historic Preservation Act requires a Licensee to take into account the effects of relicensing projects on historic *properties*, including properties of traditional religious and cultural importance to Tribes as defined in 36 CFR 800.16(l)(1). The Licensee therefore interprets the FS use of the term "values" in this condition to mean values that Tribes place on *properties* and not "values" in the general sense.

The CRMP will detail appropriate measures to be undertaken should previously unidentified cultural materials become apparent during ground-disturbing activities or as a result of future Project operations. Should previously unidentified cultural materials become apparent during Project activities upon NFSL, the Licensee will cease work in the immediate area, and consult with the FS, Maidu community and any other appropriate agencies regarding the find and determine appropriate management and/or mitigation. The CRMP will also include provisions for treatment of cultural sites and materials discovered during Project emergency situations requiring immediate action in the interest of facility and public safety. This condition, however, specifies that the Licensee must consult with the FS should previously unidentified resources be found on "*Licensee adjoining fee title property.*" While the FS may specify consultation requirements in a 4(e) condition that are to be followed regarding previously unidentified resources found on NFSL, the FS may not place consultation conditions upon Licensee fee title lands that are not under FS jurisdiction. This request is better suited as a 10(a) recommendation.

Finally, this condition discusses a protocol should items of paleontological value be discovered as a result of project operations. As mentioned above, the CRMP is written in order to comply with Section 106 of the National Historic Preservation Act, which only addresses historic properties as defined in 36 CFR 800.16(l)(1). Paleontological materials are not considered to be historic properties and therefore cannot be addressed in a CRMP.

*Forest Service 4(e) Recommendation, Condition No. 47 - Interagency River Recreation Management Plan*

*Within 12 months of license issuance, Licensee will coordinate with the Forest Service, Butte County, Plumas County, and Caltrans to develop a Memorandum of Understanding to produce an Interagency River Recreation Management Plan. The Plan will address management of project related to river recreation opportunities, including integration with other river recreation opportunities in the watershed. The Plan will address establishment of visitor capacity thresholds, maintenance of facilities, signage, traffic management, and monitoring. This plan and Memorandum of Understanding would not be financially binding, but would document agency roles, responsibilities, and intentions related to river recreation management.*

*If after evaluation period whitewater flows are not continued, then this Memorandum of Understanding and Plan would be terminated.*

Licensee Response: Licensee does not object to this condition. However, Licensee proposes that the plan described in this condition be renamed to Belden Whitewater River Recreation Management Plan, as that appears to be the intended purpose and scope of the recommendation.



# LAND AND RESOURCE MANAGEMENT PLAN

## *Lassen National Forest*

FINAL EXTRA COPY

*This is a Plan for managing  
the Lassen National Forest  
for the next 10-15 years.*



1992

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variety of purchases and contracts. The total Forest budget was around \$12.3 million in 1982 and \$16.0 million in 1990.

In addition, the Forest contributes indirectly by providing timber for harvesting and milling, range forage for livestock operations, and recreation opportunities for tourist business, etc.

## C. SOCIAL ENVIRONMENT

### 1. Social Groups

The Forest plays an important role in the lives of residents of the impact area. Long-time residents and newcomers alike prefer the natural setting and resources that the Forest provides. All social groups utilize the Forest for recreation and firewood, but the groups differ in several other land management demands and issues. The four social groups and their relationship to Forest management are summarized below.

**Ranchers** Once dominant in all aspects of the local economic, political, and social structure, ranchers still form the core of many local communities. They still have strong ties to the Forest's lands and rely on them for range, wood, and water, as well as wildlife and fish. Traditional ranchers prefer to preserve their rural lifestyle and retain local control over management of the Forest's commodity and amenity resources.

**Timber Industry Workers** Like ranchers before them, the timber industry also once dominated the local economy. The industry depends directly and heavily on the Forest. Its workers include loggers, mill workers, managers, and small business operators. Increased competition for jobs in a depressed lumber market is causing unemployment and threatening economic survival of small logging operators. Industry workers favor intensive and efficient timber production and development of the Forest commodity values. Secondly, they value its recreational opportunities, especially hunting and fishing.

**Government Workers** Public employees are a diverse group. Attitudes and values include those of the other groups, but in general

government workers share an interest in public policy and Forest management, in protection of its amenity resources, and in orderly economic development. The government sector since 1980 has been by far the largest employer, totaling 27 percent of the workforce in the impact area, including 49 percent in Lassen County.

**Urban Emigrants** Within the last two decades urban emigrants have greatly modified the local communities. They are drawn from most other social groups and include retirees, second-home owners, professionals, small businessmen, government workers, and craftsmen. Most urban emigrants favor the amenity aspects of the Forest over the commodity aspects, and expansion of recreational opportunities. An activist component of this group has deep concerns for environmental preservation, participates in political circles, and demands more involvement in Forest policy decisions.

### 2. Minorities/Ethnic Groups

The racial and ethnic make-up of the impact area is predominantly white (88 percent). Persons of Hispanic origin constitute the largest ethnic minority group (6.6 percent), while Native Americans constitute the largest racial minority group (two percent). Most minority employment is in resource-based industries, often seasonal.

All ethnic and racial groups depend on the Forest for recreation, firewood, and as a component of the rural lifestyle.

