

4.5 CULTURAL RESOURCES

Cultural resources encompass archaeological, traditional, and built environment resources, including but not necessarily limited to buildings, structures, objects, districts, and sites. This section outlines the regulatory framework as it applies to cultural resources and is followed by a discussion of cultural context that briefly summarizes the prehistoric, ethnographic and historic-era background of the planning area. A review of previous investigations and historic archives and known resources in Amador County is followed by a description of impacts and mitigation measures required to reduce significant impacts. The contents of this section are based on the Cultural Resources Working Paper prepared in 2007.

4.5.1 REGULATORY SETTING

FEDERAL PLANS, POLICIES, REGULATIONS, AND LAWS

Section 106 of the National Historic Preservation Act (NHPA) requires federal agencies take into account the effects of their actions, and those they fund or permit, on properties that may be eligible for or listed on the National Register of Historic Places (NRHP), and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on effects to listed or eligible properties. To determine if an undertaking could affect NRHP-listed or eligible properties, all cultural sites that could be affected must be inventoried and evaluated for eligibility to the NRHP.

The Section 106 process would need to be completed by any federal agency issuing a permit, but it is not specifically required for CEQA compliance, which is discussed below under “State Plans, Policies, Regulations, and Laws.”

The Section 106 review process involves a four-step procedure:

- ▶ Initiate the Section 106 process by establishing the undertaking, developing a plan for public involvement, and identifying other consulting parties.
- ▶ Identify historic properties by determining the scope of efforts, identifying cultural resources, and evaluating their eligibility for inclusion in the NRHP.
- ▶ Assess adverse effects by applying the criteria of adverse effect on historic properties (resources that are eligible for inclusion in the NRHP).
- ▶ Resolve adverse effects by consulting with the State Historic Preservation Officer and other consulting agencies, including the Advisory Council on Historic Preservation if necessary, to develop an agreement that addresses the treatment of historic properties.

STATE PLANS, POLICIES, REGULATIONS, AND LAWS

CEQA and CRHR Resource Significance

Per the California Code of Regulations, Title 14, Division 6, Chapter 3, Article 5, Section ~~Public Resources Code, section~~ 15064.5, “historical resources” includes:

- (1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code §5024.1, Title 14 CCR, Section 4850 et seq.).

- (2) A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- (3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. 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 ~~A resource that meets the criteria for listing on the California Register of Historical Resources~~ (Pub. Res. Code §5024.1, Title 14 CCR, Section 4852) including the following:
- (A) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
 - (B) Is associated with the lives of persons important in our past;
 - (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
 - (D) Has yielded, or may be likely to yield, information important in prehistory or history.
- (4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

In California, if an archeological site does not meet the definition of a CEQA-defined “historical resource”, but does meet the definition of a “unique archeological resource” as outlined in the PRC (Section 21083.2), it may still be treated as a significant resource. This is the case if it is...

...an archaeological artifact, object or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. It contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
2. It has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. It is directly associated with a scientifically recognized important prehistoric or historic event or person.

These two sets of criteria operate independently to ensure that significant potential effects on historical and unique archaeological resources are considered as a part of a project’s environmental analysis. PRC guidelines also recommend provisions be made for the accidental discovery of archaeological sites.

Section 15126.4(b) of the CEQA Guidelines provides the requirements for consideration and discussion of mitigation measures to minimize Significant Effects when there are impacts to historical resources.

Senate Bill 18

California Senate Bill (SB) 18 states that prior to a local (city or county) government's adoption of any general plan or specific plan, or amendment to general and specific plans, or a designation of open space land proposed on or after March 1, 2005, the city or county shall conduct consultations with California Native American tribes for the purpose of preserving or mitigating impacts to Cultural Places.

A Cultural Place is defined in the PRC sections 5097.9 and 5097.995 as:

- (1) Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine (PRC Section 5097.9), or;
- (2) Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the California Register of Historic Resources pursuant to Section 5024.1, including any historic or prehistoric ruins, any burial ground, or any archaeological or historic site (PRC Section 5097.995).

The intent of SB-18 is to establish meaningful consultation between tribal governments and local governments ("government-to-government") at the earliest possible point in the planning process so that cultural places can be identified and preserved and to determine necessary levels of confidentiality regarding Cultural Place locations and uses. According to the Government Code (GC) Section 65352.4, "consultation" is defined as:

The meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement. Consultation between government agencies and Native American Tribes shall be conducted in a way that is mutually respectful of each party's sovereignty. Consultation shall also recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural significance.

