
7.0 CULTURAL RESOURCES

This section evaluates the potential impacts of the proposed projects on cultural resources, which are defined as prehistoric and historic properties, structures, and districts or any other physical evidence associated with human activity considered important to a culture, subculture, or community for scientific, traditional, or religious reasons.

7.0 GENERAL ENVIRONMENTAL CONDITIONS AND REGULATIONS

7.0.1 ENVIRONMENTAL SETTING

The following description of environmental conditions common to each site and applicable regulations, policies, and standards applies to each of the project sites.

Regional Archaeology

Publications on the prehistory of the northern Sierra Nevada region tend to agree that the northern Sierra Nevada has been occupied for the past 11,000 to 12,000 years. This prehistory has been divided by various researchers into separate cultural periods. The (cultural) divisions are based upon perceived changes in adaptive strategies in a response to both cultural and natural forces. These conditions result from the combination of local population pressure, possible migration/intrusion of other peoples, and environmental changes during the Holocene. This change is especially apparent when archaeological assemblage comparisons are made between pre-Archaic and Archaic cultural components.

Pre-Archaic sites are typically surface manifestations and consist of diffuse lithic scatters. Larger sites are located on high ground near water sources. Upland sites exist but are smaller. The regional manifestation of the Pre-Archaic in the eastern Sierra Nevada is the Tahoe Reach phase.

The Archaic has been divided into three periods: the Early (6,000 to 3,000 BC), the Middle (7,000 to 3,300 BC), and the Late (3,300 BC to Euroamerican contact). The Early Archaic cultural component is known as the Spooner phase associated with large sites in the valley bottoms near perennial streams or near permanent water. Besides the big game hunting strategies, the intensive use of seeds is indicated by the appearance of manos and metates in archaeological context. This suggests an adaptive strategy that focused on diverse environmental settings. Some scholars suggest this may have been influenced by a climatic change during the middle Holocene.

Two distinct cultural complexes of the northern Sierra Nevada were defined by archaeological investigations during the 1950s. These were based upon findings at Kings Beach (Lake Tahoe Basin) and CA-PLA-5, the primary type-site of Martis Valley, near Truckee. The earlier of these two complexes are identified as Martis. The Martis complex (Middle Archaic) is associated with a cooler and wetter period of the Holocene and the archaeological manifestations suggest a more intensive procurement strategy of resources, changes in settlement patterns, apparent population densities, and stylistic elaboration of artifact types. Base camps are located on valley margins to exploit the surrounding and/or neighboring environmental zones with smaller task-specific field camps and sites for hunting/gathering and processing resources in the uplands.

The Late Archaic is identified with the Kings Beach phases in the northern Sierra Nevada and western Great Basin region. Adaptive strategies from Middle Archaic times have been viewed by scholars as from either cultural or environmental conditions or from both. One of the recognized scholars of northern Sierra Nevada archaeology suggests that the exploitation of a more diverse subsistence resource base was primarily the result of increasing population stress rather than the environmental warming and drying trend that began around AD 1 and peaked at AD 500.

7.0 CULTURAL RESOURCES

Scholars appear to agree on the period of time when a hypothesized cultural intrusion occurred in Northern California from southern Oregon and the Columbia and Modoc Plateau regions. Sometime between AD 200 and 1800, Penutian-speaking peoples moved down the major river valleys including the Feather, Yuba, and American Rivers and this expansion continued until the arrival of Euro-American populations.

The cultural traits and known archaeological record correlate with the ethnographic territory of the Washo and Maidu; however, some scholars suggest that Martis may represent ancestral Maidu, including Nisenan prehistory (NCR Consulting 2015).

Ethnography

The projects sites are located within territory occupied by the Nisenan at the time of initial contact with European Americans. The Nisenan are Native American peoples, also referred to as "Southern Maidu," who occupied the drainages of the southern Feather River and Honcut Creek in the north, through the Bear River and the Yuba and American River drainages in the south. Villages were frequently located on flats adjoining streams, and were inhabited mainly in the winter as it was usually necessary to go out into the hills and higher elevation zones to establish temporary camps during food gathering seasons (i.e., spring, summer and fall). As with all Northern Californian Indian groups, life for the Nisenan revolved around hunting, fishing, and the collecting of plant foods. These people were very sophisticated in terms of their knowledge of the uses of local animals and plants, and of the availability of raw material sources that could be used in manufacturing an immense array of primary and secondary tools and implements. Unfortunately, only fragmentary evidence of the material culture of these people remains, due in part to perishability and in part to the impacts to archaeological sites resulting from later (historic) land uses (mining, ranching and timber harvest).

Based on the results of previous survey work within the southwestern portion of Nevada County, the potential range of prehistoric site types included the following:

- Surface scatters of lithic artifacts and debitage associated with midden accumulations (sometimes including other surface features such as housepit depressions, mortar holes, petroglyphs), resulting from protracted occupation along stream channels, particularly where streams merge with one another.
- Surface scatters of lithic artifacts and debitage without midden accumulations, resulting from short-term occupation and/or specialized economic activities.
- Bedrock milling stations, including especially mortar holes, where suitable bedrock outcrops are exposed.
- Petroglyphs.
- Isolated finds of aboriginal artifacts and flakes.