**Native Americans** Descendants of several indigenous hunting and gathering groups, Native Americans retain a distinct set of attitudes and beliefs along with long-standing ties to the Forest. Some Native Americans gather traditional natural products from Forest lands, and certain localities are used for the practice of religious rites. Native American groups and individuals have, therefore, expressed strong concerns about Forest management in the past. Threats to their cultural heritage, such as timber harvest or energy development in significant areas, will incur responses in the future. Native Americans are also often employed in the timber and agriculture industries.

cross the Forest. Sites associated with particular ethnic groups include Native American spiritual and resource gathering areas, Basque aspen carvings, and Chinese mining camps. Of particular significance is the homeland of Ishi, the last Yahi Yana Indian.

### *b. Current Management*

The Forest manages cultural resources that may contribute to our understanding of the region's cultural history and the lifeways of its past human occupants. Cultural resources associated with traditional values of contemporary Native Americans are also managed.

The Forest identifies cultural properties in conjunction with resource management projects such as timber sales. Through the environmental analysis process, project managers develop and apply mitigation measures to protect cultural resources. The Forest consults with the State Historic Preservation Officer and the Advisory Council on Historic Preservation regarding treatment of significant resources. Options include protection, preservation, documentation, restoration, or data recovery. If necessary, projects are modified to preserve the cultural resources or to mitigate effects on them. Certain key areas are excluded from most Forest management activities to protect their unique cultural values.

### *c. Cultural Properties*

With about 48 percent of the Forest inventoried, 1,788 cultural properties have been identified. Of these, 60 have been evaluated for their eligibility to the National Register of Historic Places. One area (the 11,500-acre Lake Britton Archaeological District) is on the Register. An estimated 3,000 cultural properties have not yet been identified. The major deficiencies in information include the identification of cultural properties in non-forest environments and understanding the contribution cultural properties make to our knowledge of human behavior.

### *d. Opportunity*

The Forest has an opportunity to develop a program to effectively manage cultural resources. Such management will require (1) the identification of cultural properties outside of project

areas, (2) the maintenance of their scientific, historic, and cultural values, (3) the scientific study of cultural resources to enhance our understanding of human behavior; and (4) providing information to the public on our cultural heritage.

Archaeological research has focused on the prehistoric occupations of Eagle Lake, Mill Creek, the Pit River, and the meadow that is now Lake Almanor. Local Native Americans interested in maintaining their unique cultural and spiritual heritage show strong interest in preserving associated sites on the Forest. Such interests are expected to increase. However, natural deterioration, looting and vandalism continually reduce the Forest's cultural resources, and only limited means are available to prevent such losses as well as to interpret the resources to the public. More protection and public information would help reverse the situation.

## **4. ENERGY**

### *a. Current Management*

The Forest's energy resources fall into eight categories. Hydroelectric, wind, solar, and consumption are discussed in this section. Geothermal, oil, and gas are described in the Minerals section, and wood-based energy in the Firewood and Biomass sections. Utility corridors needed to transmit the energy are discussed in the Facilities section.

**Hydroelectric** Hydroelectric power is the main energy resource associated with the Forest. Nine hydroelectric facilities are on or near the Forest, and another is partially dependent on water flowing from the Forest. In addition, many applications have been filed for new "small hydroelectric" facilities since passage of the Public Utilities Regulatory Policy Act of 1978 (PURPA). The Federal Energy Regulatory Commission (FERC) processes these applications as they are filed, and the Forest Service responds to each by providing FERC with measures to mitigate any project's effects. The Forest also conducts an environmental analysis and may issue a special use permit for hydroelectric facilities, and an easement for a power transmission line. Forest Service policy is to cooperate with FERC, other Federal and State agencies, and developers in

The appearance of the Forest from designated throughways and vantage points appears mostly unchanged by management activities, from other areas, harvest openings and roads may be visible. Non-commodity outputs such as wildlife, biological diversity, and scenic quality are emphasized equally with commodity outputs.

## C. FOREST GOALS

Goals for achieving the desired future condition for the Forest for each significant resource are listed below.

### 1. AIRQUALITY

- a. Maintain air quality to meet or exceed legal requirements of appropriate levels of government.
- b. Minimize encroachment of prescribed fire smoke on population centers

### 2. BIOMASS

- a. Provide for the use of biomass that is surplus to ecological, silvicultural, and personal firewood gathering needs
- b. Consistent with (a) above, sell biomass from thinnings in both plantations and wild stands to offset costs of Forest Timber Stand Improvement programs.

### 3. CULTURAL RESOURCES

- a. Protect, preserve, and complete the inventory of cultural properties on the Forest, in the first decade. This shall be accomplished by a combination of general inventories and those required for resource-use projects. Determine the eligibility of 20 percent of the properties for inclusion on the National Register of Historic Places per decade.
- b. Insure that Forest actions are not detrimental to traditional Native American religious rights and practices
- c. Provide information about cultural resources for public education and enjoyment.

