

6.0 CULTURAL RESOURCES

This chapter discusses the existing cultural resources setting for the proposed project. It analyzes the potential impacts on cultural resources that could result from the implementation of the proposed project and describes mitigation measures needed to reduce those impacts.

6.1 ENVIRONMENTAL SETTING

The American River and the surrounding region are known to contain numerous remains associated with early Native American occupation and historic-era activities. To place these resources within a broader cultural context and so that their significance can be better understood, a brief outline of the archaeological, ethnographic, and historical context of the region is presented below.

6.1.1 PREHISTORIC ARCHAEOLOGICAL CONTEXT

The Framework for Archaeological Research Management (Jackson et al. 1994) proposes a tentative culture chronology and culture history for the north-central Sierra Nevada. The proposed cultural chronology for the American River drainage has been refined further through investigations conducted within the South Fork American River by Tremaine and Jackson (1994) and Boyd (1998), and synthesized by Jackson and Ballard (1999). The following outline of prehistoric habitation chronology relevant to the project area is based largely on these studies.

EARLY HOLOCENE PATTERN AND PERIOD (CA. 10,000–7,000 B.P.)

Jackson and Ballard (1999) use the all-encompassing Western Pluvial Lakes Tradition to describe this broad time frame. As they point out, this tradition was first defined by Bedwell (1970) as a human adaptation to lake, marsh, and grassland environments that were prevalent at this time. Appearing after 11,000 years Before Present (B.P.), the tradition slowly disappeared ca. 8,000–7,000 B.P. There may have been a shift in land use patterns away from the wetland environments established during the Western Pluvial Lakes Tradition (Jackson and Ballard 1999). Regardless of the land-use strategy, at the very least, it appears from limited data that the presence of peoples within the American River region at this time was minimal.

ARCHAIC PATTERN AND PERIOD (CA. 7,000–3,200 B.P.)

Characterized by generally warm and dry climatic conditions, interrupted by brief cool, wet conditions, this period of general economic and technological patterns appears to correspond with the appearance of handstones and milling slabs, suggesting an intensification of resource procurement that included seeds and other botanical constituents. Jackson and Ballard (1999) suggest that the early part of this period (7,000–4,500 B.P.) was marked by the presence of concave base and large side-notched bifaces and the use of stemmed and large corner-notched point types during the later half of the period (4,500–3,200 B.P.).

SIERRAN PATTERN (CA. 3,200–600 B.P.)

This broad time period, comprising the Early and Middle Sierran periods (discussed further below), evidences an expansion in the use of obsidian, which is interpreted with reservation to indicate an increase in regional land use, and the regular use of certain locales. This pattern begins with a return to cool/moist climatic conditions, where forays into the Sierra Nevada may have been by groups with resident populations in the western Sierran foothills, Central Valley, and/or Great Basin. No evidence of permanent, year-round habitation has been found above 3,500 feet within the American River watershed, and it has been suggested that peoples may have timed their forays to the availability of the local resources. Jackson and Ballard (1999) suggest that increased use and adaptation is reflected in the reliance upon acorns and the heavy exploitation of large game. Using a model of site

patterning first proposed by Jackson (1983) and collaborated by geographic information system (GIS) modeling (Hunt 1999), the increased exploitation of resources during the later portion (ca. post-1,400 B.P.) of this time period is seen as marked by the adoption of mortar technology. Based on their distribution, use of mortars appears to have been most intense below the snow line, with usage remaining high within the black oak and sugar pine woodlands above the snow line and decreasing within the alpine zone (Hunt 1999). Models of toolstone acquisition suggest that east/west trade routes existed during this period between the Sierran crest and the Central Valley of California (see Markley and Day 1991, Day et al. 1996, McGuire and Bloomer 1996).

Middle Sierran Period (ca. 1,400–600 B.P.)

This period begins at approximately 1,400 B.P., which corresponds with a dramatic decrease in obsidian use, not only throughout the subregion, but throughout the Sierra Nevada. There was a major technological improvement associated with the introduction of bow-and-arrow technology during this time. Widespread changes occur at similar time frames throughout Central California and within the western Great Basin. Social disruption is inferred from changes in artifact assemblages, land use patterns, and high incidence of violent death. This pattern is followed by relatively intensive land use, active trade, and the establishment of permanent settlements in some regions, inferred as reflecting increased populations (Jackson and Ballard 1999).

Late Sierran Period (ca. 600–150 B.P.)

Regionally, this period is characterized by continued intensive use of the western slope of the Sierra Nevada, including significant use of acorns, but with less of a focus on seeds; exploitation of fauna, including deer and rabbits; year-round occupation of sites below 3,000–3,500 feet; and short-term seasonal occupation of mid- to high-elevation Sierran sites. The presence of single-component sites dating to this time period is given as evidence for this intensified use (Jackson and Ballard 1999). Use of the small-stem Sierra Gunther Series points common in earlier periods disappears abruptly and is replaced by small desert side-notched types, with continued use of small corner-notched points. Large corner-notched, stemmed, and contracting stemmed points may have reemerged during the latter portion of this period.

6.1.2 ETHNOGRAPHIC CONTEXT

Ethnographically, the project area is situated within the traditional territory of the Nisenan (sometimes referred to as the Southern Maidu). Kroeber (1925) recognized three Nisenan dialects—Northern and Southern Hill, and Valley Nisenan. The Nisenan territory included the drainages of the Yuba, Bear, and American Rivers, and the lower drainages of the Feather River, extending from the crest of the Sierra Nevada to the banks of the Sacramento River. According to Bennyhoff (1961), the southern boundary with the Miwok was probably a few miles south of the American River, bordering a shared area used by both Miwok and Nisenan groups that extended to the Cosumnes River. It appears that while the foothill Nisenan had a distrust for the valley peoples, the relationship between the Nisenan and the Washoe to the east was primarily friendly. Elders recall intergroup marriage and trade that involved primarily the exchange of acorns for fish procured by the Washoe (Wilson 1972).

