

## 4.4 CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES

### 4.4.1 INTRODUCTION

This Cultural Resources and Tribal Cultural Resources section of the Draft SEIR evaluates the cultural resources known to occur or potentially occur within the proposed project site and area and assesses the effects of the proposed project on the cultural and Tribal Cultural Resources of the County. Please note that per the 2018 CEQA Guidelines revisions, the review of paleontological resources, previously in the 1996 EIR cultural resources section, is included in Section 4.5, Geology, Mineral Resources and Paleontology in this Draft SEIR. Information for this section has been drawn primarily from the Yolo County General Plan<sup>1</sup> and associated EIR,<sup>2</sup> the Cache Creek Area Plan (CCAP) Update FEIR,<sup>3</sup> the 1996 EIR,<sup>4</sup> and the following project-specific reports and documentation:

- ECORP Consulting, Inc., Confidential Cultural Resources Records Search and Literature Review for the CEMEX Mining and Reclamation Plan Permit Amendment Supplemental Environmental Impact Report, Yolo County, California, July 16, 2021
- Tribal consultation record, pursuant to Assembly Bill (AB) 52

Government agencies and the public were provided an opportunity to comment on the proposed project in response to the Notice of Preparation (NOP) that provided a preliminary summary of proposed project. The following comments were submitted by the Native American Heritage Commission (NAHC) in a letter dated March 1, 2021, and the Yocha Dehe Wintun Nation Tribe in a letter dated March 10, 2021. Responses are provided in *italics*. NOP comment letters are included in Appendix B of this Draft SEIR.

- Consultation with CA Native American tribes.

*Subsection 4.4.3, below, describes compliance with AB 52 and identifies the results of consultation.*

- Impacts to known and unknown cultural and Tribal Cultural Resources.

*Table 4.4-1 in subsection 4.4.2 below describes potential impacts to known and unknown cultural and Tribal Cultural Resources.*

The following subsections describe the existing cultural and Tribal Cultural Resources setting of the County and specifically in the lower Cache Creek area, the applicable regulatory framework, standards of significance used to determine potential environmental effects that may result from implementation of the project, potentially significant impacts associated with relevant substantial

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<sup>1</sup> Yolo County. 2030 Countywide General Plan. November 10, 2009.

<sup>2</sup> Yolo County. Yolo County 2030 Countywide General Plan Environmental Impact Report. SCH #2008102034. April 2009.

<sup>3</sup> Yolo County. Cache Creek Area Plan Update Project, Final Environmental Impact Report. SCH #2017052069. December 2019.

<sup>4</sup> Yolo County, 1996, Final Environmental Impact Report for Solano Long-term Off-Channel Mining Permit Application SCH #96012034, (combined DEIR and Responses to Comments documents).

changes in the project and/or the circumstances under which the project will be undertaken, new information as defined by CEQA Guidelines Section 15162, and new or different feasible mitigation measures to reduce those impacts to a less-than-significant level, if applicable.

#### **4.4.2 EXISTING ENVIRONMENTAL SETTING**

The following setting information provides a brief summary of the conditions described in more detail in the above-referenced documents and includes updated information that has become available since those reports were completed.

##### **General Information on Cultural Resources**

Cultural resources include prehistoric archaeological sites, historic archaeological sites, and historic structures, and generally consist of artifacts, food waste, structures, and facilities made by people in the past. Prehistoric (pre-contact) archaeological sites are places that contain the material remains of activities carried out by the native population of the area (Native Americans) prior to the arrival of Europeans in southern California. Artifacts found in prehistoric sites include flaked stone tools such as projectile points, knives, scrapers, drills, and the resulting waste flakes from tool production; ground stone tools such as manos, metates, mortars, pestles for grinding seeds and nuts; bone tools such as awls ceramic vessels or fragments; and shell or stone beads. Prehistoric features include hearths or rock rings bedrock mortars and milling slicks, rock shelters, rock art, and burials.

Places that contain the material remains of activities carried out by people during the period when written records were produced after the arrival of Europeans are considered historic archaeological sites. Historic archaeological material usually consists of domestic refuse, for instance bottles, cans, ceramics, and food waste, disposed of either as roadside dumps or near structure foundations. Archaeological investigations of historic-period sites are usually supplemented by historical research using written records.

Historic structures include houses, garages, barns, commercial structures, industrial facilities, community buildings, flood control facilities, bridges, and other structures and facilities that are more than 50 years old. Historic structures may also have associated archaeological deposits, such as abandoned wells, cellars, and privies, refuse deposits, and foundations of former outbuildings.