## 4. ENERGY

- a. Create energy-efficient facilities through state-of-the-art design for both new construction and upgrading existing facilities
- b. Encourage energy-efficient vehicle operations through the use of fuel efficient vehicles for the Forest fleet

## 5. FACILITIES

- a. Provide a stable and cost-efficient road system through appropriate construction, reconstruction, and/or maintenance
- b. Cooperate with Federal and State agencies, counties, and private entities to obtain needed modifications of roads under their jurisdictions
- c. Provide a stable and cost-efficient trail system through appropriate construction, reconstruction, and/or maintenance
- d. Provide administrative sites and facilities that effectively and cost-efficiently serve the public and the Forest Service workforce

## 6. FIRE AND FUELS

- a. Rely on fuel reduction and an effective fire protection organization to minimize wildfire losses.
- b. Promote fire prevention commensurate with resource values at risk.
- c. Reduce fuels by prescribing fire and allowing biomass use, while maintaining soil and water quality

## 7. FIREWOOD

- a. Provide a sustained supply of firewood, giving priority to personal use

## 8. FISH

- a. Maintain or improve habitat for all native and compatible non-native species

## E. FOREST STANDARDS AND GUIDELINES

The Forest Standards and Guidelines apply to the entire Forest. They expand the Forest Goals into more specific management direction for each resource. To maintain the close link between these two levels of direction, the primary direction statements (a, b, c, etc.) of the Forest Standards and Guidelines are identical to the statements of the Forest Goals listed above.

The two additional levels of direction below the Forest Standards and Guidelines--Management Prescriptions and Management Area Direction—are consistent with, but more location-specific than these Standards and Guidelines.

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### 1. AIR QUALITY

- a. Maintain air quality to meet or exceed legal requirements of appropriate levels of government

- (1) Comply with the Federal Clean Air Act, as amended, and State and local air quality regulations.

- b. Minimize encroachment of smoke from prescribed fires into the Sacramento Valley, Lake Almanor basin, Fall River Valley, Eagle Lake basin, Burney basin, and Honey Lake Valley

- (1) Cooperate with local Air Pollution Control Districts during burning activities to minimize the total contamination occurring at any one time

- (2) Conduct burning activities on designated "burn" days when atmospheric conditions result in acceptable wildfire hazard and provide for rapid dispersion of pollutants. Only in rare cases will variances be requested

- (3) Design each burn plan so that air quality standards will be met or exceeded

### 2. BIOMASS

- a. Provide for the use of biomass that is surplus to ecological, silvicultural, and personal firewood gathering needs.

- (1) Provide hiding and thermal cover for deer in biomass treatment areas

- b. Consistent with (a) above, sell biomass from thinnings in both plantations and wild stands to offset the costs of Forest Timber Stand Improvement programs.

### 3. CULTURAL RESOURCES

- a. Protect, preserve, and complete the inventory of cultural properties on the Forest in the first decade. This shall be accomplished by a combination of general inventories and those required for resource-use projects. Determine the eligibility of 20 percent of the properties for inclusion in the National Register of Historic Places per decade

- (1) Within the first decade, identify and inventory cultural properties

- (2) Develop and implement agreements with the State Historic Preservation Officer and the Advisory Council on Historic Preservation for the management of cultural properties on or eligible for inclusion on the National Register
  - (3) Protect cultural properties listed or eligible for inclusion on the National Register from deterioration or destruction
  - (4) Where protection of cultural properties is not feasible, recover the values that result in their eligibility for inclusion on the National Register
  - (5) Allow the scientific study of cultural properties
- b. Insure that Forest actions are not detrimental to traditional Native American religious rights and practices
- (1) Identify areas used in the practice of traditional Native American religion and determine present use for religious purposes
    - (a) Determine the probable effect of any Forest action on these areas and resources
    - (b) Per the American Indian Religious Freedom Act of 1978, seek to insure that Forest actions do not restrict the practice of traditional Native American religion by Native Americans.
- c. Provide information about cultural resources for public education and enjoyment
- (1) Increase public awareness of cultural resources by distributing information from scientific studies, preparing exhibits, and interpreting sites that will not be degraded by such use
  - (2) Designate and preserve segments of emigrant trail routes and associated features that significantly characterize these routes and contribute to trail interpretation

#### 4. ENERGY

- a. Provide energy-efficient facilities through state-of-the-art design for both new construction and upgrading existing facilities.
- (1) To meet the requirements of the National Energy Conservation Policy Act (NECPA), audit energy use and retrofit Forest-owned or leased buildings as appropriate. Prioritize retrofit projects on the basis of highest ratio of energy cost saving to retrofit investment cost
- b. Encourage energy-efficient vehicle fleet operations through the use of fuel efficient vehicles
- (1) Conduct sufficient vehicle travel and utilization studies to insure efficiency and conservation in vehicle use
  - (2) Obtain, within procurement regulations, fuel efficient vehicles for the Forest fleet

#### 5. FACILITIES

- a. Provide a stable and cost-efficient road system through appropriate construction, reconstruction, and/or maintenance
- (1) Maintain each Forest road to a specified maintenance level as defined in Appendix G
  - (2) Maintain all roads and related structures to a) protect resources of adjacent areas; b) meet contractual and legal obligations, and c) provide an efficient transportation system
  - (3) Modify or obliterate portions of the Forest Development Road System as needed to meet changing traffic demands or other management direction herein
  - (4) Construct or reconstruct each road to satisfy environmental and economic criteria identified in the Road Development Guidelines of Appendix F

cies Recommend to the Chief of the Forest Service RNA designation of the following areas:

<i>Green Island Lake</i>	<i>1,210 acres</i>
<i>Indian Creek</i>	<i>3,890 acres</i>
<i>Soda Ridge</i>	<i>1,295 acres</i>
<i>Timbered Crater</i>	<i>1,777 acres</i>
<i>Mayfield</i>	<i>980 acres</i>
<i>Graham Pinery</i>	<i>660 acres</i>

- (2) Upon approval of this Forest Plan, the following areas are classified as Special Interest Areas pursuant to Title 36, Code of Federal Regulations, Section 294.1 (a) and authority vested in the Regional Forester by the Chief of the Forest Service

<i>Black Rock</i>	<i>15 acres</i>
<i>Geological Area</i>	
<i>Crater Lake</i>	<i>200 acres</i>
<i>Geological Area</i>	
<i>Deep Hole</i>	<i>100 acres</i>
<i>Geologic Area</i>	
<i>Homer / Deerheart</i>	<i>1,480 acres</i>
<i>Scenic Area</i>	
<i>Montgomery Creek Grove</i>	<i>20 acres</i>
<i>Botanical Area</i>	
<i>Murken</i>	<i>380 acres</i>
<i>Botanical Area</i>	
<i>Willow Lake Bog</i>	<i>110 acres</i>
<i>Botanical Area</i>	

- (3) Prior to formal classification (or designation), protect the identified values of all of the above recommended areas.
- (4) Protect and preserve the values of each special area as identified in an establishment report or area management plan, in conformance with the Special Areas Prescription and Management Area direction.
- (5) Continue to inventory and recommend additional qualifying special areas throughout the planning period

## 19. TIMBER

- a Provide a sustained quantity of forest products by selecting silvicultural practices from the full range available on an individual stand basis, in accordance with biological

requirements, economic efficiency, and Forest Goals for other resources.

- (1) Timber harvesting shall occur on lands classified as suitable for timber production. Harvesting will also occur on non-suitable lands where necessary to meet other multiple use objectives or to protect resource values if the Forest Plan establishes that such actions are appropriate.
- (2) Apply both even-aged and uneven-aged timber management for timber production. Apply uneven-aged management where necessary to protect or enhance other emphasized resources, as stated in the Management Prescriptions and Management Area direction.
- (3) Manage the landscape to provide a mosaic of even-aged and uneven-aged timber stands.
- (4) Where recommended, emphasize uneven-aged timber management in three Management Areas (MA's) to test the feasibility of that system over large areas of land: MA #14 Eagle (eastside pine), MA #17 Lost (mured conifer), and MA #28 Feather River (mixed conifer and red fir). Apply elsewhere in the Forest where appropriate.
- (5) Implement even-aged silvicultural treatments that will allow groups of saplings and poles to be retained where
- retention will not add significantly to logging cost;
  - the groups will be fully stocked with crop trees free of dwarf mistletoe and capable of normal growth (releasable);
  - the groups will not be excessively damaged by site preparation activities and future harvesting,
  - effects on visual quality and wildlife habitat can be mitigated by leaving advanced regeneration or a partial overstory.

# MAIDU SUMMIT

## Mountain Maidu Resolution of purpose regarding Lake Almanor otherwise known as Big Meadows

- Whereas:** The Maidu Summit Group is made up of 10 Mountain Maidu groups, organizations and tribes,
- Whereas:** These groups have come together in order to protect our Maidu Homeland and our Maidu cultural sites,
- Whereas:** Pacific, Gas & Electric is currently planning to install a thermal curtain at Lake Almanor that involves dredging on the bottom of the lake and two thermal curtains in Butt Valley Reservoir,
- Whereas:** These projects will impact Native American sites under the lake, including a known Native American cemetery under the lake out from Prattville,
- Whereas:** The Maidu Summit group believes there are other possible ways to achieve the PG&E goal of cooler water in the North Fork of the Feather River that will not impact the sites under the water in Lake Almanor and Butt Valley Reservoir,
- Therefore:** Let it be known that the signatories of this resolution have agreed to oppose the installation of thermal curtains at Lake Almanor or Butt Valley Reservoir

And let it be known that the signatories of this resolution have agreed to oppose any dredging of soil on the bottoms of Lake Almanor or Butt Valley Reservoir.

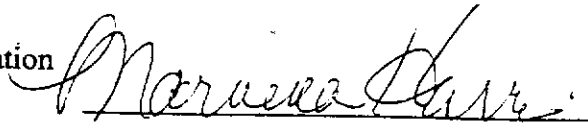
Also let it be known that the signatories of this resolution have agreed to support upstream restoration as an alternative way to cool the water in the North Fork of the Feather River.

This resolution was reached by consensus vote at a meeting of the Maidu Summit group on Saturday, August 28, 2004.