Clearly, it was not expected that all of these site types would be encountered within the project area, but rather that these would be the most likely types to be encountered if any sites or features were identified at all.

Antecedent cultures in the area span several thousands of years and document use and occupation centered along water courses and elsewhere throughout the area (Jensen 2014).

Historical Context

Recorded history in the region begins with the attempts of Spanish colonists to explore parts of California beyond the coastal zone. Gabriel Moraga's expedition was undertaken in 1806, with additional incursions occurring through the 1840s. European Americans began arriving in more substantial numbers in the mid-1820s, most notably with the trapping expeditions of Jedediah Smith. However, the European American incursion with the greatest impact on Native American population and culture occurred immediately following the discovery of gold at Coloma in 1848, which initiated the Gold Rush of 1849.

Mining along virtually every stream in the Nevada City and Grass Valley areas was under way by 1850. Placer mining continued to yield large quantities of gold through the next several years, and by 1855 supporting industries in the mine fields of Nevada County and along what is now State Route 49 and other early transportation corridors included stores, transportation companies, saloons, toll roads and stage lines, foundries, lumber mills, and water companies. Isolated features related to historic mining activities and associated transportation are ubiquitous throughout portions of Nevada County. They include sluiced areas, ditches, "glory holes," collapsed shafts and adits, debris scatters, tailings piles, and occasionally structural remains.

Logging, ranching, and wood mill operations represent additional historic themes for this area of the county. As with the earlier mining emphasis, associated activities have also adversely affected the local cultural resources base.

Historic overviews for the region document the presence of a range of historic site and feature types and complexes throughout the area generally. Relevant historic site types potentially present in this area include:

- Historic narrow gauge railroad
- Two-track trails/wagon roads, most of which are now paved roadways or no longer exist
- Water distribution systems, including small and large ditch, canal, and channel systems, and levees dating to historic time periods
- Occupation sites and homesteads with associated features such as refuse disposal areas, privy pits, barns, and sheds
- Ranch features, including structures, structural remnants, corrals, other feature types
- Bridges associated with historic road corridors
- Landscape modifications associated with both historic mining and wood mill operations, including also shafts, glory holes, tailings piles, and additional feature types.

As with prehistoric sites, not all of these were expected to be present within the project areas, with the list above representing the range of types considered most likely to be present based on background information available (Jensen 2014).

7.0 CULTURAL RESOURCES

7.0.2 REGULATORY FRAMEWORK

FEDERAL

National Historic Preservation Act

The National Historic Preservation Act (NHPA) of 1966 established guidelines to “preserve important historic, cultural, and natural aspects of our national heritage, and to maintain, wherever possible, an environment that supports diversity and a variety of individual choice.” One of the provisions of the NHPA was the development of the National Register of Historic Places (NRHP; National Register), which is administered by the National Park Service. The National Register Bulletin also provides guidance in the evaluation of archaeological site significance.

American Indian Religious Freedom Act and Native American Graves and Repatriation Act

The American Indian Religious Freedom Act recognizes that Native American religious practices, sacred sites, and sacred objects have not been properly protected under other statutes. It establishes as national policy that traditional practices and beliefs, sites (including right of access), and the use of sacred objects are to be protected and preserved. Additionally, Native American remains are protected by the Native American Graves and Repatriation Act of 1990.

STATE

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. The act requires that upon discovery of human remains, construction or excavation activity cease and that the county coroner be notified. If the remains are of a Native American, the coroner must notify the Native American Heritage Commission (NAHC). The NAHC then notifies those persons mostly likely to be descended from the Native American remains. The act stipulates the procedures the descendants may follow for treating or disposing of the remains and associated grave goods.

California Register of Historical Resources

California Code of Regulations (CCR) Title 14, Section 4852 addresses the types of historical resources and criteria for listing in the California Register of Historical Resources (CRHR; California Register). The criteria for listing historical resources in the CRHR are consistent with those developed by the National Park Service for listing historical resources in the NRHP, but have been modified for state use to include a range of historical resources which better reflect the history of California. Only resources that meet the criteria may be listed in or formally determined eligible for listing in the CRHR.

California Environmental Quality Act

Under the California Environmental Quality Act (CEQA), public agencies must consider the effects of their actions on both “historical resources” and “unique archaeological resources.” Pursuant to Public Resources Code (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.” Section 21083.2 requires agencies to determine whether proposed projects would have effects on unique archaeological resources.

