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## ArchAeological, Historical, and Tribal Cultural Resources

This section evaluates the potential impacts related to implementation of the CalVTP 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 include pre-historic resources, historic-era resources, unique archaeological resources (as defined by Public Resources Code [PRC] Section 21083.2[g]), and “tribal cultural resources” (as defined by Assembly Bill [AB] 52, Statutes of 2014, in PRC Section 21074).

Archaeological resources are locations where human activity has altered the earth or left deposits of prehistoric or historic-era physical remains (e.g., stone tools, bottles, former roads, foundations). Historical (or architectural) 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 site features, places, cultural landscapes, sacred places or objects that are of cultural value to a tribe and that meet the criteria described in PRC Section 21074.

Comments on the Notice of Preparation related to archaeological, historical, and tribal cultural resources included requests to consider cultural resources, Native American areas of special concern, and areas of high cultural sensitivity; partner with tribes to obtain information on traditional burn practices and vegetation management; outline tribal consultation; avoid impacts to State Owned Historic Resources; include conditions for conducting cultural resource surveys and completing PRC 5024 documentation; and outline actions for avoidance, preservation, or mitigation of tribal cultural resources (see Appendix A). These are addressed in Sections 3.5.1 through 3.5.3 below.

### Environmental Setting

#### Prehistory

The prehistoric past of California is as diverse as the landscape itself, divided into regions, each having with its own pattern of material culture and chronology. The following represents a general base‐line perspective of California prehistory which, inevitably, is subject to change as archaeological research continues its study of the material record (California State Parks 2013:41).

All six basic American Indian languages (Algic, Athapascan, Hokan, Penutian, Uto‐Aztecan, and Yukian), representing discrete waves of human migration, are found within the state’s boundaries. This phenomenon gives California a singular distinction as no other state contains all six, representing the earliest (Yukian) to the latest (Athapascan) movements of human populations out of Asia and across the Bering Strait. It is estimated that during Pre‐Columbian times, approximately 20 percent of the nearly 500 languages spoken north of Mexico were articulated within the present‐day boundary of the state (California State Parks 2013:41).

The earliest human migrations into California likely coincided with retreating glacial ice at the end of the Pleistocene epoch, approximately 10,000 to 15,000 years ago. The first populations were sparse, nomadic, and occupied a much different landscape than that of today. Shaped by a cooler and wetter climate, conifers grew in low foothills now covered in oaks, the coastline extended further into the Pacific Ocean, and the Mojave Desert contained numerous deep lakes that were created by glacial melt. The land supported now extinct species of bear, bison, horse, mammoth, saber‐tooth tiger, sloth, and wolf. Early settlement patterns indicate that inland sites were located on shorelines of ancient lakes and marshes while those in coastal areas tended to occur along old stream channels and estuaries (California State Parks 2013:41).

As the Pleistocene epoch gradually warmed into our current climate, the Holocene epoch, a broad spectrum of environmental niches developed that contained relatively unique biotic and mineral resources. Prehistoric populations continued to move into the region, occupied the niches, and produced material cultures, or artifacts, that reflected distinct adaptations to individual environments. Because of California’s environmental diversity, many regions offered an abundance of certain resources and a scarcity of others. Since there was very little cultivated agriculture (limited to the extreme southeastern portion of the region along the lower Colorado River), resource availability influenced local population size, settlement location, and temporary or permanent use, and favored trade and economic interdependence. Some nomadic behavior is presumed, possibly on an annual basis to take advantage of seasonal resources. In some favored locations, the natural bounty was adequate to sustain permanent settlement. Today, the prehistory of the state, ranging between 160 and 15,000 years ago, is largely understood by the material cultures that were created by the people who adapted to the physical environments they inhabited (California State Parks 2013:41-42).

#### Ethnography

One manner in which people can seek to understand aboriginal California Indian cultures is to look at the tribes inhabiting similar climatic and ecological zones; for this purpose, the setting of the treatable landscape is divided into northwest, northeast, central, and southern California. Generally speaking, technologies and materials used to manufacture tools, homes and storage containers show great similarity. Hunting, trapping and fishing technologies also are shared across tribal lines terrain, available water plants and animals affected the density of populations, settlement patterns as each tribe adjusted to its environment (NAHC 2018).

##### Northwest California

This region includes the Tolowa, Shasta, Karok, Yurok, Hupa, Whilikut, Chilula, Chimarike, and Wiyot tribes. The northern rainforest environment encouraged these tribes to establish their villages along the many rivers, lagoons, and coastal bays that dotted the landscape. While this territory was crisscrossed with thousands of trails, the most efficient form of transportation was the dugout canoe used to travel up and down rivers and cross the wider and deeper ones such as the Klamath. These tribes used the coast redwood trees for the manufacture of their boats and houses. Redwoods were felled by burning at the base and then split with elkhorn wedges. Redwood and sometimes cedar planks were used to construct rectangular gabled homes. Baskets in a variety of designs were manufactured in with the twined technique only. Many of these arts survived into the twentieth century and traditional skills have enjoyed a great renaissance in the past twenty years (NAHC 2018).

