

6.0 CULTURAL AND TRIBAL CULTURAL RESOURCES

This chapter summarizes the 2010 Hidden Falls Regional Park (HFRP) Certified Environmental Impact Report (EIR) cultural resources findings; describes the HFRP (park) and proposed trail network expansion project area (project area) environmental setting and pertinent regulations; evaluates project-related impacts associated with cultural and tribal cultural resources; and provides mitigation measures as necessary to reduce those impacts.

6.1 SUMMARY OF COUNTY FINDINGS ON THE 2010 CERTIFIED EIR

As discussed in Section 1.2, this SEIR will consider the impacts of the HFRP Trails Expansion Project and compare it against the analysis contained in the 2010 HFRP certified EIR. The purpose is to determine whether the Trail Expansion project would substantially increase the severity of impacts previously identified in the 2010 HFRP Certified EIR, result in a new impact not previously identified, or require application of mitigation measures that were previously found infeasible, and were therefore not adopted for the prior project, are currently feasible and should be incorporated into project approvals.

6.1.1 FINDINGS OF FACT

The following is a summary of the 2010 HFRP certified EIR findings.

- ▶ Nine potentially significant cultural resources and one significant cultural resource were documented within the Spears Ranch portion of the park. Although the analysis found implementation of the park project had the potential to damage or destroy these cultural resources, either directly by construction or by increased public use, the project plans were modified to avoid significant cultural resources and the resources have been and continue to be monitored for indirect effects, and thus reduced the potentially significant impact to **less than significant**.
- ▶ The park project vicinity was known to contain numerous historic and prehistoric resources, and buried traces of historic-era activity and early Native American occupation that remain undocumented and may have been present within and in the vicinity of proposed trails. Although ground-disturbing activities during construction of trails and park facilities had the potential to disturb undiscovered cultural resources, implementing measures were in place to protect previously unknown cultural resources which reduced the potentially significant impact to **less than significant**.
- ▶ No evidence of human interments was found. However, ground-disturbing activities during construction of trails and other park facilities had the potential to uncover human interments, therefore if potentially damaging construction work resulted in their discovery it would cease until appropriate actions were taken to protect cultural resources, which reduced the potentially significant impact to **less than significant**.

6.1.2 HFRP MITIGATION MEASURES ADOPTED BY THE COUNTY IN 2010

Implementation of the following mitigation measures, which were adopted by Placer County when the HFRP EIR was certified in 2010, reduced impacts of the project on cultural resources to less than significant.

- ▶ **Mitigation Measure 6-1:** Modify Project Plans to Avoid Potentially Significant Cultural Resources and Actively Monitor Resources for Indirect Effects (*applies to Impact 6-1*)

- ▶ **Mitigation Measure 6-2:** Protect Previously Unknown Cultural Resources (*applies to Impact 6-2*)
- ▶ **Mitigation Measure 6-3:** Stop Potentially Damaging Work if Human Remains are Uncovered during Construction (*applies to Impact 6-3*)

6.2 2019 HFRP TRAILS EXPANSION PROJECT – ENVIRONMENTAL SETTING

The setting of the Subsequent EIR describes the physical environmental conditions of the proposed HFRP trails expansion areas. See Chapter 6.0 “Cultural Resources” of the HFRP EIR for information about the existing park.

An abundance of natural resources and varied topography made the Sierra Nevada foothills, including the project area, an attractive location for prehistoric land uses and historic-era settlement. Although best known as the placer mining area that played a pivotal role in the Gold Rush of the late 1840s and the 1850s, early Native American sites can be found throughout the region as well, especially along perennial drainages such as Raccoon Creek.

6.2.1 PREHISTORIC ARCHAEOLOGICAL CONTEXT

Archaeological research within the Sierra Nevada and lower foothill regions over the past several decades has resulted in a substantial amount of new information about prehistory. Researchers have proposed numerous cultural systems and related chronologies in an attempt to trace cultural and technological change through time.

For the Sacramento Valley and foothill regions, Lillard and Purves (1936) recognized a three-part cultural sequence (Early, Middle, and Late Horizons) that was derived from archaeological analysis of midden and cemetery sites in Central California. This scheme was later described in more detail by Lillard, Heizer, and Fenenga (1939) and was refined by Beardsley (1948, 1954). In an attempt to unify the various hypothesized cultural periods in California, Fredrickson (1973, 1974, 1993) proposed an all-encompassing scheme for cultural development, while acknowledging that these general trends may manifest themselves differently and that there may be some variation between subregions. These general cultural periods (Paleo-Indian, Early, Middle and Late Archaic, and Emergent) are used here in connection with the chronology of prehistoric culture in the north-central Sierra Nevada, given the proximity of the project area to the Sacramento Valley.

Relevant to the project area is the document *Framework for Archaeological Research and Management: National Forests of the North-Central Sierra Nevada* (Jackson et al. 1994), which proposes a tentative cultural chronology and cultural history for the north-central Sierra Nevada. The proposed cultural chronology has been further refined through investigations conducted along the South Fork American River by Tremaine and Jackson (1994, 1995), and Boyd (1998), and has been synthesized by Jackson and Ballard (1999). This extensive analysis provides the most recent and relevant cultural/technological chronology for the project area, and forms the basis for the following discussion.

LATE PLEISTOCENE PERIOD

Archaeological sites dating to the earliest human occupation in the Sierra Nevada foothills and eastern Sacramento Valley (more than 10,000 years B.P. [before present]) have rarely been encountered. Possible exceptions are CA-SAC-370 and CA-SAC-379, located near Rancho Murieta (approximately 30 miles south-southeast of the project area). They produced numerous bifaces, cores, and raw materials (which may be

indicative of prehistoric quarrying operations) from gravel strata estimated to be 12,000–18,000 years old (Moratto 1984).

EARLY HOLOCENE PERIOD

Jackson and Ballard (1999) use the all-encompassing Western Pluvial Lakes Tradition to describe this broad time frame (ca. 10,000–7000 B.P.). As they point out, this period was first defined by Bedwell (1970) as a human adaptation to lake, marsh, and grassland environments that were prevalent around 11,000 B.P.; however, the tradition slowly disappeared ca. 8000–7000 B.P.

