

## 4.5 CULTURAL AND TRIBAL CULTURAL RESOURCES

### 4.5.1 INTRODUCTION

The Cultural and Tribal Cultural Resources chapter of the EIR addresses known historic and prehistoric resources in the project vicinity, as well as the potential for previously unknown resources to occur within the project site. In addition, a discussion of Tribal Cultural Resources potentially occurring in the project area is provided. The chapter summarizes the existing setting with respect to cultural resources, identifies thresholds of significance, evaluates project impacts to such resources, and sets forth mitigation measures as necessary. The information presented in this chapter is sourced primarily from the Cultural Resource Assessment prepared for the proposed project by Peak & Associates, Inc. (see Appendix G),<sup>1</sup> the Yolo County General Plan<sup>2</sup> and associated EIR,<sup>3</sup> and the Cache Creek Area Plan (CCAP) update EIR.<sup>4</sup>

In response to the NOP, the County received comments related to cultural and tribal cultural resources from a number of residents in the area. These commenters expressed that the Draft EIR should consider the following:

- Potential impacts to Tribal Cultural Resources (Northwest Information Center);
- Potential impacts to unknown archaeological resources (Northwest Information Center); and
- Potential impacts to historical resources, specifically the Moore Canal (Northwest Information Center).

The County did not receive any NOP comment letters from local Native American tribes.

The CEQA Guidelines note that comments received during the NOP scoping process can be helpful in “identifying the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in an EIR and in eliminating from detailed study issues found not to be important.” (CEQA Guidelines Section 15083.) Neither the CEQA Guidelines or Statutes require a lead agency to respond directly to comments received in response to the NOP, but they do require they be considered. Consistent with these requirements, this comment has been carefully reviewed and considered by Yolo County and are reflected in the analysis of impacts in this chapter. Appendix B includes all NOP comments received.

### Concepts and Terminology

The following terms are used throughout this chapter and have important bearing upon properly evaluating cultural and Tribal Cultural Resources within the context of the CEQA. As a result, this section begins by providing definitions of key terms, as follows:

<sup>1</sup> Peak & Associates, Inc. *Cultural Resource Assessment for the Shifler Mining and Reclamation Project, Yolo County, California*. January 2015.  
<sup>2</sup> Yolo County. *2030 Countywide General Plan*. November 10, 2009.  
<sup>3</sup> Yolo County. *Yolo County 2030 Countywide General Plan Environmental Impact Report*. SCH# 2008102034. April 2009.  
<sup>4</sup> Yolo County. *Cache Creek Area Plan Update Project, Final Environmental Impact Report*. SCH# 2017052069. December 2019.



“Cultural resources” is a term used to describe several different types of properties: prehistoric and historical archaeological sites; architectural properties such as buildings, bridges, and infrastructure; resources of importance to Native Americans; and human remains. Human remains include those interred both within and outside of formal cemeteries.

“Historic properties” is a term defined by the National Historic Preservation Act (NHPA) as any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on, the National Register of Historic Places (NRHP), including artifacts, records, and material remains related to such a property.

“Historical resource” is a CEQA term that includes buildings, sites, structures, objects, or districts; each of which may have historical, prehistoric, architectural, archaeological, cultural, or scientific importance and is eligible for listing or is listed in the California Register of Historical Resources (CRHR).

“Archaeological resource” refers to material remains of human life or activities that are at least 50 years of age and are capable of providing scientific or humanistic understanding of past human behavior, cultural adaptation, and related topics. As discussed in further detail below, Public Resources Code (PRC) Section 21083.2 includes protections for archaeological resources deemed to be “unique”. Section 21083.2 of the PRC defines “unique archaeological resource” to mean 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.

#### **4.5.2 EXISTING ENVIRONMENTAL SETTING**

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The following setting information provides an overview of the existing conditions of the project site and surrounding area in relation to cultural and tribal cultural resources.

##### **Description of Regional Environment**

The project region is characterized primarily by continuous agricultural lands within a broad, alluvial valley surrounded by distant rolling hills. Cache Creek generally meanders west to east and runs into the Sacramento Valley, ending in a settling basin east of Woodland, eventually flowing into the Sacramento River. Regional topography is generally flat. Vegetation, other than agricultural crops, is primarily limited to grasslands and ornamental landscaping.

The region is rural and sparsely populated, with urban development being primarily concentrated within small towns such as Capay, Esparto, and Madison. Rural residences, farm dwellings with various accessory and agricultural structures, and commercial uses sparsely dot the landscape. Roads provide interconnections between agricultural properties having various crops, such as row crops, orchards, and vineyards. Telephone and electricity poles frequently parallel the roadways throughout the region. Aggregate mining operations, inclusive of above-ground



structures and equipment, are prevalent throughout the region, in particular, along the banks of Cache Creek, within the CCAP boundaries.

The following sections describe the archaeological setting, ethnographic background, and historic background of the region.

### **Archeological Setting**

In the early decades of the 1900s, E.J. Dawson explored numerous sites within the Central Valley region of California, near Stockton and Lodi, later collaborating with W.E. Schenck. By 1933, the focus of work was directed to the area in the vicinity of the Cosumnes River, where survey and excavation studies were conducted by the Sacramento Junior College.

Excavation data, in particular from the stratified Windmill site (a prehistoric mound site located near Cosumnes River), suggested two temporally distinct sets of cultural rituals and customs (i.e., cultural traditions): the Windmill Culture and the Cosumnes Culture. Later work at other mounds by Sacramento Junior College and the University of California, Berkeley, enabled the investigators to identify a third cultural tradition, the Hotchkiss Culture, intermediate between the previously postulated Early and Late Horizons. These three cultural traditions, referred to as the three-horizon sequence, was based on discrete changes in ornamental artifacts and mortuary practices (as well as on observed differences in soils within sites) and was later refined by Beardsley. The three cultural traditions were described as follows:

- The Windmill Culture (Early Horizon) was characterized by ventrally-extended (prone) burial positions with westerly orientation of heads; a high percentage of burials with grave goods; frequent presence of red ocher in graves; large projectile points, of which 60 percent are of materials other than obsidian; rectangular Haliotis beads; Olivella shell beads (types A1a and L); rare use of bone; some use of baked clay objects; and well-fashioned charmstones, usually perforated.
- The Cosumnes Culture (Middle Horizon) displays considerable changes from the Windmill Culture. The burial mode is predominately flexed (i.e., legs folded up to the chest), with variable cardinal orientation and some cremations present. The percentage of burials with grave goods is lower, and ocher staining is common in graves. Olivella beads of types C1, F and G predominate, and abundant use of green Haliotis species (sp.), rather than red Haliotis sp., is noted. Other characteristic artifacts include perforated and canid teeth; asymmetrical and “fishtail” charmstones, usually not perforated; cobble mortars and evidence of wooden mortars; extensive use of bone for tools and ornaments; large projectile points, with considerable use of rock other than obsidian; and use of baked clay.
- With regard to the Hotchkiss Culture (Late Horizon), the burial pattern retains the use of the flexed mode, and widespread evidence of cremation is available, along with lesser use of red ocher, heavy use of baked clay, Olivella beads of Types E and M, extensive use of Haliotis ornaments of many elaborate shapes and forms, shaped mortars and cylindrical pestles, bird-bone tubes with elaborate geometric designs, clam shell disc beads, small projectile points indicative of the introduction of the bow and arrow, flanged tubular pipes of rock (steatite and schist), and use of magnesite.

