



**NEVADA CITY RANCHERIA NISENAN TRIBE'S  
APPLICATION FOR INCLUSION ON THE  
CALIFORNIA NATIVE AMERICAN HERITAGE COMMISSION'S  
TRIBAL CONSULTATION LIST**

**Nevada City Rancheria Nisenan Tribe  
Application and Summary of Documentation of the Tribe's  
Eligibility for Listing on the  
Native American Heritage Commission's  
Tribal Consultation List**

**I. Introduction**

The Nevada City Rancheria Nisenan Tribe ("Tribe") respectfully submits this application and summary of its documentation addressing each of the Commission's relevant criteria for listing of non-federally recognized tribes. This memorandum begins with a very brief history of the Tribe's federal recognition and termination. It then lists each of the Commission's relevant criteria for listing non-federally recognized tribes, each of which is followed by a short description of the Tribe's documentation provided herewith with citations to the relevant Exhibits provided herewith.

**II. A Brief History of the Tribe's Federal Recognition and Termination**

The Tribe was federally recognized by Executive Order No. 1775, signed by President Woodrow Wilson (May 6, 1913), which set aside an Indian Reservation for the Tribe of 75.48 acres, in Nevada County. *See Nevada City Rancheria v. Salazar*, 5:10-cv-270, Doc. 79, p. 5 of 33 (N.D. Cal. Oct. 30, 2012) (Executive Order) (hereinafter "*Hardwick II*"), attached hereto at Exhibits Page 12 of 312 (hereinafter citations to the attached Exhibit pages is in the form "Ex. at 12");<sup>1</sup> *id.* at pp. 5-6 of 33 (Legal Description of reservation), Ex. at 5-6.

In June 1935, the Tribe voted to organize under the Indian Reorganization Act. The federally-approved voter roll lists 17 eligible Tribal member voters, *see id.* at pp. 7-8 of 33, Ex. at 14-15, while the Haas Report lists 18 eligible voters.<sup>2</sup> *See id.* at Doc. 79-1, pp. 1, 3 of 36, Ex. at 18. As late as June 6, 1956, the United States listed 20 "Indians on Nevada City Rancheria," three of whom were listed as deceased. *See Nevada City Rancheria v. Salazar*, 5:10-cv-270, Doc. 79-2, p. 5 of 32 (N.D. Cal. Oct. 30, 2012), Ex. at 19. Documentation of this history, as cited above, is provided herewith, from the United States' certified administrative record in *Nevada City Rancheria v. Salazar*, 5:10-cv-270. *See generally* Ex. 8-25.

The Tribe's Reservation was terminated pursuant to the California Rancheria Termination Act of 1958, Pub.L. No. 85-671, § 3, 72 Stat. 619, 620 (1958) (as amended by Pub.L. No. 88-419, 78 Stat. 390 (1964)), with notice of the termination published in the Federal Register in 1964. *See* 29 Fed. Reg. 13146 (Sept. 22, 1964). *See* Ex. at 2, 28. Despite the fact that the United States documented that in 1956 -- only two years before the termination act -- there were 17 living "Indians on Nevada City Rancheria," Ex. at 19, only two Tribal members consented to termination and were "recognized as the only people of the rancheria who ... are entitled to share in the distribution of the

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<sup>1</sup> The Exhibit page numbers appear in the lower right-hand corner of the Exhibits attached hereto.

<sup>2</sup> *See* Theodore H. Haas, *U.S. Indian Service, Ten Years of Government Under I.R.A.*, at Table A, p. 15 (1947).

property.” Ex. at 20. The Termination Plan, attached hereto at Ex. at 20-25, states that only “Mr. and Mrs. Johnson desire termination under the provisions of Public Law 85-671 ...” Ex. at 21. The Johnsons were the grandparents of the Tribe’s current Chairman Richard Johnson. *See Membership Criteria* at 653-671. There is no evidence that the United States ever looked for or consulted with, much less obtained consent from, any of the Tribe’s other members prior to termination.

