HOW ABOUT THAT!

THE KILLING OF GENTLE BEAR

One evening, when friends were toasting themselves around the pot-belly stove in Enrico Brandini's Cantina in Newtown, sipping wine and tired of cards, the story teller, old Rocco, began weaving a spell about the murder of an innocent Indian girl named Gentle Bear. She'd been killed by an Italian, and the Italian community of Newtown had refused to defend him. It happened long pefore the Newtown fire of 1872, that the "bad egg" named Gigio came to town bragging he'd stolen money from his parents to pay his way to America, and that he'd steal again to repay them. One lonely miner, Simon, had lost his partner; so Gigio just moved into Simon's cabin, and ate Simon's food. Gigio quit mining when he couldn't scoop up the gold without using a pick and shovel, and spend hours bending over gold pans full of black sand from the long tom, water washing out the gold.

Twice, men in the camps collected enough gold to send Gigio to San Francisco to find work; but each time, he'd returned in under two weeks, penniless after a good time.

IN WEST ALL

Rocco said it was summer of each year when the Indians from Nevada, expert horsemen, arrived with a drove of wild horses to break and sell locally. They called themselves Pinion Indians and were led by Chief Hila. Their men and women were straight, tall, and handsome; and the women were athletic, equal to their men in horsemanship. The Pinions spoke English, paid their bills, asked no favors; and John Ringer (the unofficial Justice of the Peace at Smith Flat) had reason to wish the white men were as honest and law abiding.

A kindly person, Chief Hila's sister, Sarah was well known for her skill with herbs and Indian healing methods by which she'd restored health to the half dead members of the Donner Party (after their rescue) at Johnson' Ranch on Bear Creek and at Sutter's Fort in Sacramento, during 1847, where she continued to treat them.

While the Pinions were in the Newtown area, they built cedar bark dwellings at Graystone (thought to be a few hundreds yards or so upstream from Rugg Gulch and the old Hesque log barn, in Teepee Ravine below Starks Grade Road) where they staked out corrals and the women wove baskets for sale. (See second note regarding Creighton Valley, page 31.)

Some of the people of Newtown liked to spend Sunday afternoons at Graystone, watching the Pinions lasso and break their horses in the box-like canyon; and the Pinions enjoyed demonstrating their skills. Troublesome Gigio, always carrying Simon's revolver, swaggering, and looking for amusement, went there too. He was warned to keep away from the handsome Pinion women who might as readily break a man as a horse!

<u>,</u>

HOW ABOUT THAT!

Then, one torrid September afternoon, a Pinion couple named Fall Leaf and Gentle Bear came riding their horses to the stone store (now called Gardella's stone store) in Newtown. As was the Pinion custom, Gentle Bear waited on her horse in the heat, holding the reins of her companion's horse, while Fall Leaf purchased the camp supplies of sugar and flour.

Gigio's habit was to sit with the men in the late afternoon shade on the front porch of the stone store; and he tried to get Gentle Bear's attention with gestures. When this failed, he got up, stepped off the porch and walked toward her speaking what English he knew; but, she motioned him away. Before anyone could stop him, he stepped close to her horse; and as he grabbed for the reins, she lashed her quirt across his face. In less than a heartbeat, Gigio drew old Simon's hand gun and fired two shots! Gentle Bear fell from her horse, dying! At the sounds of the shots, Fall Leaf burst from the store, gathered into his arms Gentle Bear's bleeding body, and rode at full gallop toward Graystone.



Though the late afternoon was hot, a trembling chill fell upon the people of Newtown as Stephen (who ran the store) jumped the first saddled horse and streaked for Smith Flat to get deputy Justice of the Peace John Ringer. Meanwhile, men ran from house to house warning the women and children to stay inside.

Gigio was crawling on the ground, groveling, and whimpering, "Get your guns! Those savages will come back to shoot me. You've got to protect me!" The other Italian men paid little attention to Gigio except to make sure he didn't get away.

Distances about equal, Stephen returned with John Ringer just as Chief Hila's eight sons arrived in Newtown at sundown. One angry Pinion could be a frightening sight; but here, casting long shadows, were eight Pinions sitting very upright on tall horses, their mouths pressed tightly, their eyes glowering! Anything could happen! The Pinions were perfectly capable of setting fire to brittle dry Newtown, shooting everyone in site, maybe torturing the women! Aside from Gigio's revolver, only a few hunting rifles were available for defense. Not a lamp was lit anywhere in town; and, despite the heat, everyone knew that fearful chill in the air!

HOW ABOUT THAT!

John Ringer and Chief Hila's elder son dismounted stiffly from their horses and exchanged guarded greetings. For an hour, they tried to reach some settlement; and the full moon arose. While the Newtown men followed the talks carefully, Gigio was worming his way into the shadows and toward the edge of the woods.

Though Gigio managed to slip away, unnoticed by the townsfolk, one pair of eyes (possibly those of Fall Leaf or maybe old Simon) watched Gigio's every move. Shortly, from a nearby gulch, a rifle shot shattered the troubled night; Gigio's absence was discovered, then his body. That shot could have signaled the Italian men to fire upon the Indians had they any certainty that it was from a Pinion weapon, or if Gigio's life had meant much to anyone. But, the talks between Chief Hila's son and John Ringer continued into the moonlit night. Finally, the two men shook hands solemnly and the Pinions rode quietly into the shadows, back toward Graystone.

John Ringer said it was a temporary truce. Everyone was tense for a week, almost afraid to take a deep breath. Then, John Ringer went alone to Graystone and made a peace that no one felt sure of until the Pinions broke camp and returned to Nevada. Old Rocco, who'd witnessed the event, held always that the people of Newtown escaped with their lives because Chief Hila's sons were men of honor, and because John Ringer was a persuasive man of justice.

The wonderful Pinion horsemen and their fine strong women never again returned to Graystone. It was a grave loss; for their horses were well broken, the baskets were useful works of art which stood much wear, and the prices were fair. The exciting Sunday afternoons each summer at Graystone, watching the skilled Pinions' horsemanship and basket weaving, were a thing of the past.



GARDELLA'S STORE NEWTOWN NOTE: The names Gentle Bear and Fall Leaf were given to the story as it was being rewritten by this author. The actual names are unknown.