Bennyhoff and Hughes have presented alternative dating schemes with an emphasis on a more elaborate division of the horizons described per the Three Horizon Sequence. The alternative dating schemes are described as follows:



- Paleo-Indian Period: 11,550 to 8550 calendar years BC.
- Lower Archaic: 8550 to 5550 BC.
- Middle Archaic: 5550 to 550 BC.
- Upper Archaic: 550 BC to AD 1100.
- Emergent Period: AD 1100 to contact with European colonizers.

### **Ethnographic Background**

The Patwin occupied the southern Sacramento Valley west of the Sacramento River from the town of Princeton, north of Colusa, south to San Pablo and Suisun bays. Patwin territory extended approximately 90 miles north to south and 40 miles east to west. Distinction is made between the River Patwin, who resided in large villages near the Sacramento River, especially between Colusa and Knights Landing, and the Hill Patwin, whose villages were situated in the small valleys along the lower hills of the Vaca Mountains and Coast Range, with concentrations in Long, Native American, Bear, Capay, Cortina and Napa valleys. The term “Patwin” refers to the people belonging to the many small contiguous independent political entities in this area who shared linguistic and cultural similarities. Hill and River Patwin dialects are grouped into a North Patwin language, separate from South Patwin, spoken by people who live near present-day Knight’s Landing and Suisun. Together, these are classified as southern Wintuan and belong to the Penutian language family, as do the languages of the Miwok and Nisenan peoples living nearby.

Patwin territory includes the riverine environment of tule marshes, vines and brush near the Sacramento River, the flat grasslands dotted with oak groves, and the hills and small valley of the Coast Ranges. The villages situated on low bluffs near the river were often very large; in 1848, General Bidwell estimated at least 1,000 residents at Koru, near Colusa. In the hills, the Patwin settled in the small valleys, particularly along Cache and Putah creeks, where large populations were reported. The plains were least hospitable, and villages were sparse because of the seasonal flooding in winter and lack of reliable water sources during the dry months.

Within a village, the Patwin constructed earth-covered semi-subterranean structures. The Hill Patwin used a circular floor plan while the River Patwin favored an elliptical shape. Four types of building occurred in a predictable pattern: the ceremonial dance house was placed a short distance to the north or south of the village, the sudatory, or sweat house, was positioned to the east or west of the dance house, and the menstrual hut was built on the edge of the village, farthest from the dance house. Family dwellings could be constructed anywhere within the community. Family lodges were built by one's paternal relatives, while the other structures were the product of a communal effort. They used readily available materials, forming a framework of saplings, and covering the walls and roof with mud and brush.

Natural resources flourished in Patwin territory. They gathered seeds and plant foods and hunted game animals on the plains, shot or netted ducks and other migratory water fowl in the thick tule marshes, and netted salmon and other fish in the rivers and streams. Some of such gathering activities were conducted by groups or families assigned to particular resource areas by a village chief. Acorns were a staple in the Patwin diet. At privately-owned gathering tracts on the plains, families gathered seeds, including sunflower, alfilaria, clover, bunchgrass, wild oat and yellow-blossom. The Patwin also collected a variety of bulbs, nuts, roots and berries, including buckeye, pine nuts, juniper berries, manzanita berries, blackberries, wild grapes, brodiaea bulbs, and tule roots. To obtain salt, the Patwin scraped off rocks that were found near Cortina, burned a grass that grew on the plains or obtained it in trade from the neighboring Pomo.



King salmon, silver salmon and steelhead trout that run from the ocean to the fresh-water rivers and streams were an important diet item. Explorers observed Patwin fishing for salmon with a boom net in 1854. The Patwin also caught smaller fish and collected mussels from the river bottom. They attracted wild ducks by setting out realistic decoys, and then drove the fowl into large nets stretched above the marshes. Hunters also netted mud hens, geese and quail. The Suisun tribelet pursued waterfowl in tule rafts. The Patwin hunted large game, such as tule elk, deer, antelope and bear, and took many varieties of small animals, reptiles, insects and birds either to eat or to use for ceremonial and practical materials.

### **Historical Background**

The 1833 malaria epidemic in the Central Valley played a major role in defining the post-Contact land use pattern of the Native Americans of the region, as well as impacting Euro-American economic development. The introduction of malaria to central California circa 1831 occurred as a result of expeditions of several fur brigades of the Hudson's Bay Company with infected individuals. The introduction of the disease led to the tremendous epidemic of 1833 that decimated the Native American population of the region. An estimated three-quarter of the total Native American population of the region died from the disease in that year.

The first white settler in the Woodland vicinity was Uncle Johnny Morris, who settled near an extensive grove of oaks on the plains south of Cache Creek in November of 1849. He engaged in agricultural pursuits on the rich Cache Creek bottom land and was soon joined by Henry Wycoff and others. Wycoff established a new store in the area, which was referred to as Yolo City by white settlers. In 1857, Frank S. Freeman purchased 160 acres and laid out a town which he envisioned as being the commercial center of the rich agricultural zone that was developing in the area. A post office was established in 1858, at which time the town became Woodland instead of Yolo City, as it had been known until that time.

Woodland was selected as the county seat in 1862 and Freeman, donated a city block for the courthouse. The City contains many fine examples of nineteenth century architecture in the First Street area that have survived and continue in use.

### **Description of Local Environment**

The central and southern portions of the project site consist primarily of actively managed agricultural land. Crops planted at the site over the past decade have included wheat, alfalfa, tomatoes, cucumbers, canola, sunflower, and safflower. The northeastern portion of the site previously contained a ranch headquarters (Stevens Ranch); however, the structures that comprised the headquarters were burned down as part of a fire department training exercise in the late 1970s or early 1980s. Currently, structures do not exist at the location and the area is currently overgrown by low-lying brush. The northern portion of the site consists of 52 scattered oak trees and ruderal grassland vegetation.

Moore Canal, a concrete-lined water conveyance structure owned and operated by the Yolo County Flood Control and Water Conservation District (YCFWCWD), bisects the central portion of the site from west to east. Magnolia Canal is an unlined water conveyance structure owned and operated by the YCFWCWD that intersects the Moore Canal on the northeastern portion of the project site. An existing groundwater well used for agricultural purposes is located along the western site boundary. In addition, a domestic water supply well is located at the location of the former ranch headquarters. The northern portion of the site also includes an electric conveyor and associated gravel road formerly used to transport mined aggregate from the Teichert



Woodland Storz mining site to the Woodland Plant located north of the project site. The natural environment of the immediate vicinity is similarly characterized by agricultural lands, but also includes Cache Creek, immediately north of the project site. Riparian woodland vegetation is located along portions of the banks of Cache Creek.

