



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. Sites under the lake were not surveyed as PG&E considered them protected by being inundated. Now, PG&E is considering some dredging under the lake and we want those sites studied and protected.

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 recognized 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.**