

4.7 CULTURAL RESOURCES

This section evaluates potential impacts to cultural resources that could result from implementation of the proposed project. The description of the affected environment, analysis of impacts and recommended mitigation is based on information from the *Cultural Resource Inventory, Nevada County Housing Element Rezone EIR Project*, prepared by Peak & Associates, Inc. on January 2013, which is included in Appendix D.

4.7.1 ENVIRONMENTAL SETTING

PREHISTORIC SETTING

Until relatively recent years, the study of Sierran archaeology lagged far behind the central valley and coastal areas in terms of developing a regional chronology and basic understanding of the prehistory of the area. In 1953, however, scientists began to synthesize Sierran archaeology and proliferated major archaeological projects due to work on water projects and other cultural resource management-based research efforts. Since then, there have been several archaeological reconnaissance surveys conducted in the Auburn Reservoir area, one of which is the Spring Garden Ravine site (CA-Pla-101) that will be useful for this analysis since the site contains three well-defined strata (Ritter 1970b).

The lowest stratum (C) has been radiocarbon dated at about 1400 B.C., and contains an assemblage similar to the Martis Complex, as defined at high-elevation sites in the Sierra. The artifacts include large projectile points (mostly of basalt and slate), atlatl (dart-thrower) weights, numerous core tools, and several varieties of grinding implements. The collection looks typical to the Martis Valley, as there was an emphasis on small game hunting and plant gathering, which allowed for the existence of more permanent villages in ecologically rich areas. The next stratum (B) is less easily defined, and appears to represent a transition between cultures represented by the upper and lower strata. Some of this transitional appearance may be attributable to the physical mixing of deposits; however, the basic integrity of the site is consistent with the two radiocarbon dates from stratum B (A.D. 1039±80 and 976±90). The upper stratum contains small projectile points (arrowheads), hopper mortars, and other artifacts comparable to recent archaeological collections elsewhere in the northern foothills. Stratum A is, therefore, most likely a manifestation of the ancestral Nisenan, the Indian group inhabiting the area at the time of Euro-American contact.

ETHNOGRAPHIC SETTING

The County of Nevada and specifically the proposed project area (Grass Valley, Penn Valley, and Lake of the Pines) lies within the ethnographic territory of the Nisenan, or Southern Maidu. The Nisenan occupied the upper drainages and the adjacent ridges of the Yuba, the north, middle and south forks of the American, and at least the upper north side of the Cosumnes River. The territory is conventionally believed to extend to the crest of the Sierra to the east and the Sacramento River to the west.

Nisenan has three main dialects – Northern Hill, Southern Hill and Valley Nisenan, with three or four subdialects. The Hill Nisenan lived along the foothills of the Sierra Nevada, primarily in small villages with family groups living outside the area of the main village. The main village had a reported dance house, Tuyi, and was located in the Grass Valley area, although the exact location has not been matched to a known archaeological site. The

Nisenan were socially integrated at the village or community group level, with the group participating in the decision-making process. The villages would range in size from 15 to 25 people to over 500 people in the Valley Nisenan. A headman, respected by all and residing in the major village, had the authority to call upon the smaller associated groups in times of need, although the smaller groups did not always have to obey.

The Nisenan, as with other Sierra Native American groups, moved into the higher elevations during the hot summer months. The main activity was the collecting of pine nuts and numerous other species of nuts, roots and berries. This was done primarily by women and children. The foraging groups in a locale could range from small, extended family groups, composed of a woman, her immediate female kin and their adolescent children to whole villages. The men spent most of their time hunting or fishing for a wide variety of fish and animals. Hunting was noted as often involving communal drives, with the best archers of the village posted to do the killing. Individual hunters made extensive use of decoys and imitative sounds.

Most Nisenan people never left the territory used by their own village group. However, there were, in most large villages, at least some individuals who engaged in rather extensive trade with several valley groups as well as Sierra groups, such as the Washo. The Hill Nisenan most likely acquired obsidian and basketry from the east, in exchange for acorns from the Washo, but it is presently unclear whether they were visited by the Washo or they visited the Washo or both. Presumably, the exchange network functioned in the summer and fall.