### Signatories

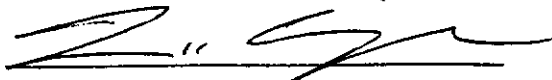
#### Represented Groups, Organizations and Tribes:

Big Meadows Maidu Historic Preservation  
rep. Marvena Harris  
Greenville Indian Rancheria  
rep. Adrian Mullen

  
(see Separate Resolution)



Maidu Cultural & Development Group  
rep. Farrell Cunningham  
Plumas County Indians, Inc.  
rep. Tommy Merino  
Roundhouse Council Indian Ed. Center  
rep. Warren Gorbet  
Stiver's Indian Cemetery Association  
rep. Joanne Hedrick  
Susanville Indian Rancheria  
rep. Allen Lowry  
Tasmam Koyom Cultural Foundation  
rep. Kenneth Holbrook  
Tsiakim Maidu  
rep. Ben Cunningham  
United Maidu Nation  
rep. Lorena Gorbet

  
\_\_\_\_\_  
Tommy Merino  
\_\_\_\_\_  
Warren Gorbet  
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Joanne Hedrick  
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<See Attached Resolution>  
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<See Attached Resolution>  
\_\_\_\_\_  
Ben Cunningham  
\_\_\_\_\_  
Lorena Gorbet  
\_\_\_\_\_

**Members at Large:**

Taras Gaither  
  
Danny Manning  
  
Jerome Merino  
  
Melvern Merino  
  
Marlene Mullen

Taras Gaither  
\_\_\_\_\_  
Danny Manning  
\_\_\_\_\_  
Jerome Merino JR  
\_\_\_\_\_  
Melvern Merino  
\_\_\_\_\_  
Marlene J. Mullen  
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# SUSANVILLE INDIAN RANCHERIA

## RESOLUTION NO. SU-BC-23-2004

**RE: OPPOSITION FOR INSTALLATION OF THERMAL CURTAIN  
AT LAKE ALMANOR**

**WHEREAS,** the Susanville Indian Rancheria is a federally recognized Indian tribe organized under the Indian Reorganization Act (IRA); and

**WHEREAS,** the Susanville Indian Rancheria's General Council, which is composed of all voting members of the Tribe, at a duly called meeting held February 8, 1992 vested authority to the Tribal Business Council to enact resolutions and conduct business on behalf of the General Council, effective February 8, 1992; and

**WHEREAS,** the Susanville Indian Rancheria has an inherent right and responsibility to protect Native American cultural sites that affect its tribal members and other Native American tribes; and

**WHEREAS,** the Susanville Indian Rancheria is comprised of members that have ancestral ties to Big Meadows, an area that was flooded to form Lake Almanor; and

**WHEREAS,** Pacific, Gas & Electric is currently planning to install a thermal curtain at Lake Almanor that involves dredging on the bottom of the lake and two thermal curtains in Butt Valley Reservoir; and

**WHEREAS,** that these projects will impact Native American sites under the lake, including a known Native American cemetery under the lake out from Prattville; and

**WHEREAS,** the Susanville Indian Rancheria believes there are other possible ways to achieve the PG&E goal of cooler water in the North Fork of the Feather River that will not impact the sites under the later in Lake Almanor and Butt Valley Reservoir; and

**NOW THEREFORE BE IT RESOLVED,** that the Susanville Indian Rancheria Tribal Business Council has agreed to oppose the installation of thermal curtains at Lake Almanor or Butte Valley Reservoir; and

**PAGE TWO**  
**RESOLUTION NO. SU-BC-23-2004**

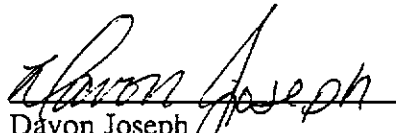
**BE IT FURTHER RESOLVED**, that the Susanville Indian Rancheria Tribal Business Council has agreed to oppose any dredging of soil from the bottoms of Lake Almanor or Butte Valley Reservoir; and

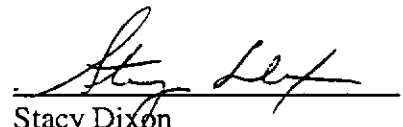
**BE IT FINALLY RESOLVED**, the Susanville Indian Rancheria Tribal Business Council as agreed to support upstream restoration as an alternative way to cool the water in the North Fork of the Feather River.

**CERTIFICATION**

We, hereby certify that the above resolution was adopted by the Susanville Indian Rancheria Tribal Business Council at a duly called meeting with a quorum of present held September 15, 2004 with a vote of 6 for, 0 against, 0 abstain.

**ATTEST;**

  
Davon Joseph  
Secretary/Treasurer

  
Stacy Dixon  
Tribal Chairman

RECEIVED

SEP 21 2004

TASMAM KOYOM INDIAN SANCTUARY FOUNDATION

President  
Fred Mankins  
P.O. Box 363  
Gerber, Calif. 96035  
530-385-1683

September 16, 2004

ALTERNATIVE TO THE 2105 LG- PRATTVILLE INTAKE TEMPERATURE  
CURTAIN AND THE BUTT LAKE TEMPERATURE CURTAIN.

With respect to the P.G&E and all the involved Agencies regarding the 2105 L.G. projects, there seems to be a lack of scientific alternatives or plans to the temperature curtains being installed in lake Almanor-Butt lake.

The Maidu people are not convinced that all means of alternative methods has been studied to assess the ecological, economical, cultural, and historical impacts that these projects will do to the Maidu people. The studies has mostly been focused around and towards the thermal curtains.

After taking numerous trips to and along the tributaries that feed into the feather river, I was convinced that in stream management and restoration was critical to the cooling of temperatures in these water courses. Over the years of logging and shade canopy removal of over story protection has left stream courses open to warmer temperatures in the peak summer meteorology. Over the years fish has decreased along with fish habitat.