Historical resource is a term with a defined statutory meaning (PRC Section 21084.1; determining significant impacts to historical and archaeological resources is described in CEQA Guidelines Section 15064.5[a], [b]). Under CEQA Guidelines Section 15064.5(a), 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 Public Resources Code or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, 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), including the following:*
 - a) *Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;*
 - b) *Is associated with the lives of persons important in our past;*
 - c) *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*
 - d) *Has yielded, or may be likely to yield, information important in prehistory or history.*
- 4) *The fact that a resource is not listed in, determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to PRC Section 5020.1(k)), or identified in a historical resources survey (meeting the criteria in PRC Section 5024.1(g)) does not preclude a lead agency from determining that the resource may be a historical resource as defined in PRC Section 5020.1(j) or 5024.1.*

Historic resources are usually 45 years old or older and must meet at least one of the criteria for listing in the CRHR described above (such as association with historical events, important people, or architectural significance), in addition to maintaining a sufficient level of physical integrity.

Properties of local significance that have been designated under a local preservation ordinance (local landmarks or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the CRHR and are presumed to be historical resources for purposes of CEQA unless a preponderance of evidence indicates otherwise (PRC Section 5024.1 and CCR, Title 14, Section 4850). Unless a resource listed in a survey has been demolished, lost substantial integrity, or there is a preponderance of evidence indicating that it is otherwise not

7.0 CULTURAL RESOURCES

eligible for listing, a lead agency should consider the resource to be potentially eligible for the CRHR.

For historic structures, CEQA Guidelines Section 15064.5, subdivision (b)(3), indicates that a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995) is considered as mitigating impacts to a less than significant level.

As noted above, CEQA also requires lead agencies to consider whether projects will impact unique archaeological resources. PRC Section 21083.2, subdivision (g), states:

"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:

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

Treatment options under Section 21083.2 include activities that preserve such resources in place in an undisturbed state. Other acceptable methods of mitigation include excavation and curation or study in place without excavation and curation (if the study finds that the artifacts would not meet one or more of the criteria for defining a unique archaeological resource).

California Health and Safety Code Sections 7050.5

California Health and Safety Code Section 7050.5(b) specifies protocol when human remains are discovered, as follows:

In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27492 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.

CEQA Guidelines Section 15064.5, subdivision (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 Native Americans, the NAHC must be contacted within 24 hours. At that time, the lead agency must consult with the appropriate Native Americans, if any, as timely identified by the NAHC. Section 15064.5 directs

the lead agency (or applicant), under certain circumstances, to develop an agreement with the Native Americans for the treatment and disposition of the remains.

In addition to the mitigation provisions pertaining to accidental discovery of human remains, the CEQA Guidelines also require that a lead agency make provisions for the accidental discovery of historical or archaeological resources, generally. Pursuant to Section 15064.5, subdivision (f), these provisions should include "an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place."

California Public Resources Code Section 5097

PRC Section 5097 specifies the procedures to be followed 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

AB 52 (Chapter 532, Statutes of 2014) establishes a formal consultation process for California tribes as part of CEQA and equates significant impacts on tribal cultural resources with significant environmental impacts (PRC Section 21084.2). AB 52 defines a California Native American tribe as a Native American tribe located in California that is on the contact list maintained by the NAHC. AB 52 requires formal consultation with California Native American tribes prior to determining the level of environmental document if a tribe has requested to be informed of proposed projects by the lead agency. AB 52 also requires that consultation address project alternatives and mitigation measures for significant effects, if requested by the California Native American tribe, and that consultation be considered concluded when either party agrees to measures to mitigate or avoid a significant effect, or the agency concludes that mutual agreement cannot be reached. Under AB 52, such measures must be recommended for inclusion in the environmental document and adopted mitigation monitoring program if determined to avoid or lessen a significant impact on a tribal cultural resource. At the time of the Notice of Preparation for the EIR, the County had received one request from a tribe requesting consultation: the United Auburn Indian Community of the Auburn Rancheria (UAIC). The County sent a letter to the UAIC on December 31, 2015, requesting consultation. The UAIC responded to the County on February 8, 2016, requesting copies of any cultural reports prepared for the projects, but did not request formal consultation on any of the projects.

Local

Nevada County General Plan

The Cultural Resources Element of the General Plan contains policies considering prehistoric sites and historic sites and buildings. The following policies are those that apply to the proposed project.

7.0 CULTURAL RESOURCES

- Policy 19.6 Require all applications for discretionary project permits, and all applications for ministerial project permits except single family residences on individual lots shall be accompanied by a Site Sensitivity Literature Review, prepared by a qualified archaeologist or entity such as the North Central Information Center, Department of Anthropology, California State University at Sacramento. Where review indicates significant archaeological or historical sites or artifacts are, or are likely, present, on-site field review shall be required. If a site or artifacts are discovered, the find shall be evaluated and potential significance determined. If significant cultural resources may be directly or indirectly impacted by proposed development, appropriate mitigation shall be developed and implemented in accordance with California Environmental Quality Act standards, including Appendix K, prior to onset of ground disturbance. Avoidance of significant cultural resources shall be considered the mitigation priority. Excavation of such resources shall be considered only as a last resort when sufficient planning flexibility does not permit avoidance. On-site field review, evaluation of site significance, and development of mitigation measures, as identified above, shall be performed by a qualified professional archaeologist.
- Policy 19.7 Cooperate with local historical societies and the Native American Indian community to protect significant historical, cultural and archaeological artifacts, improve access to and interpretation of unrestricted resources and archaeological history by involving them in the development review process.