In the surrounding regions in California, only small isolated locales (e.g., CA-CAL-S342 [Peak and Crew 1990] and CA-CAL-629 and CA-CAL-630 [under analysis by California State University, Fresno]) have thus far yielded substantial data indicating a presence by peoples along the western front of the Sierra Nevada before 7000 B.P., and both of these have been in the foothill regions to the south of the project area.

ARCHAIC PERIOD

Characterized by generally warm and dry climatic conditions and interrupted by brief cool, wet conditions, this period (ca. 7000–3200 B.P.) appears to correspond with the appearance of handstones and milling slabs, suggesting that people were gathering and using more vegetal resources, such as seeds and other botanical constituents. Jackson and Ballard (1999) also suggest that the early part of this period (7000–4500 B.P.) can be defined by the presence of concave-base and side-notched obsidian bifaces on archaeological sites. Stemmed and large corner-notched obsidian projectile points occur during latter part of this period (4500–3200 B.P.).

Sites in the Central Valley also indicate that a great deal of trade was taking place at this time, as evidenced by the presence of obsidian from outside the area, *Haliotis* and *Olivella* shell beads and ornaments, quartz crystals, and other exotic materials (Heizer 1949, 1974; Moratto 1984). Connections between the Great Basin and Central Valley appear to have been established at least by 4000 B.P., and possibly as early as 7000 B.P., as evidenced by the exchange of marine shell beads and other artifacts for obsidian from the east side of the Sierra Nevada crest. Although this was primarily a phenomenon of the Sacramento Valley and lower foothills, similar culture elements are found at elevations up to 3,000 feet, in the foothills of the west slope, suggesting that peoples of this time frame may have acted as “middlemen” within this trade network (Bennyhoff and Heizer 1958, Bennyhoff and Hughes 1983).

EARLY SIERRAN PERIOD

This period (ca. 3200–1400 B.P.) is marked by the abundant presence of milling slabs and handstones, a substantial increase in the production of obsidian tools, and a climatic shift to a cool, wet regime. Small social and residential groups moved within the area in response to the presence of resources, exploiting resources within range of each archaeological site. Ritter noted that evidence at CA-PLA-101, located near Auburn, indicates that this was a period of seasonal occupation and land use with similarities in artifact types (i.e., projectile points) found in contexts east of the Sierra Nevada crest, but that this similarity decreases below 2,500 feet in elevation, (Ritter 1971), which would include the current project area.

MIDDLE SIERRAN PERIOD

This period (ca. 1400–600 B.P.) corresponds with a dramatic decrease in the use of obsidian, not only in the subregion, but throughout the Sierra Nevada (Hall 1983, Bouey and Basgall 1984). During this time there is also a major improvement associated with the introduction of bow and arrow technology. Widespread changes occur at similar time frames throughout central California and the western Great Basin. Social disruption is inferred from changes in artifact assemblages and land use patterns and a 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

Regionally, this period (ca. 600–150 B.P.) 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 3,500 feet; and short-term seasonal occupation of mid- to high-elevation Sierra Nevada sites. The presence of single-component sites dating to this time period is given as evidence for this intensified use (Jackson and Ballard 1999). In some subregions, the use of the small points with contracting stems disappears abruptly and is replaced by small Desert Side-notched types, with the continued use of small corner-notched points. However, Jackson and Ballard (1999) suggest the possible reemergence of large corner-notched, stemmed, and contracting stemmed points during the latter portion of this period.

6.2.2 ETHNOGRAPHIC CONTEXT

Ethnographically, the project area is situated within the Nisenan (sometimes referred to as Southern Maidu) sphere of influence. A brief review of the ethnographic literature follows and is of value in assessing the archaeological sites that are the static remains of past activity. However, archaeological data have the potential to reconstruct patterns of former dynamic cultural systems (Binford 1980). It is through the use of ethnographic data applied to archaeology that an archaeologist has the best chance to recreate past cultural adaptations (Binford 1980).

Kroeber (1925) recognized three Nisenan dialects: Northern Hill, Southern Hill, and Valley. 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 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, primarily involving the exchange of acorns for fish procured by the Washoe (Wilson 1972).

Native American groups would have utilized any number of faunal and floral resources. However, as in many foothill and valley regions throughout California, various species of oak provided the most important staple food, although the black oak (*Quercus kelloggi*) was apparently the most preferred (Matson 1972). Early-fall acorn harvests provided the region's native inhabitants with a reliable, large-scale food source that could sustain populations through the winter months. Other important floral foodstuffs capable of being stored for long periods

included nuts from the gray pine (*Pinus sabiniana*) and buckeye (*Aesculus californica*), as well as hazelnuts (*Corylus rostrata*).

Native Americans used numerous techniques and weapons for hunting, including the bow and arrow, drives, and decoys. Nets, traps, rodent hooks, and fire were all used in hunting small game. Fish could be caught with nets, gorges, hooks, and harpoons within the larger perennial drainages of the foothill regions. One technique apparently involved using soap root and turkey mullein to poison the water so that fish could be gathered easily. Freshwater clams and mussels were also gathered in the larger waterways, such as the American River. Other aquatic food sources available to native populations near the project area would have included fish such as salmon and sturgeon, which would have been netted or caught with the aid of weirs.

6.2.3 HISTORICAL CONTEXT

EXPLORATION AND EARLY IMMIGRANT ROUTES

The Sierra Nevada foothills and the Sacramento Valley were virtually unsettled by Europeans other than early Spanish explorers before the Gold Rush. In 1844 the Stevens-Townsend-Murphy Party entered California via Donner Pass, passing along the divide just north of the North Fork American River near Auburn (Egan 1977 in Jackson et al. 1982). John Fremont traversed this same route a year later. However, this route was not the first to be used by immigrant groups immigrating to California. The first was the Bidwell-Bartelson Party, which crossed into Tuolumne County in 1841 and was followed by others who were using the Pit River route to the north.

