

4.5 CULTURAL AND TRIBAL CULTURAL RESOURCES

1. INTRODUCTION

This section assesses the effects of the proposed CCAP Update on cultural resources and tribal cultural resources in the Cache Creek corridor, including both the in-channel CCRMP area and adjacent off-channel lands in the OCMP area. Government agencies and the public were provided an opportunity to comment on the Project in response to a Notice of Preparation (NOP) of an EIR and an Initial Study (published in May 2017) that provided a preliminary summary of potential impacts that could result from the Project. Two comment letters (see Appendix E) related to cultural resources and tribal cultural resources were received, one from the Native American Heritage Commission (NAHC) providing a summary of AB 52 and SB 18 and recommending consultation with Native American Tribes that are affiliated with the geographic area of the Project. The second letter was received from the Wilton Rancheria Tribe requesting receipt of any cultural resources assessments that have been completed for the Project. These comment letters are included in Appendix A of this Draft EIR.

As described in Chapter 1.0 Project Description, this document is a program-level EIR that evaluates the changes proposed to the CCRMP and the OCMP, and considers and evaluates broad area-wide and potential cumulative impacts associated with cultural resources and identifies laws, policies and ordinances that address and mitigate impacts to cultural resources associated with in-channel streambed and bank stabilization projects and off-channel mining activities. As individual mining projects are proposed, a project-level evaluation of potential cultural resources within the specific project area will be required per County policies and ordinances described below.

The following subsections summarize the existing physical and regulatory environment for cultural resources in the lower Cache Creek area, criteria of significance used to determine potential environmental effects that may result from implementation of CCAP Update, potential impacts and regulations, mitigation measures and other methods to reduce identified impacts to a less-than-significant level, if available.

2. SETTING

Cultural resources are sites, buildings, structures, objects, and districts that may have traditional or cultural value for their historical significance. Cultural resources include a broad range of resources, examples of which include archaeological sites, historic roadways, landscapes, and buildings of architectural significance. For a cultural resource to be considered a historical resource (i.e., eligible for listing in the California Register of Historical Resources), it generally must be 50 years or older¹ and: (1) be listed in, or determined eligible for listing in, the California Register of Historical Resources by the State Historical Resources Commission; (2) be included in a local register of historical resources, as defined in section 5020.1(k), or identified as part of a survey meeting the requirements of section 5024.1(g) of the Public Resources Code; or (3) be determined by the lead agency as historically significant. Paleontological resources are also considered to be cultural resources under CEQA, and are addressed in Section 4.6, Geology, Soils and Mineral Resources in this Draft EIR.

¹ California Code of Regulations. Title 14 Natural Resources; Division 3. Department of Parks and Recreation; Chapter 11.5; Section 4852.

a. Physical Environment

The ample and diverse natural resources of the lower Cache Creek basin have made it the focus of human use over an extended period of time, beginning as early as 5,000 years ago and continuing into the present. As identified in the 2030 Countywide General Plan EIR, the County includes portions of the territories of two Native American groups: the Patwin and, to a lesser extent, the Plains Miwok. The western hills and mountains of the County and the lower grassland plains and oak groves were inhabited by the Hill Patwin, while the banks of the Sacramento River and associated riparian and tule marshland habitats were inhabited by the River or Valley Patwin. Cache Creek provided important natural resources to support the Patwin people including water, wood, fish, shellfish, waterfowl and other animals. Archeological sites include habitation sites, limited occupation sites, hunting/processing camps, lithic reduction stations, milling stations, quarries/single reduction locations, rock art sites, rock features, and burial locations. The overall pre-contact archaeological sensitivity of the Cache Creek area is generally high as it provided a water source that attracted native peoples and as a result, the river terraces are rich in archaeological resources.

Yolo County was one of the original 27 counties when California became a State in 1850. Initially, the County's territory was nearly twice as large as it is now and included a large portion of present day Colusa County. By 1923, the boundaries were redrawn to their current configuration. During the early 1800s, the region was also explored by hunters and trappers such as Jedediah Strong Smith, Ewing Young, and Hudson's Bay Company trappers. The hunters found the banks of the rivers and streams rich with beaver, otter, and other animals whose pelts were a highly valuable commodity in the worldwide trade of the time. They used to "cache" their pelts near Cache Creek, hence the name.

The Gold Rush transformed Yolo County from an isolated farming community to a booming agricultural region, as disenchanting miners realized they could make a greater fortune through farming and ranching rather than gold prospecting. In 1850, 1,086 people lived in the County; by 1870 that number swelled to 9,899. The majority of growth occurred in the central and western parts of the County near roads and fords crossing Putah and Cache creeks. Historic-period cultural resources include archaeological remains representing historical homesteading, ranching and agriculture, mining, town, and urban sites, all of which took place in the Cache Creek corridor.