The environment of the immediate vicinity is dominated by aggregate mining operations to the north; a golf course (Yolo Fliers Club), rural residential, airport (Watts-Woodland), and farm dwellings to the west/southwest; rural residential and cemetery (Monument Hill Memorial Park cemetery) to the south; and farm dwellings to the east. The aggregate mining operations to the north consist of Teichert's Storz mining site to the northwest and Teichert's Woodland Plant site to the northeast, beyond which is Teichert's Schwarzgruber mining site. The Teichert-Woodland Plant has been in continuous operation for over 50 years.

The following sections provide an overview of the history of the Moore Canal and the Magnolia Canal within the project area.

### **The Moore Canal System**

The project site is crossed by a segment of the Moore Canal system, an irrigation system that dates to 1856. Before beginning work on the canal, James Moore purchased 80 acres from the grantee of Rancho Guesisosi, the land grant William Gordon had obtained from the Mexican government in 1843. The deed from Gordon for the 850 acres included "the entire and exclusive right to build and erect and keep in repair a dam across Cache Creek." The deed also included the entire and exclusive right to use the waters of the aforesaid "Jesus Maria" or Cache Creek running through Gordon's grant, to the sole use and behoof (sic) of said James Moore, her heirs and assignees forever." The land grant was confirmed by President James Buchanan in 1860.

In addition, Moore purchased 200 acres of the lands of the adjacent Hardy grant from Harbin and the right of way for a ditch across the property. As a result, Moore felt he could claim the rights to water from Cache Creek, and in 1856, began his project. A brush dam was built as well as the headgate and the first section of canal, extending three and a half miles to a tract of land owned by Moore. The 1858 Map of Rancho Rio Jesus Maria shows the initial extent of the canal.

In 1864, the canal was enlarged, the system was extended in two branches, and the grade at the section at the head was changed to secure greater capacity. The system totaled at that time nine miles, with a branch toward Woodland and another branch extended southward. After 1864, all extensions and laterals were built by the waters users and owned and maintained by the users.

The system continued to grow with associated expansions built by local groups of farmers to total seventy miles. The canal operated for a number of years with temporary dams, usually carried away by the winter rains. Water users who wanted irrigation water earlier in the season would have to pay higher costs to have the dam installed earlier. A more permanent dam was installed in 1881, but only stayed intact until it was washed away just five years later, likely due to a large flood event, defective construction, or neglect and failure to make repairs. After that date the dam was replaced annually until at least 1901.

The Moore Dam and Canal System became the subject of numerous lawsuits over the years, continuing for long after Moore's death in 1884. So much money was spent in legal actions that the author of a 1901 publication on irrigation from Cache Creek stated the following:



In 1886 the permanent dam was washed away. Hampered and hedged about the provisions and limitations of this strange bequest. The trustees have found themselves unable to replace the dam or make much-needed repairs. They have not been able to operate the ditch to the satisfaction of either themselves, the heirs, or the water users. During all these forty-four years since James Moore first began his ditch, nearly half a century, the waters of Cache Creek have been going to waste, and all this outlay of energy and treasure there is nothing to show but these voluminous court records and one mismanaged ditch, irrigating in an ineffectual, unreliable way from 5,000 to 7,000 acres per annum out of a possible 40,000 to 50,000 acres that the natural flow of this stream should water and make fruitful. The physical difficulties to overcome are insignificant. Time after time energy and capital have brushed these aside only to find themselves involved in a maze of endless litigation which leads nowhere and settles nothing (Wilson 1901: 182).

The Moore interests eventually passed into the hands of the Yolo Water and Power Company. This appropriation has passed through the hands of a number of agencies, and is now owned by the YCFCWCD.

### **The Magnolia Canal**

The Magnolia Canal is a remnant in part of the Moore Canal. The current course of the ditch in the project area follows roughly the mapped route dating back to 1858; however, within the project area, the system has been subject to numerous changes. In the 1950s, water was diverted into the ditch directly from Cache Creek, and is first called by the name “Magnolia Canal.” At some point, the water delivery point is changed, and a gate structure built on the Moore Canal and the ditch realigned. The western section between Cache Creek and the existing canal has been abandoned. Other segments have been removed or disturbed by ongoing gravel mining along Cache Creek.

### **On-Site Cultural Resources**

A records search of the California Historical Resources Information System (CHRIS) confirmed the project site has not been subject to past cultural resource surveys.<sup>5</sup> Nor have any prehistoric period cultural resources been recorded within the project site. Near the northeast portion of Parcel 2 is the location of a former ranch headquarters (Stevens Ranch); however, structures do not exist at the location and the area is currently overgrown by low-lying brush. All that remains of the former structures is a building pad, a partially buried steel pipe of unknown use, and various refuse piles.

Three historic-period resources have been recorded within the project vicinity: an oak grove, Monument Hill Memorial Park cemetery, and the Moore Canal. In addition, the project site contains a section of the Magnolia Canal which, as noted above, is a remnant part of the Moore Canal.

### **Oak Grove**

A grove of 12 oak trees to the northwest of, and outside the project site, has been recorded as part of the 1986 Yolo County Inventory of historic resources, reportedly because the “trees that remain have a special historic and visual appeal.” This resource has been assigned a primary number in the statewide system by the NWIC (P-57-132). The site was re-visited by an archeologist in 2007, who updated the form to report the continuing presence of the grove of trees. The 12 valley oak trees are not located within or adjoining the project site.

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<sup>5</sup> Northwest Information Center. *County File Number ZF2018-0078 / Portions of APNs 025-120-032, 025-120-033, 025-430-001, and 025-430-002 / Teichert Shifler Mining and Reclamation*. September 5, 2019.



### **Monument Hill Memorial Park Cemetery**

Monument Hill Memorial Park cemetery is located to the south of the project site, and is characterized by a USGS benchmark with a cemetery developed around the marker. The site was recorded in 1986 as HRI-5/153. A primary number has not been assigned in the statewide numbering system.

### **Moore Canal**

In 2007, a history firm recorded the Moore Canal at a roadway crossing adjacent to the project site for a large-scale California Department of Transportation (Caltrans) contract. The section of the canal within the project site is recorded as CA-YOL-211H (P-57-605).

