

## 3.17 Cultural Resources

### 3.17.1 Introduction

This section analyzes the proposed project's potential impacts related to cultural resources. It describes existing cultural resources in the project area and summarizes the overall Federal, state, and local regulatory framework for cultural resources. Cultural resources-related environmental impacts are also discussed and applicable mitigation is proposed. Cultural resources are defined in California Environmental Quality Act (CEQA) as *historical resources* (including buildings, sites, structures, or objects, each of which may have historical, architectural, archaeological, cultural, or scientific importance) and *unique archaeological resources*. A more detailed definition of these terms is provided in Section 3.17.3, *Regulatory Setting*.

### 3.17.2 Existing Conditions

This existing conditions section for cultural resources provides an overview of the efforts made to identify cultural resources in the project area. Section 3.17.2.1 discusses background research, field survey, and consultation efforts. Section 3.17.2.2 provides a brief contextual summary outlining potential areas of sensitivity for prehistoric and historic archaeological resources. Section 3.17.2.3 describes the known CEQA historical resources in the project area. ICF has prepared a detailed cultural resources technical report that can be made available upon request (ICF International 2016). Sensitive information on archaeological resources located within the vicinity of the project area will not be included in the version of the technical report made available to the public. The information presented below is summarized from the findings of the technical report.

#### 3.17.2.1 Background Information

##### Records Search

On June 22, 2011, ICF International (ICF) conducted a records search of the project area and a ¼-mile buffer at the Northeastern Information Center (NEIC) of the California Historical Information System (CHRIS) at Chico State University in Chico, California. The NEIC maintains the State of California's official records of previous cultural resource studies and recorded cultural resources for Butte County. The records search consulted the CHRIS base maps of previously recorded cultural resources for the project area. Additional sources of information, including previously conducted cultural resources surveys and historic maps (U.S. Geological Survey and General Land Office [GLO]), were selectively reviewed to determine areas that have a high potential for the presence of historic and prehistoric sites. ICF also reviewed information from the following sources.

- National Register of Historic Places (NRHP)
- California Register of Historical Resources (CRHR)
- California Office of Historic Preservation Historic Property Directory (2010)
- California Inventory of Historic Resources (1976)
- California State Historic Landmarks (1996)

- California Points of Historical Interest (1992)
- Historic Properties reference map

The records search identified four previously recorded historic archaeological resources within the project area used for the search (Selverston et al. 2011; Stevens et al. 2011). None of the resources are within the current Oroville Wildlife Area (OWA) proposed project footprint (i.e. areas of ground disturbance) and therefore would not be impacted by the proposed project unless the project footprint is altered. No previously recorded historic architectural resources were identified in the records search project area.

- **P-04-002849** is a wagon road recorded by Sonoma State University in 2004. The road segment is approximately 600 feet long and has been associated with the Fernandez Rancho, Bidwell's first gold find, and the Hamilton/David Ferry.
- **P-04-002684** is an early to mid-20<sup>th</sup> century refuse dump recorded by Sonoma State University in 2004. Refuse includes car parts, tires, bottles, and earthenware fragments.
- **P-04-001480** is a historic-era refuse dump recorded by Sonoma State University in 2002. Refuse includes glass, ceramic, metal, appliances, and building rubble.
- **P-04-000465** is the Oroville Dredge Fields recorded by Sonoma State in 2004. Related documents indicate that Loci OO, AA, X, and W (all within the records search project area) are dredge fields with poor or no integrity.

### **Additional Background Research**

ICF conducted additional research through a review of historic aerial imagery and maps in order to uncover the presence or absence of historic era resources (buildings or structures 50 years of age or older) in the project area. No buildings are present in the project area. Water-related engineering structures in the project area are limited to four interior channels and a berm that is located on the southeast side of the Feather River, surrounding the OWA project area. Research found that these structures all postdate 1967 (National Environmental Title Research 2016; Babbit pers. comm.; Fritz pers. comm.). Because these structures are not yet 50 years old, they do not require evaluation under CRHR Criteria. Consequently, no historic era resources 50 years of age or older were identified in the project area.

### **Archaeological Field Survey**

On March 17, 2016, ICF archaeologists, accompanied by Enterprise Rancheria tribal members, conducted an intensive archaeological pedestrian survey of all areas where project ground disturbance is proposed. Transects no wider than 33 feet (10 meters) were used in order to ensure maximum coverage in a timely manner. No archaeological resources were identified as a result of the survey. No historic era resources (buildings or structures) 50 years of age or older were identified in the project area and therefore no field survey for historic era resources was conducted.