Within the Nisenan territory, several political divisions, constituting tribelets, each had their respective headmen in the larger villages. However, it is not known which of these larger population centers wielded more influence than others, although they were all located in the foothill areas. In general, more substantial and permanent Nisenan villages were not established on the valley plain between the Sacramento River and the foothills, although this area was used as a rich hunting and gathering ground. One tribelet was that composed of people occupying the territory between the Bear River and the Middle Fork of the American River. According to Kroeber (1925), the larger villages could have had populations exceeding 500 individuals, although small settlements consisting of 15–25 people and extended families were common. Several village sites are depicted by Wilson and Towne (1978) along the North Fork American River just east of Auburn. These are the villages of ‘Chulku, Didit, Hakaka, Wemea, Koyo, Sumyan, and Soloklok.

Like most valley and foothill groups, the Nisenan exploited a wide variety of floral and faunal food sources. The primary staple food was acorn, and gathering expeditions were organized seasonally, although hunting, fishing, and the gathering of other floral foodstuffs occurred throughout the year. The seasonal harvests were often communal property and important social behaviors were intricately related to these harvests. Various roots, nuts, wild onion, wild sweet potato, and many varieties of grasses, berries, and fruits were also gathered at various times. Many were processed and stored for winter use, although fresh fruits such as various berries, wild plums, grapes, and other native fruits were undoubtedly consumed fresh. Studies within the project area indicate that Native Americans deliberately burned the meadows to increase forage and improve the habitat, clear the areas around habitations, kill insects, improve wild seed crops, and facilitate travel and hunting (Deal and Bennett 1996, Deal and Alblinger 1998). These findings are consistent with work conducted by Anderson (1990, 1991, 1993) and Anderson and Nabhan (1991).

Faunal species were acquired through any number of techniques and implements including the bow and arrow, drives, and decoys. Nets, traps, rodent hooks, and fire were all put to use in hunting small game, and fish could be caught with nets, gorges, hooks, and harpoons. One technique apparently involved using soaproot and turkey mullein to poison the water so that fish could be gathered easily. Freshwater clams and mussels were also gathered in the larger watercourses, such as the American River. Other aquatic food sources available to Native populations within the project area would have included fish such as salmon and sturgeon that would have been netted or caught with the aid of weirs.

Reluctance on the part of traditional Nisenan and the virtual destruction of the culture in the 19th century make it difficult to discuss Nisenan spiritual beliefs and practices in any detail. However, historical records document a number of observances and dances, some of which are still performed today, that were important ceremonies in early historical times. In general, the basic religious system noted throughout central California, the Kuksu cult, appeared among the Nisenan. Cult membership was restricted to those initiated in its spirit- and deity-impersonating rites. The Kuksu cult, however, was only one of several levels of religious practice among the Nisenan. Various dances associated with mourning and the change of seasons were also important. One of the last major additions to Nisenan spiritual life occurred sometime shortly after 1872 with a revival of the Kuksu cult as an adaptation to the Ghost Dance religion (Wilson and Towne 1978).

6.1.3 HISTORICAL CONTEXT

Aside from early Spanish explorers and probable trappers and traders from the Hudson Bay Company, the Sierra Nevada foothill region and the Sacramento Valley were virtually unsettled by Euroamericans before the Gold Rush. In 1844, the Stevens-Townsend Party entered California via Donner Pass, passing along the divide just north of the North Fork American River (Egan 1977). This same route was traversed by John Fremont a year later. However, this route was not the first to be used by immigrant groups: In 1841, the Bidwell-Bartelson Party crossed to the south into Tuolumne County, with other groups using the Pit River route to the north on a regular basis during the early 1840s.

A wave of gold seekers descended upon California and the foothill and mountain regions of the Sierra Nevada following the discovery of gold at Coloma on the South Fork American River in January 1848. The 1850 U.S. Census put the population of Placer County at 11,417, with 6,945 Whites, 3,019 Chinese, 89 Blacks, 634 foreign persons, and 730 Native Americans.

The remains of mining operations found along the North Fork American River reflect the progression of mining practices within the region, the nature of the gold-bearing deposits, and the progression of technology and the application of capital through time. Gold production, like other mining concerns, has gone through periods of boom and bust. Initially (during the late 1840s), technology and capital outlay was limited to a pan and a pick and shovel, and mining was limited primarily to bar deposits located along numerous drainages of the American River and its tributaries. Numerous small camps sprang up at this time along the South Fork American River, with names such as Louisiana Bar, New York Bar, Murders Bar, Texas Bar, Philadelphia Bar, Poverty Bar, and

Cherokee Bar. Historical references to camps along the North Fork American River above its junction with the South Fork could not be located within the project area. However, extremely rich placer mining operations were conducted to the east on the Upper North Fork American River at Green Valley.

To supply the mining towns and camps of the region, goods were brought up from Sacramento to Auburn. From there, one route went between the North Fork American River and Bear River to just below the present-day town of Colfax. The other went up the Forest Hill Divide to Grizzly Bear House, Butcher's Ranch, and Yankee Jim's, where the road split, with one route extending to Forest Hill and Michigan Bluff and the other to Todd Valley. On the Forest Hill Divide route, numerous bridges have spanned the American River since 1855, just below the confluence with the Middle Fork American River, immediately west of the proposed trail. The last historic bridge, a steel truss bridge that was replaced by a much taller structure in 1973, was erected in the late 1930s (Auburn Journal 1973).

