

APPENDIX E

Cultural Resources

INTRODUCTION

The Knighton & Churn Creek Commons Retail Center, encompasses approximately 92 acres and is located adjacent to Interstate 5 in Shasta County, California. The Knighton & Churn Creek Commons Retail Center project site was inspected by archeologists in 1998 and 2005 who found no prehistoric or historic period cultural resources within the project site area (Jensen & Associates 1998; Genesis Society 2005).

CULTURAL SETTING

Prehistoric Context

Since it is necessary to discuss cultural events within a temporal framework, it is proposed to use a very simple chronology proposed by Farber and Neuenschwander (1984) based on results from the Squaw Creek site. This chronology is used, as suggested by the authors, simply as a convenient division of time for this cultural area that does not imply acceptance of any particular theoretical view of regional prehistory. The chronology formulated by Fredrickson (1973) for the North Coast Ranges has also been applied to the region. His periods are temporal events, but they are defined by a dominance of certain economies, subsistence practices and general aspects of the ordering of society. The periods are generally similar to those offered earlier by Willey and Phillips (1958) and have a wide area of applicability, however, as pointed out by Farber and Neuenschwander, the latest prehistoric period defined by Fredrickson, the Emergent, implies aspects of cultural development that are not documented ethnographically or archaeologically in much of the Cascades region.

The following chronology simply offers a basic temporal framework within which to assess the particular events that were transpiring in northeast California, with particular reference to the southern Cascades, during a certain period.

The periods advanced by Farber and Neuenschwander, with approximate dates in years before the present (B.P.) are given below. The present is defined as 1950, to conform with radiocarbon dating conventions.

Early Prehistoric Period	7600 B.P. - 5000 B.P.
Middle Prehistoric Period	5000 B.P. - 1450 B.P.
Late Prehistoric Period	1450 B.P. - 100 B.P.

Ethnographic Setting

The Wintu are the northernmost dialectical groups of the Wintun, whose territory roughly

incorporates the western side of the Sacramento Valley from the Carquinez Straits north to include most of the upper Sacramento River drainage, the McCloud River, and the lower reaches of the Pit River. The Wintun, a collective name, were subdivided into three sub-groups with the Southern, Central, and the Northern dialects known respectively as Patwin, Nomlaki, and Wintu. Within the Wintu region, nine subgroups existed, the closest being the Stillwater Wintu, or *Dawpom* (“front ground”).

Although economic subsistence was heavily weighted toward the acorn, the staple of the diet, the rich riverine resources of the Sacramento River supplied a large variety of foodstuffs. Hunting of game and small mammals augmented the diet with protein. Seasonal procurement of vegetable foods and the hunting of game occurred throughout the territory held by villages.

Villages were usually situated along rivers and streams or close to springs where reliable water supplies allowed a semi-permanent occupation. Major villages were located along the river banks, with locations oriented to higher spots on the natural levees. Smaller villages tended to be along the tributary streams and near springs. Cultural resources surveys in the region have demonstrated that there was very heavy use of tributary streams and other areas at a distance from the main river, while early ethnographies had emphasized the concentration of population primarily along the Sacramento River.

Historic Setting

The Knighton-Churn Creek Commons Retail Center project site lies adjacent to the lands of Rancho Buena Ventura, the most northerly land grant in California. The 26,000 grant was obtained by Pierson B. Reading in December 1844 from Governor Micheltorena. A house was constructed for Reading’s overseer of the rancho, and the land was stocked with cattle. The first house was burned by the Wintu in 1846. After Reading participated in the Bear Flag Revolt at Sonoma, he returned to his rancho and erected a more permanent home seven miles east of the community of Cottonwood.

The towns of Redding and Anderson were established on the Rancho Buena Ventura Land Grant. Elias Anderson purchased the American Ranch, as it had become to be known, in 1856, and on his land grew the nucleus of what is now the City of Anderson. The American Ranch was an early stopping place for travelers and traders on the old California-Oregon Road (Hoover, Rensch and Rensch 1970:485, 488).

By 1881, the town of Anderson had 225 residents, with two hotels, three blacksmith shops, a wagon shop, a harness shop, three saloons and a flour mill. A post office was established at American Ranch in 1855, and then was transferred to Anderson in 1878. In 1872, Elias Anderson granted a right-of-way for the California and Oregon Railroad (now Southern Pacific Railroad) through his property (Gudde 1969:10).