NOTE: Graystone, now, is believed to be located in Creighton Valley, S16, T10N, R12E, on the north side of the South Fork of Weber Creek, east of Snow's Road, not in Teepee Ravine below Starks Grade Road as stated above. (1999)





cry site 1 message

butterfly fly <telrandy@gmail.com> To: Team Minuteman <team@mm-press.com> Thu, Sep 6, 2018 at 2:29 PM

12. Three Vivid Memories of Indians in Newtown

Return To Chapter Index

Only a few Indians were living in Newtown at the time about which I am writing. Except for Indian George and Lucinda, they kept pretty much to themselves. Indian George, who spoke better English than the rest, acted as a go between. A week before the Fourth of July celebration, he came to the stone store to tell the storekeeper that he was taking Indian Jesse to the county hospital in Placerville. For the last five years Indian Jesse, who lived at Bartram's mill, had been haunted by the ghost of his dead son Willie. It was said that Willie's ghost was trying to take his father to the happy hunting ground but his father wasn't ready to go. Running away from Willie's ghost one night, Jesse fell and broke his leg.

George was a Maidu. He used to tell us that before the gold discovery, a tribe of Maidu's lived in Newtown. Stone mortars that they had used to pound corn were propped against trees and fences in most of our yards. When the miners came, the Indians fought to keep their homes. That's the time the white men said they had become violent. A trapper scout called Peg Leg Smith went around the county helping Indians and white men to make treaties. A treaty of sorts was made in Newtown, but after it was made most of the Indians moved away. In the 60s and 70s bands of Indians still visited their old home sites. George told us that his father came to Carshum Bowl on Texas Hill where as many as 200 braves met to perform ceremonial dances and hold cries.

I wasn't much over four when one of the last cries was held in Newtown. We were sitting on the porch after dinner. I was leaning against my father's shoulder half asleep. Suddenly I heard dogs barking and saw a small band of Indians plodding up the dusty road.

The faces of the women who pushed the carts were daubed with pitch.

"They must have come a long way," my mother whispered.

"they are on their way to the meadow above Kimmer Flat to hold a cry," my father said. "That's a memorial service for their dead. Bands used to come every year when I first came to Newtown,"

"What's in the carts?" mother asked.

"Offerings to burn to their dead, like woven baskets and rugs and things to eat their dead liked."

That night we saw the flames rise from the memorial fires.

People who lived near the meadow heard moans and cries all through the night. It was said that the women who had pitch on their faces mourned their men by knocking their heads against trees. The next morning the Indians came by with drooping shoulders and empty carts. They tramped silently down the road toward Fort Jim. No one spoken to them and they had spoken to no one. also

https://www.bia.gov/bia/ois/tgs

Randy,

Below is the Legislative Counsel's digest section of the legislation (approved by the Governor in 2014) that I mentioned during our conversation. Note the first paragraph.

AB 52, Gatto. Native Americans: California Environmental Quality Act.

Existing law, the Native American Historic Resource Protection Act, establishes a misdemeanor for unlawfully and maliciously excavating upon, removing, destroying, injuring, or defacing a Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the California Register of Historic Resources.

The California Environmental Quality Act, referred to as CEQA, requires a lead agency, as defined, to prepare, or cause to be prepared, and certify the completion of, an environmental impact report on a project that it proposes to carry out or approve that may have a significant effect on the environment or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA requires the lead agency to provide a responsible agency with specified notice and opportunities to comment on a proposed project. CEQA requires the Office of Planning and Research to prepare and develop, and the Secretary of the Natural Resources Agency to certify and adopt, guidelines for the implementation of CEQA that include, among other things, criteria for public agencies to following in determining whether or not a proposed project may have a significant effect on the environment.

This bill would specify that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource, as defined, is a project that may have a significant effect on the environment. The bill would require a lead agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project, if the tribe requested to the lead agency, in writing, to be informed by the lead agency of proposed projects in that geographic area and the tribe requests consultation, prior to determining whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project. The bill would

specify examples of mitigation measures that may be considered to avoid or minimize impacts on tribal cultural resources. The bill would make the above provisions applicable to projects that have a notice of preparation or a notice of negative declaration led or mitigated negative declaration on or after July 1, 2015. The bill would require the Office of Planning and Research to revise on or before July 1, 2016, the guidelines to separate the consideration of tribal cultural resources from that for paleontological resources and add consideration of tribal cultural resources. By requiring the lead agency to consider these effects relative to tribal cultural resources and to conduct consultation with California Native American tribes, this bill would impose a state-mandated local program.

Existing law establishes the Native American Heritage Commission and vests the commission with specified powers and duties.

This bill would additionally require the commission to provide each California Native American tribe, as defined, on or before July 1, 2016, with a list of all public agencies that may be a lead agency within the geographic area in which the tribe is traditionally and culturally affiliated, the contact information of those agencies, and information on how the tribe may request those public agencies to notify the tribe of projects within the jurisdiction of those public agencies for the purposes of requesting consultation.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.



United States Department of the Interior

TAKE PRIDE

OFFICE OF THE SECRETARY WASHINGTON, D.C. 20240 FEB - 7 2014

In Reply Refer To: (ER 14/0001) (ER 14/0004).

Mr. Eli Veenendaal National Telecommunications and Information Administration U.S. Department of Commerce 1401 Constitution Avenue, N.W. Washington, D.C. 20230

Dear Mr. Veenendaal:

The Department of the Interior (Department) has reviewed the above referenced proposal and submits the following comments and attachment for consideration. Because the First Responder Network Authority (FirstNet) is a newly created entity, we commend the U.S. Department of Commerce for its timely proposals for NEPA implementing procedures.

The Department believes that some of the proposed procedures are not consistent with Executive Order 13186 Responsibilities of Federal Agencies to Protect Migratory Birds, which specifically requires federal agencies to develop and use principles, standards, and practices that will lessen the amount of unintentional take reasonably attributed to agency actions. The Department, through the Fish and Wildlife Service (FWS), finds that the proposals lack provisions necessary to conserve migratory bird resources, including eagles. The proposals also do not reflect current information regarding the effects of communication towers to birds. Our comments are intended to further clarify specific issues and address provisions in the proposals.

The Department recommends revisions to the proposed procedures to better reflect the impacts to resources under our jurisdiction from communication towers. The placement and operation of communication towers, including un-guyed, unlit, monopole or lattice-designed structures, impact protected migratory birds in two significant ways. The first is by injury, crippling loss, and death from collisions with towers and their supporting guy-wire infrastructure, where present. The second significant issue associated with communication towers involves impacts from non-ionizing electromagnetic radiation emitted by them (See Attachment).