It has been clear that stewardship programs that has been put into place by the P.G&E has not played an affective roll in the protection of water course temperature levels and in stream protection measures. These projects has been looked over and the out-come is warmer water course temperature levels.

Tasmam Koyom has looked at the alternative solution of a joint effort in stream management and restoration program, along with the idea of a geological study of all artesian and under-ground natural springs as a source of taping in or piping cold water to designated areas. after a three year water temperature study this idea could be a very viable source of cooling down water temperatures associated with the in- stream restoration and protection measures taken by adjoining agencies, and the divestiture programs designed by the P.G&E and the settlement agreement.

Also this long range program would be more cost effective to P.G&E and the rate payers as well as the economy of the community, Indian cultural sites and historical sites and land marks. This could be a land mark decision made by all participating agencies, individuals, and communities. The Indian people has been out-standing stewards of our

native American lands. We are here to preserve and to protect the few sites and ancestral lands that we have left. It is easy to distroy for profit, But it is harder to replace a unreplacable thing as our native American culture and heritage. The trust of our Maidu people will weigh heavy on the future decisions made on these projects.

The thermal curtain has not been 100% percent certain to succeed in cooling the water to the desired temperature. With the alternative solution it would be giving and not taking. there are other issues at hand With our Maidu people. There are Indian grave sites as well as village sites under the Prattville intake and surrounding area. This would play a unconditional negotiation factor in the dredging process. Before there were not laws made to protect these sites but with help from the federal Indian graves protection act, and the historical site protection act, and the Burton act, we can continue protecting these valuable ancestral sites.

I would encourage the P.G&E to hold a meeting with the Tasmam Koyom and all Maidu Tribes to clearly evaluate terms and conditions of these projects. There are also Indian sites in the Humbug Valley area that are being desecrated. there needs to be further protection of these sacred sites.

Tasmam Koyom feels that the warming of the water temperature stems from the tributaries of the feather river and not the lakes in general. the lakes seem to be the easiest solutions to the problems without evaluation of the final cost to P.G&E and the communities, as well as litigation costs that may arise from these proposals. hopefully we can come to these alternative solutions in a beneficial way that can abort further conflict. As for Tasmam Koyom Indian sanctuary Foundation we are open to all plans and ideas that may save our cultural and ancestral sites as well as the protection of our environment and economy of our Maidu people.

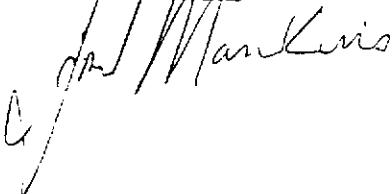
If anybody should need more information on the Indian sites in lake Almanor, or Butt lake, and Humbug Valley please contact:

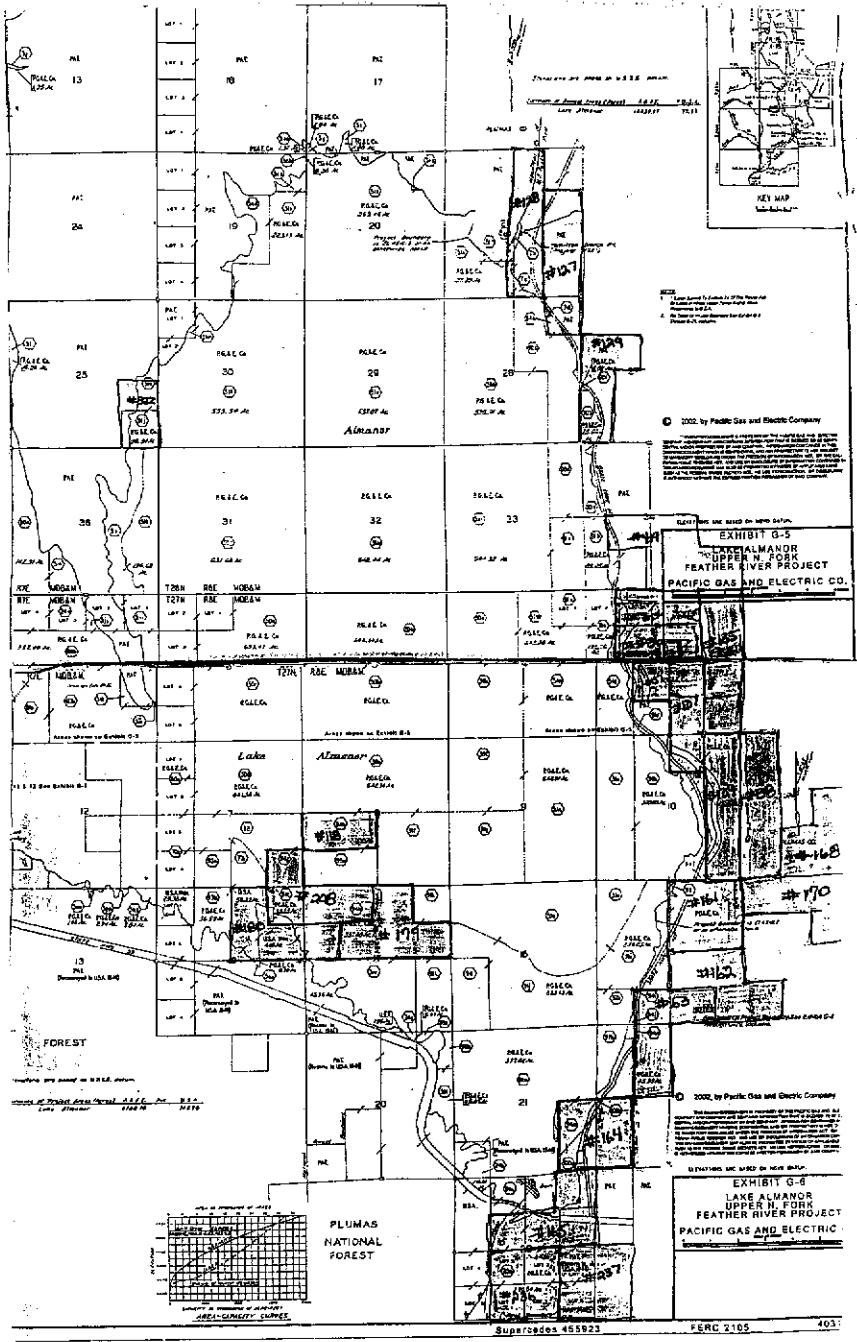
Beverly Ogle  
29855 PLUM CREEK ROAD  
PAYNES CREEK, CALIF 96075  
530-597-2070

