

## 3.7 ARCHAEOLOGICAL, HISTORICAL, AND TRIBAL CULTURAL RESOURCES

This section analyzes and evaluates the potential impacts of the project on known and unknown cultural resources. Cultural resources include districts, sites, buildings, structures, or objects generally older than 50 years and considered to be important to a culture, subculture, or community for scientific, traditional, religious, or other reasons. They also include archeological resources and “tribal cultural resources” (the latter as defined by Assembly Bill (AB) 52, Statutes of 2014, in Public Resources Code [PRC] Section 21074).

Archaeological resources are locations where human activity has measurably altered the earth or left deposits of prehistoric or historic-era physical remains (e.g., stone tools, bottles, former roads, house foundations). Historic-era built-environment resources include standing buildings (e.g., houses, barns, outbuildings, cabins) and intact structures (e.g., dams, bridges, roads, districts), or landscapes. A cultural landscape is defined as a geographic area (including both cultural and natural resources and the wildlife therein), associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values. Tribal cultural resources include sites, features, places, cultural landscapes, sacred places or objects, which are of cultural value to a tribe.

No comment letters regarding cultural resources were received in response to the Notice of Preparation (see Appendix C).

### 3.7.1 Regulatory Setting

#### FEDERAL

##### National Register of Historic Places

The National Register of Historic Places (NRHP) is the nation’s master inventory of known historic properties. It is administered by the National Park Service and includes listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, and cultural districts that are considered significant at the national, state, or local level.

The formal criteria (36 CFR 60.4) for determining NRHP eligibility are as follows:

1. The property is at least 50 years old (however, properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the NRHP);
2. It retains integrity of location, design, setting, materials, workmanship, feeling, and associations; and
3. It possesses at least one of the following characteristics:
  - Criterion A Association with events that have made a significant contribution to the broad patterns of history (events).
  - Criterion B Association with the lives of persons significant in the past (persons).
  - Criterion C Distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant, distinguishable entity whose components may lack individual distinction (architecture).
  - Criterion D Has yielded, or may be likely to yield, information important to prehistory or history (information potential).

Listing in the NRHP does not entail specific protection or assistance for a property but it does guarantee recognition in planning for federal or federally-assisted projects, eligibility for federal tax benefits, and qualification for federal historic preservation assistance. Additionally, project effects on properties listed in the NRHP must be evaluated under CEQA.

The National Register Bulletin also provides guidance in the evaluation of archaeological site significance. If a heritage property cannot be placed within a particular theme or time period, and thereby lacks “focus,” it is considered not eligible for the NRHP. In further expanding upon the generalized NRHP criteria, evaluation standards for linear features (such as roads, trails, fence lines, railroads, ditches, flumes, etc.) are considered in terms of four related criteria that account for specific elements that define engineering and construction methods of linear features: (1) size and length; (2) presence of distinctive engineering features and associated properties; (3) structural integrity; and (4) setting. The highest probability for NRHP eligibility exists within the intact, longer segments, where multiple criteria coincide.

## TAHOE REGIONAL PLANNING AGENCY

Article V(c)(3) of the Tahoe Regional Planning Compact (Public Law 96-551) required the development of a conservation plan for the preservation, development, utilization and management of scenic and other natural resources within the Tahoe Basin, including historic resources. The Tahoe Regional Planning Agency (TRPA) accomplishes historic resource protection through implementation of its goals and policies and code provisions as described below.

### Tahoe Regional Plan

TRPA regulates growth and development in the Lake Tahoe Region through the Regional Plan, which includes the Goals and Policies document, Code of Ordinances, and other guidance documents.

The Goals and Policies document establishes guiding policies for each resource element. The Conservation Element (Chapter 4) of the Goals and Policies document (TRPA 2012) includes a Cultural Sub-element, with applicable goals as follows:

**GOAL C-1:** Identify and preserve sites of historical, cultural and architectural significance within the region.

- ▶ **Policy C-1.1:** Historical or culturally significant landmarks in the region shall be identified and protected from indiscriminate damage or alteration.
- ▶ **Policy C-1.2:** sites and structures designated as historically, culturally, or archaeologically significant shall be given special incentives and exemptions to promote the preservation and restoration of such structures and sites.

### Thresholds

TRPA has not established any threshold standards related to cultural resources.

### Code of Ordinances

The TRPA Code is a compilation of the rules, regulations, and standards to implement the Regional Plan Goals and Policies. Chapter 67, “Historic Resource Protection,” provides for the identification, recognition, protection, and preservation of the region’s significant cultural resources. Resources are evaluated for significance before a project or activity that could cause an adverse impact to that resource. To be designated as a historic resource or determined eligible, the resource must meet at least one of the criteria summarized below (TRPA 2019). Chapter 67 also provides for consultation with the California and Nevada SHPOs as well as the Washoe Tribe.

- ▶ **Resources Associated with Historically-Significant Events and Sites.** Such resources shall meet one or more of the following: (a) association with an important community function in the past, (b) association with a memorable happening in the past, or (c) contain outstanding qualities reminiscent of an early stage of development in the region.
- ▶ **Resources Associated with Significant Persons.** Such resources include: (a) buildings or structures associated with a locally, regionally, or nationally known person; (b) notable example or best surviving works or a pioneer architect, designer, or master builder; or (c) structures associated with the life or work of significant persons.
- ▶ **Resources Embodying Distinctive Characteristics.** Resources that embody the distinctive characteristics of a type, period, or method of construction that possess high artistic values or that represent a significant and distinguishable entity but whose components may lack individual distinction. Works of a master builder, designer, or architect also are eligible. Resources may be classified as significant if they are a prototype of, or a

representative example of, a period style, architectural movement, or method of construction unique in the region, the states, or the nation.

- ▶ **State and Federal Guidelines.** Archaeological or paleontological resources protected or eligible for protection under state or federal guidelines.
- ▶ **Prehistoric Sites.** Sites where prehistoric archaeological or paleontological resources that may contribute to the basic understanding of early cultural or biological development in the region.

Additionally, Sections 32.3.1 "[Paved Road] Waiver," 33.3, "Grading Standards," 33.4.1 "Subsurface Investigations and Reports," 61.1.6 "Minimum Standards for Tree Removal," 66.3.1 "Applicability" for Scenic Quality Review in the Shoreland addresses the discovery and/or treatment of cultural resources.

## STATE

### California Register of Historical Resources

All properties in California that are listed in or formally determined eligible for listing in the NRHP are eligible for the California Register of Historical Resources (CRHR). The CRHR is a listing of State of California resources that are significant within the context of California's history. The CRHR is a statewide program of similar scope and with similar criteria for inclusion as those used for the NRHP. In addition, properties designated under municipal or county ordinances are also eligible for listing in the CRHR.