The Tribe was a named plaintiff in *Tillie Hardwick v. United States*, No. 79–1710 (N.D. Cal. 1979) (“*Hardwick I*”). “In 1983, the *Hardwick* court entered a ‘Stipulation For Entry Of Judgment’” that restored to federal recognition many Northern California tribes that were illegally terminated under the California Rancheria Termination Act. *See Hardwick v. United States*, No. 5:10-CV-00270-JF, 2014 WL 1006576, at \*3 (N.D. Cal. Mar. 7, 2014), Ex. at 3, *aff’d sub nom. Nisenan Tribe of Nevada City Rancheria v. Jewell*, 650 F. App’x 497 (9th Cir. 2016) (“*Hardwick II*”). “For unknown reasons, the 1983 Stipulation failed to mention the Nevada City Rancheria.” *Id.* Thus, apparently due to a “clerical mistake in the *Hardwick* action”, the Tribe was not restored to federal recognition despite being a plaintiff in *Hardwick I*. *Hardwick II* at \* 1, Ex. 1. The Tribe filed *Hardwick II* seeking to correct the *Hardwick* judgment, but the United States raised the statute of limitations as a defense, and the district court dismissed the case on that basis. *See Hardwick II* at \*6, Ex. at 6. The Ninth Circuit affirmed. *See id.* 650 F. App’x 497.

Because the Tribe was ostensibly terminated pursuant to the California Rancheria Termination Act of 1958, it is not eligible for recognition through the Part 83 acknowledgement process. *See* 25 C.F.R. § 83.11(g) (“The criteria for acknowledgment as a federally recognized Indian tribe are delineated in paragraphs (a) through (g) of this section.... (g) Congressional termination. Neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship. The Department must determine whether the petitioner meets this criterion ....”). *See* Ex. at 66-70.

The Tribe has been very active in the local community for many years, building awareness of its history and continued existence in Nevada County and of its goal of restoring its federal recognition. In 2014, the Tribe formed the California Heritage: Indigenous Research Project (“CHIRP”), a California non-profit 501(c)(3) corporation, to preserve, protect and perpetuate Nisenan culture and aid the Tribe in its efforts to restore its federal recognition. *See generally* Ex. at 71-84 (CHIRP’s articles of incorporation, IRS 501(c)(3) letter, and Bylaws). It has obtained acknowledgement as the historic Tribe of Nevada County, with resolutions of acknowledgement and support from Nevada County, *see* Ex. at 121-22, Nevada City, *see* Ex. at 123-25, and the Nevada County Historical Society. *See* Ex. at 85. It has been acknowledged by a number of additional federal, state, local, and tribal agencies and governments, including the United States Department of Interior Bureau of Land Management, United States Department of Agriculture Forest Service, Institute of Museum and Library Services, California Natural Resources Agency, California State Department of Parks and Recreation, California Department of Toxic Substances Control, California Department of Transportation, CalEPA, the California Sierra Nevada Conservancy, South Sutter Water District, Nevada Irrigation District, the Washoe Tribe, Auburn Rancheria, and Chapa-De Indian Health. *See generally* Ex. at 121-275. The Tribe has also been acknowledged by many local

organizations, including California Worldfest, the Nevada County Arts Council, The Sierra Fund, Color Me Human, Nevada City Film Festival, Nevada County Green Party, The Sierra Commons, the Unitarian Universalist Community of the Mountains, the Northern California Center for the Arts, the Nevada City Chamber of Commerce, Nevada City Rotary Club, Vox Musica, The Onyx Theater, Heartwood Restaurant, Elixart, Three Forks Restaurant, Sierra College, The Autry Museum, the South Yuba River Citizens League, the Sierra Streams Institute, the Briar Patch Food Co-op, and many other local businesses, among many others. *See generally* Ex. at 85-120, and at 276-309.

Inclusion on the California Native American Heritage Commission's consultation list is an important next step on the Tribe's journey.