In addition to the simple pick, pan, and shovel methods used in the earliest days of the Gold Rush, an increased amount of gravel could be processed using a rocker, a rectangular box mounted on rockers about 4 feet long that sorted gravels and collected gold in riffles located at the bottom. Use of this device also resulted in small cooperatives in which claims could be worked by small groups: one person dug gravels, another loaded gravels in the rocker, and a third poured water into the device to wash the gravel deposits. Although Euroamerican miners who favored more technologically advanced methods abandoned these devices by the mid-1850s, the devices continued to be used by the Chinese into the 1900s (Maniery 1992).

Two other devices used by early placer miners were the "Long Tom," which became common by about 1850, and its variant, the longer sluice box, which became common by 1851. Both required a constant flow of water from one end while dirt was shoveled in from the sides and gold was trapped in riffles at the bottom of the apparatus. Because a larger amount of dirt and gravels could be processed, larger groups operated these extraction devices (Kelly and McAleer 1986, Williams 1930 in Maniery 1992).

While both of these methods required large amounts of water, ground sluicing required even greater amounts. This technique consisted of washing gold-bearing gravels over exposed bedrock. Parallel rows of stacked stones at acute angles are commonly found at ground sluicing sites. Because of this patterning, some have suggested that they are associated with Chinese mining operations. However, several studies at mining sites with both Chinese and Anglo miners have found no correlation with ethnicity (see Ritchie 1981; LaLande 1981, 1983a, 1983b, 1985; Johnson and Theodoratus 1984; Steeves 1984; Kelly and McAleer 1986).

As the easily accessed and mined placer deposits along the rivers gave out, attention turned to the Eocene and Tertiary gravels situated on the ridges surrounding the American River canyon. These operations required the construction of extensive water conveyance systems. Within the vicinity of the Eocene and Tertiary gravel deposits, camps sprang up at such places as Mountain Springs (now Gold Run), Dutch Flat, Iowa Hill, and Lost Camp (Towle 2001a, 2001b). While several large systems (North Fork Dam and Ditch, Natoma Water and Mining Company) were used to tap the waters of the American River, none are located within the section of the North Fork American River in the vicinity of the proposed trail.

The next technological event to affect how gold was extracted from the American River was the advent of hydraulic mining. The development of this method is attributed to Anthony Chabot and Edward Matteson, who were the first to use hydraulicking at Buckeye Hill and American Hill near Nevada City (Kelley 1959). At first low-pressure canvas hoses and nozzles were used. However, these were rapidly replaced by iron pipe and improved nozzles, allowing water to be diverted under much greater pressure. While there is no mention of hydraulic mining within the project area, this method was employed farther east at Hayden Hill and Green Valley. These operations caused millions of tons of silt and sand to wash into streams and rivers, clogging drainages from the foothills to San Francisco Bay. As a response to numerous lawsuits an injunction was imposed against the industry in 1884, and the Caminetta Act authorized the U.S. Army Corps of Engineers to oversee industry operations. In 1935 a dam was erected on the North Fork American River in an effort to control the flow of

sediments into the valley. Clementine Reservoir (aka Lake Clementine), formed by this dam, is located directly north of the proposed trail.

The formation processes at mining sites consist of artifact concentrations and feature systems that reflect the myriad operations and technologies that have been used in the area. These cycles of occupation and abandonment create layers or components of mining technology and systems that are horizontally stratified, often altering or obliterating previous operations; they can often be viewed as discontinuous with underground structure (Hardesty 1988). Many times only fragments of technologies and operations are visible. For example, Lindstrom (1989) found that placer mining operations resulted in finer sediments being carried away during the washing process, with only larger cobbles or boulders remaining at the processing site. Although an investigation into the methods and traces of mining activities was not necessarily within the scope of the proposed trail project, sites bearing the hallmarks of all techniques of gold extraction can likely be found within the canyon of the North Fork American River.

6.1.4 SURVEY RESULTS

Cultural resources surveys were conducted within the project area in late January and early February 2004, February 2006, and March 2007 by an EDAW cultural resources specialist (see the field survey discussion in Section 6.3.1, “Analysis Methodology,” below for a description of survey methods). Nine cultural resources were documented within and in the immediate vicinity of the project area during the 2004 survey; however, no additional cultural resources were documented during the 2006 or 2007 surveys. Mapping from 1960s and 1970s surveys indicates numerous sites and features within or adjacent to the proposed trail alignment. However, many were not encountered during the EDAW cultural resources survey, possibly because of mapping inaccuracies inherent in brief surveys such as those conducted in anticipation of the Auburn Dam project and the lack of geographic information system (GIS) technology at the time. Mapping for two of the newly documented resources described below (NF-6 and NF-7) is approximate, as suitable global positioning system (GPS) readings could not be obtained because of dense vegetation and rugged terrain. All of the recorded sites date to the historic era; many are related to placer mining and mining-related water conveyance. Information on these resources is summarized in Table 6-1. The resources are arranged in order from west (at the North Fork/Middle Fork American River confluence [confluence]) to east (at the Ponderosa Bridge).

**Table 6-1
Cultural Resources Documented during the Cultural Resources Survey**

Resource Number	Resource Type	Location (USGS Quad.)
NF-1	Old Foresthill Road Bridge abutments (1911–1955)	Auburn
NF-2	Eyebolt cable anchors (probably related to the construction of the new Foresthill Bridge (ca. 1972)	Auburn
NF-3	Catch basin (associated with Lake Clementine marina)	Auburn
NF-4	Water conveyance ditch segment	Auburn
NF-5	Water conveyance ditch segment	Auburn/Greenwood
NF-6	Unpaved roadway	Greenwood
NF-7	Water conveyance ditch segment	Greenwood
NF-8	Water conveyance ditch segment	Greenwood
NF-9	Placer mine adit/excavation	Greenwood

Note: USGS = U.S. Geological Survey
Source: Data provided by EDAW in 2004

The majority of the sites and features identified during the EDAW cultural resources survey are related to, or likely related to, placer mining activities that were conducted along the North Fork American River from the middle of the 19th century until at least the early decades of the 20th century. Small-scale placer mining continues today, but it is largely avocational in nature, and no commercial ventures are operating in the area. Other than mining features, several transportation-related sites were also recorded; at least one (NF-2) is not necessarily considered a historical resource because of its recent age.

