Appendix F:
Section 106 Cultural Resources Assessment and Memorandum

F.1 - Section 106 Cultural Resources Assessment - Parkway, Michael Brandman Associates, October 31, 2008

Section 106 - Cultural Resources Assessment
Diamond Springs Parkway Project
Diamond Springs, County of El Dorado, California

Placerville, California, USGS 7.5-minute Topographic Quadrangle Map
Township 10 North, Range 11 East, Sections 19, 24, 25, and 30

Prepared for:

El Dorado County Department of Transportation
2850 Fairlane Court
Placerville, CA 95667
530.621.5987

Contact: Jennifer Maxwell, Project Manager

Prepared by:

Michael Brandman Associates
2000 "O" Street, Suite 200
Sacramento, CA 95811

Contact: Carrie D. Wills, M.A., RPA, Senior Project Archaeologist

Michael Brandman Associates

October 31, 2008

Keywords: Diamond Springs California, USGS topographic quadrangle map, Pleasant Valley Road

TABLE OF CONTENTS

*Confidential Not For Public Distribution

LIST OF TABLES

LIST OF EXHIBITS

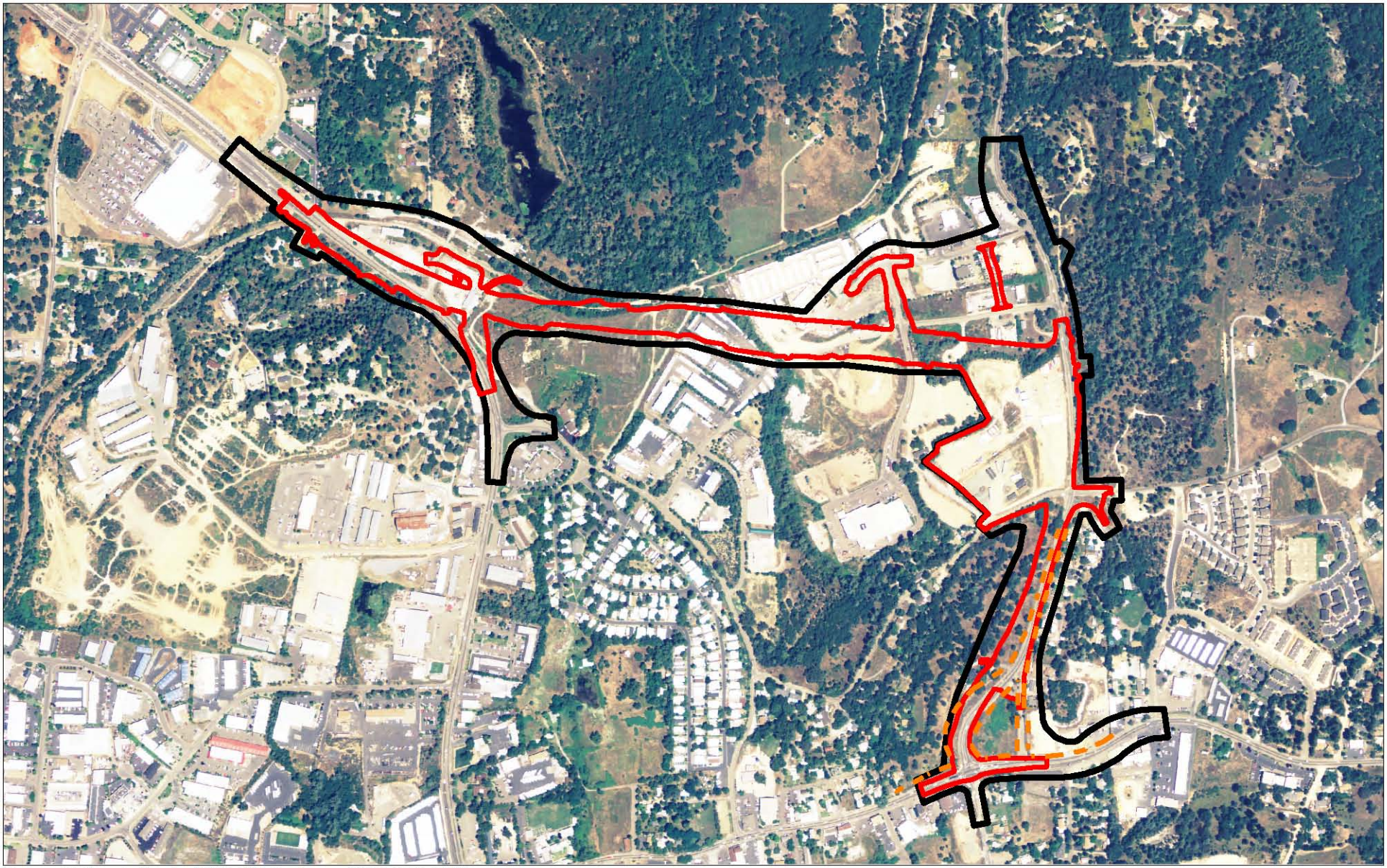
MANAGEMENT SUMMARY

At the request of the County of El Dorado's Department of Transportation, in cooperation with the Granite Lands Company and Palos Verdes Properties Development Team (Partnership), Michael Brandman Associates (MBA) conducted a cultural resource evaluation for the Diamond Springs Parkway Project (project) study area, which includes the Area of Potential Effects (APE). This evaluation included review of record searches at the North Central Information Center (NCIC), the Native American Heritage Commission (NAHC), and the University of California Museum of Paleontology (UCMP), as well as a field survey that was conducted within the project study area.

The APE for the proposed project consists of the areas and resources that could potentially be directly or indirectly affected by the proposed project. For the proposed project, the APE was determined to consist of the project area and the immediate surroundings (Exhibit 1). As the majority of the project APE has been previously developed and/or disturbed and the project does not propose the construction of tall buildings, the project would not result in any visual impacts to a historic structure.

The purpose of the pedestrian survey was to identify the presence or absence of potentially significant cultural resources within the project APE, and, if affected by the proposed development, propose recommendations protecting the resources, which might include a Memorandum of Agreement (MOA) or other protective measures. Completion of this investigation fulfills the requirements of Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, and the California Environmental Quality Act (CEQA). This report closely follows the California Office of Historic Preservation (OHP) procedures for cultural resource surveys and the OHP's Archaeological Resource Management Report (ARMR) reporting format for archaeological reports.

On September 21, 2007, staff at the NCIC in Sacramento conducted a records search for the project study area and a 0.25-mile radius. To identify any historic properties or resources, the current inventories of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CR), the California Historical Landmarks (CHL) list, the California Points of Historical Interest (CPHI) list, and the California State Historic Resources Inventory (HRI) were reviewed to determine the existence of previously documented local historical resources. Results of the NCIC records review indicated that 26 historical resource sites have been previously recorded within a 0.25-mile radius of the project study area. Only 17 of these 26 sites are located within a 0.25-mile radius of the project APE.



Source: El Dorado County, 2007; CTA Engineers, 2007, MBA, 2008

CalTrans Right of Way
Project Area of Potential Effects
Project Study Area

NORTH

500 250 0 500
Feet

Michael Brandman Associates

33370003• 09/2008 | 1_Project_Area_of_Potential_Effects.mxd

Exhibit 1
Project Area of Potential Effects

DIAMOND SPRINGS PARKWAY PROJECT
SECTION 106 - CULTURAL RESOURCES ASSESSMENT

On November 5, 2007, a request was sent to the NAHC requesting a search of its Sacred Lands File. The results of the search, which were received on November 20, 2007, failed to indicate the presence of Native American cultural resources in the immediate project area. Included with the response letter was a list of Native American representatives who may have additional knowledge of resources within the project vicinity. To ensure protection of prehistoric resources, on December 12, 2007, MBA sent letters to all 13 of the representatives on the list. As of January 29, 2008, no responses had been received. To further encourage responses from the Native American representatives, on January 30, 2008, a second letter was sent via e-mail or regular mail (depending on the addresses provided). As of the date of this report, no responses have been received from any of the representatives.

On December 14, 2007, MBA requested a paleontological record search of the UCMP to determine if paleontological resources were present within the project study area. The response, received on December 17, 2007, from Dr. Kenneth Finger, Ph.D., stated that the project study area was very unlikely to have significant paleontological resources; therefore, paleontological monitoring was not recommended.

On November 15, 2007 and February 8, 2008, Senior Project Archaeologist, Carrie D. Wills, conducted a pedestrian survey of the project APE to determine the presence or absence of historic properties that could be considered eligible for listing on the NRHP or the CR. The purpose of the pedestrian survey was to identify the presence or absence of potentially significant cultural resources within the project study area, and, if potentially affected by the proposed development, propose protective measures. In addition, one of the primary goals of the field survey was to determine the presence and/or condition of previously recorded sites within or immediately adjacent to the project APE that had the potential to be adversely affected by project development. Approximately 60 to 65 percent of the project study area was surveyed using 15-meter transects walked in a zigzag pattern. The remaining 35 to 40 percent was surveyed using random transect distances because of dense vegetation, structures, paved parking areas, roads, and other obstructions.

The November 2007 and February 2008 field surveys indicated that of the 17 sites previously recorded within 0.25-mile of the APE, two sites have the potential to be affected by project development. However, as neither of the sites are considered to meet any of the four criteria for eligibility for listing on the NRHP, no historic properties will be affected by the proposed undertaking for the purposes of Section 106 of the NHPA. As no new cultural resources were discovered during the course of the field survey no further archaeological work is anticipated and monitoring during project development is not recommended.

SECTION 1: INTRODUCTION

At the request of the El Dorado County, MBA conducted a cultural resource assessment for the Diamond Springs Parkway Project (project) study area and Area of Potential Effects (APE). The purpose of the assessment was to determine the presence or absence of potentially significant cultural and paleontological resources that might be affected by project development. As part of the assessment, MBA conducted an on-the-ground search ("relocation") for 17 previously recorded sites to determine if they were still extant, if they met any of the criteria for listing on the NRHP or the CR, and if they would be affected by project development.

Numerous federal laws and regulations have been developed to protect cultural resources. The most important is the National Historic Preservation Act (NHPA) of 1966 (as amended). The Act established the Advisory Council on Historic Preservation and the National Register of Historic Places (NRHP). Section 106 of the NHPA requires that any undertaking located on federal land, or that involves federal funds, or that requires federal permits, take into account the effect of the undertaking on all potentially historic properties, and afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment with regard to the undertaking. An inventory must be conducted of all potentially historic properties within the undertaking's APE. Properties judged significant in the context of the criteria in the NRHP must be avoided or subject to programs that mitigate adverse effects. The Federal Lead Agency would initiate consultation with the State Historic Preservation Officer (SHPO) if the undertaking affects a historical property.

If implementation of the project requires that a Section 404 Permit be issued by the United States Army Corps of Engineers (USACE), it will be necessary to comply with Section 106 of the NHPA. As the lead federal agency for compliance with the NHPA, it is USACE's responsibility to consult with the SHPO before granting permits, funding, or other authorization of the undertaking. The Section 106 review process normally involves a four-step procedure described in detail in the regulations implementing Section 106 of the NHPA (36 CFR Part 800). Following is a brief summary of the basic tenets of the process:

- Identify and evaluate historic properties in consultation with the SHPO and interested parties
- Assess the effects of the undertaking on properties that are eligible for inclusion in the NRHP
- Consult with the SHPO, other agencies, and interested parties to develop an agreement that addresses the treatment of historic properties and notify the Advisory Council on Historic Preservation
- Proceed with the project according to the conditions of the agreement

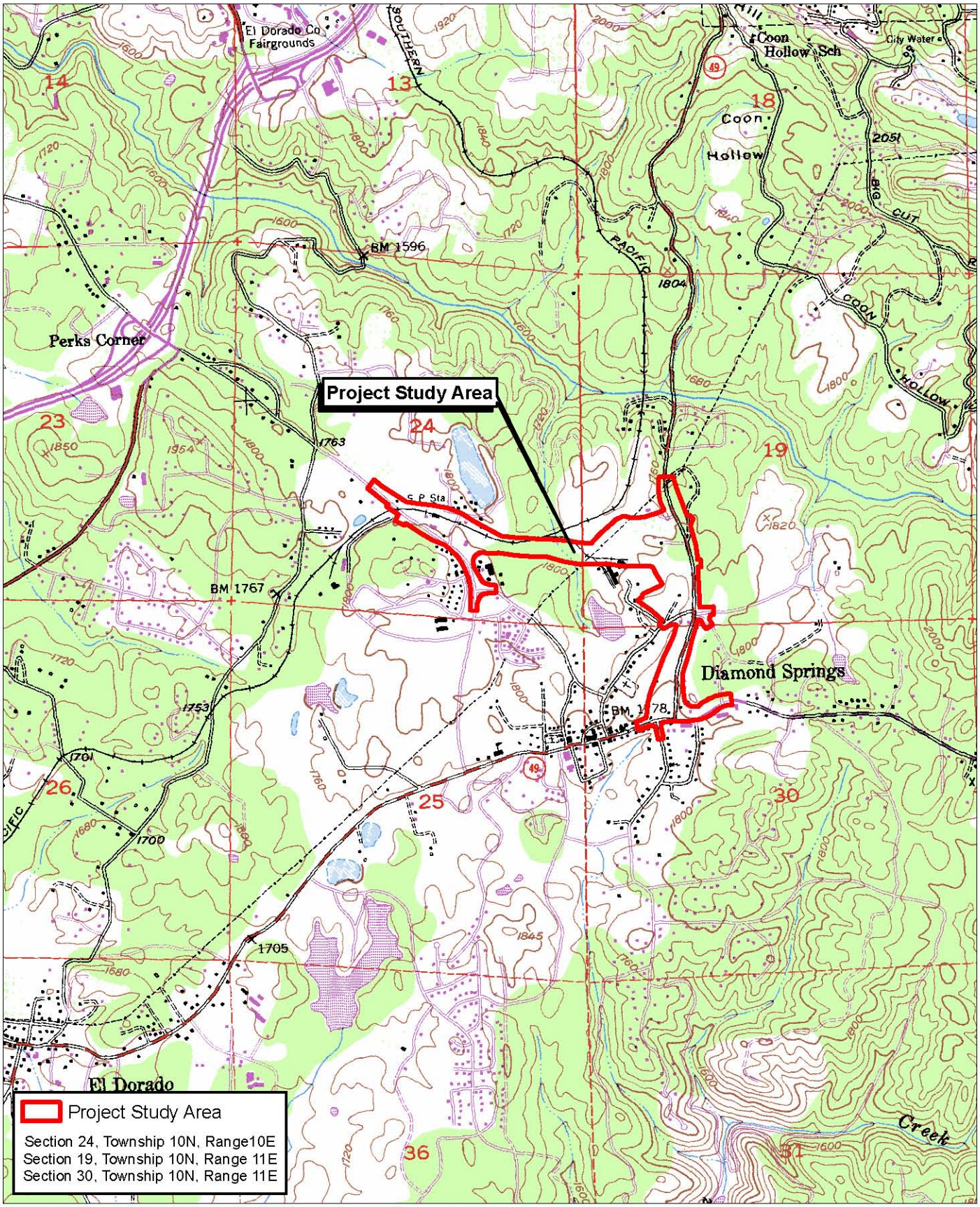
1.1 - Project Location

The project is located within unincorporated El Dorado County, California, south of the Missouri Flat Road/ U. S. 50 Interchange, west of the City of Placerville, and north of the town of Diamond Springs. As illustrated in Exhibit 1, the principle roadway network near the project includes Missouri Flat Road, Pleasant Valley Road/State Route 49 (SR-49), Diamond Road/SR-49, Lime Kiln Road, and China Garden Road. The project area roughly corresponds with the southeastern corner of Section 24 and the northeastern corner of Section 25, Township 10 North, Range 10 East, and the southwestern portion of Section 19 and northwestern corner of Section 30, Township 10 North, Range 11 East on the U.S. Geological Survey (USGS) Placerville, California 7.5-minute quadrangle map (Exhibit 2). Land use within the project area is designated industrial and commercial, according to the County's General Plan Land Use Map. Actual uses along the proposed alignment are highly variable and include pockets of residential development, various manufacturing and storage areas, and vacant industrial lots (Exhibit 3).

1.2 - Project Description

The El Dorado County Department of Transportation (DOT) proposes to improve traffic circulation along the Pleasant Valley Road and Missouri Flat Road corridors, in the vicinity of Diamond Springs, by constructing the Diamond Springs Parkway (Parkway or project), which would connect Missouri Flat Road with State Route (SR-) 49. The project is identified in the County General Plan Circulation Map (El Dorado County 2004, as amended 2008) as a planned roadway and is part of DOT's 5-year Capital Improvement Plan (CIP) and the County's 20-year Traffic Impact Mitigation (TIM) Fee Program. The project was programmatically evaluated in the Missouri Flat Corridor and Funding Plan (MC&FP) Environmental Impact Report (EIR), which originally identified the project as the Missouri Flat/Pleasant Valley Road Connector.

The Parkway would extend eastward from Missouri Flat Road near its intersection with the Southern Pacific Railroad (SPRR), north of China Garden Road, and would connect to Diamond Road (SR-49). At the western extent of the Parkway, approximately 600 feet of the proposed roadway is located just north and within the existing Missouri Flat Road right of way (ROW), which is classified as a four-lane arterial. Missouri Flat Road would be realigned to the east of its current location to form a 4-way intersection with the Parkway and Old Depot Road. The Parkway would initially include signalized intersections at Missouri Flat Road, Throwita Way, and Diamond Road (SR-49) and would provide limited private property access and public road approaches. The Parkway would require the acquisition of the necessary right-of-way (ROW) required for the construction of a four-lane divided roadway.