### **III. The Commission's Listing Criteria and The Tribe's Summary of Documentation Provided Herewith**

#### **A. Evidence to prove that tribal members are descended from a historical California Native American tribe. This is best done using certified birth or death certificates issued by the State of California or the county in which they were born.**

- 1. Proof that tribal members are either listed on or direct relatives of an individual on the California Indian Census Rolls of 1928 or 1933, or on the California Judgment Fund Rolls (CJFR) of 1953 or 1972. Individuals on the CJFR rolls were issued Certificates of Degree of Indian Blood (CDIB) by the Bureau of Indian Affairs (BIA).**

**Tribe's Documentation:** The Tribe, in collaboration with Professor Brian I. Daniels, *see* <https://anthropology.sas.upenn.edu/people/brian-daniels-0>, has compiled a comprehensive two-volume set of documentation responsive to this criterion, in a report entitled *Membership Criteria, Historic Membership, and Current Membership of the Nevada City Rancheria Nisenan Tribe as of May 15, 2021* ("Membership Criteria"), a copy of which is provided herewith. This *Membership Criteria* provides documentary evidence that today's tribal members are direct, lineal descendants of individuals listed on the 1928 California Indian Census, as well as being direct, lineal descendants of individuals listed on the list of voters for the Indian Reorganization Act on Nevada City Rancheria, approved by C.R. Lipps, Superintendent, Sacramento Indian Agency, June 4, 1935.

As the *Membership Criteria* conclusively demonstrates, every current member of the Nevada City Rancheria Nisenan Tribe has a birth certificate, death certificate, and/or certificate degree of Indian blood, which links them back directly to an ancestor on the 1928 California Indian Census, the 1935 federal IRA voter roll, and to an ancestor listed in the historic documents identified in the enrollment criteria. The underlying documentation as to each individual (e.g. birth certificate, etc.), are all included within the *Membership Criteria* report itself.

**2. Proof that tribal members are descendant(s) from one or more individuals who received allotted land held in trust by the Federal government.**

**Tribe's Documentation:** The Tribe's Rancheria was created by Executive Order No. 1775, signed by President Woodrow Wilson (May 6, 1913), which set aside in federal trust an Indian Reservation for the Tribe of 75.48 acres, in Nevada County. *See* Tribe's Response to, and documentation provided with respect to, criterion A(3) below; *Hardwick v. United States*, No. 5:10-CV-00270-JF, 2014 WL 1006576, at \*1 (N.D. Cal. Mar. 7, 2014), Ex. at 1, *aff'd sub nom. Nisenan Tribe of Nevada City Rancheria v. Jewell*, 650 F. App'x 497 (9th Cir. 2016) ("*Hardwick II*") ("Among the rancherias established during this time frame was the Nevada City Rancheria, which was established by executive order of President Woodrow Wilson on May 6, 1913. *Nisenan Admin. R. ("AR") 001*"), Ex. at 12. The land was set aside in trust as a Reservation for the Tribe, and was not allotted to any individual Tribal members, at least potentially until the publication of the termination notice in the Federal Register in 1964. *See* 29 Fed. Reg. 13146 (Sept. 22, 1964), 28. *See* Tribe's response and documentation responsive to criterion A(1) above. A copy of the opinion in *Hardwick II* is included herewith. *See* Ex. at 1-7.

**3. Evidence that the tribe is or was formerly recognized by the Federal Government.**

**Tribe's Documentation:** The Tribe was recognized by President Woodrow Wilson in Executive Order No. 1775 on May 6, 1913, which set aside in federal trust a Reservation for the Tribe of 75.48 acres, together with a legal description thereof. The Executive Order is included herewith. *See also Hardwick II*, 2014 WL 1006576 at \* 1 ("the Nevada City Rancheria ... was established by executive order of President Woodrow Wilson on May 6, 1913"), Ex. at 1; *see also* Ex. at 12. In addition, the Nevada City Library's historical Official Records, Bk. 6, pg. 338, includes both the text of the Executive Order and a map showing the location of the Reservation, a copy of which is included. *See* Ex. at 29. On January 6, 1920, a clerk of the U.S. Indian Service wrote a report entitled "Data on Indian Colony at Nevada City" based on his visit on December 31, 1919, a copy of which is included. *See* Ex. at 26. On June 8, 1959, the United States prepared "A Plan for the Disposition of the Assets of the Nevada city Rancheria According to the Provisions of Public Law 85-671, August 18, 1958." A copy of the termination plan, dated June 8, 1959, is included herewith, *see* Ex. at 20-25. Note that the termination plan only includes two individuals, "Mr. Peter W. Johnson and his wife, Margaret" despite the fact that in 1956, the United States documented 17 then-living "Indians on Nevada City Rancheria." *Hardwick II*, Doc. 79-2, p. 5 of 32, Ex. 19. Notice of the Rancheria's termination was published in the Federal Register on September 22, 1964, *see* 29 Fed. Reg. 13146 (Sept. 22, 1964), a copy of which is included herewith. *See* Ex. at 12.