The elaborate ritual life of these tribes featured a World Renewal ceremony held each fall in the largest villages. The ceremony’s purpose was to prevent future natural catastrophes such as earthquakes, floods or failure of acorn crop or a poor salmon run. This and other traditional rituals continue to be practiced, despite the grinding poverty that plagues many of these groups (NAHC 2018).

##### Northeast California

This region includes the Modoc, Achumawi, and Atsugewi tribes. The western portion of this territory was rich in acorn and salmon. Further to the east, the climate changes from mountainous to a high desert type of topography. Here food resources were grass seeds, tuber berries along with rabbit and deer. These tribes found tule to be a useful source of both food and a convenient material when laced together to form floor mats and structure covering. Volcanic mountains in the western portion of their territory supplied the valuable trade commodity obsidian.

Following contact, the Achumawi and Atsuguewi suffered a tremendous population decline due to vigilante violence and respiratory diseases. The Modocs’ spectacular 1872 resistance to removal to the Oregon territory was the last heroic military defense of native sovereignty in 19th century California Indian History. Some surviving Northeast tribesmen received public land allotments around the turn of the century. The XL Rancheria was established for some of these Indians in 1938. Tragically the surviving Modocs were exiled to either Oregon or Oklahoma (NAHC 2018).

##### Central California

This vast territory includes: Bear River, Mattale, Lassick, Nogatl, Wintun, Yana, Yahi, Maidu, Wintun, Sinkyone, Wailaki, Kato, Yuki, Pomo, Lake Miwok, Wappo, Coast Miwok, Interior Miwok, Wappo, Coast Miwok, Interior Miwok, Monache, Yokuts, Costanoan, Esselen, Salinan, and Tubatulabal tribes. Vast differences exist between the coastal peoples, nearby mountain range territories, from those living in the vast central valleys and on the slopes of the Sierra Nevada. Nevertheless, all of these tribes enjoyed an abundance of acorn and salmon that could be readily obtained in the waterways north of Monterey Bay. Deer, elk, antelope, and rabbit were available elsewhere in vast quantities (NAHC 2018).

In this region basketry reached the height of greatest variety. Fortunately, basket making survived the years of suppression of native arts and culture to once again become one of the most important culturally defining element for Indians in this region. Common in this region was the semi-subterranean roundhouse where elaborate Kuksu dances were held in the past and continue to this day. These rituals assure the renewal of the world’s natural foods both plant and animal. Despite differences between tribes, these rituals share similar purposes (NAHC 2018).

##### Southern California

Southern California presents a varied and somewhat unique region of the state. Beginning in the north, tribes found in this area are the Chumash, Alliklik, Kitanemuk, Serrano, Gabrielino, Luiseno, Cahuilla, and the Kumeyaay. The landmass and climate varied considerably from the windswept offshore Channel Islands that were principally inhabited by Chumash speaking peoples and the Pechanga Band of Luiseno Indians. Communication with their mainland neighbors was by large planked canoes powered by double paddle ores. These vessels were called “Tomols” and manufactured by a secretive guild of craftsmen. They could carry hundreds of pounds of trade goods and up to a dozen passengers. Shoreline communities enjoyed the rich animal and faunal life of ocean, bays, and wetlands environments. Interior tribes like the Serrano, Luiseno, Cahuilla, and Kumeyaay shared an environment rich in Sonoran life zone featuring vast quantities of rabbit, deer, acorn, seeds, and native grasses. At the higher elevations Desert Bighorn sheep were hunted (NAHC 2018).

Villages varied in size from poor desert communities with villages of as few as 100 people to the teaming Chumash villages with over a thousand inhabitants. Conical homes of arroweed, tule, or croton were common. Interior groups manufactured clay storage vessels sometimes decorated with paint. Baskets were everywhere manufactured with unique designs (NAHC 2018).

#### Historic Setting

The first documented European contact with California was during the 1542–1543 Spanish expedition of Juan Rodríguez Cabrillo up the coast from Mexico as far as Monterey. With no evidence of gold or silver to encourage conquest, and no competition, the Spanish had little interest in further exploration at that time. In 1579 Sir Francis Drake of England landed at the bay now named after him approximately thirty miles north of San Francisco. He stayed long enough to repair and restock his ships, claiming the land for England (California State Parks 2013:44).

By the late 1700s the Spanish Crown realized that its claim to land north of Mexico was not assured without colonization. As a result, the Franciscan Order was chosen to establish missions in Alta California. Twenty-one missions, built with Indian labor, were founded by the Franciscans south to north, from San Diego de Alcalá in 1769 to San Francisco Solano in Sonoma in 1821. In addition to a small military guard at each mission, there was usually a larger military post nearby, with four presidios, or fortified bases, established at San Diego (1769), Monterey (1770), San Francisco (1776), and Santa Barbara (1782). In 1822 Mexico achieved independence from Spain and the mission system was secularized. The territorial governors distributed mission lands to about 700 people, up to 50,000 acres per person. Some ranchos were even larger because requests were made in the name of multiple family members. Land ownership conferred great power within the region, at least until the Land Act of 1851 redefined who held rights to the ranchos, requiring proof of ownership (California State Parks 2013:44).