### **Consultation with Native Americans and Other Interested Parties**

On October 16, 2015, Sutter Butte Flood Control Agency (SBFCA) notified the Enterprise Rancheria Estom Yumeka Maidu Tribe (Tribe) about the proposed project. The letter included a brief project description, project area maps, and a request for any information the Tribe might have regarding cultural resources in the project area vicinity. On February 24, 2016, SBFCA held an on-site meeting

with tribal members. The Tribe did not express any specific concerns about the proposed project but did note that there is potential to unearth buried resources during construction activities. The Tribe requested that tribal monitors be present in areas where ground disturbance will occur directly adjacent to the river. Tribal members participated in the March 17<sup>th</sup> archaeological surveys. At the time of preparation of this initial study, no prehistoric or tribal cultural resources had been identified. Consultation between SBFCA and the Tribe is ongoing.

On March 14, 2016, ICF sent contact letters to the Butte County Historical Society, and the Butte County Pioneer Memorial Museum. The letters briefly described the proposed project and requested information about cultural resources near the proposed project area. At the time of preparation of this initial study, ICF had not received any responses.

### **Assembly Bill 52 Consultation**

As noted above, SBFCA has coordinated closely with the Tribe since notification on October 16, 2015. At the time of preparation of this initial study, no tribal cultural resources have been identified within the project area.

### **3.17.2.2 Cultural Resources Contextual Summary**

Both the background research and consultation with the Tribe indicate the potential for archaeological or other cultural resources to be present in the project area. Although there are no known prehistoric or ethnographic resources within the project footprint, the existing conditions for the project area include a sensitivity for such resources. The resources may relate to the prehistory of the region, including the cultural practices of early inhabitants of the area such as the Konkow Maidu, or to the historical uses of the area. The following context is provided to help the reader understand that sensitivity.

#### **Prehistory**

The prehistoric sequence of the Central Valley has been revised several times, and therefore a variety of terms are used across the relevant literature. Early literature described the prehistoric cultures in terms of different, regional manifestations with unique material culture, called patterns. Frequently used regional divisions refer to Windmiller, Berkeley, and Augustine patterns. The current explanatory framework focuses less on regionally specific aspects and integrates the overall prehistory into a sequence (Bennyhoff and Fredrickson 1994). Bennyhoff and Fredrickson describe the Central Valley prehistory in terms of Early, Middle, and Late Horizons. This revision considers Central Valley prehistory in terms of culture change as a process rather than the more descriptive methods of early literature.

#### **Early Horizon, Pleistocene/Holocene Transition: 12,000–8000 B.P.**

Archaeological evidence for human use of the Central Valley during the late Pleistocene and early Holocene is scarce. At the end of the Pleistocene, circa 12,000–8000 B.P., parts of the Sierra Nevada adjacent to the Central Valley were covered with large glaciers, and the valley provided a major transportation route for animals and people. This transportation corridor, perhaps rivaled only by maritime coastal travel, undoubtedly was used heavily by early Californians.

Most researchers conclude the Pleistocene and early Holocene human economy focused on large game. Although no direct evidence of this exists in the Central Valley, the similarity of the artifact

assemblages to those of other locations in western North America, where the association can be demonstrated, supports this argument. Many large Pleistocene mammals suffered extinction during the Pleistocene/Holocene transition. These extinctions were caused by warming temperatures, rising sea levels, and changing precipitation patterns (Meyer and Rosenthal 2008). The Central Valley gradually became both warmer and drier. Pine forests were replaced with vegetation types similar to present day types. The rising sea level filled what is now the San Francisco Bay and created the Sacramento–San Joaquin River Delta (Delta) marshes. To survive without large game, people had to change their food procurement strategies to make use of a more diverse range of smaller plants and animals (Moratto 1984).

#### **Early Horizon: 8000–4000 B.P.**

As humans altered their subsistence strategy to increase the range of pursued food items, their mobility also increased. Small groups of people probably moved through the valley, foothills, and Sierra Nevada to take advantage of seasonally available resources and resources limited to particular unique environments. The ability to move from resource to resource was a critical element of this subsistence strategy (Rosenthal et al. 2007).

Reliance on a number of diverse smaller plants and animals had several consequences. First, people had to move from one area to another to take advantage of the seasonal availability of particular resources. Second, large areas of land were needed to ensure that enough resources were available during all times of the year. Third, more specialized tools were necessary to procure and process the wider range of plants and animals that were being used. This broad-based strategy continued relatively unchanged until approximately 6000 B.P.

As the population slowly increased, it became increasingly difficult for people to obtain seasonally available resources across large areas of land (Meyer and Rosenthal 2008). Dental pathologies in the burial record reveal dietary stress (Moratto 1978). Growing populations decreased the land available to given cultural units, and thus the suite of resources available to those populations. This pressure resulted in a further expansion of the suite of resources pursued, relative to previous conditions.