GOLD RUSH ERA

A wave of gold seekers descended on California, and specifically the foothill and mountain regions of the Sierra Nevada, after gold was discovered at Coloma on the South Fork American River in January 1848. The 1850 U.S. Census, while most likely biased against minority groups that tend to be underrepresented, put the population of Placer County at 11,417. This total consisted of 6,945 whites, 3,019 Chinese, 89 blacks, 634 other foreign races, and 730 Native Americans (U.S. Census 1850).

PROGRESSION OF MINING TECHNOLOGY

To interpret the remains of mining operations found within the project area, it is necessary to look at the progression of mining practices in the region in the context of the gold-bearing deposits, the progression of mining technology, and the application of capital. Restrained by technology and capital, gold production, like other mining operations, has gone through periods of boom and bust. Initially, during the late 1840s, gold deposits were easily accessed, and technology and capital outlay was limited to a pan, pick, and shovel. With this technology, mining was at first concentrated on productive gravel and sand-bar deposits located along perennial drainages.

Other than the simple pick, pan, and shovel methods used in the earliest days of the Gold Rush, with only a small amount of additional capital, an increased amount of gravel could be processed using a rocker—a rectangular box, about 4 feet long and mounted on rockers, that sorted gravel and collected gold in riffles located at the bottom. Use of this device resulted in the formation of cooperatives in which claims could be worked by small groups, with one person digging gravel, another loading the gravel into the rocker, and a third pouring water into the device to wash the gravel deposits. Although Euro-American miners who favored more technologically advanced

methods abandoned these devices by the mid-1850s, rockers continued to be used by the Chinese into the 1900s (Williams 1930 in Maniery 1992).

Two other devices used by early placer miners were the “Long Tom,” which became common by around 1850, and its variant, the longer sluice box, which came into use 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 gravel could be processed, larger groups operated these extraction devices (Kelly and McAleer 1986, Williams 1930 in Maniery 1992).

Both of these methods required large amounts of water, but 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 Euro-American miners have found no correlation with ethnicity (Johnson and Theodoratus 1984a, 1984b; Lindstrom 1988; Kelly and McAleer 1986; LaLande 1981, 1983a, 1983b, 1985; Ritchie 1981; Steeves 1984; Tordoff and Seldner 1987 in Maniery 1992). At first these methods were used to mine the easily accessed placer deposits along the rivers and streams, and as these gave out, attention turned to the Eocene and Tertiary gravels situated on the slopes and ridges surrounding drainages.

The next technological event to affect how gold was extracted 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 hydraulic mining at Buckeye Hill and American Hill near Nevada City. 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. Although there is no mention of hydraulic mining within the project area, this method was employed farther east at Hayden Hill and Green Valley. Millions of tons of silt and sand washed into streams and rivers as a result of these operations, 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 Caminetti Act authorized the U.S. Army Corps of Engineers (USACE) to oversee hydraulic mining operations.

LOCAL MINING EXPRESSIONS

Mining sites consist of concentrations of artifacts and features that reflect the plethora of 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, and that 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 finer sediments were carried away during the washing process of placer mining operations, and only larger cobbles or boulders remained at the processing site.

Mining camps were ubiquitous in mid-19th century Placer County. Some of the known camps—Dutch Flat, Horseshoe Bar, Smith’s Bar, and Iowa Hill—were farther upslope along the American River than the project vicinity. Two camps in the project vicinity are Gold Hill and Virginiatown, along Auburn Ravine approximately 5 miles south of the project area. Gold Hill, which was in the Ophir Mining District, was organized as a town in 1852. The community had a sizable population, as indicated by the 444 votes cast in the presidential election of that year (Hoover 1990). Virginiatown was founded in June 1851. The first railroad in California was built in 1852 by Captain John Brislow and was used to carry ore to Auburn Ravine (Hoover 1990, Gudde 1975).

The town boasted a population of more than 2,000 by 1858, and a post office named Virginia was located there between 1858 and 1860. The county directory indicated that a lack of water prevented development until a ditch could be built from the Bear River in 1861. It was at Virginiatown that Philip Armour had his butcher shop, which is said to have been the nucleus of the great Armour meat packing business in Chicago (Gudde 1975). Another town, Whiskey Diggins southwest of the project area, appears to have been formed around 1855 (Foster and Foster 1994). In 1876, the community changed its name to Valley View, and after the turn of the century the community became a resort (named Kilaga Springs) because of the healthful mineral waters.

As easily mined deposits along perennial streams and rivers were rapidly depleted during the initial Gold Rush, a need arose to divert water to remote locations for placer mining. Several water conveyance systems were used to divert water. One system was the Whiskey Diggins Canal, which passes through the southern portion of the project area. The canal was constructed in the 1850s by the Gold Hill and Bear River Water Company to divert water from Deadman Creek, immediately east of the project area. The water conveyance system was subsequently sold to a Mr. Hall in 1861. After three changes in ownership during the 1870s, the South Yuba Water and Mining Company purchased the water conveyance system in May 1890. Pacific Gas and Electric Company purchased the entire South Yuba Water and Mining Company system, including the Whiskey Diggins Canal, in 1905, and in 1933 sold the canal to Nevada Irrigation District. By the late 19th century, the increase of new mining camps appearing in Placer County slowed considerably, and other economic pursuits, such as ranching and agriculture, became the backbone of the Placer County's economy.

RANCHING AND AGRICULTURE

Ranching and agriculture, which had once been support systems that provided food to the miners, grew to become dominant industries. As thousands of miners poured into the area during the early 1850s, farmers and ranchers put additional acreage into production to meet the demand for potatoes, flour, and various dairy products.

The first of such settlements in Placer County was Sicard's Ranch, a Mexican grant on the south bank of the Bear River, west of the project area. The grant was given to Theodore Sicard in 1844. Sicard, a French sailor, built an adobe house on the land in 1846, which later became a prominent stopping place for travelers on the way to Sutter's Fort in Sacramento. Sicard and fellow countryman Claude Chana, who had arrived at the ranch in late 1846, planted peach and almond trees, which became the start of the commercial orchard business in the Sacramento Valley. Chana later bought the Sicard grant, and sold the products of his orchard, vineyard, and vegetable garden to area miners (Hoover 1990).