Currently, within the project site, the Moore Canal consists of a segment of a concrete and earth-lined canal that carries water from Cache Creek to nearby agricultural fields in the area west and southwest of the community of Woodland. The base of the canal averages approximately ten feet wide, with sides sloping up to a cut of approximately 22 feet wide. The canal varies from between four to six feet deep. The length of the inspected canal within the project site is approximately 5,600 feet. A secondary canal intersects with the Moore Canal near the eastern end of the inspected segment, at which point a concrete structure is located. The concrete lining was probably added to the Moore Canal at approximately the same time the concrete structure was constructed at the intersection with the other canal, sometime in the 1950s. The original Moore Canal, dug by James Moore in the 1850s, was not concrete lined.

### **Magnolia Canal**

Although the Magnolia Canal follows in part the route of the original (1858) Moore Canal alignment, many alterations have occurred that have damaged the integrity of the resource. The original segment of the Moore Canal was cut off and not used for years, but by 1953 was partially brought back into service, with water brought by a new canal segment closer to Cache Creek. The entire new and old segments of the Moore Canal were re-named the “Magnolia Canal.” A later change to the Magnolia Canal occurred sometime between 1960 and 1970, with a gate added on the main Moore Canal within the project site to supply water into the Magnolia Canal. The section, built circa 1950, from Cache Creek to the old Moore Canal section, went into disuse, and is eroded away within the project area. Per the Cultural Resource Assessment, the Magnolia Canal lacks association with the Moore Canal, and is not currently considered part of the Moore Canal. Although technically a portion of the ditch was excavated in 1856, much has happened to alter this segment.

### **Tribal Resources**

Based on a search of the Native American Heritage Commission (NAHC) Sacred Lands File, as described in further detail in the Method of Analysis section below, no Native American sacred sites or traditional cultural properties have been recorded within the project site. Per the NAHC’s suggestion, Peak & Associates, Inc. contacted each of the Native American tribes or individuals indicated by the NAHC to potentially have knowledge of cultural resources in the project area. In addition to the above, the County conducted Assembly Bill (AB) 52 and Senate Bill (SB) 18 tribal consultation for the project, as described in the Method of Analysis section below. Additional tribal cultural resources were not identified for the project site.





### **4.5.3 REGULATORY CONTEXT**

The following is a description of federal, State, and local environmental laws and policies that are relevant to the review of cultural and tribal cultural resources under the CEQA process.

#### **Federal Regulations**

The following are the federal regulations relevant to cultural and tribal cultural resources.

#### **National Register of Historic Places**

The NRHP is the nation's master inventory of known historic resources. The NRHP includes listings of resources, including: buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, State, or local level. Resources over 50 years of age can be listed on the NRHP. However, properties under 50 years of age that are of exceptional significance or are contributors to a district can also be included on the NRHP. Four criteria are used to determine if a potential resource may be considered significant and eligible for listing on the NRHP. The criteria include resources that:

- A. Are associated with events that have made a significant contribution to the broad patterns of history; or
- B. Are associated with the lives of persons significant in our past; or
- C. Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. Have yielded or may likely yield information important in prehistory or history.

A resource can be individually eligible for listing on the NRHP under any of the above four criteria, or can be listed as contributing to a group of resources that are listed on the NRHP. A resource can be considered significant in American history, architecture, archaeology, engineering, or culture. Once a resource has been identified as significant and potentially eligible for the NRHP, the resource's historic integrity must be evaluated. Integrity is a function of seven factors: location, design, setting, materials, workmanship, feeling, and association. The factors closely relate to the resource's significance and must be intact for NRHP eligibility.

#### **State Regulations**

The following are the State environmental laws and policies relevant to cultural resources.

#### **California Health and Safety Code**

Section 7050.5 of the California Health and Safety Code states that when human remains are discovered, no further site disturbance shall occur until the county coroner has determined that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, in the manner provided in PRC Section 5097.98. If the coroner determines that the remains are not subject to the coroner's authority, and the remains are recognized to be those of a Native American, the coroner is required to contact the NAHC within 24 hours.

#### **California Environmental Quality Act**

State historic preservation regulations affecting this project include the statutes and guidelines contained in CEQA (PRC Sections 21083.2 and 21084.1 and Sections 15064.5 and 15126.4 (b))



of the CEQA Guidelines). CEQA requires lead agencies to consider the potential effects of a project on historic resources and unique archaeological resources. An “historic resource” includes, but is not limited to, any object, building, structure, site, area, place, record or manuscript that is historically or archaeologically significant (PRC Section 5020.1). Under Section 15064.5 of the CEQA Guidelines, a resource is considered “historically significant” if one or more of the following CRHR criteria have been met:

1. The resource is associated with events that have made a significant contribution to the broad patterns of California history;
2. The resource is associated with the lives of important persons from our past;
3. The resource 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
4. The resource has yielded, or may be likely to yield, important information in prehistory or history.

In addition, the resource must retain integrity. CEQA requires preparation of an EIR if a proposed project would cause a “substantial adverse change” in the significance of a historical resource. A “substantial adverse change” would occur if a proposed project would result in physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired (CEQA Guidelines Section 15064.5[b][1]).

In addition to historically significant resources, which can include archeological resources that meet the criteria listed above, CEQA also requires consideration of “unique archaeological resources.” If a site meets the definition of a unique archaeological resource, the site must be treated in accordance with the provisions of PRC Code Section 21083.2. Under PRC20183.2(g), an archaeological resource is considered “unique” if it:

- 1) Is associated with an event or person of recognized significance in California or American history or recognized scientific importance in prehistory;
- 2) Can provide information that is of demonstrable public interest and is useful in addressing scientifically consequential and reasonable research questions;
- 3) Has a special kind or particular quality such as oldest, best example, largest, or last surviving example of its kind;
- 4) Is at least 100 years old and possesses substantial stratigraphic integrity; or
- 5) Involves important research questions that can be answered only with archaeological methods.

CEQA also includes specific guidance regarding the accidental discovery of human remains. Specifically, CEQA Guidelines Section 15064.5(e) requires that if human remains are uncovered, excavation activities must be stopped and that the county coroner be contacted. If the county coroner determines that the remains are Native American, the coroner must contact the NAHC within 24 hours. The NAHC identifies the most likely descendent, and that individual or individuals can make recommendations for treatment of the human remains under the procedures set forth in Section 15064.5 of the CEQA Guidelines.



### **Public Resource Code Section 5024.1**

The State Historic Preservation Officer (SHPO) maintains the CRHR. Properties that are listed on the NRHP are automatically listed on the CRHR, along with State Landmarks and Points of Interest. The CRHR can also include properties designated under local ordinances or identified through local historical resource surveys. Criteria to determine eligibility under the CRHR are listed above.

### **Public Resource Code Section 5097.98**

PRC Section 5097.98 includes standards and procedures related to discovery of Native American human remains. Per Section 5097.98, in the event that Native American human remains are discovered, the most likely descendants of the deceased individual must be immediately notified. The descendants may, with the permission of the owner of the land, or their authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods.