A historic resource must be significant at the local, state, or national level under one or more of the criteria defined in the California Code of Regulations Title 15, Chapter 11.5, Section 4850 to be included in the CRHR. The CRHR criteria are similar to the NRHP criteria and are tied to CEQA because any resource that meets the criteria below is considered a significant historical resource under CEQA. As noted above, all resources listed in or formally determined eligible for the NRHP are automatically listed in the CRHR.

The CRHR uses four evaluation criteria:

1. Is associated with events or patterns of events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.
2. Is associated with the lives of persons important to local, California, or national history.
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values.
4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

Similar to the NRHP, a resource must meet one of the above criteria and retain integrity. The CRHR uses the same seven aspects of integrity as the NRHP.

### California Environmental Quality Act

CEQA requires public agencies to consider the effects of their actions on "historical resources," "unique archaeological resources," and "tribal cultural resources." Pursuant to PRC Section 21084.1, a "project 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." PRC Section 21083.2 requires agencies to determine whether projects would have effects on unique archaeological resources. PRC Section 21084.2 establishes that "[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment."

### **Historical Resources**

"Historical resource" is a term with a defined statutory meaning (PRC Section 21084.1; determining significant impacts to historical and archaeological resources is described in the State CEQA Guidelines, Sections 15064.5[a] and [b]). Under State CEQA Guidelines Section 15064.5(a), historical resources include the following:

1. A resource listed, or determined to be eligible by the State Historical Resources Commission for listing, in the California Register of Historical Resources (PRC Section 5024.1).
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 a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, will 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 a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource will be considered by the lead agency to be historically significant if the resource meets the criteria for listing in the California Register of Historical Resources (PRC Section 5024.1).
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 a 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 PRC Section 5020.1(j) or 5024.1.

### **Unique Archaeological Resources**

CEQA also requires lead agencies to consider whether projects will impact unique archaeological resources. PRC Section 21083.2(g) states that unique archaeological resource means 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. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

### **Tribal Cultural Resources**

CEQA also requires lead agencies to consider whether projects will impact tribal cultural resources. PRC Section 21074 states the following:

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

- b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

### **California Native American Historical, Cultural, and Sacred Sites Act**

The California Native American Historical, Cultural, and Sacred Sites Act applies to both state and private lands. The Act requires that upon discovery of human remains, construction or excavation activity cease and the County coroner be notified. If the remains are of a Native American, the coroner must notify NAHC, which notifies and has the authority to designate the most likely descendant (MLD) of the deceased. The Act stipulates the procedures the descendants may follow for treating or disposing of the remains and associated grave goods.

### **Health and Safety Code Sections 7050.5 and 7052**

Section 7050.5 of the Health and Safety Code requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If determined to be Native American, the coroner must contact the NAHC. Section 7052 states that the disturbance of Native American cemeteries is a felony.

### **Public Resources Code Section 5097**

PRC Section 5097 specifies the procedures to be followed in the event of the unexpected discovery of human remains on nonfederal land. The disposition of Native American burial falls within the jurisdiction of the NAHC. PRC Section 5097.5 states the following:

No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

### **Public Resources Code Section 21080.3**

AB 52, signed by the California Governor in September of 2014, established a new class of resources under CEQA: "tribal cultural resources," defined in PRC 21074. Pursuant to PRC Sections 21080.3.1, 21080.3.2, and 21082.3, lead agencies undertaking CEQA review must, upon written request of a California Native American Tribe, begin consultation before the release of an environmental impact report, negative declaration, or mitigated negative declaration.

PRC Section 21080.3.2 states:

Within 14 days of determining that a project application is complete, or to undertake a project, the lead agency must provide formal notification, in writing, to the tribes that have requested notification of proposed projects in the lead agency's jurisdiction. If it wishes to engage in consultation on the project, the tribe must respond to the lead agency within 30 days of receipt of the formal notification. The lead agency must begin the consultation process with the tribes that have requested consultation within 30 days of receiving the request for consultation. Consultation concludes when either: 1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource, or 2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.

If the lead agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process, provisions under PRC Section 21084.3(b) describe mitigation measures that may avoid or minimize the significant adverse impacts. Examples include:

- (1) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- (2) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - (A) Protecting the cultural character and integrity of the resource.
  - (B) Protecting the traditional use of the resource.
  - (C) Protecting the confidentiality of the resource.
- (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- (4) Protecting the resource.

## LOCAL

### El Dorado County General Plan

The El Dorado County General Plan (El Dorado County 2019) contains the following policies relevant to protection of archaeological, historic, and tribal cultural resources:

- **Policy 7.5.1.1:** The County shall establish a Cultural Resources Ordinance. This ordinance shall provide a broad regulatory framework for the mitigation of impacts on cultural resources (including historic, prehistoric and paleontological resources) by discretionary projects. This Ordinance should include (but not be limited to) and provide for the following:
  - A. Appropriate (as per guidance from the Native American Heritage Commission) Native American monitors to be notified regarding projects involving significant ground-disturbing activities that could affect significant resources.
  - B. A 100-foot development setback in sensitive areas as a study threshold when deemed appropriate.
  - C. Identification of appropriate buffers, given the nature of the resources within which ground-disturbing activities should be limited.
  - D. A definition of cultural resources that are significant to the County. This definition shall conform to (but not necessarily be limited to) the significance criteria used for the National Register of Historic Places (NRHP) and the California Register of Historical Resources (CRHR) and Society of Vertebrate Paleontology.
  - E. Formulation of project review guidelines for all development projects.
  - F. Development of a cultural resources sensitivity map of the County.
- **Policy 7.5.1.2:** Reports and/or maps identifying specific locations of archaeological or historical sites shall be kept confidential in the Planning Department but shall be disclosed where applicable.
- **Policy 7.5.1.3:** Cultural resource studies (historic, prehistoric, and paleontological resources) shall be conducted prior to approval of discretionary projects. Studies may include, but are not limited to, record searches through the North Central Information Center at California State University, Sacramento, the Museum of Paleontology, University of California, Berkeley, field surveys, subsurface testing, and/or salvage excavations. The avoidance and protection of sites shall be encouraged.
- **Policy 7.5.1.4:** Promote the registration of historic districts, sites, buildings, structures, and objects in the National Register of Historic Places and inclusion in the California State Office of Historic Preservation's California Points of Historic Interest and California Inventory of Historic Resources.

