

3.5

CULTURAL RESOURCES

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This section of the Draft EIR describes cultural resources that potentially exist on the project site or in its vicinity that may be adversely affected by project implementation. Additionally, this section identifies feasible mitigation to address these potential impacts to cultural resources. Cultural resources are defined as prehistoric and historic archeological sites, architectural properties (e.g., buildings, bridges, and structures), and traditional properties with significance to Native Americans. This definition includes historic properties as defined by the National Historic Preservation Act (NHPA). The findings of the cultural resources survey of the project site performed by Jensen & Associates in 1998 and Genesis Society in 2005 have been relied upon by Peak & Associates in the analysis of impacts provided by this chapter (see [Appendix E](#)). The 2005 Genesis Society report is included in [Appendix F](#) of this Draft EIR. During the Notice of Preparation (NOP) period, comments were received from the Native American Heritage Commission, regarding cultural resources.

3.5.1 SETTING

Environmental Setting

The proposed project will be located on an approximately 92-acre site located north of Knighton Road, west of Churn Creek Road, south of East Niles Lane, and east of Interstate 5 (I-5) right-of-way. The proposed project site is located within the southeast quarter of Section 29, Township 31 North, Range 4 West. The project site is delineated on a copy of the United States Geological Survey (USGS) 7.5 minute series Enterprise topographic quadrangles (see [Figure 3.5-1](#)). The site was previously disturbed from agricultural uses; however, the project site is currently mostly fallow agricultural land, and also contains a Christmas tree farm, and a nursery. An Anderson Cottonwood Irrigation District (ACID) canal runs in a north-south direction through the subject property.

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 acre land 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 records search was conducted at the Northeast Center of the California Historical Resources Information System on July 11, 2005 for the project area. 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.

Native American 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 regarding 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 infrastructure 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

FEDERAL

National Historic Preservation Act

The National Historic Preservation Act was enacted in 1966 as a means to protect cultural resources that are eligible to be listed on the National Register of Historic Places (NRHP). The law sets forth criteria that are used to evaluate the eligibility of cultural resources. The National Register of Historic Places includes listing of districts, sites, buildings, structures, objects, architecture, archaeology, engineering, and culture that are significant to American History.

Virtually any physical evidence of past human activity can be considered a cultural resource, although not all such resources are considered to be significant and eligible for listing. 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.

STATE

California Historic Register Act

The California Historic Register Act was enacted in 1992 and codified in the Public Resource Code § 5020, 5024 and 21085. This law created the California Register of Historical Resources

and established criteria for assessing a “substantial adverse change” to a property that may be eligible for listing in the California Register of Historical Resources.

The law creates several categories of properties that may be eligible for the California Register. Certain properties are included in the program automatically, including: properties listed in the National Register of Historic Places; properties determined eligible for listing in the National Register of Historic Places; and certain classes of State Historical Landmarks. Other properties may be added through a nomination process and according to criteria yet to be developed by the State Historical Resources Commission (SHRC). The most practical criteria for assessing eligibility for the California Register are the criteria for listing in the National Register of Historic Places.

California Health and Safety Code, Section 7050.5 (b)

This section of the California Health and Safety Code requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If the remains are identified as Native American, the coroner must contact the California Native American Heritage Commission.

California Health and Safety Code, Section 7052

This section of the California Health and Safety Code establishes a felony penalty for mutilating, disinterring, or otherwise disturbing human remains, except by relatives.

CEQA Guidelines Section 15064.5

This section provides guidance for determining the significance of impacts to archaeological and historical resources. Demolition or material alteration of a historical resource, including archaeological sites, is generally considered a significant impact. CEQA requires lead agencies to carefully consider the potential effects of a project on historical resources. A “historical resource” includes, but is not limited to, any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant (Public Resources Code Section 5020.1). These guidelines specify criteria for evaluating the significance of cultural resources. These include: a) the resource is associated with events that have made a contribution to the broad patterns of California history; b) the resource is associated with the lives of important persons from our past; c) the resource embodies the distinctive characteristics of a type, period, region or method construction, or represents the work of an important individual or possesses high artistic values; or d) the resource has yielded, or may be likely to yield, important information in prehistory or history.

Public Resources Code, Section 5024 and 5024.5

This section of the Public Resources Code requires State agencies to inventory and protect historical structures and artifacts under their jurisdiction.

Public Resources Code, Section 5097.9

This section of the Public Resources Code states that it is contrary to the free expression and exercise of Native American religion to interfere with or cause severe or irreparable damage to any Native American cemetery, place of worship, religious or ceremonial site or sacred shrine.

Public Resources Code Section 5097.98 (Assembly Bill 2641)

This section of the Public resources Code requires landowners, upon discovery of human remains, to ensure that the immediate vicinity is not damaged or disturbed, until specific conditions are met, including discussing and conferring with the descendents regarding their preferences for treatment. This section also authorizes parties mutually agreeing to extend the discussions, taking into account the possibility of multiple human remains being located in the project area, providing a basis for additional treatment measures. Where multiple human remains are found during ground disturbing land development activity this section authorizes the landowner to agree to additional conferral with the descendents; however if the parties are unable to agree on appropriate treatment, the remains shall be reinterred.