### **Tribal Consultation Guidelines (Senate Bill 18 - 2004)**

Signed in September 2004, SB 18 amended Section 815.3 of the Civil Code, amended Sections 65040.2, 65092, 65351, 65352, and 65560 of the PRC, and added to Sections 65352.3, 65352.4, and 65562.5 to the Government Code, relating to traditional tribal cultural places. SB 18 requires local (city and county) governments to consult with California Native American tribes, when amending or adopting a general plan or specific plan, or designating land as open space, in order to aid in the protection of traditional tribal cultural places (“cultural places”). The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places. The consultation and notice requirements apply to adoption and amendment of both general plans (defined in Government Code §65300 et seq.) and specific plans (defined in Government Code §65450 et seq.).

### **Assembly Bill 52 - 2014**

Approved in 2014, AB 52 amended, and added to, Section 5097.94, 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3 of the PRC, relating to Native Americans. AB 52 added Tribal Cultural Resources to the categories of cultural resources in CEQA, which had formerly been limited to historic, archaeological, and paleontological resources. “Tribal Cultural Resources” are defined as either:

- (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
  - (A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
  - (B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
- (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.



Under AB 52, a project that may cause a substantial adverse change in the significance of a Tribal Cultural Resource is defined as a project that may have a significant effect on the environment. Where a project may have a significant impact on a Tribal Cultural Resource, the lead agency's environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. AB 52 (PRC 21080.3.1) requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the geographic area of a proposed project if they have requested notice of projects proposed within that area. If the tribe(s) requests consultation within 30 days upon receipt of the notice, the lead agency must consult with the tribe(s). Consultation may include discussing the type of environmental review necessary, the significance of Tribal Cultural Resources, the significance of the project's impacts on the Tribal Cultural Resources, and alternatives and mitigation measures recommended by the tribe(s).

### **Local Regulations**

The following are the regulatory agencies and regulations pertinent to the proposed project on a local level.

### **Yolo County General Plan**

The relevant goals, policies, and actions from the Yolo County General Plan related to cultural and tribal cultural resources are presented below.

- 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-4.3     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-4.11    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-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 resources;
- Capping the site with a layer of fill; and/or
- Excavation and removal of the historical or paleontological resources and curation in an appropriate facility under the direction of a qualified professional. (Policy CO-4.1, Policy CO-4.13)

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)

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)

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)

Action 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)

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)

### Off-Channel Mining Plan

The County's Off-Channel Mining Plan (OCMP) contains the following objective relevant to the project.

Objective 2.3-7 Avoid damage to important cultural resources, in order to document and/or preserve the historic and prehistoric record.

### Yolo County Off-Channel Surface Mining Ordinance

Section 10-4.410 of the Yolo County Off-Channel Surface Mining Ordinance (OCSMO) states the following regarding cultural resources:

#### Section 10-4.410. Cultural Resources

- (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. (§ 1, Ord. 1190, eff. September 5, 1996)

Section 10-4.502(b)(6) of the Yolo County OCSMO states the following regarding technical reports required to be included in applications for mining permits:

- (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;

### **Other County Codes**

Section 8-11.101 of the Yolo County Code of Ordinances states the following regarding the County's Historic Landmarks Ordinance:

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 for the following reasons:

- (a) To safeguard the County's heritage as embodied and reflected in such resources;
- (b) To encourage public knowledge, understanding, and appreciation of the County's past;
- (c) To promote their use for the education and welfare of other residents of the County;
- (d) To strengthen the economy of the County by protecting and enhancing the County's attraction to tourists, visitors and residents;
- (e) To stabilize and improve property values in historic areas of structures and objects for the ultimate aesthetic and economic benefit of the County;
- (f) To provide increased availability to building owners of construction code, financing aids and tax benefits permitted under State and Federal laws when buildings have been designated a historic landmark status or lie within a designated historic district; and
- (g) To enhance the visual character of the County by encouraging new design and construction that complement the County's historic buildings.

### **4.5.4 IMPACTS AND MITIGATION MEASURES**

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The following section describes the standards of significance and methodology used to analyze and determine the proposed project's potential impacts related to cultural and tribal cultural resources. A discussion of the project's impacts, as well as mitigation measures where necessary, are also presented.





### **Standards of Significance**

The significance criteria used for this analysis were developed from Appendix G of the CEQA Guidelines, and applicable policies and regulations of Yolo County. A cultural or tribal cultural resources impact is considered significant if the proposed project would:

- Cause a substantial adverse change in the significance of an historical resource pursuant to CEQA Guidelines, Section 15064.5;
- Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to CEQA Guidelines, Section 15064.5;
- Disturb any human remains, including those interred outside of dedicated cemeteries;
- Cause a substantial adverse change in the significance of a tribal cultural resource as defined in PRC 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: (a) 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 (b) 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 Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe;
- The project has the potential to eliminate important examples of the major periods of California history or prehistory (CEQA Guidelines, Section 15065(a)(1)); and/or
- Cause a significant environmental impact due to a conflict with applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating impacts to cultural and tribal cultural resources;

### **Impacts Found Less-than-Significant in Initial Study**

The Initial Study prepared for the proposed project (see Appendix A) did not identify any less-than-significant impacts related to Cultural Resources and Tribal Cultural Resources.

### **Method of Analysis**

The analysis presented within this chapter is based primarily on the Cultural Resources Assessment prepared for the proposed project by Peak & Associates, Inc. Peak & Associates, Inc. staff complete a pedestrian survey of the project site on August 30 and September 3, 2012 using 15-meter-wide transects. A second visit was made to the project site on October 3, 2013 to gather additional information related to the on-site ditches. In addition to the field surveys, the Cultural Resources Assessment included a review of site-specific information from the CHRIS database provided by the Central California Information Center on August 20, 2012. Additional research on the history of the development and use of the Moore Canal was conducted at the Yolo County Archives and the California Room of the California State Library, as well as through internet sources including Ancestry.com, the Internet Archive, and the USGS topographic map collection. Sources utilized include maps, published reports, and county histories.

In addition, on August 19, 2012, Peak & Associates, Inc. sent letters to the following Native American tribes or individuals indicated by the NAHC to potentially have knowledge of cultural resources in the project area: the Yocha Dehe Wintun Nation and the Cortina Rancheria Band of Wintun Indians of California. Representative of the firm indicated in their report that responses from the tribes were not received.