#### **Middle Horizon: 4000–1500 B.P.**

In the Middle Horizon, resource specialization resulting from the expanded subsistence strategy is readily visible in the archaeological record. Dietary expansion was associated with new exploitation of niche environments such as marshlands in the Delta. Acorn procurement from oak trees (*Quercus*, sp.) also increased. The acorn had been used before this time, but it became a much more significant portion of the overall diet breadth, with specialized procurement and processing technologies (Rosenthal et al. 2007). People in this period were more sedentary than they had been in the past, and village sites are found throughout the valley along rivers and near other areas with permanent sources of water (Moratto 1984).

Previous research described the Berkeley Pattern identified at CA-Ala-307 as a typical Middle Horizon site (Fredrickson 1973). Sites displaying Windmiller Pattern assemblages, however, also are found in the Middle Horizon. The Windmiller Pattern sites in this period seem to occur with more frequency in or near the Delta, while Berkeley Pattern sites tend to be more prevalent farther north. The Berkeley Pattern differs primarily in its greater emphasis on the exploitation of the acorn as a staple. This distinction is reflected in the more numerous and varied mortars and pestles. This complex is also noted for its especially well-developed bone tool industry and such technological

innovations as ribbon flaking of chipped stone artifacts. During this era, flexed burials replaced extended burials, and the use of grave goods generally declined (Moratto 1984).

### **Late Horizon: 1500–150 B.P.**

The Late Horizon archaeological record documents further increases in specialization, sedentary settlement, and exchange networks relative to the Middle Horizon. Population continued to increase, and group territories continued to become smaller and more defined. The Delta region of the Central Valley reached population density figures higher than almost any other area of North America (Chartkoff and Chartkoff 1984). Patterns in the activities, social relationships, belief systems, and material culture continued to develop during this period and took forms similar to those described by the first Europeans that entered the area.

The predominant generalized subsistence pattern during this period is called the Augustine Pattern (Fredrickson 1973). Archaeological sites representing the Augustine Pattern show a high degree of technological specialization. Artifacts in this period include artifacts of composite materials, developed reductive technologies such as stone and shell work, and highly specialized adaptive technologies, including basketwork and ceramic production. Other notable elements of the material culture assemblage include flanged tubular smoking pipes; harpoons; ceramic figurines and vessels (Cosumnes Brownware); clamshell disk beads; and small projectile point types such as the Gunther Barbed series. These small projectile points may indicate the use of the bow and arrow. Complex social and economic institutions also are represented by different access to wealth, the implementation of a shell money system, and the maintenance of extensive exchange networks (Meyer and Rosenthal 2008).

## **Ethnography**

### **Konkow Maidu**

The Konkow Maidu occupied foothills east of Chico and Oroville, as well as a portion of the Sacramento Valley (Riddell 1978). Konkow is one of three languages composing the Maidu language family of the Penutian linguistic stock. Several dialects of Konkow were spoken from the lower extent of the Feather River Canyon to the surrounding hills and in the adjacent parts of the Sacramento Valley (Shiple 1978).

The Konkow lived in village communities of three to five villages, in round semi-subterranean houses covered with earth. It is estimated that a typical village consisted of about 35 people during ethnographic times. Villages were made up of smaller groups. Family units usually were made up of two to five people. A major village with a large assembly and subterranean ceremonial lodge served as the central ceremonial and political focus for affiliated villages in the vicinity. This central village was not necessarily the most populous village but likely served as the residence of the chief, who lived in the ceremonial lodge. The chief's primary roles were advisor and spokesman. The individual villages were self-sufficient, not under the control of a headman (California Department of Water Resources 2004; Riddell 1978).

In winter, the Konkow settled in widely-dispersed patterns along river canyons, usually on ridges high above rivers and generally on small flats on the crest of the ridge, or half way down the canyon side. A village-community owned and defended a known territory, which served as a communal hunting and fishing ground. Some villages were located strategically atop isolated knolls in consideration of attack and defense. The Konkow followed an annual gathering cycle that made it

necessary for them to leave their winter settlements on the river ridges. In the summer, they traveled into the mountains to hunt. In the spring, they ventured into the valley areas to collect grass seeds (Riddell 1978).

The Konkow harvested greens, tubers, roots, seeds, nuts, and berries. Although wild rye was common in their diet and pine nuts were highly valued, the most important of the harvested foods were acorns, particularly from black oak (*Quercus kelloggii*). Konkow burned grass and brush cover to optimize the mixture of plants eaten by deer. Fisherman pursued salmon on the Feather River. The Konkow also pursued lamprey eels. Terrestrial game eaten by the Konkow included deer, elk, rabbits, squirrels, and birds such as quail, pigeons, and ducks (California Department of Water Resources 2004; Riddell 1978).