Another locally notable agricultural figure was John A. Livingston, who planted fruit trees on approximately 300 acres north of Newcastle. Livingston controlled four ranches in the Auburn area and eventually served as secretary of the Placer County Land Company (Foster and Foster 1990).

The 1855 General Land Office (GLO) plat map depicts farms and agricultural land in the vicinity, but none are depicted within the project area. Land patent indices list John F. Hicken and John B. Hicken as the earliest known owners of land. Their property, acquired in 1884 and 1886, encompassed the northeast and northwest sections of Section 22 in Township 13 North, Range 7 East (land patent records 2625 and 3222).

John B. Hicken was born in Prussia in 1836. It is unclear when he and his wife Maria Eliza immigrated to the United States; however, they were in Wisconsin by 1859, which is where their son John F. Hicken was born.

John B. Hicken is listed as a stock raiser in the 1900 Placer County census. The property he owned was then valued at \$2,000 (U.S. Census 1900).

6.2.4 PREFIELD AND FIELD METHODOLOGY

Cultural resources investigations for the proposed project consisted of several elements: prefield research, review of previous cultural resources studies and historic maps, Native American consultation, field surveys, and documentation of resources. All aspects of the cultural resources study were conducted in accordance with guidelines outlined in the state Office of Historic Preservation's *Instructions for Recording Historical Resources* (OHP 1995) and the federal *Secretary of the Interior's Standards and Guidelines for the Identification of Cultural Resources* (48 *Federal Register* 44720–23) as amended on September 1983.

PREFIELD RESEARCH

Prefield research was used to determine whether previously documented cultural resources are present within and immediately adjacent to the area of potential affects (APE) within the project area. The APE is dependent on the activities that are proposed by the project. As noted above, the project encompasses construction of trails and two bridges over Raccoon Creek, and adding or improving parking access at Harvego Preserve, Mears Place, Garden Bar Road, and Twilight Ride. AECOM conducted prefield research at the North Central Information Center (NCIC) at California State University, Sacramento. Records maintained by the NCIC include California Department of Parks and Recreation (DPR) Series 523 archaeological site records, site location maps, maps of previous study coverage, National Register of Historic Places (NRHP) nomination forms, and relevant historical documentation and maps. The NCIC research also included a review of the following sources, all of which are on file at the information center:

- ▶ The NRHP, published by the National Park Service in 1996, as well as computer updates for 1966–2015
- ▶ The California Register of Historic Resources (CRHR), published by the State of California, through 2015
- ▶ *California Points of Historical Interest*, published by the State of California in 1992, as well as updates
- ▶ *Historic Spots in California*, published by the State of California in 2002
- ▶ *Directory of Properties in the Historic Property Data File*, published by the State of California in 1976, as well as updates
- ▶ *California Historical Landmarks*, published by the Office of Historic Preservation in 1996
- ▶ Archaeological Determinations of Eligibility
- ▶ Survey of Surveys (1989)
- ▶ NCIC base maps indicating reported cultural resources and previous investigations

HISTORIC MAPS

A review of historic maps was conducted to define past landscape conditions and determine what buildings or structures may have existed in or near the project area. The 1856, 1868, and 1876 GLO plat maps do not depict any structures or roads in the APE. Few features are indicated in the surrounding area; features included on maps are dry ravines, Raccoon Creek (noted as “Dry Creek”), cultivated fields, and the occasional road. North of the project area, in Nevada County, Township 14 North, Range 7 East is noted as having “Rolling Hills with scattering Oak and Pine Timber”.

NATIVE AMERICAN CONSULTATION

AECOM, on behalf of the County, initiated the consultation process with appropriate Native American groups with a possible interest in the cultural resources studies and the proposed project. AECOM contacted the Native American Heritage Commission (NAHC) 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 of potential effects for the proposed trails expansion project improvements. The NAHC also provided contact information (Table 6-1) for the following groups and individuals from the Auburn area.

Table 6-1. Native American Contacts Provided by the Native American Heritage Commission

Individual	Address	Affiliation
Grayson Coney, Cultural Director	Tsi-Akim Maidu P.O. Box 1316 Colfax, CA 95713	Maidu
Don Ryberg, Chairperson	Tsi-Akim Maidu 11442 Butler Road Grass Valley, CA 95945	Maidu
Gene Whitehouse, Chairperson	United Auburn Indian Community of the Auburn Rancheria 10720 Indian Hill Road Auburn, CA 95603	Maidu/Miwok
Nicholas Fonseca, Chairperson	Shingle Springs Band of Miwok Indians P.O. Box 1340 Shingle Springs, CA 95682	Miwok/Maidu

Source: Data provided by AECOM in 2017

Letters were sent to each of the contacts noted in Table 6-1 before the field survey was conducted. One response was received from the United Auburn Indian Community of the Auburn Rancheria. Although this correspondence did not indicate any specific concerns regarding the project, the tribe requested a copy of the cultural resource technical report and this SEIR.

6.2.5 2019 HFRP TRAILS EXPANSION PROJECT SURVEY RESULTS

AECOM cultural resource specialists conducted an intensive field survey of the proposed trail segments and parking lots on December 6–8, 13–14, 2016, May 15–16 and June 7, 2017, and May 18, 2018.

The inventory of the project area identified two historic-era cultural resource sites HF-2016-01 and HF-2017-01: a series of stacked rock walls and a water conveyance ditch with associated features, and a prehistoric shallow mortar (MF1). The two historic-era sites, reflect the themes of ranching and mining, respectively, The sites are related to, or likely related to, placer mining activities that were conducted from the middle of the 19th century until at least the early decades of the 20th century and ranching activities that began at approximately the same time as mining activities and continued into the 21st century. Small-scale placer mining continues today in the vicinity of the project area, but it is avocational. No commercial ventures are operating in the area. Ranching and other agricultural endeavors are the continued staple industries of the area, and parts of the project area are still being used for cattle grazing. Resources identified during the AECOM cultural resources surveys are briefly described below.