- ▶ **Policy 7.5.1.5:** A Cultural Resources Preservation Commission shall be formed to aid in the protection and preservation of the County's important cultural resources. The Commission's duties shall include, but are not limited to:
  - A. Assisting in the formulation of policies for the identification, treatment, and protection of cultural resources (including historic cemeteries) and the curation of any artifacts collected during field collection/excavation;
  - B. Assisting in preparation of a cultural resources inventory (to include prehistoric sites and historic sites and structures of local importance);
  - C. Reviewing all projects with identified cultural resources and making recommendations on appropriate forms of protection and mitigation; and
  - D. Reviewing sites for possible inclusion in the National Register of Historic Places, California Register, and other State and local lists of cultural properties. The County shall request to become a Certified Local Government (CLG) through the State Office of Historic Preservation. Certification would qualify the County for grants to aid in historic preservation projects. The Cultural Resources Preservation Commission could serve as the Commission required for the CLG program.
- ▶ **Policy 7.5.1.6:** The County shall treat any significant cultural resources (i.e., those determined California Register of Historical Resources/National Register of Historic Places eligible and unique paleontological resources), documented as a result of a conformity review for ministerial development, in accordance with CEQA standards.

## Placer County General Plan

The Placer County General Plan (Placer County 2013) contains the following policies relevant to protection of archaeological, historic, and tribal cultural resources:

- ▶ **Policy 5.D.1:** The County shall assist the citizens of Placer County in becoming active guardians of their community's cultural resources.
- ▶ **Policy 5.D.2:** The County shall solicit the cooperation of the owners of cultural and paleontological resources, encourage those owners to treat these resources as assets rather than liabilities, and encourage the support of the general public for the preservation and enhancement of these resources.
- ▶ **Policy 5.D.3:** The County shall solicit the views of the Native American Heritage Commission, State Office of Historic Preservation, North Central Information Center, and/or the local Native American community in cases where development may result in disturbance to sites containing evidence of Native American activity and/or to sites of cultural importance.
- ▶ **Policy 5.D.4:** The County shall coordinate with the cities and municipal advisory councils in the County to promote the preservation and maintenance of Placer County's paleontological and archaeological resources.
- ▶ **Policy 5.D.5:** The County shall use, where feasible, incentive programs to assist private property owners in preserving and enhancing cultural resources.
- ▶ **Policy 5.D.6:** The County shall require that discretionary development projects identify and protect from damage, destruction, and abuse, important historical, archaeological, paleontological, and cultural sites and their contributing environment. Such assessments shall be incorporated into a Countywide cultural resource data base, to be maintained by the Division of Museums.
- ▶ **Policy 5.D.7:** The County shall require that discretionary development projects are designed to avoid potential impacts to significant paleontological or cultural resources whenever possible. Unavoidable impacts, whenever possible, shall be reduced to a less than significant level and/or shall be mitigated by extracting maximum recoverable data. Determinations of impacts, significance, and mitigation shall be made by qualified archaeological (in consultation with recognized local Native American groups), historical, or paleontological consultants, depending on the type of resource in question.

- ▶ **Policy 5.D.8:** The County shall, within its power, maintain confidentiality regarding the locations of archaeological sites in order to preserve and protect these resources from vandalism and the unauthorized removal of artifacts.
- ▶ **Policy 5.D.9:** The County shall use the State Historic Building Code to encourage the preservation of historic structures.
- ▶ **Policy 5.D.10:** The County will use existing legislation and propose local legislation for the identification and protection of cultural resources and their contributing environment.
- ▶ **Policy 5.D.11:** The County shall support the registration of cultural resources in appropriate landmark designations (i.e., National Register of Historic Places, California Historical Landmarks, Points of Historical Interest, or Local Landmark). The County shall assist private citizens seeking these designations for their property.
- ▶ **Policy 5.D.12:** The County shall consider acquisition programs (i.e., Placer Legacy Open Space and Agricultural Conservation Program) as a means of preserving significant cultural resources that are not suitable for private development. Organizations that could provide assistance in this area include, but are not limited to, the Archaeological Conservancy, the Native American community, and local land trusts.

### City of South Lake Tahoe General Plan

The City of South Lake Tahoe General Plan (City of South Lake Tahoe 2011) contains the following policies relevant to protection of archaeological, historic, and tribal cultural resources:

- ▶ **Policy NCR-4.1: Significant Site Preservation.** The City shall preserve sites of historical, cultural and architectural significance within the city, consistent with the Secretary of the Interior Standards for Treatment of Historic Properties.
- ▶ **Policy NCR-4.2: Historic Landmark Designation.** The City shall designate structures or sites having special character or special historic, architectural, or aesthetic interest or value as local historic landmarks. The City shall protect local historic landmarks from demolition and inappropriate alterations, and develop criteria for evaluating the appropriateness for sites or structures to be designated as local historic landmarks, and provide incentives for preservation of local historic landmarks.
- ▶ **Policy NCR-4.3: Archeological Investigations.** The City shall require archeological investigations for all applicable discretionary projects, in accordance with CEQA regulations, for areas not previously surveyed and/or that are determined sensitive for cultural resources (e.g., undeveloped parcels near water features). The City shall require the preservation of discovered archeologically-significant resources (as determined based on TRPA, State, and Federal standards by a qualified professional) in place if feasible, or provide mitigation (avoidance, excavation, documentation, curation, data recovery, or other appropriate measures) prior to further disturbance.
- ▶ **Policy NCR-4.4: Paleontological Resource Evaluation.** The City shall require that a paleontological resources evaluation be prepared and measures to mitigate impacts to paleontological resources be identified (avoidance, preservation in place, excavation, documentation, and/or data recovery) when fossils are discovered during ground-disturbing activities.
- ▶ **Policy NCR-4.5: Human Remains Discovery.** The City shall require/condition projects and other ground disturbance activities to notify the City if human remains are discovered and halt work. The County Coroner will be notified according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.



## 3.7.2 Environmental Setting

### REGIONAL PREHISTORY

The earliest evidence of human occupation at Lake Tahoe appears to date to the Early Holocene, when warming and drying climates caused Pleistocene lakes—including Lake Lahontan, which once flooded much of the Great Basin—to shrink. Native people living around those lakes now visited the relatively ice-free Tahoe basin as part of a highly mobile foraging pattern that included the hunting of large, migratory game. Archaeological sites dating to the Early Holocene have been identified on Taylor Creek on the south shore of Lake Tahoe and at several locations along the upper Truckee River. Many other early archaeological sites may lie submerged beneath the waters of Lake Tahoe or buried under alluvial sediments (Far Western 2020).

Much more archaeological evidence has been found for human occupation at Lake Tahoe after 7,000 years ago, during the Middle Holocene Period. This was a time of extreme drought, when the lake level dropped considerably, as indicated by the presence of now-submerged tree stumps. As lakes in the Great Basin dried up, Tahoe remained a sort of refugia, even in its lowered state. Human use of the Tahoe basin increased accordingly. The warmer and drier conditions may even have allowed for year-round occupation of the lake shore during snow-free winters. This also may have been when native people first began to quarry basalt toolstone at places like Alder Hill in Truckee and Watson Creek at Lake Tahoe (Far Western 2020).