There are documented prehistoric and historic cultural resources within the CCAP area. The following information is based on results of archival research conducted by Tom Origer & Associates in 2019² at the Northwest Information Center, Sonoma State University (NWIC) for the Cache Creek Resource Management Plan area and the Off-Channel Mining Plan planning area conducted

CCRMP Area. Review of the NWIC base maps showed there are fifteen resources within or that about the CCRMP area (and most of the CCRMP area has been subjected to cultural resources study). There are no listings on the California Historical Resources Information System's Directory of Properties in the Historic Property Data File for Yolo County within the CCRMP area. Review of Caltrans' Historic Bridges Inventory showed that none of the bridges within the CCRMP area are eligible for the National Register of Historical Resources. There are no Points of Historical Interest or California Historical Landmarks within the CCRMP area.

² Tom Origer & Associates, 2019. Archival Research Results for the Cache Creek Resource Management Plan area and the Off-Channel Mining Plan planning area, Yolo County, California, April 26.

OCMP Area. Review of the NWIC base maps for the OCMP planning area showed that there are 99 resources within the area and approximately 17% of the OCMP planning area has been subjected to cultural resources study. Also on file with the California Historical Resources Information System's Directory of Properties in the Historic Property Data File for Yolo County are six additional resources. Review of Caltrans' Historic Bridges Inventory showed that none of the bridges within the OCMP planning area are eligible for the National Register of Historical Resources.

b. Regulatory Environment

CEQA, sections of the California Public Resources and Health and Safety codes, the County's General Plan, the CCAP and local ordinances comprise the regulatory framework for cultural resources in the CCAP area.

(1) Federal and State

CEQA. CEQA applies to all discretionary projects undertaken or subject to approval by public agencies. Under the provisions of CEQA, "a project with an effect 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."

CEQA Guidelines Section 15064.5(a) defines an "historical resource" as a resource that meets one or more of the following criteria:

- Listed in, or eligible for listing in, the California Register of Historical Resources;
 - Listed in a local register of historical resources (as defined at Public Resources Code (PRC)Section 5020.1(k));
 - Identified as significant in an historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code; or
- b) Determined to be an historical resource by a project's lead agency (CCR Title 14(3) Section 15064.5(a)).

An historical resource consists of:

"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.... Generally, a resource shall be considered by the lead agency to be 'historically significant' if the resource meets the criteria for listing on the California Register of Historical Resources" CEQA Guidelines Section 15064.5(a)(3).

In accordance with CEQA Guidelines Section 15064.5(b), a substantial adverse change in the significance of a historical resource is a significant effect on the environment. A substantial adverse change in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired.

California Assembly Bill 52. AB 52, which became law on January 1, 2015, provides for consultation with California Native American tribes during the CEQA process, and equates significant impacts to "tribal cultural resources" with significant environmental impacts. PRC Section 21074 states that "tribal cultural resources" are:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe and are one of the following:
 - Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - Included in a local register of historical resources as defined in subdivision (k) of PRC Section 5020.1.
 - 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 PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

An “historical resource” (PRC Section 21084.1), a “unique archaeological resource” (PRC Section 21083.2(g)), or a “nonunique archaeological resource” (PRC Section 21083.2 (h)) may also be a tribal cultural resource if it is included or determined to be eligible for inclusion in the California Register.

The consultation provisions of the law require that a public agency consult with local Native American tribes that have requested placement on that agency’s notification list for CEQA projects.

Correspondence and an invitation for consultation on the CCAP Update was initiated by the County via letters sent by registered mail to the six tribes identified by the NAHC on May 31, 2017. The six tribes that received letters were the: Cortina Rancheria Band of Wintun Indians, Lone Band of Miwok Indians, Torres Martinez Desert Cahuilla Indians, United Auburn Indian Community of the Auburn Rancheria, Wilton Rancheria, and Yocha Dehe Wintun Nation. A copy of the letters that were sent is provided in Appendix E. Two tribes: Wilton Rancheria and Yocha Dehe Wintun Nation replied via letters (included in Appendix E). The Wilton Rancheria tribe asked for consideration of mitigation requirements that are consistent with existing and proposed procedures discussed above. It declined consultation and delegated further communication to Yocha Dehe representatives. The Yocha Dehe tribe requested consultation and additional project information. The County responded by providing the requested information and scheduling a consultation. The consultation meeting was held however the tribal representatives were unable to attend. The County made additional attempts to re-schedule a consultation meeting that were not successful.

Public Resources Code 5024.1: California Register of Historical Resources. Section 5024.1 of the PRC established the California Register. Generally, a resource is considered by the lead agency to be ‘historically significant’ if the resource meets the criteria for listing on the California Register (California Code of Regulations [CCR] Title 14(3) Section 15064.5(a)(3)). For a cultural resource to qualify for listing in the California Register it must be significant under one or more of the following criteria:

- Criterion 1: Associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- Criterion 2: Associated with the lives of persons important in our past;

- Criterion 3: 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
- Criterion 4: Has yielded, or may be likely to yield, information important in prehistory or history.