CULTURAL RESOURCE NF-1: OLD FORESTHILL ROAD BRIDGE ABUTMENTS

This resource consists of two poured concrete bridge abutments located on opposite sides of the North Fork American River, immediately east of the confluence. These structures, each extending approximately 25 feet above the river, and 12 feet wide at the base and about 10 feet wide at the top, are all that remain of the Old Foresthill Road Bridge (1911–1955). This steel truss bridge once served as a vital transportation link between the Auburn and Foresthill communities. The steel bridge replaced an earlier covered wood structure that was first constructed in 1855 and was located further upriver. Remains of the stone abutments of this bridge were initially recorded in the 1970s, but portions of this stone work appear to have collapsed or have been washed away, as they could not be identified during the 2004 EDAW survey.

Although the bridge was clearly important for local transportation, it is not clear what role it may have played in servicing the mining areas or in other activities that were instrumental in the region's economic foundations during the early 20th century. Despite this uncertainty, it is unlikely that the bridge itself is (was) important or unique from a structural or engineering standpoint. Regardless, even if the bridge were important for reasons of association or construction, the bridge's removal has clearly compromised the integrity of this resource to a point where it would not be eligible for listing in the California Register of Historical Resources (CRHR).

CULTURAL RESOURCE NF-2: ANCHOR BOLTS

This feature was recorded because of its proximity (i.e., location immediately adjacent) to the existing portion of the proposed trail alignment; however, it appears to be related to the 1960s–1970s construction of the new, 730-foot-high Foresthill Bridge. Two large eyebolts were set into large angular boulders or bedrock outcrops; these may have served as anchor points for cables used in the transport and placement of materials for bridge construction. These bolts remain in situ and are in excellent condition. However, because of their comparatively recent age, they are not strictly considered to be cultural resources, nor are they eligible for CRHR inclusion.

CULTURAL RESOURCE NF-3: CATCH BASIN

Cultural resource NF-3, a catch basin and 2-inch-diameter downhill-trending galvanized steel pipes placed directly within and alongside a seasonal drainage, is associated with the site of a Lake Clementine marina caretaker's house. The marina was established just upriver from Clementine Dam; the area is now occupied by a boat ramp and parking spaces. The poured concrete basin measures approximately 4 feet square, and along the down-drainage end it stands approximately 24 inches above the current drainage bed. Although the basin itself probably dates to the 1930s or 1940s when the marina was established, it has been heavily affected by later period modifications. Such modifications include the addition of chromed steel valves and galvanized pipe; traces of cut and capped ungalvanized pipes and fittings remain.

In terms of the feature's historical integrity, the basin and its associated fittings and pipes have been modified from their original configuration. In addition, this feature is not associated with any significant historical person, place, structure, building, or event. As such, is not likely eligible for CRHR listing.

CULTURAL RESOURCES NF-4, NF-5, NF-7, AND NF-8: WATER CONVEYANCE DITCHES

Among the most common cultural resources noted within and in the vicinity of the project area are ditch segments associated with water conveyance for 19th century and early 20th century placer mining operations. Several narrow mining ditch segments—NF-4, NF-5, NF-7, and NF-8—are partially silted in, but they retain some integrity in terms of their position, configuration, and incorporated rock retaining walls. None of these segments appear to represent complete ditches; they may have been only portions of larger ditch/flume systems, or they may never have been completed. Segment lengths vary: NF-4 is 740 feet, NF-5 is 1,438 feet, NF-7 is approximately 750 feet, and NF-8 is 737 feet long. Ditches NF-4, NF-5, and NF-8 are quite narrow (no more than 2–3 feet across); exhibit small rock retaining walls, especially in the vicinity of drainages; and have largely been silted in. Ditch NF-8 shows evidence of considerable construction effort, as retaining walls are relatively commonplace and substantial, and in one area the ditch cuts through and alongside a bedrock outcrop. Ditch NF-7 is the best preserved of those noted during the course of the EDAW cultural resources survey. It retains much of its original depth and intersects a historical roadway (NF-6) at its westernmost terminus.

Although such ditches are commonplace throughout the region, further documentary and field investigations could uncover important information regarding the construction periods of these ditches, the individuals or companies involved in their placement, and the mining concerns served by their presence. However, given their context and condition, there is a possibility, albeit unlikely, that some of these ditch segments could retain the necessary integrity and association to be eligible for listing in the National Register of Historic Places (NRHP) or CRHR as contributing elements to larger water conveyance systems.

CULTURAL RESOURCE NF-6: UNPAVED ROADWAY

A single unpaved roadway (NF-6), probably related to mining activities along the North Fork American River, was located in the project area. Except for small sections, the roadway is in excellent condition. Although further research would be necessary to determine the age and function of the roadway, given the preponderance of mining features in the area it is reasonable to assume that this site could be related to a specific period of mining or to an individual operation or incorporated mining concern. Assumptions regarding the mining-related nature of this road are supported in part by the fact that a mining ditch (NF-7) intersects this roadway and then continues to the east while the road descends into the North Fork American River canyon, eventually disappearing into Lake Clementine. Although unlikely, there is always a possibility that future research could reveal a significant historical association for this roadway, possibly resulting in its being determined eligible for listing in the CRHR.