In addition to the 147 Birds of Conservation Concern (BCC) species, the FWS has listed an additional 92 species as endangered or threatened under the Endangered Species Act. Together with the bald and golden eagle, this represents 241 species of birds whose populations are in trouble or otherwise merit special protection, according to the varying criteria of these lists. The Department suggests that FirstNet consider preparing a programmatic environmental impact statement (see attachment) to determine and address cumulative impacts from authorizing FirstNet projects on those 241 species for which the incremental impact of tower mortality, when

added to other past, present, and reasonably foreseeable future actions, is most likely significant, given their overall imperiled status. Notwithstanding the proposed implementing procedures, a programmatic NEPA document might be the most effective and efficient method for establishing best management practices for individual projects, reducing the burden to individual applicants, and addressing cumulative impacts.

Categorical Exclusions

The Department has identified 13 of the proposed categorical exclusions (A-6, A-7, A-8, A-9, A-10, A-11, A-12, A-13, A-14 A-15, A-16, A-17, and A-19) as having the potential to significantly affect wildlife and the biological environment. Given this potential, we want to underscore the importance of our comments on FirstNet's procedural guidance under Environmental Review and Consultation Requirements for NEPA Reviews and its list of extraordinary circumstances in Appendix D.

Environmental Review and Consultation Requirements for NEPA Reviews

To ensure there are no potentially significant impacts on birds from projects that may otherwise be categorically excluded, the Department recommends including the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act to the list of requirements in this section.

Extraordinary Circumstances

To avoid potentially significant impacts on birds from projects that may otherwise be categorically excluded, the Department recommends including species covered under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act to the list of environmentally sensitive resources. Additionally, adding important resources to migratory birds such as sites in the Western Hemisphere Shorebird Reserve Network and Audubon Important Bird Areas to the paragraph on areas having special designation or recognition would help ensure their consideration when contemplating use of a categorical exclusion.

Developing the Purpose and Need

The Department recommends inclusion of language that would ensure consideration of all other authorities to which NEPA is supplemental as opposed to simply the FirstNet mission. As currently written, the procedures are limited to ensuring the purpose and need considers the FirstNet mission. If strictly applied, this approach would severely limit the range of reasonable alternatives, and likely preclude consideration of more environmentally benign locations or construction practices.

Environmental Review Process, Apply NEPA Early in the Process, Where Action is by Non-Federal Entity

The Department recommends that FirstNet be required to coordinate with federal agencies having jurisdiction by law or special expertise on construction and lighting of its network of towers.

Enclosure A

Background

The placement and operation of communication towers, including un-guyed, unlit, monopole or lattice-designed structures, impact protected migratory birds in two significant ways.

The first is by injury, crippling loss, and death from collisions with towers and their supporting guy-wire infrastructure, where present. Mass mortality events tend to occur during periods of peak spring and fall songbird bird migration when inclement weather events coincide with migration, and frequently where lights (either on the towers and/or on adjacent outbuildings) are also present. This situation has been well documented in the U.S. since 1948 in the published literature (Aronoff 1949, see Manville 2007a for a critique). The tallest communication towers tend to be the most problematic (Gehring et al. 2011). However, mid-range (~400-ft) towers as proposed by the First Responder Network Authority (FirstNet, a newly created entity under the Department of Commerce) can also significantly impact protected migratory birds, as can unguyed and unlit lattice and monopole towers (Gehring et al. 2009, Manville 2007a, 2009, 2013a). Mass mortalities (more than several hundred birds per night) at unguyed, unlit monopole and lattice towers were documented in fall 2005 and 2011 in the Northeast and North Central U.S. (e.g., Manville 2007a). It has been argued that communication towers including "short" towers do not impact migratory birds, including at the population level (e.g., Arnold and Zink 2011), but recent findings have contradicted that assertion (Manville 2007a, 2013a, Longcore et al. 2012, 2013).

The second significant issue associated with communication towers involves impacts from nonionizing electromagnetic radiation emitted by these structures. Radiation studies at cellular communication towers were begun circa 2000 in Europe and continue today on wild nesting birds. Study results have documented nest and site abandonment, plumage deterioration, locomotion problems, reduced survivorship, and death (e.g., Balmori 2005, Balmori and Hallberg 2007, and Everaert and Bauwens 2007). Nesting migratory birds and their offspring have apparently been affected by the radiation from cellular phone towers in the 900 and 1800 MHz frequency ranges – 915 MHz is the standard cellular phone frequency used in the United States. However, the electromagnetic radiation standards used by the Federal Communications Commission (FCC) continue to be based on thermal heating, a criterion now nearly 30 years out of date and inapplicable today. This is primarily due to the lower levels of radiation output from microwave-powered communication devices such as cellular telephones and other sources of point-to-point communications; levels typically lower than from microwave ovens. The problem, however, appears to focus on very low levels of non-ionizing electromagnetic radiation. For example, in laboratory studies, T. Litovitz (personal communication) and DiCarlo et al. (2002) raised concerns about impacts of low-level, non-thermal electromagnetic radiation from the standard 915 MHz cell phone frequency on domestic chicken embryos - with some lethal results (Manville 2009, 2013a). Radiation at extremely low levels (0.0001 the level emitted by the average digital cellular telephone) caused heart attacks and the deaths of some chicken embryos subjected to hypoxic conditions in the laboratory while controls subjected to hypoxia were unaffected (DiCarlo et al. 2002). To date, no independent, third-party field studies have been conducted in North America on impacts of tower electromagnetic radiation on migratory birds. With the European field and U.S. laboratory evidence already available,

independent, third-party peer-reviewed studies need to be conducted in the U.S. to begin examing the effects from radiation on migratory birds and other trust species.

Discussion

Collision Deaths and Categorical Exclusions

Attempts to estimate bird-collision mortality at communication towers in the U.S. resulted in figures of 4-5 million bird deaths per year (Manville 2005, 2009). A meta-review of the published literature now suggests, based on statistically determined parameters, that mortality may be 6.8 million birds per year in Canada and the U.S.; the vast majority in the United States (Longcore *et al.* 2012). Up to 350 species of birds have been killed at communication towers (Manville 2007a, 2009). The Service's Division of Migratory Bird Management has updated its voluntary, 2000 communication tower guidelines to reflect some of the more recent research findings (Manville 2013b). However, the level of estimated mortality alone suggests at a minimum that FirstNet prepare an environmental assessment to estimate and assess the cumulative effects of tower mortality to protected migratory birds.