6.2.6 PREHISTORIC FINDS

Cultural resource investigations conducted in 2016, 2017 and for the Twilight Ride parcel in 2018 resulted in the identification of a shallow mortar (MF1) located on a low bedrock exposure approximately 0.5 m in size. Exposure of the ground surface surrounding the feature failed to identify any associated archaeological constituents. Members of both the United Auburn Indian Community and Colfax Todds Valley Consolidated tribe visited the site on April 8, 2019 and neither tribal member located any associated cultural features. Although this shallow bedrock mortar feature is located within the project parcel, it is not near the proposed development area, and will not be impacted by project construction.

6.2.7 HISTORIC-ERA FINDS

Two historic cultural resource sites were identified during the survey: a series of stacked rock walls and a water conveyance ditch with associated features. These features are described below.

Cultural Resource HF-2016-01: Rock Walls

HF-2016-01 is a series of rock walls that reflect the theme of ranching. The site consists of four segments of mortarless rock walls between 1 and 3 meters high. Three walls are located to the north and one wall to the south of an improved, rock-lined drainage. A wire-wrapped milled lumber post was noted at the site, but no other artifacts were observed. Grasses covered approximately 100 percent of the ground surface and may have obscured small artifacts, but tin can-sized artifacts would have been visible. The absence of diagnostic artifacts limits the potential to estimate this site's age. Mortarless rock walls are common in Northern California and are often associated with livestock control.

Because of the lack of associated artifacts to identify the time the walls were erected or the identity of the builders, and because it does not represent a distinctive method of construction, this site has little data potential or association with important people/events in history.

Cultural Resource HF-2017-01: Water Conveyance Ditch and Stacked Rock Wall

HF-2017-01 is a water conveyance ditch and stacked rock wall that may be associated with Whiskey Diggins Canal, 30 meters to the east. The site consists of a ditch segment with stacked rock walls reinforcing part of the south berm and the remains of a small wooden bridge at its eastern terminus crossing Whiskey Diggins Canal. Metal wire affixed to a tree branch with an eye bolt-like piece of hardware was the only artifact observed, although

heavy vegetation may have obscured additional artifacts. The absence of diagnostic artifacts limits the potential to estimate this site's age.

There are four significant breaches in the ditch and berm. Three of the breaches appear to be from cattle and erosion. The fourth breach, near the bridge, appears intentional and likely occurred during construction of the ditch. The bridge appears to be missing components, as evidenced by straight lines of protruding nails on top of the cross beams. Water conveyance ditches are common in the Sierra Nevada foothills region of California and are often associated with mining or irrigation. The wooden bridge may have functioned as a support structure or trestle for a pipe transporting water across the Whiskey Diggins Canal to the segment of the ditch that continues on the other side of the canal. Because of the lack of associated artifacts to identify the time the ditch and associated features were erected or the identity of the builders, and because it does not represent a distinctive method of construction, this site has little data potential or association with important people/events in history.

6.3 REGULATORY SETTING

6.3.1 FEDERAL PLANS, POLICIES, REGULATIONS, AND LAWS

SECTION 106 OF THE NATIONAL HISTORIC PRESERVATION ACT

As part of the process involved in acquiring a Section 404 from the Corps, compliance with Section 106 of the National Historic Preservation Act is required. Section 106 of the National Historic Preservation Act of 1966 and its implementing regulations (Title 36, Section 800 of the Code of Federal Regulations [i.e., 36 CFR 800], as amended in 1999) requires federal agencies to consider the effects of their actions, or those they fund or permit, on properties that may be eligible for listing or are listed in the NRHP.

The NRHP is a register of districts, sites, buildings, structures, and objects of significance in American history, architecture, archaeology, engineering, and culture. The regulations provided in 36 CFR 60.4 describe the criteria used to evaluate cultural resources for inclusion in the NRHP. Cultural resources can be significant on the national, state, or local level. Properties may be listed in the NRHP if they possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- (a) are associated with events that have made a significant contribution to the broad patterns of our history;
- (b) are associated with the lives of persons significant in our past;
- (c) embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or
- (d) have yielded, or may be likely to yield, information important in prehistory or history.

To determine whether an undertaking could affect historic properties, cultural resources (archaeological, historical, and architectural properties) must be identified, inventoried, and evaluated for listing in the NRHP. Although compliance with Section 106 is the responsibility of the lead federal agency, the work necessary to comply can be undertaken by others. The Section 106 review process involves a four-step procedure:

- ▶ Initiate the Section 106 process by establishing the undertaking, developing a plan for public involvement, and identifying other consulting parties.
- ▶ Identify historic properties by determining the scope of efforts, identifying cultural resources, and evaluating their eligibility for inclusion in the NRHP.
- ▶ Assess adverse effects by applying the criteria of adverse effect on historic properties (resources that are eligible for inclusion in the NRHP).
- ▶ Resolve adverse effects by consulting with the State Historic Preservation Officer and other consulting agencies, including the Advisory Council on Historic Preservation if necessary, to develop an agreement that addresses the treatment of historic properties.

6.3.2 STATE PLANS, POLICIES, REGULATIONS, AND LAWS

California Register of Historic Resources

The California Register of Historical Resources (CRHR) established a list of properties that are to be protected from substantial adverse change (PRC Section 5024.1). A historical resource may be listed in the CRHR if it meets any of the following 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 California's past.
3. It 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 value.
4. It has yielded or is likely to yield information important in prehistory or history.

The CRHR includes properties that are listed or have been formally determined to be eligible for listing in the NRHP, State Historical Landmarks, and eligible Points of Historical Interest. Other resources require nomination for inclusion in the CRHR. These may include:

1. Resources contributing to the significance of a local historic district.
2. Individual historical resources.
3. Historical resources identified in historic resource surveys conducted in accordance with State Historic Preservation Office procedures.
4. Historic resources or districts designated under a local ordinance consistent with Commission procedures, and
5. Local landmarks or historic properties designated under local ordinance.

California Environmental Quality Act

CEQA requires public agencies to consider the effects of their actions on historical resources, unique archaeological resources, and tribal cultural resources. Under PRC Section 21084.1, a “project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” Under PRC Section 21084.2, a “project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.” Section 21083.2 requires agencies to determine whether projects would have effects on unique archaeological resources.