CULTURAL RESOURCE NF-9: PLACER EXCAVATIONS AND MINED BAR

The easternmost cultural resource (NF-9) documented during the EDAW inventory is a placer mine adit or excavations located at the toe of the north-facing river canyon slope near the Ponderosa Bridge. The entire bar, from the Ponderosa Bridge to approximately 2,000 feet downriver, was a major focus of placer mining activities. This bar and terrace and the toe of the adjoining slope exhibit numerous piles of tailings, ditches, possible road grades, excavations, and other features associated with mining that may have taken place over a long period during the 19th and early 20th centuries. Additional research would be necessary to determine the periods during which mining occurred along this bar and the individuals or companies most involved in extracting placer gold from the deposits.

The prominence of this bar along the North Fork American River and the degree to which it was worked suggests that this was an important location for placer mining activities over an extended period of time. Unlike bars along the Middle Fork, few of the North Fork American River bars are named, although they were clearly significant mining locales. Considering the location and condition of the bar and the dense concentration of mining features, this resource would likely benefit considerably from additional field and documentary research and would likely be determined eligible for CRHR listing.

SUMMARY OF RESOURCE ELIGIBILITY

One of the most important considerations in determining the potential consequences of the proposed project on documented cultural resources is the level of significance each site or feature possesses when measured against the CRHR criteria (see Section 6.2, “Regulatory Setting,” below). Potential impacts on sites that are currently listed or potentially eligible for listing in the CRHR must be mitigated according to the provisions of the California Environmental Quality Act (CEQA). The potential for eligibility of each documented resource within and in the vicinity of the proposed trail alignment is summarized below in Table 6-2.

Resource Number	Resource Type	Preliminary Assessment
NF-1	Old Foresthill Road Bridge abutments (1911–1955)	Not eligible
NF-2	Eyebolt cable anchors (probably related to the construction of the New Foresthill Bridge (ca. 1972)	Not eligible
NF-3	Catch basin (associated with Lake Clementine marina)	Not eligible
NF-4	Water conveyance ditch segment	Possibly eligible
NF-5	Water conveyance ditch segment	Possibly eligible
NF-6	Unpaved roadway	Possibly eligible
NF-7	Water conveyance ditch segment	Possibly eligible
NF-8	Water conveyance ditch segment	Possibly eligible
NF-9	Placer mine adit/excavation	Possibly eligible

Source: Data provided by EDAW in 2004

6.2 REGULATORY SETTING

6.2.1 FEDERAL PLANS, POLICIES, REGULATIONS, AND LAWS

The federal lead agency for the proposed project, the U.S. Bureau of Reclamation (Reclamation), would need to comply with all applicable federal laws (see the Initial Study/Environmental Assessment previously completed for the project [Placer County and Reclamation 2004]). Placer County (County) is not specifically required to comply with these laws as part of its CEQA compliance for the proposed project; therefore, they will not be discussed in this EIR.

6.2.2 STATE PLANS, POLICIES, REGULATIONS, AND LAWS

CALIFORNIA ENVIRONMENTAL QUALITY ACT

CEQA provides for the documentation and protection of significant prehistoric and historic resources. Before a discretionary project is approved, the potential impacts of the project on archaeological and historical resources must be considered (Public Resources Code [PRC] Sections 21083.2 and 21084.1, State CEQA Guidelines Section 15064.5 [14 California Code of Regulations (CCR) Section 15064.5]).

Under CEQA, cultural resources can include traces of prehistoric habitation and activities, historic-era sites and materials, and places used for traditional Native American observances or places with special cultural significance. In general, any trace of human activity more than 50 years old must be treated as a potential cultural

resource. However, as projects can extend over a period of years from planning to implementation, the minimum age generally accepted for resources to be considered historic for the purposes of CEQA is 45 years.

Prehistoric and historic cultural resources in the project area may be eligible for inclusion in the CRHR. Listing, or eligibility for listing, in the CRHR is the primary consideration in whether or not a resource is subjected to further research and documentation. CEQA states that if a project would result in significant impacts on important historical resources, then alternative plans or mitigation measures must be considered. However, only significant historical resources need to be addressed. CEQA Section 5024.1 (PRC Section 5024.1) and the State CEQA Guidelines (Section 15064.5 [14 CCR Section 15064.5]) define a significant historical resource as “a resource listed or eligible for listing on the California Register of Historical Resources.”

A cultural resource may be eligible for listing in the CRHR if it:

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

If a prehistoric or historic resource does not necessarily meet any of the four CRHR criteria, but does meet the definition of a “unique” site as outlined in PRC Section 21083.2, it may still be treated as a significant resource. A “unique” archaeological resource is defined as:

...an archaeological artifact, object or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

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

As a matter of policy, public agencies should avoid damaging effects on historic and archaeological resources, particularly those that are eligible for the CRHR. When impacts cannot be avoided, their effects can be mitigated through:

- ▶ avoidance during construction phases,
- ▶ incorporation of sites into open space,
- ▶ capping resources with chemically stable fill,
- ▶ deeding a site into a permanent conservation easement, or
- ▶ data recovery (testing and excavation).

The State CEQA Guidelines also provide for a measure of protection for Native American human remains (CCR Section 15064.5[d]) and for the accidental discovery of cultural resources (CCR Section 15064.5[e]). These are particularly important provisions in that they take into account the possibility that significant resources not noted

as a result of previous research efforts may be present within a project area and need to be treated in a way commensurate with CEQA standards. Section 15064.5(e) of the State CEQA Guidelines (i.e., CCR Section 15064.5[e]) requires that excavation activities be stopped whenever human remains are uncovered, and that the county coroner be called in to assess the remains. If the county coroner determines that the remains are those of a Native American, the Native American Heritage Commission (NAHC) must be contacted within 24 hours, and the provisions for treating or disposing of the remains and any associated grave goods as described in CCR Section 15064.5 must be followed.