Public Resources Code Section 21083.2

If an archaeological resource does not meet the definition of a “historical resource” as defined by CEQA’s criteria of significance, it may meet the definition of a “unique archaeological resource.” An archaeological resource is “unique” if it: a) contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; b) has a special and particular quality as being the oldest of its type or the best available example of its type; or c) is directly associated with a scientifically recognized important prehistoric or historical event or person.

Confidentiality

California Government Code Section 6254.10 exempts archaeological site information from the California Public Records Act, to prevent vandalism, trespassing, and unauthorized artifact acquisition. Locational information is not circulated as part of public documents.

Senate Bill 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.

LOCAL

Shasta County General Plan

Policy HER-a: Development projects in areas of known heritage value shall be designed to minimize degradation of 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 site requirements.

Table 3.5-1 provides a discussion of the proposed project’s consistency with applicable portions of *Shasta County General Plan* Policies related to cultural resources.

**Table 3.5-1
General Plan Consistency – Cultural Resources**

Policy No.	Finding	Discussion
HER-a	Consistent	Potential impacts to cultural resources that would occur within the plan area will be mitigated to ensure compliance with any policies or regulations. Please refer to Mitigation Measure #3.5.1.

3.5.2 THRESHOLDS OF SIGNIFICANCE

Section 15064.5 of the CEQA Guidelines provides guidance for determining the significance of impacts to archaeological and historical resources. Demolition or material alteration of a historical resource, including archaeological sites, is generally considered a significant impact. CEQA requires lead agencies to carefully consider the potential effects of a project on historical resources. A “historical resource” includes, but is not limited to, any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant (Public Resources Code §5020.1). Section 15064.5 of the CEQA Guidelines specifies criteria for evaluating the importance of cultural resources, including:

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

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.

3.5.3 IMPACTS AND MITIGATION MEASURES

Impact #3.5-1: Cause a substantial adverse change in the significance of a historical or archaeological resource as defined in Section 15064.5 of the CEQA Guidelines.

Discussion/Conclusion: 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 proposed project site does not contain unique architectural features, nor are such features found on surrounding properties and disturbance of unique historical architectural features or the character of surrounding buildings will not result from proposed project development.

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 or vegetation, or have been buried by previous human activities. The proposed project site may contain buried historical or archaeological resources. This impact is *potentially significant*.

Mitigation Measures

Implementation of the following mitigation measure will reduce the impacts to a *less than significant* level.

Mitigation Measure #3.5-1:

- *A representative of the Wintu and Toyon-Wintu Tribes shall be invited to (a) participate in any site reconnaissance, artifact evaluations or excavation determined to be necessary at the project site; and (b) to be present during ground preparation and project construction in areas determined based on evidence to be likely locations of significant cultural resources.*
- *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.*
- *Should any artifacts, exotic rock types or unusual amounts of bone, or shell be 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 Wintu Tribe of Northern California shall be consulted for an on-the-spot-evaluation.*
- *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 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 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.

Impact #3.5-2: Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature of paleontological or cultural value.

Discussion/Conclusion: Impacts on paleontological resources can result either directly or indirectly from pre-construction activities and construction of a proposed project. Direct impacts are those which result from the immediate disturbance of resources from vegetation removal, vehicle travel over the surface, earthmoving activities, excavation, or alteration of the setting of a resource. Indirect impacts are those which result from increased erosion due to project site clearance and preparation, or from inadvertent damage or outright vandalism to exposed resource materials which could occur due to improved accessibility. Damage or destruction to paleontological resources that are encountered on the project site during future construction is a *potentially significant* impact.

Mitigation Measures

Implementation of Mitigation Measure #3.5-1 will reduce this impact to a *less than significant* level. No additional mitigation measures are required.

Impact #3.5-3: Disturb any human remains, including those interred outside of formal cemeteries.

Discussion/Conclusion: Concordant with the mandates of Section 7050.5 of the California Health and Safety Code, if human remains are discovered during the construction phase of a development, all work must stop in the immediate vicinity of the find, and the County Coroner must be notified. If the remains are determined to be Native American, the Coroner will notify the Native American Heritage Commission, which in turn will inform a most likely descendant. The descendant will then recommend to the landowner the appropriate method for the disposition of the remains and any associated grave goods.

There is always the possibility that in the normal course of construction and land development, vegetation removal, earth moving, and other alterations could result in the discovery of previously unidentified cultural/historical resources. Damage or destruction to cultural resources that are encountered on the project site during future construction is a *potentially significant* impact.

Mitigation Measures

Implementation of Mitigation Measure #3.5-1 will reduce this impact to a *less than significant* level. No additional mitigation measures are required.