A second meta-review of the published mortality data from scientific studies conducted in the U.S. and Canada (Longcore *et al.* 2013) strongly correlates population effects to at least 13 species of Birds of Conservation Concern (BCC, USFWS 2008). These are mortalities to BCC species based solely on documented collisions with communication towers in the U.S. and Canada, ranging from estimated annual levels of mortality of 1 to 9% of their estimated total population. Among these where mortality at communication towers was estimated at over 2% annually are the Yellow Rail, Swainson's Warbler, Pied-billed Grebe, Bay-breasted Warbler, Golden-winged Warbler, Prairie Warbler, and Ovenbird. Longcore *et al.* (2013) emphasized that avian mortality associated with anthropogenic sources is almost always reported in the aggregate, *i.e.*, "number of birds killed," which cannot detect species-level effects necessary to make effective and meaningful conservation assessments, including determining cumulative effects. These new findings strongly suggest the need for at least an environmental assessment by FirstNet, or more likely, an environmental impact statement.

Radiation Impacts and Categorical Exclusions

There is a growing level of anecdotal evidence linking effects of non-thermal, non-ionizing electromagnetic radiation from communication towers on nesting and roosting wild birds and other wildlife in the U.S. Independent, third-party studies have yet to be conducted in the U.S. or Canada, although a peer-reviewed research protocol developed for the U.S. Forest Service by the Service's Division of Migratory Bird Management is available to study both collision and radiation impacts (Manville 2002).

As previously mentioned, Balmori (2005) found strong negative correlations between levels of tower-emitted microwave radiation and bird breeding, nesting, and roosting in the vicinity of electromagnetic fields in Spain. He documented nest and site abandonment, plumage deterioration, locomotion problems, reduced survivorship, and death in House Sparrows, White Storks, Rock Doves, Magpies, Collared Doves, and other species. Though these species had historically been documented to roost and nest in these areas, Balmori (2005) did not observe these symptoms prior to construction and operation of the cellular phone towers. Balmori and Hallberg (2007) and Everaert and Bauwens (2007) found similar strong negative correlations

among male House Sparrows. Under laboratory conditions, DiCarlo *et al.* (2002) raised troubling concerns about impacts of low-level, non-thermal electromagnetic radiation from the standard 915 MHz cell phone frequency on domestic chicken embryos – with some lethal results (Manville 2009). Given the findings of the studies mentioned above, field studies should be conducted in North America to validate potential impacts of communication tower radiation – both direct and indirect – to migratory birds and other trust wildlife species.

Literature Cited

- Arnold, T. W., and R.M. Zink. 2011. Collision mortality has no discernable effect on population trends of North American birds. Plos ONE 6:e24708.
- Aronoff, A. 1949. The September migration tragedy. Linnaean News-Letter 3(1):2.
- Balmori, A. 2005. Possible effects of electromagnetic fields from phone masts on a population of White Stork (*Ciconia ciconia*). Electromagnetic Biology and Medicine 24:109-119.
- Balmori, A., and O. Hallberg. 2007. The urban decline of the House Sparrow (*Passer domesticus*): a possible link with electromagnetic radiation. Electromagnetic Biology and Medicine 26:141-151.
- DiCarlo, A., N. White, F. Guo, P. Garrett, and T. Litovitz. 2002. Chronic electromagnetic field exposure decreases HSP70 levels and lowers cytoprotection. Journal Cellular Biochemistry 84: 447-454.
- Everaert, J., and D. Bauwens. 2007. A possible effect of electromagnetic radiation from mobile phone base stations on the number of breeding House Sparrows (*Passer domesticus*). Electromagnetic Biology and Medicine 26:63-72.
- Gehring, J., P. Kerlinger, and A.M. Manville, II. 2009. Communication towers, lights, and birds: successful methods of reducing the frequency of avian collisions. Ecological Applications 19:505-514.
- Gehring, J., P. Kerlinger, and A.M. Manville, II. 2011. The role of tower height and guy wires on avian collisions with communication towers. Journal of Wildlife Management 75: 848-855.
- Longcore, T., C. Rich, P. Mineau, B. MacDonald, D.G. Bert, L.M. Sullivan, E. Mutrie, S.A. Gauthreaux, Jr., M.L. Avery, R.C. Crawford, A.M. Manville, II, E.R. Travis, and D. Drake. 2012. An estimate of avian mortality at communication towers in the United States and Canada. PLoSONE 7(4) 17 pp, Open Access.
- Longcore, T., C. Rich, P. Mineau, B. MacDonald, D.G. Bert, L.M. Sullivan, E. Mutrie, S.A. Gauthreaux, Jr., M.L. Avery, R.C. Crawford, A.M. Manville, II, E.R. Travis, and D. Drake. 2013. Avian mortality at communication towers in the United States and Canada: which species, how many, and where? Biological Conservation 158: 410-419.
- Manville, A.M., II. 2002. Protocol for monitoring the impacts of cellular telecommunication towers on migratory birds within the Coconino, Prescott, and Kaibab National Forests, Arizona. Peer-reviewed research monitoring protocol requested by and prepared for the U.S. Forest Service. Division of Migratory Bird Management, USFWS. 9 pp, March 2002.
- Manville, A.M., II. 2005. Bird strikes and electrocutions at power lines, communication towers, and wind turbines: state of the art and state of the science – next steps toward mitigation. Pages 1051-1064 In C.J. Ralph and T.D. Rich (eds), Bird Conservation Implementation in the Americas: Proceedings 3rd International Partners in Flight Conference, U.S.D.A. Forest Service Gen. Technical Report PSW-GTR-191, Albany, CA.
- Manville, A.M., II. 2007a. Comments of the U.S. Fish and Wildlife Service submitted electronically to the FCC on 47 CFR Parts 1 and 17, WT Docket No. 03-187, FCC 06-164, Notice of Proposed Rulemaking, "Effects of Communication Towers on Migratory Birds." February 2, 2007. 32 pp.
- Manville, A.M., II. 2007b. U.S. Fish and Wildlife concerns over potential radiation impacts from cellular communication towers on migratory birds and other wildlife – research opportunities. Invited Presentation to "Congressional Staff Briefing on the Environmental and Human Health Effects of Radiofrequency (RF) Radiation," House Capitol 5, Washington, DC. 16 page PowerPoint presentation. May 10, 2007.

Literature Cited

ï

1

Longcore, T., C. Rich, P. Mineau, B. MacDonald, D.G. Bert, L.M. Sullivan, E. Mutrie, S.A. Gauthreaux, Jr., M.L. Avery, R.C. Crawford, A.M. Manville, II, E.R. Travis, and D. Drake. 2013. Avian mortality at communication towers in the United States and Canada: which species, how many, and where? Biological Conservation 158: 410-419.

