

3.8 Cultural Resources

3.8.1 ENVIRONMENTAL SETTING

Regional Setting

Amador County is situated within part of the west slope of the Sierra Nevada mountain range. The mountain range extends approximately 400 miles in length and ranges in width from less than 50 miles in the south to 80 miles near Lake Tahoe (Hart 1987). The proposed project is in the eastern portion of Lone Valley. Elevations vary from approximately 270 to 400 feet (USGS 1962).

Native American Era

Prehistoric

Cultural resources are traces of human occupation and activity. Northern California contains cultural resources that extend back in time for at least 9,000-11,500 years, with Native American occupation and use of central California extending over 5,000-8,000 years and possibly longer. The general study area appears to have been situated in a favorable environment for prehistoric use with water and a variety of ecological niches available for resource exploitation. Habitation sites appear to have been selected for accessibility, protection from seasonal flooding, and the availability of both food and tool resources.

Ethnographic

Northern Sierra Miwok

The proposed project is within the area occupied by the group known variously as the *Northern Sierra Miwok (Me-Wuk)* or *Northern Miwok, Amador*, one of the three divisions of the Foothill Miwok. They inhabited essentially permanent settlements and also occupied seasonal locations for hunting, fishing, and gathering activities. Known Native American village locations in the general study area are generally situated along creeks and rivers, especially Sutter and Jackson creeks (Barrett 1908a; Kroeber 1908b; Kroeber 1925; Levy 1978). Peak and Associates (1985) place the village near the City of Lone on the south side of Sutter Creek.

Severe population decline resulted from missionization, epidemics, punitive military expeditions, murder by miners, and the confiscation of Indian land. During the late 19th and early 20th centuries, Miwoks living on the rancherias in the foothills not only continued their traditional lifeways, but also worked seasonally on farms and ranches in the foothill area (Levy 1978).

Contemporary Native Americans

The three Native American tribes located in Amador County are listed on the "Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs" (Eagle 1986; USOFIR 2002). These three tribes include:

- Lone Band of Miwok Indians of California
- Jackson Indian Rancheria of Me-Wuk Indians (located in Jackson)
- Buena Vista Rancheria of Me-Wuk Indians of California (located near Lone).

Historic Era

Hispanic Period

The Spanish philosophy of government in northwestern New Spain was directed at the founding of presidios, missions, and secular towns with the land held by the Crown (1769-1821), while the later Mexican Period (1822-1848) policy stressed individual ownership of the land (Hart 1987).

In the mid-19th century, the majority of the rancho and pueblo lands and some of the ungranted lands in California were subdivided as the result of population growth, the American takeover, and the confirmation of property titles. The population growth can be attributed to the Gold Rush (1848-1869) followed by the completion of the transcontinental railroad (1869) and local railroads. The United States Government encouraged the settlement of the west by permitting individuals and corporations to patent public domain lands under the Homestead Act of 1862. Population growth in the study area and changes in the landscape reflect the importance of mining and the regional transportation network (Hart 1987; Bean 1978).

General Study Area, Amador County, and Lone

Amador County is located in the center of the Mother Lode District on the west slope of the Sierra Nevada Mountains between the South Fork of the Cosumnes River and the North Fork of the Mokelumne River. Amador County was created in May 1854 from part of Calaveras County. The county was named for miner and settler Jose Maria Amador, on what become known as Amador's Creek in 1848.

Historic Map Review

William A. Jackson's 1850 Map of the Mining District of California shows Cosumes River, Dry Creek and the Mokelome River. Two roads are shown south from the American River crossing these rivers. No features are shown in the vicinity of the proposed project.

The 1854 Eddy Official Map of the State of California and the 1857 Goddard Map of the State of California are similar in regard to showing numerous diggings/settlements, creeks, and other notable features. Major roads to the Gold Country are shown radiating to the Sierra Nevada Mountains from Sacramento and Stockton. Eddy's map shows a road from Sacramento to "Dry Town" on Dry Creek continuing to Rancheria (Hoover et al. 1966) and then Jackson continuing on to Mokelumne Hill. Eddy labels "Lone Valley" southwesterly of Drytown and west of Jackson between "Dry Creek" on the north and an unlabeled creek [Sutter Creek]. Goddard's map shows "lone Valley" as a settlement/place and labels "Sutter Creek."

The 1859 Von Schmidt Plat of the Rancho Arroyo Seco shows no features within the project vicinity. A number of roads and other features are shown along/near the rancho boundaries. The eastern rancho boundary, the closest rancho boundary to the project, is situated approximately 1.5 miles east of the project area; the northern boundary is approximately 4 miles north of the project. A segment of the roads to lone include: the "lone and Sacramento Stage Road" and "Road from lone City to Drytown", the "Road from lone City to Jackson", "lone and Stockton Road", and "Road from lone City to Sancho Plena". Sutter Creek is also shown.

The 1888 United States Jackson Sheet topographic map shows and labels Sutter Creek, lone, and the Amador Branch Railroad in the study area, and shows but does not label the Old Stockton lone Highway and Five Mile Drive/West Marlette Street. No features are mapped in or adjacent to the project area.

The 1962 USGS lone topographic map shows a "Sewage Disposal" facility within the northwest corner of the larger project component, and the lone Wastewater Treatment Plant (WWTP) ponds

at 1600 West Marlette Street. This map also shows the "Preston School of Industry" in the vicinity of Waterman Road and Highway 104, north/northwest of the historic core of Lone.

Research conducted by Davis-King (1996) notes that in 1854, the Lone WWTP property was owned by a man named Smith. Smith sold a portion to a W. Dawson, including part of the WWTP, by 1881. Previous land uses appeared to have been agricultural, although the type of crop(s) grown was not identified. A map from 1893 indicates that the property was "under cultivation," likely a walnut orchard or possibly for pasture (Griffith 1866, Brown 1881, Robinson 1893 [maps cited by Davis-King 1996a]).

Literature Search

A prehistoric and historic sites records and literature search was completed by the California Historical Resources Information System, North Central Information Center, CSU (CHRIS/NCIC 2008).

The record search area for the Lone WWTP elements extended for 0.25 miles around the proposed project APE. Five cultural resources compliance reports were found on file with the CHRIS/NCIC. The reports include areas completely within, partially within, or adjacent to the proposed project APE. These five reports are negative for cultural resources within or adjacent to the proposed project APE (Soule 1975; Motz 1977; Peak & Associates 1985; Davis-King 1996; Soule 1979). An additional cultural resources report not on file with the CHRIS/NCIC was also negative for cultural resources in or adjacent to the proposed project APE (AES 2006). Results of the literature search are summarized in Basin Research Associates report *Historic Property Survey Report/Finding of Effect for the Lone Wastewater Treatment Plant Master Plan Draft EIR Located in Amador County, California* (Basin 2009). This report is included in Appendix F.

Record searches were also performed for all of the six potential pipeline routes. Results from Pipeline Routes 1 and 2 contained seven compliance reports, and two sites have been recorded within, partly within, or adjacent to the routes. Results from Pipeline Route 3 contained six compliance reports, and two archeological sites located within, partly within, or adjacent to the route. Results from Pipeline Route 4 contained eight compliance reports, and three archeological sites located within, partly within, or adjacent to the route. Results from Pipeline Route 5 contained seven compliance reports, and three sites have been recorded within, partly within, or adjacent to the route. Results from Pipeline Route 6 contained ten compliance reports, and two sites have been recorded within, partly within, or adjacent to the route. Results of the literature searches are summarized in Basin Research Associates report *Historic Property Survey Report/Finding of Effect for the Lone Wastewater Treatment Plant Master Plan Draft EIR Located in Amador County, California* (Basin 2009) (Appendix F).

Archaeological Field Survey

Previous Surveys

A survey for a proposed 5-acre pond within the northwest corner of the Lone WWTP and adjacent to the Stockton Lone Highway was conducted in 1975. The 5-acre pond was located east of and adjacent to the existing WWTP facility. The field survey was negative for prehistoric or historic era cultural resources (Soule 1975).

Small portions of the APE, including the WWTP facilities north and south of Sutter Creek, were surveyed for the Five Mile Drive/Sutter Creek Bridge Replacement Project in 1985. The areas within the APE included the far northwest corner of the APE adjacent to West Marlette Street, extending approximately 200 feet from the centerline of the Stockton Lone Highway and approximately 60 feet north and 320 feet west of Five Mile Drive. No evidence of prehistoric occupation or use was noted in this survey (Peak & Associates 1985).

A survey was conducted in 1996 that included an approximately 5.8-acre area of the northeast portion of the lone WWTP APE, as well as a pipeline alignment along the northern boundary of the APE, crossing West Marlette Street and then Sutter Creek. The field survey relied on 10 meter interval transects with a ground surface visibility of more than 70%. The area near Five Mile Drive exhibited evidence of burning and had been "disturbed dramatically," probably as a result of the new bridge over Sutter Creek at Five Mile Drive and the Stockton lone Highway (Caltrans 2006). No cultural resources were identified in the study area. Two National Register of Historic Places (NRHP) properties were noted nearby, including the Scully Ranch, listed on the NRHP and located on the west side of the Stockton lone Highway, and the Five Mile Drive/Sutter Creek Bridge, at the time determined eligible for the NRHP and located north of the lone WWTP (Davis-King 1996).

Project Survey

A pedestrian archaeological field survey of the APE of the project-level elements was conducted on October 8, 2008. The lone WWTP Operator, Mr. John Rivero, and the Chief WWTP Operator for the City of lone, Mr. Julio S. Guerra, provided on site coordination for this field survey.

No indicators of prehistoric or significant historic era cultural occupation were observed during the survey of the secondary and tertiary WWTPs. No evidence of significant prehistoric or historically significant archaeological resources was observed in or adjacent to the lone WWTP APE during the field inventory conducted for the proposed project. Most all of the buildings, structures, pumps, and pipelines within and/or immediately adjacent to the project APE consist of facilities dating from 1955 onward that have been maintained by the City of lone. A pond attributed to a ca. 1930s construction and known as the "Preston Farm Pump Pond" is present within the lone WWTP Ponds APE and to the immediate south of the existing Pond 7. Complete details of the secondary and tertiary WWTP survey are provided in Basin Research Associates report *Historic Property Survey Report/Finding of Effect for the lone Wastewater Treatment Plant Master Plan Draft EIR Located in Amador County, California* (Basin 2009) (Appendix F).

3.8.2 REGULATORY SETTING

Federal Regulations

National Historic Preservation Act of 1966

Section 106 of the National Historic Preservation Act of 1966 (NHPA), and its implementing regulations 36 CFR Part 800, requires a federal agency with jurisdiction over a federal, federally assisted, or federally licensed undertaking to take into account the effect of the undertaking on properties listed on or eligible for the National Register of Historic Places prior to approval of an undertaking. This review and analysis is intended to afford the Advisory Council on Historic Preservation an opportunity to comment on the undertaking.

State Regulations

California Public Resources Code

Section 21084.1 of the California Public Resources Code stipulates that any resource listed in, or eligible for listing in, the California Register of Historical Resources (CRHR) is presumed to be historically or culturally significant.

Resources listed in a local historic register or deemed significant in a historical resource survey are presumed historically or culturally significant unless the preponderance of evidence demonstrates they are not. A resource that is not listed in, or determined to be eligible for listing in, the CRHR, is not included in a local register of historic resources, or is not deemed significant in a historical

resource survey may nonetheless be considered historically significant by the lead agency for purposes of CEQA.

Sections 21083.2 and 21084.1 of the California Public Resources Code operate independently to ensure that potential effects on archaeological resources are considered as part of a project's environmental analysis. Either of these benchmarks may indicate that a project may have a potential adverse effect on archaeological resources.

California Health and Safety Code

Section 7050.5 of the California Health and Safety Code establishes intentional disturbance, mutilation, or removal of interred human remains as a misdemeanor. The section also requires that, upon discovery of human remains outside of a dedicated cemetery, further excavation or disturbance of land cease until a county coroner makes a report. The code section further requires a county coroner to contact the Native American Heritage Commission if the coroner determines that the remains are not subject to his or her authority.

Local Regulations

Amador County General Plan

The Amador County General Plan (1973) does not contain any elements that are applicable to cultural resources.

City of Ione General Plan

The City of Ione General Plan (2009) does not contain any elements that are applicable to cultural resources.

3.8.3 THRESHOLDS OF SIGNIFICANCE

The proposed project would result in a significant impact if it would:

- 1) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5;
- 2) Cause a substantial adverse change in the significance of an archaeological resources as defined in §15064.5;
- 3) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature: or
- 4) Disturb any human remains, including those interred outside of formal cemeteries.

3.8.4 IMPACTS AND MITIGATION

Potential Impact 3.8-1: The potential to cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.

Overview of Impacts

Construction or operation of the project level elements would not cause a significant impact to a historical resource with the implementation of identified mitigation measures. Impacts from the programmatic elements would likely be similar to the project level elements.

Existing Infrastructure – Pond 7, Part I – Treatment (Phase One and Two), and Part II – Disposal (Phase One – Pond 8)

No NRHP or California Register of Historical Resources (CRHR) listed or determined eligible historic properties, and no significant local, state, or federal historic properties, landmarks, etc., have been identified in or adjacent to the lone WWTP APE.

A field survey of the lone WWTP APE resulted in no observed historic era material. A former agricultural pond attributed to ca. 1930's, known as the "Preston Farm Pump Pond," was observed within the lone WWTP APE to the south of Pond 7. In the opinion of Basin Research Associates, the feature is not significant and it is not eligible for the NRHP and/or CRHR.

A historic sites record and literature search of the 0.25 mile areas around the lone WWTP APE was completed by the CHRIS/NCIC. No historic or combined prehistoric/historic sites have been recorded or reported within or adjacent to the lone WWTP APE. However, there is a possibility of unanticipated and accidental historical discoveries during project-related ground disturbing activities. Unanticipated and accidental historical discoveries during project implementation have the potential to significantly affect historical resources. The following mitigation measures would be implemented to reduce impacts associated with discovery of historical resources to less than significant levels.

Cultural Resources-1: If historical or archaeological resources are discovered during excavation, grading, or other earthmoving activities, all work in the immediate vicinity shall be suspended. All such activities shall halt within a 50-meter radius of the discovery. Site investigation by SHPO/ACHP and/or a qualified archaeologist shall be conducted immediately to assess the discovered materials and determine whether the resources will yield new information or important verification of previous findings. Project construction in the immediate area shall not resume until the ACHP or SHPO and the Lake County Museum or Historical Society have been consulted and the resources appropriately evaluated and treated. Qualified professionals shall also suggest additional preservation and mitigation measures, as needed, for resources that are deemed significant.

Cultural Resources-2: Construction personnel shall be trained regarding the possibility of encountering buried historical and archaeological artifacts on-site. Training shall inform all construction phase personnel of the types of resources that could be encountered, what the resource may look like in the field, and procedures to be followed upon discovery of such resources.

Part II – Treatment (Phase Two - Disposal Options 1, 2, and 3), Part III – Storage

A historic sites record and literature search of the programmatic elements of the project was completed by the CHRIS/NCIC. Three historic archaeological sites have been recorded or reported within or adjacent to the pipelines proposed for disposal. The discovered sites include two scatters, and a racetrack. Neither the scatters nor the racetrack has been evaluated for eligibility in the NRHP or the CRHR; however, various parties have indicated that the racetrack would be eligible for the NRHP and/or CRHR. Project construction and operation could have a potentially significant impact on both identified and undiscovered historical resources. Implementation of mitigation measures Cultural Resources-1 and Cultural Resources-2 would likely reduce impacts to a less than significant level. Further CEQA analysis would have to be performed at the project level to determine the significance of historical resource impacts.

Potential Impact 3.8-2: The potential to cause a substantial adverse change in the significance of an archaeological resources as defined in §15064.5.

Overview of Impacts

Construction or operation of the project level elements would not cause a significant impact to an archaeological resource with the implementation of identified mitigation measures. Impacts from the programmatic elements would likely be similar to the project level elements.

Existing Infrastructure – Pond 7, Part I – Treatment (Phase One and Two), and Part II – Disposal (Phase One – Pond 8)

The results of the Native American Heritage Commission Sacred Lands Inventory were negative, and no Native American trails, villages, traditional cultural properties, or contemporary use areas or other features of significance have been identified within or adjacent to the lone WWTP APE.

A field survey of the lone WWTP APE resulted in no observed prehistoric archaeological materials.

A prehistoric sites record and literature search of the 0.25 mile areas around the lone WWTP APE was completed by the CHRIS/NCIC. No prehistoric or combined prehistoric/historic sites have been recorded or reported within or adjacent to the lone WWTP APE. However, there is a possibility of unanticipated and accidental archaeological discoveries during project-related ground disturbing activities. Unanticipated and accidental archaeological discoveries during project implementation have the potential to significantly affect archaeological resources. Implementation of mitigation measures Cultural Resources-1 and Cultural Resources-2 would reduce impacts associated with discovery of archaeological resources to less than significant levels.

Part II – Treatment (Phase Two - Disposal Options 1, 2, and 3), Part III Storage

A prehistoric sites record and literature search of the programmatic elements of the project was completed by the CHRIS/NCIC. No prehistoric or archaeological sites have been identified within or adjacent to the various pipeline routes proposed for treated wastewater disposal. No Native American review has been completed for the programmatic elements of the proposed project.

Project construction and operations could have a potentially significant impact on both identified and undiscovered archaeological resources. Implementation of mitigation measures Cultural Resources-1 and Cultural Resources-2 would likely reduce impacts to a less than significant level. Further CEQA analysis would have to be performed at the project level to determine the significance of archaeological resource impacts.

Potential Impact 3.8-3: The potential to directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

The project includes grading and earthmoving activities, which could impact paleontological resources. It is unknown how unique any paleontological resources may be until uncovered. Therefore, impacts related to fossil-bearing sediments would be considered a potentially significant effect. The following mitigation measure would be implemented to reduce impacts associated with discovery of paleontological resources to less than significant levels.

Cultural Resources-3: Should paleontological materials be discovered, construction shall cease in the immediate vicinity of the find until a qualified archaeologist or paleontologist is consulted to determine the significance of the find, and has recommended appropriate measures to protect the resource. Further disturbance of the resource shall not be allowed until those recommendations deemed appropriate by the appropriate agency have been implemented.

Potential Impact 3.8-4: The potential to disturb any human remains, including those interred outside of formal cemeteries.

No cemeteries are located with the project area. The project area is not expected to contain any non-Native American human remains, burial areas, or cemeteries; however, the presence of prehistoric artifacts could indicate the presence of Native American remains or burial areas in the project area. If potential Native American remains or burial areas are encountered during project related earthmoving, it could result in a potentially significant effect. The following mitigation measure would reduce impacts associated with discovery of human remains to less than significant levels.

Cultural Resources-4: In the event of discovery of human remains (or a find that consists of bones suspected to be human), the field crew supervisor, archeological monitor, and Native American monitor shall take immediate steps to secure and protect such remains from vandalism during periods when workers are absent. The Amador County Coroner shall be notified immediately and provided with any information that identifies the remains as Native American. If the remains are determined to be those of a prehistoric Native American, or determined to be a Native American from the ethnographic period, the Coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours being notified of the remains. The NAHC then designates and notifies within 24 hours a Most Likely Descendent (MLD). The MLD has 24 hours to consult and provide recommendations for the treatment or disposition, with proper dignity, of the human remains and grave goods. Human remains shall be preserved in situ if continuation of construction, as determined by the qualified Archaeologist and MLD, will not cause further damage to the remains (this is the preferred alternative). The remains and artifacts shall be documented and the find location carefully backfilled (with protective geo-fabric if desirable).

In the event that human remains or burial associated items are exposed and cannot be protected from further damage, they shall be exhumed by the qualified archaeologist at the discretion of the MLD and tribes and reburied with the concurrence of the MLD and tribes in a place mutually agreed upon by all parties.