

CHAPTER 7.0

CULTURAL RESOURCES

This section addresses the potential for the proposed project to impact cultural and paleontological resources. Following an overview of the existing setting and the relevant regulatory setting, project-related impacts and recommended mitigation measures are presented.

7.1 ENVIRONMENTAL SETTING

Prior to the development of Thunder Valley Casino, an archaeological records search, Native American consultation, and field inventory of the casino parcel and surrounding area (totaling 58 acres) were conducted (Jensen & Associates, 1998). Subsequent archaeological research and surveys were performed for the Sunset-Athens Connector Road Project and additional areas along both sides of Athens Avenue as well as Thunder Valley Court, including the overflow parking lot for the casino (Russo, 1998; Jensen & Associates, 2000; and ECORP, 2004). No evidence of prehistoric activity, historic-era utilization or paleontological remains was observed on the project site or within the current offsite improvement area during any of the prior investigations. The information presented below is largely summarized from the 1998 Jensen & Associates and 2004 ECORP reports.

Although the MOU between the UAIC and Placer County does not specify any commitments or contributions regarding preservation of cultural resources, the UAIC Community Giving Program has made donations to several local historical and cultural preservation groups. Since 2004, grants have been awarded to the South Placer Heritage Foundation (\$40,000), the Colfax Area Historical Society (\$50,000), the Todds Valley Maidu-Miwok Cultural Foundation (\$10,000) and the Rocklin Historical Society (\$5,000).

7.1.1 CULTURAL SETTING

PREHISTORY

Human occupation of north central California dates from at least 6,500 years ago, based on archaeological evidence found near Redding (Wallace, 1978). Continuous use of the region by Native Americans is indicated by evidence from several regional sites, particularly within the Farmington area southeast of the project, and along the Truckee River drainage northeast of Nevada City. Most of the artifactual material dating to this early time period suggests cultural affiliation with the Borax Lake area; the presence of large wide-stemmed projectile points and manos and metates being the most prominent and distinctive artifact types represented. The possibility exists that this early culture represents Hokan-speaking peoples who were also ancestral to those who subsequently expanded into the southern Cascade, the southern

Klamath, the northern Coast Range areas, and the lower reaches of the Sierra Nevada mountains east and northeast of Sacramento.

Sometime around AD 200-400, the first major disruption of this early California culture is believed to have occurred. Arriving ultimately from southern Oregon and the Columbia and Modoc Plateau region, Penutian-speaking peoples proceeded down the major drainage systems (including the Feather, Yuba, and American rivers) and arrived in the Sacramento Valley area long before the time of contact with Euroamericans. Presumably introduced by the Penutian-speakers was more extensive use of plant foods, especially those intensively processed with mortars and pestles, and perhaps the bow and arrow and associated small stemmed and corner-notched projectile points. In the northernmost Sacramento Valley, the so-called Shasta (archaeological) Complex represents the material culture record of the local Penutian speakers. Similar archaeological expressions also define the Penutian-speaking occupants of the northern Sierra Nevada around Grass Valley and Nevada City, and the ancestors of the Nisenan in the foothills east and northeast of Sacramento.

ETHNOGRAPHY

The present project area is located within territory that was traditionally occupied by the Nisenan, who are also known as the Southern Maidu (Wilson and Towne, 1978). These Penutian-speaking peoples occupied the drainages of the southern Feather River and Honcut Creek in the north, through the Bear River and the Yuba and American River drainages in the south. Larger villages were frequently located on flats adjacent to waterways, and were inhabited mainly in the winter, while smaller temporary camps were usually established in higher elevation zones during the main food collecting seasons of spring, summer, and fall. During the rapid incursion of white settlers into the area during the Gold Rush, many people from Miwok bands based in the Cosumnes River drainage and central Sierra Nevada foothills were displaced to the east and north, eventually mingling with the Nisenan tribelets in the study area (Levy, 1978).

As with all northern California Indian groups, economic life for the Nisenan revolved around hunting, fishing and the collecting of plant foods (especially acorns). The Nisenan were very sophisticated in terms of their knowledge of the uses of local animals and plants, and of the availability of raw material sources that could be used in manufacturing an immense array of primary and secondary tools and implements. Only fragmentary evidence of the material culture of these people remains, due in part to perishability, and in part to the impacts to prehistoric archaeological sites resulting from historic and modern land uses.