Tribal Cultural Resources are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe, which meet specific definitions in state law (PRC Section 21047[a]). While these may share the same forms and characteristics of cultural resources, these resources have special meaning to Native American tribes. They may also take other forms that do not satisfy the definition of cultural resources or archaeological sites. These can include traditional plant gathering areas, locations used for ritual or spiritual practice, lines of sight, or other areas of sacred space.

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

Regarding cultural resources, the regional environment has not changed significantly since the 1996 EIR. As noted in that document, Cache Creek is located within the territory once inhabited

by Patwin people. The Patwin were nonagricultural people living on high ground next to watercourses in the lower valleys, in an area with abundant game and other food sources. Their subsistence was based on hunting, fishing, and gathering of acorns, berries, and plants (e.g., tule roots, bulbs, buckeyes). Villages were often located along rivers and drainages forming a tribelet. The tribelet consisted of one primary village linked to several satellite villages, through shared territory. The Patwin population declined dramatically in the first years of contact with Europeans.

The European presence in the area intensified under Mexican control with the establishment of the mission system and the grant of large parcels of land to Mexicans and Americans during the 1840s. During the 1850s, agriculture started in the area, and the valley of Cache Creek became a center of farming and stock raising. Early agriculture in the area focused primarily on stock raising, due to the high prices paid for meat during the Gold Rush years, but also included grain cultivation. The Cache Creek Valley was one of the first areas in the state to develop irrigated agriculture. 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.

### **Description of Local Environment**

Similar to the regional environment, there have been no significant changes to the local cultural resources setting. The 1996 EIR described a 1978 survey for cultural resources conducted by Archaeological Consulting and Research Services, Inc. (ACRS) for the areas along the southern bank of Cache Creek. The areas surveyed encompassed roughly the northern half of the CEMEX project site. During this survey, the ACRS team discovered and recorded an archaeological site (CA-YOL-69) consisting of an oval-shaped area of approximately 300 meters north-south by 150 meters east-west. During the surface survey of this site, ACRS staff found chert and obsidian cores, as well as ground stone fragments, burned bone, shell fragments, firecracked rocks, obsidian flakes and scrapers, clam disk beads, animal bone, pestles, and a Haliotis pendant all associated with CA-YOL-69. Subsequently, other, more recent surveys or studies were conducted in 1993, 1996, 2002, and 2004 by Holman and Associates, and in 2013 by Janine Origer and Eileen Barrow. Collectively, these studies include all of the areas subject to this Draft SEIR. The only recorded site, CA-YOL-69, was subjected to data recovery and total removal through implementation of Mitigation Measure 4.11-2a (Condition of Approval No. 74) of the 1996 EIR, and the contents of the site and the spoils were reburied immediately.

### **4.4.3 REGULATORY CONTEXT**

Since the 1996 EIR was certified, many of the applicable laws and regulations have continued to evolve. The following is a description of the current 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**

As noted in the 1996 EIR and CCAP Update EIR, on the Federal level, Section 106 of the National Historic Preservation Act of 1966 (NHPA, 16 U.S.C.) and the National Environmental Policy Act of 1969 (NEPA, 42 U.S.C.) regulate the treatment of cultural resources.

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## **State Regulations**

The following are new or revised State environmental laws and policies relevant to cultural and Tribal Cultural Resources.

### **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 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.

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.

### **California Assembly Bill 52**

Effective July 1, 2015, Assembly Bill (AB) 52 amended CEQA to require that: 1) a lead agency provide notice to those California Native American tribes that requested notice of projects proposed by the lead agency; and 2) for any tribe that responded to the notice within 30 days of receipt with a request for consultation, the lead agency must consult with the tribe. Topics that may be addressed during consultation include TCRs, the potential significance of project impacts, type of environmental document that should be prepared, and possible mitigation measures and project alternatives.

Pursuant to AB 52, PRC Section 21073 defines California Native American tribes as “a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of the Statutes of 2004.” This includes both federally and non-federally recognized tribes.

Section 21074(a) of the PRC defines TCRs for the purpose of CEQA as:

- 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.

Because criteria (a) and (b) also meet the definition of an Historical Resource under CEQA, a TCR may also require additional consideration as an Historical Resource. TCRs may or may not exhibit archaeological, cultural, or physical indicators.

Recognizing that California tribes are experts in their Tribal Cultural Resources and heritage, AB 52 requires that CEQA lead agencies provide tribes that requested notification an opportunity to consult at the commencement of the CEQA process to identify TCRs. Furthermore, because a

significant effect on a TCR is considered a significant impact on the environment under CEQA, consultation is used to develop appropriate avoidance, impact minimization, and mitigation measures.