Historical Resources

“Historical resource” is a term with a defined statutory meaning (PRC Section 21084.1). The determination of significant impacts on historical and archaeological resources is described in Sections 15064.5(a) and 15064.5(b) of the State CEQA Guidelines. Section 15064.5(a) states that historical resources include the following:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the CRHR (PRC Section 5024.1).
2. A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the PRC or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the PRC, will be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource will be considered by the lead agency to be historically significant if the resource meets the criteria for listing in the CRHR (PRC Section 5024.1).
4. The fact that a resource is not listed in or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to Section 5020.1[k] of the PRC), or identified in a historical resources survey (meeting the criteria in Section 5024.1[g] of the PRC) does not preclude a lead agency from determining that the resource may be an historical resource as defined in PRC Section 5020.1(j) or 5024.1.

Unique Archaeological Resources

CEQA also requires lead agencies to consider whether projects will affect unique archaeological resources. PRC Section 21083.2(g) states that a “unique archaeological resource” means 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.

Tribal Cultural Resources

CEQA also requires lead agencies to consider whether projects will affect tribal cultural resources. PRC Section 21074 states the following:

- a) “Tribal cultural resources” are either of the following:
 - 1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
 - 2) 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
- b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

Health and Safety Code, Section 7052 and 7050.5

Section 7052 of the Health and Safety Code states that the disturbance of Native American cemeteries is a felony. Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If determined to be Native American, the coroner must contact the California Native American Heritage Commission (NAHC).

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act applies to both state and private lands. This law requires that if human remains are discovered, construction or excavation activity must cease and the county coroner must be notified. If the remains are of a Native American, the coroner must notify the NAHC. The NAHC then notifies those persons most likely to be descended from the Native American whose remains were discovered. The California Native American Historical, Cultural, and Sacred Sites Act stipulates the procedures the descendants may follow for treating or disposing of the remains and associated grave goods.

Public Resources Code, Section 5097

PRC Section 5097 specifies the procedures to follow in the event of the unexpected discovery of human remains on nonfederal land. The disposition of Native American burial falls within the jurisdiction of the NAHC. PRC Section 5097.5 states the following:

No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

Assembly Bill 52

Assembly Bill (AB) 52, signed by Governor Edmund G. Brown Jr. in September 2014, establishes a new class of resources under CEQA: “tribal cultural resources” (TCRs). AB 52 (PRC Sections 21080.3.4, 21080.3.2, and 21082.3) states that upon written request by a California Native American Tribe, a CEQA lead agency must begin consultation once it determines that the project application is complete, before the agency issues a notice of preparation of an EIR or notice of intent to adopt a negative declaration or mitigated negative declaration. AB 52 also required a revision of State CEQA Guidelines Appendix G, the environmental checklist. This revision created a new category for TCRs.

As defined in PRC Section 21074, to be considered a TCR, a resource must be either:

1. listed or determined to be eligible for listing, on the national, state, or local register of historic resources; or
2. a resource that the lead agency determines, in its discretion and supported by substantial evidence, to treat as a tribal cultural resource pursuant to the criteria in PRC Section 50241(c). PRC Section 5024.1(c) provides that a resource meets criteria for listing as an historic resource in the California Register if any of the following apply:
 - (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 an important creative individual, or possesses high artistic values.
 - (4) It has yielded, or may be likely to yield, information important in prehistory or history.

6.3.3 LOCAL PLANS, POLICIES, REGULATIONS, AND LAWS

PLACER COUNTY GENERAL PLAN

The County's General Plan describes assumptions, goals, and planning principles that provide a framework for land use decisions throughout the County. The following are the relevant goals and policies identified in the 2013 General Plan for cultural and tribal 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, State Office of Historic Preservation, North Central Information Center, 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 Countywide cultural resource data base, to be maintained by the Division 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 (i.e., Placer Legacy Open Space and Agricultural Conservation Program) 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 Native American community, and local land trusts.

6.4 IMPACTS

6.4.1 ANALYSIS METHODOLOGY

The focus of this analysis is cultural and tribal cultural impacts that would result from project implementation. This analysis also considers how the additional lands in the trails expansion areas would or would not change the conclusions of the prior environmental review.

SUMMARY OF METHODOLOGY

As described above in Section 6.2.4, “Prefield and Field Methodology,” cultural resources investigations for the project area consisted of a staged approach that included prefield research, review of previous cultural resources studies and historic maps, Native American consultation, field surveys, and documentation of resources.

Resources were assessed for their potential for eligibility for inclusion in the NRHP and CRHR. 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*, and documented according to the guidelines outlined in *Instructions for Recording Historical Resources* (OHP 1995).

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 NRHP and CRHR criteria (see Section 6.2, “Regulatory Setting,” above). The potential for eligibility of each documented resource within the project area and in the vicinity is summarized below in Table 6-2. No resources were identified in the APE that would be considered eligible for listing in the NRHP or CRHR. On this basis, there are no known adverse effects on NRHP-eligible historic properties and no known potentially significant effects on CRHR-eligible resources that may arise from direct or indirect impacts of the project.

Table 6-2. Preliminary NRHP/CRHR Resource Eligibility

Resource Number	Association	Resource Type	NRHP and CRHR Eligibility
HF-2016-1	Historic	Rock Walls	Not eligible
HF-2017-1	Historic	Water Conveyance Ditch and Stacked Rock Wall	Not eligible

Source: Data compiled by AECOM in 2017

The two historic-era resources, the Rock Walls (HF-2016-1) and Water Conveyance Ditch and Stacked Rock Wall (HF-2017-1) lack associated artifacts to identify the time they were erected or the identity of the builders, and because they do not represent a distinctive method of construction, these sites have little data potential or association with important people/events that would qualify for inclusion in the NRHP or CRHR.

6.4.2 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 or tribal cultural resources if it would:

- ▶ cause a substantial adverse change in the significance of an archaeological resource or a historical resource pursuant to Section 15064.5 of the State CEQA Guidelines;
- ▶ disturb any human remains, including those interred outside of dedicated cemeteries;
- ▶ cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - i. listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k); or
 - ii. 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.