In compliance with AB 52 and SB 18, the County conducted tribal consultation for the project, as follows:

- 12/18/2018 The County sent letters to five tribes requesting to initiate AB 52 consultation and requested response within 30 days: the Yocha Dehe Wintun Nation; the Cortina Rancheria Band of Wintun Indians of California; the Lone Band of Miwok Indians; the Wilton Rancheria; and the Torres Martinez Desert Cahuilla Indians.
- 1/10/2019 The Yocha Dehe Wintun Nation requested initiation of formal consultation with the County, along with copies of various project materials related to cultural resources (see Appendix G).
- 1/23/2019 The County acknowledged Yocha Dehe Wintun Nation and sent the Cultural Resources Report for the proposed project. The County requested a meeting.
- 1/28/2019 The Yocha Dehe Wintun Nation emailed offers for several meeting dates.
- 2/11/2019 A consultation/coordination meeting was held at tribal offices (meeting minutes included in Appendix G).
- 2/11/2019 The Cultural Resources Report was resent to the tribe. The County also sent a copy of the Biological Resources Report sent to the tribe.
- 3/11/2019 The County sent minutes of the meeting to the tribe and agreed to set up a site visit.
- 4/1/2019 The County provided an email confirming the field meeting.
- 5/6/2019 Representatives from the County and the applicant conducted a tour of the project site, attended by Isaac Bojorquez and other representatives of the Yocha Dehe Wintun Nation.
- 5/21/2019 The County received a letter from the tribe recommending monitoring during “development and ground disturbance”.

Based on the above, the County has provided written notification of the proposed project to all applicable local tribes and has provided an opportunity for the tribes to comment on methods for protection of unknown tribal cultural resources potentially occurring within the project area. Additional opportunity for comment and collaboration will include through tribal review of this EIR. Thus, the County has fully satisfied AB 52 and SB 18 tribal consultation requirements for the proposed project.

Information from the Cultural Resources Assessment and the County’s tribal consultation efforts was used to determine the potential for cultural resources to occur on the project site. The physical improvements associated with the proposed project were evaluated in the context of the applicable regulations listed under Section 4.5.4 above and the significance criteria provided in Appendix G of the CEQA Guidelines. Where potential impacts are identified, this EIR includes mitigation measures to reduce the severity of the identified impacts to the maximum extent feasible.

### **Project-Specific Impacts and Mitigation Measures**

The following discussion of impacts related to cultural and tribal cultural resources is based on implementation of the proposed project in comparison to existing conditions and the standards of significance presented above.



**4.5-1 Cause a substantial adverse change in the significance of an historical resource as defined in Section 15064.5. The impact would be *significant*.**

The key proposed elements of this project are as follows: 1) relocation of a segment of Moore Canal to the northerly portion of the site and modification of Magnolia Canal to align with the relocated Moore Canal; 2) transfer of tonnage from the Teichert Esparto and Teichert Schwarzgruber operation to the Teichert Shifler operation; 3) continued operation and expansion of the Teichert Woodland Plant facilities (including new equipment and increased processing capacity); 4) excavation at the Shifler site; 5) reclamation of the Shifler site; 6) delayed reclamation at Woodland Plant site; 7) dedication of various reclaimed properties to the County; and 8) completion of an in-channel gravel bar removal project. The replacement of the existing equipment at the Woodland Plant with equipment from the Esparto Plant would not involve disturbance of areas that have not already been subject to prior disturbance associated with ongoing processing activities at the Woodland Plant.

The segment of the Moore Canal within the project site would be relocated to follow the western and northern boundary of the site. In addition, an approximately 1,200-foot-long segment of Magnolia Canal would be removed. The applicant proposes to relocate these facilities a minimum of 200-feet from the existing top bank of Cache Creek. The relocated Moore Canal would be concrete-lined and have an access road on each side for periodic maintenance by the YCFCWCD. Two over-crossings of the relocated Moore Canal would be constructed to facilitate the transport of aggregate by conveyor to the Woodland Plant site and to allow mining equipment to access the project site from the Woodland Plant site (see Figure 3-6). Such over-crossings would remain after completion of mining and reclamation to allow vehicular access across the relocated Moore Canal.

The northeast portion of the project site contains remnants of the former Stevens Ranch headquarters; however, structures do not exist at the location and the area is currently overgrown by low-lying brush. All that remains of the former structures is a building pad, a partially buried steel pipe of unknown use, and various refuse piles. Given that the integrity of the former Stevens Ranch headquarters has been substantially degraded, the headquarters is not eligible for consideration as a historic resource per the CRHR criteria.

Per the Cultural Resource Assessment, the Magnolia Canal is not considered significant under subsections 15064.5(A) and (B) of the CEQA Guidelines because it is not currently associated with important people and events. In addition, the lack of continuous use and major alterations, as well as the re-naming and the alteration of water source, also make the Magnolia Canal ineligible under subsections (C) and (D) of CEQA Guidelines Section 15064.5. Therefore, the Magnolia Canal is not eligible for consideration as a significant historical resource under the CRHR, and removal of a segment of the canal as part of the proposed project would not result in any significant impacts.

The Moore Canal has been described as being the oldest ditch in Yolo County, and is considered to be a significant historical resource eligible for inclusion in the NRHP. In



addition to being the oldest canal, the Moore Canal is relevant in the history of water rights policy in the California.

Per the Cultural Resource Assessment, the Moore Canal appears to be significant and eligible for the CRHR under CRHR Criterion 1, for its associations with important events. The Moore Canal is also significant and eligible under CRHR Criterion 3, as the earliest canal in Yolo County. As the original canal allowed the seasonal irrigation of many acres of otherwise dry lands useful only for grazing or grain crops, the changes in land use changed the patterns of development of the region. The section of the Moore Canal in the project site retains integrity of location (in part), setting, feeling, and association. However, the materials have been changed with the lining of the ditch at some point in the past. Based on the above, the Moore Canal is considered to be eligible for inclusion in the CRHR and the NRHP.

The proposed relocation of the Moore Canal would have the potential to materially alter in an adverse manner those physical characteristics of the canal that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the CRHR. Specifically, the existing portion of the alignment to be relocated would require demolition. Therefore, the proposed project could cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5, and a **significant** impact could occur.

The proposed project would not alter or otherwise adversely affect the existing stand of oak trees located to the northwest of the project site near Cache Creek. In addition, the project would not adversely affect the significance of the historic resources associated with Monument Hill Memorial Park cemetery to the south of the project site. Both areas are located outside of the proposed areas of disturbance, and are located within the vicinity of existing development and infrastructure. In the case of the stand of oak trees, County Road 94 B is located to the west and the area to the south (within the project site) has been subject to disturbance associated with agricultural uses. In the case of the Monument Hill Memorial Park cemetery, County Road 22 and existing residential development are located to the south, and various agricultural uses have occurred to the north, east and west. Thus, the proposed project would not result in a substantial adverse effect to the context of the two resources relative to changes that have already occurred in the area.

#### Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the severity of the above impact to the maximum extent feasible. However, given that the proposed relocation of the Moore Canal would still be required, the impact would remain *significant and unavoidable*.