HISTORIC SETTING

The 1848 discovery of gold at Coloma in El Dorado County brought thousands of people to northern California seeking their fortunes. A number of small towns were developed to provide goods and services to the miners. Some of the towns died off almost as quickly as they developed, as the mining played out and the population shifted to other locations. Other communities, such as Grass Valley and Nevada City, became important regional service centers, continuing to serve Nevada County.

The 1833 malaria epidemic that decimated the Indians in the Central Valley played a major role in defining the post-Contact land use pattern of the Indians of the region, as well as impacting Euro-American economic development. The introduction of malaria to central California circa 1831 occurred as a result of expeditions of several fur brigades of the Hudson's Bay Company with infected individuals. The introduction of the disease led to the tremendous epidemic of 1833 that decimated the Indian population of the region. Of the total Indian population of the region, an estimated 75 percent died from the disease in that year. Malaria was epidemic in the mining camps of the Sierra foothill region, and remained endemic, with frequent sharp local outbreaks throughout the Central Valley until about 1880.

The proposed project areas lie in part within one of the major early mining districts of the state, the Grass Valley Mining District. In 1848, gold was discovered on Wolf Creek near Grass Valley. Although the placer mines were soon exhausted, quartz lodes were discovered that would support a very active mining industry for the next century. Grass Valley was named for the well-watered valley in which it lies in 1849. The starving cattle from a party of emigrants from the Truckee Pass Trail strayed from their camp and were found the next morning enjoying the abundant grass and water of the meadow.

The Gold Hill and Allison Ranch mines were the top producers in the early days, but others soon eclipsed them, particularly the Idaho-Maryland, Empire, North Star, Pennsylvania and

W.Y.O.D. Nearly four thousand miners were employed in the Grass Valley District during the Depression era and early World War II. The mines were closed during the war, but most of the larger mines in the district, in contrast to most gold mines in California, reopened after the war. The Idaho-Maryland group did not stop gold mining until 1956 and the gold mining era finally ended the following year when the Empire-Star group ceased production. Estimates of total production are not very accurate, but it is estimated that the lode mines of the Grass Valley District produced “at least” three hundred million dollars, with placer mines adding a few million more. The estimated production for the Coe Mine, the lode mine nearest the Grass Valley Sites 2 through 9, was \$500,000. Penn Valley was the site of some early mining efforts (nearest Sites 10-13) that transitioned to farms after the mining ceased.

PALEONTOLOGICAL SETTING

Paleontological resources are the fossilized remains of plants and animals. The age and abundance of fossils depend on the location, topographic setting and particular geologic formation in which they are found. Fossils generally occur in the Sierra Nevada in rocks that are young in age (less than 50 million years). According to the University of California, Museum of Paleontology, the closest fossil sites to the proposed project sites are a few miles to the east and north of Grass Valley.

4.7.2 CULTURAL RESOURCES WITHIN THE PROJECT AREA

Peak & Associates conducted a records search for the project parcels at the North Central Information Center (NCIC) of the California Historical Resources Information System. The purpose of the research was to determine what parcels, or portions thereof, had been surveyed for cultural resources in the past and the resources that had been recorded. Several published texts were also consulted for information on sites of recognized significance. None of the sites being considered for the proposed project are areas registered on the National Register of Historic Places or California Historical Landmarks. The results from the research conducted by Peak & Associates are summarized by area and project site below.

GRASS VALLEY AREA

Site 1: 07-380-17 – No previous surveys or sites were recorded on the property, although there have been numerous surveys nearby. McCourtney Road, which is the western boundary of the parcel, has been recorded as P-29-1518-H.

Site 2: 29-350-12 – There have been three surveys conducted on portions of this site, which together, encompass the entire parcel. The surveys identified a stamp mill just east of the parcel, an abandoned ditch near the southern boundary of the parcel and various mining-related features in the project area (P-29-1478, 1479, 1481, 1484, 2363).

Sites 3, 4, and 5: 35-412-15, 35-412-17, & 35-412-18 – These parcels were previously surveyed together by a Registered Professional Forester and an archaeologist who covered the full area of the parcels. There was a small ditch on the western and southern edges of the parcels recorded as P-29-859, and Brunswick Road, P-29-1516-H, bordering the east.

Site 6: 35-412-19 – The parcel borders Sites 3, 4, and 5, and was surveyed by the same group. The survey reported a ditch near the western boundary, P-29-859, and Brunswick Road on the east, P-29-1516-H.

