6 CULTURAL RESOURCES

This chapter describes the existing conditions for cultural resources and paleontological resources on the project site and in the immediate area surrounding the project site. Impacts of the project on cultural resources, including prehistoric and historic resources, and on paleontological resources are discussed.

6.1 ENVIRONMENTAL SETTING

6.1.1 CULTURAL SETTING

The following cultural resources information is summarized from *Heritage Resource Inventory and Evaluation Lake Tahoe Basin Biomass Energy Facility Project (Placer County)*, prepared by Susan Lindström, Ph.D., April 2011.

WASHOE HISTORY

The project area falls within the center of Washoe territory, with primary use by the northern Washoe. The northern Washoe or *Wa She Shu* traditionally inhabited areas around present day Reno, Truckee, Loyalton, the Sierra Valley, Long Valley, and Honey Lake, and are acknowledged in the most general sense to have known the most about Tahoe's north shore and the Truckee Basin. Native American archaeological sites abound in the Truckee River Canyon and on adjoining bluffs.

The Washoe have a tradition of making long treks across the Sierran passes for the purpose of hunting, trading, and gathering acorns. These aboriginal trek routes, patterned after game trails, are often the precursors of our historic and modern road systems. Archaeological evidence of these ancient subsistence activities are found along the mountain flanks as temporary small hunting camps containing flakes of stone and broken tools. In the high valleys more permanent base camps are represented by stone flakes, tools, grinding implements, and house depressions.

The Washoe are part of an ancient Hokan-speaking residual population, which has been subsequently surrounded by Numic-speaking peoples, such as the Northern Paiute. However, even into the 21st Century, the Washoe have not been completely displaced from their traditional lands. The contemporary Washoe have developed a Comprehensive Land Use Plan (Washoe Tribal Council 1994) that includes goals of re-establishing a presence within the Tahoe Sierra and re-vitalizing Washoe heritage and cultural knowledge, including the harvest and care of traditional plant resources and the protection of traditional properties within the cultural landscape.

EUROAMERICAN HISTORY

TRANSPORTATION

The project site is located within a historic transportation corridor that contains the present-day State Route (SR) 89. Originally part of the Placer County Emigrant Road, or Scott's Route, this corridor, which follows the Truckee River Canyon, provided the earliest and most primary access to Tahoe's north shore, beginning in 1852. In 1860, John A. Huntington constructed the Tahoe-Truckee Toll Road. Later the Truckee River and Lake Tahoe Turnpike Company supplanted John Huntington's Tahoe-Truckee Toll Road organization. A road following the current alignment of SR 89 appears on historic maps of the area.

The Lake Tahoe Railway and Transportation Company (LTR&TCo.) began operations in 1900 on a 16-mile railroad line between the Central Pacific Railroad (later Southern Pacific Railroad) at Truckee, through the Truckee River Canyon to Tahoe City. The railroad paralleled the SR 89 alignment and the Truckee River, crossing from side to side throughout its route between the mainline at Truckee and its principal terminus at Tahoe City. Unlike previous

railroads in the Tahoe region, the LTR&TCo.'s new line was a tourist railroad from the very beginning. By the turn of the century lumbering diminished in significance, as the land used for these activities became more valuable for residential, commercial, and recreational purposes. Prior use of national forest lands for grazing or timber production gave way to recreation, as recreation and allied services became the major economic forces shaping growth. The first automobiles entered into the Tahoe Basin around 1910 and by the 1930s a statewide network of engineered and major routes had been established through the montane regions. An extensive publicity campaign was launched and Tahoe was promoted as an all-year resort. In 1925, the narrow-gauge railroad was leased to Southern Pacific. In exchange, Southern Pacific widened (broad-gauged) the tracks and operated Pullmans with over-night service between San Francisco and Tahoe City. The line was abandoned in 1943, as more automobile traffic moved over the highways.

Logging

Although the history of lumbering in and around the Lake Tahoe Basin took place within the larger history of the Comstock Lode, the onset of lumbering in the Truckee Basin and on the California side of Tahoe's north shore was largely coincident with the building of the first transcontinental railroad and the subsequent opening of new wood markets along its route. During the 1860s and until around the turn of the century, demands for large saw logs and cordwood targeted pine species for the production of timbers for the mines and the railroad. As timber markets were gradually expanded with the completion of the railroad, a growing emphasis was placed on the production of other wood products. The expansion beyond sawmilling into such facilities as planing mills, box factories, and sash and door establishments, meant that self-sufficient communities (like Truckee) grew up where the larger mills were situated.

From the 1860s into the early 1900s several leading historic lumber companies and independent wood contractors established logging operations on lands within and adjacent to the project area. The Truckee Lumber Company owned land encompassing the Eastern Regional MRF and Transfer Station (adjacent to the Cabin Creek Biomass project site). From 1867 through 1909 the Truckee Lumber Company (TLCo.) harvested timber throughout the Truckee and Tahoe basins, focusing on Tahoe's northwest section along the elevated plateaus above both sides of the Truckee River. Historic land ownership maps show the TLC owned all lands surrounding the Eastern Regional MRF and Transfer Station site on both sides of the Truckee River. Section 28 (Township 17 North/Range 16 East), which contains the project site, was also owned by the TLCo., excepting the southwest quarter of the section. The TLCo. was one of the earliest, most successful, and longest lived of the regional lumber companies; mills of other lumber companies were relatively short-lived and not community based. The company formed the economic base of Truckee town for nearly four decades.

TOURISM AND DEVELOPMENT OF COMMUNITIES

With the demise of large-scale logging, most of the associated mill towns were abandoned. A handful of lumbering centers (Truckee, Incline, Kings Beach, and Tahoe City) survived and prospered by building a future primarily on tourism. As the Tahoe Basin attracted more interest and more tourists, diverse resorts appeared along the shores of the lake. People of more modest means camped or vacationed in rustic hotels and cottages and Tahoe's backwoods became increasingly populated by recreationists. With the legalization of gambling in 1931, gaming became a significant factor in the economic structure of the Tahoe Basin. After the 1960 Winter Olympics, which were based in Squaw Valley, an irreversible trend was established with the demand for year-round residency and the transportation and communications infrastructure was further expanded. Thereafter, the ski industry assumed a prominent place in the economy of the Tahoe-Truckee basins.

6.1.2 PALEONTOLOGICAL SETTING

Paleontology is the study of prehistoric life and an organism's interaction with other organisms and the environment. It is a science that attempts to explain causes, rather than to conduct experiments to observe effects, and is often based on fossil evidence.

Paleontological resources have been identified in the Truckee Basin area including resources located four miles southwest of Downtown Truckee and 5 miles northeast of Downtown Truckee near the Boca Reservoir. The resources near the Boca Reservoir were from the Quaternary period and the Pleistocene epoch (1.6 million years before present [B.P.]) and the resource located southwest of Truckee is from the Quaternary period and the Holocene epoch (11,000 years B.P.) (Town of Truckee 2006). The Cabin Creek Biomass Project site is located approximately 3 miles southwest of Downtown Truckee. Geologic mapping conducted for the Eastern Regional Landfill Closure showed the project site is covered with material of glacial origin (older moraine) from a Pre-Tahoe period of glaciation (Placer County 1994:4-1). The California Geologic Survey maps of the areas show the rocks in the project vicinity are from the Tertiary period (1.6 million years B.P.) and Quaternary periods (up to 65 million years B.P.) (DOC 2010). No paleontological resources have been recorded on the project site (UCMP n.d.).

6.1.3 IMPORTANT CULTURAL RESOURCES

No historical resource or unique archaeological resource was discovered on the project site.

6.2 REGULATORY SETTING

Federal and State laws and regulations applicable to historical and architecturally-significant resources, as well as archaeological and paleontological resources are described briefly below.

6.2.1 FEDERAL

NATIONAL HISTORIC PRESERVATION ACT

Among those statutes enacted by Congress that affect historic properties, the National Historic Preservation Act of 1966 (NHPA) is the most significant law that addresses historic preservation. One of the most important provisions of the NHPA is the establishment of the National Register of Historic Places (NRHP), the official designation of historical resources. Districts, sites, buildings, structures, and objects are eligible for listing in the Register. Nominations are listed if they are significant in American history, architecture, archeology, engineering, and culture. The NRHP is administered by the National Park Service. To be eligible, a property must be significant under criterion A (history), B (persons), or C (design/construction); possess integrity; and ordinarily be 50 years of age or more.

Listing in the NRHP does not entail specific protection or assistance for a property but it does guarantee recognition in planning for federal or federally-assisted projects, eligibility for federal tax benefits, and qualification for federal historic preservation assistance. Additionally, project effects on properties listed in the NRHP must be evaluated under CEQA.

Once a heritage resource has been recorded and if it is determined to be significant, the potential impacts (or effects) of a project on a heritage property are assessed. Federal regulatory impact thresholds are contained in Section 106 of the NHPA and accompanying regulations (36 CFR [Code of Federal Regulations] Part 800). Section 106 requires that federal agencies consider the effects of their actions on significant archaeological properties prior to implementing a project or "undertaking." The criteria of effect are found in 36 CFR 800.0(a) and state that:

An undertaking has an effect on a historic property when the undertaking may alter characteristics of the property that may qualify the property for inclusion in the National Register.

The Advisory Council's regulations require that the federal agency apply the criteria of adverse effect to historic properties that will be affected by a proposed undertaking (36 CFR 800.9b). An undertaking is considered to have an adverse effect when the effect on a historic property may diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association, or the quality of data suitable for scientific analysis.

PALEONTOLOGICAL RESOURCES PRESERVATION ACT

The Paleontological Resources Preservation Act (PRPA) of 2009 calls for uniform policies and standards that apply to fossils on all federal public lands. All federal land management agencies are required to develop regulations that satisfy the stipulations of the PRPA. Section 6302 of the PRPA mandates that federal agencies "shall manage and protect paleontological resources on Federal land using scientific principles and expertise." (SVP 2010)

6.2.2 **STATE**

CALIFORNIA REGISTER OF HISTORIC RESOURCES

The California Register of Historical Resources established a list of those properties which are to be protected from substantial adverse change (Public Resources Code Section 5024.1). A historical resource may be listed in the California Register if it meets any of the following criteria:

- It is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- ▲ It is associated with the lives of persons important in California's past.
- ✓ It 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 value.
- ▲ It has yielded or is likely to yield information important in prehistory or history.

The Register includes properties that are listed or have been formally determined to be eligible for listing in the NRHP, State Historical Landmarks, and eligible Points of Historical Interest. Other resources require nomination for inclusion in the Register. These may include resources contributing to the significance of a local historic district, individual historical resources, historical resources identified in historic resource surveys conducted in accordance with State Historic Preservation Office (SHPO) procedures, historic resources or districts designated under a local ordinance consistent with Commission procedures, and local landmarks or historic properties designated under local ordinance.

HEALTH AND SAFETY CODE, SECTION 7052 AND 7050.5

Section 7052 of the Health and Safety Code states that the disturbance of Native American cemeteries is a felony. Section 7050.5 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 determined to be Native American, the coroner must contact the California Native American Heritage Commission (NAHC).3

CALIFORNIA NATIVE AMERICAN HISTORICAL, CULTURAL, AND SACRED SITES ACT

The California Native American Historical, Cultural and Sacred Sites Act applies to both State and private lands. The Act requires that upon discovery of human remains, that construction or excavation activity cease and that the county coroner be notified. If the remains are of a Native American, the coroner must notify the NAHC. The NAHC then notifies those persons most likely to be descended from the Native American's remains. The Act stipulates the procedures the descendants may follow for treating or disposing of the remains and associated grave goods.

PUBLIC RESOURCE CODE, SECTION 5097

Public Resources Code, Section 5097 specifies the procedures to be followed in the event of the unexpected discovery of human remains on nonfederal land. The disposition of Native American burial falls within the jurisdiction of the NAHC. Section 5097.5 of the Code states the following:

No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate pale ontological site, including fossilized footprints, inscriptions made by human agency, 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. Violation of this section is a misdemeanor.

CALIFORNIA PUBLIC RESOURCES CODE SECTION 5097.5 (PALEONTOLOGICAL RESOURCES)

California Public Resources Code Section 5097.5 prohibits the 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 as lands owned by or under the jurisdiction of the State or any city, county, district, authority, or public corporation. Any unauthorized disturbance or removal of archaeological, historical, or paleontological materials or sites located on public lands are considered misdemeanors.

According to standard procedures published by the Society of Vertebrate Paleontology (2010), sedimentary rock units with a high potential for containing significant nonrenewable paleontologic resources are those determined by previous studies to contain vertebrate or significant invertebrate fossils (Society of Vertebrate Paleontology 2010). Significant paleontologic resources are fossils or assemblages of fossils that are unique, unusual, rare, uncommon, diagnostically or stratigraphically important, and those that add to an existing body of knowledge in specific areas, stratigraphically, taxonomically, or regionally (Reynolds 1990 as cited in Caltrans 2012).

6.2.3 LOCAL

PLACER COUNTY GENERAL PLAN

The following polices pertaining to cultural resources contained in the Placer County General Plan (1994) are relevant to the project. Refer to Table 4-1 in Chapter 4, Land Use, for a discussion of the project's consistency with these policies.

■ Policy 5.D.6. The County shall require that discretionary development projects identify and protect from damage, destruction, and abuse, important historical, archaeological, paleontological, and cultural sites and

their contributing environment. Such assessments shall be incorporated into a countywide cultural resource data base, to be maintained by the Department of Museums.

▶ Policy 5.D.7. The County shall require that discretionary development projects are designed to avoid potential impacts to significant paleontological or cultural resources whenever possible. Unavoidable impacts, whenever possible, shall be reduced to a less than significant level and/or shall be mitigated by extracting maximum recoverable data. Determinations of impacts, significance, and mitigation shall be made by qualified archaeological (in consultation with recognized local Native American groups), historical, or paleontological consultants, depending on the type of resource in question.

6.3 IMPACTS

6.3.1 SIGNIFICANCE CRITERIA

Pursuant to the Placer County Environmental Questionnaire and CEQA Guidelines Appendix G, a cultural resource would be considered significant if implementation of the project under consideration would do any of the following:

- ▲ Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 of the State CEQA Guidelines.
- ✓ Cause a substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5 of the State 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.

An assessment of potential project impacts at the state and county level is conducted within the context of CEQA Section 15064.5 Guidelines. For the purposes of CEQA, impacts to "historical resources" and "unique archaeological resources" that are significant are defined in CEQA Guidelines Section 15064.5(b). Adverse effects include physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings (Section 15064.5(b-1, 2). The project sponsor is directed to follow the 1995 Secretary of the Interior's Standards for the Treatment of Historic Properties (Section 15064.5(b-3) to identify and adopt mitigation measures to avoid adverse effects (Section 15064.5(b-4,5). If a heritage resource does not meet CEQA criteria of significance or if it is not a unique archaeological or a historical resource, the effect of a project on this resource is not considered to be a significant effect on the environment. It is sufficient that both the resource and the effect on it are noted in the environmental document, but they need not be considered further in the CEQA process (CEQA 15064.4.[c][3-4]).

6.3.2 METHODS AND ASSUMPTIONS

PREFIELD RESEARCH

Prefield research was conducted by Susan Lindström, Ph.D. Prefield research entailed a literature review of prehistoric and historic themes for the project area. This included a review of prior archaeological research and of pertinent published and unpublished literature. Historic maps dating from 1865 were reviewed to determine prior land ownership of the project area and trace developments in the local transportation, logging, and community development.

PRIOR ARCHAEOLOGICAL STUDIES

An in-house records search was conducted in April 2011 by the North-Central Information Center (NCIC) of the California Historical Resources Information System (CHRIS), an adjunct of the SHPO. Records housed at California State University Sacramento were reviewed by NCIC staff to identify any properties listed on the National Register, California Register and other listings, including the files of the SHPO and the below sources:

- National Register of Historic Places and California Register of Historical Resources listings
- ▲ Office of Historic Preservation's Historic Property Directory (2011)
- ▲ California Inventory of Historical Resources (1976)
- ▲ California State Historical Landmarks (1996)
- National Register of Historical Places/California Register of Historic Resources listings (2008 and updates)
- Office of Historic Preservation Historic Property Data File (2011)
- Points of Historic Interest (1992)
- ▲ Caltrans Bridge Surveys (2010)

Studies conducted within or adjacent to the project site involve projects related to the landfill expansion, timber harvest plans, transmission lines, a bike path, a cellular facility, and ecosystem restoration (Lindström 2011).

Two historic resources have previously been inventoried in areas that may ultimately encompass the proposed electrical corridor. The line of the Lake Tahoe Railway & Transportation Company Railroad paralleled the Truckee River, crossing from side to side throughout its route between the mainline at Truckee and its principal terminus at Tahoe City. Similarly, the 1860 Tahoe-Truckee Toll Road, and subsequent Truckee River and Lake Tahoe Turnpike Company Road (present-day SR 89) also followed the Truckee River.

An archaeological field survey of the project site was conducted by Susan Lindström, Ph.D. The reconnaissance consisted of walking the site in 10-foot transects. No evidence of cultural resources was found on the project site.

6.3.3 ISSUES OR POTENTIAL IMPACTS NOT DISCUSSED FURTHER

All issues listed under significance criteria, above, are addressed below.

6.3.4 IMPACT ANALYSIS

Impact 6-1

Impacts to Historical Resources. The project site is located in a historic transportation corridor. A segment of the LTR&T Co Railroad and the 1860 Tahoe-Truckee Toll Road were located in this corridor. A field reconnaissance conducted on the site did not discover any evidence of historic resources. Nevertheless, it is possible that buried or concealed historic resources could be present and detected during ground disturbing activities at the project site. This impact would be **potentially significant**.

The project site is located in a historic transportation corridor that contained the LTR&TCo Railroad and the 1860 Tahoe-Truckee Toll Road. Therefore, the biomass facility site could potentially contain remnants of a segment of these cultural resources or could contain historic artifacts associated with these transportation facilities. While the field reconnaissance conducted on the project site did not discover any evidence of historic resources, it is possible that buried or concealed historic resources could be present and detected during project

ground disturbing activities. Disturbance of previously undiscovered historic resources would result in **potentially significant** impacts.

Impact 6-2

Impacts to Archaeological Resources. The project area falls within the center of Washoe territory. The archaeological field reconnaissance conducted on the project site did not discover any evidence of archaeological resources. Nevertheless, it is possible that buried or concealed resources could be present and detected during ground disturbing activities. Disturbance of previously undiscovered archaeological resources would result in **potentially significant** impacts.

The project area falls within the center of Washoe territory, with primary use by the northern Washoe. Archaeological evidence of their ancient subsistence activities are found along the mountain flanks as temporary small hunting camps containing flakes of stone and broken tools. In the high valleys more permanent base camps are represented by stone flakes, tools, grinding implements, and house depressions. While the archaeological field reconnaissance conducted on the project site did not discover any evidence of archaeological resources, it is possible that buried or concealed cultural resources could be present and detected during project ground disturbing activities. Disturbance of previously undiscovered archaeological resources would result in **potentially significant** impacts.

Impact 6-3

Impacts to Paleontological Resources or Unique Geologic Features. No paleontological resources have been recorded from the project site, however, it is possible that buried or concealed paleontological resources could be present and detected as a result of ground disturbing activities. Disturbance of previously undiscovered paleontological resources would result in **potentially significant** impacts.

According to standard procedures published by the Society of Vertebrate Paleontology (2010), rock units with a high potential for containing significant nonrenewable paleontological resources are those determined by previous studies to contain vertebrate or significant invertebrate fossils (Society of Vertebrate Paleontology 2010). Paleontological resources have been identified in the Truckee Basin area, in the vicinity of the project site including resources located four miles southwest of Downtown Truckee and 5 miles northeast of Downtown Truckee near the Boca Reservoir. While no paleontological resources have been recorded on the project site, because geologic units in the area have been known to support these resources, it is possible that buried or concealed paleontological resources could be present and detected during ground disturbing activities. Disturbance of previously undiscovered paleontological resources would result in **potentially significant** impacts.

Impact

6-4

Disturbance to Human Remains. No known burials are present on the project site. Nevertheless, it is possible that buried remains could be present and detected as a result of ground disturbance. Disturbance of previously undiscovered burials would result in **potentially significant** impacts.

No known burials are present on the project site. Nevertheless, it is possible that buried remains could be present and detected as a result of project ground disturbing activities. Disturbance of previously undiscovered burials would result in **potentially significant** impacts.

6.4 MITIGATION MEASURES

Mitigation Measure 6-1

If an inadvertent discovery of cultural materials (e.g., unusual amounts of shell, animal bone, glass, ceramics, structure/building remains) is made during construction activities at the project site, ground disturbances in the area of the find shall be halted and a qualified professional archaeologist shall be notified regarding the discovery. The archaeologist shall determine whether the resource is potentially significant per the CRHR and CEQA Guidelines Section 15064.5 and will develop appropriate mitigation to protect the integrity of the resource and ensure that no additional resources are affected. Mitigation could include but would not necessarily be limited to preservation in place, archival research, subsurface testing, or contiguous block unit excavation and data recovery.

Level of Significance After Mitigation

Implementation of the mitigation measure described above would reduce potential impacts that could occur due to the discovery of previously unrecorded historic or prehistoric archaeological resources, to **less-than-significant** levels because if resources are discovered adequate measure would be implemented to protect and preserve the resources.

Mitigation Measure 6-2

The Applicant shall implement Mitigation Measure 6-1 and 6-4.

Level of Significance After Mitigation

Implementation of the mitigation measure described above would reduce potential impacts that could occur due to the discovery of previously unrecorded historic or prehistoric archaeological resources, to **less-than-significant** levels because if resources are discovered adequate measure would be implemented to protect and preserve the resources.

Mitigation Measure 6-3

Before the start of grading and/or excavation, the Applicant shall retain a qualified paleontologist or archaeologist to train all construction personnel involved with earthmoving activities, regarding the possibility of encountering paleontological resources at the site, the appearance and types of paleontological resources likely to be seen during project construction, and proper notification procedures should such resources be encountered.

In the event that paleontological resources are discovered during ground disturbing activities, grading and construction work within 100 feet of the find shall be suspended until the significance of the features can be determined by a qualified professional paleontologist as appropriate. A qualified professional paleontologist shall then make recommendations for measures necessary to protect the find, or to undertake data recovery, excavation, analysis, and curation of paleontological materials as appropriate.

Level of Significance After Mitigation

Implementation of the mitigation measure described above would reduce potential impacts that could occur due to the discovery of previously unrecorded paleontological resources, to **less than-significant** levels because appropriate preservation measures would be implemented to preserve significant paleontological resources if they are discovered during project construction activities.

Mitigation Measure 6-4

In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, potentially damaging excavation in the area of the burial shall be halted and the Applicant shall contact the Placer County Coroner and a professional archaeologist to determine the nature and extent of the remains. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code, Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) by phone within 24 hours of making that determination (Health and Safety Code, Section 7050[c]).

If the remains are determined to be those of a Native American, then the following shall occur:

- (a) The (State Historic Preservation Office (SHPO), the Applicant, an archaeologist, and the NAHC-designated Most Likely Descendant (MLD) shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in Section 5097.9 of the California Public Resources Code.
- (b) The SHPO shall ensure that the immediate vicinity (according to generally accepted cultural or archaeological standards and practices) is not damaged or disturbed by further development activity until consultation with the MLD has taken place. The MLD shall have 48 hours to complete a site inspection and make recommendations after being granted access to the site. A range of possible treatments for the remains, including nondestructive removal and analysis, preservation in place, relinquishment of the remains and associated items to the descendants, or other culturally appropriate treatment may be discussed. Assembly Bill (AB) 2641 suggests that the concerned parties may extend discussions beyond the initial 48 hours to allow for the discovery of additional remains. AB 2641(e) includes a list of site protection measures and states that the Applicant shall implement one or more of the following measures:
 - record the site with the NAHC or the appropriate Information Center,
 - \ utilize an open-space or conservation zoning designation or easement, and/or
 - record a document with the county in which the property is located.
- (c) The County or its authorized representative will rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance if the NAHC is unable to identify a MLD, or if the MLD fails to make a recommendation within 48 hours after being granted access to the site. The County may also reinter the remains in a location not subject to further disturbance if the County rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the County.

Level of Significance After Mitigation

Implementation of the mitigation measure described above would reduce potential impacts that could occur due to the discovery of human remains, to **less than-significant** levels because appropriate measures would be implemented to properly handle and inter any remains during project construction activities.