**4. Evidence that the tribe has continuously resided on land previously held in trust by the Federal Government.**

**Tribe's Documentation:**

The Tribe's former trust lands were sold by the United States in 1963. "The Nevada City Rancheria was one of the forty-one rancherias enumerated by the Rancheria Act. *Id.* § 1. The Bureau of Indian Affairs ("BIA") prepared a distribution plan dated June 8, 1959. AR 189–192." *Hardwick II*, at \*2, Ex. at 2. "[O]n May 27, 1963, the Rancheria lands were sold for \$20,500." *Id.* As noted above, a copy of the *Hardwick II* opinion is included in the Tribe's documentation of criterion A(2) above. As a result, no Tribal members have lived on the former trust lands since its sale. Based upon current information available to the Tribal Secretary, however, 62 of the 66 currently enrolled tribal members live within 50 miles of the former Rancheria. *See* Tribe's Documentation of criterion B(2) below (Membership Roll includes home addresses for each Tribal member), Ex. at 44-47.

**B. Evidence to prove that your tribe operates as a tribal government, as follows:**

**1. The basis of your tribal government organization, such as a Constitution and Bylaws, Tribal Ordinance, or Articles of Association. The evidence submitted must be duly adopted, ratified, dated, and signed by the entity officially authorized to act on behalf of the tribal membership, such as the Tribal Council, Chief, Chairperson, President, or Captain, as appropriate.**

**Tribe's Documentation:** The Tribe operates today pursuant to a Constitution, a duly adopted, ratified, dated, and certified copy of which is included herewith. *See* Ex. at 30-43.

**2. Evidence of a tribal roll and a description of the requirements to be a tribal Member.**

**Tribe's Documentation:** The Tribe's current membership roll, and a description of the requirements for membership, are both included in the *Membership Criteria* referenced above in response to category A(1), at Vol. 1, pages 1-10. In addition, the Tribe maintains a membership roll in a spreadsheet, a copy of which is included herewith. *See* Ex. at 44-47. The Constitution, Article II, Section 1, also includes the criteria for enrollment as a Tribal member. *See* Ex. at 31-32.

**3. Certified election results for current tribal council members and their terms of Office.**

**Tribe's Documentation:** Certified elections results for current Tribal Council members are included herewith. *See Ex. at 48-54.* The Tribe's Constitution addresses terms of office, duties, and powers of the Tribal Council, at Art. IV. *See Ex. at 34-38.*

4. **Evidence of tribal government activities, such as certified, signed, and dated meeting minutes, signed and dated council resolutions, or any government actions or decisions made by the tribe.**

**Tribe's Documentation:** Samples of certified, signed and dated meeting minutes and resolutions are provided. *See Ex. at 55-65.*

5. **A completed petition package submitted for recognition by the Federal Government. A letter of intent to petition for federal recognition alone is not sufficient.**

**Tribe's Documentation:** As noted above, the Tribe was ostensibly terminated pursuant to the California Rancheria Termination Act of 1958. *See Termination of Federal Supervision*, 29 F.R. 13146 (Sept. 15, 1964) ("Notice is hereby given that the Indians named under the Rancherias listed below are no longer entitled to any of the services performed by the United States for Indians because of their status as Indians, and all statutes of the United States which affect Indians because of their status as Indians, shall be inapplicable to them, and the laws of the several States shall apply to them in the same manner as they apply to other citizens or persons within their jurisdiction. Title to the lands on the Rancherias has passed from the United States Government under the distribution plan of each Rancheria. (Names of individuals omitted) ... Nevada City Rancheria, 75.48 acres, NE 1/4 of the SE 1/4 and lot 6 of the SE 1/4 of the SE 1/4 of Section 2, T. 16 N., R. 8 E., M.D.M.: This notice issued pursuant to the Act of August 18, 1958 (72 Stat. 619), and becomes effective as of the date of publication in the Federal Register"), *see Ex. 28; see also Hardwick II*, at \*2 ("In 1979, individuals from a number of terminated rancherias, including the Nevada City Rancheria, filed the *Hardwick* action in this district"), *Ex. at 2; id. at \*4* ("The Nevada City Rancheria was listed on the 'Summary Sheet' of 'Terminated Rancherias' that was attached to the *Hardwick* complaint as Exhibit A. *Hardwick* Compl., attached as Ex. 1 to Mot. to Correct Clerical Error, *Hardwick* ECF No. 356-1"), *see Ex. at 4.*