Source: CaSIL USGS Placerville (1973) 24k Scale 7.5' DRG

Exhibit 2
Local Vicinity Map
Topographic Base

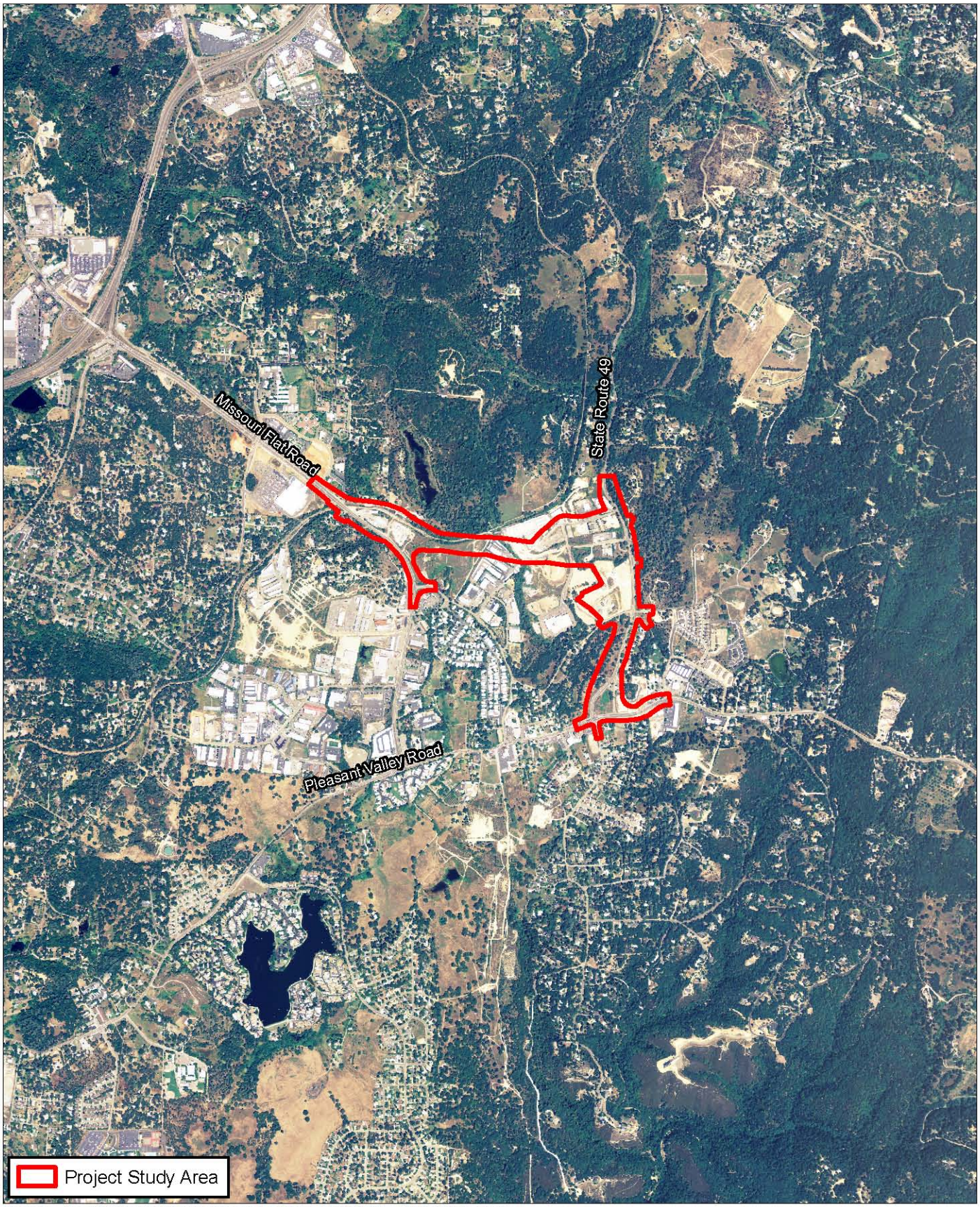
NORTH

2,000 1,000 0 2,000 Feet

Michael Brandman Associates

33370003 • 9/2008 | 2_local_vicinity_topo.mxd

DIAMOND SPRINGS PARKWAY PROJECT
SECTION 106 - CULTURAL RESOURCES ASSESSMENT



Source: Source: El Dorado County, 2007; CTA Engineers, 2007; MBA, 2008

Exhibit 3
Local Vicinity Map
Aerial Base

NORTH

2,000 1,000 0 2,000
Feet

Michael Brandman Associates

3337000 • 09/2008 | 3_local_vicinity_aerial.mxd

DIAMOND SPRINGS PARKWAY PROJECT
SECTION 106 - CULTURAL RESOURCES ASSESSMENT

As part of the traffic mitigation measures required for the proposed project, the DOT will also construct improvements to Diamond Road (SR-49) from north of the proposed intersection with the Parkway and continuing south to Pleasant Valley Road into the community of Diamond Springs. Diamond Road (SR-49) would be improved in accordance with Caltrans' Highway Design Manual, 6th edition. DOT would improve the roadway to a two-lane major highway with nearly all existing driveway encroachments eliminated. The improvements would be accomplished by creating a new frontage road along the existing roadway and widening the roadway to the west, approximately 100 feet on average. A new median would be included to provide sufficient separation between the frontage road and SR-49. In addition, a traffic signal would be installed at the intersection of SR-49 and Lime Kiln Road / Black Rice Road.

1.3 - Project Area of Potential Effects

To capture the maximum extent of the Parkway's physical footprint during the early stages of project planning, the Department of Transportation assumed a 150-foot project study area for the Parkway and a 200-foot project study area for those portions within the State highway system (SR-49) (Exhibit 1). The cultural resources records search and pedestrian survey included the entire project study area.

Once the final roadway alignment was selected and preliminary designs finalized in April 2008, the APE for the proposed project was defined. The APE for the proposed project consists of the areas and resources that could potentially be directly or indirectly affected by the proposed project. For the proposed project, the APE was determined to consist of the project area and the immediate surroundings (Exhibit 1). As the majority of the project APE has been previously developed and/or disturbed and the project does not propose the construction of tall buildings, the project would not result in any visual impacts to a historic structure.

1.4 - Environmental Setting

1.4.1 - Existing Land Form

The unincorporated community of Diamond Springs is located in the lower reaches of the Sierra Nevada foothills, approximately midway between Sacramento and Lake Tahoe. Diamond Springs has an elevation that ranges between 1600 and 1800 feet, and the typical vegetation consists of digger pines, interior live oak, blue oak, manzanita, redbud, and California buckeye.

Soils consist of alluvial deposits of granitic and/or mixed rock sources with pale brown and very pale brown, medium, and very strongly acid horizons and very pale brown, very strongly acid, clay loam horizons that grade to weathered fine-grained acid igneous rock.

1.4.2 - Wildlife and Vegetation

Diamond Springs' proximity to numerous water sources was instrumental during the Gold Rush, but the many streams and waterways also provide diverse environmental conditions that support a variety

of plant and animal life. Vegetative communities include annual grasslands, vernal pools, cropland, irrigated rangeland, lacustrine, orchard, riverine, urban, and valley foothill riparian. This diversity provides habitat for numerous species of birds, mammals, reptiles, amphibians, fish, and invertebrates. For example, rodents, lizards, snakes, coyote, fox, and several bird species are common to the annual grassland.

1.5 - Assessment Team

MBA Senior Project Archaeologist, Carrie D. Wills, conducted the pedestrian survey and authored this report. Avé Brown, MBA Environmental Analyst, assisted Ms. Wills in relocating and determining the existence/condition of the previously recorded sites. Professional qualifications for Ms. Wills and Ms. Brown can be found in Appendix B.

SECTION 2: CULTURAL SETTING

The following is a brief overview of the prehistoric and historic background that provides a context in which to understand the background and relevance of sites found in the general vicinity of the project APE. This section is not intended to be a comprehensive review of the current resources available but, rather, serves as a generalized overview. Descriptions that are more detailed can be found in ethnographic studies, mission records, and major published sources, including Kroeber (1925), Wallace (1955), Warren (1968), Heizer (1978), Moratto (1984), and Chartkoff and Chartkoff (1984).

2.1 - Prehistoric Background

Early archaeological investigations in central California were conducted at sites located in the Sacramento-San Joaquin Delta region. The first published account documents investigations in the Lodi and Stockton area (Schenck and Dawson 1929). The initial archaeological reports typically contained descriptive narratives, with more systematic approaches sponsored by Sacramento Junior College in the 1930s. At the same time, University of California at Berkeley excavated several sites in the lower Sacramento Valley and Delta region that resulted in recognizing archaeological site patterns based on variations of inter-site assemblages. Research during the 1930s identified temporal periods in central California prehistory and provided an initial chronological sequence (Lillard and Purves 1936; Lillard et al. 1939). In 1939, Lillard noted that each cultural period led directly to the next and that influences spread from the Delta region to other regions in central California (Lillard et al. 1939). In the late 1940s and early 1950s, Beardsley documented similarities in artifacts between sites in the San Francisco Bay region and the Delta and refined his findings into a cultural model that ultimately became know as the Central California Taxonomic System (CCTS). This system proposed a uniform, linear sequence of cultural succession (Beardsley 1948 and 1954). The CCTS system was challenged by Gerow, whose work looked at radiocarbon dating to show that Early and Middle Horizon sites were not subsequent developments but, at least partially, contemporaneous (1954; 1974; Gerow with Force 1968).

To address some of the flaws in the CCTS system, Fredrickson (1973) introduced a revision that incorporated a system of spatial and cultural integrative units. Fredrickson separated cultural, temporal, and spatial units from each other and assigned them to six chronological periods: Paleo-Indian (10000 to 6000 B.C.); Lower, Middle and Upper Archaic (6000 B.C. to A.D. 500); and Emergent (Upper and Lower, A.D. 500 to 1800). The suggested temporal ranges are similar to earlier horizons, which are broad cultural units that can be arranged in a temporal sequence (Moratto 1984). In addition, Fredrickson defined several patterns, which are a general way of life shared within a specific geographical region. These patterns include:

- Windmiller Pattern or Early Horizon (3000 to 1000 B.C.)
- Berkeley Pattern or Middle Horizon (1000 B.C. to A.D. 500)
- Augustine Pattern or Late Horizon (A.D. 500 to historic period)

Brief descriptions of these temporal ranges and their unique characteristics follow.

2.1.1 - Windmiller Pattern or Early Horizon (3000 to 1000 B.C.)

Characterized by the Windmiller Pattern, the Early Horizon was centered in the Cosumnes district of the Delta and emphasized hunting rather than gathering, as evidenced by the abundance of projectile points in relation to plant processing tools. Additionally, atlatl, dart, and spear technologies typically included stemmed projectile points of slate and chert but minimal obsidian. The large variety of projectile point types and faunal remains suggests exploitation of numerous types of terrestrial and aquatic species (Bennyhoff 1950; Ragir 1972). Burials occurred in cemeteries and intra-village graves. These burials typically were ventrally extended, although some dorsal extensions are known with a westerly orientation and a high number of grave goods. Trade networks focused on acquisition of ornamental and ceremonial objects in finished form rather than on raw material. The presence of artifacts made of exotic materials such as quartz, obsidian, and shell indicates an extensive trade network that may represent the arrival of Utian populations into central California. Also indicative of this period are rectangular *Haliotis* and *Olivella* shell beads, and charmstones that usually were perforated.

2.1.2 - Berkeley Pattern or Middle Horizon (1000 B.C. to A.D. 500)

The Middle Horizon is characterized by the Berkeley Pattern, which displays considerable changes from the Early Horizon. This period exhibited a strong milling technology represented by minimally shaped cobble mortars and pestles, although metates and manos were still used. Dart and atlatl technologies during this period were characterized by non-stemmed projectile points made primarily of obsidian. Fredrickson (1973) suggests that the Berkeley Pattern marked the eastward expansion of Miwok groups from the San Francisco Bay Area. Compared with the Early Horizon, there is a higher proportion of grinding implements at this time, implying an emphasis on plant resources rather than on hunting. Typical burials occurred within the village with flexed positions, variable cardinal orientation, and some cremations. As noted by Lillard, the practice of spreading ground ochre over the burial was common at this time (Lillard et al. 1939). Grave goods during this period are generally sparse and typically include only utilitarian items and a few ornamental objects. However, objects such as charmstones, quartz crystals, and bone whistles occasionally were present, which suggest the religious or ceremonial significance of the individual (Hughes 1994). During this period, larger populations are suggested by the number and depth of sites compared with the Windmiller Pattern. According to Fredrickson (1973), the Berkeley Pattern reflects gradual expansion or assimilation of different populations rather than sudden population replacement and a gradual shift in economic emphasis.

2.1.3 - Augustine Pattern or Late Horizon (A.D. 500 to Historic Period)

The Late Horizon is characterized by the Augustine Pattern, which represents a shift in the general subsistence pattern. Changes include the introduction of bow and arrow technology; and most importantly, acorns become the predominant food resource. Trade systems expanded to include raw resources as well as finished products. There are more baked clay artifacts and extensive use of Haliotis ornaments of many elaborate shapes and forms. Burial patterns retained the use of flexed burials with variable orientation, but there was a reduction in the use of ochre and widespread evidence of cremation (Moratto 1984). Judging from the number and types of grave goods associated with the two types of burials, cremation seems to have been reserved for individuals of higher status, whereas other individuals were buried in flexed positions. Johnson (1976) suggests that the Augustine Pattern represents expansion of the Wintuan population from the north, which resulted in combining new traits with those established during the Berkeley Pattern.

Central California research has expanded from an emphasis on defining chronological and cultural units to a more comprehensive look at settlement and subsistence systems. This shift is illustrated by the early use of burials to identify mortuary assemblages and more recent research using osteological data to determine the health of prehistoric populations (Dickel et al. 1984). Although debate continues over a single model or sequence for central California, the general framework consisting of three temporal/cultural units is generally accepted, although the identification of regional and local variation is a major goal of current archaeological research.

2.2 - Native American Background

At the time of European contact, the project vicinity was occupied by the Southern Maidu (formerly known as Nisenan) who were identified by their language, which is a subgroup of the California Penutian linguistic family. The Maidu are divided, mainly on dialectic grounds, into the Southern Maidu (living within the American River drainage plus parts of the Bear, Cosumnes, and Yuba rivers), the Northeastern Maidu (on the upper reaches of the North and Middle Forks of Feather River), and the Northwestern Maidu (below the foothills of the Sierra Nevadas, where the south, middle, north, and west branches of Feather River converge and on upper Butte and Chico creeks as well as parts of the Sacramento Valley). The Southern Maidu villages ranged in population from 15 to 25 people, with the tribal centers averaging more than 500 people. Large settlements consisted of one major village with associated smaller, seasonal camps. Villages were typically located on ridges above major streams and rivers and were inhabited mainly in the winter months. During the hot summer months, the Southern Maidu moved to cooler temporary camps in higher elevations.

The local environment provided abundant food sources with seasonal gathering conducted mainly by women and children. Hunting and fishing, primarily conducted by the men, were year round pursuits but were most successful in the late summer and early fall. The Southern Maidu had few contacts outside their immediate tribal territory and those contacts were limited to warfare, trade, and

ceremonial gatherings. Villages were led by a headman or advisor, but each extended family had a leader who assisted the village headman. Some of the headsman's duties included advising the people in general, preventing them from trespassing, directing ceremonies, and festivities, arbitrating disputes, and leading the village in times of warfare. Typically, the dead were cremated along with their property, and their dwelling was either moved or destroyed.

The Maidu practiced a religion called the "Kuksu," which was widespread among California Native Americans and appeared in various forms. Ceremonies were typically conducted in the semi-subterranean dance houses that were centrally located within each village. A ceremony celebrated annually in the fall was the mourning ceremony that honored the individuals that had died during the year as well as ancient ancestors.

Early contact with the Spanish was limited to the southern edge of the Southern Maidu territory and most knowledge came from early penetrations of Spanish into Plains Miwok territory and minor explorations across their land. During the late 18th century, systematic removal to the missions and resistance by the Miwok occurred along the southern border of Maidu territory. No records exist of the Maidu being removed to the missions. However, the Maidu did receive missionized Native Americans into their territory, as well as displaced Miwok villagers on their southern borders (Wilson and Towne 1978:387-97).

In 1833, a massive epidemic, believed to have been malaria, swept through the Sacramento Valley (Cook 1955). The exact number of casualties is unknown, but it is estimated that 75 percent of the Maidu population were killed, leaving only a fraction of the original number to face the intruding miners and settlers that arrived when gold was discovered in Coloma in 1848.

2.3 - Historic Background

The history of the Central Valley and western Sierra Nevada foothills can be divided into several periods of influence; pertinent historic periods are briefly summarized below.

2.3.1 - Spanish Period

The most drastic and permanent change came to the Native Americans' way of life with the establishment of the Spanish Mission system. By the early 1800s, the mission fathers began a process of cultural change that brought the majority of the local Native Americans into the missions, although the Maidu, especially the ones living in the mountain regions, were not as affected as the Native Americans living in the coastal regions near the missions. At the expense of traditional skills, the neophytes were taught the pastoral and horticultural skills of the Hispanic tradition. Spanish missionaries traveled into the Valley to recapture escaped neophytes and recruit inland Native Americans for the coastal missions. In 1834, the Mission system was officially secularized, and the majority of the mission Native American population dispersed to local ranches, villages, or nearby pueblos (Kroeber 1925).

Soon after establishment of the mission system, a process of granting large parcels of land to prominent individuals began. Within a few years, ranchos occupied large tracts in the vicinity of the missions, and a pastoral economy involving the missions, the ranchos, and native inhabitants was established (Kyle et al. 1990).

2.3.2 - Mexican Period

With the declaration of Mexican independence in 1821, Spanish control of Alta California ended, although little change actually occurred. Political change did not take place until mission secularization in 1834 when Native Americans were released from missionary control and the mission lands were granted to private individuals. Shoup and Milliken (1999) state that mission secularization removed the social protection and support on which Native Americans had come to rely. It exposed them to further exploitation by outside interests, often forcing them into a marginal existence as laborers for large ranchos. Following mission secularization, the Mexican population grew as the native population continued to decline. European-American settlers began to arrive in Alta California during this period and often married into Mexican families, becoming Mexican citizens, which made them eligible to receive land grants. In 1846, on the eve of the U.S.-Mexican War (1846 to 1848), the estimated population of Alta California was 8,000 non-natives and 10,000 natives. However, these estimates have been debated. Cook (1976) suggests the Native American population was 100,000 in 1850; the U.S. Census of 1880 reports the Native American population as 20,385.

2.4 - History of El Dorado County

In 1848, James W. Marshall discovered gold at Coloma in modern-day El Dorado County, which started a gold rush into the region that forever altered the course of California's history. The arrival of thousands of gold seekers in the territory contributed to the exploration and settlement of the entire state. By late 1848, approximately four out of five men in California were gold miners (Robinson 1948).

The gold rush originated along the reaches of the American River and other tributaries to the Sacramento River. Hangtown, present day Placerville, became one of the closest towns offering mining supplies and other necessities for the miners in Coloma. Subsequent gold was found in the tributaries to the San Joaquin, which flowed north to join the Sacramento River in the great delta east of San Francisco Bay. The Mokelumne River formed the boundary between two areas, the upper gold fields known as the Northern Mines and those below the Mokelumne known as the Southern Mines. Other strikes occurred in the northwest regions of California around the Trinity, Klamath, and Salmon rivers.

