5.4 Cultural Resources

5.4 CULTURAL RESOURCES

The purpose of this section is to identify existing cultural resources (including historic and archeological resources) within and around the project site and to assess the significance of such resources. Mitigation measures are recommended to minimize impacts to cultural resources as a result of project implementation. This section is primarily based upon the *Phase I Cultural Resources Study* (Phase I Cultural Study), and *Phase II Cultural Resources Report* (Phase II Cultural Study), both prepared by Rincon Consultants, Inc. (Rincon), dated September 28, 2016 and December 1, 2016, respectively.

The Phase I and Phase II reports contain sensitive and confidential information concerning Native American site and component locations and are not for general distribution. Archaeological site locations are exempted from the California Public Records Act, as specified in Government Code 6254.10, and from the Freedom of Information Act (Exemption 3), under the legal authority of both the National Historic Preservation Act (PL 102-574, Section 304[a]) and the Archaeological Resources Protection Act (PL 96-95, Section 9[a]). Sections of the reports contain maps and other sensitive information. Should any individuals request to review these reports, they should contact the Town directly for consultation. The covers and table of contents of these reports are included in Appendix 11.3, *Cultural Resource Studies*.

5.4.1 EXISTING SETTING

PREHISTORIC OVERVIEW

Although archaeological research has been ongoing in the Sierra Nevada Mountains for the last 50 years, a clear cultural chronology of the region has yet to be established. According to the Phase I Cultural Study, many distinct chronological phases remain elusive. The most widely accepted chronology for the eastern Sierras focuses on human occupation of the area for the last 7,500 years and is divided into the following units: Early Holocene (pre-7,500 years before present [BP]), the Mid-Holocene (7,500 to 3,150 BP), the Newberry Period (3,150 to 1,350 BP), the Haiwee Phase (1,350 to 650 BP), and the Marana Phase (650 to 100 BP).[1]

Early Holocene (pre-7,500 BP). Early Holocene occupation of the Mammoth Lakes area is not well understood as very little substantive information has been documented for this period. Finds of Early Holocene style projectile points, including Lake Mojave points and large fluted points, are limited. One of the first Paleoindian sites to be recorded in Mono County is the Komodo Site, located near Casa Diablo approximately 20 miles southeast of the project site, and occupied sometime between 11,000 and 8,000 years ago. Archaeological deposits dating to this period have likely eroded, been covered by volcanic and alluvial deposits, or been otherwise obscured.

Mid-Holocene (7,500-3,150 BP). Sites dating to the Mid-Holocene are far more common in the Mammoth Lakes area than from early time periods. Evidence of settlement of the eastern Sierras increases significantly for the time period around 5,000 BP. Sites featuring Little Lake and Pinto series

[1] Before Present (BP) years are a time scale used in archaeology, geology, and other scientific disciplines to specify when events in the past occurred. Because the "present" time changes, standard practice is to use 1950 as the arbitrary benchmark of what is considered "present."

split-stem projectile points are fairly widespread. Obsidian hydration data also indicates that regular quarrying at local obsidian sources, such as Mono Craters, Casa Diablo, and Bodie Hills, and associated tool production activities were underway beginning 5,000 BP.

Newbury Period (3,150-1,350 BP). The early Newbury Period is characterized by small, mobile groups, but by 2,000 BP larger seasonal settlements are evident.

Haiwee Phase (1,350-650 BP). Haiwee Phase sites are characterized by the introduction of bow and arrow technology into the region. This period also saw increased centralization of settlements, sociopolitical complexity, and the intensification of subsistence practices, suggesting greater population densities. A trans-Sierran trade network is indicated by the presence of ceramics and Olivella shell beads.

Marana Phase (650-100 BP). For the Marana Phase, significant changes include the increased use of local riparian environments. This phase also exhibits a widened diet breadth, including the first evidence of the exploitation of freshwater shellfish. Seasonal settlement patterns of earlier periods are still typical, though longer-term residential use of high-elevation areas is also evident.

ETHNOGRAPHIC OVERVIEW

Ethnographic information is data about a particular culture or group gathered specifically from members of that culture or group. Ethnographic information for the Mammoth Lakes area is limited. The project is located within the traditional ethnographic area of the Owens Valley Paiute, who occupied the area just south of Mono Lake to south of Owens Lake. The Owens Valley Paiute shared a territorial border with the Northern Paiute to the north, the Monache to the west, and the Western Shoshone to the south. The Sierran groups were fairly similar in material culture and cultural practices, as indicated by ethnographies. Peoples of the eastern slope of the Sierras used the highlands primarily on a seasonal basis. Territorial boundaries were generally fluid, and one area may have been occupied by multiple groups.

The Owens Valley Paiute and other Sierran groups occupied expedient brush shelters in high elevation temporary camps during warm months of the year. During cooler months, people inhabited more substantial bark structures in larger villages in the lowlands. The primary political unit of the Owens Valley Paiute was a district, comprising one large village or an allied group of smaller villages. These districts controlled territories for hunting, pinyon groves, fishing territories, and seed plots.

Owens Valley Paiute subsistence was heavily focused on the gathering of pinyon pine nuts, acorn, hunting and fishing. Major game animals included jackrabbit, deer, mountain sheep, and antelope. In addition, purposeful irrigation of lowlands with constructed dams and ditches was used to increase the yield of important root and seed plants.

Obsidian was an especially important item, and trade-oriented tool production at local quarries is indicated by the presence of obsidian from the region at sites throughout California. Other important trade items included pinyon pine nuts, salt, baskets, animal skin items, pigments, and Pandora moth larvae.

HISTORIC OVERVIEW

Post-European contact history for the State of California is generally divided into three periods: the Spanish Period (1769–1822), the Mexican Period (1822–1848), and the American Period (1848–present).

Spanish Period (1769–1822). Spanish exploration of what was then known as Alta (upper) California began when Juan Rodriguez Cabrillo led the first European expedition into the region in 1542. For more than 200 years after his initial expedition, Spanish, Portuguese, British, and Russian explorers sailed the Alta California coast and made limited inland expeditions, but they did not establish permanent settlements. No Europeans are recorded visiting what was to become Mono County during the Spanish Period.

In 1769, Gaspar de Portolá and Franciscan Father Junipero Serra established the first Spanish settlement at Mission San Diego de Alcalá. This was the first of 21 missions erected by the Spanish between 1769 and 1823. The establishment of the missions marks the first sustained occupation of Alta California by the Spanish. In addition to the missions, four presidios and three pueblos (towns) were established throughout the state. No missions were established in Mono County.

