

3.4 ARCHAEOLOGICAL, HISTORICAL, AND TRIBAL CULTURAL RESOURCES

This section analyzes and evaluates the potential impacts of the Tahoe Cross-Country Lodge Replacement and Expansion Project (Project) on known and unknown cultural resources. Cultural resources include districts, sites, buildings, structures, or objects generally older than 50 years and considered to be important to a culture, subculture, or community for scientific, traditional, religious, or other reasons. They include pre-historic resources, historic-era resources, and “tribal cultural resources” (the latter as defined by Assembly Bill (AB) 52, Statutes of 2014, in Public Resources Code [PRC] Section 21074).

Archaeological resources are locations where human activity has measurably altered the earth or left deposits of prehistoric or historic-era physical remains (e.g., stone tools, bottles, former roads, house foundations). Historical (or architectural) resources include standing buildings (e.g., houses, barns, outbuildings, cabins) and intact structures (e.g., dams, bridges, roads, districts), or landscapes. A cultural landscape is defined as a geographic area (including both cultural and natural resources and the wildlife therein), associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values. Tribal cultural resources (TCRs) were added as a resource subject to review under CEQA, effective January 1, 2015 under AB 52 and include site features, places, cultural landscapes, sacred places or objects, which are of cultural value to a tribe.

The primary issues raised during scoping that pertain to archaeological, historical, and TCRs were related to general concern for impacts to cultural resources. Additionally, the California Native American Heritage Commission (NAHC) requested AB 52 and Senate Bill (SB) 18 compliance information. SB 18 applies to General Plan amendments and is therefore not applicable to this project. AB 52 compliance is described below.

The evaluation is based on information obtained from the following reports:

- ▶ *Tahoe Cross-Country Ski Center Lodge Cultural Resource Inventory and Evaluation* (Lindström 2017),
- ▶ *Tahoe Cross-Country Lodge Replacement and Expansion Project Cultural Resource Inventory Addendum* (Lindström 2018), and
- ▶ *Schilling Residence Targeted Historic Structure Report* (Wiss, Janney, Elstner Associates 2015).

Changing the pattern of ownership of parcels as part of the larger land exchange being contemplated by TCPUD and the Conservancy by itself would have no impact on archaeological, historical, and tribal cultural resources. The potential environmental effects from construction and operation of the proposed Project on a portion of APN 093-160-064, currently owned by the Conservancy, are assessed in this section and other resource sections in Chapter 3, “Environmental Setting, Environmental Impacts, and Mitigation Measures,” and in Chapter 5, “Other CEQA-Mandated Sections,” of this EIR. The purpose of the land exchange is to consolidate ownership and increase land management efficiencies for the agencies and no other physical changes are proposed for the affected parcels.

3.4.1 Regulatory Setting

FEDERAL

National Park Service

Federal protection of resources is legislated by (a) the National Historic Preservation Act (NHPA) of 1966 as amended by 16 U.S. Code 470, (b) the Archaeological Resource Protection Act of 1979, and (c) the Advisory Council on Historical Preservation. These laws and organizations maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP).

Section 106 of NHPA and accompanying regulations (36 Code of Federal Regulations [CFR] Part 800) constitute the main federal regulatory framework guiding cultural resources investigations and require consideration of effects on

properties that are listed in, or may be eligible for listing in the NRHP. The NRHP is the nation's master inventory of known historic resources. It is administered by the National Park Service and includes listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, and cultural districts that are considered significant at the national, state, or local level.

The formal criteria (36 CFR 60.4) for determining NRHP eligibility are as follows:

1. The property is at least 50 years old (however, properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the NRHP);
2. It retains integrity of location, design, setting, materials, workmanship, feeling, and associations; and
3. It possesses at least one of the following characteristics:
 - A. Association with events that have made a significant contribution to the broad patterns of history (events).
 - B. Association with the lives of persons significant in the past (persons).
 - C. Distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant, distinguishable entity whose components may lack individual distinction (architecture).
 - D. Has yielded, or may be likely to yield, information important to prehistory or history (information potential).