In early 1845 the American annexation of Texas caused Mexico to sever diplomatic relations with the United States, and war was declared in May 1846. The Bear Flag of the California Republic was raised over the plaza at Sonoma June 14, 1846, and within three weeks, American naval forces formally proclaimed American rule over the presidios and coastal towns. Gold was discovered at Coloma in 1848, sparking the gold rush that began the following year and accelerating statehood in 1850. Until the transcontinental railroad was completed in 1869, California remained relatively isolated, developing an economy and culture mostly independent of the national framework (California State Parks 2013:44-45).

On July 1, 1862, President Abraham Lincoln signed the Pacific Railroad Act of 1962, which authorized extensive land grants and issued government bonds to the Union Pacific Railroad and the Central Pacific Railroad to construct a transcontinental railroad. Construction of the railroad was completed on May 10, 1869, when the “Golden Spike” was hammered into place, connecting the two systems at Promontory, Utah. By 1883 California had additional interstate railroads servicing it and had an extensive system of intrastate railroads that greatly aided the development of agriculture, industry, and commerce, the growth of cities and towns, and trade with the other states and foreign countries (California State Parks 2013:45).

With increased population caused by the discovery of gold, the cattle and sheep industries rapidly grew in size, with cattle and sheep being driven into California from Texas and the southwest. In the 1850s the production of wheat began, and by 1889 California was the second largest producer of wheat. About that time, the production of fruits, nuts, and vegetables was increasing, and by 1905 that production exceeded the production of wheat as the major crops being grown in California. With the completion of the transcontinental railroad in 1869, the subsequent construction of extensive intrastate and interstate railroad systems, and the development of refrigerated rail cars, California was able to transport its agricultural products throughout the United States and to foreign countries. By 1948 California became the largest agricultural producing state, a distinction that it still holds today (California State Parks 2013:46).

In the early 1800s, logging and lumbering was occurring in the Sierra Nevada Mountains, but the quantity produced was small because the trees were cut by hand and the logs were converted into planks by the whipsawing method, in which a large two-handed saw was used by two sawyers. Ironically, James Marshall was building a sawmill that would be powered by water when gold was discovered in 1848. The subsequent gold rush increased the demand for lumber by both the miners and the residents of commercial towns like San Francisco, Sacramento, and Stockton. By the late 1800s, steam powered equipment like steam donkeys, logging locomotives, and steam-powered sawmills greatly increased the supply of lumber from California’s forests. Demand for lumber was driven by the increasing agricultural production, increasing population, and the building booms that occurred in the early and mid-1900s (California State Parks 2013:47).

California’s post-World War II population growth is seen most prominently in large suburban developments and new towns moving ever outward from older centers of population. Another arena that witnessed both wartime and post-war expansion in California is government and public agencies, and the industries they support. These include post offices, city halls, county administration buildings, courthouses, prisons, and countless office buildings. The post-war years, even up to the present day, witnessed a large influx of immigrants from a wide variety of other countries. These newcomers to California brought with them new religions and cultures that affected the resources they built and used. Often immigrant communities moved into neighborhoods constructed in the past by other cultural groups, thereby adding new layers of history through the stories and memories they brought to the resources (California State Parks 2013:48).

#### Exisiting Vegetation Treatments in the treatable landscape

Treatment activities currently occur within the treatable landscape and treatments involving soil disturbance sometimes result in disturbance, damage, or destruction of cultural resources. As described in Chapter 1, “Introduction” and Section 2.3.1, “Past and Current Treatments,” vegetation treatment currently occurs around the state under several other wildfire risk reduction programs implemented by various federal, state, and local agencies. In 2017–2018, CAL FIRE treated approximately 33,000 acres in California using the same treatment activities as proposed under the CalVTP.

#### Known Resources

A comprehensive study to inventory archaeological, historical, or tribal cultural resources within the 20.3-million-acre treatable landscape was not feasible within the context of this PEIR due to the large geographic area. Also, for this reason, a records search for known archaeological or historical resources and surveys was not conducted for this analysis. The following are general cultural resource types that may be present in the treatable landscape.

##### Historical Resources

Historical resources may include one or more of the following features.

**Buildings:** A building is a structure created to shelter any form of human activity (e.g., house, barn, church, and hotel).

**Structure:** A structure is constructed for purposes other than human shelter, it is often an engineering project or large in scale (e.g., bridges, dams, lighthouses, water towers, radio telescopes).