During this period, Spain also deeded ranchos to prominent citizens and soldiers, though very few in comparison to the subsequent Mexican Period. To manage and expand their herds of cattle on these large ranchos, colonists enlisted the labor of the surrounding Native American populations. The missions were responsible for administrating to the local Indians as well as converting the population to Christianity. The influx of European settlers brought the local Native American population in contact with European diseases which they had no immunity against, resulting in catastrophic reduction in native populations throughout the state. Although no missions, land grants, or inland expeditions were located in what would become Mono County, the Paiutes living in the area were indirectly affected by the spread of diseases and Native Americans fleeing from other areas.

Mexican Period (1822–1848). The Mexican Period commenced when news of the success of the Mexican War of Independence (1810-1821) reached California in 1822. This period saw the federalization of mission lands in California with the passage of the Secularization Act of 1833. This Act enabled Mexican governors in California to distribute former mission lands to individuals in the form of land grants. Successive Mexican governors made more than 700 land grants between 1822 and 1846, putting most of the state's lands into private ownership for the first time. No land grants were located in Mono County.

Initial European contact with the Owens Valley Paiute occurred during the Mexican Period. It is thought that the first European contact with the Owens Valley Paiute occurred when English fur trapper Peter Ogden Skene visited Owens Valley in 1830 on his way to the Colorado River. In 1834, Joseph Walker crossed the Sierra Nevada at Walker Pass, continuing up through Owens Valley and into Nevada. Throughout the 1840s and 1850s, U.S. military personnel passed through the region, though settlement of the area did not occur until the American Period.

American Period (1848–Present). The American Period officially began with the signing of the Treaty of Guadalupe Hidalgo in 1848, in which the United States agreed to pay Mexico $15 million for ceded territory, including California, Nevada, Utah, and parts of Colorado, Arizona, New Mexico, and

Wyoming, and pay an additional $3.25 million to settle American citizens claims against Mexico. Settlement of southern California continued dramatically in the early American Period. Many ranchos in California were sold or otherwise acquired by Americans, and most were subdivided into agricultural parcels or towns.

The discovery of gold in northern California in 1848 led to the California Gold Rush, though the first California gold discovery by people of European descent was in southern California at Placerita Canyon in 1842. In 1850, California was admitted into the United States and by 1853, the population of California exceeded 300,000. Thousands of settlers and immigrants continued to move into the State, particularly after completion of the transcontinental railroad in 1869. Mining camps were established at several locations in Inyo and Mono counties, followed by an influx of ranchers and entrepreneurs looking to provide supplies to miners. The Owens Valley Paiute were slowly forced out of the area until a final removal by the U.S. military to Fort Tejon in the 1860s.

Permanent settlement of the area of Mammoth Lakes began in the late 1870s after the establishment of a mining claim on Red Mountain and other claims that followed. In 1878, these claims were purchased by a group that formed the Mammoth Mining Company and established a headquarters, mill, and small settlement in the area. The Company went bankrupt by 1880, however, and many of the settlers left. In the early 1900s, new settlers moved to the area and established hotels, a sawmill, and stores. The first resort at Mammoth, the Wildasinn Hotel, was founded by Charles Wildasinn and well-known by 1906. The Mammoth Lakes area was opened to automobile traffic in 1920, leading to growth in development and seasonal recreational visits. Several resorts and campgrounds were established in the area. In the 1940s, skiing became a popular attraction for Mammoth, leading to additional development and use that has continued into the present.

CALIFORNIA HISTORICAL RESOURCES INFORMATION SYSTEM SEARCH

As part of the Phase I Cultural Study, Rincon conducted a search of cultural resource records housed at the California Historical Resources Information System (CHRIS), Eastern Information Center (EIC) located at the University of California, Riverside (UCR), on January 29, 2016. The search was conducted to identify all previous cultural resources work and previously recorded cultural resources within a 0.5-mile radius of the project site. The CHRIS search included a review of the California Register of Historical Resources (CRHR), the California Points of Historical Interest list, the California Historical Landmarks list, the Archaeological Determinations of Eligibility list, and the California State Historic Resources Inventory list. The records search also included a review of all available historic U.S. Geological Survey (USGS) 7.5- and 15-minute quadrangle maps.

Previous Studies and Recorded Sites

The EIC records search identified 18 previous studies and 25 previously recorded cultural resources within a 0.5-mile radius of the project site. Two previous studies and one recorded cultural resource were within the project site (studies MN-00091 and MN-00309, and recorded cultural resource CA-MNO-561), which are further discussed below.

On-Site Recorded Cultural Resources. Resource CA-MNO-561 (United States Forest Service [USFS] No. 05-04-52-43) was originally recorded in 1979 by William Taylor as a large prehistoric lithic scatter and a potential temporary camp, and three historical cabins and associated outbuildings. The recorded site boundary encompassed an area approximately 1,315 feet by 2,800 feet and extending on either side of Mammoth Creek and Old Mammoth Road (a portion of which includes part of the project site). A western boundary of the site was not established as it extended onto private land not included in Taylor's survey. In 1981, Weaver et al. updated the site to include three separate lithic scatter sites (P-26-000561/USFS No. 05-04-52-53, P-26-001202/USFS No. 05-04-52-88, and P-26-001203/ USFS No. 05-0452-89). Weaver's site update also discusses a test excavation performed by the USFS, which included three excavation units within the boundaries of the project site.

After the 1981 update, the portion of CA-MNO-561 within the project site was excavated by the Archaeological Research Unit (ARU) at UCR with a series of 21 1x2 meter excavation units (Hall 1983b [Study MN-00091]). The excavation units were primarily located in the eastern portion of the project site, which are currently developed with the existing active park uses on-site. The excavation identified roughly 150,000 artifacts, primarily consisting of obsidian tools and debitage. One USFS excavation unit was placed in the undeveloped western portion of the project site, and apparently did not produce a subsurface deposit. Hall concluded that CA-MNO-561 was characteristic of a repeatedly occupied lithic tool-making camp. Occupation dates based on analysis conducted indicated that the site was intermittently occupied from 3000 to 1230 B.C., occupied fairly consistently from 1230 B.C. to A.D. 760, and sporadically occupied, if occupied at all, after A.D. 760. Hall's report recommended that the site was eligible for listing in the National Register of Historic Places (NRHP).

The site record was updated again in 1993 by Sharynn-Marie Valdez and Nelson Siefkin. Valdez and Siefkin recorded the site as a lithic scatter and noted that the cabins and outbuildings discussed in the original site record and Weaver et al.'s update had been demolished. Valdez and Siefkin recorded the site boundary as one large site, as in the original site record, rather than three separate sites as in the update prepared by Weaver et al. Valdez and Siefkin also report that the densest artifact portion of the site to the west of Old Mammoth Road had been impacted by the development of Mammoth Creek Park West, and that the area to the east of Old Mammoth Road had been impacted by off-road vehicles and trail use.