In addition to being significant under one or more of these criteria, a resource must retain enough of its historic character and appearance to be recognizable as a historical resource and be able to convey the reasons for its significance (CCR Title 14 Section 4852(c)). Generally, a cultural resource must be 50 years or older to be eligible for the California Register.

Health and Safety Code 7050.5: Human Remains. Section 7050.5 of the California Health and Safety Code states that 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 remains are discovered has determined whether or not the remains are subject to the coroner's authority. If the human remains are of Native American origin, the coroner must notify the NAHC within 24 hours of this identification.

Public Resources Code 5097.98: Notification of MLD. Section 5097.98 of the California Public Resources Code states that the NAHC, upon notification of the discovery of Native American human remains pursuant to Health and Safety Code §7050.5, shall immediately notify those persons (i.e., the Most Likely Descendent or "MLD") it believes to be descended from the deceased. With permission of the landowner or a designated representative, the MLD may inspect the remains and any associated cultural materials and make recommendations for treatment or disposition of the remains and associated grave goods. The MLD shall provide recommendations or preferences for treatment of the remains and associated cultural materials within 48 hours of being granted access to the site.

California's Native American Graves Protection and Repatriation Act of 2001. Assembly Bill 978 (AB 978-Steinberg, 2001) established the State of California's Native American Graves Protection and Repatriation Act of 2001, a counterpart to the federal Native American Graves Protection and Repatriation Act of 1990 (25 U.S.C. Sec. 3001 *et seq.*). It called for creation of a 10-member Repatriation Oversight Commission appointed by the Governor and a process with penalties and enforcement procedures for repatriation of Native American human and cultural remains originating in California.

(2) Local

2030 Countywide General Plan. The 2030 Countywide General Plan³ contains the following goals, policies, and actions related to cultural resources that are relevant to the proposed Project:

- GOAL CO-4 Cultural Resources. Preserve and protect cultural resources within the County.
- Policy CO-4.1 Identify and safeguard important cultural resources.
- Policy CO-4.2 Implement the provisions of the State Historical Building Code and Uniform Code for Building Conservation to balance the requirements of

³ Yolo County, 2009, 2030 Countywide General Plan, November 10.

the Americans with Disabilities Act with preserving the architectural integrity of historic buildings and structures.

- Policy CO-4.3 Encourage owners of historic resources to preserve and rehabilitate their properties.
- Policy CO-4.4 Encourage historic resources to remain in their original use whenever possible. The adaptive use of historic resources is preferred when the original use can no longer be sustained. Older residences may be converted to office/retail use in commercial areas and to tourist use in agricultural areas, so long as their historical authenticity is maintained or enhanced.
- Policy CO-4.10 Encourage voluntary landowner efforts to protect cultural resources consistent with State law.
- Policy CO-4.11 Honor and respect local tribal heritage.
- Policy CO-4.12 Work with culturally affiliated tribes to identify and appropriately address cultural resources and tribal sacred sites through the development review process.
- Policy CO-4.13 Avoid or mitigate to the maximum extent feasible the impacts of development on Native American archaeological and cultural resources.
- Action CO-A58 Establish an inventory and map of known significant historic and cultural resources, as well as sensitive areas where such resources are likely to occur. Work with the Rumsey and Cortina Tribes to identify sacred sites and develop a cultural sensitivity map. This information is protected as confidential under State law. (Policy CO-4.1) Responsibility: Planning and Public Works Department Timeframe: 2011/2012
- Action CO-A60 Review and monitor demolition permits, grading permits, building permits, and other approval procedures to reinforce preservation goals. (Policy CO-4.1, Policy CO-4.2, Policy CO-4.3) Responsibility: Planning and Public Works Department Timeframe: Ongoing
- Action CO-A63 Require cultural resources inventories of all new development projects in areas where a preliminary site survey indicates a medium or high potential for archaeological, historical, or paleontological resources. In addition, require a mitigation plan to protect the resource before the issuance of permits. Mitigation may include:
- Having a qualified archaeologist or paleontologist present during initial grading or trenching;
 - Redesign of the project to avoid historic or paleontological re-sources;
 - Capping the site with a layer of fill; and/or
 - Excavation and removal of the historical or paleontological re-sources and curation in an appropriate facility under the direction of a qualified professional. (Policy CO-4.1, Policy CO-4.13)
- Responsibility: Planning and Public Works Department Timeframe: Ongoing