**Linear Resource:** Linear resources are mostly long, narrow constructions, generally consisting of any device constructed to transport water (e.g., flumes, pipes, canals, dams, and tunnels), corridors designed to facilitate the transportation of people or information (e.g., roads, trails, railroad grades, and telegraph/telephone lines), and barriers constructed to separate adjoining areas (e.g., stone fences, walls, and fences).

**Mine:** This includes excavations and associated structures and tailings built into the earth to extract natural resources.

**Cemetery:** These are locations of human interment or cremated remains and include any single or multiple burials.

**Foundation:** These are structural footings to support a building or structure.

**Refuse Deposit:** These are discrete areas that contain artifact concentrations of glass, ceramic, metal, bone, or other material reflecting the purposeful discard of those materials (e.g., privies, dumps, trash scatters).

##### Prehistoric Archaeological Resources

Different types of archaeological resources that may be present include the following features.

**Village Site:** Village sites are locations of continuous and concentrated habitation that typically have a large, well-developed midden deposit containing abundant artifactual evidence. They may also contain burials, rock art, bedrock milling stations, or other features.

**Burial Site:** A burial site or cemetery is a location where intentional human interments or cremated remains are found in large numbers and close concentration. These locations typically lack evidence of other prehistoric activities.

**Milling Site:** This is a boulder or group of boulders or bedrock outcrops that contain at least one modified surface (mortar, slick, or metate) caused by the processing of food or other natural resources.

**Lithic Workshop:** A lithic workshop is a distribution of stone flakes and tool fragments reflecting purposeful modification of parent stone through percussion and/or pressure detachment.

**Ceramic Scatter:** A ceramic scatter consists of fragments of ceramic vessels and artifacts distributed over generally open, flat ground.

**Shell Middens:** Shell middens are locations with large amounts of marine shell that extend to an appreciable depth below ground surface. They are normally found in coastal contexts but have been found in the interior.

**Rock Art:** Rock art consists of designs or design elements on rock surfaces created by surface applications (pictographs) or by etching (petroglyphs).

**Rock Shelters:** These are natural caves or crevices in rock outcrops in which human use has left artifactual remains.

##### Tribal Cultural Resources

Different types of tribal cultural resources that may be present include the following features. The definition of tribal cultural resources in the CEQA (PRC Section 21074) requires that the site, features, places, cultural landscapes, sacred places, and objects of cultural value are either included in or eligible to the California Register of Historical Resources, included in a local register of historical resources, or determined by the lead agency to be significant based on criteria for resources eligible to the California Register. They may include:

**Resource Collection Location:** This is a location where Native Americans have historically gone, and are known or believed to go today, to collect resources in accordance with traditional cultural rules of practice.

**Spiritual Location:** This is a location where Native American religious practitioners have historically gone, and are known or believed to go today, to perform ceremonial activities in accordance with traditional cultural rules of practice.

**Traditional Location:** This is a location associated with the traditional beliefs of a Native American group about its origins, its cultural history, or the nature of the world.

**Cemetery:** A cemetery is a location that has been selected for human burial,  ~~or~~ interment, or cremated remains.

###### Tribal Consultation

The Board sent letters on February 9, 2019 notifying 12 Native American tribes that preparation of the PEIR has begun, as required by PRC Section 21080.3.1. These tribes had submitted requests to the Board to be notified of projects. The specific details of the consultations are confidential pursuant to California law; however, a summary of events related to communication between the tribes and the Board is provided below in Table 3.5-1.

Table 3.5-1 Tribal Consultation

| Native American Tribe and Contact | Date of Initial Response | Follow-up Response | Comment |
| --- | --- | --- | --- |
| Soboba Band of Luiseno IndiansJoseph Ontiveros | No Response | N/A |  |
| Morongo Band of Mission IndiansRaymond Huaute | No Response | N/A |  |
| Mishewal Wappo Tribe of Alexander ValleyVincent Salsedo | No Response | N/A |  |
| San Manuel Band of Mission IndiansDaniel McCarthy | March 1, 2019 | March 21, 2019 | The Tribe requested consultation and review of environmental documents. The Tribe provided revisions that were incorporated into the PEIR. Consultation concluded.  |
| Elk Valley RancheriaDale Miller | No Response | N/A |  |
| Rincon Band of Luiseno IndiansVince Whipple | February 20, 2019 | March 21, 2019 | The Tribe requested~~s~~ consultation to learn more about the project and would like to be included in archaeological surveys. Consultation concluded. |
| Wilton RancheriaSteven Huchason | No Response | N/A |  |
| Mechoopda Indian Tribe of Chico RancheriaDennis Ramirez | No Response | N/A |  |
| Pechanga Tribe, Temecula Band of Luiseno IndiansAnna Hoover | February 25, 2019 | March 21, 2019 | The Tribe requested~~s~~ consultation to provide specific, confidential information on the locations of TCRs. Conference call held on July 2. Consultation concluded. |
| Wiyot TribeThomas Torma | No Response | N/A |  |
| United Auburn Indian CommunityGene Whitehouse | March 22, 2019 | March 25, 2019 | The Tribe requested~~s~~ consultation and review of cultural and environmental documents. Conference call held on July 30. Consultation concluded. |
| Pit River TribeNatalie Forrest-Perez |  |  |  |