Jeffrey Burton prepared a report discussing excavations at the site in 1994 (Study MN-00309). Burton's excavation consisted of 24 1x1 meter units and 65 auger holes, and resulted in the recovery of 14,000 artifacts. Burton's excavation was primarily located in the area just south of the project site, but included several excavation units within current Mammoth Creek Park West, and two excavation units in the undeveloped western half of the project site. The excavation units in the undeveloped portion of the project site recovered artifacts to a maximum depth of 90 centimeters. Burton concurred with Hall's 1983 findings that the site was likely a lithic toolmaking camp. Occupation dates identified by Burton were comparable with that of Hall's report.

A portion of site CA-MNO-561 was updated in 2009 by Christopher Duran and M. Trevino. The update was limited to segments of CA-MNO-561 within the jurisdiction of the Inyo National Forest. Duran and Trevino surveyed the portion of the site surrounding the Mammoth Historical Museum. Duran and Trevino updated the record to include the cabin used as the Mammoth Historical Museum, but describe a lithic scatter across multiple acres. The boundary around the museum in Duran and Trevino's sketch map has been mistakenly used as the boundary for the entire site on the master map held at the EIC.

The site was updated a third time by Chambers Group, Inc. in 2011. Chambers Group relocated a portion of the site as recorded by Valdez and Siefkin (1993). Chambers Group described the site as a light diffuse lithic scatter consisting of only a few flakes. However, they state that there are likely more artifacts in the area associated with the site that have been obscured by vegetation and alluvial deposits.

The original site boundary as recorded by Taylor in 1979 contains primary numbers P-26-000721, -001202, -001203, -002682, -002683, and -006013. In addition, site P-26-000906 likely represents an extension of CA-MNO-561. The mapped locations of each of these primary numbers are located outside of the project site.

TRIBAL CONSULTATION

Rincon contacted the Native American Heritage Commission (NAHC) to request a review of the Sacred Lands File (SLF) on February 4, 2016. The NAHC emailed a response on February 22, 2016 stating that a search of the SLF "failed to indicate the presence of Native American cultural resources in the immediate project area." The NAHC also included a contact list of 12 tribal groups or individuals who may have knowledge of cultural resources within the project site. On February 25, 2016 Rincon prepared and mailed letters to each of these contacts requesting any information they may have regarding Native American cultural resources within the project site.

Misty Benner of the Walker River Paiute Tribe responded via email on March 2, 2016. Ms. Benner stated that the Walker River Paiute Tribe did not have any cultural concerns regarding the proposed project and referred Rincon to the Bishop, Lone Pine, or Bridgeport tribes.

Raymond Andrews of the Bishop Paiute Tribe responded via email on March 10, 2016. Mr. Andrews stated that the Bishop Paiute Tribe had concerns regarding the proposed project and requested discussing those concerns over the phone. On June 9, 2016, Rincon archaeologist Hannah Haas followed up by phone and left a voicemail with Mr. Andrews. Mr. Andrews returned Rincon's call on June 20, 2016 to discuss his concerns regarding the proposed project. Mr. Andrews was concerned that the general project vicinity is highly sensitive for prehistoric archaeological resources and was aware of sites within the vicinity of the project site. Mr. Andrews stated that many studies consist only of surface surveys, and that subsurface archaeological sites may frequently be missed by studies going on in the general Mammoth area. He stated further concerns that surface artifacts would be picked up by passersby. Mr. Andrews recommended that a Native American monitor be present for ground disturbing activities, including any associated with archaeological testing or project construction. He further expressed the wish that any artifacts collected as a result of testing or construction monitoring be curated as near to Mammoth Lakes as possible.

The May 2016, the Town also sent out letters to those tribes that have requested to be on the Town's AB 52 Consultation list, for the purposes of AB 52 consultation for the proposed project. On July 18, 2016 the Town of Mammoth Lakes received a letter from the North Fork Rancheria of Mono Indians of California. Their letter stated their concern over the ground disturbance that could occur in the project area and requested the utilization of a tribal monitor during ground disturbing activities. The letter also acknowledged their discussions with Raymond Andrews of the Bishop Paiute Tribe. As of the date of publication of this public review Draft EIR, no other correspondence has been received. The Town sent a final Consultation Completion letter to the North Fork Rancheria of Mono Indians of California clarifying information provided to the Tribe from the Town as part of the

consultation process (Rincon's tribal consultation performed to-date and any archeological records found near the project site), site visit consultation during Rincon's Phase II excavation, as well as the Town's determination regarding Tribal Cultural Resources.

FIELD RECONNAISSANCE

As part of the Phase I Cultural Study, Rincon conducted a cultural resources survey of the project site on June 3, 2016. The survey consisted of walking parallel transects, oriented north-south and spaced no greater than 10 meters apart. During the survey, the archaeologist examined all areas of exposed ground surface for prehistoric artifacts (e.g., chipped stone tools and production debris, stone milling tools, ceramics), historic debris (e.g., metal, glass, ceramics), or soil discoloration that might indicate the presence of a cultural midden. The project site characteristics and survey conditions were recorded using a field notebook and a digital camera. Copies of the field notes and digital photographs are on file with Rincon's Carlsbad office.

The pedestrian survey of the project site resulted in the relocation of artifacts associated with CA-MNO-561. The eastern portion of the project site is developed with a landscaped lawn, play facilities, restrooms, and parking lot. Ground visibility outside the paved parking lot and park structures in this portion of the project site was fair to good (50 to 80 percent) depending on vegetation cover. This eastern developed half of the project site contained a sparse obsidian flake scatter along the eastern boundary and the bedrock milling feature described in Hall's excavation report. In the area currently occupied by Mammoth Creek Park West and previously excavated by Hall, the survey resulted in the relocation of the bedrock milling feature and a sparse scatter of obsidian flakes.

The western half of the project site is undeveloped, but heavily disturbed by unpaved recreational trails and use of the area. Ground visibility within this half of the project site was poor to fair (15 to 60 percent) due to vegetation and pine duff. The western half of the project site contains a high concentration of obsidian flakes. A site record update on Department of Parks and Recreation (DPR) Series 523 forms was prepared.

Phase II Cultural Study Field Work

Based on the initial findings presented in the Phase I Cultural Study, Rincon conducted further site investigation for the Phase II Cultural Study. The Phase II fieldwork was conducted between August 23 to 26 by a two-person archaeological crew under direction of Principal Investigator Christopher Duran, M.A., RPA. As part of this investigation, 17 shovel test pits (STP) units and one test unit (TU), Unit 1, were evaluated.

Shovel Test Pit Excavation. The initial investigation of CA-MNO-561 included excavation of 17 STPs to determine the presence or absence of buried cultural material and establish the site boundaries. The initial STPs measured 30 centimeters (cm) in diameter, but some STPs were expanded to 50 cm due to the difficulty of digging caused by large amounts of gravel. All STPs were excavated using arbitrary 10-cm levels. All excavated soils were screened through 3 millimeter (mm) (0.125-inch) wire mesh. Any artifacts or ecofacts recovered from the STPs during screening were collected and bagged with pertinent data recorded (e.g., provenience data). Rincon archaeologists completed a form for each STP that recorded all data and observations made during excavation, including the depths of

recovered materials and soil descriptions. Each STP was excavated until encountering sterile soils or due to the difficulty of excavation due to the presence of bedrock. All STPs were backfilled upon completion of the excavation.