The Tribe understands that because it was ostensibly terminated pursuant to the California Rancheria Termination Act of August 18, 1958 (P.L. 85-671), it is not eligible to submit a petition package for federal recognition through the federal administrative acknowledgement process. *See* 25 C.F.R. § 83.11(g) ("The criteria for acknowledgment as a federally recognized Indian tribe are delineated in paragraphs (a) through (g) of this section.... (g) Congressional termination. Neither the petitioner nor its members are the subject of congressional legislation that has expressly terminated or forbidden the Federal relationship. The Department must determine whether the petitioner meets

this criterion ....”). A copy of 25 C.F.R. sec. 83.11 is included herewith for the Commission’s convenience. *See* Ex. at 66-70.

**6. Evidence of a non-profit organization dedicated to general tribal community Sustainability.**

**Tribe’s Documentation:** In June 2014, the Tribe formed a non-profit organization dedicated to Tribal community sustainability and to support its efforts at restoring its federal recognition. The 501(c)(3) non-profit is named California Heritage: Indigenous Research Project, commonly referred to as “CHIRP”. *See* <https://chirp.org>. CHIRP’s Articles of Incorporation, Bylaws, and Internal Revenue Service determination letter are provided as a part of the Tribe’s application to the Commission. *See* Ex. at 71-84.

**7. Evidence that your tribe is recognized as a Native American tribe by the surrounding community, including other tribes.**

**Tribe’s Documentation:** The Tribe has been recognized by a wide range of community entities and organizations, including:

- a. The Nevada County Historical Society recognized the Tribe in Resolution 2020-01, a copy of which is included herewith. *See* Ex. at 85.
- b. Worldfest (World music festival produced by The Center for the Arts in Grass Valley: “We acknowledge the ancestral homeland of the Nevada City Rancheria Nisenan Tribe. We acknowledge this land was taken repeatedly with no compensation or regard for the lives and ways of the original people, until they had no land left. We acknowledge we are settlers here, that we live, love, and work on land the Nisenan never ceded. Together we can amend the tragic legacy of the past. -- California WorldFest,” *see* <https://worldfest.net/about/>), screen capture included herewith. *See* Ex. at 86.
- c. Nevada County Arts Council -- “During our first year, we partnered with the Nevada City Rancheria Nisenan Tribe whose Culture is critically endangered. Together with [Nevada City Film Festival](#), we successfully applied for funding from the [California Arts Council](#) to create a film - led by the Nisenan - about the recovery of Tribe's all but lost language and the fight to have their Federal Recognition restored. This work continues and you can learn about it [here](#),” <https://www.nevadacountyarts.org/equity-diversity-inclusion>; *see also* <https://www.nevadacountyarts.org/staff> profiling “Key People” including Tribal Secretary Shelly Covert), screen capture included herewith. *See* Ex. at 87.
- d. Color Me Human (“Our Partners” including “CALIFORNIA HERITAGE: INDIGENOUS RESEARCH PROJECT (CHIRP) is a 501c3 charitable organization



originally founded to research, document and preserve the history and culture of the Nevada City Rancheria Nisenan Tribe” *see* <https://www.colormehuman.org/partners?rq=Nisenan>), screen capture included herewith. *See* Ex. at 88.