While consultation is required to take place on a government-to-government level, the SB-18 process begins with a letter from the local government to the Native American Heritage Commission requesting a list of tribal organizations appropriate to the plan or plan amendment area or proposed open space designation. Once contacted by the local government, the tribes have up to 90 days to respond and request consultation regarding the preservation and treatment of known cultural place(s) if any have been identified by the tribe.

Section 1.4 in Chapter 1, "Introduction," describes the County's consultation offers and correspondence with representatives of California Native American tribes pursuant to SB-18. As a result of the County's consultation offers, meetings, and discussions during the preparation of the Draft General Plan, none of the Native American contacts requested changes to the Draft General Plan to preserve or mitigate impacts to cultural places.

REGIONAL AND LOCAL PLANS, POLICIES, REGULATIONS, AND ORDINANCES

There are no regional or local plans, policies, regulations, or ordinances which affect treatment of cultural resources in Amador County.

4.5.2 ENVIRONMENTAL SETTING

Information presented in this section is based on an extensive record search of the North Central Information Center (NCIC) of the California Historic Resources Information System conducted in 2006. The NCIC was asked to provide information regarding documented cultural resource sites within Amador County, excluding federal lands such as properties owned or operated by the U.S. Forest Service or the Bureau of Land Management (primarily located in the eastern portion of the County), and ~~excluding~~ the incorporated portions of the cities of Plymouth, Amador City, Sutter Creek, Jackson, and Ione. Additional background research was conducted at the Amador County Archives, where historic maps from the mid-19th century to the early 20th century were

examined. In addition, the County Archivist provided location information for sites which have been noted at the archives, but not officially recorded with the NCIC. Because of the economic downturn and slowdown in development applications and associated cultural resource discovery, conditions during the 2006 NCIC survey are representative of the 2009 baseline used for analysis throughout this EIR.

Exhibit 4.5-1 shows the general locations of all known cultural resources within Amador County, a combination of known prehistoric and historic resources identified in the NCIC record search. The numbers and types of sites in these figures are listed in Table 4.5-1. It is important to note that these sites generally have been identified in the course of an archaeological survey effort resulting from planned development of some kind, including federal projects, new construction, or other similar activities. Therefore, the known sites tend to cluster in regions most characteristic for these types of actions, such as roadway or highway corridors, and regions near urban areas or hydroelectric facilities. Although similar information may not be available for less-developed areas, as the density and types of known sites are presumed to be similar in unexplored areas. However, examining groupings of similar site types helps to more accurately predict types and densities of sites in similar geographic locations within Amador County.

**Table 4.5-1
Known Sites in Amador County***

Quadrangle Name	Prehistoric Sites	Mining-Related Sites**	Other Historic Sites***	Combined Prehistoric and Historic Sites	Totals	NRHP or SHL****
Amador City	38	76	42	5	161	1
Aukum	18	6	4	1	29	-
Bear River Reservoir	16	-	3	-	19	-
Calaveras Dome	6	-	10	-	16	1
Caldor	5	3	8	-	16	-
Caples Lake	12	-	6	-	18	1
Carbondale	4	21	7	1	33	-
Clements	-	-	-	-	0	-
Devils Nose	4	9	11	1	25	-
Fiddletown	10	27	16	-	53	3
Folsom S.E.	-	-	-	-	0	-
Garnet Hill	10	1	2	1	14	-
Goose Creek	2	-	2	-	4	-
Ione	35	16	23	-	74	1
Irish Hill	39	31	24	2	96	-
Jackson	15	29	30	13	87	1
Latrobe	-	-	-	1	1	-
Mokelumne Hill	23	16	25	8	72	3
Mokelumne Peak	-	-	2	-	2	-
Omo Ranch	-	2	2	1	5	-
Peddler Hill	23	1	6	2	32	-
Pine Grove	20	41	35	2	98	7
Railroad Flat	-	-	-	1	1	-
Tamarack	-	-	-	-	0	-
Tragedy Spring	1	-	1	-	2	-

**Table 4.5-1
Known Sites in Amador County***

Quadrangle Name	Prehistoric Sites	Mining-Related Sites**	Other Historic Sites***	Combined Prehistoric and Historic Sites	Totals	NRHP or SHL****
Valley Springs	-	-	-	-	0	-
Wallace	78	1	1	1	81	1
West Point	17	68	37	5	127	-
Totals	376	348	297	45	1066	19

* Excludes portions of the County owned or ~~managed~~ operated by the Federal Government (U.S. Forest Service or Bureau of Land Management).