Nevada County Land Use and Development Code

Section L-II 4.3.6 (Cultural Resources, Significant) requires certain development projects to initiate a North Central Information Center (NCIC) records search to determine the sensitivity of the site to contain cultural resources. If recommended by the NCIC, the applicant must retain a qualified professional to conduct a cultural resources study. If significant cultural resources are determined to be present or highly likely to be present the applicant must prepare a management plan consistent with this section outlining the proposed methods to manage on-site resources with preservation and avoidance considered first priority. If there is a high likelihood that Native American resources are present, a qualified Native American consultant shall be consulted on the preparation of the study.

Section L-II 4.3.6(C)(5) requires that project approval be conditioned to include a provision for cultural resources discovered during development construction. Any person who, in the process of project activities, discovers any cultural resources and/or human remains within the project area shall cease from all project activities within at least 200 feet of the discovery. A qualified professional shall be notified to assess any discoveries and develop appropriate management recommendations for cultural resource treatment. In the event that human remains are encountered, the sheriff-coroner shall be notified immediately upon discovery. In the event that Native American human remains are encountered, the NAHC or the most likely descendants of the buried individual(s) who are qualified to represent Native American interests shall be contacted. Specific treatment of Native American human remains shall occur consistent with state law.

7.0.3 IMPACT METHODOLOGY

Standards of Significance

The impact analysis provided below is based on the following State CEQA Guidelines Appendix G thresholds of significance, which state that a project would have a significant cultural resources impact if it would:

- 1) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.
- 2) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.
- 3) Disturb any human remains, including those interred outside of formal cemeteries.
- 4) Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074.

Methodology

The following impact analysis is based on the cultural resources reports prepared for each project site, which are in **Appendix 7.0**. The cultural resource investigations included a cultural resources records search of the NCIC; consultation with the NAHC; and a pedestrian survey of the study areas and areas proposed for off-site infrastructure.

7.1 ALTA SIERRA SITE

7.1.1 PROJECT-SPECIFIC SETTING

An Archaeological Inventory Survey dated June 23, 2014, was conducted for the Alta Sierra project site by Sean Michael Jensen (Jensen 2014; **Appendix 7.0-A**). Jensen also conducted a supplementary Archaeological Inventory Survey (dated May 1, 2016) for the off-site sewer improvements proposed as part of the Alta Sierra project (Jensen 2016; **Appendix 7.0-B**). The results of these surveys are summarized in the following discussion.

Records Search

The records of the NCIC were examined for existing recorded prehistoric and historic sites and previous archaeological surveys within or near the project site as well as the sewer improvement site. According to NCIC records, neither the project site nor the sewer improvement site have been subjected to past archaeological surveys. Likewise, no archaeological investigations have been conducted immediately adjacent to either site. Furthermore, no prehistoric or historic-era resources have been identified or recorded within or immediately adjacent to either site (Jensen 2014, 2016).

Native American Consultation

The NAHC was contacted and asked to supply information concerning sacred lands and to provide a list of interested Native American individuals/groups/tribes that could be contacted for information concerning traditional use areas and/or known archaeological sites. A letter was sent

7.0 CULTURAL RESOURCES

to the NAHC on June 17, 2014. The NAHC responded on June 18, 2014, indicating that its search had “failed to indicate the presence of Native American cultural resources in the immediate project area.” As no prehistoric cultural resources were identified within the area of the project site and sewer improvement site, no additional consultation was conducted (Jensen 2014, 2016).

The County sent a request for consultation pursuant to AB 52 for all three Dollar General store projects to the UAIC on December 31, 2015, and received a response on March 30, 2016. The response requested copies of any archaeological reports and environmental documents. The County has received no further request for consultation from the UAIC.

On April 12, 2016, the County received a general request for consultation from the Washoe Tribe of Nevada and California. The Washoe Tribe’s ancestral land boundaries encompass the Alta Sierra site. The County sent a request for consultation pursuant to AB 52 for all three Dollar General store projects to the Washoe Tribe on June 21, 2016. To date, the Washoe Tribe has not responded.

Field Survey

Both the Alta Sierra project site and the associated septic site were subjected to intensive pedestrian survey by means of walking systematic, parallel transects across each parcel. Field work was undertaken at the Alta Sierra project site on June 21, 2014, and at the septic site on May 1, 2016. Fieldwork was conducted by a professional archaeologist who meets the Secretary of Interior’s Standards for Professional Qualification.

No evidence of prehistoric occupation or utilization was observed within either the project area or the septic site during the pedestrian surveys. The absence of such resources may best be explained by the absence of a suitable source of surface water within proximity and to the presence of more suitable habitation settings located along stream courses elsewhere in the vicinity. Similarly, no evidence of historic-era use or activity was observed on either site (Jensen 2014, 2016).