6.2.3 LOCAL PLANS, POLICIES, REGULATIONS, AND LAWS

PLACER COUNTY GENERAL PLAN

The following are the relevant goal and policies identified by the *Placer County General Plan* (Placer County 1994) for cultural resources.

- ▶ **GOAL 5.D:** To identify, protect, and enhance Placer County's important historical, archaeological, paleontological, and cultural sites and their contributing environment.
- ▶ **Policy 5.D.1.** The County shall assist the citizens of Placer County in becoming active guardians of their community's cultural resources.
- ▶ **Policy 5.D.2.** The County shall solicit the cooperation of the owners of cultural and paleontological resources, encourage those owners to treat these resources as assets rather than liabilities, and encourage the support of the general public for the preservation and enhancement of these resources.
- ▶ **Policy 5.D.3.** The County shall solicit the views of the Native American Heritage Commission and/or the local Native American community in cases where development may result in disturbance to sites containing evidence of Native American activity and/or to sites of cultural importance.
- ▶ **Policy 5.D.4.** The County shall coordinate with the cities and municipal advisory councils in the County to promote the preservation and maintenance of Placer County's paleontological and archaeological resources.
- ▶ **Policy 5.D.5.** The County shall use, where feasible, incentive programs to assist private property owners in preserving and enhancing cultural resources.
- ▶ **Policy 5.D.6.** The County shall require that discretionary development projects identify and protect from damage, destruction, and abuse, important historical, archaeological, paleontological, and cultural sites and their contributing environment. Such assessments shall be incorporated into a County-wide cultural resource data base, to be maintained by the Department of Museums.
- ▶ **Policy 5.D.7.** The County shall require that discretionary development projects be designed to avoid potential impacts to significant paleontological or cultural resources whenever possible. Unavoidable impacts, whenever possible, shall be reduced to a less than significant level and/or shall be mitigated by extracting maximum recoverable data. Determinations of impacts, significance, and mitigation shall be made by qualified archaeological (in consultation with recognized local Native American groups), historical, or paleontological consultants, depending on the type of resource in question.
- ▶ **Policy 5.D.8.** The County shall, within its power, maintain confidentiality regarding the locations of archaeological sites in order to preserve and protect these resources from vandalism and the unauthorized removal of artifacts.

- ▶ **Policy 5.D.9.** The County shall use the State Historic Building Code to encourage the preservation of historic structures.
- ▶ **Policy 5.D.10.** The County will use existing legislation and propose local legislation for the identification and protection of cultural resources and their contributing environment.
- ▶ **Policy 5.D.11.** The County shall support the registration of cultural resources in appropriate landmark designations (i.e., National Register of Historic Places, California Historical Landmarks, Points of Historical Interest, or Local Landmark). The County shall assist private citizens seeking these designations for their property.
- ▶ **Policy 5.D.12.** The County shall consider acquisition programs as a means of preserving significant cultural resources that are not suitable for private development. Organizations that could provide assistance in this area include, but are not limited to, the Archaeological Conservancy, The Nature Conservancy, and the Placer Land Trust.

WEIMAR-APPLEGATE-CLIPPER GAP GENERAL PLAN

The *Weimar-Applegate-Clipper Gap General Plan* contains the following goal and policy relevant to cultural resources in the project area.

- ▶ **GOAL 1:** To preserve and enhance all significant historic and archaeological sites and features.
- ▶ **Policy 1.** Identify and protect from destruction and abuse all representative and unique sites.

FORESTHILL DIVIDE COMMUNITY PLAN

The *Foresthill Divide Community Plan* (Community Plan), which is currently in draft form, covers the project area. The Community Plan contains the following goals and policies relevant to cultural resources in the project area.

- ▶ **GOAL 4.B.1:** Identify, protect, record and enhance the Divide’s important historical, archaeological, and cultural sites and their contributing environment.
- ▶ **Policy 4.B.1-2.** The County and the community shall preserve the historical character of the Core Area of Foresthill.
- ▶ **Policy 4.B.1-5.** Solicit the views of the Native American Heritage Commission and/or the local Native American community in cases where development may result in disturbance to sites containing evidence of Native American activity and/or to sites of cultural importance.
- ▶ **Policy 4.B.1-7.** Require that discretionary development projects identify and protect from damage, destruction, and abuse, important historical, archaeological, and cultural sites and their contributing environment. Such assessments shall be incorporated into a countywide cultural resource data base, to be maintained by the Department of Museums.
- ▶ **Policy 4.B.1-8.** Existing large trees or groves of historic and/or cultural significance (i.e., weather tree in Michigan Bluff, cork oaks on Todd Valley Road, Finning Tree off Finning Mill Road, Fork’s House Grove, Harold T. “Bizz” Johnson Tree) should be identified and protected to the best of the County’s ability. Trees so identified should only be removed as a last resort.
- ▶ **Policy 4.B.1-9.** Areas of potential archaeological sensitivity shall be identified and catalogued by Placer County. Proposed development or public works projects within this area shall be required to undertake an archaeological survey prior to project approval. Proposed projects outside this area, in locations that have not

been significantly disturbed, shall be referred to the California Archaeological Inventory, Northern Information Center, California State University, Sacramento for review and comment, and shall be required to undertake an archaeological survey prior to project approval upon recommendation by the Center.

- ▶ **Policy 4.B.1-15.** The County shall make the protection of significant cultural resources a priority over recordation and/or destruction.
- ▶ **Policy 4.B.2-1.** The County shall encourage the development of multipurpose facilities which can function as recreational sites, open space areas and for historic, cultural, and archaeological preservation.