- 4.5-1            *Prior to initiation of construction activities associated with relocation of Moore Canal within the project site, the project applicant shall retain a qualified archaeologist to provide for documentation of the Canal. A series of high-resolution photographs shall be taken of the resource, including any features and general overviews of canal segments planned for removal, to document the current appearance, with*



*associated GPS readings. In addition, GPS readings shall be taken of the linear extent of Moore Canal.*

*Cross-sectional profiles shall be recorded at various points along the segments, depending on variations of the width and depth of the feature. The project applicant shall ensure that copies of the photographs of the canal section are filed with the Northwest Information Center, the Yolo County Archives, the Yolo County Flood Control and Water Conservation District, and the Yolo County Department of Community Services.*

**4.5-2 Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5 or disturb any human remains, including those interred outside of dedicated cemeteries. The impact would be less than significant.**

Evidence of prehistoric cultural resources, including archaeological resources, has not been identified within the project site by prior cultural resource studies and was not noted during the field survey of the project site conducted by Peak & Associates, Inc. In addition to the on-site ground-disturbing activities associated with the proposed project, the project would require installation of a new water pipe, to be located partially off-site alongside the existing conveyor belt alignment. However, installation of the pipe would not require trenching in areas that have not already been subject to substantial prior disturbance associated with the conveyor belt. Similarly, the addition of new equipment at the Woodland Plant would occur entirely within the footprint of the existing Plant and would not require substantial ground disturbance. As such, ground-disturbing activities associated with the proposed mining and reclamation activities would not be likely to disturb any unique archaeological resources or human remains.

With regard to lands proposed for dedication, the future recreation, trails, and public open space uses and activities would occur on reclaimed lands subsequent to mining and reclamation. Dedication of the Shifler In-Channel property would involve change of ownership but no other specific land use changes or improvements beyond the improvements identified under Mitigation Measure 4.8-4(a through c) which would be subject to the requirements of the OCSMO and Mitigation Measure 4.5-3(a and b). Recreational, parkway, and open space use would rely primarily on existing trails and roads on the Shifler In-Channel property.

Nonetheless, the possibility exists that previous activities have obscured prehistoric or historic period artifacts or habitation areas, eliminating surface evidence that would permit discovery of such resources. In the event that an inadvertent discovery of prehistoric resources or human skeletal remains during excavation activities, the project applicant would be required to implement the provisions of OCSMO Section 10-4.410. The provisions require immediate cessation of all work within 75 feet of the discovery, notification of the Yolo County Coroner (if human remains are encountered), contact with the appropriate Native American community, and recording



of found resources by a qualified archaeologist. With required adherence to the OCSMO requirements, the proposed project would not cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5 or disturb human remains, including those interred outside of dedicated cemeteries, and a **less-than-significant** impact would result.

Mitigation Measure(s)

*None required.*

**4.5-3 Directly or indirectly disturb or destroy a unique tribal cultural resource, such as a site, feature, place, cultural landscape, sacred place or object with cultural value to a California Native American tribe. The impact would be significant.**

Based on a search of the NAHC Sacred Lands File there are no recorded Native American sacred lands or traditional cultural properties within the project site vicinity. However, the Yocha Dehe Wintun Nation expressed concern that the project could impact Tribal Cultural Resources. The potential exists for previously undiscovered Tribal Cultural Resources associated with local tribes to occur in the vicinity of the project site, particularly within the upper layers of overburden material within the project site. The Yocha Dehe Wintun Nation has requested that a tribal monitor be present on-site during initial ground disturbance associated with the proposed project.

Because, ground-disturbing activities associated with the proposed project could unearth an unknown Tribal Cultural Resource as defined in PRC Section 21074, a **significant** impact could occur.

Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above impact to a *less-than-significant* level.

- 4.5-3(a) *Prior to initiation of ground-disturbing activities associated with removal of overburden material on the project site, within 500 feet of the Cache Creek bank (i.e., streamway influence zone), local Native American tribes or groups that have responded to the request for information regarding sacred lands or other heritage sites that might be impacted by the proposed project shall be apprised by the applicant of the proposed mining schedule and be afforded the opportunity to provide a tribal monitor at their discretion. Written proof of notification shall be submitted to the Yolo County Department of Community Services. The opportunity to monitor shall be provided during all ground-disturbing activities occurring within 500 feet of the Cache Creek bank, down to a depth of 10 feet below the existing ground surface. The monitor shall meet all applicable Occupational Safety and Health Administration (OSHA) requirements and abide by the operator schedule. The operator shall be responsible for reimbursing the costs of one (1) tribal monitor.*



4.5-3(b) *Prior to initiation of ground-disturbing activities, a consultant and construction worker cultural resources awareness brochure and training program for all personnel involved in project implementation shall be developed in coordination with interested Native American tribes. The brochure shall be distributed and the training shall be conducted in coordination with qualified cultural resources specialists and Native American Representative and monitors from culturally affiliated Native American Tribes. The program shall include relevant information regarding sensitive tribal cultural laws and regulations. The worker cultural resources awareness program shall describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and shall outline what to do and whom to contact if any potential archeological resources or artifacts are encountered. The program shall also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native American and for behavior consistent with Native American Tribal values. A copy of the cultural resources awareness brochure and written verification of completion of the training program shall be submitted to the Yolo County Department of Community Services.*

**4.5-4 The project has the potential to eliminate important examples of the major periods of California history or prehistory. This impact would be *significant*.**

As discussed in Impacts 4.5-1 through 4.5-3 above, the proposed project would include relocation of the Moore Canal within the project site, which is considered to be eligible for inclusion in the CRHR and the NRHP as an historic resource. In addition, ground-disturbing activities associated with the proposed project could disturb previously unknown archaeological resources and tribal cultural resources potentially occurring within the project site. Therefore, the proposed project may be considered to have the potential to eliminate important examples of the major periods of California history or prehistory, and a **significant** impact could occur.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the severity of the above impact to the maximum extent feasible. However, given that the proposed relocation of the Moore Canal would still be required, the impact would remain *significant and unavoidable*.

4.5-4 *Implement Mitigation Measures 4.5-1, 4.5-3(a), and 4.5-3(b).*



**4.5-5 Cause a significant environmental impact due to a conflict with applicable plans, policies, or regulations adopted for the purpose of avoiding or mitigating impacts to cultural and tribal cultural resources. The impact would be *less than significant*.**

Table 4.5-1 below provides an analysis of the proposed project’s consistency with applicable policies and regulations that have been adopted for the purpose of avoiding or mitigating environmental effects related to cultural resources. It should be noted that consistency with other standards in SMARA, the County Zoning Ordinance, and the SMRO that are specific to land use and planning issues are discussed in Chapter 4.9, Land Use and Planning, of this EIR. As shown in the table, the proposed project would be generally consistent with applicable standards related to cultural resources. Thus, a ***less-than-significant impact*** would occur.