HISTORY

Recorded history in the project area begins with the attempts of Spanish colonists to explore parts of California beyond the coastal zone. Gabriel Moraga's expedition was undertaken in 1806, with additional incursions occurring through the 1840s. European Americans began arriving in the eastern Sacramento

Valley area in the mid-1820s, most notably with the trapping party of Jedediah Smith. John Sutter's fort, farms, and various enterprises within his vast New Helvetia Rancho all utilized local Indian labor. However, the Euro-American incursion with the greatest impact on Native American population and culture occurred immediately following the discovery of gold at Sutter's Mill at Coloma in 1848, which initiated the Gold Rush of 1849.

Mining along virtually every stream within this part of California was underway by 1850, including Auburn Ravine, which is located a short distance to the north of the project area. Placer mining continued to yield large quantities of gold through the next several years, and by 1855 supporting industry included stores, transportation companies, saloons, toll roads and stage lines, lumber mills, and water companies. Miners came from a wide variety of backgrounds and ethnicities, with many foothill place names reflecting the Chinese, African-American, German, French, Hispanic, or other heritages represented in the mining population (Gudde, 1975).

The period immediately following the Gold Rush saw numerous homesteads claimed and ranches created. One of the most important in the immediate area was the consolidated ranch of Joel Parker Whitney, who formed what was known as the Spring Valley Ranch, located immediately east and southeast of the project area. The early ranching and mining operations often involved construction of access roads, residential and ranch structures, and additional features of various types (e.g., ponds, ditches, dams, fences, etc.). Collectively, these historic activities have impacted many of the prehistoric sites in this region. Ranching and farming continued in this area until the latter part of the twentieth century, at which time many of the large historic land holdings began to be subdivided in conjunction with intensive residential and commercial development. The California Central Railroad constructed a line north from Folsom that reached Lincoln by 1861 (Hoover, et al., 1990). The Central Pacific Railroad operated this line until 1959, when it was merged with the Union Pacific Railroad (UPRR). UPRR continues to operate this line as the Valley Subdivision Mainline, a major freight route between the Pacific Northwest and Central California.

PREVIOUS STUDIES

The following specific tasks were performed prior to the initial development of the casino parcel and prior to associated offsite improvements along Athens Avenue and Thunder Valley Court, including the overflow parking lot for the casino:

Archaeological Records Searches

The information evaluated prior to conducting fieldwork included data maintained by the North Central Information Center (NCIC) of the California Historical Resources Information System (CHRIS), housed at Sacramento State University.

In addition to examining the official CHRIS archaeological site and study records of Placer County as maintained by the NCIC, the following additional sources were consulted:

1. The National Register of Historic Places (National Park Service, 1979, 1989, Supplements to 10/02);
2. The California Inventory of Historic Resources (California Office of Historic Preservation, 1976);
3. California State Historical Landmarks (California Office of Historic Preservation, 1990);
4. Existing published and unpublished documents, including maps, relevant to prehistory, ethnography, and early historic developments in the vicinity. These sources provided a general environmental and cultural context by means of which to assess likely site types and distribution patterns for the project area, which are summarized below.

The goals of the records search were to determine (a) the extent and distribution of previous archaeological surveys, (b) the locations of known archaeological sites and any previously recorded archaeological districts, and (c) the relationships between known sites and environmental variables. This step was designed to ensure that, during subsequent field survey work, all significant cultural resources were discovered, correctly identified, fully documented, and properly interpreted. Overall, based on the information noted above and an examination of available topographic and other maps, the APE before the casino development appeared to contain lands ranging from low to moderate sensitivity for both prehistoric as well as historic-period sites and features (Russo, 1998).

Native American Consultation

Prior to development of the casino parcel and associated offsite improvements, representatives from the UAIC and other local Maidu and Miwok tribes were contacted and requested to provide any information that they might have concerning cultural sites in the project vicinity. Tribal members did not have any specific information regarding habitation, burial, or other cultural sites, or areas of traditional collecting, within or immediately adjacent to the project areas. Based on review of the cultural resources assessments for the study area and the mitigation measures for the proposed project, the Tribal representatives expressed no concerns about impacts to cultural resources.