Site 7: 35-412-21 – The parcel is east of Brunswick Road and north of Idaho Maryland Road. A survey was conducted along the latter, but just in the immediate area of the road.

Essentially, none of the parcel has been surveyed. There are no recorded sites within the parcel.

Site 8: 35-550-15 & 35-412-20 – No previous surveys or sites were recorded on the properties.

Site 9: 35-412-16 – No previous surveys or sites were recorded on the properties.

PENN VALLEY AREA

Sites 10 and 11: 51-150-29 – Both properties were surveyed in 1999 and do not have cultural resources present.

Site 12: 51-151-62 – This site was surveyed in 1991 and does not have cultural resources present.

Site 13: 51-370-02 – The property was covered in full through three different surveys in 1992, 2002, and 2011. No cultural resources were found on the site, however, a bedrock mortar site with associated midden was recorded nearby.

LAKE OF THE PINES AREA

Site 14: 57-141-29 – A survey has not been conducted on this site and no resources have been recorded. A survey of the adjacent CDF fire station recorded the existing features and nothing else.

Site 15: 57-270-02 – A survey has not been conducted on this site and no resources have been recorded.

Site 16: 57-270-03 – An old survey had covered most of the parcel with negative results, however, the report could not be located and would need to be redone due to the age of the analysis.

Site 17: 57-270-06 – A survey has not been conducted on this site and no resources have been recorded. The property just south of Site 17 has been surveyed and has no recorded cultural resources present.

Site 18: 11-181-03 – Survey and test excavations have been conducted on this property as part of the Dark Horse development in 1996, 1998, and 1999. A prehistoric cultural resource (CA-NEV-604) was recorded and tested on this site. Upon evaluation, it was not deemed eligible for the NRHP.

4.7.3 REGULATORY SETTING

FEDERAL FRAMEWORK

National Historic Preservation Act of 1966 (16 U.S.C. 470)

The National Historic Preservation Act (NHPA) is the most comprehensive national policy on historic preservation. The NHPA, which is designed to encourage the preservation and wise use of our historic resources, establishes the policy of the U.S. Government regarding historic preservation. The NHPA defines historic preservation to include "the protection, rehabilitation, restoration and reconstruction of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, or culture." Section 106 of the NHPA requires federal agencies to "take into account" the effect of their undertakings (projects) on historical and archaeological resources. Undertakings are projects funded or permitted by a federal agency. The National Register of Historic Places (NRHP), which is maintained by the National Park Service (NPS), is a compilation of cultural resources that

have been nominated and accepted as having historic, architectural, archaeological, engineering or cultural significance, at the national, state or local level.

Paleontological Resources Preservation Act

The federal Paleontological Resources Preservation Act of 2002 codifies the generally accepted practice of limited vertebrate fossil collection and limited collection of other rare and scientifically significant fossils by qualified researchers. Researchers must obtain a permit from the appropriate state or federal agency and agree to donate any materials recovered to recognized public institutions, where they will remain accessible to the public and to other researchers.

STATE FRAMEWORK

California Register of Historical Resources

The California Register of Historical Resources (CRHR) is a statewide program that is similar in scope to the National Register. It consists of a compilation of cultural resources that are significant within the context of local, California, or national history, but not necessarily history germane to other states. All resources listed in or formally determined eligible for the National Register are also eligible for the California Register, as are properties designated under municipal or county ordinances.

California Environmental Quality Act (CEQA)

The CEQA Statute and Guidelines include procedures for identifying, analyzing, and disclosing potential adverse impacts on historical resources, which include all cultural resources (archaeological sites and historical buildings, structures and objects) listed in or formally determined eligible for the National Register, the California Register, or listed in a local (county or municipal) register of historical resources. CEQA requires agencies that finance or approve public or private projects to assess the effects of the project on historical resources. If a project results in significant effects on important cultural resources, alternative plans or mitigation measures must be considered. However, only significant cultural resources (historical resources, as defined by CEQA) need to be addressed.

California Public Resources Code

California Public Resources Code Section 5097.5 prohibits excavation or removal of any “vertebrate paleontological site, or any other archaeological, paleontological, or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands.” Public lands are defined to include lands owned by or under the jurisdiction of the state or any city, county, district, authority or public corporation, or any agency thereof. Section 5097.5 also states that any unauthorized disturbance or removal of archaeological, historical or paleontological materials or sites located on public lands is a misdemeanor. Section 30244 requires reasonable mitigation for impacts on paleontological resources that occur as a result of development on public lands.