Identification of Historical Resources in the Project Site

Previous Studies

A cultural record search was conducted by the Northeast Center of the California Historical Resources Information System at California State University, Chico on July 11, 2005. The search included the following resources: National Register of Historic Places, the California Register of Historical Resources, California Points of Interest, California Inventory of Historic Resources, and California State Historic Landmarks.

The results of the records search indicated that two cultural resource studies have been conducted within portions of the Knighton & Churn Creek Commons Retail Center project site with negative results (Jensen 1998; Genesis Society, 2005). Known prehistoric period resources have been documented within a one-quarter mile radius of the Knighton & Churn Creek Commons Retail Center project site.

SB 18 Consultation

The County of Shasta, Department of Resource Management, Planning Department ("County") contacted the Native American Heritage Commission (NAHC) with a request for a Sacred Lands File check and to obtain a list of individuals and/or groups who have requested to be notified of proposed development within the county. The County sent letters on April 14, 2009 requesting comment of the proposed Knighton & Churn Creek Commons Retail Center project to: Jessica Jim, Chairperson, Pit River Tribe of California; Chairperson, Greenville Rancheria of Maidu Indians; Roaring Creek Rancheria; Kelli Hayward, Wintu Tribe of Northern California; Caleen Sisk-Franco, Tribal Chair, Winnemem Wintu Tribe, Barbara Murphy, Chair, Redding Rancheria; and, Roy V. Hall, Jr., Chairperson, Shasta Nation.

Mark Franco, Headman, Winnemem Wintu Tribe responded in writing on April 25, 2009 and stated, in part:

I have reviewed the site map, additional traffic lane adjustments and other infra-structure plans and find no apparent cause for concern relative to site disturbance. However, this area of the Churn Creek "bottom" is very close to three sites we have documented and appears to lie directly across the freeway from the large village that yielded over 100 sets of human remains. Roadwork on the west side of the freeway should be monitored as well as any other appurtenant work on roads and water distribution. We believe that although the freeway has transected the site boundary, that additional human remains and items will be discovered on the east side at a depth of 4 to 5 feet. We ask that the Wintu Tribe of Northern California (WTNC) be notified of this concern as this area is within their tribal land and area of concern.

The Winnemem stand ready to assist you if asked should remains be discovered, but defer to the WTNC regarding mitigation or other measures

they may require.

James Hayward, Sr., Redding Rancheria, spoke with the County staff on May 19, 2009 and followed up with written correspondence on June 1, 2009. The letter states..."I would like to point out a couple of givens. Any ground disturbance with a Culturally Sensitive area or APE is to be monitored by a locale Wintu hired by said developers." Mr. Hayward requested a conference with the County. He also requested that he be able to identify the areas of cultural concern and suggested that the NAHC be contacted to identify a Most Likely Descendant (MLD) for the area should human remains be uncovered. Mr. Hayward continues that the current 2007 Shasta Regional Auto Mall EIR mitigation measure concerning unexpected discoveries doesn't allow for the "redress or avoidance" of these areas.

REGULATORY SETTING

CEQA

CEQA Section 15064.5 requires that lead agencies determine whether projects may have a significant effect on archaeological and historical resources. This determination applies to those resources which meet significance criteria qualifying them as "unique," "important," listed on the California Register of Historical Resources (CRHR), or eligible for listing on the CRHR. If the agency determines that a project may have a significant effect on a significant resource, the project is determined to have a significant effect on the environment, and these effects must be addressed. If a cultural resource is found not to be significant under the qualifying criteria it need not be considered further in the planning process.

CEQA emphasizes avoidance of archaeological and historical resources as the preferred means of reducing potential significant effects. If avoidance is not feasible, an excavation program or some other form of mitigation must be developed to mitigate the impacts.

Shasta County General Plan

The September 2004 Shasta County General Plan contains a Heritage Resources Element that intends to, "...identify and protect sites and structures of architectural, historical, archaeological, or cultural significance (Shasta County General Plan 2004:6.10.1)." The 2004 General Plan Heritage Resource Element has a sole objective; the protection of significant prehistoric and historic cultural resources (Shasta County General Plan 2004:6.10.3). To accomplish this objective, Shasta County has adopted Policy HER-a, "Development projects in areas of known heritage value shall be designed to minimize degradation to these resources. Where conflicts are unavoidable, mitigation measures which reduce such impacts shall be implemented. Possible mitigation measures may include clustering, buffer or non-disturbance zones, and building siting requirements" (Shasta County General Plan 2004:6.10.4).