Therefore, on March 6, 2018, at the time of receipt of a permit amendment application, the County notified the following tribes of the opportunity to consult under AB 52:

- James Kinter – Yocha Dehe Wintun Nation
- Charlie Wright – Cortina Rancheria Band of Wintun Indians of California
- Randy Yonemura – Lone Band of Miwok Indians
- Antonio Ruiz Jr. – Wilton Rancheria
- Michael Mirelez – Torres Martinez Desert Cahuilla Indians
- Gene Whitehouse – United Auburn Indian Community

Pursuant to PRC Section 21080.3.1(d), tribes were afforded 30 days to respond to request consultation. On March 20, 2018, the County received a response from Marilyn Delgado of the Yocha Dehe Wintun Nation (YDWN) requesting consultation, additional project information, and documentation for the project. Ms. Delgado also requested that the tribe be notified in the event of any unanticipated discoveries.

On February 26, 2021, the County issued a public Notice of Preparation and Notice of Scoping Meeting for the Draft EIR. The NOP included additional project details and a map of the proposed amendments. In a letter to the County dated March 10, 2021, the tribe responded to state that the project is located within its aboriginal territories, and that the project could impact known cultural resources. The tribe recommended monitors during ground disturbance, in addition to cultural sensitivity training for all project personnel, and requested detailed project information, including plans for ground disturbance.

Subsequently, the County consulted with Laverne Bill of the YDWN on March 30, 2021. During that meeting, the tribe indicated that its March 10, 2021, response was sent in error, and that the response was intended for a separate bank stabilization project in the immediate vicinity. Mr. Bill informed the County (Personal Communication, JD Trebec, March 31, 2021) that the YDWN would like to ensure that contractors and workers are provided cultural resource sensitivity training, and be made aware of required procedures for informing the tribe of any artifacts and/or burial remains that may be encountered during ground-disturbing activities. During that meeting, the County and YDWN agreed on these measures and that consultation under AB 52 was considered complete. The YDWN did not identify for the County any known Tribal Cultural Resources that would be affected by the proposed project. Therefore, pursuant to Section 21080.3.2(b)(1) and 21082.3(d)(1), the County concluded consultation on July 14, 2021, under AB 52 for the project.

### **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 Section 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 (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. In 2020, Assembly Bill 275 amended this law to expand the procedures and expedite repatriation.

### **Local Regulations**

The following are any new or additional regulatory agencies and regulations pertinent to the proposed project on a local level not identified in the 1996 EIR.

### **2030 Countywide General Plan**

The 2030 Countywide General Plan contains the following goals, policies, and actions related to cultural and Tribal 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 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.

Action CO-A60: Review and monitor demolition permits, grading permits, building permits, and other approval procedures to reinforce preservation goals.

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.

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.

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.

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.

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.

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.

### **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.

#### 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...

### **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.

### **Off-Channel Surface Mining Ordinance**

Title 10, Chapter 4 of the Yolo County Code contains the Off-Channel Surface Mining Ordinance (Mining Ordinance), which provides the following requirements relevant to 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, paleontological resources, and unique geologic features. 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 (either an archaeologist or geologist, depending on the resource type) prior to the commencement of mining operations. If a cultural resource or unique geologic resources are 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, paleontological, or unique geologic 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. The find must be recorded by a qualified archaeologist or paleontologist using relevant professional protocols and a report fully recording the find submitted to the County. This report shall include recommendations for appropriate removal and preservation of the artifact. The County encourages the donation of the find to the County for public display at the Cache Creek Nature Preserve or other appropriate venue.

Section 10-4.502 Applications: Contents. [excerpt]

- (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.

#### **4.4.4 IMPACTS AND MITIGATION MEASURES**

The following section describes the standards of significance and methods used to analyze and determine the changes in 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, other requirements in CEQA, and applicable policies and regulations of Yolo County. An impact to cultural and/or Tribal Cultural Resources is considered significant if the proposed project would:

- a) Cause a substantial adverse change in the significance of an historical resource pursuant to CEQA Guidelines, Section 15064.5.
- b) Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to CEQA Guidelines, Section 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 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.
- e) The project has the potential to eliminate important examples of the major periods of California history or prehistory (CEQA Guidelines, Section 15065(a)(1)).
- f) 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 standards of significance presented in the 1996 EIR are listed below. For each standard, there is an explanation (*in italics*) describing how the standard from the 1996 EIR is addressed by the updated standards listed above. The 1996 EIR considered that the project would have a significant effect on cultural and Tribal Cultural Resources if it would:

- Disturb paleontological resources.