Because the Konkow had no complex political organization, the shaman was an important figure in their society. The shaman occupied a role that combined political, spiritual, and medical functions. The shaman role was passed down as a hereditary office from father to son (Riddell 1978).

The Konkow held an annual mourning ceremony, the Keruk, for the recently deceased, which reenacted the death of the creator, Kukumat. For this ceremony a male and female effigy were created, clothed, and burned. The Konkow also offered money, food, and blankets to the god, through incineration. The Maidu participated in the Kuksu cult, also practiced by the Patwin, Pomo, northern Costanoans, and the Coast and Sierra Miwok. Kuksu, "the south god," renewed the world each year. The ritual was celebrated in round dance houses by dancers with elaborate costumes, including large feather headdresses (Riddell 1978).

Konkow life was little affected by European contact until the gold rush in 1849. At this time miners descended upon the Feather River and surrounding foothills to remove abundant gold. The miners brought diseases that were deadly to the native peoples, decimating the population. These miners also destroyed the landscape with their mining techniques and violently drove the surviving Konkow from their lands. When the mining craze was over, the miners settled in the area and turned large tracts of land into agricultural fields. Because the miners wanted their land, the Konkow were twice driven off their traditional lands. In 1853, the Konkow, along with other Native American groups, were gathered by force and sent to the Nome Lackee reservation in Tehama County. This was not a successful reservation, and most of the families returned to their original lands. In 1863, the Konkow were again rounded up by militias and driven to the Round Valley Reservation in northern Mendocino County. Many of these families remain in Round Valley today. Around the turn of the twentieth century, the Federal government created rancherias for the Konkow, establishing a limited land base for the tribe and formalizing their tribal status with the Federal government. Today the Konkow are very active in cultural preservation in and around the Palermo/Feather River area. (California Department of Water Resources 2004.)

## History

Previously identified archaeological resources in the project area include a segment of what has been identified as historic wagon road (P-04-002849), two historic-era refuse dumps (P-04-002685 and P-04-001480), and dredge tailings (P-04-000465). These known sites indicate a sensitivity for similar historic-era archaeological sites. The following context further informs the sensitivity for historic-era archaeological sites within the project area, and is focused on the themes indicated by the previously recorded sites in the vicinity. Unless noted with parenthetical reference the following text is adapted (verbatim in most cases) from the *Oroville Dredge Fields (CA-BUT-465H): Site Technical Report* (Stevens et al. 2011:3-1-3-4).

The area that is now known as the OWA has historically been used for dredge mining. Shortly after the discovery of gold at Sutter's Mill in early 1848, John Bidwell found gold on the west bank of the Feather River. This location would later become the town of Hamilton, the destroyed town site now adjoining or overlapping the OWA boundary near the present location of the Thermalito Afterbay outlet dam. By 1850, a large population of mostly young men eager to try their hand at mining had come to the region. The easily-reached deposits soon played out along the Feather River and more sophisticated technology was developed to extract the gold. Panning and other traditional forms of placer mining expanded to include hydraulic mining and ultimately dredging. While prospectors using early forms of gold mining searched for gold in the foothills, dredge operators looked on the valley floor. They sought the heavy gold particles, washed down by the annual rainwater, then deposited and deeply buried by the river on the flats at Oroville.

The "father" of California dredge mining, Wendell Philucius Hammon, began his dredging career in and around the proposed project area. Hammon and a partner, Samuel Alexander, owned the Rio Bonito Orchard and Nursery just southwest of Oroville. In 1895, Hammon was supervising the digging of a well on his property and noticed gold flakes in the dirt. He was familiar with dredging as already practiced in Montana and New Zealand and believed that dredging might also be possible along the Feather River. By 1898, Hammon had a bucket-line dredge built, Couch No. 1, and initiated the first successful bucket-line dredge operation in California. Many others rushed to join Hammon in the burgeoning industry. By 1908 there were 35 dredges operated by 12 dredging companies active in the area south of Oroville. In the early 1900s there was considerable consolidation of dredging companies, but Hammon continued to be the predominant owner and operator in the Oroville dredging district. The height of activity in the Oroville dredge fields was between 1903 and 1916. Production declined over the course of the 1920s, but a second phase of dredging began in 1936 and continued to 1942. Dredging in the area experienced a 3-year lull before resuming for the third and final time in 1945. This third phase lasted until 1952. (Clark 1970:103-104).