- Action CO-A64 Require that discretionary projects which involve earth disturbing activities on previously undisturbed soils in an area determined to be archaeologically sensitive perform the following:
- Enter into a cultural resources treatment agreement with the culturally affiliated tribe.
 - Retain a qualified archaeologist to evaluate the site if cultural resources are discovered during the project construction. The archaeologist will have the authority to stop and redirect grading activities, in consultation with the culturally affiliated tribe and their designated monitors, to evaluate the significance of any archaeological resources discovered on the property.
 - Consult with the culturally-affiliated tribe to determine the extent of impacts to archaeological resources and to create appropriate mitigation to address any impacts.
 - Arrange for the monitoring of earth disturbing activities by members of the culturally affiliated tribe, including all archaeological surveys, testing, and studies, to be compensated by the developer.
 - Implement the archaeologist's recommendations, subject to County approval.
 - Agree to relinquish ownership of all artifacts that are found on the project area to the culturally affiliated tribe for proper treatment and disposition. (Policy CO-4.1, Policy CO-4.13)
- Responsibility: Planning and Public Works Department
Timeframe: Ongoing
- Action CO-A65 Require that when cultural resources (including non-tribal archeological and paleontological artifacts, as well as human remains) are encountered during site preparation or construction, all work within the vicinity of the discovery is immediately halted and the area protected from further disturbance. The project applicant shall immediately notify the County Coroner and the Planning and Public Works Department. Where human remains are determined to be Native American, the project applicant shall consult with the Native American Heritage Commission (NAHC) to determine the person most likely descended from the deceased. The applicant shall confer with the descendant to determine appropriate treatment for the human remains, consistent with State law. (Policy CO-4.1, Policy CO-4.11, Policy CO-4.12, Policy CO-4.13) Responsibility: Planning and Public Works Department, Sheriff-Coroner's Office
Timeframe: Ongoing
- Action CO-A66 Prohibit the removal of cultural resources from the project site except by a qualified consultant and after the County planning staff have been notified. Prehistoric resources include chert or obsidian flakes, projectile points, mortars, pestles, dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources include stone or adobe foundations and walls, structures and features with square nails, and refuse deposits often in old wells and privies. (Policy CO-4.1, Policy CO-4.11) Responsibility: Planning and Public Works Department
Timeframe: Ongoing

- CO-A69 Refer all development proposals that may adversely affect cultural resources to the Northwest Information Center (NWIC) at Sonoma State University for review and comments. The NWIC will identify the presence or absence of known cultural resources and/or previously performed studies in or near a given project area and will offer recommendations regarding the need for additional studies, where necessary. If the NWIC recommends further study, the project applicant shall contract with a qualified professional to conduct the study and make recommendations designed to avoid or minimize adverse impacts on cultural or historic resources and indicate whether further investigation is needed. All studies shall be completed and submitted to the County prior to the completion of any environmental document for the project. (Policy CO-4.1, Policy CO-4.11) Responsibility: Planning and Public Works Department Timeframe: Ongoing
- Action CO-A70 Refer draft environmental documents, including any studies and recommended mitigation measures, to the appropriate culturally-affiliated tribes for review and comment as part of the public review process. (Policy CO-4.1, Policy CO-4.11, Policy CO-4.12) Responsibility: Planning and Public Works Department Timeframe: Ongoing

Historic Landmarks Ordinance. The Historic Landmarks Ordinance, Yolo County Code, Title 8, Chapter 11 (Historic Landmarks Ordinance), the In-Channel Maintenance Mining Ordinance, Yolo County Code, Title 10, Chapter 3 (In-Channel Ordinance) and the Off-Channel Surface Mining Ordinance, Yolo County Code Title 10, Chapter 4) (Mining Ordinance), all of which are not proposed to be substantively modified by the CCAP Update, also address the protection of cultural resources, as follows.

Historic Landmarks Ordinance

Section 8-11.101. Purpose

The purpose of this chapter is to promote the public health, safety, and general welfare by providing for the identification, protection, enhancement, perpetuation and use of improvements, buildings, structures, signs, objects, features, sites, places and areas within the County that reflect elements of its cultural, agricultural, social economic, political, aesthetic, military, maritime, engineering, archaeological, religious, ethnic, natural, architectural and other heritage.

CCAP Plans and Regulations. The existing ordinances related to mining activity and cultural resources are presented below. The CCAP Update proposes minor changes to these ordinances (which are not shown here). Refer to Table 4.5-1, located at the end of this section, for the proposed CCAP Update changes to these ordinances.

In-Channel Ordinance

Section 10-3.404. Cultural Resources.

(a) If human skeletal remains are encountered during material removal or excavation, all work within seventy-five (75) feet shall immediately stop, and the County Coroner shall be notified within twenty-four (24) hours. If the remains are of Native American origin, the appropriate Native

American community identified by the Native American Heritage Commission shall be contacted, and an agreement for treating or disposing, with appropriate dignity, of the remains and associated grave goods shall be developed. If any cultural resources, such as chipped or ground stone, historic debris, building foundations, or paleontological materials are encountered during material removal or excavation, then all work within seventy-five (75) feet shall immediately stop and the Director shall be notified at once. A qualified archaeologist shall then examine any cultural resources found on the site and the information shall be submitted to the County.