Source: Data compiled by Ascent Environmental in 2019

### Regulatory Setting

##### FEDERAL

##### Section 106 of the National Historic Preservation Act

Federal protection of resources is legislated by (a) the National Historic Preservation Act (NHPA) of 1966 as amended by 16 U.S. Code 470, (b) the Archaeological Resource Protection Act of 1979, and (c) the Advisory Council on Historical Preservation. These laws and organizations maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP). Compliance with these federal requirements would only be relevant, if a federal agency permit or approval were needed to implement a project, such as a Clean Water Act Section 404 permit.

Section 106 of the NHPA and accompanying regulations (36 Code of Federal Regulations [CFR] Part 800) constitute the main federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed in, or may be eligible for listing in the NRHP. The NRHP is the nation’s master inventory of known historical resources.

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 an historic 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).

The National Register Bulletin also provides guidance in the evaluation of archaeological site significance. Effects of a project on properties listed in the NRHP must be evaluated under CEQA.

#### 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 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.

An historical 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.”

###### 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 in, 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 an 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 an 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 an historical resources survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in PRC Section 5020.1(j) or 5024.1.

Under PRC Section 21084.1 and State CEQA Guidelines Section 15064.5(b), a substantial adverse change in the significance of an historical resource is a significant environmental effect. State CEQA Guidelines Section 15126.4(b) includes the following considerations for mitigation related to significant effects on historical resources.

1. Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted in a manner consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer, the project’s impact on the historical resource shall generally be considered mitigated below a level of significance and thus is not significant.

2. In some circumstances, documentation of an historical resource, by way of historic narrative, photographs or architectural drawings, as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur.

3. Public agencies should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature. The following factors shall be considered and discussed in an EIR for a project involving such an archaeological site:

A. Preservation in place is the preferred manner of mitigating impacts to archaeological sites. Preservation in place maintains the relationship between artifacts and the archaeological context. Preservation may also avoid conflict with religious or cultural values of groups associated with the site.

B. Preservation in place may be accomplished by, but is not limited to, the following:

1. Planning construction to avoid archaeological sites;

2. Incorporation of sites within parks, greenspace, or other open space;

3. Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site.

4. Deeding the site into a permanent conservation easement.

C. When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archaeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.

D. Data recovery shall not be required for an historical resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archaeological or historical resource, provided that the determination is documented in the EIR and that the studies are deposited with the California Historical Resources Regional Information Center.

###### 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.

As discussed in Sections 21083.2(a) and (h), non-unique archaeological resources not meeting any of these criteria do not require further protection.

Section 21083.2(b) states that if it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to preserve the resources in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to, any of the following:

1. Planning construction to avoid archaeological sites.

2. Deeding archaeological sites into permanent conservation easements.

3. Capping or covering archaeological sites with a layer of soil before building on the sites.

4. Planning parks, greenspace, or other open space to incorporate archaeological sites.

Subdivision (d) further states that excavation as mitigation shall be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the project.

###### Tribal Cultural Resources

CEQA also requires lead agencies to consider whether projects will impact tribal cultural resources (TCRs). 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 Section 5020.1(k).

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 Section 5024.1(c). In applying the criteria set forth in Section 5024.1(c) 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 Section 21084.1(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. An historical resource described in Section 21084.1, a unique archaeological resource as defined in Section 21083.2(g), or a “nonunique archaeological resource” as defined in Section 21083.2(h) may also be a tribal cultural resource if it conforms with the criteria of Section 21084.1(a).

PRC Section 21084.2 states that a substantial adverse change in the significance of a tribal cultural resource is a significant environmental effect.

##### 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. Section 5097.5 of the Code 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

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.

#### Local

When state agencies, including CAL FIRE, are conducting governmental activities under the authority of state law or the State Constitution, in this case, treatments implemented under the proposed CalVTP, they are exempt from local government plans, policies, and ordinances (unless a constitutional provision or statute directs otherwise). Nonetheless, CAL FIRE voluntarily seeks to operate consistently with local governance to the extent feasible. Given its statewide extent and the possible number of local and regional responsible agencies, this PEIR does not identify potentially applicable local government plans, policies, and ordinances. Types of local regulations relevant to archaeological, historical, and tribal cultural resources may include general plan policies and ordinances protective of these resources. This PEIR assumes that any vegetation treatments proposed by local or regional agencies under the CalVTP would be consistent with local plans, policies, and ordinances to the extent the projects are subject to them, as required by SPR AD-3.

### Impact Analysis and Mitigation Measures

#### Analysis Methodology

The analysis is 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 as 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, in its discretion and supported by substantial evidence, to be a tribal cultural resource based on CRHR criteria.