About 4,000 years ago, at the beginning of the Late Holocene “Neoglacial,” increased moisture and cooler temperatures caused the rebirth of many lakes and the development of marshes—including Taylor Marsh—teeming with plant and animal life. Vegetation communities shifted from drought-tolerant species to the conifer forests that characterize the Tahoe basin today. These conditions lasted for about 2,000 years, with drier conditions returning from ca. 2200 to 1600 years before present (BP) and again at ca. 700 to 500 BP. These drought periods are marked by decreased flows in the Truckee River and by narrow tree rings and deeply submerged tree stumps at Donner and Independence Lakes. After 500 BP, the climate began to more closely resemble the conditions present when Euro-Americans entered the region (Far Western 2020).

### ETHNOGRAPHY

Before historic contact in the early to mid-1800s, the shores of Lake Tahoe were part of the vast territory held by the Washoe people. Washoe territory extended north to Honey Lake and south to the headwaters of the Tuolumne River. To the east, the valleys at the base of the Sierra were also Washoe territory. The boundary to the west was more fluid, involving shared use of the upper and lower western slopes with the Nisenan and Miwok (TRPA 2012; Placer County and TRPA 2016).

The primary sociopolitical group among the Washoe was the small extended family over which presided a family headman. Permanent villages were inhabited year-round, but most able-bodied adults and older children shifted their residence throughout the warmer seasons. A winter settlement would be home to several of these families, who shared a group identity but acted independently in most matters. While areas of settlement were rich in resources, they were relatively small oases within less-usable lands. This “patchiness” of the Washoe environment was best utilized by changing residence often to exploit resources in different zones as they became available, and by keeping populations sufficiently low to assure ample food for all members of the group (TRPA 2012; Placer County and TRPA 2016).

The Washoe regularly convened throughout the year to participate in rabbit drives and large-scale fowling and fishing activities, as well as to maintain family contacts. The American River and Lake Tahoe were major year-round fisheries with good locations for villages and camps, and the Martis Valley was an important gathering place to obtain edible and medicinal roots, seeds, and marsh plants (TRPA 2012; Placer County and TRPA 2016).

Washoe lifeways were not directly affected by the earliest historic-era activities in California and Nevada. However, by the 1850s and 1860s Washoe culture was affected by thousands of outsiders who had moved through their territory. Ranchers and other settlers restricted Washoe use of lands and resources. Although traditional settlement and

subsistence practices were profoundly disrupted, many traditional customs persist among the Washoe people today (TRPA 2012; Placer County and TRPA 2016).

## HISTORIC SETTING

### Regional History

The non-native history of the Tahoe Basin began in the mid-nineteenth century, spurred by the discovery of gold at Coloma in El Dorado County in 1848 and the Comstock silver lode at Virginia City, Nevada in 1859. The construction in 1867–1868 of the Transcontinental Railroad through the Truckee River canyon linked the Tahoe Sierra with regions to the east and west and also brought thousands of overseas Chinese to the Tahoe/Truckee area, first as miners and then as railroad workers, colliers, and business owners. Their legacy can still be seen in the many Chinese camps, charcoal kilns, and other archaeological sites with Chinese artifacts (Far Western 2020).

Despite the intensive nineteenth-century mining on both sides of the Sierran crest, the real attraction of the Tahoe basin to Euro-Americans was for its old-growth forests and for the lake itself, which became a major tourist destination as early as the 1920s. The onset of lumbering on the California side of Tahoe's north shore was largely coincident with the building of the transcontinental railroad and the subsequent opening of new wood markets along its route. As early as 1859, a few individuals staked small timber claims in the Lake Tahoe Basin to supply the handful of sawmills established to outfit local needs. Smaller logging operations were soon swamped, however, by the arrival of large lumber and fluming companies that constructed large mills and established an elaborate network of logging barges, railroads, wagon roads, V-shaped flumes, water storage reservoirs, and associated wood camps and mills. Some of these companies hired large numbers of the overseas Chinese workers who had been brought to the area to help build the Transcontinental Railroad (Far Western 2020).

Soon large lumber companies such as the Sierra Nevada Wood and Lumber Company, the Truckee Lumber Company, and the Carson Tahoe Lumber and Fluming Company owned huge blocks of timberland and dominated the industry. One such company, the Donner Lumber and Booming Company (a subsidiary of the Central Pacific Railroad), was authorized by the State of California in 1870 to erect a dam at the outlet of Lake Tahoe and float logs down the Truckee River. By the turn of the twentieth century, lands in the Tahoe Basin were largely stripped of pine, but fir and other species remained. With the introduction of paper mills, stands were re-entered to harvest fir for use as pulpwood for paper mills (Far Western 2020).

Large-scale logging in the Tahoe basin decreased as the lake's importance as a tourist destination increased. The first hostelry at Tahoe City, the aptly-named Tahoe City Hotel, was built in 1864 by M. L. King; in 1871 it was reopened as a 3 1/2-story hotel and saloon complex renamed the Grand Central Hotel. In 1867, William Pomin converted his house on Main (Lake) Street as the Tahoe House and bar, at what would later be the location of the Tahoe Inn. The Tahoe Inn was destroyed by fire in 1934 but was reconstructed; it still stands today, now operated as a restaurant franchise (Far Western 2020).

It was not until the early 1900s that tourism began at Lake Tahoe on a large scale. As early as 1900, local lumber baron D. L. Bliss saw this potential and constructed the Lake Tahoe Railway and Transportation Company (LTR&TCo.) railroad as a critical link between Lake Tahoe and the main transcontinental line in Truckee. At the lake end of the line, Bliss built the grand Tahoe Tavern Hotel at Tahoe City and a railway-steamer pier south of the lake's inlet. The pier was intended to service Bliss's maritime fleet, based out of the Tahoe Tavern and used to carry passengers, mail, and freight around the lake. Today there is nothing left of the Tahoe Tavern or its hotel, although traces of the LTR&TCo. tourist railroad (purchased and upgraded by the Southern Pacific Railroad in 1926) are still visible in some places along the Truckee River. Today Lake Tahoe continues to be a major tourist attraction, drawing visitors from all over the country and many parts of the world. Logging and other extraction industries have been largely curtailed or are carefully regulated, to preserve as much of the basin's environmental health and beauty as possible (Far Western 2020).