(b) Damaging effects to cultural resources shall be avoided whenever possible. If avoidance is not feasible, the importance of the site shall be evaluated by a qualified archeologist prior to the commencement of excavation operations. If a cultural resource is determined not to be important, both the resource and the effect on it shall be reported to the County, and the resource need not be considered further. If avoidance of an important cultural resource is not feasible, a mitigation plan shall be prepared and implemented. The mitigation plan shall explain the importance of the resource, describe the proposed approach to mitigate destruction or damage to the site, and demonstrate how the proposed mitigation would serve the public interest.

Section 10-3.501. Applications: Contents. [excerpt]

Except as provided for in Section 10-3.502 of this article, all project application documentation shall be submitted to the Director at one time. Three (3) complete copies of the application shall be provided to the County. Applications for proposed in-channel activities shall include, but shall not be limited to, the following:

(c) Appropriate site-specific technical reports (if not already on file) such as a biological resources analysis and revegetation program; a hydrology analysis; a geotechnical analysis; an engineered excavation plan.

Mining Ordinance

Section 10-4.410. Cultural Resources (no change proposed by CCAP Update)

(a) All resource records shall be checked for the presence of and the potential for prehistoric and historic sites. Damaging effects on cultural resources shall be avoided whenever possible. If avoidance is not feasible, the importance of the site shall be evaluated by a qualified professional prior to the commencement of mining operations. If a cultural resource is determined not to be important, both the resource and the effect on it shall be reported to the Agency, and the resource need not be considered further. If avoidance of an important cultural resource is not feasible, a mitigation plan shall be prepared and implemented. The mitigation plan shall explain the importance of the resource, describe the proposed approach to mitigate destruction or damage to the site, and demonstrate how the proposed mitigation would serve the public interest.

(b) If human skeletal remains are encountered during excavation, all work within seventy-five (75) feet shall immediately stop, and the County Coroner shall be notified within twenty-four (24) hours. If the remains are of Native American origin, the appropriate Native American community identified by the Native American Heritage Commission shall be contacted, and an agreement for treating or disposing of, with appropriate dignity, the remains and associated grave goods shall be developed. If any cultural resources, such as chipped or ground stone, historic debris, building foundations, or paleontological materials are encountered during excavation, then all work within seventy-five (75) feet shall immediately stop and the Director shall be notified at once. Any cultural resources found on the site shall be recorded by a qualified archaeologist and the information shall be submitted to the Agency.

Section 10-4.502. [excerpt] (no change to b(6) proposed by CCAP Update)

Except as provided for in Section 10-4.503 of this article, all documentation for the surface mining permit shall be submitted to the Director at one time. Ten (10) complete copies of the application shall be provided to the County. An executive summary and a table of contents shall be submitted with each application. Applications for proposed surface mining permit shall include, but shall not be limited to, the following:

(b) Site-specific technical reports, performed by qualified professionals in the appropriate area of expertise, shall provide specific proposals for inclusion in the surface mining permit to address the following potential environmental impacts:

(6) A cultural resources survey of the proposed mining area, in order to evaluate the potential for historic and/or prehistoric artifacts. A survey may not be required if a preliminary investigation from the Northwest Information Center indicates that the likelihood of archaeological resources is low for the proposed site;

3. IMPACTS AND MITIGATION MEASURES

a. Significance Criteria

The following significance criteria are based on the changes to CEQA, including Appendix G, that were adopted by the California Natural Resources Agency on December 28, 2018.⁴ The following criteria are for the topics of Cultural Resources and Tribal Cultural Resources and have not changed from the previously adopted CEQA criteria that were identified in the NOP/Initial Study released in May 2017 with one exception. Per the adopted 2019 changes, the State moved the paleontological resources threshold to the Geology section of the Initial Study. Consistent with this guidance, paleontological resources are addressed in Section 4.6, Geology, Soils and Mineral Resources in this Draft EIR.

A significant impact to cultural resources or tribal cultural resources could occur if the project would:

⁴ <http://resources.ca.gov/ceqa/> accessed January 9, 2019.

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to 15064.5?
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?
- c) Disturb any human remains, including those interred outside of dedicated cemeteries?
- d) 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. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

For the project to cause “a substantial adverse change” on a historical resource, it would have to demolish, destroy, relocate, or alter the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired (CEQA Guidelines Section 15064.5(b)). Archaeological sites may qualify as historical resources under CEQA (CEQA Guidelines Section 15064.5(c)(1)). A lead agency also may find that a project has the potential to eliminate important examples of the major periods of California history or prehistory, per (CEQA Guidelines Section 15065(a)(1)).