Section 5097.98 of the California Public Resources Code prohibits obtaining or possessing Native American artifacts or human remains taken from a grave or cairn, and sets penalties for such acts. Additionally, Section 5097.98, as amended by Assembly Bill 2641, states:

- (a) Whenever the commission receives notification of a discovery of Native American human remains from a county coroner pursuant to subdivision (c) of Section 7050.5 of

the Health and Safety Code, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The descendants shall complete their inspection and make their recommendation within 24 hours of their notification by the Native American Heritage Commission. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

- (b) Whenever the commission is unable to identify a descendent, or the descendent identified fails to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendent and the mediation provided for in subdivision (k) of Section 5097.94 fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall re-inter the human remains and items associated with Native American burials with appropriate dignity on the property in a location not subject to further subsurface disturbance.

LOCAL FRAMEWORK

Nevada County 1995 General Plan

The County of Nevada 1995 General Plan (1995 General Plan) includes a Cultural Resources Element, which contains several goals, objectives and policies designed to preserve and protect cultural resources within the County.

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| Goal 19.1 | Identify and protect and where economically feasible restore significant archaeological and historic resources. |
| Objective 19.1 | Encourage the inventory, protection and interpretation of the cultural heritage of Nevada County, including historical and archaeological landscapes, sites, buildings, features, artifacts. |
| Policy 19.2 | Encourage the inclusion of significant sites or districts in the Federal or State Historical Register based on the recommendation of local historical societies. |
| Policy 19.3 | Encourage and cooperate with the private sector in the implementation of innovative techniques intended to preserve archaeological and historic sites by gift, private conservancies and easements. |
| Objective 19.2 | Implement development standards, including the preservation of open space, to protect identified significant cultural sites. |
| Policy 19.4 | Incorporate cultural and historic resource management standards in the Comprehensive Site Development Standards, for use in project review of all discretionary project permits. These standards shall provide for the use of clustering and restricted building sites as techniques for the preservation of significant cultural resources. |

- Policy 19.5 In order to maintain a definition of community character and enhance local economies and tourism through adaptive reuse, include guidelines for preservation, maintenance and enhancement of the exterior design elements of structures and districts of local historic or architectural interest, as part of the Nevada County Community Design Guidelines.
- These guidelines shall encourage and provide for the adaptive reuse of historic buildings in order to preserve such buildings and to enhance local economies. The guidelines shall be advisory in nature and integrated with the Comprehensive Site Development Standards in the project review process.
- Policy 19.6 Require all applications for discretionary project permits, and all applications for ministerial project permits except single family residences on individual lots shall be accompanied by a Site Sensitivity Literature Review, prepared by a qualified archaeologist or entity such as the North Central Information Center, Department of Anthropology, California State University at Sacramento.
- Where review indicates significant archaeological or historical sites or artifacts are, or are likely, present, on-site field review shall be required. If a site or artifacts are discovered, the find shall be evaluated and potential significance determined. If significant cultural resources may be directly or indirectly impacted by proposed development, appropriate mitigation shall be developed and implemented in accordance with California Environmental Quality Act standards, including Appendix K, prior to onset of ground disturbance. Avoidance of significant cultural resources shall be considered the mitigation priority. Excavation of such resources shall be considered only as a last resort when sufficient planning flexibility does not permit avoidance. On-site field review, evaluation of site significance, and development of mitigation measures, as identified above, shall be performed by a qualified professional archaeologist.
- Objective 19.3 Include in the development review process consideration of historic, cultural, and Native American concerns and values.
- Policy 19.7 Cooperate with local historical societies and the Native American Indian community to protect significant historical, cultural and archaeological artifacts, improve access to and interpretation of unrestricted resources and archaeological history by involving them in the development review process.

City of Grass Valley 2020 General Plan

The City of Grass Valley 2020 General Plan (2020 General Plan) includes a goal and several objectives and policies designed to preserve and protect cultural resources within the City. The following lists the 2020 General Plan goal, objectives, and policies regarding preservation and protection of cultural resources that are relevant to Sites 1-9 of the proposed project parcels.