The primary Euro-American land uses in the basin have been those associated with transportation (roads, railroad grades, bridges, waystations), logging and lumbering (work camps, sawmills, chutes and flumes, skid trails, logging railroads, fields of high-cut stumps), and recreation/tourism (motels/hotels, resorts, campgrounds, cabins, etc.). There was also a flourishing but short-lived fishing industry that threatened to wipe out the native fish until the California did State Legislature banned commercial fishing at the lake in 1917. Other types of sites that have been recorded

around the lake include the former estates of wealthy Euro-Americans, Basque sheepherders' camps and aspen carvings ("arborglyphs"), ranching features, utility lines, water supply/management structures, animal traps, and many refuse dumps or scatters (Far Western 2020).

## RECORDS SEARCHES, SURVEYS, AND CONSULTATION

In February 2020, a *Cultural Resources Records Search and Sensitivity Study for the Tahoe Program Timberland Environmental Impact Report* was prepared by Far Western Anthropological Research Group (Cultural Resources Records Search and Sensitivity Study) (Far Western 2020).

As part of the Cultural Resources Records Search and Sensitivity Study, a records search of the program area and a 100-meter buffer was conducted at the North Central Information Center (NCIC), at California State University, Sacramento. The following information was reviewed as part of the records search:

- ▶ NRHP and CRHR,
- ▶ California Office of Historic Preservation Historic Property Directory,
- ▶ Archaeological Determinations of Eligibility listings for El Dorado and Placer Counties
- ▶ California Department of Transportation Historic Bridges Survey
- ▶ California Inventory of Historic Resources,
- ▶ California State Historic Landmarks,
- ▶ California Points of Historical Interest, and
- ▶ Historic properties reference map.

According to records searches conducted by the NCIC, previous surveys have identified 579 cultural resources (prehistoric and historic-era archaeological features and built-environment features) in or immediately adjacent to the program area. Of these, 351 are plotted as lying within the program area; the other 228 lie within the 100-meter-wide buffer zone and are therefore close enough to be of concern. Some of the features in the buffer zone are linear features (roads, trails, ditches, etc.) that are only partially recorded and may continue into the program area; others were recorded decades ago and may have been misplotted (i.e., they may actually fall within the program area).

Roughly 40 percent of the program area has been adequately surveyed, resulting in 351 features having been recorded; this equates to roughly one site every 20 acres. The 351 sites are comprised of 42 prehistoric archaeological sites, 133 historic-era archaeological sites, 158 built-environment features and 18 multi-component sites (containing both prehistoric and historic-era features).

### Built-Environment Features

The majority of the 158 built-environment features identified in the NCIC records search have not been evaluated for NRHP or CRHR eligibility. Of the 53 that have been evaluated, 8 have been evaluated as eligible for either NRHP or CRHR eligibility. These include the Gate Keeper's Log Cabin (P-31-001976); the CT Bliss-CW Merrill House (P-31-002931); the Tahoe Meadows Historic District (P-09-005091); the Sugar Pine Point Historic District (P-09-005219); the Camp Richardson Historic District (P-09-005233), two Nordic Ski Trail Systems and a bridge near Emerald Bay. The 45 built-environment resources that have been evaluated as not eligible for listing are not considered historical resources under CEQA.

### Archaeological Sensitivity

Areas of high or highest sensitivity for prehistoric or tribal cultural sites tend to cluster around the lake shores and wetlands and on streams flowing into the lakes, where fresh water and other resources (fish, marsh plants) would have been most plentiful. Archaeological sensitivity decreases as we move inland away from the lakes, and where slopes begin to steepen. It is important to account for local and regional landscape changes that caused the lake levels to fluctuate, altered the course of stream and river channels, and affected the type and distribution of the plant

and animal communities in the past. Because of the confidential nature of archaeological sites and the possibility of looting, specific archaeological site locations are not discussed.

The locations of historic-era archaeological sites are less dependent on landscape features than prehistoric archaeological sites. Slopes could be artificially leveled, water could be brought in via ditches and flumes, and food could be transported by railroad or wagon road. The remains of old roads, railroads, and trails often parallel modern features and many have been documented. However, structure foundations, cellars, refuse deposits, and other historic-era archaeological remains can be easily overlooked as they can be obscured by vegetation.

### **Tribal Cultural Resources**

A Native American Consultation Program has been initiated by CAL FIRE for the Tahoe PTEIR. The specific details about tribal cultural resources locations and characteristics are confidential pursuant to California law. On October 14, 2019, five tribes were contacted by CAL FIRE for AB 52 consultation. Letters sent to the tribes included the location of the program area as well as specific information on elements of the proposed program. The following tribes were contacted:

- ▶ Washoe Tribe of Nevada and California, Serrell Smokey, Chairman
- ▶ Lone Band of Miwok Indians, Sara Dutschke Setshwaelo, Chairperson
- ▶ Shingle Springs Band of Miwok Indians, Nicholas Fonseca, Chairman
- ▶ Wilton Rancheria, Steven Hutchason, Executive Director
- ▶ United Auburn Indian Community of the Auburn Rancheria, Matthew Moore, Tribal Historic Preservation Officer

Two tribes responded to the consultation letters. Shingle Springs Band of Miwok Indians requested updates on the project and copies of all records searches, while United Auburn Indian Community (UAIC) requested consultation with CAL FIRE. As of May 2020, tribal consultation with UAIC and the Shingle Springs Band of Miwok Indians remains ongoing.

## **3.7.3 Environmental Impacts and Mitigation Measures**

### **METHODOLOGY**

The impact analysis for archaeological and historical resources is based on the findings and recommendations of the Cultural Resources Records Search and Sensitivity Study (Far Western 2020). The analysis is also informed by the provisions and requirements of federal, state, and local laws and regulations that apply to cultural resources.

Section 21083.2 of the State CEQA Guidelines defines “unique archaeological resource” as 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 one or more of the following CRHR-related criteria: 1) that it contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; 2) that it has a special and particular quality, such as being the oldest of its type or the best available example of its type; or 3) that it is directly associated with a scientifically recognized important prehistoric or historic event or person. An impact on a “nonunique resource” is not a significant environmental impact under CEQA (State CEQA Guidelines Section 15064.5[c][4]). If an archaeological resource qualifies as a resource under CRHR criteria, then the resource is treated as a unique archaeological resource for the purposes of CEQA.

PRC Section 21074 defines tribal cultural resources as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe” that are listed or determined eligible for CRHR listing, listed in a local register of historical resources, or otherwise determined by the lead agency to be a tribal cultural resource.

For the purposes of the impact discussion, “historical resource” is used to describe built-environment historic-era resources. Archaeological resources (both prehistoric and historic-era), which may qualify as “historical resources” pursuant to CEQA, are analyzed separately from built-environment historical resources.