Generally, for purposes of CEQA, the significance of a historical resource is materially impaired when a project demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the California Register or an officially recognized local register of historical resources, or its identification in a historical resources survey meeting the requirements of PRC Section 5024.1(g).

b. Impacts Found Less than Significant in Initial Study

In the Initial Study, the conclusion was reached that implementation of the proposed CCAP Update would not result in significant impact for several of the significance criteria. These are summarized below.

The CCAP Update would not cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5.

As evaluated in the 2017 Initial Study, streambed and channel alteration projects as well as mining activities conducted under the CCAP have the potential to affect historic resources. However, implementation of General Plan Policies CO-4.1, CO-4.10, CO-4.12, CO-4.13 and Actions CO-A58, CO-A60, CO-A64, CO-A65 as well as Section 10-3.404 of the In-Channel Ordinance and Sections 10-4.410 and 10-4.502 of the Mining Ordinance would ensure that in-

channel and off-channel mining operations evaluate and mitigate impacts related to known and unknown cultural resources such that future projects would not cause a substantial adverse change in the significance of a historical resource. Additionally, implementation of the policies and ordinances would ensure that important examples of the major periods of California history (i.e., historical resources) are not eliminated as they would be identified, evaluated, and avoided per Section 10-3.404 and Section 10-3.501 of the In-Channel Ordinance, as revised and discussed below, and Sections 10-4.410 and 10-4.502 of the Mining Ordinance. With implementation of these policies and measures, potential impacts to historical resources would be less than significant. Mitigation Measure GEO-3a in Section 4.6 of the Draft EIR identifies revisions to Section 10-3.404 of the In-Channel Ordinance to clarify the requirements and ensure that paleontological resources are adequately addressed. No additional mitigation measures are required.

The CCAP Update would have a less-than-significant effect on disturbances to human remains, including those interred outside of dedicated cemeteries.

As evaluated in the 2017 Initial Study, it is possible that ground-disturbing activities (e.g., in-channel restoration projects and off-channel mining in the expanded OCMP area) could disturb human remains. However, compliance with State law (Health and Safety Code – 7050.5, Public Resources Code 5097.98, and the California’s Native American Graves Protection and Repatriation Act), and implementation of General Plan Policies identified above as well as Policy CO-4.12 and Action CO-A65 and Section 10-4.410 of the Mining Ordinance would ensure that the following actions take place:

- All work within the vicinity of the discovery of human remains would be immediately halted and the area protected from further disturbance.
- The project applicant is required to immediately notify the County Coroner and Community Services Department. Should human remains be determined to be Native American, the project applicant shall consult with the NAHC to determine the person most likely descended from the deceased. The applicant shall then confer with the descendant to determine appropriate treatment for the human remains, consistent with State law.

With compliance with County policies and the CCAP Update, if human remains are encountered during mining projects, they would be handled properly and potential impacts would be mitigated to a less-than-significant level. No mitigation measures are required.

c. Approach

The proposed CCAP Update is comprised of a series of specific text changes to eight policy and regulatory County plans and ordinances that govern in-channel maintenance and restoration activities and off-channel aggregate mining along the Cache Creek corridor, (see Chapter 1.0 Project Description). The proposed text changes (additions shown by underline and deletions shown by strikeout) that have the potential to result in impacts related to cultural resources are identified in Table 4.5-1, located at the end of this section, and are evaluated in the analysis below.

In order to characterize existing cultural resources conditions within the plan area, a specialized cultural resources firm was retained to conduct archival research using the database of archaeological and historical resources at the Northwest Information Center (NWIC). This archival research report was used as the basis to describe the potential presence of cultural resources in the plan area.

d. Potentially Significant Impacts

Impact CUL-1: The CCAP Update could cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5 (S)

Proposed Revisions to In-Channel Plans and Regulations

While in-channel and bank stabilization work can occur under the existing CCRMP, due to the sensitivity of the area adjacent to and within the Cache Creek channel, potential impacts to archeological resources, including important examples of California pre-history, could occur with continued in-channel sediment removal and restoration projects and the use of excavation and earthmoving equipment under the CCAP Update. However, one of the main purposes of streambed and bank stabilization projects is to reduce bank instability and erosion, and ultimately these projects could protect against potential damage or loss of archeological resources within the Cache Creek channel.

Implementation of General Plan Policies CO-4.1, CO-4.10, CO-4.11, CO-4.12, CO-4.13 and Actions CO-A58, CO-A60, CO-A64, CO-A65, CO-A66, CO-A69, CO-A70 as well as Section 10-3.404 of the In-Channel Ordinance would aid in reducing damaging effects to known and unknown cultural resources. Per these policies and ordinances, the following activities would occur should cultural resources be encountered during streambed or channel alteration activities:

- All future maintenance and restoration proposals shall be referred to the Northwest Information Center (NWIC) and local historical lists shall be reviewed to determine if known cultural resources are present; any known resources shall be avoided to the greatest degree possible.
- Should potential cultural artifacts or human remains be found during in-channel operations, all work within 75 feet shall stop, the County shall be notified, and a qualified archeologist shall examine and evaluate any resources.
- If avoidance of a cultural resource is not feasible, a mitigation plan shall be prepared and implemented.