7.1.2 REGULATORY FRAMEWORK

There are no additional regulations, policies, or standards that pertain to the Alta Sierra site other than those described in Section 7.0.2, above.

7.1.3 IMPACTS AND MITIGATION MEASURES

Historical Resources (Standard of Significance 1)

Impact 7.1.1(AS) No historic properties would be affected by development of the Alta Sierra project site or septic site. **(No Impact)**

Based on the findings of the pedestrian-level surveys conducted for the project site and sewer improvement site, no historic properties are present within or adjacent to either site and no historic properties would be affected by implementation of the proposed project. **No impact** to historical resources would occur.

Mitigation Measures

None required.

Archaeological and Tribal Resources (Standards of Significance 2 and 4)

Impact 7.1.2(AS) Ground-disturbing construction activities associated with development of the Alta Sierra project site or the associated septic site could inadvertently damage previously undiscovered archaeological or tribal cultural resources. **(Less than Significant with Mitigation Incorporated)**

The pedestrian surveys found no evidence of prehistoric occupation or utilization of the project site or the associated sewer improvement site. However, there is always the possibility that previously unidentified cultural materials could be encountered on or below the surface during construction activities. Therefore, this impact would be **potentially significant**.

Implementation of mitigation measure **MM AS-7.1.2** would reduce this impact to a **less than significant** level by ensuring that any previously unknown cultural resources discovered on the site during ground-disturbing activities are properly managed in accordance with local policy and state law.

Mitigation Measures

MM AS-7.1.2 In the event cultural materials or human remains are discovered during project construction, the construction contractor shall halt work and contact the appropriate agencies. All equipment operators and persons involved in any form of ground disturbance at any phase of project improvements shall be advised of the possibility of encountering subsurface cultural resources. If such resources are encountered or suspected, work shall be halted immediately within 200 feet of the suspected resource and the Nevada County Planning Department shall be contacted. A professional archaeologist shall be retained by the developer and consulted to assess any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are encountered and appear to be human, California Law requires that the Nevada County Coroner and the Native American Heritage Commission be contacted and, if Native American resources are involved, Native American organizations and individuals recognized by the County shall be notified and consulted about any plans for treatment. A note to this effect shall be included on the grading and construction plans for the project.

Timing/Implementation: *During construction activities*

Enforcement/Monitoring: *Nevada County Planning Department*

Human Remains (Standard of Significance 3)

Impact 7.1.3(AS) Ground-disturbing construction activities associated with the proposed project could inadvertently disturb human remains, including Native American remains. Compliance with existing regulations would ensure proper treatment of any discovered human remains. **(Less than Significant with Mitigation Incorporated)**

The proposed project would include ground-disturbing construction activities that could result in the inadvertent disturbance of undiscovered human remains. Therefore, this impact would be **potentially significant**.

7.0 CULTURAL RESOURCES

Implementation of mitigation measure **MM AS-7.1.2** would reduce this impact to a **less than significant** level by requiring proper management of any human remains discovered on the project site during construction in accordance with state law.

Mitigation Measures

Implement mitigation measure **MM AS-7.1.2**.

7.2 PENN VALLEY SITE

7.2.1 PROJECT-SPECIFIC SETTING

A Cultural Resources Inventory Report dated May 2016 was prepared for the Penn Valley project site by Dudek (Dudek 2016; **Appendix 7.0-C**). The results of the inventory are summarized in the following discussion.

Records Search

A records search was completed for the Penn Valley project site and a 1-mile radius around the site by staff at the NCIC at California State University, Sacramento on April 27, 2016. The records search identified 31 previous studies that have been performed within the records search area, two of which covered at least a portion of the project site. In total, approximately 90 percent of the project area has been previously surveyed. The records search also identified six cultural resources within the search area: a multi-component site consisting of a prehistoric artifact scatter with associated midden soil and the Pleasant Valley Cemetery; a prehistoric milling station; two prehistoric habitation sites; a prehistoric isolate; and an abandoned segment of an historic water conveyance system. None of these resources are located on or adjacent to the project site. Detailed information regarding these previous studies and the six identified cultural resources are provided in **Appendix 7.0-C**.

A review of historic aerial photographs of the project area from 1947, 1998, 2005, 2009, 2010, and 2012 indicated that the site has remained an undeveloped open field (Dudek 2016).

Field Survey

An intensive pedestrian survey was conducted over the entire project site on April 27, 2016, using standard archaeological procedures and techniques. No cultural resources or materials were identified during the survey. All natural and erosional subsurface exposures along the creek and rodent burrows were inspected. No indication of midden-like sediments was observed to be present. No bedrock is present within the site or surrounding vicinity, and the area was likely subject to reoccurring historic flooding, indicating that the site would have been a less desirable location for prehistoric use than nearby surrounding locations. Based on these negative findings and the natural setting relative to the surrounding terrain, Dudek concluded that yet-unidentified archaeological material or deposits are relatively unlikely to be encountered within the site.