.

.

U.S. Fish and Wildlife Service. 2008. Birds of Conservation Concern, 2008. United States Department of Interior, Fish and Wildlife Service, Division of Migratory Bird Management, Arlington, VA. 85 pages. http://www.fws.gov/migratorybirds.

Thank you for the opportunity to comment on the draft document. If you have any questions concerning the comments, please contact Diana Whittington, NEPA Migratory Bird lead, at (703) 358-2010. If you have any questions regarding Departmental NEPA procedures, contact Lisa Treichel, Office of Environmental Policy and Compliance at (202) 208-7116.

Sincerely, Willie R. Taylor

Director, Office of Environmental Policy and Compliance

Enclosure

,

٢.

5020 Lent's Hill Dr., Placerville, CA 95667-9166, 4-24-2001, Rev. 4-28-2001, (530) 626-8289.

Mr. Randy Hellesvig, Box 22, Diamond Springs, Ca 95619, (530) 644-7777. Re: Progressive Forestry, logging of 80 acres S16, T10N, R12E, Brent and Suzanne Fox.

Dear Mr. Hellesvig:

Thanks so much for the tour of the Creighton Valley* bedrock mortar (17+ mortars) site and the accompanying springs and streams (including the unmarked artesian pond and its outflow course), SE¹/₄, S16, T10N, R12E. If ever I've seen an indigenous people's paradise, this is a candidate.

* See: The Historical Perspective Supplement for the Pleasant Valley - Oak Hill - Sly Park Area Plan and Environmental Impact Report, 1988, El Dorado County Community Development Department - Parks and Recreation Division, 3rd edition, pp. 303, 306 (Creighton Valley).

Outside of the various bedrock mortar sites and stories by John Gardella**, an archeological dig would be required to locate and <u>protect any associated midden</u> needed to judge the site "a village or a task site", as "Maidu, Miwok, or if shared by the short term summertime Shoshone traders" mentioned by Gardella as at "Graystone."

** See: GARDELLA, John, & VOILES, Jane, circa 1961, "Reminiscences of OLD NEWTOWN", published by the Gardella family and the El Dorado County Historical Society, pp. 46-48).

It would be my guess that a Shoshone encampment (horse breaking, basket weaving, food gathering and preparation, horse and basket sales to visitors of the Italian Newtown prior to the 1870's) would have been located more accessible to visitors, nearer the base of Creighton Valley, closer to the South Fork of Weber Creek.

The possibility that Creighton Valley is Gardella's "Graystone", rests faintly upon the gray rock outcropping seen in the sunshine atop Wood Hill to the north, and upon open areas appropriate for corrals and grazing nearer the South Fork.

GEOLOGY: (amateur) Creighton Valley is alluvial atop bedrock. The unmarked "artesian pond" may be the product of a dyke, damming ground water.

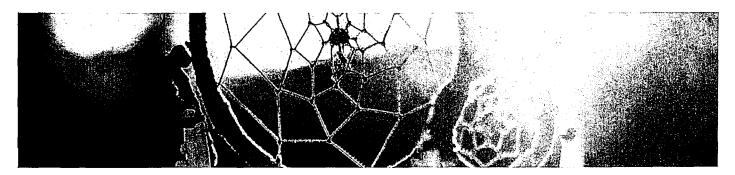




Navigation

Q

Home / Bureau of Indian Affairs (BIA) / Office of Indian Services / Division of Tribal Government Services



Division of Tribal Government Services

OIS

Overview

Human Services

Self-Determination

Transportation

Tribal Government

Geneology

Workforce Development

Contact Us

Our Mission

To promote awareness of tribal governmental responsibilities and processes, and to provide tribes with the resources they need to foster strong and stable tribal governments in exercising their rights as sovereign nations.

In accordance with the long-standing Federal policy of supporting Indian self-determination as expressed in the Indian Self-Determination and Education Assistance Act, as amended Public Law 93-638; Tribal Government Services promotes the sovereignty of federally recognized Tribes. Tribal Government Services carries out this policy by supporting and assisting Indian Tribes in the development and maintenance of strong and stable tribal governments capable of administering quality programs and developing economies of their respective communities.

Tribal Government funds are used to provide staff at the Bureau of Indian Affairs (BIA) agency office, or hire staff under a tribal Indian self-determination contract to perform tribal government services at the tribal/agency level. Support provided includes research and preparation of Certificate of Degree of Indian Blood (CDIB) forms, review of tribal resolutions, liquor ordinances, proposed governing documents requiring action by the BIA line officials, preparation of membership rolls for special (Secretarial) elections or for per capita distributions, and administration of special elections per 25 C.F.R. 81. The staff also meets with tribal enrollment offices or committees on enrollment/disenrollment matters and appeals. In some cases, the Aid to Tribal Government (ATG) funds directly support the activities of the tribal contractor/tribal officials in carrying out contracted activities on behalf of the Bureau and the tribe.

TRIBAL ENROLLMENT

Tribal Enrollment processes enrollment appeals for members of tribes that have adverse enrollment actions by Bureau officials. An adverse enrollment action results from the preparation of a tribal roll subject to Secretarial approval or an appeal to the Secretary is provided for in the tribal governing document.

The program develops or updates policies, regulations and guidelines concerning tribal enrollment systems.

Tribal Enrollment reviews and approves applications to share in judgment fund per capita distribution to tribal lineal descendents as part of the roll used for distribution of funds appropriated in satisfaction of a Court judgment.

Tribal Government personnel, usually an Enrollment Clerk, located at a regional or agency office processes applications for Certificates of Degree of Indian Blood (CDIB) and Indian Preference in Employment, BIA Form 4432, to anyone who can provide documentation that he or she descends from an American Indian tribe.

The Tribal Enrollment Specialist reviews requests for Indian blood degree changes, certifies enrollment for eagle feather permits, issues Identification cards to individuals eligible to exercise off-reservation treaty rights, and evaluates and approves commercial fishing licenses.

As more tribes develop Indian Gaming activities, the Tribal Enrollment was compelled to serve as a clearinghouse for enrollment information for those individuals seeking to become members of Federally recognized tribes. Tribal Government staff receives numerous inquiries daily; therefore, the division developed tribal profiles, which includes membership criteria for the tribes receiving the most requests such as the Cherokee Nation.