Field Survey

A field survey of the casino parcel and surrounding areas was undertaken on September 29, 1998, by archaeologist Sean M. Jensen, M.A. The project area was subjected to an intensive pedestrian inspection, which was accomplished by walking systematic 20-25 meter interval transects back and forth across the property. Additional field surveys of offsite improvement areas were conducted by Sean Jensen in November 2000, by ECORP archaeologist Michael Oberndorf in December, 2002, and by archaeologist Julia Green in April 2004 (ECORP, 2004). These surveys consisted of linear pedestrian coverage of a 100-foot-wide corridor including the north and south Athens Avenue right of way and adjoining areas outside the right of way, extending south along Thunder Valley Court and south along a proposed access road route that was never built. Locations of these investigations are shown in **Figure 7-1**. In searching

Figure 7-1: Locations of Previous Cultural Resource Investigations

for cultural resources, the surveyors took into account the results of background research and were alert for any unusual contours, soil changes, distinctive vegetation patterns, exotic materials, artifacts, features or feature remnants and other possible markers of cultural sites.

Based on the results of previous survey work and other published and unpublished reference documents, the expected range of site types within the general and immediate project area included the following:

- Surface scatters of lithic artifacts and debitage associated with midden accumulations and other surface features (i.e., circular housepit depressions, mortar holes) resulting from protracted occupation along the margins of stream channels, particularly where such channels merge with one another.
- Surface scatters of lithic artifacts and debitage without midden accumulations, resulting from short-term occupation and/or specialized economic activities.
- Bedrock milling stations, including mortar holes and metate slicks, in areas where suitable bedrock outcrops are present.
- Petroglyphs, where suitable rock outcrops are present.
- Isolated finds of lithic artifacts.
- Historic-era features or isolated artifacts associated with ranching or mining activities.

It was not expected that all of these site types would be encountered within the project area during the pre-construction survey, but rather that these were the most likely types to be encountered, if any resources were observed at all (Jensen & Associates, 2000).

RESULTS

The background research did not produce any evidence of previously identified cultural resources within or adjacent to the project site or offsite improvement area. No evidence of prehistoric activity or historic-period occupation was observed within the project area during the field surveys. While most of the property had been subjected to historic/contemporary cattle ranching and other activities (including placement of overhead utilities and grading of access roads), the impacts were not so severe that they would have completely destroyed all evidence of prehistoric or early historic use (Jensen & Associates, 2000). Based on these findings, it was determined that development on the casino parcel and adjacent improvement areas would not affect any cultural resources. During casino construction and related earth-moving activities, no subsurface cultural resources were identified.

No historical resources or unique archaeological resources as defined below are present within the project site or the immediate vicinity. The State Historic Preservation Officer (SHPO) issued a letter for the initial casino project stating that no historic properties would be impacted by construction activities (Abeyta, 1999). A similar letter was issued by the SHPO for the Sunset-Athens Connector Road Project (Mellon, 2003).

7.1.2 PALEONTOLOGICAL SETTING

Paleontological resources are defined as the traces or remains of prehistoric plants and animals. Such remains often appear as fossilized or petrified skeletal matter, imprints or endocasts, and reside in sedimentary rock layers. Fossils are important resources, due to their scientific and educational value. Fossil resources are non-renewable.

Placer County and much of the Sierra Nevada Foothills are emerging as an important area for paleontological resources (Placer County, 1997). Paleontological resources provide scientific data for studying the pre-modern era. Within the Sunset Industrial Area, the greatest potential for such resources to be found exists in the geologic formations known as the Modesto Formation and the Riverbank Formation, and to a lesser extent the Turlock Lake Formation and Mehrten Formation.

Based on the information presented in **Chapter 12.0**, geologic formations mapped in the vicinity of the site include recent alluvium (Holocene), older alluvium (Pleistocene) and volcanic deposits (Pliocene and Miocene). The youngest deposits on or adjacent to the project site include Holocene alluvium which is unweathered gravel, sand and silt deposited by the tributaries of Orchard Creek north and east of the site. The younger Pleistocene alluvium on site consists of the upper member of the Riverbank Formation. The upper Riverbank Formation consists of dissected alluvial fans that contain compact gravel, sand, silt, and some clay. The older Pleistocene alluvium consists of the Turlock Lake Formation, comprised of deeply weathered gravel, sand, and silt (HydroScience Engineers, 1999).