** Sites likely related to mining activity, although some ditches may have been used for agriculture.

*** Sites may be related to mining (such as roads) but are not conclusive in origin.

**** National Register of Historic Places or State Historic Landmark

Source: Compiled by AECOM 2007

Exhibit 4.5-1 redacted at the request of the
State Office of Historic Preservation

Table 4.5-1 is broken down by United States Geological Survey Quadrangle Maps as the NCIC stores information by quadrangle. Amador County encompasses 28 quadrangle maps, some of which are entirely contained within the County, while others include only a small portion of the County and overlap with parts of Calaveras County, Sacramento County, Alpine County, San Joaquin County, or El Dorado County. A full set of complete quadrangle maps was submitted to the NCIC for the record search, but sites were identified only for those portions of each quadrangle found within Amador County.

The quadrangles are presented in the table in alphabetical order rather than by geographic relationship, site density, or other relationship. The quadrangles in the eastern portion of the County have lower known site totals, in part because much of that land is owned by the federal government and is therefore beyond the parameters of the record search.

PREHISTORIC SITES

Prehistoric sites have been grouped into three separate categories for ease of analysis, but frequently are found in combination. These categories have been used historically by archaeologists to indicate the types of activities that were believed to occur at those specific locations. Half of the prehistoric sites known in Amador County are located on the Amador City, Ione, Irish Hill, and Wallace quadrangles. As described above, this is at least partially a result of where development activity has occurred in the County. As these are the most densely populated parts of the County, they have been the site of more development and infrastructure construction. These activities have resulted in numerous cultural resources surveys and sites that have been identified and recorded. The categories of sites described below are not meant to be all-inclusive or mutually exclusive, but rather to represent the majority of the prehistoric site types known in the region.

Flaked Stone Scatters: Flaked stone scatters include the lost, broken, and discarded objectives of formed tool manufacture (e.g. projectile points, bifaces, unifaces), used and discarded byproducts of manufacture (modified and/or used flakes), and the debris (debitage) resulting from manufacture, use, repair and resharpening. As an archaeological constituent, flaked stone scatters can occur as the only element of an archaeological deposit, or they can occur in combination with other classes of archaeological material such as ground stone, bone, shell, cultural midden, rock art, and structural depressions. Throughout California, flake stone scatters are the most indicator of prehistoric land use.

Bedrock Mortars: Bedrock Mortars (BRMs) are shallow (approximately 1.0 centimeter or less in depth) to very deep (over 20 centimeters in depth) saucer to conical shaped depressions located on boulders or deliberately produced holes made by pecking into granitic bedrock exposures outcrops. They were primarily are used for the processing acorns and seeds, and also plants with medicinal properties. initial stages of grinding acorns into flour. After acorns are ground sufficiently in a mortar, the acorn meal is typically placed in a sand basin or a basket and water is leached repeatedly through the meal to remove tannins that render it inedible. The resulting flour can then be used or stored for future use. These milling features BRMs are often tend to be found in isolation near targeted resource, such as oak trees, and near perennial and seasonal drainages. More extensive features are associated with occupation/village sites, in locations that include acorn bearing oak trees, a water source, and bedrock all in close proximity. BRMs are ubiquitous to the California foothills and yet still render information regarding prehistoric lifeways.

Occupation Sites: Occupation sites display present some evidence of temporary or longer or repeated use over time. They are characterized by the presence of dark, richly organic deposits soil from the accumulation of refuse. s that develop when refuse accumulates. These sites can sometimes be seen as an artificial mound on the landscape. Artifacts from daily habitation at these sites typically include stone and bone tools or tool fragments of tools; faunal (food) remains; and occasionally, house pits, petroglyphs or pictographs. House pits are small depressions which have been capped by some sort of structure (now gone) and inhabited by family groups. Occupation sites may also include larger depression that are the remains of ceremonial structures such as round

houses, and may include Native American burials as it was a common cultural practice to inter the dead near the community.

Traditional Tribal Cultural Places Cultural Properties: These ~~locales~~ ~~properties~~ may be more difficult to identify as there may be no physical marker such as a BRM or occupation ~~site mound~~. Traditional Tribal Cultural Places Cultural Properties (TCPs) may consist of gathering areas, religious sites, or mythic locations that represent California Native Americans' use, and continued use, of natural settings in the conduct of religious observances, ceremonies, and cultural practices and beliefs. As such these resources reflect the tribes' continuing cultural ties to the land and their traditional heritages. Traditional, in this context, refers to those beliefs, customs, and practices of a living community of people that have been passed down through the generations, usually orally or through practice. Therefore, the traditional cultural significance of a ~~historic~~ property is derived from the role the property plays in a community's historically rooted beliefs, customs, and practices (National Register Bulletin 38).