6.3 IMPACTS

6.3.1 ANALYSIS METHODOLOGY

Cultural resources investigations for the project area consisted of a staged approach that included Native American consultation, prefield research, field surveys, and resource documentation. All aspects of the cultural resources study were conducted in accordance with the *Secretary of the Interior’s Guidelines for the Treatment of Historic Properties* (National Park Service 1995).

NATIVE AMERICAN CONSULTATION

In accordance with the consultation requirements of Section 106 of the National Historic Preservation Act, EDAW, on behalf of Reclamation, initiated the consultation process with appropriate Native American groups with a possible interest in the cultural resource studies and the proposed trail construction. EDAW contacted the Native American Heritage Commission in Sacramento and requested a list of suitable tribal organizations and individuals and a search of the NAHC Sacred Lands Files. The Sacred Lands Files search revealed that no known sites of cultural or spiritual importance to the present-day Native American community were known to exist within the project area. The NAHC also provided contact information (Table 6-3) for the following groups and individuals from the Auburn area.

Individual	Address	Affiliation
Rose Enos	15310 Bancroft Road Auburn, CA 95603	Maidu/Washoe
Christopher Suehead	Todd Valley Miwok-Maidu Cultural Foundation P.O. Box 1490 Foresthill, CA 95631	Miwok/Maidu
Jessica Tavares, Chairperson	United Auburn Indian Community of the Auburn Rancheria 575 Menlo Drive, Suite 2 Rocklin, CA 95765	Maidu/Miwok
John Suehead	United Auburn Indian Community of the Auburn Rancheria 575 Menlo Drive, Suite 2 Rocklin, CA 95765	Maidu/Miwok

Source: Data provided by EDAW in 2004

Letters were sent to each of the contacts noted in Table 6-3 and two phone calls to each individual were made before the field survey was conducted. One organization, the United Auburn Indian Community of the Auburn Rancheria, sent a letter expressing concern about Native American sites and remains that may be possibly located

within and in the vicinity of the project area. However, no desire to accompany the archaeological surveyors was expressed.

Prefield Research

EDAW's research into cultural resource issues for the proposed project began with a records search of pertinent cultural resources information. This search was conducted at the North Central Information Center (NCIC) and Central California Information Center of the California Historical Resources Information System. Sources consulted during the records search included the NRHP, the CRHR, and the following other sources:

- ▶ *California Points of Historical Interest* (State Parks 1992, and updates)
- ▶ *California Historical Landmarks* (State of California 1996)
- ▶ *Directory of Properties in the Historical Resources Inventory* (State Parks 1999)
- ▶ *Historic Properties Directory* (State Office of Historic Preservation n.d.)
- ▶ *California Inventory of Historical Resources* (State Office of Historic Preservation 1996)

Field Surveys

The project area was surveyed in approximately four sections, each of which was approximately 2–4 miles long. All survey sessions were conducted in late January and early February 2004, except that the segments of the alternative trail alignment were surveyed in February 2006 and March 2007. Access to the various trail sections was facilitated by dirt roads that allowed for quick transportation of field personnel and equipment to the proposed trail alignment. The vast majority of the proposed trail alignment is situated along steep slopes above the south bank of the North Fork American River. Because the survey corridor is narrow (approximately 25 feet), the cultural resources investigation could usually be performed in a single pass along the survey route.

When a new or previously recorded archaeological resource was encountered during the survey, its location was plotted on the appropriate U.S. Geological Survey (USGS) 7.5-minute topographic quadrangle map. Proximity to the river and the varying terrain features within much of the project area made plotting locations relatively simple. In addition, a hand-held GPS unit with submeter accuracy was used to record Universal Transverse Mercator (UTM) coordinates for each site or isolated artifact. However, because of the canyon terrain and sometimes inclement weather conditions, satellite communication was intermittent in portions of the project area. As a result, the locations of two resources (a section of unpaved roadway and a mining ditch) could only be hand plotted on the USGS topographic map.

Site information was recorded on appropriate State Parks (i.e., DPR) Series 523 forms in the field, and additional notes were taken to help document the more complicated resources. A Primary Record (DPR 523A) and Archaeological Site Record (DPR 523C) were completed for each documented resource. Linear Feature Records (DPR 523E) were used to document linear resources such as the ditch segments and roadway.

6.3.2 THRESHOLDS OF SIGNIFICANCE

Based on the Placer County CEQA Checklist and Appendix G of the State CEQA Guidelines, the proposed project would result in a potentially significant impact on cultural resources if it would:

- ▶ cause a substantial adverse change in the significance of a unique archaeological resource or a historical resource as defined in Section 21083.2 of CEQA and Section 15064.5 of the State CEQA Guidelines, respectively;
- ▶ have the potential to cause a physical change, which would affect unique ethnic cultural values;
- ▶ restrict existing religious or sacred uses within the potential impact area; or

- ▶ disturb any human remains, including those interred outside of formal cemeteries.

Section 15064.5 of the State CEQA Guidelines defines “substantial adverse change” as physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings.

6.3.3 IMPACT ANALYSIS

IMPACT 6-1 Cultural Resources – Potential for Loss of or Damage to Potentially Significant Cultural Resources. *Six unevaluated, although potentially significant, cultural resources have been documented within and immediately adjacent to the proposed trail alignment. The proposed project has the potential to destroy these cultural resources.*

Significance *Potentially Significant*

Mitigation Proposed *Mitigation Measure 6-1: Realign Trail to Avoid Potentially Significant Cultural Resources*

Residual Significance *Less Than Significant*

Several unevaluated cultural resources are located immediately adjacent to the proposed trail alignment: water conveyance ditches related to early mining activities (sites NF-4, NF-5, NF-7, and NF-8); an unpaved roadway (site NF-6); and a bar exhibiting evidence of extensive 19th century and/or early 20th century placer mining (site NF-9). Grading of the proposed trail as presently mapped has the potential to affect these resources, all of which have been found to be potentially eligible for listing in the CRHR and which therefore are considered potentially significant resources. Construction activities could modify potentially significant contributing elements, or damage or totally destroy recorded sites and features. Because construction of the proposed trail has the potential to affect these potentially significant cultural resources, this impact is considered potentially significant.