Goal 1-HG	Conserve and enhance the historical identity of Grass Valley.
Objective 2-HO	Preservation of buildings of historic and/or architectural merit.
Policy 3-HP	Establish appropriate design standards and elements that complement Grass Valley's historic heritage in newly developing areas.
Policy 4-HP	Enhance the appearance of City entryways, commercial areas, and streetscapes, in part through the use of elements in the design standards that complement Grass Valley's historic heritage.
Policy 8-HP	Investigate and implement procedures to protect historic structures from demolition.
Policy 10-HP	Where historic and prehistoric cultural resources have been identified, the City shall require that development be designed to protect such resources from damage, destruction, or defacement.
Policy 11-HP	If previously undiscovered cultural resources or human remains are encountered during construction or excavation, the procedures identified in Section 15064.5 of the CEQA Guidelines shall be followed.

4.7.4 ENVIRONMENTAL ANALYSIS

A pedestrian survey of the 18 sites forming the proposed project area was undertaken by Peak & Associates in June 2012. The survey was designed to be limited in nature with complete photography and plotting of historic and prehistoric resources, but only the recordation of prehistoric period sites. All existing buildings and artifacts were noted, but have not yet been evaluated for their historic significance by the National Register of Historic Places. The impact analysis below includes both previously identified historic and prehistoric resources in the area, and newly identified prehistoric resources found in the recent survey results conducted in June.

In addition to the pedestrian survey, the Native American Heritage Commission (NAHC) conducted a Sacred Lands File review for the eighteen proposed project sites on May 16, 2012. According to the NAHC, no information concerning sacred lands or cultural resources is on file with them for any of the parcels.

THRESHOLDS OF SIGNIFICANCE

According to Appendix G of the *CEQA Guidelines*, there would be a significant impact on cultural resources if the proposed project could:

- Potentially result in the damage or destruction of unique archaeological resources, as defined by Public Resources Code § 21083.2(g), and historical resources, as defined by CEQA Guidelines § 15064.5(a).
- Potentially result in the damage or destruction of unknown paleontological resources.
- Potentially result in the damage or destruction of unknown archaeological resources, including human remains.

POTENTIAL IMPACTS AND MITIGATION MEASURES

Historic and Prehistoric Resources

4.7-1 THE PROPOSED PROJECT COULD POTENTIALLY RESULT IN THE DAMAGE OR DESTRUCTION OF UNIQUE ARCHAEOLOGICAL RESOURCES, AS DEFINED BY PUBLIC RESOURCES CODE § 21083.2(G), AND HISTORICAL RESOURCES, AS DEFINED BY CEQA GUIDELINES § 15064.5(A).

Level of Significance Before Mitigation: Potentially Significant Impact

Impact Analysis

According to the research conducted by Peak & Associates, there are previously recorded historic-era resources on seven sites, and one previously recorded pre-historic era resource on Site 18, in the Lake of the Pines area. The previously recorded pre-historic era resource was also previously tested and found to lack any associated artifact deposit, thus, the resource is not eligible for the National Register of Historic Places. Any historic-era features discovered during the field survey were noted, but have not yet been formally recorded as a historic resource with the North Central Information Center. The future development of these sites will require a formal evaluation with the North Central Information Center, and possible mitigation. Two newly identified pre-historic era resources were found and recorded on Sites 7 and 13 during the field inspection conducted by Peak & Associates.

The following summary provides the results of the record search and field survey of each of the project sites. The survey results indicate whether the property has any previously recorded historic or prehistoric features as a result of a record search at the North Central Information Center. The field survey documented whether any potential or historic or prehistoric features were noted onsite. Prehistoric and historic resources that were found during the field survey are outlined by site and area below. Tables 4.7-1, *Historic Resources by Area*, and 4.7-2, *Pre-historic Resources by Area*, summarize previously recorded and the potential for additional resources by site.

GRASS VALLEY AREA

Site 1: 07-380-17 – No prehistoric or historic period resources were observed during the field inspection. However, McCourtney Road, which is the western boundary of the parcel, has been previously recorded as P-29-1518-H.

Site 2: 29-350-12 – Thirteen historic period prospect pits were observed in the non-logged portion of the parcel. No prehistoric period resources were present.

Site 3: 35-412-15 – Prehistoric period resources were not observed on the site. Previously identified historic resources, Brunswick Road (P-29-1516-H), and a small ditch (P-29-859-H), have already been recorded. A small drainage located along the southern boundary also appeared to be utilized by the Nevada Irrigation District to transfer water.