As mining spread, mining techniques changed. Initially, miners relied on gold panning in a shallow pan until the heavier, gold-bearing materials fell to the bottom while the water and lighter sand spilled out over the rim. This technique was displaced by simple mining machines like the wooden "rocker"

into which pails of water were emptied and processed at one time. The gold in and around stream beds was soon exhausted, and hard-rock mining took over, digging shafts up to 40 feet deep with horizontal tunnels radiating from these shafts in search of subterranean veins of gold-bearing quartz.

Hydraulic mining was used on local hillsides with gold-bearing gravel left from now-vanished streambeds. Streams and rivers were diverted from their original courses to provide water for primitive high-pressure hoses that washed down the gravel from a hillside. However, in a short time, the bed of the Sacramento River was raised several feet by tons of debris coming down from the hills, drinking water was polluted, and the danger of flooding was imminent; the Sacramento courts banned hydraulic mining, thus saving the city.

By 1864, California's gold rush had essentially ended. The rich surface and river placers were largely exhausted, and the miners either returned to their homelands or stayed to start new lives in California. Once the gold rush was over, people in towns such as Jackson, Placerville, and Diamond Springs turned to other means of commerce such as ranching, agriculture, and timber production (Beck and Haase 1974). Specifically, the Placerville region turned to, among the other trades, viticulture, thereby setting off the lucrative California wine industry. In 1869, the transcontinental railroad linked Sacramento more directly to the central and eastern United States. California's agricultural products quickly found markets throughout the country. Ranching, transportation, logging, and subsequent water diversion projects represent major historic themes for the Diamond Springs and Shingle Springs area. In addition, El Dorado County has continued to grow in importance as a residential community, with Placerville as its center of government, industry, transportation, and commerce.

2.5 - Diamond Springs History

As with many cities in California, the promise of gold brought the first settlers to Diamond Springs, which was named for a group of natural springs located on the north side of what became Main Street. Although the area had much to offer new settlers, it was not until the late summer of 1850 that a group of settlers from Missouri realized that the abundant water sources and rich pasture land were suitable for farming and livestock and decided to settle. Once they started making a good living by gold mining, they decided to make this area their permanent place of residence and built clapboard houses, stores, churches, hotels, etc. In 1850, one of the Missouri pioneers unearthed a 25-pound gold nugget, which solidified Diamond Springs as one of the richest placer mining areas in El Dorado County.

By November of 1850, Diamond Springs was becoming a community to rival Coloma in size, and it was reported in the Alta California paper that more than 100 new homes had been built in just a few weeks in Diamond Springs. The following year saw construction of three hotels, 13 mercantile stores, a blacksmith shop, two butcher shops, with five permanent carpenters building homes and other structures for the burgeoning population. Throughout the 1850s and 1860s, Diamond Springs

continued to grow and was considered the best stopping place between Folsom and Placerville, owing to its fine hotels and inns. In 1856, disaster struck the downtown area from a fire that destroyed all but two buildings: the Wells Fargo office and the Eureka Canal Company. It is believed that the fire was caused by arson, and that there was a connection between three fires in the County that took place in Placerville, Georgetown, and Diamond Springs, all within about a month of each other.

Diamond Springs starting rebuilding the downtown area with stone blocks from a nearby quarry, but a second fire in 1859 caused permanent damage to the town's prominence within the County (Sioli 1883). Although Diamond Springs lost its prominence as a mining town, the abundant water, rich soil, and relatively mild climate proved ideal for raising crops, and soon there were numerous orchards and crops being grown in the area. In addition, two key businesses, the Stockton Box Factory and the Caldor sawmill, added to the town's prosperity. The town continued to grow from its agricultural base, and, in 1926, the California Door Company began operating its electric sawmill near Missouri Flat, which prospered for over 30 years.

One of the major drawbacks to the agricultural industry in Diamond Springs was transportation. The Sacramento and Placerville railroad line was completed from Sacramento to Folsom in 1856, but it was not until 1864 that the railroad lines reached Shingle Springs (Sioli 1883).

In the early 1900s, a major business enterprise began operations in Diamond Springs. The California Door Company bought approximately 30,000 acres of timber and an existing sawmill 30 miles southeast of Diamond Springs in what was to become the site of Caldor. Needing an efficient way to transport the lumber from the Caldor site to its planing mill and box factory in Diamond Springs, the company constructed a 35-mile railroad in 1904 and named it the Diamond and Caldor Railway. Following a 1923 fire that burned down the Caldor mill, the company decided to build a new facility in Diamond Springs and to rebuild the railroad to handle the log trains. The mill and the railroad were closed and reopened over the years following variable economic conditions. The year 1952 marked the beginning of the end of the railroad operation, largely due to state-mandated safety requirements that were not economically viable and the fact that the majority of the timber was beginning to be transported by trucks. By 1953, the company decided to abandon and remove the tracks in the Diamond Springs area (steaminthewoods 2008). Pertinent to the project, the area along what is now Happy Lane, east of SR-49 and south of Black Rice Road, contained a portion of the Diamond and Caldor Railway lines (K. Payne, pers. comm. 2008). As mentioned above, the tracks were removed in 1953, and there was no evidence of the rail bed found during the 2008 survey; it is assumed that the rail line is now the paved Happy Lane.

Diamond Springs continued to grow throughout the 1900s with vineyards, farms, and various hotels and restaurants, although it never grew as rapidly as it did during the Gold Rush era. There has been a definite population resurgence in Diamond Springs as a bedroom community for people working in Sacramento. In addition, many local businesses have moved into the area to provide services and

goods for the new residents. In the general vicinity, local wineries have opened tasting rooms with beautiful settings that provide unique locations for weddings, parties, and business celebrations. Today, Diamond Springs is typified by a population that wants the conveniences of city living with the small-town feel of a local more rural community.

SECTION 3: METHODOLOGY AND RESEARCH GOALS

The cultural resource assessment for the project included record searches at the NCIC, the NAHC, the UCMP, and a pedestrian survey to relocate and document the existence and condition of previously recorded or new cultural resource sites within the project study area, and to determine whether such resources will be affected by project development.

3.1 - Research Goals

The goals of this study are to determine whether cultural resources are located within the project APE (Exhibit 1), determine whether any previously recorded or newly discovered cultural resources should be considered significant resources, and develop specific measures that will address potential effects to existing or potential resources. The major components include:

1. An NAHC Sacred Lands File record search review and subsequent letters to appropriate tribal groups and individuals
2. Paleontological record search for the area
3. Review of previous cultural resource site records and studies in the project study area
4. Pedestrian survey of the project study area
5. Development of recommendations for adversely affected historic resources, if applicable

3.2 - Sites and Isolates

Prehistoric and historic cultural resources can vary from area to area. Prehistoric and historic cultural resources are defined as three or more items that are not from a single source or material found within a 10-square-meter area. Historic items must be more than 45 years old to be considered for listing on the NRHP or the CR or be of exceptional importance. This definition assumes that items found in an area with a diversity of materials represent more than a single activity at a location. Sites could also be loci if they presumably represent repeated, discrete activity, such as a milling station, hearth, or isolated structures.

SECTION 4: RESULTS

4.1 - Records Search

4.1.1 - Northwest Information Center Record Search

On September 21, 2007, an archival records search was conducted by staff at the NCIC, California State University, Sacramento, Sacramento, California (NCIC File No. ELD-07-159; Appendix A). The record search included the project study area and a 0.25-mile radius outside the study area boundaries. The NCIC record search included current inventories of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CR), the California Inventory of Historical Resources, the Caltrans Bridge Inventory (1987 and 2000), California State Historic Landmarks, and the California Points of Historical Interest. Three historic maps—the 1870 GLO Plat map, the 1887 Placerville Sheet, and the 1949 15' USGS Placerville quadrangle map,—were examined to help locate any historic resources in the project study area.

In addition, the Historic Ditch Alignments for El Dorado County (1987-1993) was reviewed to determine which of the ditches or portions of the ditches would be affected by project development.

The record search indicated that 22 previously-conducted surveys (NCIC # 199, 137, 389, 2225, 2266, 2239, 2254, 4258, 4266, 4269, 4272, 4298, 4310, 4322, 4324, 4326, 4328, 4329, 6874, 7014, 7256 and 7257) included some portion(s) of the project study area or were within a 0.25-mile radius of the project study area.

From these 22 surveys, 26 cultural resource sites have been recorded within a 0.25-mile radius of the study area. Of these, only 17 of the 26 sites were determined to occur within 0.25 mile of the project APE:

- P-9-1148 CA-ELD-941-H
- P-9-1149 CA-ELD-942-H
- P-9-1150 CA-ELD-943-H
- P-9-1151 CA-ELD-944-H
- P-9-1242 CA-ELD-971-H
- P-9-1825 CA-ELD-1341/H
- P-9-1830 CA-ELD-1346-H
- P-9-1856 CA-ELD-1357-H
- P-9-1864 CA-ELD-1361-H
- P-9-1889 CA-ELD-1371-H
- P-9-1899 CA-ELD-1375-H
- P-9-1900 CA-ELD-1376-H
- P-9-3542 CA-ELD-2301-H
- P-9-3543 CA-ELD-2302-H
- P-9-3544 CA-ELD-2303-H
- P-9-3545 CA-ELD-2304-H
- P-9-3546 CA-ELD-2305-H

These 17 sites were further evaluated to determine their potential to be impacted by project development. The results of this evaluation are included in Section 4.2 - Pedestrian Survey.

4.1.2 - Native American Heritage Commission Record Search

On November 5, 2007, MBA sent a letter to the NAHC in Sacramento in an effort to determine whether any of the sacred sites listed on its Sacred Lands File occur within the project vicinity. The response from the NAHC was received on November 20, 2007, stating that a search of its Sacred Lands File failed to indicate the presence of Native American cultural resources in the project vicinity.

Included with the response was a list of 13 Native American representatives who may have further knowledge of the project APE. To ensure that all Native American concerns are adequately addressed, letters were sent to each of the 13 listed tribal contacts on December 12, 2007, requesting any input about the project area that these individuals may have (Appendix A). No responses were received by January 29, 2008, so MBA sent second letters via mail or email (depending on the contact information that was provided) to the 13 representatives (Appendix A). As of this date, no responses to either of the letter requests have been received.

4.1.3 - Paleontological Record Search

On December 14, 2007, MBA requested a paleontological record search of the UCMP to determine if paleontological resources were present within the project study area. On December 17, 2007, a response was received from Dr. Kenneth Finger, Ph.D., stating that because of the unlikelihood of the presence of significant paleontological resources within the project area, no paleontological surveys or construction monitoring were required (Appendix A).

4.2 - Pedestrian Survey

MBA's Senior Project Archaeologist Carrie D. Wills surveyed the project study area on November 15, 2007, using 15-meter transects to ensure proper coverage, when possible. On February 8, 2008, Ms. Wills and Ms. Avé Brown, MBA Environmental Analyst, conducted a focused survey to relocate previously recorded sites, note their location in relation to the project APE, and document their condition/existence.

In general, the project terrain varied from tree-covered grassy areas to built environments with existing structures to highly disturbed areas that included a portion of the former Diamond Springs Lime Plant. In some areas, dense vegetation, areas covered with asphalt and structures, steep sides of hills, and highly vegetated areas could not be surveyed using uniformly spaced transects. In highly vegetated areas, transect intervals were kept as close as possible, ensuring the best coverage while maintaining personal safety. However, in areas covered with asphalt and structures, the only feasible approach was to closely examine the areas immediately adjacent to the asphalt or the structures. Survey areas along existing roadways (e.g., SR-49) were particularly difficult to survey, as traffic was relatively constant and the road shoulders were narrow.

Approximately 60 to 65 percent of the project study area could be surveyed; the remaining areas were either covered with structures, commercial areas, dense vegetation, and/or was within paved roads or parking areas.

A focused search was conducted to relocate the 17 previously recorded resources within or adjacent to the project APE. The following table provides brief descriptions of the 17 relocated sites and their relationship to the project APE; sites are subdivided based on whether or not they occur within 0.25-miles of the Caltrans ROW. The site records are included in Appendix E: NCIC Site Records. These records are considered Confidential and Are Not For Public Distribution.

Table 1: Previously Recorded Sites within 0.25 Mile of Project Area of Potential Effects

Site Number	Site Description	Within APE?	Adjacent to APE?	No Longer Exists	Relocated/ Comments and condition	Potentially Affected
Sites Outside of Caltrans Right-of-Way						
P-9-1148 CA-ELD-941-H	Remnants of house foundation. Recorded in 1998 "building razed; only poorly preserved remnants". Considered not eligible for NRHP listing.	No	**No.** Approx. 250 ft north of Pleasant Valley Road and west of Hwy 49		Relocated a very small portion of the cut foundation stones. Not considered NRHP eligible. Very poor condition as shown in Photo 1.	No affect on a historic resource for purposes of Section 106 of the NHPA.
Sites Within Caltrans Right-of-Way						
P-9-1149 CA-ELD-942-H	Concrete and rock foundation and cement walkway. Recorded as "appears ineligible for NRHP and CR" in 1998 update. Site no longer exists.	No	**No.** Was on northern edge of Pleasant Valley Road	☑	No. Attempted to relocate during February survey but found no evidence of site. Photo 2 shows where site should have been located.	Site no longer exists - no affect on a historic resource for purposes of Section 106 of the NHPA.
P-9-1150 CA-ELD-943-H	House foundation & dressed stone steps. House burned by local fire department. Recorded in 1998. Site no longer exists.	No	**No** Was located on northern edge of Pleasant Valley Road	☑	No. Site was not relocated during February survey. No evidence of site found.	Site no longer exists - no affect on a historic resource for purposes of Section 106 of the NHPA.
P-9-1151 CA-ELD-944-H	Two building lots, rock-lined cellar, may have collapsed mining shaft. Recorded in 1998. Site no longer exists.	No	**No** Was recorded at northern edge of Pleasant Valley Road	☑	No. Site was not relocated during February survey. No evidence of site found.	Site no longer exists - no affect on a historic resource for purposes of Section 106 of the NHPA.
P-9-1242 CA-ELD-971-H	Sacramento-Placerville Railroad. About 500 ft is in APE but the tracks	No	Approx. 500 ft. of this line is within the northern		Relocated site during February survey. Approximately	As site was determined not eligible for NRHP, Project

Site Number	Site Description	Within APE?	Adjacent to APE?	No Longer Exists	Relocated/ Comments and condition	Potentially Affected
	are missing - only the bed remains. Record updated in 1995. Portion of El Dorado Trail Improvement Project will be located along CA-ELD-971H that is adjacent to project APE. As ELD-971H was determined not eligible for NRHP, no affect to a historic resource will result from project development.		portion of the APE.		1,000 ft. of railroad tracks, then just railroad bed in eastern portion. One extant, very small iron trestle (Photo 3). No longer connects with Caldor-Diamond railroad. In 1987 CA-ELD-971H was determined not eligible for NRHP listing.	will not affect a historic resource for purposes of Section 106 of the NHPA.
P-9-1825 CA-ELD-1341/H	Prehistoric midden and 10 mortar stations (upper portion of site area); historic building locations, lower site area (buildings razed), quarry pit, collapsed drift mine tunnel, possible cellar. Reported as "highly disturbed" in 1991 site record.	No	No, site is east of SR-49 and north of PVR, but majority of lower site area has been destroyed by recent construction.		No. Entire lower site area is highly disturbed from recent construction. Found a portion of a recently exposed partial rock well feature that may have been part of the home or cabins that were mentioned in the 1991 site record as having "recently been razed" (Photo 4). Lower portion of site is not considered eligible for listing on the NRHP.	No affect on a historic resource for purposes of Section 106 of the NHPA.
P-9-1830 CA-ELD-1346-H	Remnants of Dunlop Ranch. Recorded in 1995. Site was completely destroyed when Wal-Mart was constructed.	No	No	☑	No. Currently the Wal-Mart site on Missouri Flat Road (Photo 5).	No affect on a historic resource for purposes of Section 106 of the NHPA as none of the site components are extant.
P-9-1856 CA-ELD-1357-H	1993 site record update notes only charred remains of Bray house and outbuildings, concrete foundations, walkways and a few landscape features remain. Site integrity extremely poor. Considered ineligible for listing on the	No	No. outside APE; north of Old Depot Road.		Yes - portions. Foundations, portions of walkways, and rock walls relocated during 2008 survey (Photo 6). As mentioned in the 1993 site record, and confirmed during 2008 survey, the site integrity is	No affect on a historic resource for purposes of Section 106 of the NHPA.

Site Number	Site Description	Within APE?	Adjacent to APE?	No Longer Exists	Relocated/ Comments and condition	Potentially Affected
	NRHP.				"extremely poor." Site does not appear eligible for listing on the CR or NRHP. Also, does not appear that project will affect site as it is outside project APE.	
P-9-1864 CA-ELD-1361-H	Originally recorded as extensive area of tailings, ditches, and small channels in 1993; updated in 2006 as a surface gold placer mining area. Considered ineligible for listing on the NRHP; see discussion below.	Yes	Part of site is within APE south Black Rice Road and east of SR-49.		Yes. Site is extant and extends into APE (Photo 7). Site evaluated and does not appear to meet any of the four eligibility criteria for listing on the NRHP.	No affect on a historic resource for purposes of Section 106 of the NHPA.
P-9-1889 CA-ELD-1371-H	Originally recorded in 1996, the Diamond Ditch System, includes the East Diamond Ditch. A ~200 ft. portion of East Diamond Ditch is within APE and considered ineligible for listing on the NRHP; see discussion below.	Yes, small portion west of Hwy 49 and south of Black Rice and Lime Kiln Roads.	Portion of East Diamond Ditch present in western portion of APE west of SR-49.		Yes. An approximately 200 ft. portion of the East Diamond Ditch is extant within the project APE approx. 500 ft. south of Lime Kiln Road (Photo 8). This portion of East Diamond Ditch does not appear to meet the criteria for listing on the NRHP on the NRHP.	No affect on a historic resource for purposes of Section 106 of the NHPA.
P-9-1899 CA-ELD-1375-H	Historic Diamond and Caldor Machine Shop, Teter's Auto Wrecking. Buildings were being demolished in 1995 and nothing shows up on recent aerial photos.	No, site no longer exists.	No; site no longer exists.	☑	No. Demolished in 1995; Photo 9 shows where building would have been located.	No, as site no longer exists.
P-9-1900 CA-ELD-1376-H	Remains of Diamond Springs Lime Plant. Recorded as "very poor" condition and buildings all "in ruins" in 1995. Nothing found during relocation effort.	No, site no longer exists.	No; site no longer exists.	☑	No. No structures or artifactual materials found during 2008 survey. Photo 10.	No affect on a historic resource for purposes of Section 106 of the NHPA as site no longer exists.
P-9-3542 CA-ELD-	Savage Well House; built c. 1935.	No, site no longer	No, site no longer exists.	☑	No. Photo 11 shows where well	No affect on a historic resource

Site Number	Site Description	Within APE?	Adjacent to APE?	No Longer Exists	Relocated/ Comments and condition	Potentially Affected
2301-H	Recorded as ineligible for NRHP and CR in 1998.	exists.			house would have been located in 1998.	for purposes of Section 106 of the NHPA as site no longer exists.
P-9-3543 CA-ELD-2302-H	Savage House; constructed 1929. Numerous additions to original house. Recorded as ineligible for NRHP and CR in 1999.	No	No; Approximately 300 ft west of SR-49. Outside western edge of APE.		Yes. Numerous additions and upgrades to the existing house in 1996 diminished the historic integrity, therefore, it was considered ineligible for listing on the CR or NRHP in 1999. Photo 12.	No affect on a historic resource for purposes of Section 106 of the NHPA as site was evaluated as ineligible in 1999 and has not changed since then.
P-9-3544 CA-ELD-2303-H	House at 596 Main Street: recorded as ineligible for NRHP and CR in 1999.	No	No, site no longer exists.	☑	No. Photo 13 shows where 596 Main Street house would have been located.	No affect on a historic resource for purposes of Section 106 of the NHPA as site no longer exists.
P-9-3545 CA-ELD-2304-H	Savage Barn; built c. 1935. Recorded as "appears ineligible for NRHP and CR" in 1999.	No	No, site no longer exists.	☑	No. Photo 14 shows where barn would have been located.	No affect on a historic resource for purposes of Section 106 of the NHPA as site no longer exists.
P-9-3546 CA-ELD-2305-H	Diamond Springs Post Office; constructed 1986 with new materials.	No	No.		Extant, but building does not meet 45 year age requirement.	No affect on a historic resource for purposes of Section 106 of the NHPA
Source: NCIC Record Search Results; File No:ELD-07-159						

4.2.1 - Historic Resources Within or Adjacent to Project Area of Potential Effects

P-9-1864 CA-ELD-1361-H

Originally recorded in 1993 (Peak and Associates 1993), the site was described as an "extensive area of tailings, small channel, depressions, and ditches located as a former ridge area." The site form listed six features including: (1) a 3 ft deep ditch, (2) a 15-20 ft deep pit, (3) a low tailing mounds, (4) a 4 ft deep linear cut (water conveyance?), (5) low tailing piles and mounds, and (6) a small ditch segment. In addition, the 1993 site record noted that the area had been impacted by construction of Black Rice Road.

In 2006, the 1993 site form was updated and noted that the site included "remnants of a surface gold placer mining area, characterized by tailings piles and a sluice cut." Additionally, the 2006 update noted that the "surface gold mining may date to the early 1850s . . . that the mines were worked later

(circa 1870s) by Overseas Chinese miners" and that "evidence for Chinese occupation was found about 1,000 yards to the north" (Supernowicz 2006).

During the course of the 2008 field survey conducted for this project, it was observed that Feature 1 was intact but dry; Feature 2 was present by had filled in somewhat; Features 3 and 5 - the 3 ft low tailings piles and mounds noted in 1993 - were weathered to less than 3 ft tall and in some cases appeared to be washed away completely; Feature 4 appeared to be intact although it was obscured from view by dense vegetation; and Feature 6 was not relocated. In addition, no Overseas Chinese artifactual materials were observed during the course of the survey.

No artifactual materials were observed during the course of the 2008 pedestrian survey of this site area. Overall, site P-9-1864 does not appear to meet any of the criteria for listing on the NRHP in that it has not made a significant contribution to the broad patterns of our history. Although the tailings are presumably associated with the Gold Rush era, no artifactual materials were found to indicate use by any particular group, including Overseas Chinese. Nor were there any artifacts of any kind to substantiate the years of use for this area.

National Register of Historic Places Evaluation

Criterion A

The tailings area (P-9-1864 CA-ELD-1361-H) was assessed under National Register of Historic Places (NRHP) Criterion A for its potential significance as part of a historic trend that may have made a significant contribution to the broad patterns of our history. The evaluated tailings area was utilized during the California Gold Rush era and therefore is associated with a significant historic trend in California history. However, there are numerous tailings areas within El Dorado County that are more intact and serve as better representative examples of gold mining techniques than this site. As mentioned above, this site has been highly disturbed by the construction of Black Rice Road and many of the features have been worn away or destroyed by the effects of time and weather.

Therefore, the P-9-1864 CA-ELD-1361-H tailings area does not appear to qualify for the NRHP under Criterion A.

Criterion B

The P-9-1864 CA-ELD-1361-H tailings area was considered under Criterion B for its association with the lives of persons significant in our past. Archival research did not indicate the name of any persons or group associated with the area.

Therefore, the P-9-1864 CA-ELD-1361-H tailings site does not appear to qualify for the NRHP under Criterion B.

Criterion C

The P-9-1864 CA-ELD-1361-H tailings area was evaluated under Criterion C for embodying the distinctive characteristics of a type, period, or method of construction, or representing the work of a master, possessing high artistic values, or representing a significant and distinguishable entity whose components lack individual distinction.

Tailings areas are abundant within El Dorado County and this location is not considered to be distinctive nor does it serve as the best representative example of a tailings area.

Therefore, the P-9-1864 CA-ELD-1361-H tailings site does not appear to qualify for the NRHP under Criterion C.

Criterion D

The P-9-1864 CA-ELD-1361-H tailings area was considered for Criterion D for the potential to yield or likelihood to yield information to prehistory or history.

In order for a feature to be eligible for this criterion, they would need to "be, or must have been, the principal source of important information." Although it is more than plausible that the tailings are associated with the Gold Rush era, the tailings in and of themselves do not convey any specific historic information other than their association with Gold Rush mining. In the Diamond Springs, Placerville, Coloma region there are many areas of tailings that are more intact and retain a higher quality of integrity than these tailings and are therefore viewed as principal sources of information.

Therefore, the P-9-1864 CA-ELD-1361-H tailings area does not appear to qualify for the NRHP under Criterion D.

Conclusion

In summary, the evaluated P-9-1864 CA-ELD-1361-H tailings area does not appear to qualify for the NRHP. Therefore, this site is not a historic property for the purposes of Section 106.

Project Effect and Conclusion

The project would have an effect on the tailings area but as the tailings area is not considered a significant resource and it does not appear to meet any of the four criteria for listing on the NRHP, there will be no effect on a historic resource for purposes of Section 106 of the NHPA.

P-9-1889 CA-ELD-1371-H

A portion of the East Diamond Ditch (Ditch) was discovered on the west side of SR-49, within the APE, north of the Savage House, extending outside the project APE south of the Savage House, with a total length within the APE of approximately 200 feet. The ditch corresponds to the location of a portion of the East Diamond Ditch that was recorded in May 1996 (CA-ELD-1371-H; P-9-1889) by

Eleanor Derr and Ellen Bowden. The portion observed within the project APE was in fair condition, with relatively straight banks and no extensive overgrowth of vegetation.

The CA-ELD-1371 site record supplied the following historic summary of the local ditch systems.

> The Missouri Flat and Diamond Springs Ditch systems (composed of the Diamond, the East Diamond and the Old Diamond Ridge Ditches) became part of the extensive Eureka Ditch system, all constructed sometime between 1850-65 (Starns 1992). This ditch system covered territory extending from Pleasant Valley to American Reservoir (now Bass Lake). As the settlement of land gradually changed from mining to farming, the use of water became more agricultural and domestic and the ditches continued in full use. In the mid-1800s, the Eureka Ditch was sold to a man named Crawford who changed, rebuilt and christened the ditch with his name. This system, after many years of use, fell into disrepair and was sold [in] about 1929 to the early El Dorado water users, primarily composed of local farmers. During the Depression years, El Dorado Irrigation District (EID), funded through the WPA, hired individuals to renovate the ditch system for use as both domestic and irrigation water access. The Missouri Flat section was being used as recently as the 1940s and 1950s (Derr and Bowden 1996).

According to the Historic Ditch Alignments for El Dorado County (McCurry 1987-1993), the East Diamond Ditch extends north and then south out of the project APE. The Ditch appears to terminate approximately 0.35-mile south from where it crosses SR-49 and approximately 0.02-mile east from where it crosses SR-49 to the north.

National Register of Historic Places Evaluation

Criterion A

This Ditch was assessed under National Register of Historic Places (NRHP) Criterion A for its potential significance as part of a historic trend that may have made a significant contribution to the broad patterns of our history. The evaluated Ditch was constructed during the California Gold Rush era and therefore is associated with a significant historic trend in California history. The original 1996 DPR site record notes that the East Diamond Ditch is "the smallest" of the Diamond Ditch System (Derr and Bowden 1996) ditches. Research and review of the Historic Ditch Alignments for El Dorado County (McCurry 1987-1993) indicate that the Ditch was originally much more extensive and contiguous than it is today. Thus, although the portion of the East Diamond ditch within the project APE is associated with the Gold Rush in California, it has been extensively altered by construction of roads, residences, and other developments that have segmented the Ditch at numerous locations. Because of the segmentation of the ditch, it has lost its integrity as a continuous linear resource and therefore, it does not make a significant contribution to the broad patterns of our history.

Therefore, the Ditch does not appear to qualify for the NRHP under Criterion A.

Criterion B

The Ditch was considered under Criterion B for its association with the lives of persons significant in our past. Archival research did not indicate the name of any persons or group associated with surveying or constructing the Ditch.

Therefore, the Ditch does not appear to qualify for the NRHP under Criterion B.

Criterion C

The Ditch was evaluated under Criterion C for embodying the distinctive characteristics of a type, period, or method of construction, or representing the work of a master, possessing high artistic values, or representing a significant and distinguishable entity whose components lack individual distinction.

Although the Ditch was constructed utilizing a specific methodology, it was the same methodolgy that was used for the other ditches found in El Dorado County and is not distinctive nor does it represent the work of a master or possess high artistic value.

Therefore, the Ditch does not appear to qualify for the NRHP under Criterion C.

Criterion D

The property was considered for Criterion D for the potential to yield or likelihood to yield information to prehistory or history.

In order for a feature to be eligible for this criterion, they would need to "be, or must have been, the principal source of important information." This is not the case with the Ditch as many other ditches in the area are older, more extensive, and better documented and therefore are more likely to be seen as superior principal sources of information.

Therefore, it does not appear to qualify for the NRHP under Criterion D.

Conclusion

In summary, the evaluated ditch does not appear to qualify for the NRHP. Therefore, this ditch is not a historic property for the purposes of Section 106.

Project Effect and Conclusion

The project would have a minimal effect on the Ditch because the ditch is currently bisected by SR-49, and project development would merely extend the width of the portion of SR-49 that currently bisects the Ditch. This would not be a new adverse effect on the resource, but is viewed as an extension into an already disturbed area of the resource. In addition, as the Ditch does not appear to meet any of the four criteria for listing on the NRHP, there will therefore be no effect on a historic resource for purposes of Section 106 of the NHPA. Department of Parks and Recreation forms for these sites are included as Appendix F.

SECTION 5: SUMMARY

5.1 - Summary

In accordance with the NHPA, MBA assessed the effects of development of the proposed project within the project APE. On November 5, 2007, a request was sent to the NAHC requesting a search of their Sacred Lands File. The search failed to indicate the presence of Native American cultural resources in the immediate project area. Included with the response letter was a list of Native American representatives who were contacted on December 12, 2007 and January 30, 2008 to request their input about the project. As of the date of this report, no responses have been received from any of the Native American representatives.

The results of the vertebrate paleontology database search at the UCMP indicated that it is highly unlikely that significant paleontological resources would be unearthed during project development. Therefore, a paleontological survey and construction monitoring is not recommended.

On November 15, 2007 and February 8, 2008, Senior Project Archaeologist, Carrie D. Wills, conducted a pedestrian survey of the project study area to determine the presence or absence of historic properties that could be considered eligible for listing on the NRHP or the CR and to relocate previously recorded sites within or immediately adjacent to the project APE. During the course of the pedestrian survey, no prehistoric resources were observed within the project APE.

Results from the NCIC indicate that 22 surveys and 26 cultural resource sites have been recorded within a 0.25-mile radius of the project study area. However, only 17 of the 26 sites had the potential to be affected by project development based on their proximity to the project APE. Relocation of the 17 sites indicates that two sites (historic resources) will be affected by development and 15 sites will be avoided. One resource (P-9-1889 CA-ELD-1371H) is a portion of the historic East Diamond Ditch that was noted running almost parallel to SR-49, approximately half way between Pleasant Valley Road and Black Rice Road. The portion observed within the project APE was approximately 200 feet in length, ranged from 4 to 5 feet wide and 3 to 4 feet deep, and is in fair condition. The second resource (P-9-1864 CA-ELD-1361H) is an area of mine tailings and portions of ditches located south of Black Rice Road and east of SR-49.

Evaluation of the two historic resources revealed that neither one appears to qualify for the NRHP under any of the four criteria, as they are not associated with a historic trend significant to the broad patterns of our history (Criterion A); are not associated with the life of a significant person (Criterion B); do not represent the work of a master or possess high artistic values (Criterion C); and are not likely to yield important information about prehistory or history (Criterion D).

Following the provisions set forth in 36 CFR Part 800.4(c), MBA recommends that the sites P-9-1889 CA-ELD-1371H and P-9-1864 CA-ELD-1361H do not meet any of the four criteria for inclusion in the National Register of Historic Places (36 CFR Part 63).

5.2 - Recommendations

Since the project APE does not contain any resources that meet any of the four NHPA criteria for listing on the NRHP and since no new cultural resources were discovered during the field survey, no further archaeological work is anticipated and construction monitoring during project development is not recommended.

The results of the vertebrate paleontology database search at the UCMP indicated that it is highly unlikely that significant paleontological resources would be unearthed during project development. Therefore, MBA recommends that no paleontological monitoring be conducted within the project APE.

The following inadvertent discovery procedures should be followed if previously unknown resources are discovered during the course of project development.

5.3 - Inadvertent Discoveries

5.3.1 - Accidental Discovery of Human Remains

There is always the possibility that ground-disturbing activities may uncover previously unknown human remains. Should this occur, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed.

In the event of an accidental discovery or recognition of any human remains, Public Resource Code (PRC) Section 5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains, the following steps shall be taken:

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the El Dorado County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the NAHC within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98, or

2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendent or on the project in a location not subject to further subsurface disturbance:

    - The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission;
    - The descendent identified fails to make a recommendation; or
    - The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

5.3.2 - Accidental Discovery of Cultural Resources

As mandated by Section 106 of the NHPA, federal agencies must take into account the effects of their undertakings on historic properties and seek ways to avoid, minimize, or mitigate adverse effects on such properties [36 CFR 800.1(a)]. Likewise, CEQA regulations state, "a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment" (PRC Section 21084.1). "Substantial adverse change" means "demolition, destruction, relocation, or alteration such that the significance of an historical resource would be impaired" [PRC Section 5020.1(q)].

If an archaeological site qualifies for listing on the NRHP or CR, the provisions of Section 106 and CEQA mandate that the lead agencies further determine whether the proposed undertaking will have an "effect" and "adverse effect" upon the site [36 CFR 800.4(d)(1)]. According to federal regulations, "Effect means alteration to the characteristics of a historic property qualifying it for inclusion in or eligibility for the National Register" [36 CFR 800.16(i)]. The criteria of adverse effect are:

> n adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative [36 CFR 800.5(a)(1)].

In accordance with PRC Section 21082 and Section 15064.5 of the CEQA Guidelines and [36 CFR 800] of Section 106 of the NHPA, if buried cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The archaeologist shall make recommendations to the lead agency concerning appropriate measures that will be implemented to protect the resources, including but not limited to excavation and evaluation of the finds, consistent with Section 15064.5 of the CEQA Guidelines and 36 CFR 800. Cultural resources could consist of, but are not limited to, stone, bone, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites. In accordance with PRC Section 21082 and Section15064.5 of the CEQA Guidelines, no further grading or construction activity shall occur within 50 feet of the discovery until the lead agency approves the measures to protect these resources.

In addition, reasonable efforts to avoid, minimize, or mitigate adverse effects to the property will be taken and the State Historic Preservation Officer (SHPO) and Indian tribes with concerns about the property, and the Advisory Council on Historic Preservation (Council) will be notified within 48 hours in compliance with 36 CFR 800.13 (b) (3).

5.3.3 - Paleontological Recommendations

The results of the vertebrate paleontology database search at the UCMP indicated that it is highly unlikely that significant paleontological resources would be unearthed during project development. Therefore, MBA recommends that no paleontological monitoring be conducted.

SECTION 6: REFERENCES

Beardsley, R.K. 1948. "Cultural Sequences in Central California Archaeology." American Antiquity 14:1-28.

Beardsley, R.K. 1954. Temporal and Areal Relationships in Central California Archaeology. Berkeley: University of California Archaeological Survey Reports 25.

Bennyhoff, J. 1950. Californian Fish Spears and Harpoons. University of California Anthropological Records 9(4):295-338.

Chartkoff J.L. and K.K. Chartkoff. 1984. The Archaeology of California. Menlo Park. Stanford University Press.

Cook, S.F. 1955. The Epidemic of 1830-1833 in California and Oregon. Archaeology and Ethnology 43(3).

Cook, S.F. 1976. The Population of the California Indians 1769-1970. University of California Press. Berkeley, California.

Derr, Eleanor, and Ellen Bowden. 1996. Site Record P-9-1889 CA-ELD-1371-H; Diamond Ditch. Report: Western El Dorado Recovery Systems Facility Water Supply Pipelines, prepared for Michael Brandman Associates, 10423 Placerville Road, Ste. 100, Sacramento, CA 95827.

Dickel, D.N., P. D. Schulz, and H.M. McHenry. 1984. "Central California: Prehistoric Subsistence Changes and Health." In Paleopathology at the Origins of Agriculture, edited by Mark Nathan Cohen and George J. Armelagos, pp. 439-462. Academic Press, Inc., Orlando, FL.

EDAW. 1998. Draft Environmental Impact Report for the Missouri Flat Area MC&FP and Sundance Plaza and El Dorado Villages Shopping Center Project. State Clearinghouse No. 97092074. April.

Frederickson, D.A. 1973. Early Cultures of the North Coast Ranges, California. Unpublished Ph.D. dissertation, Department of Anthropology, University of California, Davis.

Gerow, B.A. 1954. The Problem of Cultural Sequences in Central California Archaeology. Paper presented at the Annual Meeting of the American Association for the Advancement of Sciences.

Gerow, B.A. 1974. "Comments on Fredrickson's Cultural Diversity." The Journal of California Anthropology 1(2):239-246.

Gerow, B.A., with R. Force. 1968. An Analysis of the University Village Complex with a Reappraisal of Central California Archaeology. Stanford University Press. Stanford., California.

Hughes, R.E. (editor). 1994. Toward a New Taxonomic Framework for Central California Archaeology: Essays by James A. Bennyhoff and David A. Fredrickson. Assembled and edited by Richard E. Hughes. Contributions of the University of California No. 52, Archaeological Research Facility, Berkeley, CA.

Johnson, J.J. 1976. Archaeological Investigations at the Blodgett Site (CA-SAC-267), Sloughhouse Locality, California. Report to the U.S. National Parks Service, Western Regional Office, Tucson, AZ.

Kroeber, A.L. 1925. Handbook of the Indians of California. Bulletin 78. Bureau of American Ethnology. Washington, DC. Smithsonian Institution.

Kyle, D. E., M.B. Hoover, H.E. Rensch, E.G. Rensch, and W.N. Abeloe. 1990. Historical Spots in California. Stanford. Stanford University Press.

Lillard, J.B. and W.K. Purves. 1936. "The Archaeology of the Deer Creek-Cosumnes Area, Sacramento Co., California." Sacramento. Sacramento Junior College, Department of Anthropology Bulletin 1.

Lillard, J.B., R.F. Heizer, and F. Fenenga. 1939. An Introduction to the Archaeology of Central California. Sacramento Junior College, Department of Anthropology, Bulletin 2. Sacramento.

McCurry, Jack A. 1987-1993. Historic Ditch Alignments for El Dorado County *in* Historical Ditches of El Dorado Irrigation District, El Dorado County, CA.

Moratto, M.J. 1984. California Archaeology. San Diego. Academic Press.

Payne, Kris. Supervising Civil Engineer, County of El Dorado Department of Transportation. Personal communication via telephone. October 30, 2008

Peak and Associates. 1993. Site Record P-9-1864 CA-ELD-1361-H. Report: Cultural Resource Assessment of the Proposed Courtyards Project, El Dorado County, California.

Ragir, S.R. 1972. The Early Horizon in Central California Prehistory. Contributions of the University of California Archaeological Research Facility 15. Berkeley, CA.

Schenck, W.E., and E.J. Dawson. 1929. "Archaeology of the Northern San Joaquin Valley." American Archaeology and Ethnology 25:286-413.

Shoup, L.H., and R.T. Milliken. 1999. Inigo of Rancho Posolmi: the Life and Times of a Mission Indian. Novato. Ballena Press.

Sioli, Paolo. 83. *History of El Dorado County.* Cedar Ridge Publishing, 1998 reprint of original 1883 edition.

Starns, Jean E. 1992. Site Record P-9-1242 CA-ELD-971-H Sacramento-Placerville Railroad. Reported for Planning Division, Engineering Department, El Dorado Irrigation District, 2890 Mosquito Road, Placerville, CA 95667.

steaminthewoods. 2008. Website: http://www.steaminthewoods.com/DiamondAndCaldor/. Accessed Ocotber 31, 2008.

Supernowicz, Dana E. 2006. Addendum to the Updated Resources Study of Piedmont Estates, Assessor's Parcel No. 051:460:37, Diamond Springs, El Dorado County, California. Site Record P-9-1864 CA-ELD-1361-H.

Wallace, W.J. 1955. "A Suggested Chronology for Southern California Coastal Archaeology." Southwestern Journal of Anthropology 11(3):214-230.

Warren, C.N. 1968. "Cultural Tradition and Ecological Adaptation on the Southern California Coast." Archaic Prehistory in the Western United States, C. Irwin-Will.

Wilson, Norman L. and Arlene Towne. 1978. Nisenan, In*: Handbook of North American Indians*: California, Volume 8, edited by Robert F. Heizer. William G. Sturtevant, Editor, Smithsonian Institution, Washington, D. C.

Appendix A: Cultural Resources Correspondence

A-1: Information Center Records Search Response

NORTH CENTRAL INFORMATION CENTER

916-278-6217 ncic@csus.edu FAX 916-278-5162
CSU-SACRAMENTO - 6000 J STREET, ADAMS BLDG. SUITE #208 - SACRAMENTO, CA 95819-6100
Amador, El Dorado, Nevada, Placer, Sacramento, and Yuba Counties

RAPID Records Search Results Summary

September 21, 2007 **NCIC File No: ELD-07-159**

Carrie D. Wills
Michael Brandman Associates
Bishop Ranch 3
2633 Camino Ramon Suite 460
San Ramon, CA 94583

From: Ellen Bowden, Researcher

RE: Missouri Flat Road Cultural Resource Project

USGS 7.5-minute Placerville quad *(portions of following sections)*
T 10N/R10E **Sections 23 24 25**; T 10N/R 11E **Section 30**

- **Sites Within ¼-mile Search Radius or Project Area:** 26
  CA-ELD-684-H
  CA-ELD-854-H
  CA-ELD-971-H

  CA-ELD-941-H
  CA-ELD-942-H
  CA-ELD-943-H
  CA-ELD-944-H

  CA-ELD-1341/H
  CA-ELD-1346-H
  CA-ELD-1357-H
  CA-ELD-1360-H
  CA-ELD-1361-H
  CA-ELD-1371-H
  CA-ELD-1375-H
  CA-ELD-1376-H

  CA-ELD-2301-H
  CA-ELD-2302-H
  CA-ELD-2303-H
  CA-ELD-2304-H
  CA-ELD-2305-H

P-9-1861
P-9-1903
P-9-1904
P-9-1905
P-9-1863
P-9-1855

- **NCIC Studies Within ¼-mile Search Radius or Project Area:** 13*

4258
4266
4269
4298
4310
4322
4324
4326
4328
4329
6874
7014
7257

199 b
137 b
389 b
2225 b
2266 b
2239 b
2254 b
4272 b
7256 b

*b indicates bibliographic listing only

- **NRHP and CRHR (2006):** Nothing listed
- **OHP Historic Property Directory (September 2006):** Nothing listed
- **Caltrans Bridge Inventory (1987 and 2000):** Nothing listed
- **California State Historical Landmarks (1996 and updates):** Diamond Springs #487
- **California Inventory of Historic Resources (1976 and updates):** Diamond Springs #51
- **Points of Historical Interest (1992 and updates):** Nothing listed
- **Historic GLO plats/Maps:**

  1870 GLO Plats for T 10N/R 10E & T 10N/R 11E*USGS 1887Placerville Sheet; USGS 1949 Placerville quadrangle; Historic Ditch Alignments for El Dorado County (McCurry 1993)*

Entire site record copies and report title pages are enclosed. Thank you for using our services. A confidentiality agreement form is included. Please sign where indicated and return to our office with your payment. If you have any questions please do not hesitate to call 916/278-6217 or contact us at the above listed email address.

A-2: Native American Heritage Commission Response and Representative Letters

STATE OF CALIFORNIA Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
Fax (916) 657-5390
Web Site www.nahc.ca.gov

November 20, 2007

Carrie D. Wills
Senior Project Archaeologist
Michael Brandman Associates
2633 Camino Ramon, Ste. 460
San Ramon, CA 94583

Sent by Fax: ~~510-524-4419~~ 925-830-2715
Number of Pages: 5

Re: Proposed Oroville Project, Butte County. Missouri Flat Road Expansion, El Dorado County.

Dear Ms. Wills:

A record search of the sacred land file has failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the sacred lands file does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Enclosed is a list of Native Americans individuals/organizations who may have knowledge of cultural resources in the project area. The Commission makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated, if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe or group. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from any of these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at (916) 653-4038.

Sincerely,

For: Debbie Pilas-Treadway
Environmental Specialist III

Native American Contacts
El Dorado County
November 16, 2007

Randy Yonemura
4305 - 39th Avenue Miwok
Sacramento , CA 95824
honortraditions@mail.com
(916) 421-1600

El Dorado County Indian Council
P.O. Box 564 Miwok
El Dorado , CA 95623 Maidu
(530) 647-0423

El Dorado Miwok Tribe
Jeri Scambler, Chairperson
PO Box 1284 Miwok
El Dorado , CA 95623
miwoktribe@hotmail.com
530-363-3257
916-962-2179

El Dorado Miwok Tribe
Brian Padilla
PO Box 2437 Miwok
Marysville , CA 95901
(916) 792-2829

El Dorado Miwok Tribe
Wesly Yielding
3266 Cimmarron Road, Apt 38 Miwok
Cameron Park , CA 95682
530-672-9819

Ione Band of Miwok Indians
Matthew Franklin, Chairperson
PO Box 1190 Miwok
Ione , CA 95640
matt@ionemiwok.org
(209) 274-6753
(209) 274-6636 Fax

Ione Band of Miwok Indians
Heritage Cultural Committee
PO Box 1190 Miwok
Ione , CA 95640
billie@ionemiwok.org
(209) 274-6753
(209) 274-6636 Fax

Nashville-El Dorado Miwok
Cosme Valdez, Interim Chief Executive Officer
PO Box 580986 Miwok
Elk Grove , CA 95758
916-429-8047 voice
916-429-8047 fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed Missouri Flat Road Expansion, El Dorado County.

Native American Contacts
El Dorado County
November 16, 2007

Shingle Springs Band of Miwok Indians
Jeff Murray, Cultural Resources Manager
P.O. Box 1340 Miwok
Shingle Springs , CA 95682 Maidu
jmurray@ssband.org
(530) 676-8010
(530) 676-8033 Fax

Shingle Springs Band of Miwok Indians
Nicholas Fonseca, Chairperson
P.O. Box 1340 Miwok
Shingle Springs , CA 95682 Maidu
nfonseca@ssband.org
(530) 676-8010
(530) 676-8033 Fax

Todd Valley Miwok-Maidu Cultural Foundation
Christopher Suehead, Cultural Representative
PO Box 1490 Miwok
Foresthill , CA 95631 Maidu
tvmmcf@foothill.net
(530) 367-3893 - Voice / Fax

United Auburn Indian Community of the Auburn Rancheria
Jessica Tavares, Chairperson
10720 Indian Hill Road Maidu
Auburn , CA 95603 Miwok
530-883-2390
530-883-2380 - Fax

United Auburn Indian Community of the Auburn
Tribal Preservation Committe
10720 Indian Hill Road Maidu
Auburn , CA 95603 Miwok
530-883-2390
530-883-2380 - Fax

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed Missouri Flat Road Expansion, El Dorado County.

Michael Brandman Associates

Bakersfield
661.334.2755

Fresno
559.497.0310

Irvine
714.508.4100

Palm Springs
760.322.8847

Sacramento
916.383.0944

San Bernardino
909.884.2255

San Ramon
925.830.2733

December 12, 2007

El Dorado Miwok Tribe
Brian Padilla
P.O. Box 2437
Marysville, CA 95901

Subject: **Proposed Diamond Dorado Retail Center Project, El Dorado County**

Dear Brian Padilla:

Our client, Palos Verdes Properties, Inc., plans to develop a retail center in portions of Sections 24 and 25 of T10N/ R10E and portions of Sections 19 and 30 of T10N/R11E, on the Placerville USGS topographic map. MBA has been contracted to conduct an archaeological study for the project area which is depicted on the attached topographic map. A record search conducted at the North Central Information Center (NCIC File No: ELD-07-159) indicated that 13 surveys have been conducted within a 0.25-mile radius of the project area. In addition, 26 sites have been recorded within a 0.25-mile radius of the project area. The pedestrian field survey was negative for prehistoric resources although a remnant of the Sacramento-Placerville Railroad bed (tracks had been removed) was found within the project area.

Consultation

The California Environmental Quality Act (CEQA) requires the City to consider the effect this project may have on historic properties. The definition of "historic properties" includes, in some cases, properties of traditional religious and cultural significance to Native American tribes. To determine whether any historic properties may be affected by the project, MBA has reviewed archival maps and historic documents and consulted with the Native American Heritage Commission (NAHC). The NAHC response letter indicated that there may be additional information to be gained from individual tribal members and/or tribal organizations. MBA is sending this letter to give you the opportunity to provide any additional knowledge you may have about the Project Area. Because public involvement is a key ingredient in successful CEQA consultation, we are soliciting your input as part of this process.

Please review this letter and the enclosed map and indicate whether you have any information concerning historic properties that may be affected by the proposed Project, as indicated below:

____ No, I am not aware of any Native American resources or sacred sites located within or near the Project Area.

____ Yes, I am aware of Native American resources or sacred sites located within or near the Project Area.

Describe, if possible, the resources using additional sheets of paper, if required:

In addition, please indicate whether you would like a copy of the Final Cultural Resource Report sent to you for your review:

____ No, I do not need to have a copy of the report sent to me for review.

____ Yes, I would like a copy of the report sent to me for review.

MBA is contacting you to determine if you have any concerns regarding this project. Your response would be greatly appreciated. If we do not receive a response from you within 15 calendar days, we will assume that to your knowledge, the Project Area is not located within any Native American religious or sensitive sites. Please feel free to contact me at 925.830.2733 if you have any questions. Address and mail your response or any correspondence to my attention at the address below.

Sincerely,

Carrie D. Wills, MA, RPA
Senior Project Archaeologist

Michael Brandman Associates
Bishop Ranch 3
2633 Camino Ramon, Suite 460
San Ramon, CA 94583
925. 830. 2733 FAX 925.830.2715

Enclosures: USGS Placerville Map of Project Area

C:\Documents and Settings\CWills\Desktop\Missouri Flat 33370001\NA Consult Letters\Brian Padilla Consult Letter.doc

Michael Brandman Associates

Bakersfield
661.334.2755

Fresno
559.497.0310

Irvine
714.508.4100

Palm Springs
760.322.8847

Sacramento
916.447.1100

San Bernardino
909.884.2255

San Ramon
925.830.2733

January 29, 2008

El Dorado County Indian Council
P.O. Box 564
El Dorado, CA 95623

Subject: **Proposed Diamond Dorado Retail Center Project, El Dorado County**

To whom it may concern:

On December 12, 2007, Michael Brandman Associates sent you a letter informing you of a proposed project in the Diamond Springs area and asking if you had any concerns or information regarding the Project area. The Project was originally called the Proposed Diamond Dorado Retail Center Project; since then, the project has been divided into three separate projects called the Proposed Diamond Dorado Retail Center Project, the proposed Diamond Springs Parkway Project, and the proposed Western Materials Recovery Center Project. The three projects would continue to be located in portions of Sections 24 and 25 of T10N/ R10E and portions of Sections 19 and 30 of T10N/R11E, on the Placerville USGS topographic map sent with the original letter, and would cover approximately the same area as the original project. We are following up on that letter to ensure that you have an opportunity to express any concerns you may have about the project.

If you have any questions or desire more Project information, please feel free to contact me at (925) 830-2733 or via email at cwills@brandman.com.

Sincerely,

Carrie D. Wills, MA, RPA
Senior Project Archaeologist

Michael Brandman Associates
Bishop Ranch 3
2633 Camino Ramon, Suite 460
San Ramon, CA 94583
925. 830. 2733 FAX 925.830.2715

A-3: Paleontological Record Search Response

Kenneth L. Finger, Ph.D.
Consulting Paleontologist

18208 Judy St., Castro Valley, CA 94546-2306 510.885.1585 klfpaleo@comcast.net

December 15, 2007

REC'D DEC 17 2007

Carrie Wills
Michael Brandman Associates
2633 Camino Ramon, Ste. 460
San Ramon, CA 94583

Re: Paleontological Records Search for MBA Project #33370001, Missouri Flat Road Expansion, El Dorado County, California

Dear Carrie:

As per your request, I have conducted a thorough search of the University of California Museum of Paleontology (UCMP) vertebrate paleontology database for the proposed Missouri Flat Road Expansion project located on the south side of the Southern Pacific Railroad in the vicinity of Diamond Springs, southeast of Placerville. The project is along the E-W boundary between Sec. 24 and 25, R10E, and between Sec. 19 and 30 of R11E, T10 N, Placerville Quadrangle (USGS 7.5-series topographic map (1949, photorevised 1973). This area is in the foothills of the Sierra Nevada. On a recent aerial photo, it is evident that the three areas designated for this project have been heavily disturbed, as two are mostly obscured by structures and the third appears to have been farmed or graded.

The project area is in the western metamorphic belt of the Sierra Nevada. The geology of the Placerville area was originally mapped by Lindgren in 1893 (in Lindgren and Turner, 1894). According to this map, the project properties include "Neocene" auriferous river gravels, the metasedimentary rocks of the Calaveras Formation (Carboniferous), and granitic rocks, as well as contact metamorphic zones between the latter units. Later biostratigraphic studies on ammonites revealed that those metasedimentary rocks are of Upper Jurassic marine origin, and they are now referred to the Salt Spring Formation, as mapped by Clark (1964) in the southernmost part of Eldorado County. Clark also mapped metavolcanic rocks of the Triassic-Jurassic Logtown Ridge Formation in that area. The Sacramento Sheet compiled by Strand and Koenig (1965) shows four lithostratigraphic units within the project area referred to as Tertiary nonmarine (the auriferous gravels), Upper Jurassic marine (Salt Spring Formation), Triassic-Jurassic metavolcanics (Logtown Ridge Formation), and Mesozoic granodiorite. Because plutonic rocks, including the granodiorite characteristic of the Sierra Nevada batholith, form from magma deep beneath the surface, they cannot be fossiliferous. Whereas volcanic rocks other than ashfall tuffs rarely preserve fossils, metavolcanic rocks are typically unfossiliferous. Fossils that were preserved in the original sedimentary rock (e.g., shale) may survive low-grade metamorphism and thus be retained in the resulting metasedimentary rock (e.g., slate). The Tertiary alluvium and the Salt Spring Formation are the only units in the project area that have greater paleontological potential.

The results of searching the UCMP database reveal five vertebrate fossil localities (UCMP localities 1069, 1073, V6951, V4805, and V91012) in Eldorado County, but all are late Pleistocene (Rancholabrean) in age. The vast majority of the 356 specimens recovered are from Hawver Cave, which is within the Auburn State Recreation Area approximately three miles northwest of Diamond Springs. Whereas no Pleistocene deposits have been mapped in the vicinity of the project site, none will be impacted by the proposed project. In the unlikely case that they were not disturbed by gold prospectors, the Tertiary gravel deposits have the potential to contain terrestrial vertebrates. In addition, the Salt Spring Formation has the potential to contain Jurassic vertebrates, primarily marine reptiles and fish, or terrestrial vertebrates transported offshore. No significant paleontological resources from either unit are in the UCMP collection, suggesting that it is highly unlikely that they will be encountered in any given area.

A paleontological walkover survey of the site prior to construction is not necessary because all of the land appears to have been heavily disturbed. I do not recommend paleontological monitoring during construction because significant paleontological resources are most unlikely to be unearthed. Should any vertebrate fossils or potentially significant finds (e.g., numerous well-preserved invertebrate or plant fossils) be encountered by the construction crew, all work in the immediate vicinity of the find is to cease until a paleontologist evaluates the find for its scientific value. Significant paleontological resources should be salvaged and deposited in an accredited and permanent scientific institution (e.g., UCMP) where they will be properly curated and preserved for the benefit of current and future generations.

If I can be of further assistance on this or any other project, please do not hesitate to contact me.

Sincerely,

Ken Finger

References Cited

Clark, L.D., 1964, Stratigraphy and Structure of Part of the Western Sierra Nevada Metamorphic Belt, California: U.S. Geological Survey Professional Paper 410, 70 p.

Lindgren, W., and Turner, H.W., 1894, Placerville, Calif. U.S. Geological Survey Geological Atlas, Folio 3, 3 p.

Strand, R.G., and Koenig, J.B., 1965, Geologic Map of California Sacramento Sheet (1:125,000). U.S. Geological Survey.

Appendix B: Personnel Qualifications

CORPORATE RESUME

Carrie D. Wills, RPA, M.A.

Senior Project Archaeologist

Overview

- 17 Years Experience
- Master's degree, Anthropology – California State University, Hayward
- Bachelor's degree, Anthropology – California State University, Hayward
- Registered Professional Archaeologist

Carrie Wills, RPA, is a project scientist/senior archaeologist with 17 years of experience in the area of prehistoric and historic archaeology. Scope of work includes conducting pre-field assessments, archival research, pedestrian field surveys, site evaluation and testing, and data recovery and analysis. She has extensive experience preparing documents that comply with the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) and evaluating and assessing historic structures located on mining, ranching, and military facilities for inclusion on the National Register of Historic Places and California Register of Historical Resources.

Related Experience

Subject

Historical, Archaeological, and Paleontological Resources

KB Home Monte Vista, Historic American Buildings Survey, San Jose. Served as project manager for the KB Home Monte Vista Project. Conducted Historic American Buildings Survey Level III documentation for a large multi-structure canning facility, Del Monte Plant #3, in San Jose. Tasks included producing over 200 large-format, black and white photographs of exterior and interior views of the existing structures. The MBA historic report augments the photographic documentation by placing the structures within the appropriate historic context and addressing both the architectural and historical aspects of the site's significance. Included in the historical report is a narrative of the origins and subsequent development of the No. 3 Plant and its role in local and regional population and industrial patterns. Specifically, the historical report focused on the Plant's contribution to the growth of the canning industry in San José. In addition, the plant was assessed for historic significance and found to meet the criteria for listing on the National Register of Historic Places as a District along with two other local Del Monte canneries. MBA coordinated with state, federal, and city agencies including, but not limited to, City of San Jose Department of Planning and the National Park Service HABS/Historic American Engineering Record coordinator. MBA prepared a written historical report according to the format found in HABS Historical Reports.

Costco's Warehouse Project, San Francisco. Served as project manager for Costco's Warehouse Project. Surveyed, excavated, and monitored the proposed site, located in downtown San Francisco, for a new Costco store. Supervised lab procedures and analysis of over 1,400 artifacts.

Montezuma Wetlands Project, Solano County. Served as project manager for Solano County's Montezuma Wetlands Project. Provided technical direction of a 4,700-acre archeological survey in Solano County, resulting in recording and subsurface testing of twelve sites. Co-authored the technical report which included extensive impacts and mitigation measures.

Lake Solano Regional Park Visitor's Center Project, Solano County. As project archaeologist, conducted a cultural resource investigation that included record search reviews and a pedestrian field survey. The record searches included records at the Northwest Information Center, Rohnert Park and at the Native American

Heritage Commission in Sacramento. As no resources were discovered during the field survey, a negative report was prepared detailing the findings in compliance with the National Historic Preservation Act and the California Environmental Quality Act.

Off-road Vehicle Park, Bakersfield. Served as senior project archaeologist for Bakersfield Off-road Vehicle Park Project. Conducted an intensive field survey of 2,500 acres outside the city of Bakersfield. The project area included rolling hills, large flat valleys, and steep ravines. The survey resulted in discovery of over 150 prehistoric resources including bedrock mortars, grinding slicks, and rock art. The resources were recorded and evaluated for eligibility for listing on the National Register of Historic Places and the California Register of Historical Resources. Following the evaluation, a comprehensive report detailing the findings was produced.

Bel Lago Project, Moreno Valley. Served as senior project archaeologist for the Bel Lago Project in Moreno Valley. Conducted a site specific field assessment of the Kerr Ranch and recorded all extant buildings and structures on Department of Parks and Recreation forms; both Primary and Building, Structure and Object forms. Detailed descriptions and measurements were taken as part of the assessment process and each building and structure was evaluated individually for listing to the California Register of Historical Places or local registers or landmarks. Following the evaluation, a comprehensive report including the local setting and background of the Kerr Ranch was produced. It was determined that the Kerr Ranch did not meet the criteria for listing on any local registers or landmark lists.

Westlake Shopping Center, Daly City. Served as senior project archaeologist for Daly City's Westlake Shopping Center Project, a major refurbishing effort for a shopping center located in Daly City. Assessed the shopping center for historic significance under CEQA Section 150.64 by reviewing historic maps and photos and record and archival search results obtained from the Northwest Information Center and the Daly City Planning Department, respectively; and conducting a visual appraisal of the existing buildings, structures, and signage. It was determined that the shopping center was not significant under CEQA due to extensive alterations and façade replacement made over the years that significantly reduced the center's integrity.

San Demas Project, Sacramento. Served as senior project archaeologist for the San Demas Project in Sacramento. Conducted a record search and field investigation for a built environment covering one city block in downtown Sacramento. As this was a built environment, there was no native ground surface to be surveyed; therefore, the investigation consisted of comprehensive research to determine the possibility of historic structures. None of the extant buildings were considered significant in terms of CEQA criteria, however, there is a possibility of discovering subsurface resources, and therefore construction monitoring was recommended.

Cabrillo Corners Commercial Project, City of Half Moon Bay. Served as cultural resources specialist for City of Half Moon Bay's Cabrillo Corners Commercial Project. Conducted a record search at the Northwest Information Center and a pedestrian field survey of the proposed project area that borders Pilarcitos Creek in Half Moon Bay to determine the presence or absence of cultural resources prior to project development. Discovered no cultural resources; however, because of the close proximity of the project area to Pilarcitos Creek, provided mitigation measures to protect previously undiscovered resources during project excavation activities.

Gustine Municipal Airport Project, Merced County. Served as senior project archaeologist for Gustine Municipal Airport Project. Conducted a record search and pedestrian field survey of a 45-acre parcel located in Merced County to determine the presence or absence of cultural resources prior to improvements to the Airport. No resources were discovered during the survey and the record search results indicated that no cultural resources had previously been recorded within the project area. A negative survey report detailing the record search and survey results was prepared to meet the requirements of the National Environmental Policy Act and the National Historic Preservation Act as amended.

Scheiber/White Projects, El Dorado County. Served as senior project archaeologist for Scheiber/White Projects. Conducted record searches and field investigations for two properties located in El Dorado County. Projects were 226 acres and 286 acres of undeveloped land with gentle to steep rolling hills and open valleys. The field survey resulted in discovery of a site that contained both historic and prehistoric elements; bedrock mortars and a stone residence with an associated barn and outbuildings. A recommendation was made for a Phase II evaluation prior to development.

Protzel Project, El Dorado County. Served as senior project archaeologist for the Protzel Project. Conducted a record search and field investigation for a small, 35-acre parcel of land located in El Dorado County. The field survey resulted in discovery of a site that contained both prehistoric and historic components located adjacent to one another. One component was a dry-layed stone structure with numerous stone fences and surrounds. The prehistoric component consisted of a small obsidian projectile point. A recommendation was made for a Phase II evaluation prior to development.

Miller Ranch Property, City of Lincoln. Served as senior project archaeologist for Miller Ranch Property Project, a 130-acre residential development in the City of Lincoln, Placer County. Reviewed record search results from the North Central Information Center, Sacramento, and conducted a pedestrian field survey. The record search results indicated no cultural resources had been previously recorded within a 0.25-mile radius of the project area nor were any discovered during the field survey. A negative survey report was prepared detailing the record search and survey results to meet CEQA requirements.

Fahren's Creek Development Project, Merced County. Served as senior project archaeologist for Fahren's Creek Development Project. Conducted a record search and field investigation in Merced County. The parcel consisted of undeveloped land, a portion of which was immediately adjacent to Fahren's Creek. The field survey did not result in discovery of any prehistoric or historic resources, therefore, no further archaeological work was recommended.

McBride R.V. and Self Storage Project, City of Chino. Served as senior project archaeologist for City of Chino's McBride R.V. and Self-Storage Project. Conducted a record search and pedestrian field survey of a 21.15-acre parcel located in San Bernardino County to determine the presence or absence of cultural resources prior to project development. Discovered no resources during the survey and determined that none had previously been recorded within the project area. Prepared a negative survey report detailing the record search and survey results to meet CEQA requirements.

Brehm Communities, City of Chino. Served as senior project archaeologist for Brehm Communities' Mitigated Negative Declaration for a 35-acre Residential Development. Conducted a record search at the San Bernardino Archaeological Information Center and a modified field survey. Performed a visual assessment from various vantage points rather than a typical pedestrian survey. Discovered no cultural resources during the survey and determined that none had previously been recorded within the project area. Prepared a negative survey report detailing the record search and survey results to meet CEQA requirements.

Tract #16817, City of Hesperia. Served as cultural resources specialist for the City of Hesperia's Tract #16817 Project. Conducted a record search and pedestrian field survey of a 21.6-acre parcel located in San Bernardino County to determine the presence or absence of cultural resources prior to project development. Discovered no resources during the survey and determined that none had previously been recorded within the project area. Prepared a negative survey report detailing the record search and survey results to meet CEQA requirements.

Palm Ranch Dairy Project, Kern County. Served as senior project archaeologist for Albers Barnes & Kohler LLP's Palm Ranch Dairy Project. Responsible for CEQA compliance issues related to cultural resources on a

120-acre parcel located in Kern County. Conducted Phase I survey to determine the presence or absence of cultural resources within the project area, resulting in the discovery of artifactual material on the ground surface. Conducted a Phase II testing program to determine the presence or absence of subsurface cultural resources, resulting in inconclusive findings. Provided mitigation measures to protect any previously undiscovered resources during project excavation activities.

Bonanza Farm Dairy Project, Kern County. Served as cultural resources specialist for Albers Barnes & Kohler LLP's Bonanza Farm Dairy Project. Conducted a record search and pedestrian field survey of two 200-acre parcels located in Kern County to determine the presence or absence of cultural resources prior to project development. Discovered no resources during the survey and determined that none had previously been recorded within the project area. Prepared a negative survey report detailing the record search and survey results to meet CEQA requirements.

Cypress Lakes Project, Contra Costa County. Served as project manager for Contra Costa County's Cypress Lakes Project. Performed archival and records review, subsurface testing, and technical direction of an 850-acre archeological survey in Contra Costa County which included two well known and significant prehistoric burial mounds.

Tassajara Valley Project, Solano County. Served as project manager for Mills Associates' Tassajara Valley Project. Provided technical direction of a 2,500-acre archeological survey in Solano County, resulting in recording and subsurface testing of fourteen historic and one prehistoric archeological site. Analyzed artifacts and prepared technical reports.

Future Urban Areas, Mundie and Associates, Contra Costa County. Served as field director for Mundie & Associates' Future Urban Areas One and Two Project. Conducted a 4,500-acre archeological survey in Contra Costa County, resulting in recording of eleven historic archeological sites, including the previously unrecorded historic town sites of West Hartley, Empire and Star Mine, associated with the Mount Diablo coalfield developments of 1850-1885. Recorded features including foundations, privies, cisterns, basements, and dumps; and examined hundreds of surface artifacts. Directed artifact analysis and prepared technical reports.

Energy, Utilities & Pipelines

Santa Cruz Water District's Pipeline Project, Santa Cruz County. Served as resource team leader for Santa Cruz Water District's Pipeline Project, which proposed modifications to the current operation and maintenance of an existing pipeline through implementation of the Santa Cruz North Coast Pipeline Rehabilitation Project. Reviewed compliance issues related to cultural resources found along four major waterways in Santa Cruz County and prepared a CEQA Initial Study to determine environmental impact associated with project implementation. Also provided necessary details to aid in the decision-making process for the next phase of the project.

Federal Energy Regulatory Commission Relicensing Project, Kern County. Served as resource team leader for Kern Canyon's Federal Energy Regulatory Commission (FERC) Relicensing Project. Reviewed cultural resources to meet the requirements of Section 106 of the National Historic Preservation Act in preparation of a new FERC license application. Directed the Section 106 review and prepared the preliminary draft of the license application, evaluated project impacts, and authored the Historic Properties Management Plan as well as a Programmatic Agreement.

Federal Energy Regulatory Commission Relicensing Project, Kilarc-Cow Creek. Served as resource team leader for Kilarc-Cow Creek's Federal Energy Regulatory Commission (FERC) Relicensing Project. Provided NHPA Section 106 compliance review in preparation of a new FERC license application. Following the survey

effort, prepared the preliminary draft of the license application, evaluated the project impacts, prepared a comprehensive report, and finalized the Historic Properties Management Plan as well as a Programmatic Agreement.

Calypso Project Environmental Impact Statement. Served as resource team leader for Tractebel North America, Inc.'s Calypso Project Environmental Impact Statement (EIS) for a new natural gas pipeline extending from the Exclusive Economic Zone in the Atlantic Ocean to Port Everglades in Fort Lauderdale, Florida. Conducted the NHPA Section 106 review of both offshore and onshore cultural resources and prepared the preliminary drafts of the third-party EIS for the jurisdictional portion of the pipeline.

Rock Creek Hydroelectric Project. Served as project archaeologist for Oregon Trail Electric Consumer Cooperative's Rock Creek Hydroelectric Project. Conducted a reconnaissance survey and evaluation of archaeological and historic resources to meet the requirements of NHPA Section 106.

Patriot Natural Gas Pipeline Project, Tennessee, Virginia, and North Carolina. Served as resource team leader for FERC's Patriot Natural Gas Pipeline Project, consisting of the Mainline Expansion and Patriot Extension through Tennessee, Virginia, and North Carolina. The Mainline Expansion involved improvement along East Tennessee Natural Gas Company's existing pipeline in Tennessee and Virginia, including approximately 187 miles of new pipeline, replacement of old pipeline, additional compression at existing facilities, and five new compressor stations. The Patriot Extension involves approximately 100 miles of new pipeline in Virginia and North Carolina, including three new meter stations. Provided third-party review of cultural resources reports and prepared third-party EIS.

Northwest Transmission Line Project, Oregon and Washington. Served as project archaeologist for Wallula Generation, LLC's Northwest Transmission Line Project. Conducted a 28-mile reconnaissance survey in Oregon and Washington along the Columbia River, evaluated and recorded archaeological sites, and completed appropriate forms for submittal to Washington

El Paso Energy's and Broadwing Communications' Fiber Optic Line, Texas and California. Served as resource team leader for a proposed fiber-optic transmission line reaching from El Paso, Texas, to Los Angeles, California. Prepared a Proponent's Environmental Assessment demonstrating CEQA compliance that was submitted with an application to the California Public Utilities Commission.

Fiber Optic Project, San Jose, San Francisco and Los Angeles. Served as project manager for Level Three Communications Fiber Optic Project. Conducted cultural resources studies and supervised construction monitoring to address CPUC mitigation measures during the "city build" portions of the project in San Jose and San Francisco, and the Los Angeles Basin. Prepared workbooks for each construction spread in each city to address potential cultural resources impacts and necessary mitigation required to preclude significant impacts.

Fiber Network Project, Northern and Southern California. Served as project manager for 360 Networks' Fiber Network Project. Responsible for all aspects of project management for this linear project spanning the length of California, including coordination, budget, consultation, and compliance issues.

Santa Fe Pacific Pipeline. Served as field supervisor for Santa Fe Pacific Pipeline's Concord-to-Colton Project. Performed records search and intensive archaeological survey of a corridor stretching from Fresno, through Bakersfield and Mojave, to San Bernardino. Recorded and evaluated for eligibility for listing on National Register of Historic Places more than 150 historic properties.

Alturas Transmission Line Project, California and Nevada. Served as archaeological monitor for CPUC's Alturas Transmission Line Project. Documented compliance with mandated mitigation measures during the construction of this high-voltage power line reaching from Alturas, California, to Reno, Nevada.

Environmental Impact Reports for General Plan Updates

Monterey County General Plan Update. Served as senior project archaeologist for Monterey County General Plan Update. Assisted the County of Monterey in updating their General Plan with new policies including archaeological, historical, and paleontological resources. Tasks included a review of existing policies and suggestions for alternatives and updates relevant to current trends. Worked closely with Monterey County staff, agency personnel, and sub-consultants to ensure a high quality, timely Plan Update.

Trails Specific Plan Project, City of Livermore. Served as senior project archaeologist for the City of Livermore's Trails Specific Plan Project. Conducted archival and record searches, including review of the 2000 North Livermore Specific Plan Draft Environmental Impact Report and the 2003 City of Livermore General Plan Update Master Environmental Assessment which specifically focuses on cultural resources within the proposed project area. Conducted a 235-acre pedestrian survey to determine the significance of previously recorded cultural resources and the presence or absence of previously unknown cultural resources, resulting in the recording of five historic resources using California Department of Parks and Recreation forms with context analysis and detailed maps. Prepared a comprehensive report including a detailed setting section with impacts and mitigation measures to ensure protection of significant cultural resources.

Educational Facility Environmental Analysis

Delta View and Kit Carson Schools Project, Kings County. Served as senior project archaeologist for Kings County Office of Education's Delta View and Kit Carson Schools Project. Conducted archaeological and historical resource assessment at two proposed telecommunication tower sites located at two school sites in Kings County. Conducted a record search at the Southern San Joaquin Valley Information Center and pedestrian surveys at both schools to determine the presence or absence of cultural resources. Determined negative survey results, and prepared a report detailing the record search and survey results which was presented to the Kings County Office of Education.

Mine Reclamation Plans and Environmental Analysis

Abandoned Mine Inventory Project, Washington. Served as project manager for Washington Bureau of Land Management's Abandoned Mine Inventory Project. Managed a five-person survey crew that conducted an intensive archaeological survey of 1,700 acres of difficult terrain and conditions in Spokane, Washington. Recorded mining features and archaeological properties on appropriate State of Washington forms and prepared Determination of Eligibility forms for submittal to Washington's State Historic Preservation Officer.

High Desert Power Plant Project, San Bernardino County. Served as project manager for Constellation Energy's High Desert Power Plant Project. Conducted an approximately 2,000-acre field inventory of block and linear project areas located near Victorville, in San Bernardino County. Recorded and evaluated more than thirty historic and prehistoric sites.

Military Projects

Concord Naval Weapons Station Project, Port Hueneme. Served as project manager for Western Division Naval Facilities Engineering Command's Cultural Resources Overview. Conducted historic resource assessments of more than 500 World War II-era structures located at the Concord Naval Weapons Station, and more than 100 structures located at Construction Battalion Center Port Hueneme, California. Documented each structure with a written description and photographs for use in preparing Historic Resource Inventory

forms for submittal. Prepared a preliminary Historic and Archeological Resource Protection Plan, evaluating known archeological site locations and preparing maps depicting areas of archaeological sensitivity.

Cultural Resources Overview Project, Concord Naval Weapons Station. Served as project manager for the Cultural Resource Overview Project at Concord Naval Weapons Station. Tasks included review of archival records and record search results for previously recorded sites within the Station. In addition, more than 500 World War II buildings and structures were evaluated for National Register of Historical Places eligibility and documented on appropriate Department of Parks and Recreation forms. An archaeological site prediction model was developed to determine the likelihood of the presence of cultural resources within specific areas of the Station. An extensive context document was prepared to facilitate a comprehensive understanding of the Naval Weapons Station in terms of its historic presence within Contra Costa County and the City of Concord. Following assessment of the Station and its historic components, a Cultural Resource Overview Report for the 13,000-acre facility was developed.

NAVFAC Centerville Beach and Point Sur Projects, Humboldt and Monterey County. Served as project archaeologist with responsibilities including a review of archival and site records prior to pedestrian field surveys at each of the locations. Following the surveys, documentation on Department of Parks and Recreation forms was prepared for each of the World War II buildings/structures located within the Station boundaries. Subsequent efforts included development and submittal of a historic context report and structural assessments of the buildings to determine National Register of Historic Places eligibility status. Prepared a preliminary Historic and Archeological Resource Protection Plan evaluating known archeological site locations and preparing maps depicting areas of archaeological sensitivity. The results from each of these tasks were presented in a technical report detailing the findings.

Civil Engineering Laboratory Archaeological and Historic Resources Assessment Project, Port Hueneme. Served as project archaeologist for the CBC Port Hueneme Naval Civil Engineering Laboratory, Archaeological and Historic Resources Assessment Project. The cultural resource evaluation included review of archival records and historic Port Hueneme documents at the base, review of previously recorded sites records from the South Central Coastal Information Center, CSU, Fullerton, and research at Ventura Historical Society. Architectural documentation was prepared for nine World War II buildings on appropriate Department of Parks and Recreation forms and a single prehistoric site located within the base was assessed. A historic context report was developed and each of the buildings/structures was individually evaluated for National Register of Historic Places eligibility. Following assessment and documentation, an EIR/EIS technical report including a detailed historic setting, an overview of each of the types of buildings within the project area, an impacts assessment section, and appropriate mitigation for the impacts was prepared.

Navy Construction Battalion Center Historic and Archaeological Resources Protection Plan Project, Port Hueneme. Served as project manager/archaeologist for the Port Hueneme Navy Construction Battalion Center Overview; Historic and Archaeological Resources Protection Plan Project. The project tasks included archival research of Battalion Center documents a record search review at the South Central Coastal Information Center, CSU, Fullerton, and a pedestrian field survey. Subsequent to the archival research, architectural documentation of 130 World War II buildings/structures was completed on appropriate Department of Parks and Recreation (DPR) forms. The forms typically included DPR Primary forms for each building or structure although in some instances, e.g., for large non-descript warehouse structures, a representative building was documented and identical buildings were listed on the form as having identical attributes. In addition to the Primary forms, a Building, Structure, Object (BSO) form providing additional descriptive and evaluative information was completed when appropriate. Following the archival research for previously recorded cultural resource sites and the field survey, an archaeological site prediction model was developed for the Battalion Center. Following documentation, a historic context for the Battalion Center was prepared. In addition, each

building was assessed for National Register of Historic Places (NRHP) eligibility and a Historic and Archaeological Resources Protection (HARP) Plan was prepared.

H Street Extension Project, Lockheed Missiles and Space Company Property. Served as project archaeologist for the H Street Extension Project, Lockheed Missiles and Space Company Project. The project consisted of an extension of H Street within the western portion of the Lockheed Missiles and Space Company facilities. Archaeological efforts were part of mitigation for construction within a National Register listed prehistoric shell mound. The work included pre-construction site testing using various means including shovel and backhoe investigations, surface collection for the entire project area, and a Phase III data recovery program in coordination with the Most Likely Descendant (MLD). Disposition of human remains found within the site was decided upon in agreement with the MLD. A construction-monitoring program was conducted during initial grading activities at the site to ensure protection of previously unknown cultural resources and/or additional human remains. Multi-volume technical reports detailing the cultural resource findings were submitted to the client following the construction monitoring.

Point Molate Historic Resources Assessment Project, Rohnert Park. Served as project manager for Naval Fuel Depot Point Molate Historic Resources Assessment Project. Conducted an archival records review at various repositories as well as a record search at the Northwest Information Center in Rohnert Park for previously recorded cultural resource sites. Conducted a field survey and general site reconnaissance of the project area. Subsequent to the archival research and survey, documentation of ten World War II buildings/structures was completed on appropriate Department of Parks and Recreation forms. The buildings and structures were evaluated for eligibility for listing on the National Register of Historic Places. In addition, one prehistoric archaeological site was assessed within the project area. A preliminary Historic and Archeological Resource Protection Plan was prepared evaluating known archeological site locations with maps depicting areas of archaeological sensitivity. A historic context was prepared for the project area and a technical report detailing all of the research, field survey, building and structure evaluations, and the assessment of the prehistoric site was provided to the client.

Maya Caves Project, Punta Gorda, Belize. Served as excavation team member on the Maya Caves Project, Punta Gorda, Belize (Central America). Worked two field seasons examining prehistoric cave deposits. Conducted surveys and excavations, analyzed and cataloged artifacts, and prepared technical report sections.

Professional Affiliations

- Society for Historical Archaeology
- Society for California Archaeology
- Register of Professional Archaeologists

CORPORATE RESUME

Avé Brown

Environmental Analyst

Overview

- 2 Years Experience
- Bachelor's degree, Environmental Science – California State University, East Bay

Avé Brown has assisted with a number of recent projects by performing research, conducting informational interviews, and verifying information for several Environmental Impact Report topical sections. She has performed site visits, photo documentation, and has assisted with historical research. In addition, she has previous experience conducting research concerning bio-accumulation of mercury from the San Francisco Bay.

Related Experience

Environmental Documents

Old Library Adaptive Reuse as a Meeting/Conference Center Project, Solano County. Assisted in the preparation of the Initial Study and Mitigated Negative Declaration. Tasks included conducting background research, consulting with the County, writing portions of the document, coordinating the completion of the document, noticing, and presenting the project at a public meeting.

Madera Town Center, City of Madera. Assisted in preparing the Addendum to the Final Impact Report for this project by Sheppard Mullin Richter & Hampton. Tasks included performing the necessary background research for the project, writing resource sections, attending meetings, and coordinating the completion of the draft document.

Applegate Ranch Commercial Center, City of Atwater. Assisted in preparing the Addendum to the Initial Study Negative Declaration. Tasks included writing resource sections, attending meetings, and coordinating the completion of the document.

Northpointe Project Tiered Initial Study, San José, California. Assisted in preparing the Draft Tiered Initial Study by conducting research, corresponding with project engineers and City Departments, writing various sections of the report, and responding to comments.

Baypointe Parkway Project Tiered Initial Study, San José. Assisted in preparing the Draft Tiered Initial Study by conducting research, and writing various sections of the report.

Commons at Madera Fair, City of Madera. For Newman Development Group, assisted the environmental planner in preparing the Draft Environmental Impact Report by conducting research, phone interviews, and verifying information for the Public Services and Utilities topical section. In addition, she conducted research and verified information for the Hydrology section.

Walters Road West Commercial Project, City of Suisun City. Assisted in preparing the Draft Environmental Impact Report by conducting research, and working on various sections of the report. Scope included touring the site, taking photos, and documenting land use in the surrounding area.

Santa Clara Valley Water District's Calero/Fellows Dike Utility Study. Assisted in preparing a Feasibility Study for the relocation of historic structures. Conducted the kick-off meeting for the project and assisted in coordinating project details with sub-contractors and the Santa Clara Valley Water District.

Appendix C: Regulatory Framework

REGULATORY FRAMEWORK

Government agencies, including federal, state, and local agencies, have developed laws and regulations designed to protect significant cultural resources that may be affected by projects regulated, funded, or undertaken by the agency. Federal and state laws that govern the preservation of historic and archaeological resources of national, state, regional, and local significance include the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA), and the California Environmental Quality Act (CEQA). In addition, laws specific to work conducted on federal lands includes the Archaeological Resources Protection Act (ARPA), the American Antiquities Act, and the Native American Graves Protection and Repatriation Act (NAGPRA).

The following federal or CEQA criteria were used to evaluate the significance of potential impacts on cultural resources for the proposed project. An impact would be considered significant if it would affect a resource eligible for listing to the National Register of Historic Places (NRHP), the California Register of Historical Resources (CR), or if it is identified as a unique archaeological resource.

Federal-Level Evaluations

Federal agencies are required to consider the effects of their actions on historic properties and affords the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on such undertakings under NEPA Section 106. Federal agencies are responsible for initiating NEPA Section 106 review and completing the steps in the process that are outlined in the regulations. They must determine if NHPA Section 106 applies to a given Project and, if so, initiate review in consultation with the State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO). Federal agencies are also responsible for involving the public and other interested parties. Furthermore, NHPA S106 requires that any federal or federally assisted undertaking, or any undertaking requiring federal licensing or permitting, consider the effect of the action on historic properties listed in or eligible for the NRHP. Under the Code of Federal Regulations (CFR), 36 CFR Part 800.8, federal agencies are specifically encouraged to coordinate compliance with NEPA Section 106 and the NEPA process. The implementing regulations "Protection of Historic Properties" are found in 36 CFR Part 800. Resource eligibility for listing on the NRHP is detailed in 36 CFR Part 63 and the criteria for resource evaluation are found in 36 CFR Part 60.4 [a-d].

The NHPA established the NRHP as the official federal list for cultural resources that are considered important for their historical significance at the local, state, or national level. To be determined eligible for listing in the NRHP, properties must meet specific criteria for historic significance and possess certain levels of integrity of form, location, and setting. The criteria for listing on the NRHP are significance in American history, architecture, archaeology, engineering, and culture as present in districts, sites, buildings, structures and objects that possess integrity of location, design, setting,

materials, workmanship, feeling, and association. In addition, a resource must meet one or all of these eligibility criteria:

A. Is associated with events that have made a significant contribution to the broad patterns of our history

B. Is associated with the lives of persons significant in our past

C. Embodies the distinctive characteristics of a type, period, or method of construction; represent the work of a master; possess high artistic values, represent a significant and distinguishable entity whose components may lack individual distinction

D. That have yielded, or may be likely to yield, information important in prehistory or history

Criterion D is usually reserved for archaeological resources. Eligible properties must meet at least one of the criteria and exhibit integrity, measured by the degree to which the resource retains its historical properties and conveys its historical character.

Criteria Considerations

Ordinarily cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions or used for religious purposes, buildings that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the NRHP. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

A. A religious property deriving primary significance from architectural or artistic distinction or historical importance

B. A building or structure removed from its original location but which is primarily significant for architectural value, or which is the surviving structure most importantly associated with a historic person or event

C. A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building associated with his or her productive life

D. A cemetery that derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events

E. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived

F. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance

G. A property achieving significance within the past 50 years if it is of exceptional importance

Thresholds of Significance

In consultation with the SHPO/THPO and other entities that attach religious and cultural significance to identified historic properties, the Agency shall apply the criteria of adverse effect to historic properties within the Area of Potential Effects (APE). The Agency official shall consider the views of consulting parties and the public when considering adverse effects.

Federal Criteria of Adverse Effects

Under federal regulations, 36 Code of Federal Regulations (CFR) Part 800.5, an adverse effect is found when an undertaking alters, directly or indirectly, any of the characteristics of a historic property that qualifies the property for inclusion in the NRHP in a manner that diminishes the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration will be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for listing in the NRHP. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative.

Pursuant to 36 CFR Part 800.5, adverse effects on historic properties include, but are not limited to, those listed below:

- Physical destruction of or damage to all or part of the property
- Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, and provision of handicapped access, that is not consistent with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties in accordance with 36 CFR Part 68 and applicable guidelines
- Removal of the property from its historic location
- Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance
- Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features
- Neglect of a property that causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization

- Transfer, lease, or sale of property out of federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long term preservation of the property's historic significance

If Adverse Effects Are Found

If adverse effects are found, the agency official shall continue consultation as stipulated at 36 CFR Part 800.6. The agency official shall consult with the SHPO/THPO and other consulting parties to develop alternatives to the undertaking that could avoid, minimize, or mitigate adverse effects to historic resources. Pursuant to 36 CFR Part 800.14(d), if adverse effects cannot be avoided then standard treatments established by the ACHP maybe used as a basis for Memorandum of Agreement (MOA).

Pursuant to 36 CFR Part 800.11(e) the filing of an approved MOA, and appropriate documentation as specified at, concludes the § 106 process. The MOA must be signed by all consulting parties and approved by the ACHP prior to construction activities. If no adverse affects are found and the SHPO/THPO or the ACHP do not object within 30 days of receipt, the agencies responsibilities under § 106 will be satisfied upon completion of report and documentation as stipulated in 36 CFR Part 800.11. The information must be made available for public review upon request, excluding information covered by confidentiality provisions.

State-Level Evaluation Processes

An archaeological site may be considered a historical resource if it is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military or cultural annals of California in accordance with Public Resources Code PRC § 5020.1(j) or if it meets the criteria for listing on the CR that are consistent with California Code of Regulations (CCR) at Title 14 CCR § 4850.

The most recent amendments to the CEQA guidelines direct lead agencies to first evaluate an archaeological site to determine if it meets the criteria for listing in the CR. If an archaeological site is a historical resource, in that it is listed or eligible for listing in the CR, potential adverse impacts to it must be considered, in accordance with PRC §§ 21084.1 and 21083.2(l). If an archaeological site is considered not to be a historical resource, but meets the definition of a "unique archeological resource" as defined in PRC § 21083.2, then it would be treated in accordance with the provisions of that section.

With reference to PRC § 21083.2, each site found within a Project will be evaluated to determine if it is a unique archaeological resource. A unique archaeological resource is described 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 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 used in this report, "non-unique archaeological resource" means an archaeological artifact, object, or site that does not meet the criteria for eligibility for listing on the CR, as noted in subdivision (g) of PRC § 21083.2. A non-unique archaeological resource requires no further consideration, other than simple recording of its components and features. Isolated artifacts are typically considered non-unique archaeological resources. Historic structures that have had their superstructures demolished or removed can be considered historic archaeological sites and are evaluated following the processes used for prehistoric sites. Finally, OHP recognizes an age threshold of 45 years. Cultural resources built less than 45 years ago may qualify for consideration, but only under the most extraordinary circumstances.

Title 14, CCR, Chapter 3 § 15064.5 is associated with determining the significance of impacts to archaeological and historical resources. Here, the term historical resource includes the following:

1. A resource listed in, or determined eligible by the State Historical Resources Commission, for listing in the CR (PRC § 5024.1; Title 14 CCR, § 4850, et seq.).
2. A resource included in a local register of historical resources, as defined in PRC § 5020.1(k) or identified as significant in an historical resource survey meeting the PRC § 5024.1(g) requirements, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
3. Any object, building, structure, site, area, place, record, or manuscript, which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be historically significant if the resource meets the criteria for listing on the California Register of Historical Resources (PRC § 5024.1; Title 14 CCR § 4852) including the following:

A. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage

B. Is associated with the lives of persons important in our past

C. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values

D. Has yielded, or may be likely to yield, information important in prehistory or history

Typically, archaeological sites exhibiting significant features qualify for the CR under Criterion D because such features have information important to the prehistory of California. A lead agency may determine that a resource may be a historical resource as defined in PRC §§ 5020.1(j) or 5024.1 even if it is:

- Not listed in or determined to be eligible for listing in the CR
- Not included in a local register of historical resources pursuant to PRC § 5020.1(k)
- Identified in an historical resources survey per PRC § 5024.1(g)

Threshold of Significance

If a Project will have a significant impact on a cultural resource, several steps must be taken to determine if the cultural resource is a "unique archaeological resource" under CEQA. If analysis and/or testing determine that the resource is a unique archaeological resource and therefore subject to mitigation prior to development, a threshold of significance should be developed. The threshold of significance is a point where the qualities of significance are defined and the resource is determined to be unique under CEQA. A significant impact is regarded as the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the resource will be reduced to a point that it no longer meets the significance criteria. Should analysis indicate that Project development will destroy the unique elements of a resource; the impacts to the resource must be mitigated for under CEQA regulations. The preferred form of mitigation is to preserve the resource in-place, in an undisturbed state. However, as that is not always possible or feasible, appropriate mitigation measures may include, but are not limited to:

1. Planning construction to avoid the resource
2. Deeding conservation easements
3. Capping the site prior to construction

If a resource is determined to be a "non-unique archaeological resource," no further consideration of the resource by the lead agency is necessary.