The most substantive change to the area came in the mid-1960s when the Department of Water Resources constructed the Oroville-Thermalito Complex. The construction entailed the building of the existing complex of interior channels within the OWA and the berm that surrounds the OWA land along the southeast side of the Feather River. The construction of the Thermalito Afterbay started in 1965 and was completed in 1968 (National Environmental Title Research 2016; Babbitt pers. comm.; Fritz pers. comm.). By 1970, the area was considered regionally useful as a key source of sand and gravel (Clark 1970:104).

### **3.17.2.3 CEQA Historical Resources Summary**

Although four previously recorded historic archaeological resources were identified in the project area, none of these resources are located within the current proposed project footprint. If the project footprint changes, there would be potential for project impacts on P-04-465, P-04-1480, P-04-2684, and P-04-2849. In addition, there is always the potential for discovery of previously unidentified archaeological or cultural resources, and the context in Section 3.17.2.2 described the sensitivity for such resources. The potential for unidentified archaeological and cultural resources will be addressed in the analysis of project impacts.

No historic era resources (buildings or structures) 50 years of age or older were identified in the project area. Consequently, there are no historic architectural resources considered historical resource for purposes of CEQA located in the project area.

### 3.17.3 Regulatory Setting

#### 3.17.3.1 Federal

##### **National Environmental Policy Act**

As amended, NEPA (42 United States Code [USC] Sections 4321–4347) establishes a Federal policy of protecting important historic, cultural, and natural aspects of our national heritage during Federal project planning. All Federal or Federally-assisted projects requiring action pursuant to Section 102 of NEPA must take into account the effects on cultural resources. The President’s Council on Environmental Quality (CEQ) has adopted regulations and other guidance that provide detailed procedures that Federal agencies must follow to implement NEPA. However, the CEQ has not adopted regulations or other guidance that establish procedures for addressing cultural resources, specifically. In 2013, CEQ and the Advisory Council on Historic Preservation (ACHP) issued guidance on integrating NEPA and Section 106 of the National Historic Preservation Act (NHPA). This guidance reflects a long-standing practice of incorporating the Section 106 technical findings into NEPA to address project impacts on historic and cultural resources, and provides options for coordinating or, if planned in advance, substituting Section 106 and NEPA reviews.

##### **Section 106 of the National Historic Preservation Act**

Section 106 of the NHPA (54 USC §306108) requires that effects to historic properties be taken into consideration in any Federal undertaking. “Historic property means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the NRHP maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization that meet the NRHP criteria” (36 Code of Federal Regulations [CFR] Part 800.16[1]). Implementing regulations at 36 CFR Part 800 outline the process whereby Federal agencies, in consultation with the State Historic Preservation Officer (SHPO) and other consulting parties, identify historic properties within the Area of Potential Effects (APE) of the proposed action and make a finding of effect. If the proposed action is determined to have an adverse effect on historic properties, the Federal agency is required to consult further with SHPO and the Advisory Council on Historic Preservation to develop methods to resolve the adverse effects. The Section 106 process has six basic steps.

1. Initiate the Section 106 process, including the identification of consulting parties, such as Native American tribes.
2. Identify the APE, in consultation with the SHPO and other consulting parties.
3. Identify if any historic properties are located in the APE.
4. Assess the effects of the undertaking on historic properties within the APE.
5. If historic properties may be subject to an adverse effect, the Federal agency, the SHPO, and any other consulting parties (including Native American tribes and the ACHP) continue consultation to seek ways to avoid, minimize, or mitigate the adverse effect. A Memorandum of Agreement (MOA) is usually developed to document the measures agreed upon to resolve adverse effects. Alternatively, the Federal agency may prepare and execute a Programmatic Agreement (PA) with the aforementioned parties to comply with 36 CFR Part 800, particularly in the context of

complex undertakings that entail years of implementation actions or where the undertaking's effects on historic properties cannot be well characterized during the planning phase.

6. Proceed in accordance with the terms of the MOA or PA.

### **Criteria for Eligibility for the National Register of Historic Places**

Cultural resources are eligible for the NRHP if they have integrity and significance as defined in the regulations for the NRHP. Four primary criteria define significance; a property may be significant if it meets one or more of the following characteristics:

- A. It is associated with events that have made a significant contribution to the broad pattern of our history; or
- B. It is associated with the lives of people significant in our past; or
- C. It embodies the distinct characteristics of a type, period, or method of construction, or that represents the work of a master, or that possesses high artistic values, or it represents a significant and distinguishable entity whose components may lack individual distinction; or
- D. It has yielded, or is likely to yield, information important in prehistory or history (36 CFR 60.4).

Some types of cultural resources are not typically eligible for the NRHP. These resources consist of cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years. These property types may be eligible for the NRHP, however, if they are integral parts of eligible districts of resources or meet the criteria considerations described in 36 CFR 60.4.