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.

Secretary of the Interior's Standards

The *Secretary of the Interior's Standards for the Treatment of Historic Properties* (Secretary's Standards) provide guidance for working with historic properties. The Secretary's Standards are used by lead agencies to evaluate proposed rehabilitative work on historic properties. The Secretary's Standards are a useful analytic tool for understanding and describing the potential impacts of proposed changes to historic resources. Projects that comply with the Secretary's Standards benefit from a regulatory presumption that they would not result in a significant impact to a historic resource.

In 1992 the Secretary's Standards were revised so they could be applied to all types of historic resources, including landscapes. They were reduced to four sets of treatments to guide work on historic properties: Preservation, Rehabilitation, Restoration, and Reconstruction. The four distinct treatments are defined as follows:

- ▶ **Preservation** focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time.
- ▶ **Rehabilitation** acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character.
- ▶ **Restoration** depicts a property at a particular period of time in its history, while removing evidence of other periods.
- ▶ **Reconstruction** re-creates vanished or non-surviving portions of a property for interpretive purposes.

In accordance with the Secretary's Standards, the appropriate treatment for the Schilling Residence is dependent on the future use selected for the structure. If the building was to be retained and used for museum or interpretive purposes, the appropriate treatment would be "Restoration." If the building were to be adapted to a new use, the appropriate treatment would be "Rehabilitation."

The building is currently dismantled and located in storage, and is proposed to be reconstructed and converted to a public use once relocated for the Project. Given the historical significance of the building, and the anticipated

adaptation of the structures for a compatible new use, the treatment "Rehabilitation" is appropriate for the Schilling Residence.

The Secretary of the Interior's Standards for "Rehabilitation" are as follows:

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

TAHOE REGIONAL PLANNING AGENCY

Article V(c)(3) of the Tahoe Regional Planning Compact (Public Law 96-551) requires the development of a conservation plan for the preservation, development, utilization, and management of scenic and other natural resources within the Tahoe Basin, including historic resources. TRPA accomplishes historic resource protection through implementation of its Goals and Policies document and Code provisions as described below.

Thresholds

There are no TRPA Environmental Threshold Carrying Capacities that pertain to archaeological, historical, or TCRs.

Goals and Policies

The Goals and Policies component of the Regional Plan establishes guiding policies for each resource element. The Conservation Element (Chapter 4) of the Goals and Policies document includes a Cultural Subelement, that includes the following relevant goal and policies:

GOAL C-1: identify and preserve sites of historical, cultural and architectural significance within the region.

- ▶ **Policy C-1.1:** historical or culturally significant landmarks in the region shall be identified and protected from indiscriminate damage or alteration.
- ▶ **Policy C-1.2:** Sites and structures designated as historically, culturally, or archaeologically significant shall be given special incentives and exemptions to promote the preservation and restoration of such structures and sites.

Code of Ordinances

The TRPA Code is a compilation of the rules, regulations, and standards to implement the Regional Plan Goals and Policies. TRPA recognizes sites, objects, structures, districts or other resources, eligible for designation as resources of historical, cultural, archaeological, paleontological, or architectural significance locally, regionally, state-wide, or nationally. Those resources must meet at least one of the criteria summarized below. Chapter 67 of the Code also provides for consultation with State Historic Preservation Offices (SHPO) as well as the Washoe Tribe. Additionally, Standard 33.4.7 in Chapter 33 (Grading and Construction, Section 33.4, Grading Standards) addresses discovery of historic resources.