- e. The Nevada City Film Festival (“This year, thanks in part to a Local Impact grant from the California Arts Council, Nevada County Arts Council and Nevada City Film Festival are partnering with Nisenan Tribal members and our local community to create a film documenting the recovery of the Nisenan’s all-but-lost language. Through this unique partnership Nisenan Tribal people are learning, through hands-on experience, important filmmaking and communication skills such as storytelling, cinematography, locations, self-financing, and documentary interview techniques. The Nisenan are controlling the film’s voice and vision and are participating in all aspects of a unique filmmaking process” *see* <https://www.nevadacityfilmfestival.com/programs/i-am-nisenan/>), screen capture included herewith. *See* Ex. at 89.
- f. The Nevada County Green Party, letter dated Feb. 6, 2018, a copy of which is included herewith. *See* Ex. at 90.
- g. The Sierra Commons (the only 501(c)(3) non-profit coworking facility in Nevada County, recognizes the Tribe by including its Land Acknowledgement on its website under the “Social Justice” banner, *see* <https://www.sierracommons.org/>, screen capture included herewith. *See* Ex. at 91.
- h. The Unitarian Universalist Community of the Mountains recognizes the Tribe with a land acknowledgement as a part of its weekly Sunday services, a social justice Nisenan Task Force, and an annual Indigenous People’s Day service focused on the Tribe. Included in the documentation are: an Order of Service from October 11, 2020, in honor of Indigenous People’s Day featuring Tribal Council Secretary and Tribal spokesperson Shelly Covert; the first page of the Church’s newsletter from October, 2019 noting the October 13th Indigenous People’s Day service featuring Ms. Covert; and a copy of the Church’s web page for its Nisenan Task Force, *see* <https://www.uugrassvalley.org/nisenan/>, copies of which are included herewith. *See* Ex. at 92-96.
- i. The Center for the Arts recognizes the Tribe in part through shows such as last year’s “Visibility Through Art” exhibition, by including a land acknowledgement on its web site, and by hosting fundraisers. *See, e.g.,* <https://thecenterforthearts.org/tag/nisenan/>, <https://thecenterforthearts.org/event/visibility-through-art/>, copies of which are included herewith. *See* Ex. at 97-99.
- j. Nevada City Chamber of Commerce has recognized the Tribe, in part by including a display in its front window, a photograph of which is included herewith, and by promoting the Tribe’s and CHIRP’s events. *See, e.g.,* <https://www.nevadacitychamber.com/t/nisenan/>. *See* Ex. at 100.

- k. The Nevada City Rotary Club has acknowledged the Tribe by inviting Tribal Secretary Shelly Covert to make a presentation to the Rotary Club last year. A copy of the email invitation with the meeting details is included herewith. *See Ex. at 101-102.*
  - l. The Crocker Museum, <https://www.crockerart.org/>, land acknowledgement video on Instagram at [https://www.instagram.com/tv/CLIlkXwDAfz/?utm\\_source=ig\\_web\\_copy\\_link](https://www.instagram.com/tv/CLIlkXwDAfz/?utm_source=ig_web_copy_link).
  - m. VOX Musica, a Sacramento based vocal ensemble, recognizes the Tribe through its “Nisenan: A Cultural Music Project” with a series of sixteen or more concerts produced starting in 2015. *See* <https://www.voxmusica.net/nisenanproject/>. Screenshots of several of its web pages on the project are included herewith. *See Ex. at 103-105.*
  - n. Many local businesses recognize and support the Tribe through its Ancestral Homelands Reciprocity Program. *See, e.g., Ex. at 106 (Onyx Theater), 107 (Heartwood Restaurant, Nevada City), 108-109 (Elixart, Nevada City), 110 (Three Forks Restaurant, Nevada City).* A list of more of these local businesses is included at Ex. 301-302.
  - o. Sierra College. *See Ex. at 111-117 (INScape, Literary Journal of Sierra College).*
  - p. Autry Museum of the American West. *See Ex. at 118-120.*
  - q. In addition, the Tribe has a list of local news articles about the Tribe, a copy of which is included herewith. *See Ex. at 303-309.*
- 8. Evidence that your tribe is recognized by Federal, State, and local government agencies, documented through such things as letters, tribal resolutions, references in environmental documents, consultation agreements, legislative resolutions, etc.**

**Tribe’s Documentation:** The Tribe has been formally recognized by the Nevada County Board of Supervisors in Resolution No. 20-533 (December 15, 2020). A copy of this Resolution is included herewith. *See Ex. at 121-122.* In addition, the Tribe has been recognized by Nevada City in Resolution No. 2020-72 (September 23, 2020). A copy of this Resolution is included herewith. *See Ex. at 123-125.*