Significance determinations account for the influence of relevant Standard Project Requirements (SPRs) and California Forest Practice Rules (CFPRs), which are incorporated into treatment design. Relevant SPRs include the following:

- ▶ **SPR CUL-1 Conduct Record Search:** For treatments led by CAL FIRE, an archaeological and historical resource record search will be conducted per the “Archaeological Review Procedures for CAL FIRE Projects” (current edition dated 2010). For treatments led by a project proponent other than CAL FIRE, an archaeological and historical resource record search will be conducted per the “Archaeological Review Procedures for CAL FIRE Projects” or equivalent state or local agency procedures. Instead of conducting a new search, the project proponent may use recent record searches (not more than 5 years old) containing the treatment area, including records searches completed in the preparation of this PTEIR, in accordance with the Archaeological Review Procedures for CAL FIRE Projects or equivalent agency guidance.
- ▶ **SPR CUL-2 Contact Geographically Affiliated Native American Tribes:** The project proponent will obtain the latest Native Americans Contact List, which may be obtained from the CAL FIRE website, as appropriate. Using the appropriate Native Americans Contact List, the project proponent will notify the California Native American Tribes in the counties where the treatment activity is located. The notification will contain the following:
  - A written description of the treatment location and boundaries.
  - Brief narrative of the treatment objectives.
  - A description of the activities used (e.g., prescribed burning, mastication) and associated acreages.
  - A map of the treatment area at a sufficient scale to indicate the spatial extent of activities.
  - A request for information regarding potential impacts to cultural resources from the proposed treatment.
  - A detailed description of the depth of excavation, if ground disturbance is expected.
  - A request for a response within 30 days.

In addition, the project proponent will contact the NAHC for a review of their Sacred Lands File.

- ▶ **SPR CUL-3 Pre-field Research:** The project proponent will conduct research prior to implementing treatments as part of the cultural resource investigation. The purpose of this research is to properly inform survey design, based on the types of resources likely to be encountered within the treatment area, and to be prepared to interpret, record, and evaluate these findings within the context of local history and prehistory. The qualified archaeologist, meeting the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards, will review records, study maps, read pertinent ethnographic, archaeological, and historical literature specific to the area being studied, and conduct other tasks to maximize the effectiveness of the survey.
- ▶ **SPR CUL-4 Archaeological Surveys:** The project proponent will coordinate with a qualified archaeologist to conduct a site-specific survey of the treatment area. The survey methodology (e.g., pedestrian survey or subsurface investigation) depends on whether the area has a low, moderate, or high sensitivity for resources, which is based on whether the records search, pre-field research, and/or Native American consultation identifies archaeological, historical, or tribal cultural resources near or within the treatment area. The archaeological and built-environment resources sensitivity maps included with the Project Consistency Checklist would also inform the survey methodology needed for an individual project and help guide project proponents in project planning based on the sensitivity at individual later treatment activity sites. A survey report will be completed for every cultural resource survey completed. The specific requirements will comply with the current edition of “Archaeological Review Procedures for CAL FIRE Projects” or equivalent state or local agency procedures, as applicable.
- ▶ **SPR CUL-5 Treatment of Archaeological Resources:** If cultural resources are identified within a treatment, including tribal cultural resources, and cannot be avoided, a qualified archaeologist will notify the culturally affiliated tribe(s) based on information provided by NAHC and assess, whether an archaeological find qualifies as a unique archaeological resource, an historical resource, or in coordination with said tribe(s), as a tribal cultural

resource. The project proponent, in consultation with culturally affiliated tribe(s) when applicable, will develop effective protection measures for unique archaeological resources, historical resources, or tribal cultural resources located within treatment areas. These measures may include changing treatment activities so that damaging effects to cultural resources will not occur. These protection measures will be written in clear, actionable language, and will be included in the survey report in accordance with the "Archaeological Review Procedures for CAL FIRE Projects" or equivalent state or local agency procedures. If the resource is a tribal cultural resource, the project proponent will provide the tribe(s) the opportunity to submit comments and participate in consultation to resolve issues of concern.

- ▶ **SPR CUL-6 Avoid Built Historical Resources:** If the records search identifies built historical resources, as defined in Section 15064.5 of the State CEQA Guidelines, the project proponent will avoid these resources. Within a buffer of 100 feet of the built historical resource, there will be no prescribed burning or mechanical treatment activities. Buffers less than 100 feet for built historical resources will only be used after consultation with and receipt of written approval from a historian or architectural historian meeting the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards. If the records search does not identify known historical resources in the treatment area, but structures (i.e., buildings, bridges, roadways) over 50 years old that have not been evaluated for historic significance are present in the treatment area, they will similarly be avoided.
- ▶ **SPR CUL-7 Cultural Resource Training:** The project proponent will train all crew members and contractors implementing treatment activities on the protection of sensitive archaeological, historical, or tribal cultural resources. Workers will be trained to halt work if archaeological resources are encountered on a treatment site and the treatment method consists of physical disturbance of land surfaces (e.g., soil disturbance). The training will also include instructing crew members and contractors on the confidential nature of cultural resources, consistent with CCR Section 1427 and penalties for removing or intentionally disturbing cultural resources, such as those identified in the Archeological Resources Protection Act.

## THRESHOLDS OF SIGNIFICANCE

Based on Appendix G of the State CEQA Guidelines, an impact on cultural resources is considered significant if implementation of later projects under the Tahoe PTEIR would:

- ▶ cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 of the State CEQA Guidelines;
- ▶ cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the State CEQA Guidelines;
- ▶ cause a substantial adverse change in the significance of a tribal cultural resource, 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; or
- ▶ disturb any human remains, including those interred outside of dedicated cemeteries.

## IMPACTS AND MITIGATION MEASURES

### Impact 3.7-1: Cause a Substantial Adverse Change in the Significance of Historical Resources

Later treatment activities could occur in areas that contain known historic resources or currently unrecorded historic-era features, or result in adverse physical or aesthetic effects to a significant historical site, structure, object, or building. Implementation of SPRs CUL-1, CUL-6, and CUL-7, would avoid any substantial adverse change to any built historical resources. This impact would be **less than significant**.

The Lake Tahoe region contains various built-environment features, including federal, state, and locally recognized resources. As previously described, 158 built-environment features were identified in the NCIC records search, there are 8 properties in the program area that were evaluated as eligible for listing in the NRHP and/or the CRHR, 45 evaluated as not eligible, and approximately 100 have not yet been evaluated. Implementation of the program would result in forest treatment activities to reduce the risk of wildfire including mechanical thinning, manual/hand thinning, prescribed understory burning, pile burning, sale and transport of forest products. The demolition, alteration, or disturbance of existing sites, buildings, and structures that are designated historic resources, eligible for listing as historic resources, or that have not yet been evaluated, could result in the change in its historical significance.