IMPACT 6-2 Cultural Resources – Potential for Disturbance of Known and Undiscovered Cultural Resources. *The project vicinity is known to contain numerous historic and prehistoric resources. In addition, buried traces of historic-era activity and early Native American occupation that remain undocumented may be present within and in the vicinity of the proposed trail alignment. Ground-disturbing activities during trail construction could disturb these known and undiscovered cultural resources.*

Significance *Potentially Significant*

Mitigation Proposed *Mitigation Measure 6-2: Protect Previously Unknown Cultural Resources*

Residual Significance *Less Than Significant*

The entirety of the proposed trail alignment has been subjected to an intensive archaeological inventory, and the project vicinity is known to contain numerous historic and prehistoric resources. In addition to those cultural resources documented during the field surveys, a number of as-yet-undiscovered cultural resources may exist in the project area. Buried traces of historic-era activity and early Native American occupation that could not be documented during the surface pedestrian survey may be present within and in the vicinity of the proposed trail alignment; therefore, the proposed project has the potential to disturb these cultural resources. Because unknown or undocumented subsurface cultural resources could be uncovered during construction of the proposed trail, this impact is considered potentially significant.

IMPACT 6-3	Cultural Resources – Potential for Disturbance of Unknown Human Interments. <i>Although no evidence of human interments was found in documentary research or the archaeological inventory, ground-disturbing activities during trail construction could adversely affect presently unmarked human interments.</i>
Significance	<i>Potentially Significant</i>
Mitigation Proposed	<i>Mitigation Measure 6-3: Stop Potentially Damaging Work if Human Remains are Uncovered during Construction</i>
Residual Significance	<i>Less Than Significant</i>

The entirety of the proposed trail alignment has been subjected to an intensive archaeological inventory, and the project vicinity is known to contain numerous historic and prehistoric resources. No evidence of human remains was found within or near the project area in documentary research and the archaeological inventory conducted for the proposed project; however, potentially unmarked Native American or historic-era human interments could be encountered during project-related ground-disturbing activities. Because unknown or undocumented subsurface human remains could be uncovered during construction of the proposed trail, this impact is considered potentially significant.

6.4 MITIGATION MEASURES

Mitigation Measure 6-1: Realign Trail to Avoid Potentially Significant Cultural Resources.

Mitigation Measure 6-1 applies to Impact 6-1.

To ensure that construction of the proposed trail avoids all significant documented cultural resources in the project area, the County shall realign the trail route as follows:

- ▶ The proposed trail shall be realigned at least 25 feet downslope from sites NF-4, NF-5, NF-7, and NF-8 to eliminate direct impacts and reduce the possibility of trail-related erosion and siltation.
- ▶ The proposed trail shall be realigned at least 25–50 feet upslope from the currently proposed trail alignment from the Ponderosa Bridge to approximately 2,000 feet downriver to avoid the historically mined bar (site NF-9) and associated features.

Mitigation Measure 6-2: Protect Previously Unknown Cultural Resources.

Mitigation Measure 6-2 applies to Impact 6-2.

If archaeological materials such as historic building or structure remains, artifact deposits or scatters, or prehistoric artifacts such as stone tool flaking debitage, mortars, pestles, shell, bone, or human remains are encountered during trail construction, all ground-disturbing activity in the area shall cease. A qualified cultural resources specialist shall be contacted to identify the materials, determine their possible significance, and formulate appropriate mitigation measures. Appropriate measures may include no action, avoidance of the resource through trail realignment, subsurface testing, and potentially data recovery.

Mitigation Measure 6-3: Stop Potentially Damaging Work if Human Remains are Uncovered during Construction.

Mitigation Measure 6-3 applies to Impact 6-3.

In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, the contractor and/or the County shall immediately halt potentially damaging excavation in the area of the burial and notify the County Coroner and a professional archaeologist to determine the nature of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the NAHC by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). Following the coroner's findings, the property owner, contractor or County, an archaeologist, and the NAHC-designated Most Likely Descendent (MLD) shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed.

Upon the discovery of Native American remains, the procedures above regarding involvement of the County Coroner, notification of the NAHC, and identification of a MLD shall be followed. The County shall ensure that the immediate vicinity (according to generally accepted cultural or archaeological standards and practices) is not damaged or disturbed by further development activity until consultation with the MLD has taken place. The MLD shall have 48 hours to complete a site inspection and make recommendations after being granted access to the site. A range of possible treatments for the remains, including nondestructive removal and analysis, preservation in place, relinquishment of the remains and associated items to the descendants, or other culturally appropriate treatment may be discussed. State Assembly Bill (AB) 2641 suggests that the concerned parties may extend discussions beyond the initial 48 hours to allow for the discovery of additional remains. AB 2641(e) includes a list of site protection measures and states that the County shall comply with one or more of the following:

- ▶ Record the site with the NAHC or the appropriate Information Center
- ▶ Utilize an open-space or conservation zoning designation or easement
- ▶ Record a document with the county in which the property is located

The County or their authorized representative shall 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 if the NAHC is unable to identify a MLD or the MLD fails to make a recommendation within 48 hours after being granted access to the site. The County or their authorized representative may also re-inter the remains in a location not subject to further disturbance if they reject the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner. Adherence to these procedures and other provisions of the California Health and Safety Code and AB 2641(e) will reduce potential impacts to human remains to a less-than-significant level.