TRIBAL RELATIONS

The functions of Tribal Relations include the review and approval of tribal organic documents as required by Federal (25 U.S.C. 476) or Tribal law. The organic documents may include new constitutions primarily for the newly recognized tribes,

amendments to existing constitutions or total revisions of existing constitutions. Tribal Relations staff provides technical assistance to tribes with the initial drafting of a new constitution, an amendment or revision. Following procedures set forth in 25 C.F.R. Parts 81 and 82, the Bureau authorizes and conducts Secretarial elections where the tribal electorate votes to accept or reject the proposed changes. In addition, Tribal Government staff receives, reviews, and approves petitions for special Secretarial elections in accordance with regulatory requirements.

Tribal Relations reviews Tribal and/or Federal law to determine the tribal officials with whom the BIA maintains a government-to- government relationship and associated with this, maintains a Tribal Leader's Directory. The division publishes an annual Federal Tribal Entities list; the list is widely used by other Federal agencies usually to verify that a tribe is eligible to receive Federal funding provided by that agency.

When required, Tribal Relations staff reviews and comments on new or proposed legislation affecting tribes and Bureau programs. Staff disseminates information for implementation of new enacted legislation and regulations. The program develops or updates policies, regulations and guidelines concerning tribal governing documents. Staff reviews and approves tribal ordinances, tribal resolutions, attorney contracts, attorney fees and expense vouchers when the tribal constitution requires Secretarial approval. Program staff reviews, approves and publishes tribal liquor ordinances as required by Federal law and issue Federal Charters of Incorporation after review and approval.

Regional and agency staff monitors Consolidated Tribal Government Programs and Aid-To-Tribal Government contracts in association with the Division of Self-Determination. Division staff conducts annual program reviews of the field offices in compliance with the audit requirements of A-123. Staff responds to numerous inquiries from Congress, the general public and tribal members concerning a wide range of subjects.

TRIBAL CLAIMS

Pursuant to the Indian Tribal Judgment Funds Use or Distribution Act, 87 Stat. 466, as amended, the BIA prepares a plan for the use or distribution of funds awarded in satisfaction of a judgment of the Indian Claims Commission of the United States Court of Federal Claims in favor of an Indian tribe. The Bureau submits the plan to Congress. Where two or more tribal governments are beneficiaries, the Secretary of the Interior must submit proposed legislation to Congress dividing the judgment funds. As part of the preparation for the plan or proposed legislation, the Tribal Claims staff serves as negotiators in gaining the consent of the tribal governments concerning the division of the funds. As part of the development of a use and distribution plan, Tribal Claims staff holds hearings of record prior to the preparation of a final plan.

Other administrative duties associated with carrying out the distribution of funds derived from a tribal claim are the preparation of a roll or list inclusive of those individuals determined to be beneficiaries.

ADDITIONAL TRIBAL GOVERNMENT INFORMATION

Liquor Control Ordinance Check List Liquor Ordinance List 1953 - March 2016 October 14, 2014 Dear Tribal Leader Letter regarding Notification of Tribal Consultation on 25 CFR Parts 81 and 82 (Secretarial Election Procedures) (.pdf) October 9, 2014 Proposed Rules on 25 CFR Parts 81 and 82 (Secretarial Election Procedures) (.pdf) Example of a Federal Charter (.pdf) - 84 KB Form BIA 4432 - Verification of Indian Preference for Employment in the BIA and IHS - Form & Instructions (.pdf) -4.15 MB Sample Constitution (.pdf) - 81 KB Tribal Leaders Directory Certificate of Degree of Indian or Alaska Native Blood Application and Instructions

Indian Affairs

About Us	Programs & Services	
AS-IA Org Chart	Economic Development	
BIA Org Chart	Law Enforcement	
BIE Org Chart	Social Services	
Press Releases Guidance and Standards	Tribal Government Contact Us	
FAQs	DOI.gov	
Federal Acknowledgment	Feedback	
FOIA	Sitemap	
Indian Child Welfare Act	USA]obs.gov	

21

Accessibility | Disclaimer | No Fear Act | Notices | Privacy



Printed Name: Signature: **Occupation**: Phone: My . On Son Address: E-Mail: Nerkusser

Printed Name: JAS on SELEROR Signature: 🖄 Occupation: ELEVATOR APPR Phone: <u>51, 921 9131</u> Address: 612 febrear MELE POXULE CD 95615 E-Mail: Jaker Sistere etternosicin

CUP-A18-0005 Site 2 Newtown

Printed Name: Brandon Stuart	
Signature: Browler Stime	
Occupation:	
Phone:	
Address:	
E-Mail:	

Printed Name: Told Sta Signature: Occupation: telusion Director Phone: <u>9/6 7/0 · 6780</u> Address: Ro. Sox 1128 Low, cA 95651 E-Mail: tos @ told glanky. cum

Printed Name: Lars Pantel
Signature: Vare
Occupation: Corpentar
Phone: 16
Address:
E-Mail:

Printed Name: Aven Ba Signature: Occupation: Phone: Address: **E-Mail:**

Printed Name: Signature: Occupation: Phone: Address: I nhson(a) gmo **E-Mail:**

CUP-A18-0005 Site 2 Newtown
District March
Printed Name: Signature:
Occupation:
Phone:
Address:
E-Mail:

Printed Name: Stephanic Quianzon htigh har 9 Signature: h Occupation: compliance frespecialist (Auditor) Phone: 204-373-3121 Address: E-Mail: <u>squianzor@gmail:com</u>

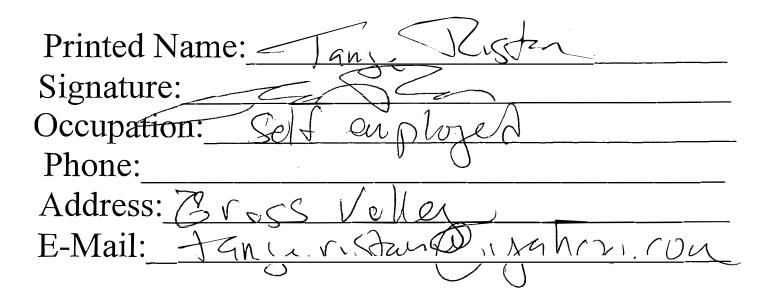
Printed Name: Alana Soules Signature: Occupation: Phone: 9/10-917-09/60 Address: 79 () E-Mail: Saulonalana (annil. cm

Printed Name: thy That Signature: Phone: Address: hingung E-Mail: - Yorpher .lon

CUP-A18-0005 AT&T has had 6 months to correct the site location which has been located by 2 of their surveyors 3' too close to the set back. The paper work submitted by them to planning is 3' off according to Peter Brewsters survey. How can you okay a site like that with paperwork in error and so many errors in the environmental assessment.