A Traditional Tribal Cultural Place TCP is generally eligible for inclusion in the California Register National Register of Historic Places because of its association with cultural practices or beliefs of a living community that are rooted in ~~that community's~~ the history, and ~~are important in maintaining~~ the maintenance of the continuing cultural identity of the community.

GOLD MINING-RELATED SITES

Mines and Prospect Locations: Gold mining has enormous historical significance in Amador County and has literally shaped the landscape in many areas. Larger mining landscapes might include open pits, sluice boxes, placer-scoured stream channels, ditches, open adits (entries) or shafts, enormous tailings piles, and habitation areas. Smaller sites can contain any combination of these features. One frequently identified site is a *prospect pit*, where a small experimental excavation was undertaken to determine the likelihood of finding veins worth mining.

OTHER TYPES OF HISTORIC SITES

Ranches, Cabins, Hydroelectric, Architectural Features, Roads and Trails: Numerous other historic resources have been identified in Amador County, such as ranches and farms, cabin locations, historic houses and buildings, large hydroelectric facilities originating in the Sierra Nevada mountains, roads, trails, logging encampments, fire towers, cemeteries, walls and fences, and mills. A number of clay mines are located within the County; gold is not the only mineral resource which has historically been mined in Amador County. Some of these other historic sites may be related to gold mines (some of the early-established roads for example); however there may not be conclusive proof of this relationship.

COMBINED PREHISTORIC AND HISTORIC SITES

A certain number of sites are found in combination with one another. An example might be a historic homestead site and prehistoric site which occur at the same location. In some cases, these sites are combined because the same types of resources may have been exploited by both the historic and prehistoric occupants, such as nearby water and level land. In other instances, it is more likely to be coincidence, such as when prehistoric sites are later intersected by mining or logging efforts.

CULTURAL RESOURCES SENSITIVITY GUIDANCE

Examination of historic maps provides some ability to predict the locations of as-yet unknown cultural resources. For example, regions in and around historic gold and clay mines may be expected to include related resources. East of Ione and west of SR 49, there is a north-south belt of copper ore and a series of related mines. SR 49 runs along a similar north-south belt of gold-bearing quartz veins and thus helps to define a long, narrow series of hard-rock veins. Another large region of gold mining activity exists near the Volcano/West Point area. Each of

these mining areas might reasonably indicate a higher likelihood of historic resources related to mining or support for mining. Both the Cosumnes and Mokelumne Rivers were extensively mined as well.

Prehistoric resources can be found through an association with available natural resources, including water, types of food, or stone outcrops that supply materials for tool-making. With these factors in mind, features such as river and creek drainages have an increased likelihood of containing prehistoric cultural resources.

Exhibit 4.5-2 identifies areas of moderate or high sensitivity for cultural resources in Amador County.

4.5.3 IMPACTS AND MITIGATION MEASURES

ANALYSIS METHODOLOGY

The analysis of potential impacts to cultural resources resulting from the adoption and implementation of the Draft General Plan is based on review of records provided by the NCIC and other information described above in Section 4.5.2, “Environmental Setting.”

THRESHOLDS OF SIGNIFICANCE

Based on Appendix G of the State CEQA Guidelines, an impact to cultural resources is considered significant if implementation of the Draft General Plan would do any of the following:

- (3) cause a substantial adverse change in the significance of an “historical resource” or “unique archaeological resource” as defined in Section 15064.5 of the State CEQA Guidelines; or
- (4) disturb any human remains, including those interred outside of formal cemeteries.

Section 15064.5 of the State CEQA Guidelines defines “substantial adverse change” as physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired. For the purpose of the impact analysis below, “historical resources” and “unique archaeological resources” are referred to as “cultural resources.”

IMPACT ANALYSIS

IMPACT 4.5-1 ***Destruction of or Damage to Known Cultural Resources.** Implementation of the Draft General Plan would result in new development in the planning area, including buildings, structures, paved areas, roadways, utilities, and other improvements which would have the potential to destroy or damage known cultural resources. This impact would be **significant**.*

Amador County contains a variety of cultural resources, including resources that are recognized at the federal, state, and local level, as described above in the “Regulatory Setting” and “Environmental Setting” sections. Generally, sites have been identified in the course of archaeological survey efforts resulting from proposed development. As such, known cultural resources are primarily located near roadways, in developed areas, and near hydroelectric activity. ~~Exhibit 4.5-1 illustrates the general location of known cultural and historic resources in Amador County, and~~ Exhibit 4.5-2 illustrates cultural sensitivity areas in the County.

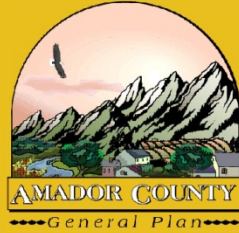
Implementation of the Draft General Plan would result in new development in the planning area, including buildings, structures, paved areas, roadways, utilities, and other improvements, with an emphasis on new or expanded mixed-used development in Town Center and Regional Service Center areas. Lot splits and development of individual residential uses would also be possible throughout the planning area. ~~As illustrated in Exhibit 4.5-1 and~~ described in Section 4.5.2, “Environmental Setting,” known cultural resources on lands administered by the County are concentrated located throughout the County, but are concentrated in the western

portion of the County along stream drainages and near mineral deposits. However, over 300 cultural sites are located within property managed by the Eldorado National Forest in the eastern portion of the County. Known cultural resources could be damaged or destroyed as a result of development activities and infrastructure improvements associated with implementation of the Draft General Plan, and the physical or spiritual integrity of traditional tribal cultural places could also be compromised.

Because known cultural resources could be damaged or destroyed as a result of implementation of the Draft General Plan, impacts to these resources would be **significant**.

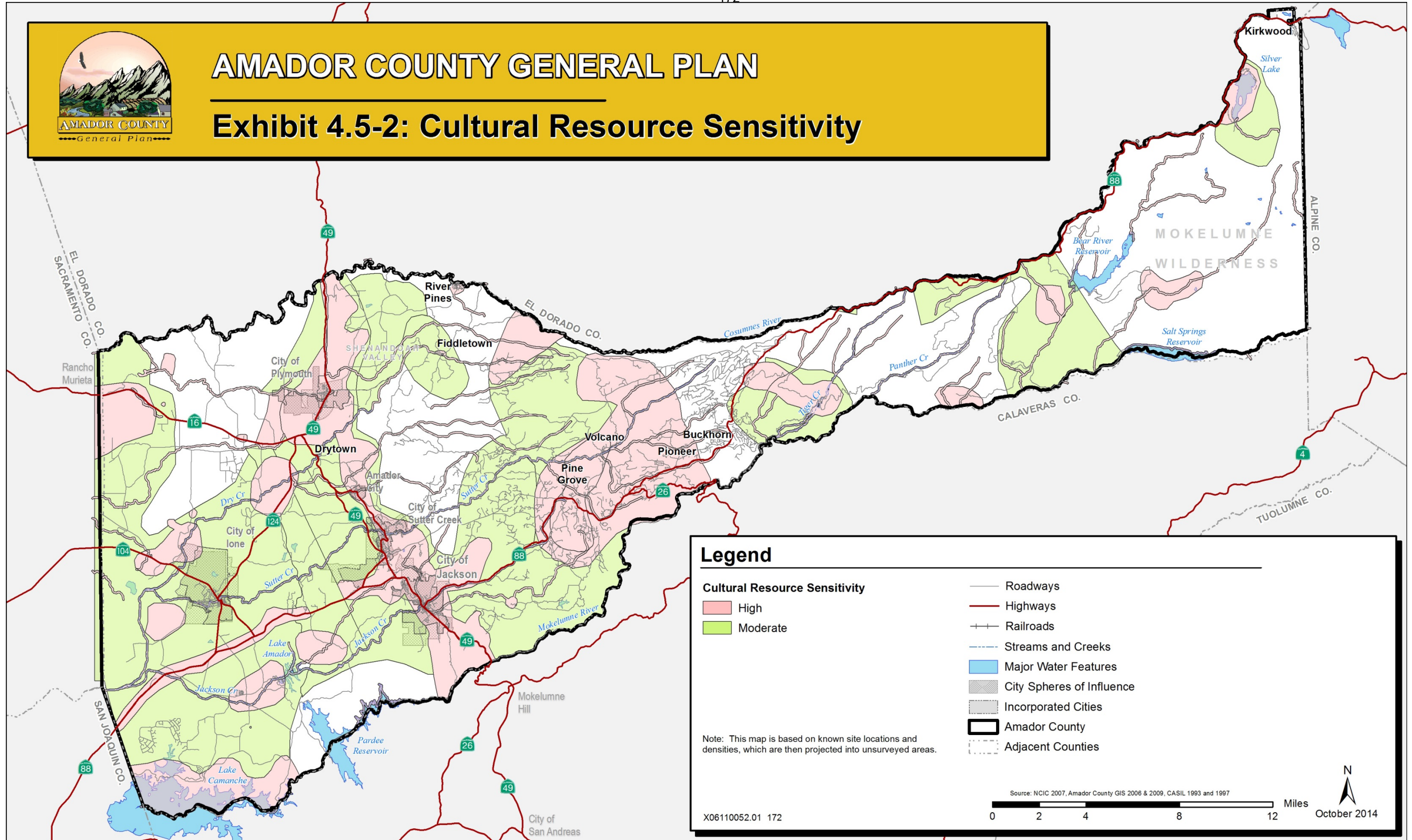
Mitigation Measure 4.5-1a: Implement Program D-6 Historic Preservation, Cultural Resources

- a. The objective of Amador County's Implementation Plan Program D-6 this program is to substantially reduce or avoid impacts to cultural resources through preservation in place. Data recovery as a mitigation measure would only be implemented when preservation or mitigation is not feasible. Through the discretionary review process, the County will work with applicants to assure their projects comply with state and federal laws that preserve and protect cultural resources, including historic resources and archeological sites. These mitigations measures would be developed by an archaeologist that specializes in prehistoric or historic archaeology, and/or an architectural historian (as appropriate) that meets the Secretary of Interior's Standards. With regard to traditional tribal cultural places, preservation of values would be the preferred method of protecting a sacred area from adverse impacts. If preservation is not feasible, then one or more of the alternative methods outlined in CEQA Guidelines Section 15126.4(b)(3) may be implemented. The County will work with applicants to comply with state and federal laws that preserve and protect cultural resources, including historic resources and archeological sites.
- b. When evaluating discretionary projects, the County will use its review process to guide the applicant toward the use of the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings; or use of the Secretary of the Interior's Standards for Rehabilitation; and the Guidelines for Rehabilitating Historic Buildings (Weeks and Grimmer 1995). -The Secretary of the Interior's Standards for the Treatment of Historic Properties presume each historical resource is unique. -Thus, each significant resource presents its own identity and its own distinctive character. Character in this instance refers to those visual aspects and physical features that comprise the appearance of a historical resource. As commonly referred, character-defining features include the overall shape of the resource, its materials, craftsmanship, decorative details, interior spaces and features, as well as the various aspects of its site and environment (Nelson, ND). Following the Secretary's Standards will result in the retention of as many key character-giving defining features as possible in the protection, preservation, restoration, or renovation of cultural resources such as historic buildings, structures, objects, landscapes, or sites, where feasible. When possible, project applicants shall also strive to maintain or restore original proportions, dimensions, and elements of historic buildings or structures and preserve or restore features of historic objects, landscapes, or sites. Applicants may be required to use historic preservation techniques and standards to maintain the historical integrity of historic buildings or structures (including the Historic Building Code [Title 24, Part 8]) where mandated. Where restoration or renovation is undertaken to meet the proposed use of the owner, upgrades to plumbing, electrical, HVAC, and interior arrangements will be allowed. An expansion that meets building code guidelines will be permitted so long as the style of the expansion matches the original structure. Individuals that meet the Secretary of Interior's Standards for architectural preservation will be used to determine that the impact on the historical resource resulting from the expansion is mitigated to a less-than-significant level.



AMADOR COUNTY GENERAL PLAN

Exhibit 4.5-2: Cultural Resource Sensitivity



Legend

Cultural Resource Sensitivity	— Roadways
High	— Highways
Moderate	— Railroads
	— Streams and Creeks
	Major Water Features
	City Spheres of Influence
	Incorporated Cities
	Amador County
	Adjacent Counties

Note: This map is based on known site locations and densities, which are then projected into unsurveyed areas.

Source: NCIC 2007, Amador County GIS 2006 & 2009, CASIL 1993 and 1997

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- c. Where restoration or preservation of a cultural resource is not feasible, applicants shall document the resource and retain the information in a secure location, but publicly accessible location. Access to confidential information will be conducted pursuant to federal and state laws, including but not limited to the California Public Records Act, Government Code § 6250 et seq., and the Information Practices Act of 1977, Civil Code § 1798 et seq. Archaeological collections will be curated according to the *Guidelines for the curation of Archeological Collections* (State Historical Resources Commission (1993), and will be funded by the project applicant.