The United States Department of the Interior Bureau of Land Managements has acknowledged the Tribe through correspondence directly with the Tribe regarding the cultural resource inventory and evaluation of the Three Rivers levee Improvement Authority project. *See Ex. at 126.* The United States Department of Agriculture, Forest Service, has acknowledged the Tribe in part by entering into a Memorandum of Understanding with the Tribe, along with the Nature Conservancy, SouthYuba River Citizens League, Yuba Water Agency, National Forest Foundation, Blue Forest Conservation, Camptonville Community Partnership and Sierra County regarding the North Yuba Forest Partnership. *See Ex. at 127-138.* The U.S. Forest Service has also acknowledged

the Tribe through correspondence inviting review and comment of the draft Determination of Eligibility for Inclusion in the National Register of Historic Places for CA-YUB-1868 (FS 05175300788), Yuba County, California. *See* Ex. at 139-214. The draft specifically addresses the Nisenan at Ex. at 152-154.

The United States Institute of Museum and Library Services has supported the Tribe through a grant to the Nevada County Library, grant no. 2014-CA-72174, for a program entitled “Focus on Nisenan: A Partnership Between a Native Tribe, the Library, and the Community.”<sup>3</sup>

<https://www.imls.gov/grant-spotlights/focus-nisenan-building-collaboration-develop-local-indian-resources-rural-community> (“The Nevada County Library embarked on a journey in 2014 to partner with Nisenan tribal members of the Nevada City Rancheria to bring awareness of the tribe and their rich culture and history, to the community and create much needed Nisenan resources for the library”). A screenshot of this federal website is attached. *See* Ex. at 215. In addition, the same United States agency funded a follow-up grant to the Nevada County Library, that just completed at the end of 2020, and resulted in this link (also shared above):

<https://www.mynevadacounty.com/2862/Nisenan-Heritage>. Screenshots of the Nevada County Library page are attached. *See* Ex. at 216-221.

The California Department of Parks consulted with the Tribe with respect to a grant to the Tahoe National Forest, American River Ranger District, for the development of the Robinson Flat Connector Trail. The Parks Department noted that “tribal consultation is ... required under the California Environmental Quality Act ....” Documentation of this California Dep’t of Parks consultation is included herewith. *See* Ex. at 222-224.

California Department of Toxic Substances Control notice and invitation to consult regarding the Centennial M-1 Remedial Action Plan. Documentation of this California DTSC consultation is included herewith. *See* Ex. at 225-227.

The California Department of Transportation consulted with the Tribe regarding improvements to State Route 20 in Nevada County which identified two archaeological sites. CalTrans also consulted with the Tribe regarding the Final NAGPRA Notice of Inventory Completion for CA-SAC-166, the “Natoma Site,” inviting the Tribe’s comments, questions and official statements with regard thereto. Documentation of CalTrans consultation is included herewith. *See* Ex. at 226-233.

The South Sutter Water District has consulted with the Tribe regarding the Camp Far West Hydroelectric Project FERC relicensing. *See* Ex. at 234-235.

The Nevada Irrigation District has acknowledged the Tribe by consulting with it regarding a number of projects, and by entering into a Confidential Information Exchange and Mutual Nondisclosure Agreement with the Tribe. Documentation of these NID consultations and the Non-Disclosure Agreement are included herewith. *See* Ex. at 236-255.

The State of California Natural Resources Agency, recognized the Tribe by way of a Grant Agreement, Number N 86719-0, to The Sierra Fund, a local non-profit entity dedicated to the land

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<sup>3</sup> For background on the U.S. Institute of Museum and Library Services, *see* 20 U.S.C. sec. 9101 *et seq.*

and people of California's Sierra Nevada headwaters to restore ecosystem resiliency and build community capacity. The Grant is titled "Cultural, Community and Natural Resources Grant Program -- The Nisenan Cultural Reclamation Corridor (NCRC) and Wild Space Reserve: Phase II" and was in the amount of \$344,193.00. Documentation of this California Natural Resources Agency grant is included herewith. *See Ex. at 256-268.*

