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PLANNING APPEALS

CDRA

The specific regulations regarding appeal procedures may be found in the Placer County Code, Chapters 16 (Subdivision), 17 (Planning and Zoning), and 18 (Environmental Review Ordinance).

---OFFICE USE ONLY---

Last Day to Appeal 6/7/10 (5 pm)

Letter _____

Oral Testimony

Zoning _____

Maps: 7-full size and 1 reduced for Planning Commission items

Appeal Fee \$ 495

Date Appeal Filed 6/7/10

Receipt # 10-0066863

Received by LB

Geographic Area CENTRAL

---TO BE COMPLETED BY THE APPLICANT---

1. Project name PMPA T20070467 Celebration Community Fellowship

2. Appellant(s) Tsi'-Akim Maidu (530) 477-0711

Address 1275 East Main Street Grass Valley Ca. Telephone Number _____ Fax Number 95945

3. Assessor's Parcel Number(s): 77-050-20 and 77-050-21 City _____ State _____ Zip Code _____

4. Application being appealed (check all those that apply):

Administrative Approval (AA-_____)

Use Permit (CUP/MUP-_____)

Parcel Map (P-_____)

General Plan Amendment (GPA-_____)

Specific Plan (SPA-_____)

Planning Director Interpretation _____ (date)

Minor Boundary Line Adj. (MBR-_____)

Tentative Map (SUB-_____)

Variance (VAA-_____)

Design Review (DSA-_____)

Rezoning (REA-_____)

Rafting Permit (RPA-_____)

Env. Review (EIAQ-_____)

Other: _____

5. Whose decision is being appealed: Planning Commission
(see reverse)

6. Appeal to be heard by: Board of Supervisors
(see reverse)

7. Reason for appeal (attach additional sheet if necessary and be specific):

Traditional Cultural Properties Studies are highly Flawed.

see Attachment "K" Response to Mitigated Negative Declaration

(If you are appealing a project condition only, please state the condition number)

Note: Applicants may be required to submit additional project plans/maps.

Signature of Appellant(s)

APPEAL
PMPA-20070467
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Response to Mitigated Negative Declaration for Project: PMPA T20070467

The village site of Hownosum Soka and the burial grounds of Hownosum Ustu will be severely affected by the proposed construction of this 18,000 square-foot church and associated outdoor activity space and parking lot. The presence of these culturally significant sites within the boundaries of the project area are strongly supported by cultural heritage, oral history, ethnographic documentation, and archaeological evidence. Since this project is being conducted under Section 106 of the National Historic Preservation Act (NHPA) and implementing regulations of the Advisory Council on Historic Preservation (36 CFR 800) such evidence must be given the strongest weight. The cultural resource investigations so far conducted have been highly flawed - both in terms of professional and technical standards and also in the simple inclusion of all pertinent ethnographic facts. It is determined by the Tsi'-Akim Maidu that the ground disturbances created by such a construction would be highly culturally disruptive as well as destructive of potentially important archaeological remains.

The lead cultural resource investigative group retained by the Celebration Community Fellowship (CCF) for the first survey was NCR Consulting and the second survey was GeoEngineers. Both groups performed limited literature searches with regards to the potential presence of cultural resources upon the property. NCR Consulting referenced the ethnographic village of Hownosum Soka and the cemetery of Hownosum Ustu without attempting to locate these sites. Following the raising of concerns by the Tsi'-Akim Maidu that this proposed construction area was the culturally identified location of these sites, a second survey was initiated by GeoEngineers. However, no mention of this ethnographic information or oral history was referenced in their report. In fact the resources they list in their literature search were instead resources that are more likely to provide information simply about historic resources and not ethnohistoric ones. This begs the question of why they did not follow up on the information present in the NCR Consulting report and on the information provided by the Tsi'-Akim Maidu. Furthermore, there was no listing of information which was contributed by the Native American monitor who was present on the site during the investigation. This information would have underlined the traditional cultural importance of this site as well as informed the surveys about the surrounding archaeological resource district within which this project area is just a small portion.

The first pedestrian surface survey conducted by NCR Consulting showed several locations of flake-stone lithic scatters as well as historic activity areas. These lithic scatters contained both groundstone, basalt flakes, and other materials which support the ethnographically suggested presence of a nearby village site on the southern side of the project area. However, the pedestrian survey which was performed by GeoEngineers recorded only historic surface artifacts over the entire project area. The second survey had transects with extremely high breadth at 15 meter intervals. It is contradictory and misleading that the provided map has an English unit bar rather



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than a metric which successfully hides the minimal amount of transects conducted. GeoEngineers also made reference to the previous survey work without outlining what was done or found. A simple read of the second pedestrian survey would lead one to assume there could be no pre-historic component on the surface of the southern section of the project area. It might be assumed that the poor survey component conducted was due to the previous data being considered adequate, but this was not included in their documented report. Therefore, it is obvious that the pedestrian survey report by GeoEngineers is highly superficial and inadequate.

Auger Units were subsequently excavated by GeoEngineers and were scattered over the entire surface of the project area. These units produced both prehistoric and historic era components. In fact, an extremely high percentage of these units produced cultural items (21/23) with 19/23 being considered as possessing prehistoric material. The distribution of these producing units over the entire project area supports the presence of wide spread cultural activity occurring at this location. In fact, all the evidence provided does not indicate any edge to this site within the project boundaries, simply concentrations. The findings thus mirror the results of the NCR Consulting pedestrian survey report. However, for some reason the majority of this information was discounted as being simply evidence of a lithic artifact scatter. If GeoEngineers had properly placed this evidence within the realm of ethnohistoric interpretation and a reading of topographical conditions, a different picture would have emerged of this "lithic scatter" being the outskirts of Hownosum Soka village. Human remains were also recovered from several of these Auger Units. The determination was made that the Most Likely Descendants were the Tsi'-Akim Maidu. These remains provide evidence for the location of Hownosum Ustu and provide further concrete support of the oral history and ethnohistoric information being provided by the Tsi'-Akim Maidu.