In addition to possessing significance, a property must also have integrity to be eligible for listing in the NRHP. The principle of integrity has seven aspects: location, design, setting, materials, workmanship, feeling, and association (36 CFR 60.4). To retain historic integrity, a property will always possess several, and usually most, of the qualities of integrity.

### **3.17.3.2 State**

#### **California Environment Quality Act**

Two categories of cultural resources are specifically called out in the State CEQA Guidelines. The categories are historical resources (State CEQA Guidelines Section 15064.5[b]) and unique archaeological sites (State CEQA Guidelines 15064.5[c]; California Public Resources Code [PRC] Section 21083.2). Different legal rules apply to the two different categories of cultural resources. However, the two categories sometimes overlap where "an archaeological historical resource also qualifies as a "unique archaeological resource." In such an instance, the more stringent rules for unique archaeological resources apply, as explained below. In most situations, resources that meet the definition of a *unique archaeological resource* also meet the definition of a *historical resource*. As a result, it is current professional practice to evaluate cultural resources for significance based on their eligibility for listing in the CRHR.

*Historical resources* are those meeting the following requirements.

- Resources listed in or determined eligible for listing in the CRHR (State CEQA Guidelines Section 15064.5[a][1]).
- Resources included in a local register as defined in PRC Section 5020.1(k), “unless the preponderance of evidence demonstrates” that the resource “is not historically or culturally significant” (State CEQA Guidelines Section 15064.5[a][2]).
- Resources that are identified as significant in surveys that meet the standards provided in PRC Section 5024.1[g] (State CEQA Guidelines Section 15064.5[a][3]).
- Resources that the lead agency determines are significant, based on substantial evidence (State CEQA Guidelines Section 15064.5[a][3]).

*Unique archaeological resources*, on the other hand, are defined in PRC Section 21083.2 as a resource that meets at least one of the following criteria.

- Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information.
- Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- Is directly associated with a scientifically recognized important prehistoric or historic event or person. (PRC Section 21083.2[g])

The process for identifying historical resources is typically accomplished by applying the criteria for listing in the CRHR (14 CCR Section 4852). This section states that a historical resource must be significant at the local, state, or national level under one or more of the following four criteria.

1. It is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
2. It is associated with the lives of persons important in our past.
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values.
4. It has yielded, or may be likely to yield, information important in prehistory or history.

To be considered a historical resource for the purpose of CEQA, the resource must also have *integrity*. Integrity is the authenticity of a resource’s physical identity, evidenced by the survival of characteristics that existed during the resource’s period of significance. Integrity assessments made for CEQA purposes typically follow the National Park Service guidance used for integrity assessments for NRHP purposes, described in Section 3.17.3.1.

Even if a resource is not listed or eligible for listing in the CRHR, in a local register of historical resources, or identified in an historical resource survey, a lead agency may still determine that the resource is an historical resource as defined in PRC Section 5020.1j or 5024.1 (State CEQA Guidelines Section 15064.5[a][4]).

Resources that meet the significance criteria and integrity considerations must be considered in the impacts analysis under CEQA. Notably, a project that causes a substantial adverse change in the significance of an historical resource is a project that may have significant impact under CEQA (State CEQA Guidelines Section 15064.5[b]). A substantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource

or its immediate surroundings such that the significance of an historical resource would be materially impaired. The significance of an historical resource is materially impaired if the project demolishes or materially alters any qualities as follows.

- Qualities that justify the inclusion or eligibility for inclusion of a resource on the CRHR (State CEQA Guidelines Section 15064.5[b][2][A],[C]).
- Qualities that justify the inclusion of the resource on a local register (State CEQA Guidelines Section 15064.5[b][2][B]).

### **State Law Governing Human Remains**

California law sets forth special rules that apply where human remains are encountered during project construction. As set forth in State CEQA Guidelines Section 15064.5[e], in the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, no further excavation or disturbance of the site or any nearby area suspected of overlying adjacent human remains should take place until the following measures are implemented.

1. The coroner of the county in which the remains are discovered is contacted to determine that no investigation of the cause of death is required (as required under California Health and Safety Code [CHSC] Section 7050.5).
2. If the coroner determines the remains to be Native American:
  - a. The coroner will contact the Native American Heritage Commission (NAHC) within 24 hours.
  - b. The NAHC will identify the person or persons it believes to be the most likely descended from the deceased Native American.
  - c. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods (as provided in PRC Section 5097.98).
  - d. Where the following conditions occur, the landowner or his authorized representative will rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.
    - 1) The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
    - 2) The descendant identified fails to make a recommendation.
    - 3) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the NAHC.