*Impacts associated with the loss of paleontological resources are addressed and evaluated under criterion “f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature” in Section 4.5, Geology and Soils, Mineral and Paleontological Resources of this Draft SEIR.*

- Disturb archaeological resources.

*Impacts to archaeological resources are addressed by criteria “a,” “b” and “e” above.*

- Disturb historical resources.

*Impacts to historical resources are addressed by criteria “a” and “e” above.*

- Disturb cultural resources that are either listed or eligible to be listed on the National Register of Historic Places (NRHP); registered or eligible to be registered as a State Historical Landmark; or included in a local inventory of historic properties.

*Impacts to listed or potentially eligible cultural resources are addressed by criteria “a” and “e” above.*

- Have the potential to cause a physical change which would affect unique ethnic cultural

values.

*Impacts to unique ethnic cultural values is addressed by criterion “d” above.*

- Restrict existing religious or sacred uses within the project area.

*Impacts associated with restricting access to religious or sacred sites is addressed by criterion “d” above.*

### **Impacts Identified in the 1996 EIR**

The impacts and mitigation measures adopted in the certified 1996 EIR are summarized in Table 4.4-1. The table provides a discussion of the status of each mitigation measure.

**Table 4.4-1: 1996 EIR Impact Statements, Mitigation Measures and, Discussion**

Impact No.	Impact Statement from 1996 EIR	Mitigation Measures/Discussion
4.11-1	<p>Proposed mining activities could disturb paleontological resources. This is considered to be a significant impact.</p> <p><u>Note: paleontology issues are addressed separately in Section 4.5 of this Draft SEIR</u></p>	<p>Mitigation Measure 4.11-1a/Condition of Approval No. 72<sup>a</sup> requires:</p> <p>“Implement the performance standard included in Section 10-4.410 (Cultural Resources) of the County Mining Ordinance.”</p> <p>This mitigation measure will continue to be implemented and will apply if unknown cultural resources are found.</p> <p>Mitigation Measure 4.11-1b/Condition of Approval No. 73<sup>a</sup> requires:</p> <p>“The operator shall implement a training program that alerts project employees involved with earthmoving as to the nature of paleontological and archaeological resources in the region, the laws that protect the resources, and responsibilities for reporting potential findings to appropriate authorities. This program shall be developed by a qualified cultural resource professional.”</p> <p>CEMEX has reported that a training video was prepared by a qualified cultural resource professional and is shown to all employees on a regular basis. See Mitigation Measure 4.4-1 which would replace this measure.</p>
4.11-2	<p>Proposed mining activities would disturb archaeological resources. This is considered to be a significant and unavoidable impact.</p>	<p>Mitigation Measure 4.11-2a/Condition of Approval No. 74<sup>a</sup> requires:</p> <p>“No mining within the Snyder West parcel (Phases IV and VI) shall be conducted until an accurate mapping of YOL-69 is completed, and the site is evaluated by an archaeologist to</p>

		<p>determine its significance and uniqueness. The following tasks shall be performed:</p> <ol style="list-style-type: none"><li>a. Contract a surveyor to accurately map the cultural resource site on a topographic map, based on information, preliminary map, and recommendations contained in the YOL-69 mechanical subsurface testing report (Holman &amp; Associates, 1996). Upon completion of mechanical testing, the borders of the deposits shall be staked by the archaeologist.</li><li>b. Mapping of the resource shall be completed prior to commencement of mining in mining areas that include the resources.</li><li>c. Register the information obtained, including a map of the YOL-69 site, on State of California Archaeological Site Survey forms for filing at the State Historical Preservation Regional Office located at Sonoma State University. Prepare a professional report with all cultural resources information obtained and submit it for approval to the Northwest Information Center. A copy shall also be sent to the Community Development Director.</li><li>d. Before mining begins on YOL-69, an archaeologist shall be contracted to evaluate the YOL-69 site and determine its significance and uniqueness as defined in Appendix K of CEQA. A program of in-field evaluation testing shall be undertaken inside the newly recorded borders of YOL-69 to determine its significance. The evaluation of this site shall be extensive enough to guide the development of a mitigation program if the site is found to be significant. If the site is not found to be significant or unique, no archaeological mitigation program, such as in-field data retrieval through hand excavation and recording of findings, will be required. However, an archaeologist must be present during the excavation of this site to monitor for indicators of human skeletal remains.</li><li>e. If it is determined that the site contains significant cultural resources, an appropriate mitigation program shall be developed, before mining begins on Yol-69, based on the information obtained during the site evaluation. This mitigation program shall include an extensive in-field data retrieval through hand excavation. This program of data retrieval must be conducted by an archaeologist and could include but not be limited to professional in-field excavation of a percent of the area to be destroyed by the</li></ol>
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		<p>project to record the artifacts encountered and other data that might contribute to the scientific understanding of the culture and the way of life of the prehistoric people who lived in the region. In addition, an archaeologist must be present during the mining of the portion of the site that was not hand excavated to monitor for any indication of human skeletal remains.”</p> <p>Resources and finds associated with the CA-YOL-69 site were repatriated to the Cortina Indian Rancheria in 2004 or permanently relocated to a protected confidential location away from the mining area. A legal description was filed with the Native American Heritage Commission and California Historical Resources Information System (CHRIS). This condition has been implemented and will continue to apply if unknown cultural resources are found.</p> <p>Mitigation Measure 4.11-2b/Condition of Approval No. 75<sup>a</sup> requires:                  “Implement Mitigation Measure 4.11-1b.”</p> <p>See discussion above regarding implementation.</p> <p>Mitigation Measure 4.11-2c/Condition of Approval No. 76<sup>a</sup> requires:                  “Implement Mitigation Measure 4. 11-1a.”</p> <p>See discussion above regarding implementation.</p>
4.11-3	Proposed mining activities could disturb or destroy historical resources. This is considered to be a less-than-significant impact.	No Mitigation Measures required because no known historic resources were identified that would be adversely affected by the project, and Mitigation Measure 4.11-1a would mitigate potential unknown finds.

Source: Baseline Environmental Consulting, 2021.

Notes:

<sup>a</sup> County of Yolo, 2021. Conditions of Approval Mining Permit and Reclamation Plan No. ZF #95-093 CEMEX Mining and Reclamation Project. 2020 Ten-Year Permit Review as modified through February 11, 2021.

#### 4.4.5 IMPACTS AND MITIGATION MEASURES FOR THE PROPOSED PROJECT

The discussion below examines relevant substantial changes in the project, substantial changes in the circumstances under which the project will be undertaken, and/or new information of substantial importance, as defined by CEQA Guidelines Section 15162. As necessary, this document updates or expands upon impact discussions in the 1996 EIR to evaluate changes associated with the proposed project and describes whether new or revised mitigation is required.

Pursuant to Section 15162 of the CEQA Guidelines, a subsequent EIR is required where proposed changes in the project or changes in the circumstances of the project would require revisions of the previous EIR due to new significant environmental effects or a substantial



increase in the severity of previously identified effects. Additionally, a subsequent EIR is required where there is new information that identifies significant effects not previously discussed, significant effects examined in the prior EIR that will be substantially more severe than previously shown, or mitigation measures or alternatives that are now feasible after previously being found infeasible, or are considerably different from those previously analyzed, that would substantially reduce significant effects but the applicant declines to adopt. Each impact is analyzed to determine whether any of the requirements for a subsequent EIR are met and, if so, additional environmental analysis is provided to evaluate the impacts, mitigation measures, and alternatives, as appropriate.

**Impact 4.4-1: The proposed project could cause a substantial adverse change in the significance of an historical resource pursuant to CEQA Guidelines, Section 15064.5. The impact would be potentially *significant*.**

Although CA-YOL-69 exists within the area subject to consideration under this Draft SEIR, the site has been fully mitigated, removed, and reburied offsite in accordance with Mitigation Measure 4-11.2a of the 1996 EIR. However, there always exists the potential for buried cultural resources within the project area, either as redeposited artifacts associated with CA-YOL-69 or as previously unknown resources. Further, the alluvial river wash and floodplain soil types present in the project area indicate a history of flood events that increase the likelihood for deeply buried archaeological sites. Based on these factors, there exists a potential for buried cultural resources in the project area. If encountered and impacted during construction, the project could cause a substantial adverse change in the significance of currently unknown archaeological resources that may meet the definition of a historical resource, and this could be a significant impact. Continued implementation of County regulations and Mitigation Measure 4.11-1a (Condition of Approval No. 74) would require that all construction personnel be informed about the procedures for stopping work and notifying the County in the event that there is an unanticipated discovery of archaeological materials. In the event that an inadvertent discovery of buried cultural resources occurs during excavation activities, the project applicant would be required to implement the provisions of OCSMO Section 10-4.410 and the conditions of approval. To address the recommendations of the YDWN and modernize the 1996 EIR Mitigation Measure 2.11-1a, new Mitigation Measure 4.4-1 below replaces Condition of Approval No. 74, thus ensuring this would result in a less-than-significant impact.

## **Conclusion**

There are no proposed changes in the project that would result in new significant impacts or substantial increase in the severity of previously identified significant impacts, and therefore no revisions to the analysis in the 1996 EIR are required related to this area of impact.

There are no changes in the circumstances under which the project would be undertaken that would result in new significant impacts or substantial increase in the severity of previously identified significant impacts, and therefore no revisions to the analysis in the 1996 EIR are required related to this area of impact.

As presented above, there is new important information from the Tribal consultation relevant to this area of impact that was not previously known at the time of the 1996 EIR in the form of

considerably different mitigation measures than those analyzed in the previous EIR that would substantially reduce the project's significant effects on cultural and Tribal Cultural Resources, as shown in Mitigation Measure 4.4-1.

Implementation of Mitigation Measures identified below would reduce this impact to a less-than-significant level

#### **Mitigation Measure 4.4-1**

*In addition to compliance with Section 10-4.410 of the Mining Ordinance, the following new requirements shall be implemented for the proposed project to reduce potential impacts associated with a substantial adverse change in the significance of an historical resource to a less-than-significant level. This measure, together with Mitigation Measure 4.5-5, replace Condition of Approval No. 73 and Condition of Approval No. 74.*

- a. *The operator shall modify the Reclamation Plans to add 8-10 inches of additional soil over the protected confidential reburial site, blended with the existing grade on the exterior and mounded in the center. Reclamation plantings shall consist of native grasses, and plants with a shallow root system. The added soil and plantings shall blend in with the surrounding restoration and reclamation.*
- b. *The operator shall fence the protected confidential reburial site for CA-YOL-69 to the specifications set by the County. Stake and wire fencing, or other fencing approved by the County, may be used to protect the site during mining. Sturdier permanent fencing shall be installed during final reclamation, including over a larger area than the reburial site.*
- c. *The operator shall design, develop, and install new signage to discourage access by operator's personnel and approved visitors, subject to County approval. The operator shall be responsible for annual monitoring and regular ongoing maintenance of the signage.*
- d. *The operator shall record a deed restriction or Declaration of Covenants and Restrictions to protect the area, the choice between the two and the content shall be subject to County review and approval.*
- e. *If isolated artifacts are encountered on other parts of the project site they shall be placed within the restricted area.*
- f. *Within six months of approval, the operator shall retain a qualified professional archaeologist, subject to approval by the County, to develop and implement a contractor awareness training program. 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. All employees involved with ground disturbance and other related construction activities shall complete this training annually.*

- g. Actions a, b, c, and e shall be performed by/under the direction of a professional archeologist and tribal monitor.*

**Significance After Mitigation:**

*With implementation of mitigation measures identified above, the impact is considered less-than-significant.*

**Impact 4.4-2: Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to CEQA Guidelines, Section 15064.5. The impact would be potentially *significant*.**

As described in Impact 4.4-1 above, there exists the potential for buried cultural resources within the project area, either as redeposited artifacts associated with CA-YOL-69 or as previously unknown resources. If encountered and impacted during construction, the project could cause a substantial adverse change in the significance of currently unknown archaeological resources that may meet the definition of a unique archaeological resource, and this could be a significant impact. Continued implementation of County regulations and Mitigation Measure 4.11-1a (Condition of Approval No. 74) would require that all construction personnel be informed about the procedures for stopping work and notifying the County in the event that there is an unanticipated discovery of archaeological materials. In the event that an inadvertent discovery of buried cultural resources occurs during excavation activities, the project applicant would be required to implement the provisions of OCSMO Section 10-4.410 and the conditions of approval. To address the recommendations of the YDWN and modernize the 1996 EIR Mitigation Measure 2.11-1a, new Mitigation Measure 4.4-1 above replaces Condition of Approval No. 74, thus ensuring this would result in a less-than-significant impact.

**Conclusion**

There are no proposed changes in the project that would result in new significant impacts or substantial increase in the severity of previously identified significant impacts, and therefore no revisions to the analysis in the 1996 EIR are required related to this area of impact.

There are no changes in the circumstances under which the project would be undertaken that would result in new significant impacts or substantial increase in the severity of previously identified significant impacts, and therefore no revisions to the analysis in the 1996 EIR are required related to this area of impact.

As presented above, there is new important information from the Tribal consultation relevant to this area of impact that was not previously known at the time of the 1996 EIR in the form of considerably different mitigation measures than those analyzed in the previous EIR that would substantially reduce the project's significant effects on cultural and Tribal Cultural Resources, as shown in Mitigation Measure 4.4-1.

Implementation of Mitigation Measures identified below would reduce this impact to a less-than-significant level.

**Mitigation Measure 4.4-2**

*Implement Mitigation Measure 4.4-1.*

**Significance After Mitigation:**

*With implementation of mitigation measures identified above, the impact is considered less-than-significant.*

**Impact 4.4-3: Disturb any human remains, including those interred outside of dedicated cemeteries. The impact would be *less than significant*.**

No known dedicated cemeteries are located in or near the project area; however, human remains have been reported in the vicinity in a quantity that was not previously known at the time of the 1996 EIR. Although those remains have since been removed and reburied offsite, the potential exists for previously unknown pre-contact human remains to be unearthed during ground-disturbing activities, and if so, this impact could be significant. Implementation of Off Channel Mining Ordinance Section 10-4.410 would require specific procedures in the event of the discovery so that discoveries are handled in accordance with State law. Therefore, the project would result in a less-than-significant impact associated with the disturbance of human remains.

**Conclusion**

There are no proposed changes in the project that would result in new significant impacts or substantial increase in the severity of previously identified significant impacts, and therefore no revisions to the analysis in the 1996 EIR are required related to this area of impact.

There are no changes in the circumstances under which the project would be undertaken that would result in new significant impacts or substantial increase in the severity of previously identified significant impacts, and therefore no revisions to the analysis in the 1996 EIR are required related to this area of impact.

There is no new important information relevant to this area of impact that was not previously known at the time of the 1996 EIR. There are no related new significant impacts, more substantial increase in the severity of previously identified significant impacts, previously dismissed mitigation

that is now feasible, previously dismissed alternatives that are now feasible, or different more effective alternatives that have emerged or become known.

**Mitigation Measure(s)**

*None required.*

**Impact 4.4-4: 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 impact would be potentially *significant*.**

Tribal consultation between the County and California Native American Tribes was carried out in accordance with AB 52. In consultation with the Yocha Dehe Wintun Nation, as summarized in subsection 4.4.3 above which describes compliance with AB 52 and identifies the results of consultation. Although tribal consultation resulted in a conclusion that there are no Tribal Cultural Resources that would be affected by the project, the County has determined that there is a possibility that unknown Tribal Cultural Resources could be encountered during construction, and if present, the project activity could have a potentially significant impact on those resources. The County has further determined that a contractor awareness training program (Mitigation Measure 4.4-1) and specific unanticipated discovery measures that include tribal notification would reduce that impact to a level that is considered less than significant.

**Conclusion**

There are no proposed changes in the project that would result in new significant impacts or substantial increase in the severity of previously identified significant impacts, and therefore no revisions to the analysis in the 1996 EIR are required related to this area of impact.

There are no changes in the circumstances under which the project would be undertaken that would result in new significant impacts or substantial increase in the severity of previously identified significant impacts, and therefore no revisions to the analysis in the 1996 EIR are required related to this area of impact.

As presented above, there is new important information from the Tribal consultation relevant to this area of impact that was not previously known at the time of the 1996 EIR in the form of considerably different mitigation measures than those analyzed in the previous EIR that would substantially reduce the project's significant effects on cultural and Tribal Cultural Resources, as shown in Mitigation Measure 4.4-1.

Implementation of Mitigation Measures identified below would reduce this impact to a less-than-significant level.

**Mitigation Measure 4.4-4**

*Implement Mitigation Measure 4.4-1.*

**Significance After Mitigation:**

*With implementation of mitigation measures identified above, the impact is considered less-than-significant.*

**Impact 4.4-5: The project has the potential to eliminate important examples of the major periods of California history or prehistory (CEQA Guidelines, Section 15065(a)(1)). The impact would be potentially *significant*.**

As described in Impact 4.4-1 above, there exists the potential for buried cultural resources within the project area, either as redeposited artifacts associated with CA-YOL-69 or as previously unknown resources. If encountered and impacted during mining operations, the project could cause a substantial adverse change in the significance of currently unknown archaeological resources that may be important examples of the major periods of California history or prehistory, and this could be a significant impact. Implementation of Mitigation Measure 4.4-1 would require that all construction personnel be informed about the procedures for stopping work and notifying the County in the event that there is an unanticipated discovery of archaeological materials. In the event that an inadvertent discovery of buried cultural resources occurs during excavation activities, the project applicant would be required to implement the provisions of OCSMO Section 10-4.410. With mitigation incorporated, this would result in a less-than-significant impact.

