

STUDY DESCRIPTION CR-2
Tribal Resources Study
June 3, 2026

This Study Description is developed to inform information gaps identified by Calaveras County Water District (CCWD) for the relicensing of its North Fork Stanislaus River Hydroelectric Project (Project).¹

STUDY AREA

CCWD anticipates that the Study Area for the Tribal Resources Study (Study) will be the same as the proposed area of potential effects (APE) for the relicensing.

Under the National Historic Preservation Act (NHPA) Section 106 implementing regulations at 36 Code of Federal Regulations (C.F.R.) § 800.16(d), the APE is defined as “the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist.” Based on this regulatory definition, the APE for the Project relicensing has been initially identified by CCWD as including all lands within the FERC Project Boundary. This is the area identified by CCWD where Project operations or Project-related activities may cause changes in the character or use of historic properties, if any such properties exist.

CCWD anticipates that FERC will designate CCWD as FERC’s non-federal representative for carrying out consultation pursuant to Section 106 of the NHPA. Thus, following this designation, and pursuant to 36 C.F.R. § 800.4(a)(1), CCWD will consult with the California State Historic Preservation Officer (SHPO) regarding the determination of the APE prior to Study implementation.

If CCWD proposes modifications to the FERC Project Boundary or Project-related effects are identified outside of the Study Area, the Study Area (and subsequently the APE) will be expanded as necessary to include areas potentially affected by the addition.

STUDY METHODS

The objective of this Study is to identify traditional cultural places (TCPs), Indian Trust Assets (ITAs), or lands with associated tribal agreements for tribal traditional uses within the Study Area that are historic properties or potential historic properties, and to assess whether continued Project O&M is affecting or has the potential to affect any such resources under the new FERC license when issued. In compliance with 36 C.F.R. § 800.4(c)(1), CCWD acknowledges “that Indian Tribes and Native Hawaiian organizations possess special expertise in assessing the eligibility of historic properties that may possess religious and cultural significance to them.” Likewise, CCWD acknowledges that the communities affiliated with historic properties with traditional cultural

¹ In addition to the details provided in this Study Description, Study implementation will also follow the “*Concepts and Practices Applicable to All Relicensing Studies*” developed by CCWD.

significance (i.e., TCPs) also have special expertise in assessing the National Register of Historic Places (NRHP) eligibility of such properties. Accordingly, CCWD's approach to this Study is to engage Native American Tribes and work with each group that would like to participate in this Study to develop the detailed activities and methods that will work for each individual group to accomplish CCWD's goal and objective of the Study as described.

CCWD anticipates that participating groups may already have completed similar studies they wish CCWD to incorporate into this Study and/or would like to conduct their own investigation to identify TCPs, ITAs, or lands with agreements. As such, CCWD foresees this Study as incorporating such information provided by participating Native American Tribes in formats deemed appropriate by each Tribe. The specific Study implementation activities identified below take into account this approach and will follow the latest guidance for identifying, evaluating, and documenting TCPs (Frear 2024).

Specific Study Implementation Activities

Step 1: Hire Ethnographer

Select and hire one or more professionals that meet the ethnography qualifications included in the original National Register Bulletin 38, *Guidelines for Evaluating and Documenting Traditional Cultural Properties* (Parker and King 1998) (herein after referred to as "ethnographer"), who will implement the Study. This will include soliciting input from Native American Tribes on who they recommend for this role and offering Tribes the opportunity to provide input on the final selection. As well, as stated above, individual Tribes may prefer to conduct their own Tribal Resources Study, utilizing their own specialists, which CCWD can support and fund. CCWD acknowledges that the Tribes are the knowledge holders for this Study and Tribal input is needed in order to identify and assess potential Project effects to Tribal resources.

Step 2: Initial Tribal Outreach

Ethnographer will conduct outreach to individual Native American Tribes to identify who would like to participate in the Study, how they would like to participate, to develop any confidentiality agreements/protocols with individual Native American Tribes, and to identify how data will be collected (e.g., by the participating Native American Tribe, by the ethnographer hired by CCWD, or other), transferred to the ethnographer, and used for this Study.

Step 3: Data Gathering

Ethnographer will work with the individual Native American Tribes participating in the Study to gather data they want to share and in the way they want to share it as identified in Step 2. This step may include archival research, interviews, field visits, and review and collection of previous study efforts conducted by others that were not already gathered during development of the PAD. The data gathered as part of the PAD will also be reviewed and incorporated as appropriate in consultation with the participating Native American Tribes.

Analysis

Resource Identification and Evaluation

Ethnographer will work with individual Native American Tribes to review gathered data, visit any properties in the field if necessary, and identify TCPs and other properties comprising ITAs or lands with agreements as described above. In collaboration with individual Native American Tribes, the ethnographer will apply the NRHP criteria of evaluation pursuant to 36 C.F.R. § 60.4 to evaluate the eligibility of identified properties for inclusion in the NRHP, and/or consider and review previous NRHP evaluations conducted by others to determine if additional evaluation efforts are needed. The integrity of properties that meet the significance requirements under one or more of the NRHP criteria of evaluation will be assessed pursuant to 36 C.F.R. § 60.4 to confirm they still retain sufficient integrity in order to convey their significance.² It is possible that some identified properties may not have enough available information to complete NRHP eligibility evaluations; these properties will be assumed and treated as eligible for inclusion in the NRHP.