### **Assembly Bill 52**

Assembly Bill (AB) 52 (Chapter 532, Statutes of 2014) establishes a formal consultation process for California Native American tribes as part of CEQA and equates significant impacts on “tribal cultural resources” with significant environmental impacts (PRC Section 21084.2). Under PRC Section 21074, tribal cultural resources include:

- Sites, features, places, and objects with cultural value to descendant communities or cultural landscapes defined in size and scope that are:
  - Included or eligible for listing in the California Register of Historical Resources (CRHR); or,
  - Included in a local register of historical resources.
- Sacred places (e.g., Native American sanctified cemeteries, places of worship, religious or ceremonial sites, sacred shrines) that are:
  - Included or eligible for listing in the CRHR or,
  - Included in a local register of historical resources.
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.

Both unique and non-unique archaeological resources, as defined in PRC Section 21083.2, can be tribal cultural resources if they meet the criteria detailed above. The lead agency will rely upon substantial evidence to make the determination that a resource qualifies as a tribal cultural resource.

AB 52 defines a “California Native American Tribe” as a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission (Public Resources Code Section 21073). Under AB 52, formal consultation with California Native American Tribes is required prior to determining the level of environmental document if a tribe has requested to be informed by the lead agency of proposed projects. AB 52 also requires that consultation address project alternatives and mitigation measures for significant effects, if requested by the California Native American Tribe. AB 52 states that consultation is considered concluded when either of the parties agree to measures to mitigate or avoid a significant effect, or the agency concludes that mutual agreement cannot be reached. Under AB 52, such mitigation measures shall be recommended for inclusion in the environmental document and adopted mitigation monitoring program if determined to avoid or lessen a significant impact on a tribal cultural resource. AB 52 became law on January 1, 2015, but only applies to projects that have a notice of preparation or notice of negative declaration/mitigated negative declaration filed on or after July 1, 2015.

### 3.17.3.3 Local

#### Butte County General Plan 2030

The policies below are taken from the Conservation and Open Space Element of the Butte County General Plan 2030, which includes a section on Cultural Resources (County of Butte 2012:257–266). The plan was adopted in October 2010 and amended in November 2012. These policies are designed to guide County planning related to and affecting cultural resources.

**Goal COS-14:** Preserve important cultural resources.

- COS-P14.1 Historic and cultural resources management shall be coordinated with nearby jurisdictions, including the five incorporated municipalities, the Lassen and Plumas National Forests, other planning and regulatory agencies, and local tribes.
- COS-P14.2 As part of CEQA and NEPA projects, evaluations of surface and subsurface cultural resources in the county shall be conducted. Such evaluations should involve consultation with the Northeast Information Center.

- COS-P14.3 The Northeast Information Center and appropriate historic and preservation professionals shall be consulted when considering re-use of historic sites.

**Goal COS-15:** Ensure that new development does not adversely impact cultural resources.

- COS-P15.1 Areas found during construction to contain significant historic or prehistoric archaeological artifacts shall be examined by a qualified consulting archaeologist or historian for appropriate protection and preservation. Historic or prehistoric artifacts found during construction shall be examined by a qualified consulting archaeologist or historian to determine their significance and develop appropriate protection and preservation measures.
- COS-P15.2 Any archaeological or paleontological resources on a development project site shall be either preserved in their sites or adequately documented as a condition of removal. When a development project has sufficient flexibility, avoidance and preservation of the resource shall be the primary mitigation measure.

**Goal COS-16:** Respect Native American culture and planning concerns.

- COS-P16.2 Impacts to the traditional Native American landscape shall be considered during California Environmental Quality Act or National Environmental Protection Act review of development proposals.
- COS-P16.3 Human remains discovered during implementation of public and private development projects shall be treated with dignity and respect. Such treatment shall fully comply with the Federal Native American Graves Protection and Repatriation Act and other appropriate laws.
- COS-P16.4 If human remains are located during any ground disturbing activity, work shall stop until the County Coroner has been contacted, and, if the human remains are determined to be of Native American origin, the NAHC and most likely descendant have been consulted.

### 3.17.4 Environmental Effects

Potential impacts of the proposed project on cultural resources are discussed in the context of State CEQA Guidelines Appendix G checklist items. All three project components (i.e., vegetation management, hydraulic improvements, and recreational features) involve ground disturbance that could affect cultural resources. Therefore, the impacts described below are relevant to all project components.

***a. Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?***

The proposed project would not cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 because there are no historical resources located in the project area that qualify as CEQA historical resources, and thus no historical resources would be materially impaired by project activities. In addition, there are no historical resources present in the immediate vicinity of the project that could suffer indirect effects on qualities of setting that might contribute to their significance. Because there are no historical resources present there is no impact.