Mitigation Measure(s)  
*None required.*

<b>Table 4.5-1 Consistency with Applicable Standards</b>	
<b>Policy/Regulation</b>	<b>Consistency Discussion</b>
<b>Yolo County General Plan</b>	
<b>Policy CO-4.1</b> Identify and safeguard important cultural resources.	A Cultural Resource Assessment has prepared for the proposed project to identify existing on-site cultural resources. The investigation included a search of appropriate cultural resource databases and pedestrian surveys of the project site. As noted above, this EIR requires implementation of Mitigation Measures 4.5-1, 4.5-3(a), and 4.5-3(b) to reduce potential impacts to cultural resources to the maximum extent feasible. Therefore, the project would be consistent with this policy.
<b>Policy CO-4.3</b> Encourage owners of historic resources to preserve and rehabilitate their properties.	Mitigation Measure 4.5-1 in this EIR would ensure proper documentation of Moore Canal within the project site prior to relocation. Therefore, the project would be consistent with this policy.
<b>Policy CO-4.4</b> 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.	As discussed under Impact 4.5-1, the proposed project proposes relocation of Moore Canal within the project site. However, the canal would continue to be operational after relocation. Therefore, the project would be consistent with this policy.
<b>Policy CO-4.11</b> Honor and respect local tribal heritage.	See discussed under Impact 4.5-3. The County has worked with local tribes to identify potential Tribal Cultural Resources within the project area. Therefore, the project would be consistent with this policy.

(Continued on next page)





<b>Table 4.5-1 Consistency with Applicable Standards</b>	
<b>Policy/Regulation</b>	<b>Consistency Discussion</b>
<p><b>Policy CO-4.12</b> Work with culturally affiliated tribes to identify and appropriately address cultural resources and tribal sacred sites through the development review process.</p>	See discussion above of compliance with Policy CO-4.11.
<p><b>Policy CO-4.13</b> Avoid or mitigate to the maximum extent feasible the impacts of development on Native American archaeological and cultural resources.</p>	The site-specific Cultural Resource Assessment and the impact analysis presented in this EIR have been performed to ensure that significant impacts on cultural resources are avoided or appropriately mitigated. Therefore, the project would be consistent with this policy.
<b>Off-Channel Mining Plan</b>	
<p><b>Objective 2.3-7</b> Avoid damage to important cultural resources, in order to document and/or preserve the historic and prehistoric record.</p>	See discussion above of compliance with Policy CO-4.1.
<p><b>Action CO-A63</b> 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:</p> <ul style="list-style-type: none"> <li>• Having a qualified archaeologist or paleontologist present during initial grading or trenching;</li> <li>• Redesign of the project to avoid historic or paleontological resources;</li> <li>• Capping the site with a layer of fill; and/or</li> <li>• Excavation and removal of the historical or paleontological resources and curation in an appropriate facility under the direction of a qualified professional. (Policy CO-4.1, Policy CO-4.13)</li> </ul>	See discussion above of compliance with Policy CO-4.13.
<p><b>Action CO-A64</b> Require that discretionary projects which involve earth disturbing activities on previously undisturbed soils in an area determined to be archaeologically sensitive perform the following:</p> <ul style="list-style-type: none"> <li>• Enter into a cultural resources treatment agreement with the culturally affiliated tribe.</li> <li>• 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</li> </ul>	The project site has been subject to extensive ground disturbance, including tilling, associated with ongoing agricultural uses. Thus, the project would not involve earth disturbing activities on previously undisturbed soils. The proposed project would be consistent with this action.

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<b>Table 4.5-1 Consistency with Applicable Standards</b>	
<b>Policy/Regulation</b>	<b>Consistency Discussion</b>
<p>evaluate the significance of any archaeological resources discovered on the property.</p> <ul style="list-style-type: none"> <li>• Consult with the culturally-affiliated tribe to determine the extent of impacts to archaeological resources and to create appropriate mitigation to address any impacts.</li> <li>• 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.</li> <li>• Implement the archaeologist's recommendations, subject to County approval.</li> <li>• 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)</li> </ul>	
<p><b>Action CO-A65</b> 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)</p>	<p>Mitigation Measures 4.5-3(a), and 4.5-3(b) would ensure that proper procedures are followed in the event that previously unknown cultural resources are encountered ground-disturbing activities. Therefore, the proposed project would be consistent with this action.</p>
<p><b>Action CO-A66</b> 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,</p>	<p>See discussion above of compliance with Action CO-A65.</p>

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<b>Table 4.5-1 Consistency with Applicable Standards</b>	
<b>Policy/Regulation</b>	<b>Consistency Discussion</b>
and refuse deposits often in old wells and privies. (Policy CO-4.1, Policy CO-4.11)	
<p><b>Action CO-A69</b> 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)</p>	See discussion above of compliance with Policy CO-4.1.
<p><b>Action CO-A70</b> 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)</p>	See discussion of tribal consultation efforts presented under the Method of Analysis section of this chapter. Additional opportunity for comment and collaboration will be included through tribal review of this EIR. Therefore, the project would be consistent with this action.
<b>Land Development and Zoning (Yolo County Code of Ordinances, Title 8)</b>	
<p><b>Section 8-11.101</b> 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 for the following reasons:</p> <p>(a) To safeguard the County's heritage as embodied and reflected in such resources;</p> <p>(b) To encourage public knowledge, understanding, and appreciation of the County's past;</p> <p>(c) To promote their use for the education and welfare of other residents of the County;</p>	The project site does not contain any officially designated historic landmarks that would be subject to the standards included in Chapter 11, Historic Landmarks, of the Yolo County Code of Ordinances. Therefore, the proposed project would be consistent with this regulation.

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<b>Table 4.5-1 Consistency with Applicable Standards</b>	
<b>Policy/Regulation</b>	<b>Consistency Discussion</b>
<p>(d) To strengthen the economy of the County by protecting and enhancing the County's attraction to tourists, visitors and residents;</p> <p>(e) To stabilize and improve property values in historic areas of structures and objects for the ultimate aesthetic and economic benefit of the County;</p> <p>(f) To provide increased availability to building owners of construction code, financing aids and tax benefits permitted under State and Federal laws when buildings have been designated a historic landmark status or lie within a designated historic district; and</p> <p>(g) To enhance the visual character of the County by encouraging new design and construction that complement the County's historic buildings.</p>	
<b>Off-Channel Surface Mining Ordinance</b>	
<p><b>Section 10-4.410</b></p> <p>(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.</p> <p>(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</p>	<p>See discussion of Impact 4.5-2. In the event of the inadvertent discovery of prehistoric, historic, paleontological resources or human remains, the project would implement the provisions of OCSMO Section 10-4.410. Therefore, the project would be consistent with this regulation.</p>

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<b>Table 4.5-1 Consistency with Applicable Standards</b>	
<b>Policy/Regulation</b>	<b>Consistency Discussion</b>
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.	
<p><b>Section 10-4.502(b)(6)</b></p> <p>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;</p>	<p>The Cultural Resource Assessment prepared for the proposed project (see Appendix G) included a survey of the proposed mining area. Thus, the proposed project is consistent with this regulation.</p>
<b>Surface Mining Reclamation Ordination</b>	
<i>None applicable.</i>	