To further ensure that potential adverse effects from in-channel activities on cultural resources are reduced to a less-than-significant level, the following additional revision to the In-Channel Ordinance Section 10-3.501 Applications is recommended.

Mitigation Measure CUL-1: The following revision (shown in underline text) shall be made to the CCAP Update In-Channel Ordinance Section 10-3.501 to ensure that an analysis of the potential for cultural resources is undertaken as part of the application process.

In-Channel Ordinance Section 10-3.501. Applications: Contents.

Except as provided for in Section 10-3.502 of this article, all project application documentation shall be submitted to the Director at one time. Three (3) complete copies of the application shall be provided to the County. Applications for proposed in-channel activities shall include, but shall not be limited to, the following:

(e) A cultural resources survey of the proposed mining area, in order to evaluate

the potential for historic and/or prehistoric artifacts. A survey may not be required if a preliminary investigation from the Northwest Information Center indicates that the likelihood of archaeological resources is low for the proposed site.

Compliance with County policies, the CCAP as updated and implementation of Mitigation Measure CUL-1 would ensure that if cultural resources are identified or encountered during in-channel activities, they would be avoided and/or impacts would be mitigated to a less-than-significant level (LTS).

Proposed Revisions to Off-Channel Plans and Regulations

As indicated in Table 4.5-1 above, the CCAP Update would result in the designation and rezoning of 1,188 acres within the OCMP planning area to add the SGRO overlay which would allow future mining consistent with the CCAP program but on acreage not previously evaluated in the original OCMP and OCMP EIR. As noted above, areas adjacent to and within the Cache Creek corridor are particularly sensitive for archeological resources, potentially including important examples of California pre-history. Direct impacts to cultural resources could result from ground disturbing activities (e.g., gravel mining, construction, use and maintenance of access roads). Indirect impacts could result from collection of artifacts by mining personnel, and by the public where land is reclaimed for recreational use.

In addition to implementation of General Plan policies and actions that protect cultural resources, implementation of Section 10-4.410 of the Mining Ordinance and Section 10-4.502 would ensure that off-channel mining operations identify, evaluate and mitigate impacts related to known and unknown cultural resources. The following actions required by General Plan policies and the CCAP Update would ensure that impacts to cultural resources associated with off-channel mining projects would be reduced to a less-than-significant level, and no further mitigation measures are required (LTS).

- Include a cultural resources survey of the proposed mining area, in order to evaluate the potential for historic and/or prehistoric artifacts as part of the mining application;
- Prior to any ground disturbing activities, all resource records shall be checked for the presence of and the potential for prehistoric and historic sites, and adverse impacts to cultural resources shall be avoided whenever possible.
- The following activities would occur should cultural resources be encountered during off-channel mining operations. Should potential cultural artifacts be found during off-channel operations, all work within 75 feet shall stop, the County shall be notified, and a qualified archeologist shall examine and evaluate any resources. If avoidance of a cultural resource is not feasible, a mitigation plan shall be prepared and implemented. Compliance with County policies and ordinances would ensure that if archeological resources are identified or encountered during off-channel mining activities, they would be avoided or impacts would be mitigated to a less-than-significant level (LTS).

Impact CUL-2: The CCAP Update could 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). (LTS)

Proposed Revisions to In-Channel and Off-Channel Plans and Regulations

It is possible that ground-disturbing activities (e.g., in-channel restoration projects and off-channel mining in the expanded OCMP area) could adversely affect tribal cultural resources including Native American archaeological resources covered under AB 52. As described above, AB 52 specifies that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource requires a lead agency to begin consultation with California Native American Tribes that are traditionally and culturally affiliated with the geographic area of the proposed project.

As stated previously, this document is a program-level EIR that considers and evaluates broad area-wide and potential cumulative impacts associated with cultural resources and identifies laws, policies and ordinances that address and mitigate impacts to cultural resources associated with in-channel streambed and bank alteration projects and off-channel mining impacts. Compliance with State law, in particular AB 52, General Plan policies and actions and CCAP Update to ordinances, including the proposed revision to In-Channel Ordinance Section 10-3.501 per Mitigation Measure CUL-1 described above, for both future in-channel and off-channel projects would require initial review to determine if tribal cultural resources may be present, the coordination with culturally-affiliated tribes, the avoidance of impacts to tribal cultural resources and mitigation of adverse effects should tribal cultural resources be discovered.