Cultural materials recovered during the excavation of STPs included a total 271 artifacts, all of which were obsidian artifacts; refer to Table 5.4-1, *Phase II STP Excavation Summary*.

Table 5.4-1
Phase II STP Excavation Summary

STP No.	Cultural Materials Present	STP Diameter (cm)	Max Depth centimeters below surface (cmbs)	Comments
1	Obsidian flakes	30	90	Excavation stopped due to modern water pipe.
2	Obsidian flakes	30	80	Excavation stopped due to negative soils.
3	Obsidian flakes	30	90	Excavation stopped due to difficulty digging caused by large rocks.
4	Obsidian flakes	30	60	Excavation stopped due to negative soils.
5	Obsidian flakes	50	60	Excavation stopped due to negative soils.
6	Obsidian flakes	50	50	Excavation stopped due to negative soils.
7	Obsidian flakes	50	60	Excavation stopped due to negative soils.
8	None	30	40	Excavation stopped due to negative soils.
9	Obsidian flakes	50	100	Excavation stopped due to negative soils.
10	Obsidian flakes	50	105	Excavation stopped due to negative soils.
11	Obsidian flakes	50	90	Excavation stopped due to negative soils.
12	Obsidian flakes	50	50	Excavation stopped due to difficulty digging caused by boulder.
13	Obsidian flakes	50	60	Excavation stopped due to negative soils.
14	None	50	40	Excavation stopped due to negative soils.
15	Obsidian flakes	50	80	Excavation stopped due to negative soils.
16	None	50	50	Excavation stopped due to negative soils.
17	Obsidian flakes	30	70	Excavation stopped due to negative soils.

Source: Rincon Consultants, Inc., *Phase II Cultural Resources Report*, dated September 28, 2016.

Test Unit Excavation. One 1x1-meter (m) test unit, Unit 1, was placed in an area with the highest density of artifacts identified during the excavation of the STPs. Unit 1 was excavated using arbitrary 10-cm levels from an established datum, with soils screened through 3 mm (0.125-inch) wire mesh. Any artifacts or ecofacts identified in the screen were bagged with pertinent data recorded (e.g., provenience data). A unit level record was completed for each arbitrary 10-cm level that identified all pertinent information including any observed artifacts or features and soil descriptions. A sidewall profile was completed for the north wall of the TU and includes observed stratigraphy, disturbances, and soil descriptions. The test unit was backfilled upon completion.

Soils throughout the unit consisted of sandy loam with varying amounts of gravel and rocks. Cultural materials were present throughout the upper 120 centimeters below datum (cmbd) of the unit, consisting primarily of obsidian lithic artifacts; refer to Table 5.4-2, *Unit 1 Excavation Summary*. A small charcoal fragment was recovered from 30 to 40 cmbd, and small amounts of fire-affected rock (FAR)

were identified from 90 to 120 cmbd. Root disturbances were present throughout the upper 120 cmbd of the unit, with one large tree root cutting across the unit in the 40 to 50 cmbd level. Excavation of Unit 1 yielded a total of 378 obsidian artifacts, two utilized flakes, one fragment of charcoal, and small amounts of FAR (not collected). The artifacts were recovered from between 0 to 120 cmbd. The excavation did not identify any buried subsurface features. A sidewall profile was completed for the south wall of the TU.

Table 5.4-2
Unit 1 Excavation Summary

Level	Soil Type	Cultural Materials Present	Disturbances
1 (10-20 cmbd)	Sandy loam with gravel	Obsidian flakes	Vegetation
2 (20-30 cmbd)	Sandy loam with gravel	Obsidian flakes	Roots
3 (30-40 cmbd)	Sandy loam with gravel	Obsidian flakes, charcoal	Roots
4 (40-50 cmbd)	Sandy loam with gravel	Obsidian flakes	Roots; one large root through unit
5 (50-60 cmbd)	Sandy loam with gravel	Obsidian flakes	Roots
6 (60-80 cmbd)	Sandy loam with gravel	Obsidian flakes	Roots
7 (80-90 cmbd)	Sandy loam with gravel	Obsidian flakes	Roots
8 (90-100 cmbd)	Sandy loam with gravel	Obsidian flakes, FAR	Roots
9 (100-110 cmbd)	Sandy loam with gravel	Obsidian flakes, FAR	Roots
10 (110-120 cmbd)	Sandy loam with gravel	Obsidian flakes, FAR	Roots
11 (120-130 cmbd)	Sandy loam with gravel	None	Roots
12 (130-140 cmbd)	Sandy loam with large amounts of gravel	None	None

Notes: cmbd = centimeters below datum; FAR = fire-affected rock
Source: Rincon Consultants, Inc., *Phase II Cultural Resources Report*, December 1, 2016.

LABORATORY PROCEDURES

At the completion of the fieldwork for the Phase II Cultural Study, all cultural materials were transported to Rincon's office and laboratory in Carlsbad, California. Rincon archaeologists used the following laboratory methods to process and analyze the cultural materials to generate data that could be used to address questions posed in the Research Design and to create a database for future researchers.

Rincon archaeologists cataloged all artifacts, ecofacts, and sample materials recovered from the Phase II site evaluation as individual items or in lots, where appropriate (e.g., debitage of the same material class and stage of reduction from the same provenience). Cataloged items were enumerated

sequentially. All catalog information was stored in a Microsoft Excel spreadsheet. The spreadsheet recorded provenience information (location and depth); date collected; and descriptive information such as artifact class, artifact type, material type, condition, count, and weight.

All cultural materials recovered from the Phase II work were prepared for long-term curation and delivered to the Maturango Museum in Ridgecrest California. The Maturango Museum houses collections from the eastern Sierra Nevada and is geographically the closest repository to the project site. Curation preparation included creating acid-free labels and tags and placing artifacts in archival quality bags and boxes. A hard copy of the report was prepared on acid-free paper and submitted to the selected curation facility along with an electronic copy and the artifacts.

ARTIFACTS ANALYSIS

Overall, the assemblage from CA-MNO-561 suggests a technological emphasis on percussion flake production and the production of bifaces and blades. Percussion flakes may have been produced to use as expedient tools for a variety of tasks. Toolstone used was derived from local sources. The assemblage is insufficient to provide anything but general observations regarding the flaked stone technology employed and produced at CA-MNO-561. Individually, technologically relevant flakes may suggest the application of specific stone working techniques, but the relative frequency of such techniques cannot be determined from the available sample. The flaked stone assemblage, therefore, provides only general interpretations of percussion flake production, formal tool finishing, and the production of blades and bifaces.