For more information on watershed maintenance or restoration contact:

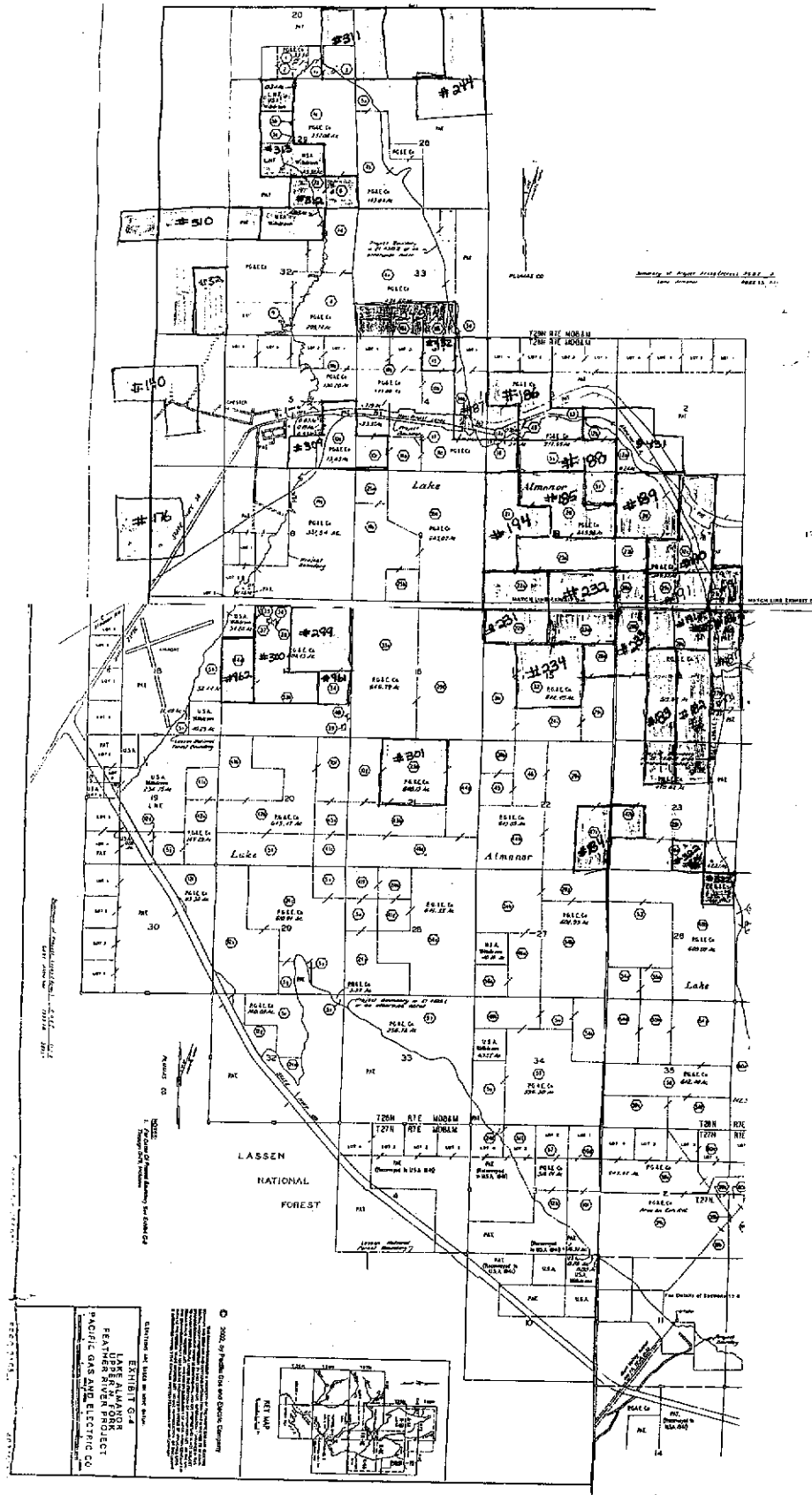
Fred Mankins  
PO BOX 363  
GERBER, CALIF. 96035  
530-385-1683