- ▶ **Resources Associated with Historically Significant Events and Sites.** Such resources shall meet one or more of the following: a) association with an important community function in the past, b) association with a memorable happening in the past, or c) contain outstanding qualities reminiscent of an early state of development in the region.
- ▶ **Resources Associated with Significant Persons.** Such resources include a) buildings or structures associated with a locally, regionally, or nationally known person; b) notable example or best surviving works or a pioneer architect, designer or master builder; or c) structures associated with the life or work of significant persons.
- ▶ **Resources Embodying Distinctive Characteristics.** Resources that embody the distinctive characteristics of a type, period, or method of construction that possess high artistic values or that represent a significant and distinguishable entity but whose components may lack individual distinction. Works of a master builder, designer, or architect also are eligible. Resources may be classified as significant if they are a prototype of, or a representative example of, a period style, architectural movement, or method of construction unique in the region, the states, or the nation.
- ▶ **State and Federal Guidelines.** Archaeological or paleontological resources protected or eligible for protection under state or federal guidelines.
- ▶ **Prehistoric Sites.** Sites where prehistoric archaeological or paleontological resources that may contribute to the basic understanding of early cultural or biological development in the region.

Placer County Tahoe Basin Area Plan

Part 2, Conservation Plan, of the Placer County Tahoe Basin Area Plan contains the following policies that are relevant to the project:

- ▶ **Policy C-P-1:** Encourage reuse and incorporate buildings or structures that are determined to be of historic significance into site plans.
- ▶ **Policy C-P-2:** Evaluate cultural and/or historic resources when evaluating project activities with the goal of avoiding impacts to such resources.
- ▶ **Policy C-P-3:** All TRPA policies, ordinances, and programs related to cultural resources will remain in effect.

STATE

California Environmental Quality Act

CEQA requires public agencies to consider the effects of their actions on “historical resources,” “unique archaeological resources,” and “tribal cultural resources.” Pursuant to PRC 21084.1, a “project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” Section 21083.2 requires agencies to determine whether projects would have effects on unique archaeological resources.

Historical Resources

“Historical resource” is a term with a defined statutory meaning (PRC Section 21084.1; determining significant impacts to historical and archaeological resources is described in the State CEQA Guidelines, Sections 15064.5[a] and [b]). Under State CEQA Guidelines Section 15064.5(a), historical resources include the following:

- 1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (California Register of Historical Resources [CRHR]; PRC Section 5024.1).
- 2) A resource included in a local register of historical resources, as defined in PRC Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g), will be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- 3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource will be considered by the lead agency to be historically significant if the resource meets the criteria for listing in the CRHR (PRC Section 5024.1), including the following:
 - a) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
 - b) Is associated with the lives of persons important in our past;
 - c) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
 - d) Has yielded, or may be likely to yield, information important in prehistory or history.
- 4) The fact that a resource is not listed in or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to PRC Section 5020.1(k)), or identified in a historical resources survey (meeting the criteria in PRC Section 5024.1(g)) does not preclude a lead agency from determining that the resource may be an historical resource as defined in PRC Section 5020.1(j) or 5024.1.

Unique Archaeological Resources

CEQA also requires lead agencies to consider whether projects will impact unique archaeological resources. PRC Section 21083.2, subdivision (g), states that unique archaeological resource means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

Tribal Cultural Resources

CEQA also requires lead agencies to consider whether projects will impact TCRs. PRC Section 21074 states the following:

- a) "Tribal cultural resources" are either of the following:
 - 1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - A) Included or determined to be eligible for inclusion in the CRHR.
 - B) Included in a local register of historical resources as defined in subdivision (k) of PRC Section 5020.1.
 - 2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
- b) A cultural landscape that meets the criteria of subdivision (a) is a TCR to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a TCR if it conforms with the criteria of subdivision (a).

California Register of Historical Resources

All properties in California that are listed in or formally determined eligible for listing in the NRHP are eligible for the CRHR. The CRHR is a listing of State of California resources that are significant within the context of California's history. The CRHR is a statewide program of similar scope and with similar criteria for inclusion as those used for the NRHP. In addition, properties designated under municipal or county ordinances are also eligible for listing in the CRHR.