NCR Consulting placed two test excavation units on the south side of the drainage. The unit closest to the drainage showed more cultural materials including fire affected rock. This further supports the idea of the archaeological deposits being more substantial than simply a "lithic scatter". Meanwhile Geo-Engineers placed four test excavation units in the area noted as being midden deposits by NCR Consulting on the north side. In contrast, Geo-Engineers says no midden deposits were noted even though they state that this location had the highest artifact density. The test excavations performed by Geo-Engineers uncovered even more beads, ceramic sherds, and fragmented human remains. An independent analysis of the locations of these four test excavations determined that were they were all extremely closely spaced and all placed within locations of previous pot-hunting activity. It is thus not surprising that Geo-Engineers determined that all the deposits were highly disturbed from pot-hunting and highway construction activity. There were no test units placed in other areas of the project area to determine site boundaries or in locations where berry bushes would have protected the ground from pot-hunting disturbance. The presence of trees of significant age that were very likely present at the time of past cultural activity supports the idea of areas of limited disturbance which



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may contain intact cultural deposits. In fact the Geo-Engineers report does not show that they used the topographical or botanical aspects of the environment to enlighten their testing. Since Geo-Engineers only completed four test units instead of their proposed seven test units, it raises the question as to whether they were pressed by time constraints and if so why they did not utilize the wealth of information at their disposal to better conduct their testing and to formulate their report.

The statement by Geo-Engineers that "Though human remains were recovered, there is no indication that GEO-01-09 functioned as a burial or Cry Site" is purely ludicrous. How else do you explain the presence of human bone, both burnt and unburnt, and melted beads? Repeated internment activity and the annual burning of personal possessions would explain much of the archaeological evidence uncovered. Geo-Engineers did no statistical analysis regarding the presence of melted beads or other fire affected cultural items with the human bone remains. In fact, the "pitted" and "brown discoloration" mentioned regarding some of the beads could have being in fact related to burning. There was no attempt at charcoal recovery or any paleoethnobotanical analysis, even though evidence of fire activity is obviously present. The fact that this is an ethnographically documented cry location suggests that there was even a historic period usage which explains some of the components which the Geo-Engineers report dismisses as historic trash disturbing a prehistoric site. In fact the description and analysis of the recovered artifacts do not preclude any of the historic components from being from ethnohistorically documented activities. Until the archaeological evidence is placed within the context of ethnographic and ethnohistorical information, a true evaluation of its worth is impossible.

The various cultural resource studies that have been conducted regarding this proposed construction do not support any supposition that the limits of the proposed Environmental Sensitive Area would safeguard the culturally sensitive remains of Hownosum Ustu. In fact the evidence so far uncovered supports the idea that quite a number of future discoveries of human remains will be made during the proposed construction. Even though a monitoring and treatment plan has been proposed to deal with "unanticipated" discoveries - all evidence points to the possibility of further discoveries should be instead highly anticipated. This possibility is strongly supported by what has already been uncovered and by the ethnographic information regarding the location. This site is associated with lives of persons important in the past of the Tsi'-Akim Maidu and may as yet be likely to yield information important to the critical proto-historic period of these people. The mass introduction and concentration of diseases, the loss of land and territory, violence, malnutrition and starvation which accompanied the gold seekers and other immigrants may be directly related to this location as a cry site. Due to the presence of human remains alone, this site is strongly perceived as of present cultural importance to their Most Likely Descendants - the Tsi'-Akim Maidu. Through the entire process of this environmental review the Tsi'-Akim Maidu have and continue to indicated a strong concern about this project and the impact it will have upon their heritage.



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As Grayson Coney (Cultural Director of the Tsi'-Akim Maidu and Monitor for the last Phase II Survey) relates: If Hownosum Soka Village were a pie plate, the proposed church site would be a silver dollar in the middle of the plate and Hownosum Ustu would be a dime resting on top of the silver dollar. The proposed church site encompasses only a fraction of the entire village site. The immediate properties surround the proposed church site contain other features not brought to light by survey work done to date - i.e., Milling Station approx. 200 feet south, Round House site approx. 300 feet south, Pit House sites with Middens approx. 400 feet west/southwest, Kitchen Middens approx. 600 feet south, Milling Station approx. 150 feet north, and Stone Quarry approx. 2000 feet north/northwest. When evaluating the importance of Hownosom Soka we must include this information. Furthermore, the likelihood of a stop-and-go construction project should be foreseen as the proposed church site lies atop of alluvium continuously laid down. Strata containing cultural artifacts will be found below sterile lenses should construction occur. These horizontal and vertical factors will directly translate into a definite negative environmental impact upon this important traditional cultural feature if the project goes forward as planned.

Due to this professional review of the work done to date, the observations of our monitor concerning this work, and the inherent traditional importance of this location, it is the expressed wish of the Tsi'-Akim Maidu that no construction occur and that a cultural easement be expanded to include the entire site.

In all sincerity,

A handwritten signature in black ink that reads "Don Ryberg".

DON RYBERG
TSI'-AKIM MAIDU TRIBAL CHAIR