IMPACT EVALUATION CRITERIA

According to the *CEQA Guidelines*, a project's impacts are normally considered significant if it would:

- a) *Cause a substantial adverse change in the significance of an historical resource as defined in Section 15064.5?*
- b) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?*
- c) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature of paleontological or cultural value?*
- d) *Disturb any human remains, including those interred outside of formal cemeteries?*
- e) *Disturb unique architectural features or the character of surrounding buildings?*

Potential effects on cultural resources were considered with respect to local, state, and federal regulations as outlined in the *Public Resources Code, Section 21083.2*. In general, this code seeks to identify "significant" sites and/or properties, determine the possible effects on the resource, and provide ways to avoid or reduce potential impacts. Archaeological importance is generally (although not exclusively) a measure of the archaeological research value of a site which meets one or more of the following criteria:

- *Is associated with an event or person of recognized significance in California or American history or of recognized scientific importance in prehistory.*
- *Can provide information which is both of demonstrable public interest and useful in addressing scientifically consequential and reasonable archaeological research questions.*
- *Has a special or particular quality such as oldest, best example, largest, or last surviving example of its kind.*
- *Is at least 100 years old and possesses substantial stratigraphic integrity (i.e., it is essentially undisturbed and intact).*
- *Involves important research questions that historic research has shown can be answered only with archaeological methods.*

Virtually any physical evidence of past human activity can be considered a cultural resource, although not all such resources are considered to be significant. They often provide the only means of reconstructing the human history of a given site or region, particularly where there is no written history of that area or that period. Consequently, their significance is judged largely in terms of their historical or archaeological interpretive values. Along with research values, cultural resources can be significant, in

part, for their aesthetic, educational, cultural and religious values.

Section 15064.5 of the State CEQA Guidelines provides guidance for determining the significance of impacts to archaeological and historical resources. This section of the *State CEQA Guidelines* includes the following information:

- *definition of “historic resources”*
- *discussion of significant effects on historical resources*
- *discussion of effects on archaeological sites*
- *identification of procedures to be followed in the event that Native American or other human remains are discovered on a project site.*

Regulatory Framework

Federal, state, and local governments have developed laws and regulations designed to protect significant cultural resources that could be affected by actions that they undertake or regulate. The National Environmental Policy Act (NEPA), the National History Preservation Act of 1966 (NHPA), the Antiquities Act, and the California Environmental Quality Act (CEQA) are the principal federal and state laws governing preservation of historic and archaeological resources of national, regional, state, and local significance.

State Regulations

State historic preservation regulations affecting this project include the statutes and guidelines contained in the California Environmental Quality Act (CEQA; Public Resources Code sections 21083.2 and 21084.1 and sections 15064.5 and 15126.4 (b) of the CEQA Guidelines). CEQA requires lead agencies to carefully consider the potential effects of a project on historical resources. An “historical resource” includes, but is not limited to, any object, building, structure, site, area, place, record or manuscript that is historically or archaeologically significant (Public Resources Code section 5020.1).

Advice on procedures to identify such resources, evaluate their importance, and estimate potential effects is given in several agency publications such as the series produced by the Governor’s Office of Planning and Research (OPR), *CEQA and Archaeological Resources*, 1994. The technical advice series produced by OPR strongly recommends that Native American concerns and the concerns of other interested persons and corporate entities, including, but not limited to, museums, historical commissions, associations and societies be solicited as part of the process of cultural resources inventory. In addition, California law protects Native American burials, skeletal remains, and associated grave goods regardless of the antiquity and provides for the sensitive treatment and disposition of those remains (California Health and Safety Code Section 7050.5, California Public Resources Codes Sections 5097.94 et al).

The California Register of Historical Resources (Public Resources Code Section 5020 *et seq.*)

The State Historic Preservation Office (SHPO) maintains the California Register of Historical Resources (CRHR). Properties listed, or formally designated as eligible for listing, on the National Register of Historic Places are automatically listed on the CRHR, as are State Landmarks and Points of Interest. The CRHR also includes properties designated under local ordinances or identified through local historical resource surveys.

For the purposes of CEQA, an historical resource is a resource listed in, or determined eligible for listing in the California Register of Historical Resources. When a project will impact a site, it needs to be determined whether the site is an historical resource. The criteria are set forth in Section 15064.5(a)(3) of the CEQA Guidelines, and are defined as any resource that does any of 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; or
- D. Has yielded, or may be likely to yield, information important in prehistory or history.