Thank you.  
Fred Mankins

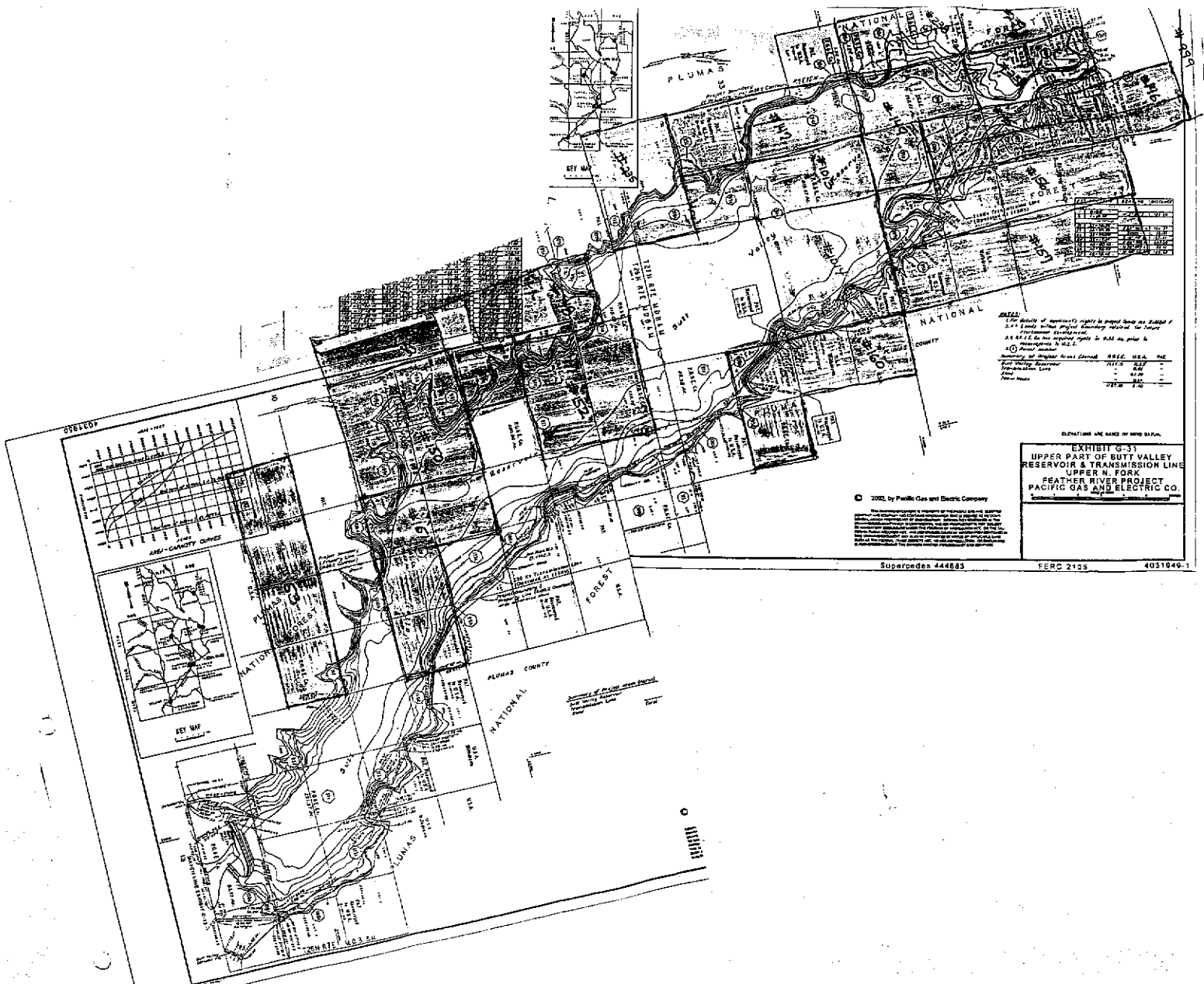




East Half Lake Almanor



West Half Lake Almanor



**TABLE**

1. The results of approximately 1000 ft. contour lines are shown at 100 ft. intervals unless noted otherwise.

2. A 100 ft. contour interval is used throughout.

3. Contour lines are shown at 100 ft. intervals.

4. Contour lines are shown at 100 ft. intervals.

5. Contour lines are shown at 100 ft. intervals.

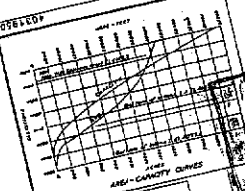
6. Contour lines are shown at 100 ft. intervals.

7. Contour lines are shown at 100 ft. intervals.

8. Contour lines are shown at 100 ft. intervals.

9. Contour lines are shown at 100 ft. intervals.

10. Contour lines are shown at 100 ft. intervals.



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ELEVATIONS ARE BASED ON MEAN SEA LEVEL

**EXHIBIT G-31**  
 UPPER PART OF BUTT VALLEY  
 RESERVOIR & TRANSMISSION LINE  
 UPPER N. FORK  
 FEATHER RIVER PROJECT  
 PACIFIC GAS AND ELECTRIC CO.