The analysis of environmental impacts on cultural resources focuses on the potential for substantial adverse effects to historical resources, unique archaeological resources, tribal cultural resources, and human remains. Significance determinations account for the influence of relevant SPRs, which are incorporated into treatment design and listed below.

* **SPR AD-3 Consistency with Local Plans, Policies, and Ordinances**: The project proponent will design and implement the treatment in a manner that is consistent with applicable local plans (e.g., general plans, Community Wildfire Protection Plans, CAL FIRE Unit Fire Plans), policies, and ordinances to the extent the project is subject to them. This SPR applies to all treatment activities and treatment types, including treatment maintenance.

Cultural resource SPRs and mitigation measures require that qualified individuals implement components of the measures. The requirements listed below will be met to be considered qualified and may be performed by individuals of various titles (including supervised designees) as long as they are qualified.

**Qualified Archaeologist:** To be qualified, an archaeologist would hold a Prehistoric Archeology, Historic Archeology, Conservation, Cultural Anthropology, or Curation degree from an accredited university and meet the Secretary of Interior’s Qualifications Standards (36 CFR Part 61). The project proponent will review the resume and approve the qualifications of the archaeologists.

**Archaeologically Trained Resource Professional**: To be qualified, an archaeologically-trained resource professional would hold a valid Archaeological Training Certificate issued by CAL FIRE and the Board or equivalent state or local agency training or certification. Work performed by an archaeologically-trained resource professional must be reviewed and approved by a qualified archaeologist.

* **SPR CUL-1 Conduct Record Search:** ~~For treatments led by CAL FIRE, a~~An archaeological and historical resource record search will be conducted per the ~~“Archaeological Review Procedures for CAL FIRE Projects” (CAL FIRE 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~~  applicable state or local agency procedures. Instead of conducting a new search, the project proponent may use recent record searches containing the treatment area requested by a landowner or other public agency in accordance ~~with the Archaeological Review Procedures for CAL FIRE Projects or equivalent~~ applicable agency guidance. This SPR applies to all treatment activities and treatment types, including treatment maintenance.
* **SPR CUL-2 Contact Geographically Affiliated Native American Tribes:** The project proponent will obtain the latest Native American Heritage Commission (NAHC) provided 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.

In addition, the project proponent will contact the NAHC for a review of their Sacred Lands File. This SPR applies to all treatment activities and treatment types, including treatment maintenance.

* **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 and/or archaeologically-trained resource professional 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. This SPR applies to all treatment activities and treatment types, including treatment maintenance.
* **SPR CUL-4 Archaeological Surveys:** The project proponent will coordinate with an archaeologically-trained resource professional and/or qualified archaeologist to conduct a site-specific survey of the treatment area. The survey methodology (e.g., pedestrian survey, 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 or historical~~, or tribal cultural~~ resources near or within the treatment area. 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~~ applicable state or local agency procedures~~, as applicable~~. This SPR applies to all treatment activities and treatment types, including treatment maintenance.
* **SPR CUL-5 Treatment of Archaeological Resources:** If cultural resources are identified within a treatment area, ~~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), will develop effective protection measures for important ~~tribal~~ cultural resources located within treatment areas. These measures may include adjusting the treatment location or design to entirely avoid cultural resource locations or changing treatment activities so that damaging effects to cultural resources will not occur. These protection measures will be written in clear, enforceable language, and will be included in the survey report in accordance with ~~the “Archaeological Review Procedures for CAL FIRE Projects” or equivalent~~ applicable 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.~~ This SPR applies to all treatment activities and treatment types, including treatment maintenance.
* **SPR CUL-6 Treatment of Tribal Cultural Resources:** The project proponent, in consultation with the culturally affiliated tribe(s), will develop effective protection measures for important tribal cultural resources located within treatment areas. These measures may include adjusting the treatment location or design to entirely avoid cultural resource locations or changing treatment activities so that damaging effects to cultural resources will not occur. The project proponent will provide the tribe(s) the opportunity to submit comments and participate in consultation to resolve issues of concern. The project proponent will defer implementing the treatment until the tribe approves protection measures, or if agreement cannot be reached after a good-faith effort, the proponent determines that any or all feasible measures have been implemented, where feasible, and the resource is either avoided or protected. This SPR applies to all treatment activities and treatment types, including treatment maintenance.
* **SPR CUL-7~~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 qualified archaeologist. 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. This SPR applies to all treatment activities and treatment types, including treatment maintenance.
* **SPR CUL-8~~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). This SPR applies to all treatment activities and treatment types, including treatment maintenance.

#### Thresholds of Significance

Thresholds of significance are based on PRC Sections 21083.2, 21084.1, and 21084.2, State CEQA Guidelines Section 15064.5(b) and (c)(4), and Appendix G of the State CEQA Guidelines. A treatment implemented under the proposed CalVTP would result in a significant impact on cultural resources if it would:

* cause a substantial adverse change in the significance of a historical resource as pursuant to Section 15064.5 of the State CEQA Guidelines;
* cause a substantial adverse change in the significance of a unique 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.