Consider Project-Related Effects to Identified Properties

Ethnographer will work with individual Native American Tribes to identify ongoing Project-related effects or potential future effects to NRHP listed or eligible properties, and/or properties assumed and treated as eligible that are identified during the Study. Ethnographer will document any treatment measures for these properties as recommended by individual Native American Tribes.

REPORTING

The Study ethnographer will draft one or more reports documenting the Study efforts and the results of the activities described above, along with the subsequent conclusions of the overall Study. The conclusions of the Study should identify TCPs, ITAs, and lands with associated tribal agreements for tribal traditional uses that were identified during the Study. The conclusions would further identify if any of these places that have been evaluated as eligible or are already listed in the NRHP, or are assumed and treated as eligible. As specified above, the conclusions should also identify ongoing Project-related effects and potential future effects to such properties, and any potential treatment identified by individual Native American Tribes. The review and dissemination of this information as outlined during Step 2, described above, will be followed and reviewed during this step. It is expected that the report(s) will include multiple components with varying protocols for access and availability to Section 106 consulting parties. It is however, expected that at least a summary report summarizing efforts and conclusions of this Study will be provided to Native American Tribes and USFS for review, and subsequently submitted to SHPO for review and concurrence on any NRHP eligibility evaluations, and then filed with FERC in its privileged (i.e., confidential) files.

² Integrity of historic properties is described in National Register Bulletin 15, *How to Apply the National Register Criteria for Evaluation* (Andrus 1995), and National Register Bulletin 38, *Guidelines for Evaluating and Documenting Traditional Cultural Properties* (Parker and King 1998).

Reports prepared for this Study will be consistent with SHPO guidance and include the following sections:³ 1) Project Description, 2) Study Goals and Objectives, 3) Environmental Setting and Cultural and Historical Context, 4) Pre-Field Research, 5) Consultation Summary, 6) Methods and Results, 7) Management Recommendations and Conclusions, and 8) Description of Variances from this Study Plan. Reports will also include, as appropriate:

- Maps that clearly depict the following on U.S. Geological Survey 1:24,000 topographic maps:
 - The FERC Project Boundary; and
 - Resource locations.
- Consultation correspondence related to the Study.
- Resume for the ethnographer.

The results of this Study are likely to include culturally sensitive information that is exempt from public release.⁴ CCWD will protect culturally sensitive information from public view by designating it as privileged and only distributing it to those consulting parties allowed access to privileged information (i.e., Tribes, SHPO, FERC, and USFS cultural resources representatives). It is expected that the portions of the Study Report that include privileged information will only be shared as described here and will be filed in FERC's privileged files. The Study Report will be distributed to interested Tribes, USFS, and the SHPO for review and comment as part of the NHPA Section 106 consultation process that will be conducted by CCWD outside of this Study. CCWD will collaborate with individual Native American Tribes regarding any confidentiality concerns and may withhold information from the Study Report that is deemed too sensitive to share, even with only the small number of parties identified here (i.e., Tribes, SHPO, FERC, and USFS cultural resources representatives).

SCHEDULE

CCWD proposes the schedule for Study completion as follows:

Hire Ethnographer	January – February 2027
Initiate Outreach and Collect Data	March – June 2027
Analysis	June – September 2027
Reporting	September – November 2027

³ In addition to the details provided in this section, reporting will also follow the "*Concepts and Practices Applicable to All Relicensing Studies*" developed by CCWD.

⁴ Federal laws exempt certain types of cultural resources information from public disclosure (e.g., 54 U.S.C. Section 307103(a) of the NHPA, Section 9(a) of the Archaeological Resource Protection Act [ARPA], exclusions permitted by the Freedom of Information Act [FOIA], and the Native American Graves Protection and Repatriation Act [NAGPRA]).

Section 106 consultation efforts for the Study findings will be conducted following the reporting period described above. As well, while this Study Description provides the above schedule, CCWD will work with participating Native American Tribes to coordinate Study work around individual Native American Tribes' internal schedules and existing processes. For instance, there may be times of the year when a participating Native American Tribe cannot conduct sensitive work such as this Study effort for cultural reasons. As well, Native American Tribes often have internal approval and review processes that involve the Tribal Council which may only meet once a month, limiting the speed with which efforts, such as this Study effort can be completed. CCWD believes that the above schedule, which provides approximately one year for Study completion should allow sufficient time to complete this Study while still considering individual Native American Tribes' internal schedules and existing processes.

REFERENCES

- Frear, Sherry A. (editor). 2024. *Identifying, Evaluating and Documenting Traditional Cultural Places*. National Register Bulletin No. 38, revised. National Register of Historic Places and National Historic Landmarks Program, National Park Service, U.S. Department of the Interior, Washington, D.C.
- Parker, Patricia L., and Thomas F. King. 1998. Guidelines for Evaluating and Documenting Traditional Cultural Properties. Revised. National Register Bulletin 38. U.S. Department of the Interior, National Park Service, National Register, History, and Education Division, Washington, D.C. Acronyms.

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