A historic resource must be significant at the local, state, or national level under one or more of the criteria defined in the California Code of Regulations Title 15, Chapter 11.5, Section 4850 to be included in the CRHR. The CRHR criteria are similar to the NRHP criteria and are tied to CEQA because any resource that meets the criteria below is considered a significant historical resource under CEQA.

The CRHR uses four evaluation criteria:

1. Is associated with events or patterns of events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.
2. Is associated with the lives of persons important to local, California, or national history.
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values.
4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

Similar to the NRHP, a resource must meet one of the above criteria and retain integrity. The CRHR uses the same seven aspects of integrity as the NRHP.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act (Act) applies to both state and private lands. The Act requires that upon discovery of human remains, construction or excavation activity cease and the county coroner be notified. If the remains are of a Native American, the coroner must notify the NAHC, which notifies and has the authority to designate the most likely descendant (MLD) of the deceased. The Act stipulates the procedures the descendants may follow for treating or disposing of the remains and associated grave goods.

Health and Safety Code, Sections 7050.5 and 7052

Section 7050.5 of the California Health and Safety Code (HSC) 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 NAHC. Section 7052 states that the disturbance of Native American cemeteries is a felony.

Public Resources Code, Section 5097

PRC 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 paleontological 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.

Public Resources Code Section 21080.3

AB 52, signed by the California Governor in September of 2014, established a new class of resources under CEQA: "tribal cultural resources," defined in PRC 21074. Pursuant to PRC Sections 21080.3.1, 21080.3.2, and 21082.3, lead agencies undertaking CEQA review must, upon written request of a California Native American Tribe, begin consultation before the release of an environmental impact report, negative declaration, or mitigated negative declaration.

LOCAL

Placer County

The Recreational and Cultural Resources Section (Section 5) of the Placer County General Plan includes a goal to "identify, protect, and enhance Placer County's important historical, archaeological, paleontological, and cultural sites and their contributing environment." This plan also includes policies to protect and enhance cultural resources through various means, including incentive programs for private property owners, public education, avoidance and mitigation of cultural resource impacts in discretionary development projects, coordination with the local Native American community and NAHC, and assisting private citizens seeking historic landmark designations for their property.

3.4.2 Environmental Setting

REGIONAL PREHISTORY

In broadest terms, the archaeological signature of the Tahoe Basin is marked by a trend from hunting-based societies in earlier times to populations that were increasingly reliant upon imported resources by the time of historic contact. The shift in lifeways may be attributed partially to factors involving paleoclimate, a shifting subsistence base, and demographic change. Current understanding of northern Sierra Nevada and western Great Basin prehistory is framed within a hypothetical sequence spanning nearly 12,000 years that is drawn from archaeological investigations throughout the northern Sierra and the Truckee Meadows. The archaeological phenomena are organized into time periods, known as the Eastern Sierra Front Chronology, for comparing and interpreting Tahoe Sierra archaeology.

Pre-Archaic sites date from 10,000 to circa (ca.) 7,000 before present (B.P.) and cluster around lakeshores, river terraces, and high ground above valleys. Following the retreat of sierran glaciers, humans began to occupy the Tahoe Sierra by at least 8,000 to 9,000 years ago during the Tahoe Reach Phase. Climates were warmer and drier, although conditions remained relatively cool and moist. The earliest archaeological evidence of human presence in the region

is found at South Lake Tahoe along Taylor Creek and along the Truckee River near Squaw Valley. Early populations were highly mobile in the pursuit of large game animals and are represented by scant occurrences of isolated projectile points.

The Early Archaic Period (or Spooner Phase ca. 7,000 to 4,000 B.P.) begins with a mid-Holocene warming trend, during which lakes and marshes receded and drought-tolerant vegetation communities expanded. Drying lowlands may have prompted sparse populations to travel into upland resource zones to hunt and fish and gather plants. Archaeological sites dated to the Early Archaic are rare and no diagnostic projectile point types have been identified until ca. 5,000 B.P., which is when the Martis Contracting Stem and Martis Split Stem atlatl dart points appear. This cultural phase was first identified at Spooner Lake in the Lake Tahoe Basin.