As individual projects are proposed within the Cache Creek corridor that might affect tribal cultural resources, General Plan Policy CO-4.12 requires development projects to work with culturally affiliated tribes to identify and address tribal sacred sites, and Actions CO-A63, CO-A64 and CO-A69 require review of project areas with the NWIC, the development of a cultural resources inventory and mitigation plan, if necessary, to protect resources before issuance of permits and consultation with affiliated tribes in archaeologically sensitive areas. Action CO-A65 as well as Section 10-3.404 of the In-Channel Ordinance and Section 10-4.410 of the Mining Ordinance identify actions to be taken should tribal cultural resources be identified (including human remains) prior to any groundbreaking activities and during in-channel and off-channel activities. Action CO-A70 requires referral of draft environmental documents to the appropriate culturally-affiliated tribes for review and comment as part of the public review process.

With adherence to State law, County policies and the CCAP as updated, potential impacts to tribal cultural resources from future in-channel and off-channel projects would be less-than-significant and not further mitigation measures are required (LTS).

Table 4.5-1: Proposed CCAP Updates Related to Cultural and Tribal Cultural Resources

Cultural Resources	
Channel Form Template	
CCRMP (page 40)	<p>2.4-3 Implement the Channel Form TemplateTest 3 Run Boundary described in the 20171995 Technical Studies to reshape the Cache Creek channel based on best available data and hydraulic modeling tools. Continue to gather HEG model erosion and deposition data to initiate streambed and channel alteration projects. Continue to collect and analyze channel topography (LiDAR) data, and update the CCRMP hydraulic model with those data. Based on outcomes of these analyses, the TAC can determine the need for streambed and channel alteration projects. Altering the channel banks and profiles will assist in returning the creek to a form that is more similar to its historical condition. This will result in reduced erosion, increased in-channel recharge, and additional riparian habitat opportunities.</p>
Increase in Potential Off-Channel Mining Area	
OCMP (page 15)	<p>Planning Area for OCMP and CCRMPThe Cache Creek Resources Management Plan</p> <p>The planning area for the OCMP is defined as the area contained within the Mineral Resource Zones (28,130 acres), minus the planning in-channel area regulated under the CCRMP (2,266 acres), or a total of 25,864 acres (see Figure 4). Within the OCMP planning area, 1,900 acres are currently approved for excavation which is a subset of the 2,464-acre total for all approved mine sites (area zoned Sand and Gravel Overlay or SGO), 1,001 acres are zoned currently to allow for future mining (Sand and Gravel Reserve Overlay or SGRO), and another 1,188 acres are proposed to be rezoned for future mining, as described below. The planning area for the CCRMP is equal to the active in-channel area of the creek system, as defined by the delineatedpresent channel bank line or the 100-year flood elevation, described in the Westside Tributaries Study prepared by the U.S. Army Corps of Engineers, whichever is wider (see Figure 3), modified as described in the CCRMP. The in-channel area encompasses 5,109around 4,956 acres, including 2,2661,600 acres within the CCRMPpresent channel boundary, plus several thousand acres located in the floodplain north of the City of Woodland (see Figure 3). Subtracting this acreage from the 28,130 acres included in the State MRZs, leaves a total of approximately 23,174 acres within the planning area of the Off Channel Mining Plan. As described in the following section, however, only 2,887 acres of the plan area are proposed to be rezoned to allow for off-channel mining over the next fifty years, or about 12 percent of the OCMP planning area.</p>
In-Channel Maintenance Mining Ordinance	<p>Section 10-3.404. Cultural Resources.</p> <p>(a) If human skeletal remains are encountered during material removalexcavation, all work within seventy-five (75) feet shall immediately stop, and the County Coroner shall be notified within twenty-four (24) hours. If the remains are of Native American origin, the appropriate Native American community identified by the Native American Heritage Commission shall be contacted, and an agreement for treating or disposing, with appropriate dignity, of the remains and associated grave goods shall be developed. If any cultural resources, such as chipped or ground stone, historic debris, building foundations, or paleontological materials are encountered during material removalexcavation, then all work within seventy-five feet shall immediately stop and the Director shall be notified at once. A qualified archaeologist shall then examine any cultural resources found on the site and the information shall be submitted to the County.</p>

	<p>(b) Damaging effects to cultural resources shall be avoided whenever possible. If avoidance is not feasible, the importance of the site shall be evaluated by a qualified archeologist prior to the commencement of excavation operations. If a cultural resource is determined not to be important, both the resource and the effect on it shall be reported to the County, and the resource need not be considered further. If avoidance of an important cultural resource is not feasible, a mitigation plan shall be prepared and implemented. The mitigation plan shall explain the importance of the resource, describe the proposed approach to mitigate destruction or damage to the site, and demonstrate how the proposed mitigation would serve the public interest.</p>
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