Printed Name:_	MBZILENA	BADILA	
Signature:	Mol		
Occupation:			
Phone:			
Address:			
E-Mail:			

Printed Name: Siern Turco+ Cardo Signature: Occupation: retail worker Phone: 619 517 3787 Address: 12239 Long Valley Rd Long Valle E-Mail: <. hvot I Cgmail. (on Ct 1)



-

Printed Name: Sarah Singh Signature: sarah surge Occupation: <u>student</u> Phone: <u>916.919.2455</u> Address: Pancho Cordova, CA E-Mail: goodvibes and pincapples @yahoo.com

CUP-A18-0005 Site 2 Newtown

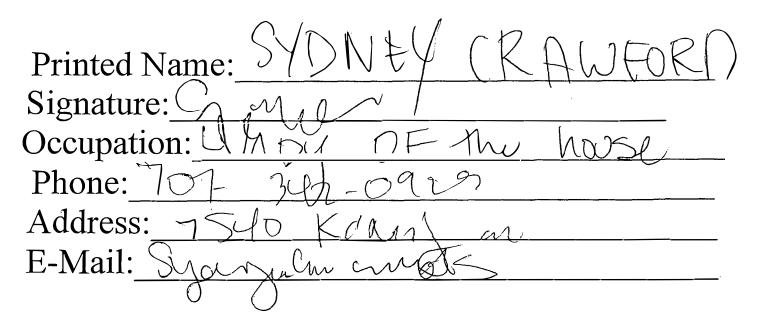
Printed Name: Jasmine Signature: <u>Jamma (un</u> Occupation: Phone: 530 721 1152 Address: E-Mail: Jasmineustagray@rocketmail.com

CUP-A18-0005 Site 2 Newtown

Printed Name: Nicole Granes	
Signature: 22 Comment	
Occupation:	
Phone:	
Address:	
E-Mail:	

Printed Name: e sive Signature Occupation: (08 Phone: $\neg \uparrow$ Milio Address:4 E-Mail: des

Turel Tamer Printed Name: Signature: (adiation Occupation: 502-6302 Phone: 70 Address: Orange E-Mail:



Printed Name: Robynne LaPorte Signature: Ralapi Lighta Occupation: Studen Phone: <u>914 - 390 - 6378</u> Address: E-Mail: raporn @ gmail.com

Printed Name: 12evis breen	
Signature: Ku ann	
Occupation:	
Phone:	_
Address:	
E-Mail: Leviegreen7@gmail.com	_

Printed Name: Miranda Williams	
Signature: <u>MMM</u>	
Occupation:	
Phone:	
Address:	
E-Mail:	

Jacquelyn McGowan Printed Name: Signature: Occupation: Director Phone: 619 - 3107 - 6647Vista Address: Meadow **E-Mail:**

Printed Name: Juanita Sessions Signature: Juanta Session Occupation: Waiteress Phone: 808-895-9153 Kailua Kor Address: <u>73-1540</u> Manari Place HI E-Mail: junitalsessions & gmail, Com

CUP-A18-0005 Site 2 Newtown

Printed Name: Trevor Boeger Signature: **_**____ Occupation: Fise fighter Phone: 53. 520 4201 Address:_____ E-Mail:

Printed Name: Jerylann Mateo Signature: - mates Quela Occupation: RE R Phone: 650 - 743 - 7895 Address: jerykann @ sbe gb belinet E-Mail:

CUP-A18-0005 Site 2 Newtown

Printed Name: Joann Martinez-Signature: John Martin Occupation Phone: Address: E-Mail:

Printed Name: Melissa Farsel Signature: 100 Phone: 530-306-0155 Address: 4880 Honks Exchange Fel. flacerville (9500 E-Mail: nifravsel @ gmail.com

Printed Name: James CAhill Signature: Cahil Phone: -409-0133 Address: 2652 Prescott Placenville, CA **E-Mail:** jimeskigur @ gmail.com

Daniel

622 9234 3913921

r

.

2

•

.

4

as via Alussa Printed Name: Her Signature: 6049 Phone: 53C Lorx 322 Placesville (A 95667 Address: PO. E-Mail:

Printed Name, Patricia Vuzava fat Signature: ar<u>m</u> all - 3907-6314 Phone: Address: Drannan @ yahoo.com E-Mail:

CUP-A18-0005 AT&T has had 6 months to cor-

rect the site location which has

been located by 2 of their surveyors 3' too close to the set back. The paper work submitted by them to planning is 3' off according to Peter Brewsters survey. How can you okay a site like that with paperwork in error and so many errors in the environmental assessment.

reciado Printed Name: PAN Signature: 1611-6 Phone: 209 (~G ' Address: **E-Mail:** Jenifor 25USQ yahoo. Com

CUP-A18-0005 AT&T has had 6 months to correct the site location which has been located by 2 of their surveyors 3' too close to the set back. The paper work submitted by them to planning is 3' off

according to Peter Brewsters survey. How can you okay a site like that with paperwork in error and so many errors in the environmental assessment.

Printed Name: Nick Dullo Signature: 🔰 Phone: 175,23431 Address: MW E-Mail: Nidle James @ Gmail.com

Printed Name: Gronge Judie Signature: Phone: 530 533-395 (Address: 100 Herkness ct **E-Mail:**

Printed Name: Lacie Baxley Signature: Laci R. Phone: 1530 333 - 9441 Address: 100 Harknows Ct. Georgetown (A 95634 **E-Mail:**

Printed Name: JT MARTIE Signature: Phone: 43-0751 Address: E-Mail: JT-MACANEZZOC HOTMAIL. COM

Printed Name: Millich Signature: Phone: 911 Folsom, CA Address: (1) E-Mail: M. Marss a shighbar , L, A CUP-A18-0005 AT&T has had 6 months to correct the site location which has been located by 2 of their surveyors 3' too close to the set back. The paper work submitted by them to planning is 3' off according to Peter Brewsters survey. How can you okay a site like that with paperwork in error and so many errors in the environmental assessment.