Site 4: 35-412-17 – Previously identified resource (P-29-859-H), a small ditch, was recorded along the western portion of the parcel. Approximately a half dozen tent encampments and one wood pole structure were located on the parcel in various locations. No prehistoric period resources were observed during the inspection.

Site 5: 35-412-18 – Site P-29-1516-H, Brunswick Road, bordered the parcel along the eastern side. No prehistoric period resources were observed during the inspection.

Site 6: 35-412-19 – A tent encampment was located in the eastern portion of the site. A ditch near the western boundary (P-29-859), and Brunswick Road (P-29-1516-H) were previously recorded on the borders of the parcel. No prehistoric period resources were observed during the inspection.

Site 7: 35-412-21 – A small drainage located along the southern boundary appeared to be utilized by the Nevada Irrigation District to transfer water. The frame of a 1930s era touring car is located near the center of the parcel, adjacent to an abandoned roadway that transects the parcel in an east/west orientation. Previously recorded site P-29-1516-H, Brunswick Road, bordered the parcel along the western side.

A prehistoric resource, PA-12-20, was found during the field inspection. The resource consisted of a large-flat topped metavolcanic boulder with seventeen mortar cups on its surface. There were no artifacts found in association with the bedrock mortar feature. The feature is located about 30 feet west of a small, intermittent drainage.

The prehistoric period food processing feature was recorded to current standards and the Department of Recreation 523 Series forms, sketch and location maps are in the confidential appendices of Appendix F.

Site 8: 35-550-15 & 35-412-20 – Prehistoric period sites were not found during the inspection. Areas of scattered tailings in the western third of APN 35-550-15 and eastern portion of APN 35-412-20 were found. Three buildings on the 35-550-15 portion of the site were found. One building was estimated as a 1940s era small cabin, another as a 1950s era residence, and another as a 1960s era residence.

Site 9: 35-412-16 – Prehistoric period sites were not found during the field inspection. One ditch was found along the southern boundary of the site, along with the remains of an old wire fence paralleling the ditch. These resources might indicate Nevada Irrigation District use at some point, but is now abandoned.

PENN VALLEY AREA

Site 10: 51-120-06 – The property had no historic or prehistoric resources present.

Site 11: 51-150-29 – Three concrete pads, a concrete foundation, and a concrete-lined well were found on the property. One of the three concrete pads looked to have once had a home, while the other two appeared to be a garage and outbuilding, respectively. The concrete foundation was raised and appeared to pre-date the three concrete pads and concrete lined well. No prehistoric period resources were observed during the field inspection.

Site 12: 51-151-62 – No prehistoric or historic resources were observed during the field inspection.

Site 13: 51-370-02 – A prehistoric resource was identified (PA-12-21) and was recorded to current standards and the Department of Parks and Recreation 523 Series forms, which are kept confidential. The newly identified resource is a small, granatic boulder with a single mortar cup. There were no artifacts found in association with the bedrock mortar feature. The source is located about 50 feet east of a small, intermittent drainage.

LAKE OF THE PINES AREA

Site 14: 57-141-29 – The property slopes moderately down to the south and comprises five acres of oak parkland with rare bedrock exposures located primarily in the northern portion of the property. All bedrock boulders were inspected carefully for signs of grinding or rock art, but no such indications were observed. No signs of occupation in the historic or prehistoric periods were observed.

Site 15: 57-270-02 – The property is fairly level on the east portion of the site, then slopes sharply down to the west. There are two permanent structures on the property, a residence and a barn. Both the residence and barn are of recent construction. No indication of prehistoric use or habitation on the property was observed.

Site 16: 57-270-03 – No signs of prehistoric occupation or use were observed. A modern barn exists on the property, adjacent to a county water treatment facility. No evidence of earlier structures was observed.

Site 17: 57-270-06 – The only signs of historic use of the property were recent: a fence and gate on Rosewood Road, a metering well near the western boundary and a small wood-cutters camp on the eastern boundary. These sites are not considered historic since they are of recent construction. There were no indications of prehistoric occupation or use.