The fieldwork recovered a total of 657 artifacts, including 655 obsidian artifacts, one chert flake, and one charcoal fragment. Of the artifacts recovered, 99.6 percent consist of obsidian lithic artifacts. Based on artifacts identified from CA-MNO-561, the site represents an obsidian lithic processing site, ubiquitous throughout the Eastern Sierras.

5.4.2 REGULATORY SETTING

Numerous laws and regulations require Federal, State, and local agencies to consider the effects a project may have on cultural resources. These laws and regulations stipulate a process for compliance, define the responsibilities of the various agencies proposing the action, and prescribe the relationship among other involved agencies (i.e., State Historic Preservation Office and the Advisory Council on Historic Preservation). The National Historic Preservation Act (NHPA) of 1966, as amended, the California Environmental Quality Act (CEQA), and the California Register of Historical Resources, Public Resources Code 5024, are the primary Federal and State laws governing and affecting preservation of cultural resources of national, State, regional, and local significance. The applicable regulations are discussed below.

FEDERAL

National Historic Preservation Act of 1966

Enacted in 1966 and amended in 2000, the NHPA declared a national policy of historic preservation and instituted a multifaceted program, administered by the Secretary of the Interior, to encourage the

achievement of preservation goals at the Federal, State, and local levels. The NHPA authorized the expansion and maintenance of the National Register of Historic Places (NRHP), established the position of State Historic Preservation Officer (SHPO) and provided for the designation of State Review Boards, set up a mechanism to certify local governments to carry out the purposes of the NHPA, assisted Native American tribes to preserve their cultural heritage and created the Advisory Council on Historic Preservation (ACHP).

SECTION 106 PROCESS

Through regulations associated with the NHPA, an impact to a cultural resource would be considered significant if government action would affect a resource listed in or eligible for listing in the NRHP. The NHPA codifies a list of cultural resources found to be significant within the context of national history, as determined by a technical process of evaluation. Resources that have not yet been placed on the NRHP, and are yet to be evaluated, are afforded protection under the Act until shown to be not significant.

Section 106 of the NHPA and its implementing regulations (36 Code of Federal Regulations Part 800) note that for a cultural resource to be determined eligible for listing in the NRHP, the resource must meet specific criteria associated with historic significance and possess certain levels of integrity of form, location, and setting. The criteria for listing on the NRHP are applied within an analysis when there is some question as to the significance of a cultural resource. The criteria for evaluation are defined as the quality of significance in American history, architecture, archeology, engineering, and culture. This quality must be present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association. A property is eligible for the NRHP if it is significant under one or more of the following criteria:

- *Criterion A:* It is associated with events that have made a significant contribution to the broad patterns of our history; or

- *Criterion B:* It is associated with the lives of persons significant in our past; or

- *Criterion C:* It embodies the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or

- *Criterion D:* It has yielded, or may be likely to yield, information important in prehistory or history.

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

The Section 106 evaluation process does not apply to projects undertaken under Town environmental compliance jurisdiction. However, should the undertaking require funding, permits, or other administrative actions issued or overseen by a federal agency, analysis of potential impacts to cultural resources following the Section 106 process would likely be necessary. The Section 106 process

typically excludes cultural resources created less than 50 years ago unless the resource is considered highly significant from the local perspective. Finally, the Section 106 process allows local concerns to be voiced and the Section 106 process must consider aspects of local significance before a significance judgment is rendered.

Secretary of the Interior's Standards for the Treatment of Historic Properties

Evolving from the *Secretary of the Interior's Standards for Historic Preservation Projects with Guidelines for Applying the Standards* that were developed in 1976, the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings* were published in 1995 and codified as 36 CFR 67. Neither technical nor prescriptive, these standards are "intended to promote responsible preservation practices that help protect our Nation's irreplaceable cultural resources." "Preservation" acknowledges a resource as a document of its history over time, and emphasizes stabilization, maintenance, and repair of existing historic fabric. "Rehabilitation" not only incorporates the retention of features that convey historic character, but also accommodates alterations and additions to facilitate continuing or new uses. "Restoration" involves the retention and replacement of features from a specific period of significance. "Reconstruction," the least used treatment, provides a basis for recreating a missing resource. These standards have been adopted, or are used informally, by many agencies at all levels of government to review projects that affect historic resources.

STATE LEVEL

California Environmental Quality Act

CEQA requires a lead agency determine whether a project may have a significant effect on historical resources (Public Resources Code Section 21084.1). A historical resource is a resource listed in, or determined to be eligible for listing, in the CRHR, a resource included in a local register of historical resources, or any object building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant (State CEQA Guidelines, Section 15064.5[a][1-3]).

A resource is considered historically significant if it meets any of the following criteria:

1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2) Is associated with the lives of persons important in our past;
3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
4) Has yielded, or may be likely to yield, information important in prehistory or history.

In addition, if it can be demonstrated that a project would cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that resources cannot be left undisturbed, mitigation measures are required (Public Resources Code Section 21083.2[a], [b], and [c]). Public Resources Code Section 21083.2(g) defines a unique archaeological resource as an

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

1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information;

2) Has a special and particular quality such as being the oldest of its type or the best available example of its type; or

3) Is directly associated with a scientifically recognized important prehistoric or historic event or person.

California Register of Historical Resources

Created in 1992 and implemented in 1998, the CRHR is "an authoritative guide in California to be used by State and local agencies, private groups, and citizens to identify the State's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change." Certain properties, including those listed in or formally determined eligible for listing in the NRHP and California Historical Landmarks numbered 770 and higher, are automatically included in the CRHR. Other properties recognized under the California Points of Historical Interest program, identified as significant in historical resources surveys or designated by local landmarks programs, may be nominated for inclusion in the CRHR. A resource, either an individual property or a contributor to a historic district, may be listed in the CRHR if the State Historical Resources Commission determines that it meets one or more of the criteria modeled on the NRHP criteria.

Assembly Bill 52 (Gatto, 2014)

On September 25, 2014 Governor Brown signed Assembly Bill 52 (AB 52). In recognition of California Native American tribal sovereignty and the unique relationship of California local governments and public agencies with California Native American tribal governments, and respecting the interests and roles of project proponents, it is the intent AB 52 to accomplish all of the following:

(1) Recognize that California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in tribal cultural traditions, heritages, and identities.

(2) Establish a new category of resources in CEQA called "tribal cultural resources" that considers the tribal cultural values in addition to the scientific and archaeological values when determining impacts and mitigation.

(3) Establish examples of mitigation measures for tribal cultural resources that uphold the existing mitigation preference for historical and archaeological resources of preservation in place, if feasible.

(4) Recognize that California Native American tribes may have expertise with regard to their tribal history and practices, which concern the tribal cultural resources with which they are

traditionally and culturally affiliated. Because CEQA calls for a sufficient degree of analysis, tribal knowledge about the land and tribal cultural resources at issue should be included in environmental assessments for projects that may have a significant impact on those resources.

(5) In recognition of their governmental status, establish a meaningful consultation process between California Native American tribal governments and lead agencies, respecting the interests and roles of all California Native American tribes and project proponents, and the level of required confidentiality concerning tribal cultural resources, at the earliest possible point in CEQA environmental review process, so that tribal cultural resources can be identified, and culturally appropriate mitigation and mitigation monitoring programs can be considered by the decision making body of the lead agency.

(6) Recognize the unique history of California Native American tribes and uphold existing rights of all California Native American tribes to participate in, and contribute their knowledge to, the environmental review process pursuant to CEQA.

(7) Ensure that local and tribal governments, public agencies, and project proponents have information available, early in CEQA environmental review process, for purposes of identifying and addressing potential adverse impacts to tribal cultural resources and to reduce the potential for delay and conflicts in the environmental review process.

(8) Enable California Native American tribes to manage and accept conveyances of, and act as caretakers of, tribal cultural resources.

(9) Establish that a substantial adverse change to a tribal cultural resource has a significant effect on the environment.

LOCAL LEVEL

Town of Mammoth Lakes General Plan

Town policies pertaining to cultural resources are contained in the Arts, Culture, Heritage, and Natural History Element of the General Plan. The Arts, Culture, Heritage, and Natural History Element describes methods for protecting archaeological and historical resources, and provides local policies to guide the implementation of cultural resource preservation, beyond the protections afforded by applicable Federal, State, and local laws. These policies include, but are not limited to, the following:

- *A.3. Goal:* Encourage public art and cultural expression throughout the community.
- *A.3.D. Policy:* Be stewards of the cultural, historical, and archeological resources in and adjacent to town.
- *A.3.E. Policy:* Allow the adaptive use of historic buildings.
- *A.3.E.1. Action:* Develop and maintain a cultural resources database of historic and archaeological resources within the Planning Area.

5.4.3 IMPACT THRESHOLDS AND SIGNIFICANCE CRITERIA

The purpose of this analysis is to identify any potential cultural resources within or adjacent to the project site, and to assist the Lead Agency in determining whether such resources meet the official definitions of "historical resources," as provided in the Public Resource Code, in particular CEQA.

SIGNIFICANCE GUIDELINES

Historical Resources

Impacts to a significant cultural resource that affect characteristics that would qualify it for the NRHP or that adversely alter the significance of a resource listed in or eligible for listing in the CRHR are considered a significant effect on the environment. These impacts could result from "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired" (*CEQA Guidelines*, Section 15064.5 [b][1], 2000). Material impairment is defined as demolition or alteration "in an adverse manner [of] those characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the California Register" (*CEQA Guidelines* Section 15064.5[b][2][A]).

Archaeological Resources

A significant prehistoric archaeological impact would occur if grading and construction activities result in a substantial adverse change to archaeological resources determined to be "unique" or "historic." "Unique" resources are defined in Public Resources Code Section 21083.2; "historic" resources are defined in Public Resources Code Section 21084.1 and *CEQA Guidelines* Section 15126.4.

Public Resources Code Section 21083.2(g) states:

> *As used in this section, "unique archaeological resource" means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:*
>
> 1. *Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information;*
> 2. *Has a special and particular quality, such as being the oldest of its type or the best available example of its type; or*
> 3. *Is directly associated with a scientifically recognized important prehistoric or historic event or person.*

Tribal Cultural Resources

AB 52 established a new category of resources in CEQA called Tribal Cultural Resources. (Public Resources Code Section 21074.) "Tribal cultural resources" are either of the following:

(1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

(A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.

(B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also created a process for consultation with California Native American Tribes in the CEQA process. Tribal Governments can request consultation with a lead agency and give input into potential impacts to tribal cultural resources before the agency decides what kind of environmental assessment is appropriate for a proposed project. The Public Resources Code now requires avoiding damage to tribal cultural resources, if feasible. If not, lead agencies must mitigate impacts to Tribal Cultural Resources to the extent feasible.

CEQA SIGNIFICANCE CRITERIA

Appendix G of the *CEQA Guidelines* contains the Initial Study Environmental Checklist form, which includes questions relating to cultural resources. The issues presented in the Initial Study Checklist have been utilized as thresholds of significance in this section. Accordingly, a project may create a significant adverse environmental impact if it would:

- Cause a substantial adverse change in the significance of a historical resource as defined in *CEQA Guidelines* Section 15064.5 (refer to Impact Statement CUL-1);
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to *CEQA Guidelines* Section 15064.5 (refer to Impact Statement CUL-1);
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature (refer to Section 8.0, *Effects Found Not To Be Significant*); and/or
- Disturb any human remains, including those interred outside of formal cemeteries (refer to Impact Statement CUL-3).

On August 8, 2016, the California Natural Resources Agency certified an update Appendix G of the CEQA Guidelines related to tribal cultural resources. Specifically, these amendments implement the Legislature's directive in Public Resources Code Section 21083.09 (enacted as part of AB 52 [Chapter 532, Statutes 2014]). The following threshold has been edited from the previous version:

- Disturb any human remains, including those interred outside of ~~formal~~dedicated cemeteries (refer to Impact Statement CUL-3).

The August 8, 2016 amendments also added a new CEQA topic area, Tribal Cultural Resources. Accordingly, these amendments state that a project may cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k) (refer to Impact Statement CUL-2); or

- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe (refer to Impact Statement CUL-2).

Based on these standards/criteria, the effects of the proposed project have been categorized as either a "less than significant impact" or a "potentially significant impact." If a potentially significant impact cannot be reduced to a less than significant level through the application of goals, policies, standards, or mitigation, it is categorized as a significant and unavoidable impact. The standards used to evaluate the significance of impacts are often qualitative rather than quantitative because appropriate quantitative standards are either not available for many types of impacts or are not applicable for some types of projects.

5.4.4 IMPACTS AND MITIGATION MEASURES

HISTORICAL/ARCHAEOLOGICAL RESOURCES

CUL-1 THE PROPOSED PROJECT COULD CAUSE A SIGNIFICANT IMPACT TO A HISTORICAL AND/OR ARCHAEOLOGICAL RESOURCE ON-SITE.

Impact Analysis: Mammoth Lakes has had a long cultural history and has been home to Native American groups, since before Euro-American settlement. The most widely accepted chronology for the eastern Sierras focuses on human occupation of the area for the last 7,500 years and is divided into five units: Early Holocene (pre-7,500 years BP), the Mid-Holocene (7,500 to 3,150 BP), the Newberry Period (3,150 to 1,350 BP), the Haiwee Phase (1,350 to 650 BP), and the Marana Phase (650 to 100 BP). Post-European contact history for the State of California is generally divided into three periods:

the Spanish Period (1769–1822), the Mexican Period (1822–1848), and the American Period (1848–present). Permanent settlement of the area of Mammoth Lakes began in the late 1870s after the establishment of a mining claim on Red Mountain and other claims that followed. Transportation uses were present in the 1920s, which led to the growth in development and seasonal recreational activities. In the 1940s, skiing became a popular attraction for Mammoth, leading to additional development and use that has continued into the present.