The California Sierra Nevada Conservancy ("California SNC") gave the Tribe notice of a grant application under the Strategic Land Conservation Program that one or more applications had been submitted for project locations that "may be within your ancestral homelands. We invite you to review the project proposal(s) and to inform us if you would like to schedule a consultation." Documentation of this California SNC consultation is included herewith. *See Ex. at 269-272.* In addition, the SNC consulted with the Tribe regarding the Tahoe National Forest Biggie Vegetation Management and Fuels Reduction project. *See Ex. at 264-265.*

This Commission apparently directed at least one land owner to consult directly with the Tribe, according to a letter from Patricia Rockwell to the Tribe: "The NAHC has informed me that there may be a cultural site close to my land and recommended that I contact you to obtain confirmation if, in fact, you would have any concerns regarding my project." A copy of Ms. Rockwell's letter referencing the NAHC is included herewith. *See Ex. at 273.*

The Washoe Tribe of Nevada and California has referred various projects, including at least one U.S. Army Corps. Of Engineers' project, to the Tribe. *See Ex. at 274.* And Chapa-De Indian Health, a 638 funded tribal health clinic of the Auburn Rancheria, located in Nevada County, has invited the Tribe to contribute its story to the Chapa-De newsletter. *See Ex. at 275.*

## **9. Evidence of community activities undertaken by the tribe.**

**Tribe's Documentation:** The Tribe has been, and remains today, very active in the local community. *See* <https://www.nevadacityrancheria.org/> and the "Projects" tab. It conducts numerous community activities, collaborating with community partners, conducting outreach and education regarding the Tribe, including hosting: an annual Nisenan Heritage Day in partnership with Sierra College, Nevada County Campus; an annual community art initiative, Visibility Through Art, *see* <https://chirpca.org/visibility-through-art>; an annual Harvest Dinner and Music fundraiser. Examples of Tribal activities in the community include collaborations with a range of local community organizations. Just a few examples include working with the South Yuba River Citizens League to restore North Yuba River watershed, collaborating with the Sierra Streams Institute on the Deer Creek Tribute Trail (including creating interpretive signage), hosting concerts, and Tribal leaders speaking to and working with local churches, schools, arts groups and other organization to educate the community about the Tribe. The Nevada City School of the Arts, a local public charter school, donated office space to the Tribe and CHIRP in 2018 for use in cultural outreach and education work. The Tribe is a partner in the North Yuba Forest Partnership, a diverse group of nine organizations committed to forest health and the resilience of the North Yuba River watershed, working to restore over 356,000 acres of forest in traditional Nisenan territory. The Tribe's partners

include: the U.S. Forest Service, Sierra County, The Nature Conservancy, South Yuba River Citizens League, Camptonville Community Partnership, the National Forest Foundation, and Blue Forest Conservation, *see* <https://www.yubawater.org/317/North-Yuba-Forest-Partnership>. The Tribe also partners with local community leaders and residents, including providing land acknowledgements for posting in local businesses, non-profits, and private homes.

In addition, all of the community and governmental acknowledgement documents referenced above, *see generally* Ex. at 85-275, are a direct result of the Tribe's activity in the community. Thus all of the documentation responsive to those paragraphs is also responsive to this one. Additional documentation of some examples of these community activities are also included herewith. *See* Ex. 276-309.

**10. Please include a map describing the tribe's traditional and culturally affiliated territory, including the California counties by which the tribe would like to be contacted for the purposes of formal Consultation.**

**Tribe's Documentation:** President Wilson's 1913 Executive Order contains a legal description of the Rancheria boundaries. *See* Ex. at 12. The United States' Termination Plan also included both a legal description and a map of the Rancheria. *See* Ex. at 24-25. The version of the Executive Order obtained from the Nevada City Library included a map of the 75.48 acre trust parcel. *See* Ex. at 29, 310. In addition, included herewith is a map of the Tribe's traditional and culturally affiliated territory, prepared by the Tribe in collaboration with Sheri Tatsch, founder and principal of Indigenous Consulting Services, as part of the United States IMLS grant to the Nevada County Library. *See* Ex. at 219. Finally, Professor Daniels prepared a map for the Tribe showing the Rancheria's boundaries overlaid with current property lines, utilizing the publicly available data in ENPLAN.<sup>4</sup> *See* Ex. at 311-312.

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<sup>4</sup> *See* <https://enplan.com/>