Native American Consultation

The NAHC was contacted by Dudek on March 31, 2016, to request a search of the sacred lands file. The NAHC responded on April 1, 2016, indicating that the search failed to identify any Native American resources in the vicinity of the project and provided a list of individuals and organizations to contact that may have additional information. Letters were sent on April 29, 2016, to each of these contacts to request information on resources in the area; however, no responses were

received. Follow-up phone calls were made on May 4, 2016. No responses had been received as of the date of this writing (Dudek 2016).

The County sent a request for consultation pursuant to AB 52 for all three Dollar General store projects to the UAIC on December 31, 2015, and received a response on March 30, 2016. The response requested copies of any archaeological reports and environmental documents. The County has received no further request for consultation from the UAIC.

On April 12, 2016, the County received a general request for consultation from the Washoe Tribe of Nevada and California. The Washoe Tribe's ancestral land boundaries do not encompass the Penn Valley site. The County sent a request for consultation pursuant to AB 52 for all three Dollar General store projects to the Washoe Tribe on June 21, 2016. To date, the Washoe Tribe has not responded.

7.2.2 REGULATORY FRAMEWORK

There are no additional regulations, policies, or standards that pertain to the Penn Valley site other than those described in Section 7.0.2, above. The Penn Valley Area Plan does not contain any policies related to cultural resources.

7.2.3 IMPACTS AND MITIGATION MEASURES

Historical Resources (Standard of Significance 1)

Impact 7.2.1(PV) No historic properties would be affected by development of the Penn Valley project site. **(No Impact)**

As described previously, the project has remained undeveloped throughout its history and does not contain any structures or remnants of previous structures that could be considered historically significant. Based on the records search and cultural pedestrian survey performed for the project, Dudek (2016) concluded that implementation of the proposed project would not affect any historic properties. Therefore, there would be **no impact**.

Mitigation Measures

None required.

Archaeological and Tribal Resources (Standards of Significance 2 and 4)

Impact 7.2.2(PV) Ground-disturbing construction activities associated with development of the Penn Valley project site could inadvertently damage previously undiscovered archaeological and tribal resources. **(Less than Significant with Mitigation Incorporated)**

As described previously, the NCIC records search, NAHC sacred lands file searches, and cultural pedestrian survey conducted by Dudek (2016) did not indicate that cultural resources are present on the project site. Dudek thus concluded that there is a very low potential for the inadvertent discovery of intact cultural deposits during earthmoving activities. Nonetheless, there is always the possibility that previously unidentified cultural materials could be encountered on or below the surface during construction activities. Therefore, this impact would be **potentially significant**.

7.0 CULTURAL RESOURCES

Implementation of mitigation measure **MM PV-7.2.2** would reduce this impact to a **less than significant** level by ensuring that any previously unknown cultural resources discovered on the site during ground-disturbing activities are properly managed in accordance with local policy and state law.

Mitigation Measures

MM PV-7.2.2 In the event cultural materials or human remains are discovered during project construction, the construction contractor shall halt work and contact the appropriate agencies. All equipment operators and persons involved in any form of ground disturbance at any phase of project improvements shall be advised of the possibility of encountering subsurface cultural resources. If such resources are encountered or suspected, work shall be halted immediately within 200 feet of the suspected resource and the Nevada County Planning Department shall be contacted. A professional archaeologist shall be retained by the developer and consulted to assess any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are encountered and appear to be human, California Law requires that the Nevada County Coroner and the Native American Heritage Commission be contacted and, if Native American resources are involved, Native American organizations and individuals recognized by the County shall be notified and consulted about any plans for treatment. A note to this effect shall be included on the grading and construction plans for the project.

Timing/Implementation: *During project construction*

Enforcement/Monitoring: *Nevada County Planning Department*

Human Remains (Standard of Significance 3)

Impact 7.2.3(PV) Ground-disturbing construction activities associated with development of the Penn Valley project site could inadvertently disturb human remains. Compliance with existing regulations would ensure proper management of any discovered human remains. **(Less than Significant with Mitigation Incorporated)**

The proposed project would include ground-disturbing construction activities that could result in the inadvertent disturbance of undiscovered human remains. Therefore, this impact would be **potentially significant**.

Implementation of mitigation measure **MM PV-7.2.2** would reduce this impact to a **less than significant** level by requiring proper management of any human remains discovered on the project site during construction in accordance with state law.

Mitigation Measures

Implement mitigation measure **MM PV-7.2.2**.

7.3 ROUGH AND READY HIGHWAY SITE

7.3.1 PROJECT-SPECIFIC SETTING

An Archaeological Survey Report dated April 2015 was conducted for the Rough and Ready Highway project site by NCR Consulting. In addition, the existing building on the site was evaluated for potential historical significance by J & R Environmental Services (dated May 2016). These reports are provided as **Appendix 7.0-D** and **Appendix 7.0-E**, respectively, to this document and are summarized in the following discussion.

Site Conditions

The project site contains one existing commercial building constructed in 1944. Based on County Assessor Records, in 1960, significant improvements were made to the building. In 1963, one side of the building was being used as a cafe with the other side being used either for storage or a mechanic shop. In 1988, it appears that the building was converted into a bar. The building is currently used for jewelry sales and repair.

The building has a rectangular footprint resting on a concrete slab. The shed-type shaped roof has a parapet roofline and is covered with sheets of galvanized sheet metal which appears to be a recent addition. A short pent-type porch cover extends the length of the façade. It is covered with heavy shakes. The exterior walls are clad in rough-textured stucco over wood framing. The exterior wall of the façade is covered with sheets of TDX wood siding. The window piecings, only on the façade, are filled with both vertical and horizontal vinyl sliding windows. Pedestrian entryways are located on the asymmetrical façade behind security screen doors. A third pedestrian entryway is located on the east elevation of the building. There appears to be a shed-type addition located on the west end of the rear elevation. The roof of this addition is covered with rolled-asphalt paper. Modifications to this building include replacement of original windows on the façade with vinyl windows, re-roofing the roof with galvanized sheet metal, security screens, and the addition of the shed-type addition on the rear elevation of the building. Finally, a floor-mounted central air conditioner is located at the rear of the building.

Records Search

A search of the sacred lands file by the staff of the NAHC (dated February 5, 2015) did not indicate the presence of Native American cultural resources in the immediate study area.

Field Survey

NCR Consulting performed an intensive-level investigation of the Rough and Ready Highway project site on January 23, 2015. The survey consisted of examining areas of distinct landform characteristics, exposed soils, soil and vegetation pattern variation, non-native plants and unique features or remnants of features.

No distinct historic or prehistoric archaeological objects, features, or sites that warrant recordation or further research were observed during the field investigation (NCR Consulting 2015).

Native American Consultation

The NAHC provided a list of local Native American individuals and groups which may have interest in the project site and the proposed development. NCR Consulting initiated consultation efforts

7.0 CULTURAL RESOURCES

by letter (dated January 27, 2015, and February 5, 2015) with the individuals provided. As of April 2015, there had been no responses.

The County sent a request for consultation pursuant to AB 52 for all three Dollar General store projects to the UAIC on December 31, 2015, and received a response on March 30, 2016. The response requested copies of any archaeological reports and environmental documents. The County received no further request for consultation from the UAIC.

On April 12, 2016, the County received a general request for consultation from the Washoe Tribe of Nevada and California. The Washoe Tribe's ancestral land boundaries encompass the Rough and Ready Highway site. The County sent a request for consultation pursuant to AB 52 for all three Dollar General store projects to the Washoe Tribe on June 21, 2016. To date, the Washoe Tribe has not responded.

7.3.2 REGULATORY FRAMEWORK

There are no additional regulations, policies, or standards that pertain to the Rough and Ready Highway site other than those described in Section 7.0.2, above.

7.3.3 IMPACTS AND MITIGATION MEASURES

Historical Resources (Standard of Significance 1)

Impact 7.3.1(RR) The existing building on the Rough and Ready Highway project site has been extensively modified and does not meet any of the criteria for listing as a significant historical resource. **(Less than Significant)**

The historical evaluation of the existing building on the Rough and Ready Highway site (J & R Environmental Services 2016) determined that, based on the modifications that have been made to the building, it appears to have poor historical integrity. It also appears to lack integrity of materials, workmanship, association, and design. Although there are no known photographs of the original building, in all likelihood the exterior walls were clad in wood. Today, the walls are clad in stucco on three sides with the façade being covered with TDX wood siding. Furthermore, all of the original windows have been replaced with vinyl vertical and horizontal sliders. The original functions of the two-unit building were completely altered in 1988 when the building was converted into a bar.

Based on the preceding discussion, the building is not unlike a number of businesses that were constructed along Rough and Ready Highway during the mid-twentieth century. Consequently, the building does not appear to be associated with important events at the local, regional, or state levels. Thus, J & R Environmental Services concluded that this building does not appear to be eligible for either the National Register or the California Register under Criterion A.1 (association with significant events). Furthermore, archival research performed as part of the historical evaluation failed to identify any important individual associated with the commercial building dating to its period of significance. Therefore, this building is not eligible for the National Register or the California Register under Criterion B.2 (association with significant persons).

J & R Environmental Services further concluded that the building does not embody those characteristics associated with a type, period, or method of construction related to a particular master craftsman, nor does the property reflect high style architecture. Thus, the building does not appear to be eligible for the National Register or the California Register under Criterion C.3 (architectural form or style). Finally, the building does not appear to be eligible under Criterion D.4

(information potential), because any research potential can be gleaned from archival research (J & R Environmental Services 2016).

Given the conclusions of the historical evaluation completed by J & R Environmental Services, the existing building on the Rough and Ready Highway project site does not meet any of the criteria for eligibility for the National Register or the California Register. Therefore, demolition of this building as proposed by the project would be considered a **less than significant** impact.