Historical Resources

A historical resources is a resource listed in, or determined to be eligible for listing, in the CRHR, a resource included in a local register of historical resources, or any object building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant (State CEQA Guidelines, Section 15064.5[a][1-3]). Section 15064.5(a)(3) also states that a resource must be considered by the lead agency to be "historically significant" if the resource:

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

2) Is associated with the lives of persons important in our past;

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

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

One previously recorded prehistoric archaeological site (CA-MNO-561) was identified within the project site as a result of the cultural resources records search and pedestrian survey. The portion of CA-MNO-561 to the south of the parking lot within the project site has been previously excavated and the site has been recommended eligible for listing in the CRHR. The western half of the project site has seen very limited previous excavation. The extensive subsurface deposit identified by previous excavations and the surface artifacts identified during the current survey leads to the conclusion that subsurface deposits are likely present within the project site. Thus, Rincon recommended a Phase II excavation of the portions of CA-MNO-561 that have not been previously excavated to identify its boundaries within the project site and determine if that portion provides contributing elements to the CRHR eligibility of CA-MNO-561 as a whole. The documentation, controlled excavation, and results of the special studies provided data that can be used to answer research questions regarding the prehistory of the region. The following research questions were established in the Phase II Work Plan prepared prior to excavation and were considered to aid this eligibility determination:

- Does CA-MNO-561 retain additional intact subsurface deposits? Can discrete features or temporal episodes be identified in the vertical and/or horizontal layout of the site?

- Do intact subsurface deposits at CA-MNO-561 extend into the western portion of the site, thereby enlarging the site area?

- Is CA-MNO-561 eligible for listing on the CRHR? And under what criteria(on)?

- Does CA-MNO-561 contribute to the overall regional knowledge of prehistoric occupation in the area?

- Has the data potential of CA-MNO-561 been exhausted by site recording and testing?

- Does CA-MNO-561 have the potential to yield additional data important to our understanding of prehistory?

Fieldwork conducted as part of the Phase II Cultural Study recovered a total of 657 artifacts, including 655 obsidian artifacts, one chert flake, and one charcoal fragment. Of the artifacts recovered, 99.6 percent of those artifacts consist of obsidian lithic artifacts. Based on the artifacts identified from CA-MNO-561, the site represents an obsidian lithic processing site, ubiquitous throughout the Eastern Sierras.

Based on the results of the current Phase II Cultural Study, the portion of the site CA-MNO-561 within the project site appears to have been previously disturbed, but retains some intact deposits. These deposits have provided some pertinent information pertaining to eligibility. Although intact deposits of site CA-MNO-561 remain within the project site, the deposits are unlikely to provide any additional pertinent data to the research beyond what has been collected as part of the Phase II Cultural Study.

The portion of CA-MNO-561 under investigation for the project represents a single activity site. No features (i.e., burials or cultural middens) were identified as part of the current excavation of CA-MNO-561 and the recovered materials from the Phase II Cultural Study primarily consist of smaller, non-diagnostic lithic artifacts (e.g., debitage). Rincon's Phase II Cultural Study for CA-MNO-561 included an extensive program of shovel test pits and a test unit, which have defined the limits of the deposit within the project site.

Based on the findings of the Phase II Cultural Study, Rincon concluded that the data potential of the portion of CA-MNO-561 within the project site has been exhausted. Any future work (i.e., data recovery) would only serve to produce redundant data. Additional constituents (i.e., artifacts) may remain within the project site, but the collected data thus far provide sufficient data to answer whether or not CA-MNO-561 is considered a historic resource. Any deposits that remain within the project site are unlikely to contribute additional pertinent data. Additionally, those portions of CA-MNO-561 located outside of the project site, these areas would not be impacted by the proposed project. The portion of CA-MNO-561 within the boundaries of the project site does not contribute to the CRHR eligibility of the resource as a whole. Therefore, impacts to CA-MNO-561 as a result of the proposed project are less than significant, as any such impacts would not affect the CRHR eligibility of the resource as a whole.

Although the data potential for the site has been exhausted by the Phase II investigation, the possibility for intact features (e.g., hearths, burials) within the project site remains. Intact features may contribute to the CRHR eligibility of site CA-MNO-561 and provide new data. Archaeological and Native American monitoring would be required to be conducted for all project-related ground disturbing activities (Mitigation Measure CUL-1). Archaeological monitoring would be performed under the direction of an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for prehistoric archaeology. If intact features are encountered during ground-disturbing

activities, work in the immediate area would halt and the find would be evaluated for significance under CEQA and the NHPA. Work would not be halted for resources that have already been extensively recorded within the site boundary. The qualified archaeologist may reduce or stop monitoring dependent upon observed conditions. Work would not be halted or redirected for known site constituents (i.e., flakes or stone tools) that were evaluated as part of the Phase II Cultural Study. With implementation of the recommended Mitigation Measure CUL-1, potential impacts to historical and archeological resources would be reduced to less than significant levels.

Mitigation Measures:

CUL-1 Archaeological and Native American monitoring shall be conducted for all project-related ground disturbing activities by a qualified archaeologist and Native American monitor appointed by the Public Works Director. Archaeological monitoring shall be performed under the direction of an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards for prehistoric archaeology. If intact features (e.g., hearths, other intact features, burials) are encountered during ground-disturbing activities, work in the immediate area shall halt, the monitors shall immediately notify the Public Works Director, and the find shall be evaluated for significance under the California Environmental Quality Act and National Historic Preservation Act (NHPA). Consultation with the Native American Monitor, the Native American Heritage Commission, and data/artifact recovery, if deemed appropriate, shall be conducted. Under the discretion of the monitors, work shall not be halted for resources that have already been extensively recorded within the site boundary. The monitors may reduce or stop monitoring dependent upon observed conditions. Work shall not be halted or redirected for known site constituents (i.e., flakes or stone tools) that were evaluated as part of the *Phase II Cultural Resources Report*, prepared by Rincon Consultants, Inc., dated September 28, 2016.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

TRIBAL CULTURAL RESOURCES

CUL-2 THE PROPOSED PROJECT COULD CAUSE A SIGNIFICANT IMPACT TO A TRIBAL CULTURAL RESOURCE ON-SITE.

Impact Analysis: Per Section Public Resources Code Section 21074, tribal cultural resources are either of the following:

(1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

(A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.

(B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.