SB 18 Tribal Consultation

The following serves as an overview of the procedures and timeframes for the Tribal Consultation process, for the complete Tribal Consultation Guidelines, please refer to the State of California Office of Planning and Research website.

Prior to the amendment or adoption of general or specific plans, local governments must notify the appropriate tribes of the opportunity to conduct consultation for the purpose of preserving or mitigating impacts to cultural places located on land within the local government's jurisdiction that is affected by the plan adoption or amendment. Tribal contacts for this list are maintained by the NAHC and is distinct from the Most Likely Descendent (MLD) list. It is suggested that local governments send written notice by certified mail with return receipt requested. The tribes have 90 days from the date they receive notification to request consultation. In addition, prior to adoption or amendment of a general or specific plan, local government must refer the proposed action to tribes on the NAHC list that have traditional lands located within the city or county's jurisdiction. Notice must be sent regardless of prior consultation. The referral must allow a 45-day comment period.

In brief, notices from government to the tribes should include:

- A clear statement of purpose
- A description of the proposed General or Specific Plan, or amendment, the reason for the proposal, and the specific geographic areas affected
- Detailed maps to accompany the description
- Deadline date for the tribes to respond
- Government representative(s) contact information
- Contact information for Project proponent/applicant, if applicable

The basic schedule for this process is:

- 30 days - time NAHC has to provide tribal contact information to the local government; this is recommended not mandatory.
- 90 days - time tribe has to respond indicating whether or not they want to consult. Note: tribes can agree to a shorter timeframe. In addition, consultation does not begin until/unless requested by the tribe within 90 days of receiving notice of the opportunity to consult. The consultation period, if requested, is open-ended. The tribes and local governments can discuss issues for as long as necessary, or productive, and need not result in agreement.

- 45 days - time local government has to refer proposed action, such as adoption or amendment to General Plan or Specific Plan, to agencies, including the tribes. Referral required even if there has been prior consultation. This opens the 45-day comment period.
- 10 days - time local government has to provide tribes of notice of public hearing.

Appendix D: Project Area Photographs

Photograph 1: P-9-1148. Facing southeast.

Photograph 2: P-9-1149. Facing south.

Source: Michael Brandman Associates, 2008.

Michael Brandman Associates

Appendix D
Project Area Photographs 1 and 2

Photograph 3: P-9-1242. Facing east.

Photograph 4: P-9-1825. Facing west.

Source: Michael Brandman Associates, 2008.

Michael Brandman Associates

Appendix D
Project Area Photographs 3 and 4

Photograph 5: P-9-1830. Facing southeast.

Photograph 6: P-9-1856. Facing northeast.

Source: Michael Brandman Associates, 2008.

Photograph 7: P-9-1864. Facing east.

Photograph 8: P-9-1889. Facing southeast.

Source: Michael Brandman Associates, 2008.

Michael Brandman Associates

Appendix D
Project Area Photographs 7 and 8

Photograph 9: P-9-1899. Facing east.

Photograph 10: P-9-1900. Facing north.

Source: Michael Brandman Associates, 2008.

Michael Brandman Associates

Appendix D
Project Area Photographs 9 and 10

Photograph 11: P-9-3542. Facing northwest.

Photograph 12: P-9-3543. Facing south.

Source: Michael Brandman Associates, 2008.

Michael Brandman Associates

Appendix D
Project Area Photographs 11 and 12

Photograph 13: P-9-3544. Facing east.

Photograph 14: P-9-3545. Facing northwest.

Source: Michael Brandman Associates, 2008.

Michael Brandman Associates

Appendix D
Project Area Photographs 13 and 14

Photograph 15: P-9-3545. Facing northwest.

Source: Michael Brandman Associates, 2008.

Michael Brandman Associates

Appendix D
Project Area Photograph 15

Appendix E: NCIC Site Records*

*Confidential Not For Public Distribution

Appendix F: Department of Parks and Recreation Forms*

*Confidential Not For Public Distribution

F.2 - Cultural Resources Memorandum - Highway 49 Intertie, Michael Brandman Associates, November 18, 2008

Michael Brandman Associates

Bakersfield
661.334.2755

Fresno
559.497.0310

Irvine
714.508.4100

Palm Springs
760.322.8847

Sacramento
916.447.1100

San Bernardino
909.884.2255

San Ramon
925.830.2733

November 18, 2008

Brian Mueller, P.E., Co-Manager Drinking Water-Engineering
El Dorado Irrigation District
2890 Mosquito Road
Placerville, CA 95667
530.622.4513 (phone)
530.622.8597 (fax)

Subject: EID Project # 04008E.01: Cultural Resources Memorandum for the El Dorado Irrigation District Highway 49 Intertie Improvements Project

Dear Brian:

Introduction

Michael Brandman Associates (MBA) conducted a cultural resource evaluation for the El Dorado Irrigation District Highway 49 Intertie Improvements Project (Project) area. This evaluation included a review of record searches at the North Central Information Center (NCIC) and the Native American Heritage Commission (NAHC), as well as a pedestrian field survey that was conducted within the Project area.

Completion of this investigation fulfills the requirements of the California Environmental Quality Act (CEQA). As the results of the pedestrian survey were negative, this report is presented in an abbreviated format.

This memorandum serves as an addendum to the more comprehensive Cultural Resource Assessment for the Diamond Springs Parkway Project (MBA 2008), surveys for which covered the majority of the Intertie Improvements Project area. As such, the EID Study Area that was surveyed and is addressed in this memorandum consists of the small portion of the EID Intertie Improvements Project area that was not previously addressed (Exhibit 1). The reader is referred to that report for a comprehensive overview of the cultural setting, including the prehistoric and historic background of the Project area and vicinity (MBA 2008).

Methodology

Record Search Results

North Central Information Center

On September 21, 2007, staff at the NCIC in Sacramento conducted a records search for the Project area and a 0.25-mile radius. To identify any historic properties or resources, the current inventories of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CR), the California Historical Landmarks (CHL) list, the California Points of Historical Interest (CPHI) list, and the California State Historic Resources Inventory (HRI) were reviewed to determine the existence of previously

documented local historical resources. Results of the NCIC records review indicated that two historical resource sites have been previously recorded within a 0.25-mile radius of the Project area.

The two historic resources previously recorded within a 0.25-mile radius of the Project area include P-9-1864 CA-ELD-1361-H, a mine tailings area, and P-9-1900 CA-ELD-1376-H, the remains of the Diamond Springs Lime Plant. Brief descriptions of these two historic resources are included below. Neither site would be impacted by development of the portion of the Project that is examined in this memorandum.

P-9-1864 CA-ELD-1361-H

Originally recorded in 1993 (Peak and Associates), the site was described as an "extensive area of tailings, small channel depressions, and ditches located as a former ridge area." In 2006, the 1993 site form was updated and noted that the site included "surface gold mining may date to the early 1850s . . . that the mines were worked later (circa 1870s) by Overseas Chinese miners" and that "evidence for Chinese occupation was found about 1,000 yards to the north" (Supernowicz 2006).

During the course of the 2008 field surveys conducted for the Diamond Springs Parkway Project, no artifactual materials were observed, and overall the site does not appear to meet any of the criteria for listing on the NRHP or the CR. In addition, the site is located approximately 0.21 mile southeast of the area covered in this memorandum and, therefore, would not be impacted by this portion of Project development.

P-9-1900 CA-ELD-1376-H

The Diamond Springs Lime Plant remnants were originally recorded in 1995 (Starns) as being in "very poor" condition, with the remaining buildings "in ruins". As no structures or artifactual materials were found during the 2008 pedestrian surveys, the site is considered to no longer exist at this location. Additionally, the site is located 0.23 mile southwest of the area covered in this memorandum and, therefore, would not be impacted by this portion of Project development.

Native American Heritage Commission

On November 5, 2007, a request was sent to the NAHC requesting a search of its Sacred Land File. The results of the search, which were received on November 20, 2007, failed to indicate the presence of Native American cultural resources in the Project area. Included with the response letter was a list of Native American representatives who may have additional knowledge of resources within the Project vicinity. To ensure protection of prehistoric resources, on December 12, 2007, MBA sent letters to all 13 representatives on the list. As of January 29, 2008, no responses had been received. To further encourage responses from the Native American representatives, on January 30, 2008, a second letter was sent via e-mail or regular mail (depending on the addresses provided). As of the date of this report, no responses have been received from any of the representatives.

PEDESTRIAN SURVEY

On October 15, 2008, MBA Senior Project Archaeologist Carrie D. Wills conducted a pedestrian survey of an approximately 1.03-acre portion of the EID Intertie Improvements Project that extends from the intersection of Bradley Road and State Route 49 (SR-49), north to the intersection of Finch Road and SR-49. As the area that will be impacted is within the existing SR-49 right-of-way, the survey corridor included the east and west shoulder areas along SR-49. The purpose of the survey was to determine the presence or absence of historic properties that could be considered eligible for listing on the National Register of Historic Places (NRHP) or the California Register of Historic Resources (CR).

The survey transects along the west shoulder of SR-49 included the area immediately adjacent to the road edge, extending west approximately 10 to 30 feet depending on obstructions (Exhibit 2; Photograph 1). In most cases, the survey transects averaged 15 feet, as there were fences, large blackberry bushes, and other types of vegetation preventing access. The only resource observed along the west side of SR-49 was a small drainage ditch that originated north of Bradley Drive and continued sporadically past Truck Street (Exhibit 2; Photograph 2). The drainage was not considered historically significant and appeared to be naturally occurring water runoff from SR-49. The drainage ditch continued via large pipes under Truck Street and the driveway for the residence at 3890 Diamond Road (SR-49).

The survey transects along the east shoulder of SR-49 were problematic, since the shoulder is quite narrow and there are blind spots along most of the curves (Exhibit 2; Photograph 3). Additionally, the road cut extends vertically uphill from the narrow shoulder, and at the top of the hill was a barbed wire fence with poison oak bushes on the other side, which further limited access (Exhibit 2; Photograph 4). Therefore, much of the survey for the east shoulder was conducted by walking transects where it was possible and visually examining the areas where access was unsafe.

During the course of the pedestrian survey, no historic or prehistoric resources were discovered within the Project area.

RESULTS AND RECOMMENDATIONS

Since the Project area does not contain any resources that meet any of the four criteria for listing on the CR or the NRHP, and since no new cultural resources were discovered during the field survey, no further archaeological work is anticipated and construction monitoring during project development is not recommended.

The following inadvertent discovery procedures should be followed if previously unknown resources are discovered during the course of Project development.

Inadvertent Discoveries

Accidental Discovery of Human Remains

Although considered unlikely, there is always the possibility that ground-disturbing activities may uncover previously unknown human remains. Should this occur, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed.

In the event of an accidental discovery or recognition of any human remains, Public Resource Code (PRC) Section 5097.98 must be followed. In this instance, once project-related earthmoving begins and if there is accidental discovery or recognition of any human remains, the following steps shall be taken:

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the El Dorado County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the NAHC within 24 hours, and the NAHC shall identify the person or persons it believes to be the "most likely descendant" (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98, or
2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendent or on the Project in a location not subject to further subsurface disturbance:

- The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission;
- The descendent identified fails to make a recommendation; or
- The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

Accidental Discovery of Cultural Resources

It is always possible that ground-disturbing activities during construction may uncover previously unknown, buried cultural resources. In the event that buried cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The qualified archaeologist shall make recommendations to the Lead Agency on the measures that shall be implemented to protect the discovered resources, including but not limited to excavation of the finds and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Cultural resources could consist of but are not limited to stone, bone, wood, or shell artifacts or features, including hearths, structural remains, or historic dumpsites. Any previously undiscovered resources found during construction within the Project area should be recorded on appropriate Department of Parks and Recreation (DPR) forms and evaluated for significance in accordance with CEQA criteria.

If the resources are determined to be unique historic resources as defined under Section 15064.5 of the CEQA Guidelines, mitigation measures shall be identified by the monitor and recommended to the Lead Agency. Appropriate mitigation measures for significant resources could include avoidance or capping; incorporation of the site in green space, parks, or open space; or data recovery excavations of the finds.

Paleontological Recommendations

It is considered highly unlikely that significant paleontological resources would be unearthed during Project development; therefore, MBA recommends that no paleontological monitoring be conducted. However, if previously unknown paleontological resources are discovered during excavation activities, operations shall stop in the immediate vicinity of the find and a qualified paleontologist shall be consulted to determine if the resource requires further study. A paleontological monitor will be present during excavations deeper than 20 feet if paleontological resources are discovered during the course of project excavation. The monitor will assess the resources and if they are determined significant, they would be salvaged for future curation at a permanent scientific institution.

REFERENCES

Starnes, Jean. 1995. Diamond Springs Lime Plant Report. Site Record P-9-1900 CA-ELD-1376-H.

Michael Brandman Associates (MBA). 2008. Section 106 - Cultural Resources Assessment for the Diamond Springs Parkway Project.

Peak and Associates. 1993. P-9-1864 CA-ELD-1361-H, mine tailings.

Supernowicz, Dana E. 2006. Addendum to the Updated Resources Study of Piedmont Estates, Assessor's Parcel No. 051:460:37, Diamond Springs, El Dorado County, California. Site Record P-9-1864 CA-ELD-1361-H.

MBA appreciates the opportunity to assist you on this project. If we can assist further, or if you have questions, please contact me at 925.830.2733, x1101 or Senior Project Manager Kerri Mikkelsen Rose at 916.447.1100, x1415.

Sincerely,

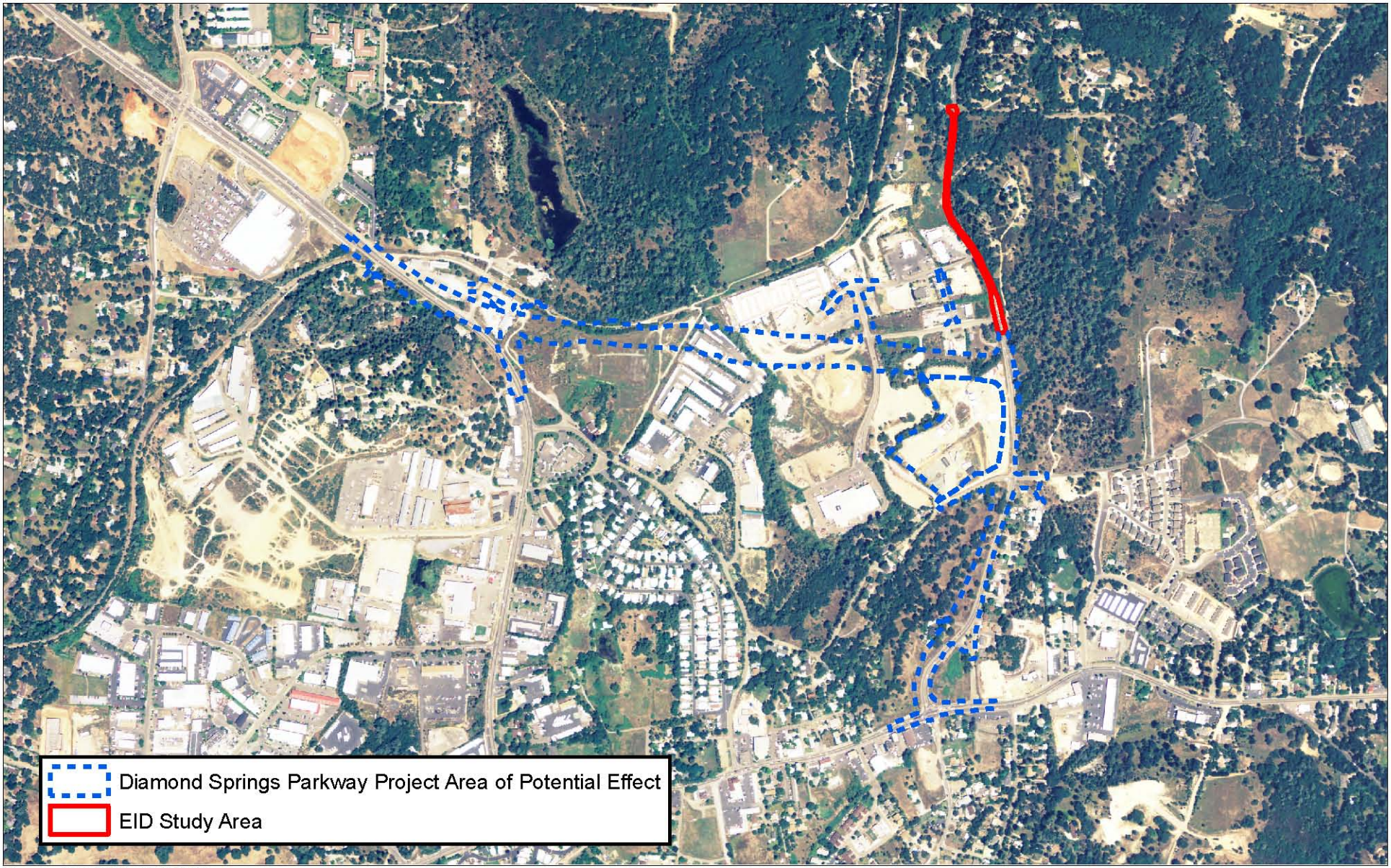
Carrie D. Wills

Carrie D. Wills, M.A., RPA
Senior Project Archaeologist
Michael Brandman Associates
2000 "O" Street, Suite 200
Sacramento, CA 95811

encl:
Exhibit 1: Proximity to the Diamond Springs Parkway Project Area of Potential Effect
Exhibit 2: Site Photographs

H:\Client (PN-JN)\2849\28490004\CR Letter Report\28490004_CR memorandum.doc

KMR:etl



Source: CTA 2008; MBA 2008.

Michael Brandman Associates

NORTH

1,000 500 0 1,000

Feet

28490004 • 10/2008 | 3_Proximity_to_Parkway .mxd

Exhibit 1
Proximity to the Diamond Springs Parkway Project Area of Potential Effect

Photograph 1: Overview of typical western transect corridor.

Photograph 2: Small water drainage along western transect corridor.

Photograph 3: Illustrates narrow shoulder along eastern portion of SR-49.

Photograph 4: Vertical rise along eastern side of SR-49.

Source: Michael Brandman Associates, 2008.

Michael Brandman Associates

28490004 • 10/2008 | Site_photographs.ai

Exhibit 2
Site Photographs