Responsible Agencies/Departments: Planning Department, Building Department, Sheriff/Coroner (when remains are found)

Working With: County Archives

Time Frame: Ongoing

Mitigation Measure 4.5-1b: Implement CEQA Review of Discretionary Projects

The County will require applicants for discretionary projects that could have significant adverse impacts to prehistoric or historic-era archaeological resources to assess impacts and provide mitigation as part of the CEQA process, and consistent with the requirements of CEQA Guidelines Section 15126.4(b)(3) and Public Resources Code Section 21083.2, or equivalent County regulation. These regulations generally require consultation with appropriate agencies, the Native American Heritage Commission, knowledgeable and Native American groups and individuals, new and updated record searches conducted by the North Central Information Center and federal and incorporated local agencies within and in the vicinity of the project site, repositories of historic archives including local historical societies, and individuals, significance determinations by qualified professionals, and avoidance of resources if feasible. If avoidance is not feasible, recovery, documentation and recordation of resources is required prior to project implementation, and copies of the documentation will be forwarded to the NCIC. In the event human remains are discovered, the project proponent applicant and landowner will comply with California Health and Safety Code Section 7050.5 and California Public Resources Code Section 7050.5097. When the County is the applicant the same mitigation applies.

Responsible Agencies/Departments: Planning Department, Building Department, Sheriff/Coroner (when remains are found)

Time Frame: Ongoing

Significance after Mitigation

Mitigation Measures 4.5-1a and 4.5-1b would substantially reduce or avoid impacts to CEQA-defined “historical resources,” consistent with recommendations in CEQA Guidelines Section 15126.4(b). Preservation in place would be preferred, and data recovery would only be implemented when preservation or mitigation is not feasible. require d Development projects that implement the Draft General Plan would be required to identify resources, avoid resources where feasible, and when avoidance is not feasible, substantially reduce impacts to resources under the direction of an qualified archaeologist, or architectural historian, where avoidance would not be feasible. With regard to traditional tribal cultural places, preservation of values would be the preferred method of protecting a sacred area from adverse impacts. With regard to historic structures, Secretary of Interior Standards for architectural preservation would be used to guide mitigation, and individuals meeting these standards would determine that the impact on the historical resource is mitigated to a less than significant level. Because these mitigation measures would avoid substantial adverse changes in the significance of known cultural resources, Therefore, the impact would be reduced to less than significant.

IMPACT 4.5-2 ***Destruction of or Damage to As-Yet-Unknown Cultural Resources.** Implementation of the Draft General Plan would result in construction and development activities that would include grading, excavation or other ground-disturbing activities. These activities could disturb or damage as-yet-undiscovered archaeological resources or human remains. This impact would be **potentially significant**.*

Implementation of the Draft General Plan would result in construction and development projects within the planning area. These activities could include grading, excavation, or other ground-disturbing activities with the potential to disturb or damage any as-yet-unknown archaeological resources or human remains. It is possible that archaeological or historical resources have been covered by later deposits that could be removed, exposing the cultural deposits during project-related construction activities. Prehistoric archeological indicators can include: obsidian and chert flakes and flaked stone tools; ground stone implements (grinding slabs, mortars and pestles); and locally darkened midden soils containing some of the previously listed items plus fragments of burned and unburned faunal bone and fire affected stones. Historic period site indicators generally include: fragments of glass, ceramic and metal objects; milled and split lumber; and structure and feature remains such as building foundations, privy pits, wells and dumps.

As discussed above, known cultural resources within Amador County are primarily located near existing development. The density of documented resources within the planning area suggests that undeveloped areas are sensitive for previously unidentified and currently unknown cultural resources (Exhibit 4.5-2). These resources may be obscured by surface vegetation or thin overlying strata of culturally sterile soils, with little surface manifestation; thus, it is likely that a surface inventory effort would fail to identify all cultural resources that could be disturbed or destroyed by ground-disturbing construction activities. If these resources were determined to be “significant” under CEQA (See “CRHR Resource Significance,” above), disturbance or destruction would be a significant impact. Therefore, impacts to previously undiscovered cultural resources are considered **potentially significant**.

Mitigation Measure: Implement Mitigation Measures 4.5-1a and 4.5-1b.