As described in Chapter 2, "Program Description," standard protection measures (SPRs) would be incorporated into all proposed treatment activities under the Tahoe PTEIR as a standard part of treatment design and implementation (see Appendix B). SPR CUL-1 requires a recent records search (less than 5 years old) for historical resources. SPR CUL-6 requires the avoidance of known built historical resources and the avoidance of built-environment structures that have not yet been evaluated for historical significance. SPR CUL-7 requires that workers be trained regarding protection of historical resources.

Conducting record searches and avoiding historical resources would avoid or minimize the risk of disturbance, damage, or destruction of historical resources by identifying, then avoiding and protecting the resources from damage that could be caused by treatment activities. Conducting worker awareness training would avoid or minimize the risk of disturbance, damage, or destruction of historical resources by training workers on how to identify and avoid known resources that could be otherwise inadvertently be damaged by treatment activities. Commercial activities conducted as part of later treatment activities would also be required to comply with CFPRs (14 CCR Sections 969.1 through 969.7). The CFPRs include requirements for project proponents or project implementers to conduct records searches, determine significance of the archaeological or historical site, and implement protection measures and site recording for discovered resources.

Implementation of applicable SPRs and CFPRs would avoid damage or destruction that could result in a substantial adverse change in the significance of a built historic resource. Therefore, this impact would be **less than significant**.

## Mitigation Measures

No mitigation is required for this impact.

## Impact 3.7-2: Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources

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Later treatment activities could occur on lands that contain resources that may qualify as unique archaeological resources. It is possible that unique archaeological resources would be disturbed during treatment activities. SPRs CUL-1, CUL-2, CUL-3, CUL-4, CUL-5, and CUL-7 require a records search, pre-field research, an archaeological survey, coordination with Native American groups, worker training to recognize sensitive cultural resources, and avoiding or protecting known resources. Despite implementation of these SPRs, unknown unique archaeological resources could be inadvertently damaged during treatment activities. This would be a **potentially significant** impact.

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Archaeological resources have been identified throughout the Lake Tahoe region; therefore, this analysis assumes that archaeological resources may be present within the program area. These resources may include, but are not limited to, village sites, milling sites, lithic scatters, rock art, building foundations, and refuse deposits.

Treatment activities such as mechanical thinning, manual/hand thinning, prescribed understory burning, pile burning, sale and transport of forest products could inadvertently damage unique archaeological resources.

As previously described, standard protection measures (SPRs) would be incorporated into all proposed treatment activities under the Tahoe PTEIR as a standard part of treatment design and implementation (see Appendix B). SPR CUL-1 requires a recent records search for archaeological resources. SPR CUL-2 requires coordination with geographically associated Native American tribe(s), which would identify locations of any known unique archaeological resources and areas where there is a high likelihood of finding these types of resources and require

avoidance of these resources. SPR CUL-3 requires pre-field research to become familiar with the area and potential resources, SPR CUL-4 requires an archaeological survey of the treatment area to identify archaeological resources and SPR CUL-5 requires working with the geographically affiliated tribe(s) to avoid and protect any resources identified. These SPRs would be implemented as part of each later treatment activity, as applicable. The lead agency or project proponent would be responsible for monitoring or ensuring the SPRs are implemented.

The Cultural Resources and Sensitivity Study prepared for the Tahoe PTEIR assessed where cultural resources are most likely to occur within or near the program area (Far Western 2020). This sensitivity analysis assessed basic environmental factors that are known to influence where prehistoric sites are located, and used a geoarchaeological landscape perspective (i.e., looking at the geologic and archaeological history) to evaluate the potential for prehistoric sites in a given area. Historical maps and photos showing 19th and early 20th century land use in the Lake Tahoe basin and an inventory of known historic-era resources were used to evaluate the potential for historic-era sites in a given area. The results of the sensitivity analysis were compiled to develop sensitivity maps that identifies areas that have low to high sensitivity for prehistoric and historic-era archaeological sites. These maps are included as an attachment to Appendix A, "Project Consistency Checklist," of this PTEIR (see Figures A2-1 through A2-10 in Attachment A3 of Appendix A). As required by SPR CUL-4, a pre-implementation survey would be conducted to identify previously unknown cultural resources. The survey intensity would be greatest in areas with a high sensitivity for prehistoric or historic-era archaeological sites, which are shown in Figures A2-1 through A2-10 in Appendix A.

Conducting record searches, contacting Native American groups, conducting cultural resource surveys, and avoiding known unique archaeological resources would avoid or minimize the risk of disturbance, damage, or destruction of these resources by identifying, avoiding, or protecting these sensitive subsurface resources from damage that could be caused by treatment activities.

Commercial activities conducted as part of later treatment activities would also be required to comply with CFPRs (14 CCR Sections 969.1 through 969.7). The CFPR includes requirements for project proponents or project implementers to conduct records searches, notify Native American groups regarding preparation of a PTHP or THP and if a cultural site is located, determine significance of the archaeological site, and implement protection measures and site recording for discovered resources.

Although known resources would be avoided through implementation of SPRs and CFPRs, ground disturbance during treatment activities could encounter unknown archaeological sites and materials, which may result in inadvertent damage to or destruction of these resources.

SPR CUL-7 requires worker awareness training and that treatment activities be halted if archaeological materials are discovered. Conducting worker awareness training would avoid or minimize the risk of disturbance, damage, or destruction of subsurface resources by training workers on how to identify resources that could be otherwise inadvertently be damaged by treatment activities and halting work in the event of any discoveries. Despite implementation of SPRs, unknown unique archaeological resources could be discovered during ground-disturbing activities and be inadvertently damaged or destroyed, if they are present in the treatment areas and affected. If this occurred, it could cause a substantial adverse change in the significance of unique archaeological resources, which would be a **potentially significant** impact.

## Mitigation Measures

### Mitigation Measure 3.7-2: Protect Inadvertent Discoveries of Unique Archaeological Resources or Subsurface Historical Resources

If any prehistoric or historic-era archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, are discovered during ground-disturbing activities, all ground-disturbing activity within 100 feet of the resources will be halted and a qualified archaeologist will assess the significance of the find. The qualified archaeologist will prepare a survey report that will comply with the current Archaeological Resource Management Report (ARMR) format and content guidelines developed by the California Office of Historic Preservation or equivalent state or local agency procedures, if applicable. If the archaeologist determines that further information is needed to



evaluate significance, a data recovery plan will be prepared. If the find is determined to be significant by the qualified archaeologist (i.e., because the find constitutes a unique archaeological resource, subsurface historical resource, or tribal cultural resource), the archaeologist will work with the project proponent to develop appropriate procedures to protect the integrity of the resource. Procedures could include preservation in place (which is the preferred manner of mitigating impacts to archaeological sites), archival research, subsurface testing, or recovery of scientifically consequential information from and about the resource. Any find will be recorded on the appropriate DPR Primary Record forms (Form DPR 523) will be submitted to the appropriate regional information center.