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.

6.4.3 IMPACT ANALYSIS

IMPACT 6-1 Cultural Resources—Potential for substantial adverse change to a Significant Cultural Resource. *Nine potentially significant cultural resources and one significant cultural resource were documented within the 2010 Certified EIR for HFRP, while two historic era resources were identified within the HFRP Trail Expansion boundary. Construction related activity has the potential to significantly impact cultural resources.*

Significance *Potentially Significant (No new significant impact from those in 2010 HFRP certified EIR)*

Mitigation Proposed *Mitigation Measure 6-1: Modify Project Plans to Avoid Potentially Significant Cultural Resources and Actively Monitor Resources for Indirect Effects*

Residual Significance *Less than Significant*

2010 HFRP CERTIFIED EIR IMPACT SUMMARY

Nine potentially significant cultural resources and one significant archaeological resource were documented within the Spears Ranch portion of the HFRP. The analysis found that park construction could damage or destroy these cultural resources and increasing public recreation use of the project area would create a risk of indirect damage to potentially significant or significant cultural resources. However, implementing Mitigation Measure 6-1 to actively monitor potential indirect impacts to resources from visitors and modifying project plans to avoid significant cultural resources reduced the potentially significant impact to **less than significant**.

2019 HFRP TRAILS EXPANSION PROJECT IMPACT ANALYSIS

AECOM cultural resource specialists conducted an intensive field survey of the proposed trail corridor and park entry on December 6-8, 13-14, 2016, May 15-16 and June 7, 2017, and May 18, 2018. The inventory of the project area identified two historic-era resources: the Rock Walls (HF-2016-01) and Water Conveyance Ditch and Stacked Rock Wall (HF-2017-01). However, due to the lack of associated artifacts to identify the time they were erected or the identity of the builders, and because they do not represent a distinctive method of construction, these sites have little data potential or association with important people/events that would qualify them for inclusion in the NRHP or CRHR. No cultural resources that are considered significant under NHRP or CRHR criteria were identified in the project area; therefore, there is a finding of no historic properties affected and **no impact**.

The proposed HFRP Trails Expansion Project would not result in new significant environmental effects or substantially increase the severity of previously identified significant effects based on changes in the project, circumstances or new information.

IMPACT 6-2 *Cultural Resources—Potential for Disturbance of Undiscovered Cultural Resources. The park and Trail Expansion project vicinity are 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 proposed trails. Ground-disturbing activities during construction of trails and project area facilities could disturb undiscovered cultural resources.*

Significance *Potentially Significant (No new significant impact from those identified in the 2010 certified HFRP EIR)*

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

Residual Significance *Less than Significant*

HFRP CERTIFIED EIR IMPACT SUMMARY

The 2010 Certified EIR described how the general area of the HFRP was known to contain numerous historic and prehistoric resources, and buried traces of historic-era activity and early Native American occupation that remain undocumented could have been present within and near proposed trail alignments. Although ground-disturbing activities during construction of trails and park facilities could have disturbed undiscovered cultural resources, implementing Mitigation Measure 6-2 to protect previously unknown cultural resources reduced the potentially significant impact to **less than significant**.

2019 HFRP TRAILS EXPANSION PROJECT IMPACT ANALYSIS

Although the project area was subject to an intensive archaeological inventory, and methods of identifying resources located on and above the ground surface were used, it is possible that presently unidentified cultural deposits are present in subsurface contexts. Subsurface prehistoric resources may take the form of stone tools and tool fragments, rock concentrations, burned and/or unburned shell or bone, and/or darkened sediments containing some of the above-mentioned constituents. Historic-era deposits can include fragments of glass, ceramic, and metal objects; milled and split lumber; and structure and feature remains, such as building foundations and refuse deposits.

Because of the potential for disturbing undiscovered cultural resources during construction of trails, overlooks, bridges and parking facilities, this impact would be potentially significant. Implementing Mitigation Measure 6-2 would protect previously unknown cultural resources, reducing the potentially significant impact to **less than significant**.

The proposed HFRP Trails Expansion Project would not result in new significant environmental effects or substantially increase the severity of previously identified significant effects based on changes in the project, circumstances or new information.

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 during the archaeological inventory, evidence of prehistoric and historic use of the park and expansion project area has been found. If undiscovered human remains are present, ground-disturbing activities during construction of trails and other project area facilities could adversely affect presently unmarked human interments.</i>
Significance	<i>Potentially Significant (No new significant impact from those identified in the 2010 HFRP certified EIR)</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>

2010 HFRP CERTIFIED EIR IMPACT SUMMARY

No evidence of human interments was found within or near the park project vicinity. However, if ground-disturbing activities during construction of trails and other park facilities uncovered human interments, implementing Mitigation Measure 6-3 required that potentially damaging construction work cease until

appropriate actions are taken to protect cultural resources, which reduced the potentially significant impact to **less than significant**.

2019 HFRP TRAILS EXPANSION PROJECT IMPACT ANALYSIS

The entire project area was subject to an intensive archaeological inventory, and the project vicinity is known to contain numerous historic-era and prehistoric resources. No evidence of human remains was found within or near the project area. However, undiscovered human interments could be encountered during project-related ground-disturbing activities.

Because of the potential for encountering unknown human interments during park and project area construction of trails and park facilities, this impact would be potentially significant. Implementing Mitigation Measure 6-3 would cease potentially damaging construction work until appropriate actions are taken to protect cultural resources would reduce the potentially significant impact to **less than significant**.

The proposed HFRP Trails Expansion Project would not result in new significant environmental effects or substantially increase the severity of previously identified significant effects based on changes in the project, circumstances or new information.