(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

AB 52 also created a process for consultation with California Native American Tribes in the CEQA process. Tribal Governments can request consultation with a lead agency and give input into potential impacts to tribal cultural resources before the agency decides what kind of environmental assessment is appropriate for a proposed project. The Public Resources Code now requires avoiding damage to tribal cultural resources, if feasible. If not, lead agencies must mitigate impacts to Tribal Cultural Resources to the extent feasible.

Tribal Consultation

The Town requested Tribal consultation for the purposes of AB 52 on May 31, 2016. One Tribe, the North Fork Rancheria of Mono Indians of California (North Fork Rancheria), sent a response letter, dated July 18, 2016. This letter identified that the project site is sensitive, as Tribes lived along the trails and settled in areas with resources that provided for their needs. The North Fork Rancheria expressed concerns regarding ground disturbance that would occur as a result of the project. The North Fork Rancheria requested that a tribal monitor be present during ground disturbing phases for the project. A record of consultation that has occurred with the Tribes in the area, archaeological records near the project area, and perhaps a field visit to the proposed site with tribal representatives.

The North Fork Rancheria Tribe's letter indicated that they had reached out and consulted with Bishop Piute Tribe. Subsequent to the letter, a representative of the Bishop Piute Tribe was involved with observing the Phase II excavation and study. As the Phase II study was completed and the Town sent a final Consultation Completion letter to the North Fork Rancheria Tribe documenting the information provided to the Tribe from the Town as part of the consultation process (Rincon's tribal consultation performed to-date and any archeological records found near the project site), site visit consultation during Rincon's Phase II excavation, as well as the Town's determination regarding Tribal Cultural Resources.

Tribal Cultural Resource Determination

Based on Rincon's Phase II excavation and consultation conducted with North Fork Rancheria, the Town has determined that no Tribal Cultural Resources are known to exist on the project site. As discussed in Impact Statement CUL-1, Resource CA-MNO-561 is a cultural resource of Native American origin. However, the project site is not included or determined to be eligible for inclusion in the California Register of Historical Resources, nor is the project included in a local register of historical resources as defined in subdivision (k) of Section 5020.1. No evidence to support the presence of known Tribal Cultural Resources was determined to be located on-site. However, there is the potential for unknown resources to be discovered on-site during site disturbance activities. Thus, Native American monitoring would be required to be conducted for all project-related ground disturbing activities (Mitigation Measure CUL-1). With implementation of the recommended Mitigation Measure CUL-1, potential impacts to unknown Tribal Cultural Resources would be reduced to less than significant levels.

Mitigation Measures: Refer to Mitigation Measure CUL-1.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

BURIAL SITES

CUL-3 THE PROPOSED PROJECT MAY CAUSE A SIGNIFICANT IMPACT TO UNKNOWN NATIVE AMERICAN BURIAL SITES THAT COULD OCCUR ON-SITE.

Impact Analysis: Although no conditions exist that suggest human remains are likely to be found on the project site, development of the project site could result in the discovery of human remains and potential impacts to these resources. If human remains are found, those remains would be required to conduct proper treatment, in accordance with applicable laws. State of California Public Resources Health and Safety Code Sections 7050.5 to 7055 describe the general provisions for human remains. Specifically, Health and Safety Code Section 7050.5 describes the requirements if any human remains are accidentally discovered during excavation of a site. As required by State law, the requirements and procedures set forth in Section 5097.98 of the California Public Resources Code would be implemented, including notification of the County Coroner, notification of the NAHC and consultation with the individual identified by the NAHC to be the "most likely descendant (MLD)." The MLD would be required to complete the inspection of the site within 48 hours of notification and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

If human remains are found during excavation, excavation must stop in the vicinity of the find and any area that is reasonably suspected to overlay adjacent remains until the County coroner has been called out, and the remains have been investigated and appropriate recommendations have been made for the treatment and disposition of the remains. Following compliance with existing State regulations, which detail the appropriate actions necessary in the event human remains are encountered, impacts in this regard would be reduced to less than significant levels.

Mitigation Measures: No mitigation measures are required.

Level of Significance: Less Than Significant Impact.

5.4.5 CUMULATIVE IMPACTS

- **THE PROPOSED PROJECT, COMBINED WITH OTHER RELATED CUMULATIVE PROJECTS, WOULD NOT CAUSE A SIGNIFICANT IMPACT TO A HISTORICAL AND/OR ARCHAEOLOGICAL RESOURCE.**

- **THE PROPOSED PROJECT, COMBINED WITH OTHER RELATED CUMULATIVE PROJECTS, COULD CAUSE A SIGNIFICANT IMPACT TO A TRIBAL CULTURAL RESOURCE ON-SITE.**

- **THE PROPOSED PROJECT, COMBINED WITH OTHER RELATED CUMULATIVE PROJECTS, MAY CAUSE A SIGNIFICANT IMPACT TO UNKNOWN NATIVE AMERICAN BURIAL SITES THAT COULD OCCUR ON-SITE.**

Impact Analysis: Table 4-1, *Cumulative Projects List*, identifies the related projects and other possible development in the area determined as having the potential to interact with the proposed project to the extent that a significant cumulative effect may occur. Due to the location of the cumulative projects and the high sensitivity for cultural resources to occur within the Town, there is the potential that historical, archeological, and tribal cultural resources, including burial sites, could occur at one or more of the cumulative project sites. The potential destruction of these cultural resources associated with ground disturbance activities at the project site and cumulative project sites could be cumulatively considerable, due to the collective loss of historical artifacts and knowledge regarding the culture of the people who lived at the respective sites. However, individual projects would be evaluated on a project-by-project basis to determine the extent of potential impacts to historical, archeological, and/or tribal cultural resources. Adherence to State and Federal statutes, as well as project-specific mitigation measures, cumulative impacts to historical/archaeological would be reduced to less than significant levels. Further, compliance with Section 5097.98 of the California Public Resources Code would ensure cumulative impacts to burial sites are reduced to less than significant levels.

As discussed in Impact Statement CUL-1, the portion of CA-MNO-561 within the boundaries of the project site does not contribute to the CRHR eligibility of the resource as a whole. Further, the Town determined that there are no known Tribal Cultural Resources present on-site. With compliance with the recommended Mitigation Measure CUL-1, the project would result in less than significant impacts to historical, archeological, and tribal cultural resources. Thus, with compliance with Mitigation Measure CUL-1 and Section 5097.98 of the California Public Resources Code, the project would not result in substantial cumulatively considerable impacts pertaining to cultural or tribal resources or burial sites.

Mitigation Measures: Refer to Mitigation Measure CUL-1.

Level of Significance: Less Than Significant Impact With Mitigation Incorporated.

5.4.6 SIGNIFICANT UNAVOIDABLE IMPACTS

No unavoidable significant impacts related to cultural resources have been identified following implementation of mitigation measures referenced in this section.

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