**Conclusion**

There are no proposed changes in the project that would result in new significant impacts or substantial increase in the severity of previously identified significant impacts, and therefore no revisions to the analysis in the 1996 EIR are required related to this area of impact.

There are no changes in the circumstances under which the project would be undertaken that would result in new significant impacts or substantial increase in the severity of previously identified significant impacts, and therefore no revisions to the analysis in the 1996 EIR are required related to this area of impact.

As presented above, there is new important information from the Tribal consultation relevant to this area of impact that was not previously known at the time of the 1996 EIR in the form of considerably different mitigation measures than those analyzed in the previous EIR that would substantially reduce the project's significant effects on cultural and Tribal Cultural Resources, as shown in Mitigation Measure 4.4-1.

Implementation of Mitigation Measures identified below would reduce this impact to a less-than-significant level.

#### **Mitigation Measure 4.4-5**

*Implement Mitigation Measure 4.4-1.*

#### **Significance After Mitigation:**

*With implementation of mitigation measures identified above, the impact is considered less-than-significant.*

**Impact 4.4-6: 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 4.4-2 below provides an analysis of consistency of the proposed project with applicable policies and regulations that have been adopted for the purpose of avoiding or mitigating environmental effects related to cultural and Tribal Cultural Resources. The policies and regulations identified in the table are those that have been revised or put into effect since the 1996 EIR, as the underlying CEMEX mining project has been determined to be consistent with County program policies and regulations.

As shown in the table below, the proposed project would be generally consistent with applicable standards related to cultural and Tribal Cultural Resources. Thus, a less-than-significant impact would occur.

#### **Conclusion**

There are no proposed changes in the project that would result in new significant impacts or substantial increase in the severity of previously identified significant impacts, and therefore no revisions to the analysis in the 1996 EIR are required related to this area of impact.

There are no changes in the circumstances under which the project would be undertaken that would result in new significant impacts or substantial increase in the severity of previously identified significant impacts, and therefore no revisions to the analysis in the 1996 EIR are required related to this area of impact.

There is no new important information relevant to this area of impact that was not previously known at the time of the 1996 EIR. There are no related new significant impacts, more substantial increase in the severity of previously identified significant impacts, previously dismissed mitigation that is now feasible, previously dismissed alternatives that are now feasible, or different more effective alternatives that have emerged or become known.

#### **Mitigation Measure(s)**

*None required.*

**Table 4.4-2: Consistency with Applicable Plans, Policies, and Regulations**

Policy/Regulation	Consistency Discussion
<b>Yolo County General Plan</b>	
<p><b>Policy CO-4.1</b>                      Identify and safeguard important cultural resources.</p>	<p>With continued implementation of Mitigation Measure 4.4-1 and Off Channel Mining Ordinance 10-4.410, the project would be consistent with this policy.</p>
<p><b>Policy CO-4.3</b>                      Encourage owners of historic resources to preserve and rehabilitate their properties.</p>	<p>With continued implementation of Mitigation Measure 4.4-1 and Off Channel Mining Ordinance 10-4.410, the project would be consistent with this policy.</p>
<p><b>Policy CO-4.11</b>                      Honor and respect local tribal heritage.</p>	<p>See discussion under Impact 4.4-4. With continued implementation of Mitigation Measure 4.4-1 the project would be consistent with this policy.</p>
<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>	<p>See discussion above of compliance with Policy CO-4.11.</p>
<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>	<p>See discussion above of compliance with Policy CO-4.1 and discussion under Impact 4.4-1. With continued implementation of Mitigation Measure 4.4-1 the project would be consistent with this policy.</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</p>	<p>See discussion of Impact 4.4-2. In the event of the inadvertent discovery of prehistoric, historic, paleontological resources or human remains, the project would implement the provisions of Off Channel Mining Ordinance Section 10-4.410. Therefore, the project would be consistent with this regulation.</p>



<p>Native American community identified by the Native American Heritage Commission Draft EIR 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).</p>	
<p><b>Section 10-4.502(b)(6) [excerpt]</b>                  (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.</p>	<p>The 1996 cultural resource assessments prepared for the proposed project included a survey of the proposed mining area, and the information was updated in the 2019 Origer report and the updated 2021 Confidential Cultural Resources Records Search and Literature Review prepared for this Draft SEIR that also included a site reconnaissance. Thus, the proposed project is consistent with this regulation.</p>
<p><b>Reclamation Ordinance</b></p>	
<p>None applicable.</p>	

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