***b. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5?***

**Impact CUL-1: Change in the Significance of a Unique Archaeological Resource (less than significant with mitigation for all components)**

The records search identified four archaeological resources, P-04-2849, P-04-2684, P-04-465, and P-04-1480 in the project area. None of the four resources are located within the current project footprint (i.e. areas of proposed ground disturbance); however, if the project footprint is altered there could be project impacts on these resources. In addition, buried archaeological resources that may meet the definition of historical resource or unique archaeological resource are also potentially present in the current project footprint. If any of these resources are damaged during construction or if any buried resources are encountered and damaged during construction, the destruction of the archaeological resources would be a potentially significant impact. Implementation of Mitigation Measures CUL-MM-1, CUL-MM-2, and CUL-MM-3 will reduce this impact to a less-than-significant level.

**Mitigation Measure CUL-MM-1: Implement Measures to Protect Known Archaeological Resources**

- No project-related work, including staging or any ground-disturbing activities, shall take place in or within 50 feet of archaeological sites P-04-2849, P-04-2684, P-04-465, and P-04-1480.
- Environmentally Sensitive Area (ESA) fencing shall be installed around the known boundaries of P-04-2849, P-04-2684, P-04-465, and P-04-1480 that are within 50 feet of areas of ground disturbance. Installation shall take place under direct supervision of a qualified archaeologist.
- A qualified archaeologist will intermittently inspect the archaeological site and the integrity of the ESA fencing throughout the duration of the project.

**Mitigation Measure CUL-MM-2: Conduct Mandatory Cultural Resources Awareness Training for All Project Personnel**

Before any ground-disturbing work (including vegetation clearing, grading, and equipment staging) commences, a qualified archaeologist will conduct a mandatory cultural resources awareness training for all construction personnel. The training will cover the cultural history of the area, characteristics of archaeological sites, applicable laws, and the avoidance and minimization measures to be implemented. Proof of personnel attendance will be provided to overseeing agencies as appropriate. If new construction personnel are added to the proposed project, the contractor will ensure that the new personnel receive the mandatory training before starting work.

**Mitigation Measure CUL-MM-3: Implement Measures to Protect Previously Unidentified Cultural Resources**

Construction shall stop if potential cultural resources are encountered. It is possible that previous activities have obscured surface evidence of cultural resources. If signs of an archeological site, such as any unusual amounts of stone, bone, shell, ceramics, glass, or metal are uncovered during grading or other construction activities, work will be halted within 100 feet of the find and the SBFCA will be notified. A qualified archeologist will be consulted for an onsite evaluation. If the site is or appears to be eligible for listing the CRHR or NRHP, additional mitigation, such as further testing for evaluation or data recovery, may be necessary.

In the event resources are discovered, SBFCA will retain a qualified archaeologist to assess the find and to determine whether the resource requires further study. Any previously undiscovered resources found during construction will be recorded on appropriate California Department of Parks and Recreation 523 forms and evaluated for significance under all applicable regulatory criteria.

All work will stop in the immediate vicinity of the find. If the find is determined to be an important cultural resource, SBFCA will make available contingency funding and a time allotment sufficient to allow recovery of an archaeological sample or to implement an avoidance measure. Construction work can continue on other parts of the project while archaeological mitigation takes place.

***c. Disturb any human remains, including those interred outside of formal cemeteries?***

**Impact CUL-2: Disturbance of Human Remains (less than significant with mitigation for all components)**

There are no known formal cemeteries within the project area, and neither the results of the records search nor the archaeological pedestrian survey indicated that human remains are present in the project area. However, there is always the possibility that ground-disturbing activities during construction may uncover previously unknown buried human remains, which would be a potentially significant impact. Implementation of Mitigation Measure CUL-MM-4 will reduce this impact to a less-than-significant level.

**Mitigation Measure CUL-MM-4: Implement Measures if Construction Activities Inadvertently Discover or Disturb Human Remains**

If human remains are discovered during any phase of construction, including disarticulated or cremated remains, the construction contractor will immediately cease all ground-disturbing activities within 100 feet of the remains and notify SBFCA.

In accordance with CHSC Section 7050.5, no further disturbance will occur until the following steps have been completed.

- The Butte County Coroner has made the necessary findings as to origin and disposition pursuant to PRC Section 5097.98.
- If the remains are determined by the County Coroner to be Native American, the Coroner shall notify NAHC within 24 hours.

A professional archaeologist with Native American burial experience will conduct a field investigation of the specific site and consult with the Most Likely Descendant (MLD), if any, identified by NAHC. As necessary and appropriate, a professional archaeologist may provide technical assistance to the MLD, including the excavation and removal of the human remains.