Printed Name: Diane, gutienvez Signature: Phone: Address: E-Mail:

CUP-A18-0005 Site 2 Newtown
Printed Name: Bornan Bondalo
Signature: Bluelo
Phone: 220 4700287
Address: 7786 TOCKET TRAIL REND NU
E-Mail: BUNDAD @ KAHOO, LONY

AT&T presented a woefully inaccurate environmental assessment at this site. They show no mines or historical mining activity nearby. Sierra Rock is clearly visible to the south, the property adjacent to this property. Many acres of gravel and sand removed and 2 tunnels going north toward this site. The frog pond is 60' north of this site, and was Joesph Snows hydraulic water containment pond in 1854. The pond still stores water, also an air shaft to the north of the site 30' deep. Also 2 hydrolic cuts with possible tunnels N.W of the sire in line with gravel pit. AT&T has had time to do ground penetrating radar and has failed to properly asses this site. The tower needs to be relocated.

Printed Name: Pam Herman Signature: Dune Phone: 530-839-3388 Address: PO Box 1463, stuge Spp CA 15682 E-Mail: Damh 808 @ Jaluo con

Printed Name: Roper AvenSignature: <math>Roper AvenPhone: <math>650 - 533 - 351. Address: Evreux ky Reprint. (n)E-Mail: 1/7114 Aven K1, p

Printed Name: Angela Thompson Signature: Allonge Phone: (10) 596-2534 Address: 2577 Vallejr J- Satalara E-Mail: anglove ya thompson & klowd. 75%

This site needs to be moved because of many fatal faults in this location. This is an extreme danger fire area

where some can not get fire insurance. This is an updraft area on Snow Ridge with 100mph winds at times a fire on or near this tower will endanger all of Rancho Del Sol. I have started the process to have a possible satellite fire station to house a fire

truck that I have purchased.

Printed Name: Michael Burg Signature. Phone: 447 800445 Address: <u>5. Lake Thioe</u> E-Mail: <u>Mkrocfynka.con</u>

Printed Name: Koloin Loweng Signature: Robin Loweng Phone: 230 9450 Address: E-Mail: Robin gee 3 Sognal · Com

This site needs to be moved because of many fatal faults in this location. This is an extreme danger fire area

where some can not get fire insurance. This is an updraft area on Snow Ridge with 100mph winds at times a fire on or near this tower will endan-

ger all of Rancho Del Sol. I have started the process to have a possible satellite fire station to house a fire truck that I have purchased.

Printed Name: Katring Groes Signature: M Phone: <u>387 - 8/8/</u> Address: E-Mail: <u>Katring Scida (Dynov. com</u>

Printed Name: Silas Jylean Signature: Phone: Company Address: I. Mountail Michile Com Address: I. Mountail Michile Tile Tile Toll Q gmail. Com E-Mail:

Printed Name: Brittany Accestor Signature: Billicotterie Phone: (510) 196-4317 Address: PO Box 2219 Son Corlos, Ca 94670 E-Mail: BAccestora Eychos Con

This site needs to be moved because of many fatal faults in this location. This is an extreme danger fire area

where some can not get fire insurance. This is an updraft area on Snow Ridge with 100mph winds at times a fire on or near this tower will endan-

ger all of Rancho Del Sol. I have started the process to have a possible satellite fire station to house a fire truck that I have purchased.

Printed Name: FEARE HERIAM Signature: Phone: Phone: Address: 1102 ANDESON OF PLACEDURG E-Mail:

Printed Name:			:		
Signature:	-		-		
Signature: Phone:		-			
Address:					
E-Mail:	· · · ·				

Printed Name: Angelika Stakup Signature: Angelika Stakup Phone: Address: E-Mail:

Printed Name: Paula Ford Signature: Puelo Jod Phone: 40843868 Address: 3868 yellowstone (n. FOH E-Mail: poulo Ford 130 grui)

Printed Name: Amm Strus/S Signature: CompStructures Phone: 530 748-9195 Address: 2890-A Pleasant/St. E-Mail:

Printed Name: Marissa Rivera Signature: Marissa Rivera Phone: (209) 769-4650 Address: E-Mail: Mirirera ziz@aol. Com

Printed Name: Josh Simenez Signature: top 4 Phone: (831) Address: 134 Monte vista Dr. E-Mail: Simemon 531@ amail com

CUP-A18-0005 Site 2 Newtown

Kelly Printed Name; larper Signature Phone: 9 781 3396 Address: 1381 Ione CA 95640 **E-Mail**: Ktoup@qmail.com

Printed Name; SCOT LAUSON Signature: Augur Phone: 520, 384-2205 Address: PO Box 897 E-Mail: buckwheat 6106 @psin.com

Printed Name:	Katrana NAS-	
Signature:	Nan	
Occupation:	Averet	
Phone:		
Address:		
E-Mail:		

CUP-A18-0005 Site 2 Newtown

Printed Name: Marcie Oppin Signature: <u>Marcie Oppin</u> Phone: <u>626 923 8224</u> Address: 500 Jackson St. Quincy CS 95971 E-Mail: <u>margic cropin Outmail. Win</u>

Printed Name:					
Signature:				• ,	
Phone:		4. 12			
Address:	 ,				•
E-Mail:			-		

Printed Nar	ne:			· · ·		- 	
Signature:							
Phone:		1. 1.				·	•
Address:			•	4 4			-
E-Mail:		: :		· · · · ·	1		_

Printed Name:	
Signature:	
Phone:	
Address:	
E-Mail:	

Printed Name: Willi & BANSIZ Signature: Occupation: LAMZER SALES Phone: 623-204 Address: 6145 SATNEN 3 WWMCA E-Mail:

Printed Name: K Koford Signature: 🟒 Occupation: St Phone: 910.690.9565 Address: Kampa 9223 Pancho Ur E-Mail: Kimmiy Kup Cyahoo. com

Å
- He
_

Printed Name: Jillian Fisher Signature: Occupation: **P** 570.404.4144 Phone: Address: that fish @ smail. cn. E-Mail: 3155 million Bridge ct. Roseville CA

Sharn Ber Printed Name: Signature: FAILMEL/ENTREVENOUR Occupation: 0918 8311 Phone: PLACE MULE. (A Address: Sustainable calies E-Mail:

CUP-A18-0005 Site 2 Newtown

Printed Name; Corry Koskela
Signature: bouldful
Occupation: RNA
Phone:
Address:
E-Mail:

CUP-A18-0005 Site 2 Newtown Printed Mame Signature: Occupation: Phone: ~ Address: ~ E-Mail: —

Ramor Printed Name: 1 Signature: Occupation: Cashio/ Phone: <u>9/6 \$15 9756</u> Address: E-Mail: