

Maidu Cultural and Development Group

PO Box 426
Greenville CA 95947

March 23, 2015

Mr. Peter Barnes, Engineering Geologist
State Water Resources Control Board
Division of Water Rights
Water Quality Certification Program
PO Box 2000
Sacramento, CA 95812-2000

RE: Upper North Fork Feather River Hydroelectric Project 2105 draft EIR

Dear Mr. Barnes:

I am writing on behalf of the Maidu Cultural and Development Group (MCDG), an association of Maidu Indians, to discuss ongoing concerns that need to be resolved in the Draft EIR and before the FERC 2105 relicense becomes final. The MCDG represents a number of Maidu groups including the United Maidu Nation, the Maidu elders of Indian Valley (Plumas County), the Maidu Veterans of Plumas County, The Roundhouse Council (an Indian Education Center in Plumas County), and Maidu basketweavers. MCDG is also a member organization of the Maidu Summit Consortium based in Plumas County, CA.

Although PG&E has taken the position in the past that its cultural consultation and cultural resources conservation responsibilities are being addressed adequately, we strongly disagree. Furthermore, in considering the area of potential affect and potential negative impacts to human populations, we feel that little effort has been made at alleviating a disproportionate burden suffered in the past and present by the Maidu as a result of the continued operation of this facility. I would like to take this opportunity to outline the reasons for our concerns and how PG&E has failed to protect Maidu cultural sites and in-turn the cultural survival of all Maidu people.

As a result of the "Gold Rush" in California, and other political events at that time, it is estimated that only 10% of California's Native inhabitants are represented by 'recognized' tribes. For example, the Maidu tribe, the largest tribe in California, is politically unrecognized by the U.S. Federal Government. This means that a strict adherence to section 106 federal cultural consultation protocols essentially disenfranchise the majority of the descendants of the aboriginal inhabitants of the 2105 relicense project boundary area and prevents them from meaningfully engaging with PG&E to protect their cultural heritage and to see mitigation for ongoing cultural disruption that will result from the continued operation of the facilities under a relicense.

The DEIR needs to engage in a genuine cultural consultation process that incorporates lineal descendants as well as the current Federal status of Maidu groups and individuals. The names on graves in the Indian cemeteries around Lake Almanor as well as the US Forest Service's Indian

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Census of 1905 and the California Indian Roll of 1928 (including ancestry documentation) as well as community based oral history are references that need to be incorporated into PG&E's consultation framework in order for PG&E to begin to address lineal Maidu Indian legitimacy in the relicensing process. Many of the Maidu groups that are currently unrecognized have submitted petitions for recognition to the US Congress. It is foreseeable that one or more of these groups will become 'federally recognized' in the next 30 years. What is the process for addressing their concerns then? Would the license be re-opened? In our opinion, it is less disruptive for all interests (Indian and non-Indian) to develop an inclusive cultural consultation process now rather than later. Traditional Cultural Property studies conducted by PG&E for the relicense are inadequate because they are not complete.

When field surveys were conducted by archaeology consultants hired by PG&E to do CR surveys, native American monitors were told that the whole lake could be considered a cultural site as so many artifacts were found along the shoreline within the FERC project boundaries. Cultural sites are protected under federal and state law.

Erosion of cultural artifacts (including burials) from wave action and lowered lake levels is unaddressed by proposals to regulate vehicle access, post signs and to monitor vandalism around Lake Almanor. One of the failures of the cultural resources assessment and documentation process to date is the omission of burials around the shoreline of Lake Almanor from the cultural inventory because of the lineal and collateral descendants of the deceased were excluded from meaningful involvement with the process. Because of an overly exclusive process, these burials and other significant cultural remains of Maidu descendants are threatened by wave action, related erosion, and by fluctuating lake levels. A more inclusive cultural consultation process and a more inclusive cultural resources protection process will provide the opportunity for these issues to be addressed. The DEIR indicates there will be no impacts or they will be less than significant. We feel the site at Prattville is already impacted and will be further impacted by proposed activities. This area is known to be a Maidu cemetery. The area was dredged in the 1030's spreading everything over a large area. These could include burials, burial items, human remains, and associated artifacts. This is considered a Maidu Sacred area under NAGPRA and it is important to protect this area. Before this site was flooded some of the bodies were moved to another area above water level; however, some families opted out and their ancestors are still there. Additionally, the entire lake may have remains and dredging any portion would disturb the remains in the cemetery, the scattered remains outside the cemetery, and the areas previously dredged.

Ongoing cultural disruption due to PG&E's management of project lands and PG&E's unwillingness to grant access to lineal descendants to traditional cultural sites for traditional purposes is not addressed by the DEIR. It is recommended that cultural access be secured through cultural easements or through other means. In addition, land management plans must become more culturally sensitive. Although some cultural resources have been effectively protected, there have been many instances during the past license period, where the cultural resources of lineal Maidu descendants have been damaged or destroyed by PG&E's land

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management activities such as road building, logging, grazing, or uncontrolled or incompatible recreational uses.

Salmon used to be in the entire length of the Feather River. The loss of salmon has caused disruption to ceremonial cycles, including the Bear Dance, resource specific cultural practices and community cohesion that allows for cultural perpetuation. Mitigation measures should seek to ease the burden placed upon the Maidu population as a result of the continued operation of this project by seeking to perpetuate all aspects of the Maidu cultural in a manner developed through inclusive collaboration with the communities affected. Note that genetic diversity is being destroyed and compromised by this year's fish kills in the central valley and in other salmon runs. It is crucial to provide high country refuge for home salmon genetic diversity. These fish have persisted through long droughts before, their genetic diversity is crucial for their future survival. An Example of the cultural disruption is the loss of salmon in the Seneca reach due to hydro projects in the area. The 401 certification doesn't address salmon in this area which was originally proposed before the salmon agreement was negotiated. Therefore the DEIR should analyze salmon in the Seneca reach and what flows are necessary to accommodate salmon.

MCDG realizes that change is inevitable; and that recent tests show that climate is changing and that lake Almanor water is warming up. We feel that removal of cold water will damage the lake beyond repair. The alternatives containing the thermal curtain are based on modeling and a project like this has never been completed. We still maintain that upstream restoration and re-vegetation is the most environmentally friendly alternative to cool the water in the UNFFR reaches.

Thank you for the opportunity to comment. Please continue to include the Maidu Cultural and Development Group on your mailing list for future meetings and for the receipt of future publications.

Sincerely,



Harvey Merino
Chairman
Maidu Cultural and Development Group