PALEONTOLOGICAL RESEARCH

Placer County maintains a countywide database of such resources, under the responsibility of the Placer County Department of Museums. This database was checked for known paleontological remains, and an online database search was conducted of the collections at the University of California Museum of Paleontology (UCMP) at UC Berkeley.

RESULTS

The database searches for paleontological resources resulted in no known fossil resources collected from within the project site or similar geological settings within Placer County. Identified vertebrate fossils in Placer County have been dated to the Late Cretaceous (65-100 million years ago), Miocene (5.3-24 million years ago), and Pleistocene (10,000 to 1.6 million years ago) epochs. Fossil localities near Rocklin and the Lincoln Clay Pit are the closest known finds in relation to the project area (UCMP, 2007).

The soils on the project site are not typically associated with the presence of paleontological materials. No unique paleontological resources or unique geologic features (as defined below) have been identified in the vicinity of the project site. Nor were any such resources noted during the cultural resources field study, or during subsequent construction activities for the casino and related infrastructure.

7.2 REGULATORY SETTING

The following section summarizes the applicable federal, state, and local regulations related to cultural and paleontological resources on the project site and within the offsite improvement area.

7.2.1 NATIONAL HISTORIC PRESERVATION ACT AND OTHER FEDERAL GUIDELINES

The approval of the initial fee-to-trust application for the casino parcel involved federal review by the Bureau of Indian Affairs and other federal agencies. Therefore, the original project had to conform with federal guidelines for assessing effects to cultural resources, and much of the preceding background research and field survey was done in compliance with federal guidelines. These guidelines include Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations (36 CFR Part 800), Section 2(b) of Executive Order 11593, Section 101(b)(4) of the National Environmental Policy Act, the Archaeological Resources Protection Act, the Native American Grave Protection and Repatriation Act of 1990, and other rules and regulations.

Section 106 of the NHPA requires completion of projects in conformity with the standards, guidelines, and principles in the *Advisory Council's Treatment of Archaeological Properties: A Handbook* (1980), and *Archaeology and Historic Preservation: Secretary of the Interior's Standards and Guidelines* (National Park Service, 1983). The SHPO letter dated October 25, 1999 stated that the cultural resources investigations prior to parcel development satisfied the requirements for compliance with Section 106 (Abeyta, 1999).

7.2.2 CALIFORNIA ENVIRONMENTAL QUALITY ACT AND OTHER STATE GUIDELINES

CEQA Guidelines 15064.5 and Public Resources Code (PRC) Section 21083.2 include provisions for identifying and mitigating impacts to significant historical and archaeological resources. A significant impact is characterized in the CEQA Guidelines as a “substantial adverse change in the significance of a historical resource.” Furthermore, CEQA Guidelines indicate that a project could have a significant effect on the environment if project activities “directly or indirectly destroy a unique paleontologic resource or site or unique geologic feature.”

7.2.3 PLACER COUNTY

PLACER COUNTY GENERAL PLAN

The Placer County General Plan’s goal for cultural resources is to “identify, protect, and enhance Placer County’s important historical, archaeological, paleontological, and cultural sites and their contributing environment.” The policies encourage support from the public, recommend coordination with local

Native American communities, require developers to identify cultural resource sites and avoid or mitigate impacts, and encourage preservation and registration of any cultural resource sites or historical landmarks. Specific policies regarding cultural resources can be found in **Table 4-2** of this TEIR.

SUNSET INDUSTRIAL AREA PLAN

The Sunset Industrial Area (SIA) Plan contains the goal to identify and protect significant cultural, paleontological, archaeological, and historical resources in the area. The policies support pro-active review and consultation with the Native American community in cases where development may result in a disturbance or impact, and mitigation when cultural resources are discovered. Goals and policies of the SIA plan related to cultural resources are presented in **Table 4-3** of this TEIR.