Mitigation Measure 4.5-2: Impose Standard Conditions on Development

The County will continue to impose the following conditions on projects which include ground disturbing activity. Applicants, including the County, will be required to do the following:

- During ground-disturbing activity, if paleontological, historic or pre-historic resources such as chipped or ground stone, fossil-bearing rock, large quantities of shell, historic debris, building foundations, or human bone are inadvertently discovered, the operator/permittee shall immediately cease all such activities within 100 feet of the find and notify the Amador County Technical Advisory Committee. A qualified archaeologist shall be contracted by the operator/permittee to assess the significance of the find and prepare an evaluation, avoidance or mitigation plan, as appropriate, which shall be implemented before resuming ground disturbing activities.
- When a discretionary project will involve subsurface impacts in highly sensitive areas, a qualified archaeologist will monitor ground-disturbing activities, and will have the authority to halt construction until the resource can be evaluated and mitigated if necessary. Native American monitors will be invited to attend. In addition, future CEQA projects will require AB52 consultation with tribes including the development of mitigation measures.
- In the event of discovery or recognition of any human remains anywhere within the work area, the operator/permittee shall comply with the following protocol:
 1. Immediately cease any disturbance of the area where such suspected remains are discovered and any nearby areas reasonably suspected to overlie adjacent remains until the Amador County Coroner is

contacted, per Section 7050.5 of the California Health and Safety Code. ~~The coroner who shall, within two working days:~~

- ~~o 2. Determine if an investigation of cause of death is required;~~
 - ~~o 3. Determine if the remains are most likely that of Native American origin, and if so suspected, the coroner shall notify the NAHC within 24 hours of making his or her determination.~~
 - ~~o The operator/permittee shall comply with state laws relating to the disposition of Native American burials under the jurisdiction of the Native American Heritage Commission (NAHC) (PRC Section 5097).~~
2. The descendants of the deceased Native Americans shall make a recommendation to the operator/ permittee for the means of handling the remains and any associated grave goods as provided in Public Resources Code (PRC) Section 5097.98.
 3. The NAHC shall immediately notify those persons it believes to be most likely descended from the deceased Native American.
 4. The descendants may, with the permission of the landowner or their representative, inspect the site of the discovered Native American remains and may recommend possible treatment or disposition within 24 hours of their notification. If the NAHC is unable to identify a descendant, or the descendant fails to make a recommendation within 24 hours after being contacted by the NAHC, operations may continue.
 5. Whenever the NAHC is unable to identify a descendent, or the descendent identified fails to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendent and the mediation provided for in subdivision (k) of PRC Section 5097.94 fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance.

Responsible Agencies/Departments: Planning Department, Building Department, Sheriff/Coroner (when remains are found)

Time Frame: Ongoing

Significance after Mitigation

Mitigation Measures 4.5-1a, 4.5-1b, and 4.5-2 require halting construction upon the discovery of as-yet-undiscovered significant prehistoric sites and documenting and/or avoiding these resources. Because these mitigation measures would avoid substantial adverse changes in the significance of unknown cultural resources, the impact would be reduced to **less than significant**.

IMPACT 4.5-3 ***Disturbance of Human Remains.** Many areas of Amador County are known to have been heavily utilized by Native American groups during the prehistoric period; in addition, the discovery of gold brought a rush of new residents starting in the mid-1800s. While some burial ground locations (generally from the historic era) are known, there is the possibility that ground disturbing activities that would occur during implementation of the Draft General Plan could encounter prehistoric or historic human remains. This impact would be **significant**.*

The planning area is known to have been heavily utilized by Native American groups during the prehistoric period and by new residents attracted by the gold rush beginning in the mid-19th century. As discussed in Section

4.5.2, “Environmental Setting,” the density of documented resources within the planning area suggests that undeveloped areas are sensitive for previously unidentified and currently unknown cultural resources (Exhibit 4.5-2). These previously unidentified and currently unknown cultural resources could include prehistoric or historic human remains. Because ground-disturbing activities associated with implementation of the Draft General Plan could inadvertently disinter or destroy these remains, impacts related to the discovery of human remains are considered **significant**.

Mitigation Measure: Implement Mitigation Measures 4.5-1b and 4.5-2.

Significance after Mitigation

Because implementation of Mitigation Measures 4.5-1b and 4.5-2 would require compliance with state laws which require contact with the County coroner and a professional archeologist to determine the nature of the find, as well as contact with the NAHC and appropriate treatment of the remains if determined to be those of a Native American, the impact associated with disturbance of human remains would be reduced to **less than significant**.