#### Issues Not Evaluated Further

All potential archaeological, historical, and tribal cultural resources issues identified in the thresholds of significance are evaluated below.

#### Impact Analysis

Impact CUL-1: Cause a Substantial Adverse Change in the Significance of Built Historical Resources

Vegetation treatment under the CalVTP could occur on lands that contain built historical resources. Implementation of SPRs CUL-1, CUL-7~~6~~, and CUL-8~~7~~, would avoid any substantial adverse change to any built historical resources. This impact would be **less than significant**.

Historical (or architectural) resources include standing buildings (e.g., houses, barns, cabins) and intact structures (e.g., dams, bridges). Because of the large geographic extent of the treatable landscape, conducting a records search for built historical resources is not feasible within the context of this PEIR. However, due to the large area of land and the variety of landowners and land uses within the treatable landscape, it is assumed that historical resources are present.

Under the proposed CalVTP, CAL FIRE and other project proponents would implement vegetation treatment activities including prescribed burning, mechanical treatments, manual treatments, prescribed herbivory, and herbicide application, as described in Chapter 2, “Program Description.” Treatment design would integrate SPRs identified above. SPR CUL-1 requires a sufficiently recent records search for historical resources. SPR CUL-7~~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-8~~7~~ requires that workers be trained regarding protection of historical resources. Conducting record searches and avoiding known historical resources will 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 will 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. Implementation of these SPRs 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 CUL-2: Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources or Subsurface Historical Resources

Vegetation treatment under the CalVTP could occur on lands that contain resources that may qualify as unique archaeological resources or subsurface historical resources. The CalVTP primarily involves treatment activities that either require no soil disturbance or very shallow soil disturbance; however, it is possible that unique archaeological or subsurface historical resources would be disturbed during treatment activities. SPRs CUL-1 through CUL-5 and SPR CUL-8~~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 or subsurface historical resources could be inadvertently damaged during treatment activities. This would be a **potentially** **significant** impact**.**

Because of the large geographic extent of the treatable landscape, conducting a records search for archaeological and subsurface historical resources is not feasible within the context of this PEIR. However, archaeological and subsurface historical resources have been identified throughout the treatable landscape. Therefore, this analysis assumes that archaeological and subsurface historical resources may be present within the treatable landscape. These resources may include village sites, milling sites, lithic scatters, rock art, building foundations, and refuse deposits.

Under the CalVTP, CAL FIRE and other project proponents would implement vegetation treatment activities as described in Chapter 2, “Program Description.” Most treatment activities would not require soil disturbance (i.e., manual treatments, prescribed herbivory, prescribed burning, herbicide application) because activities would be limited to the use of hand crews, livestock, low intensity burning, or herbicides to kill or remove the above-ground portions of vegetation in the treatment area. However, some activities (e.g., mechanical treatments) could result in churning up the surface of the ground during treatment as vegetation is removed.

Treatment design would integrate the SPRs identified above. SPR CUL-1 requires a recent records search for archaeological and subsurface historical resources. SPR CUL-2 requires coordination with geographically associated Native American tribe(s), which would identify locations of any known unique archaeological or subsurface historical 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. Conducting record searches, contacting Native American groups, conducting cultural resource surveys, and avoiding known unique archaeological and subsurface historical 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.

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

SPR CUL-8~~7~~ requires worker awareness training and that treatment activities be halted if archaeological materials are discovered. Conducting worker awareness training will 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 or subsurface historical 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 or subsurface historical resources, which would be a **potentially** **significant** impact.

##### Mitigation Measures

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

If any prehistoric or historic-era subsurface 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 ~~or archaeologically trained resource professional~~ will assess the significance of the find. The qualified archaeologist will work with the project proponent to develop a primary records report that will comply with ~~the current “Archaeological Review Procedures for CAL FIRE Projects” or equivalent~~ applicable 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 standard DPR Primary Record forms (Form DPR 523) will be submitted to the appropriate regional information center.

###### Significance after Mitigation

Implementation of Mitigation Measure CUL-2 would reduce impacts to unknown unique archaeological or subsurface historical resources because it would protect in place, recover information, record, or otherwise treat the discovered resource appropriately. However, given the large geographic extent of the treatable landscape, the wide variety in resource types and significance, the potential extent of damage during inadvertent excavation, it is uncertain whether this measure would avoid a substantial adverse change in the significance of a unique archaeological or subsurface historical resource. Although SPRs would require every reasonable effort to identify and protect resources, there could be some rare instances where inadvertent damage of unknown resources may be extensive, and a substantial adverse change may not be fully mitigated. Although these are anticipated to be unusual exceptions, in these cases, impacts to undiscovered unique archaeological or subsurface historical resources would be **significant and unavoidable**.