Site 18: 11-181-03 – There are no structures on the parcel or any indication of previous historic occupation. There is a previously recorded archaeological site on the property, CA-NEV-604, consisting of two widely separated boulders with a total of six mortars situated on the south facing slope of a hill on the southern portion of the parcel. The resource was previously recorded and tested and found to lack any associated artifact deposit, thus, the resource is not eligible for the National Register of Historic Places.

**Table 4.7-1
Historic Resources by Area**

Site/Project Area	Previously Recorded Historic Site(s)	Potential for Historic Resources?
Grass Valley SOI		
Site 1	Yes	No
Site 2	Yes	Yes
Site 3	Yes	Yes
Site 4	Yes	Yes
Site 5	Yes	Yes
Site 6	Yes	Yes
Site 7	Yes	Yes
Site 8	No	Yes
Site 9	No	Yes
Penn Valley Area		
Site 10	No	No
Site 11	No	Yes
Site 12	No	No
Site 13	No	No
Lake of the Pines Area		
Site 14	No	No
Site 15	No	No
Site 16	No	No
Site 17	No	No
Site 18	No	No

There are three recorded prehistoric sites within the proposed project area, including one site that was previously identified and two newly identified. Table 4.7-2, *Prehistoric Resources by Area*, summarizes the location of the recorded resources by area.

**Table 4.7-2
 Prehistoric Resources by Area**

Project Area	Previously Recorded Prehistoric Site	Potential for Prehistoric Resources
Grass Valley SOI		
Site 1	No	No
Site 2	No	No
Site 3	No	No
Site 4	No	No
Site 5	No	No
Site 6	No	No
Site 7	No	Yes
Site 8	No	No
Site 9	No	No
Penn Valley Area		
Site 10	No	No
Site 11	No	No
Site 12	No	No
Site 13	No	Yes
Lake of the Pines Area		
Site 14	No	No
Site 15	No	No
Site 16	No	No
Site 17	No	No
Site 18	Yes*	No

*Note: Site 18 has a previously recorded archaeological site on the property that has already been tested, but was found to lack any associated artifact deposit, thus is not eligible for the National Register of Historic Places.

Potentially significant cultural resources were identified on Sites 2, 3, 7, 8, 9, 11 and 13. These areas were included within Environmentally Sensitive Areas (ESAs) as shown in Figures 3-15 through 3-24 in Chapter 3.0 of this EIR. Areas identified as ESAs must be avoided during project construction. Cultural resources within the protection of the ESAs are considered to be avoided and no further evaluation for recorded historic and prehistoric sensitivity is required. Without the implementation of ESAs on Sites 2, 3, 7, 8, 9, 11 and 13, potential impacts to recorded isolated historic and prehistoric resources would be considered a significant impact under CEQA.

Mitigation Measures:

The following mitigation measure pertains to Sites 2, 3, 7-9, 11, and 13.

- 4.7-1 Prior to approval of a Site Plan, grading plan, or any permit authorizing construction for a property within the RH Combining District, the project developer shall to the satisfaction of the Director of the County Planning Department (or City of Grass Valley Planning Department for Sites 1-9):
 - Establish areas with potentially significant cultural resources as Environmentally Sensitive Areas consistent with the mapped areas in Figures 3-15 through 3-24 of this EIR. Prior to construction, all potential prehistoric and historic resources shall be designated as an ESA on project plans and specifications. No construction shall be permitted within the ESAs.

Level of Significance After Mitigation: Less Than Significant Impact

Paleontological Resources

4.7-2 THE PROPOSED PROJECT COULD POTENTIALLY RESULT IN THE DAMAGE OR DESTRUCTION OF UNKNOWN PALEONTOLOGICAL RESOURCES.

Level of Significance Before Mitigation: Potentially Significant Impact

Impact Analysis

Although no paleontological resources are known to exist on any of the proposed project sites, the presence of unknown paleontological resources cannot be ruled out because the presence of paleontological resources is often not determined until grading and excavation activities begin. Ground-disturbing activities have the potential to damage or destroy unknown paleontological resources. Implementation of Mitigation Measure 4.7-2, identified below, would reduce potential impacts on paleontological resources to less than significant.

Mitigation Measure:

The following mitigation measure applies to all sites.