#### **Significance after Mitigation**

Implementation of Mitigation Measure 3.7-2 would reduce potentially significant impacts to archaeological resources to less than significant because mitigation would be developed in coordination with the appropriate state, and/or local agency(ies) to avoid, move, record, or otherwise treat the archaeological resource appropriately, in accordance with pertinent laws and regulations. Therefore, the proposed program's impacts would be **less than significant**.

### **Impact 3.7-3: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource**

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Tribal consultation is ongoing and could result in the identification of tribal cultural resources as described under PRC Section 21074. Tribal cultural resources may be identified within program area during consultation and could be affected by treatments implemented under the proposed program. This would be a **potentially significant** impact.

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CAL FIRE sent letters on October 14, 2019, notifying five Native American tribes that preparation of the PTEIR has begun, as required by PRC Section 21080.3.1. As previously discussed, two tribes responded to the consultation letters. Shingle Springs Band of Miwok Indians requested updates on the project and copies of all records searches and UAIC requested consultation with CAL FIRE. As of January 2020, tribal consultation with UAIC and Shingle Springs Band of Miwok Indians remains ongoing; the specific details of the consultations are confidential pursuant to California law.

As previously described, SPRs would be incorporated into later treatment activities under the Tahoe PTEIR as a standard part of treatment design and implementation (see Appendix B). SPR CUL-2 requires consultation with geographically affiliated tribes, SPR CUL-3 requires a survey of the treatment area for archaeological and tribal cultural resources, SPR CUL-5 requires consulting with the geographically affiliated tribes to avoid or protect any identified resources, and SPR CUL-7 requires worker awareness training and that treatment activities be halted if archaeological materials are discovered. Additionally, as discussed under Impact 3.7-2, commercial treatment activities would also be subject to requirements of the CFRs that would help protect tribal cultural resources.

In addition to the programmatic to tribal consultation that is underway and the project-level consultation for later treatment activities required by SPR CUL-2, the Washoe Tribe of Nevada and California is involved in the planning of later treatment activities as a member of the Tahoe Fire and Fuels Team (TFFT). The 21 partner organizations of the TFFT work within the Tahoe Basin to plan, prioritize, and implement forest management projects. They include fire agencies, land management agencies, resource conservation districts, and regulatory agencies. The Washoe Tribe joined the TFFT in 2019. The TFFT meets regularly to coordinate planning for forest management projects. This includes managing data on completed, planned, and potential projects, as well as compiling an annual plan of work for all reasonably foreseeable projects. The TFFT provides a forum for early coordination and collaboration with the Washoe Tribe to supplement the project-specific notification procedures for later activities. This coordination and collaboration provides an additional mechanism to identify and protect tribal cultural resources that could occur within the program area.

No tribal cultural resources have been identified within the program area; however, tribal consultation pursuant to PRC Section 21080.3.1 is still underway. Therefore, tribal cultural resources may be identified within the program area during consultation and could be affected by treatment activities implemented under the proposed PTEIR. This would be a **potentially significant** impact.

### Mitigation Measure 3.7-3: Complete Tribal Consultation (PRC Section 21080.3.1) and Avoid Potential Effects on Tribal Cultural Resources, If Identified

CAL FIRE will complete tribal consultation pursuant to PRC Section 21080.3.1.

If no tribal cultural resource is identified during consultation, no further mitigation is required.

If the project proponent determines that a treatment may cause a substantial adverse change to a tribal cultural resource, and measures to protect the resource are not otherwise identified in the consultation process, provisions under PRC Section 21084.3(b) describe mitigation measures that may avoid or minimize the significant adverse impacts. Examples include:

1. Avoidance and preservation of the resources in place, including, but not limited to, designing the treatment to avoid the resources and protect the cultural and natural context.
2. Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
  - A. Protecting the cultural character and integrity of the resource.
  - B. Protecting the traditional use of the resource.
  - C. Protecting the confidentiality of the resource.
3. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
4. Protecting the resource.

#### Significance after Mitigation

Implementation of Mitigation Measure 3.7-3 would reduce impacts to tribal cultural resources because it would require completion of tribal consultation and identification of measures to protect identified resources, if any. CAL FIRE anticipates that through implementation of SPRs, mitigation measures, and completion of the tribal consultation process, all impacts to tribal cultural resources would be reduced to a less-than-significant level. Further, compliance with PRC Section 21080.3.2 and Section 21084.3 would provide an opportunity to avoid or minimize the disturbance of tribal cultural resources, and to appropriately treat any remains that are discovered. Therefore, this impact would be less than significant.

### Impact 3.7-4: Disturb Human Remains

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Based on documentary research, several portions of the program area are considered to be culturally sensitive, and therefore, it is possible that prehistoric or historic-era marked or unmarked human interments are present within the program area. Later treatment activities could uncover previously unknown human remains. Compliance with California Health and Safety Code Sections 7050.5 and 7052 and California Public Resources Code Section 5097 would make this impact less than significant.

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The potential to uncover human remains within the program area exists in locations throughout the Tahoe Basin and there is a possibility that unmarked, previously unknown Native American or other graves, including those interred outside formal cemeteries, could be present within the program area. As previously described, treatment activities would involve mechanical thinning, manual/hand thinning, prescribed understory burning, pile burning, sale and transport of forest products. Therefore, there is a possibility that unmarked, previously unknown Native American or other graves could be present within the project site and could be uncovered by program-related treatment activities.

California law protects Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code Sections 7050.5 and 7052 and PRC Section 5097. These statutes require that, if human remains are discovered, potentially damaging ground-disturbing activities in the area of the remains would be halted immediately, and the county coroner would be notified immediately. If the remains

are determined by the coroner to be Native American, NAHC would be notified within 24 hours and the guidelines of the NAHC would be adhered to in the treatment and disposition of the remains. Following the coroner's findings, the archaeologist, the NAHC-designated MLD, and the landowner would determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments, if present, are not disturbed. If the NAHC is unable to identify the MLD, the MLD fails to make a recommendation, or the landowner rejects the MLD's recommendation and mediation by NAHC fails to provide acceptable measures, the landowner would rebury the Native American remains and associated grave goods with appropriate dignity on the property in an area not subject to further disturbance in accordance with State CEQA Guidelines Section 15064.5(e)(2). The responsibilities for acting upon notification of a discovery of Native American human remains are identified in PRC Section 5097.94.

Compliance with California Health and Safety Code Sections 7050.5 and 7052 and California Public Resources Code Section 5097 would provide an opportunity to avoid or minimize the disturbance of human remains, and to appropriately treat any remains that are discovered. Therefore, this impact would be **less than significant**.

### **Mitigation Measures**

No mitigation is required for this impact.

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