Mitigation Measures

None required.

Archaeological and Tribal Resources (Standards of Significance 2 and 4)

Impact 7.3.2(RR) Ground-disturbing construction activities associated with development of the Rough and Ready Highway project site could inadvertently damage previously undiscovered archaeological and tribal resources. **(Less than Significant)**

NCR Consulting determined that no cultural resources are present on the surface of the Rough and Ready Highway project site. However, there is always the possibility that previously unidentified cultural materials could be encountered on or below the surface during the course of future construction activities. Therefore, this impact would be **potentially significant**.

Implementation of mitigation measure **MM RR-7.3.2** would reduce this impact to a **less than significant** level by ensuring that any previously unknown cultural resources discovered on the site during ground-disturbing activities are properly managed in accordance with local policy and state law.

Mitigation Measures

MM RR-7.3.2 In the event cultural materials or human remains are discovered during project construction, the construction contractor shall halt work and contact the appropriate agencies. All equipment operators and persons involved in any form of ground disturbance at any phase of project improvements shall be advised of the possibility of encountering subsurface cultural resources. If such resources are encountered or suspected, work shall be halted immediately within 200 feet of the suspected resource and the Nevada County Planning Department shall be contacted. A professional archaeologist shall be retained by the developer and consulted to assess any discoveries and develop appropriate management recommendations for archaeological resource treatment. If bones are encountered and appear to be human, California Law requires that the Nevada County Coroner and the Native American Heritage Commission be contacted and, if Native American resources are involved, Native American organizations and individuals recognized by the County shall be notified and consulted about any plans for treatment. A note to this effect shall be included on the grading and construction plans for the project.

Timing/Implementation: *During project construction*

Enforcement/Monitoring: *Nevada County Planning Department*

7.0 CULTURAL RESOURCES

Human Remains (Standard of Significance 3)

Impact 7.3.3(RR) Ground-disturbing construction activities associated with development of the Rough and Ready Highway project site could inadvertently disturb human remains. Compliance with existing regulations would ensure proper management of any discovered human remains. **(Less than Significant with Mitigation Incorporated)**

Implementation of the proposed project would include ground-disturbing construction activities that could result in the inadvertent disturbance of currently undiscovered human remains. Therefore, this impact would be **potentially significant**.

Implementation of mitigation measure **MM RR-7.3.2** would reduce this impact to a **less than significant** level by requiring proper management of any human remains discovered on the project site during construction in accordance with state law.

Mitigation Measures

Implementation mitigation measure **MM RR-7.3.2**.

7.4 CUMULATIVE SETTING, IMPACTS, AND MITIGATION MEASURES

CUMULATIVE SETTING

The cumulative analysis for impacts to cultural resources considers a broad cultural and regional system of which the resources are a part. The cumulative context for the cultural resources analysis for the proposed project includes Nevada County.

CUMULATIVE IMPACTS AND MITIGATION MEASURES

Cumulative Cultural Resource Impacts

Impact 7.4.1 Implementation of the proposed projects, in combination with existing, approved, proposed, and reasonably foreseeable development in nearby areas of Nevada County, would not contribute to cumulative cultural resource impacts. The proposed projects' incremental contribution would be **less than cumulatively considerable**.

As described previously in this section, the region is thought to have been occupied for the past 11,000 to 12,000 years and contains numerous known and unknown significant historic and archaeological resources. Cumulative development in the region would have the potential to disturb these resources as existing structures are demolished and sites are graded in preparation for new development. Compliance with existing state and local regulations would reduce this impact by requiring pre-development evaluations and standard discovery mitigation. However, these regulations cannot ensure preservation of all resources in the region. Therefore, this cumulative impact would be potentially significant.

As described above, the proposed projects would not result in any significant impacts to significant historical resources. Both the Alta Sierra and the Penn Valley project sites are vacant, and the existing building on the Rough and Ready Highway site has been determined not to be historically significant. Furthermore, compliance with existing state and local regulations would

ensure that any resources discovered during ground-disturbing construction activities would be managed properly and in coordination with the County, the NAHC, and local tribes, as appropriate. Therefore, the proposed project's contribution to this potentially significant cumulative impact would be **less than cumulatively considerable**.

Mitigation Measures

None required.

7.0 CULTURAL RESOURCES

REFERENCES

- Dudek. 2016. *Cultural Resources Inventory Report for the Penn Valley Drive Project, Nevada County, California.*
- J & R Environmental Services. 2016. *State of California – The Resources Agency Department of Parks and Recreation Building, Structure, and Object Record (DPR 523B) for 12345 Rough and Ready Hwy Property.*
- Jensen, Sean Michael, MA. 2014. *Archaeological Inventory Survey Alta Sierra Development Project, One-acre, Nevada County, California.*
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- NCR Consulting. 2015. *Archeological Survey Report for the Proposed Dollar General at 12345 Rough and Ready Highway Nevada County, California.*
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