- 4.7-2 Prior to approval of a Site Plan, grading plan, or any permit authorizing construction for a property within the RH Combining District, the project developer shall provide, to the satisfaction of the Director of the County Planning Department (or City of Grass Valley Planning Department for Sites 1-9), a letter from a qualified paleontologist that states the following:

Should any paleontological resources (i.e., fossils) be uncovered during project construction activities, all work in the immediate vicinity shall be halted or diverted to other areas on the site and the County (or City as applicable) shall be immediately notified. A qualified paleontologist shall be retained to evaluate the finds and recommend appropriate mitigation measures for the inadvertently discovered paleontological resources. The County (or City as applicable) and the project developer shall consider the recommendations of the qualified paleontologist. The County (or City as applicable), the qualified paleontologist, and the project developer shall consult and agree upon implementation of a measure or measures that the County (or City as applicable), the qualified paleontologist, and the project developer deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by the project developer, qualified paleontologist, and the County (or City as applicable), as well as the Native American tribal representative if relevant, as to the appropriate preservation or mitigation measures.

Level of Significance After Mitigation: Less Than Significant Impact.

Unanticipated Discovery

4.7-3 THE PROPOSED PROJECT COULD POTENTIALLY RESULT IN THE DAMAGE OR DESTRUCTION OF UNKNOWN ARCHAEOLOGICAL RESOURCES, INCLUDING HUMAN REMAINS.

Level of Significance Before Mitigation: Potentially Significant Impact

Impact Analysis

There is a possibility that unrecorded cultural resources, including human remains, are present beneath the ground surface and that such resources could be exposed during the construction of future development projects allowed within the proposed project area. The following mitigation would reduce potential adverse impacts to less than significant.

Mitigation Measure:

The following mitigation measure applies to all sites.

- 4.7-3 Prior to approval of a Site Plan, grading plan, or any permit authorizing construction for a property within the RH Combining District, the project developer shall provide, to the satisfaction of the Director of the County Planning Department (or City of Grass Valley Planning Department for Sites 1-9), a letter from a qualified archaeologist that states the following:
- A. The project developer shall retain a qualified archaeologist meeting the Secretary of Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, to monitor all initial ground-disturbing activities in native soils or sediments, including all vegetation removal. If no cultural resources are identified during this phase of ground disturbance, and if determined between the qualified archaeologist and the lead agency, monitoring may be reduced to on-call status. If any prehistoric or historic artifacts or other indications of archaeological resources are found during site grading or once project construction is under way, the on-site monitor shall be empowered to temporarily halt or divert construction in the immediate vicinity of the discovery while it is evaluated for significance, and the County (or City as applicable) shall be immediately notified. Construction activities could continue in other areas. The archaeologist shall evaluate the finds and recommend appropriate mitigation measures for the inadvertently discovered cultural resources. The County and the project developer will consider the recommendations of the qualified archaeologist. The County (or City as applicable), the qualified archaeologist, and the project developer shall consult and agree upon implementation of a measure or measures that the County, the qualified archaeologist, and the project developer deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by the project developer, the qualified project archaeologist, and the lead agency as to the appropriate preservation or mitigation measures.

- B. Should cultural resources, other than human remains, be discovered during construction activities when an archaeological monitor is not present, project personnel shall halt such activities in the immediate area and notify a qualified archaeologist meeting the Secretary of Interior's Professional Qualifications Standards in prehistoric or historical archaeology immediately to evaluate the resource(s) encountered and recommend the development of mitigation measures for potentially significant resources consistent with PRC Section 21083.2(i). Construction activities could continue in other areas. The archaeologist shall evaluate the finds and recommend appropriate mitigation measures for the inadvertently discovered cultural resources. The County (or City, as applicable) and the project developer will consider the recommendations of the qualified archaeologist. The County (or City, as applicable), the qualified archaeologist, and the project developer shall consult and agree upon implementation of a measure or measures that the County (or City, as applicable), the qualified archaeologist, and the project developer deem feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. Further ground disturbance shall not resume within the area of the discovery until an agreement has been reached by the project developer, the qualified project archaeologist, and the lead agency, as well as the Native American tribal representative if relevant, as to the appropriate preservation or mitigation measures.

Should the discovery include Native American human remains, in addition to the required procedures of Health and Safety Code Section 7050.5, PRC Section 5097.98 and California Code of Regulations (CCR) Section 15064.5(e), all work must stop in the immediate vicinity of the find and the Nevada County Coroner must be notified. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Sections 15064.5(d) and (e) shall be followed.

Level of Significance After Mitigation: Less Than Significant Impact

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