In addition, the CEQA Guidelines, Section 15064.5(a) (4) states:

The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code section 5020.1(j) or 5024.1.

California Health and Safety Code Sections 7050.5, 7051, and 7054

These sections collectively address the illegality of interference with human burial remains, as well as the disposition of Native American burials in archaeological sites. The law protects such remains from disturbance, vandalism, or inadvertent destruction, and establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project, including the treatment of remains prior to,

during, and after evaluation, and reburial procedures.

California Public Resources Code Section 15064.5(e)

This law addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction. The section establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project and establishes the Native American Heritage Commission as the entity responsible to resolve disputes regarding the disposition of such remains.

Senate Bill (SB) 18/922

Senate Bill 18, signed into law by Governor Schwarzenegger in September 2004, requires cities and counties to notify and consult with California Native American Tribes about proposed adoption of, or changes to, general plans and specific plans for the purpose of protecting Traditional Tribal Cultural Places (“cultural places”). Interim tribal consultation guidelines were published by OPR on March 1, 2005. The proposed project falls under the SB 18 requirements as defined by OPR, and the County of Shasta was required to contact the Native American Heritage Commission and request consultation. SB 922 provides additional guidance to agencies.

Thresholds of Significance

The following thresholds of significance are based on Appendix G to the 2007 CEQA Guidelines. For purposes of this EIR, implementation of the proposed project may have a significant adverse impact on cultural resources if it would result in any of the following:

- Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the CEQA Guidelines.
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the CEQA Guidelines.
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- Disturb any human remains, including those interred outside of formal cemeteries.

Impacts and Mitigations

Threshold Would the project cause a substantial adverse change in the significance of an historical resource as defined in Section 15064.5 of the 2007 CEQA Guidelines?

Threshold Would the project cause a substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5 of the 2007 CEQA Guidelines?

CEQA requires consideration of project impacts on either archaeological sites or historical sites deemed to be historical resources. If the project will cause a substantial adverse change to the characteristics of the historical resource that convey its significance or justify its eligibility for inclusion in the California Register, than the project is judged to have a significant effect upon the environment, according to Section 15064.5 of the CEQA guidelines.

The inspection of the Knighton & Churn Creek Commons Retail Center project site by archeologists determined that there was no surface evidence of historical or archaeological resources present (Jensen 1998; Genesis Society 2005).

As with any inspection of the ground surface, there is always the possibility that historical or archaeological resources may be present, but are obscured from view from overlying sediments, vegetation, or have been buried by previous human activities. The Pocatello project site may contain buried historical or archaeological resources.

To ensure impacts to any potential buried historical or archaeological resources are *less than significant*, Mitigation Measure xxx should be followed.

Impact x.x-1 **Implementation of the proposed project may impact unknown buried historical or archaeological resources. Implementation of Mitigation Measure # xxx would reduce this impact to a *less than significant* level.**

Mitigation Measure #xxx:

x

A representative of the Wintu and Wintu Tribe of Northern California shall be invited to participate in any site reconnaissance, artifact evaluations or evacuation determined to be necessary at the project site.

x

To ensure that buried cultural resources or human remains, if encountered, are recognized by construction crews, a worker education plan shall be initiated prior to project implementation. Information describing potentially significant resource characteristics and the procedures to be followed in the event of such a discovery shall be provided.

x

If any artifacts, exotic rock types or unusual amounts of bone, or shell are uncovered during construction activities, work shall cease within a minimum of 100 feet of the discovery and a qualified archaeologist along with a representative of the Wintu and/or Wintu Tribe of Northern California shall be consulted for an on-the-spot-evaluation.

x

In the event that human burials or remains are encountered during site activities all work shall cease within 100 feet of the find, and the County Coroner shall be contacted immediately along with a representative of the Wintu and/or Wintu Tribe of Northern California. In the event remains are encountered and are determined to be of Native American descent the project proponent, County Coroner, and representative of the Wintu and/or Wintu Tribe of Northern California shall adhere to Health and Safety Code Section 7050.5, Public Resources Code Section 5097.98 and Section 15064.5(d) of the CEQA Guidelines.

Impacts to potential buried historical and archaeological resources are considered less than significant with the application of Mitigation Measure #xxx.

Sources

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