IMPACT 6-4	<i>Tribal Cultural Resources—Impacts on Tribal Cultural Resources were not evaluated under separate significance criteria in the 2010 Certified EIR, as such criteria had not yet been adopted. The HFRP Trail Expansion Project may result in impacts on Tribal Cultural Resources. However, with implementation of mitigation measure S6-4, which notifies and provides the opportunity for the tribes to conduct site visits for TCRs prior to general public access, this potentially significant impact would be reduced to less-than-significant.</i>
Significance	<i>Potentially Significant (New impact not previously considered in 2010 HFRP certified EIR)</i>
Mitigation Proposed	<i>Mitigation Measure S6-4: Post Ground-Disturbance Site Visit</i>
Residual Significance	<i>Less than significant</i>

2010 HFRP Certified EIR Impact Summary

Impacts on tribal cultural resources were not evaluated under separate significance criteria in the 2010 Certified EIR, as such criteria had not yet been adopted. Consultation with the UAIC, the Ione Band of Miwok Indians, the Washoe Tribe of Nevada and California, and the Colfax-Todds Valley Consolidated Tribe did not result in the identification of TCRs as described under AB 52 and PRC Section 21074.

2019 HFRP TRAILS EXPANSION PROJECT IMPACT ANALYSIS

Placer County initiated AB52 consultation for the proposed project with the Ione Band of Miwok Indians, United Auburn Indian Community of the Auburn Rancheria (UAIC), the Washoe Tribe of Nevada and California, and the Colfax-Todds Valley Consolidated Tribe. As requested by the UAIC, Placer County conducted a site visit with representatives of UAIC and Colfax Todds Valley Consolidated Tribe on April 8, 2019 to assess the presence of TCRs within the proposed new expansion areas. The lone cultural resource that was noted on the visit

was on the Twilight Ride parcels and was determined to be well outside of the project development zone. No other TCRs were noted on any of the other sites during the site visit. Following this site visit, the UAIC and Colfax Todds Valley Consolidated Tribe members requested that they be allowed to inspect the expansion area following grading for the parking lot and trails and prior to allowing public access into the areas. Consultation with these groups did not result in the identification of TCRs as described under AB 52 and PRC Section 21074. Although new ground disturbance could have a potentially significant impact on TCRs, with the implementation of Mitigation Measure S6-4, which notifies the UAIC and Colfax Todds Valley Consolidated Tribe members post-grading and provides the opportunity for the tribes to conduct site visits for TCRs prior to general public access, this potentially significant impact would be reduced to **less-than-significant**.

6.5 MITIGATION MEASURES

Mitigation Measure 6-1: Design Project to Avoid Potentially Significant Direct Impacts to Cultural Resources and Actively Monitor Resources for Indirect Impacts (*applies to Impact 6-1*)

The County will prepare detailed design of trails, roads, and other HFRP Trail Expansion project facilities to ensure that direct effects associated with project implementation avoids all significant and potentially significant documented cultural resources in the project area. As part of the County's ongoing operational responsibility, usage that threaten any potentially significant documented cultural resources will be actively managed to avoid damage. If designing such trails and facilities to avoid potential impacts is not feasible or if management of trail expansion areas usage indicates potential impacts to significant or potentially significant cultural resources, an approved treatment plan shall be drafted and implemented to mitigate the significant impacts. Such a plan may include one or more of the following elements:

- ▶ vegetation removal and surface inspection;
- ▶ ethnographic studies or Native American consultation, or both;
- ▶ subsurface testing; and
- ▶ if necessary, data recovery.

Mitigation Measure 6-2: Protect Previously *Unknown* Cultural Resources (*applies to Impact 6-2*)

Given the potential for subsurface deposits, if undocumented resources are encountered during construction, all work in the vicinity of the find shall cease until a qualified professional archaeologist can assess the significance of the find and, if appropriate, provide recommendations for treatment. Preferred measures for treatment may include no action, avoidance of the resource through the relocation of facilities (e.g., "field-fit" of a trail alignment to avoid the resource) or subsurface testing, or relocation to another location not subject to disturbance. For any such discovery, a memorandum documenting the results of the evaluation shall be provided to the County by the archaeologist, and the County shall forward the memorandum to the California Department of Parks and Recreation and the State Historic Preservation Officer.

Mitigation Measure 6-3: Stop Potentially Damaging Work if Human Remains are Uncovered during Construction (*applies to Impact 6-3*)

In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, the construction contractor or the County, or both, shall immediately halt potentially damaging excavation in the area of the burial and notify the County coroner and a qualified professional archaeologist to determine the nature of the remains. The coroner shall examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands, in accordance with Section 7050(b) of the Health and Safety Code. If the coroner determines that the remains are those of a Native American, he or she shall contact the NAHC by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). After the coroner's findings are presented, the County, the archaeologist, and the NAHC-designated Most Likely Descendant (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 after being granted access to the site to complete a site inspection and make recommendations. A range of possible treatments for the remains may be discussed: nondestructive removal and analysis, preservation in place, relinquishment of the remains and associated items to the descendants, or other culturally appropriate treatment. AB 2641 (Chapter 863, Statutes of 2006) suggests that the concerned parties may extend discussions beyond the initial 48 hours to allow for the discovery of additional remains. AB 2641 includes a list of site protection measures and states that the County shall comply with one or more of the following measures:

- 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 its 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 if the MLD fails to make a recommendation within 48 hours after being granted access to the site. The County or its authorized representative may also reinter the remains in a location not subject to further disturbance if it rejects 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 would reduce potential impacts on human remains to a less-than-significant level.

Mitigation Measure S6-4: Post Ground-Disturbance Site Visit. (*applies to Impact 6-4*)

Although no unique archaeological resources have been identified within the project development areas and the NAHC Sacred Lands database search was negative, there is a possibility that resources which

UAIC or Colfax Todds Valley tribal members consider to be Tribal Cultural Resources could be unearthed during project construction.

Once new trails and/or parking areas have been graded and prior to the new trails and/or parking areas being opened to the public, the County will notify the UAIC and the Colfax Todds Valley Consolidated Tribe so they may conduct an additional site visit, if they desire.

In addition, if tribal cultural resources are identified that have the potential to be adversely affected by the project, Placer County will work with the tribes to minimize those impacts. Examples of impact minimization could include:

- (1) avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context
- (2) treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - (A) protecting the cultural character and integrity of the resource;
 - (B) protecting the traditional use of the resource; or
 - (C) protecting the confidentiality of the resource.