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

The Board sent letters to 12 Native American tribes on February 9, 2019, notifying each that the PEIR was being prepared under CEQA, as required by PRC 21080.3.1. Four tribes requested initiation of tribal consultation. Tribal consultation ~~is ongoing, but not yet complete and could result in the identification of tribal cultural resources as described under~~ has been completed with these tribes pursuant to PRC Section 21074. No t~~T~~ribal cultural resources ~~may be~~ were identified ~~within the treatable landscape~~ during consultation. Implementation of SPRs CUL-1 through CUL-6 and SPR CUL-8, would avoid any substantial adverse change to tribal cultural resources.  ~~and could be affected by treatments implemented under the proposed CalVTP.~~ This impact would be ~~a~~ **~~potentially significant~~** ~~impact~~ **less than significant**.

The Board sent letters on February 9, 2019, notifying 12 Native American tribes that preparation of the PEIR has begun, as required by PRC Section 21080.3.1. Four of those tribes, the San Manuel Band of Mission Indians, Rincon Band of Luiseno Indians, Pechanga Tribe, Temecula Band of Luiseno Indians, and United Auburn Indian Community, requested the initiation of tribal consultation (Table 3.5-1). The SPRs for the CalVTP were provided to these four tribes, and two of the tribes offered input on the SPRs. Conference calls were held with tribes requesting to continue consultation, and input from these tribes has been incorporated into the PEIR. ~~No further input was received from the remaining tribes and~~ C~~c~~onsultation with all~~those~~ tribes is considered complete.

Treatment design would integrate the SPRs to avoid cultural resources to the extent possible. SPR CUL-1 requires a recent records search for cultural resources, 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, SPRs CUL-5 and CUL-6 require~~s~~ consulting with the geographically affiliated tribes to avoid or protect any identified tribal cultural resources, and SPR CUL-8~~7~~ requires worker awareness training and that treatment activities be halted if archaeological materials are discovered.

No tribal cultural resources have been identified within the treatable landscape~~; however~~ and tribal consultation pursuant to PRC Section 21080.3.1 has ~~not yet~~ been completed. ~~Therefore,~~ While tribal cultural resources may be identified within the treatable landscape during development of later treatment projects, implementation of SPRs would avoid any substantial adverse change to any tribal cultural resource~~consultation and could be affected by treatments implemented under the proposed CalVTP~~. This impact would be ~~a~~ **~~potentially significant~~less than significant** ~~impact~~.

##### Mitigation Measures

No mitigation is required for this impact.

~~Mitigation Measure CUL-3: Complete Tribal Consultation (PRC Section 21080.3.1) and Avoid Potential Effects on Tribal Cultural Resources~~

~~The Board of Forestry and Fire Protection 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.~~

###### ~~Significance after Mitigation~~

~~Implementation of Mitigation Measure CUL-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. The Board 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. However, given that tribal consultation is ongoing, the large geographic extent of the treatable landscape, and the wide variety in resource types and significance, it cannot be known at this time whether measures developed during consultation would adequately avoid a substantial adverse change in the significance of a tribal cultural resource or would be feasible for project proponents to implement. Therefore, recognizing that tribal consultation has yet to conclude, this PEIR identifies impacts to tribal cultural resources as~~ **~~potentially significant and unavoidable~~**~~.~~

Impact CUL-4: Disturb Human Remains

Prehistoric or historic-era marked or un-marked human interments and cremated remains are present throughout California, including the treatable landscape. Ground-disturbing vegetation treatment activities could uncover previously unknown human remains. Compliance with California Health and Safety Code Sections 7050.5 and 7052 and PRC Section 5097 would avoid disturbance. This impact would be **less than significant**.

The potential to uncover Native American human remains exists in locations throughout California 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 treatable landscape. As described above, most treatment activities would not require soil disturbance because activities would be limited to the use of hand crews, livestock, low intensity burning, or herbicides to kill or remove the above-ground portions of vegetation in the treatment area. However, mechanical treatments could result in churning up the surface of the ground during treatment as vegetation is removed. Because of the shallow depth of any ground disturbance relative to the anticipated depth of buried human remains, treatment activities under the CalVTP have low potential to uncover previously unknown remains. Nevertheless, if near the ground surface, there is a possibility that unmarked, previously unknown Native American or other graves could be present within the treatable landscape and could be uncovered during treatment activities.

California law protects Native American human burials, skeletal remains, cremated 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 will be halted immediately, and the county coroner and will be notified immediately. If the remains are determined by the coroner to be Native American, NAHC will be notified within 24 hours and the guidelines of the NAHC will be adhered to in the treatment and disposition of the remains. Following the coroner’s findings, ~~the archaeologist,~~ the NAHC-designated Most Likely Descendant (MLD), and the landowner will 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 will 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 PRC Section 5097, requires avoiding or minimizing disturbance of human remains, and appropriately treating any remains that are discovered. In compliance with California law, this impact would be **less than significant**.

##### Mitigation Measures

No mitigation is required for this impact.