7.3 IMPACTS

SIGNIFICANCE CRITERIA

For the purpose of this analysis, applicable thresholds of significance have been used to determine whether implementing the proposed project would result in a significant impact. An impact would be considered significant if it would:

- Cause a substantial adverse change in the significance of a historical resource. The significance of historical resources is determined according to the applicable regulating criteria. Under federal regulations (36 CFR 60.4), significance of a cultural resource is defined as follows:

The quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess integrity of location, design, setting, materials, workmanship, feeling, association, and

- A. that are associated with events that have made a significant contribution to the broad patterns of our history;*
- B. that are associated with the lives of persons significant in our past;*
- C. that embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or*
- D. that have yielded, or may be likely to yield, information important to prehistory or history. Sites younger than 50 years, unless of exceptional importance, are not eligible for listing in the NRHP.*

State criteria for significance of cultural resources are similar, as outlined in PRC 5024.1 and CEQA Guidelines 15064.5(a).

- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. Unique paleontological resources include “[vertebrate] fossils and fossiliferous deposits... and their taphonomic and associated environmental indicators” (Society for Vertebrate Paleontology, 1991). Invertebrate or botanical fossils are considered unique if they function as index fossils. Index fossils are those that appear in the fossil record for a relatively short and known period of time, allowing geologists to interpret the age range of the geological formations in which they are found. Certain plant and invertebrate fossils or assemblages may be defined as significant by a project paleontologist, local paleontologist, specialists or special interest groups, or by Lead Agencies or local governments.

Unique geologic features are defined as those formations that: are the best example locally or regionally; embody distinct characteristics of a geologic principal that is exclusive locally or regionally; provide a key piece of geologic information important in geology or geologic history; is a “type locality” of a geologic feature; contain a mineral not know to occur elsewhere locally or regionally; or are used repeatedly as a teaching tool (CEQA Guidelines).

CONSTRUCTION AND OPERATIONAL IMPACTS

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| IMPACT 7.1: | Grading and earthmoving activities could impact previously unknown cultural or paleontological resources. |
| SIGNIFICANCE: | Potentially Significant |
| MITIGATION: | Mitigation Measure 7.1 |
| RESIDUAL SIGNIFICANCE: | Less than Significant |

No historic or prehistoric archaeological or paleontological resources were identified in the records search or found during the previous field surveys of the project site and offsite improvement area, or during previous construction. However, previously unidentified historic or prehistoric archaeological or paleontological resources located within areas of new construction could potentially be impacted by project-related construction, especially during earth-moving activities. This would be a potentially significant impact. This impact would likely be limited to offsite improvements associated with the proposed project, i.e., along portions of the Athens Avenue right-of-way planned for road improvements, as the entire 49-acre casino parcel has already been graded and developed during initial construction of Thunder Valley Casino and related infrastructure.

Implementation of the proposed project is not anticipated to affect prehistoric or historic sites considered significant under federal or state criteria, nor any unique paleontological resources or unique geologic

features. However, in the event of an inadvertent discovery of such a resource, implementation of Mitigation Measure 7.1 would reduce impacts to less than significant levels.

7.4 MITIGATION MEASURES

Mitigation Measure 7.1: Inadvertent discovery plan.

Mitigation Measure 7.1 applies to Impact 7.1.

The following requirements will be included in contract specifications for construction activities associated with the proposed project:

“In the event that any prehistoric, historic, or paleontological resources are discovered during construction-related earth-moving activities, all work within 50 feet of the resources shall be halted and a qualified archaeologist or paleontologist shall be consulted to assess the significance of the find. If any find is determined to be significant by the qualified professional, then appropriate agency and project representatives and the qualified archaeologist and/or paleontologist will meet to determine the appropriate course for action. The UAIC will be notified upon discovery of any prehistoric cultural resources. All significant cultural or paleontological materials recovered shall be subject to scientific analysis, professional museum curation, and a report prepared by the qualified archaeologist or paleontologist according to current professional standards.”

“If human bone or bone of unknown origin is found during construction, all work shall stop in the vicinity of the find and the Placer County Coroner and the UAIC shall be contacted immediately. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission who shall notify the person it believes to be the most likely descendant. The most likely descendant shall work with the contractor to develop a program for re-interment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have been implemented.”