The Middle Archaic Period begins at about 4,000 years ago during the Early Martis Phase, and continues through the Late Martis Phase to ca. 1,300 B.P. The Martis Contracting Stem and Martis Split Stem projectile points reflect an early aspect of the Middle Archaic, but Martis Corner-notched and Elko Eared points (ca. 3,000 to 1,300 B.P.) are the predominant Middle Archaic time markers. A hallmark of Middle Archaic prehistoric culture in the Tahoe Sierra is the use of basalt (fine-grained volcanics) in the manufacture of stone tools and production of large bifaces.

The Late Archaic Period spans about 1,300 years ago to historic contact. This period is marked by an overall drying trend, punctuated by cool-moist episodes alternating with extended severe drought that lasted until about 500 years ago. Such extreme climatic fluctuations may have allowed for year-round residence in the Tahoe highlands at times and prohibited even seasonal occupation at other times. Throughout the Late Archaic populations continued to rise, as reflected archaeologically in more intensive use of all parts of the Tahoe Sierra landscape and a greater emphasis on plants, fish and small game. The early half of this period (Early Kings Beach Phase ca. 1,300 to 700 B.P.) is characterized by Rose Spring series arrow points and the latter half (Late Kings Beach Phase; ca. 700 – 150 B.P.) is marked by Desert Side-notched and Cottonwood arrow points. The bow and arrow (with emphasis on core/flake technology) replaced the atlatl and dart (and production of large bifaces). This period has been associated with the Washoe Indians, as known from the ethnographic period.

ETHNOGRAPHY

The proposed Project site and Alternative A site fall within the center of historic Washoe territory, with primary use by the northern Washoe. Lake Tahoe was both the spiritual and physical center of the Washoe world. The name "Tahoe," adopted in popular jargon early on, is derived from the Washoe word *da 'ow*, signifying "lake." The lake was not officially designated as Lake Tahoe until an act by the legislature in 1945.

Several Washoe encampments have been recorded in the northwest quadrant of the Tahoe Basin, including locations near the outlets of the Truckee River, Burton Creek, and Dollar Creek. The outlet of the Truckee River was an important site where the Washoe paid respect and gave thanks to the Tahoe's waters.

While the Washoe were an informal and flexible political collective, their ethnography hints at a level of technological specialization and social complexity that was uncharacteristic of their surrounding neighbors in the Great Basin. A semi-sedentary existence and higher population densities, concepts of private property, and communal labor and ownership are reported and may have developed in conjunction with their residential and subsistence resource stability. The ethnographic record suggests that during the mild season, small groups traveled through high mountain valleys of the Tahoe Sierra collecting edible and medicinal roots, seeds and marsh plants. In the higher elevations, men hunted large game and trapped smaller mammals. Lake Tahoe and its tributaries were important fisheries year round. Suitable toolstone was quarried at various locales. The Washoe have a tradition of making long treks across the Sierran passes for the purpose of hunting, trading and gathering acorns. While some Washoe trekked to distant places for desired resources, most groups circulated in the vicinity of their traditional habitation sites.

Their relatively rich environment afforded the Washoe a degree of isolation and independence from neighboring peoples and may account for their long tenure in their known area of historic occupation, as also evidenced by linguistic studies. The Washoe are part of an ancient Hokan-speaking population, which has been subsequently surrounded by incoming Numic speakers, such as the Northern Paiute. By the 1850s Euroamericans had permanently

occupied the Washoe territory and changed traditional lifeways. Mining, lumbering, grazing, commercial fishing, tourism, and the growth of settlements disrupted traditional Indian relationships to the land. As hunting and gathering wild foods were no longer possible, the Washoe were forced into dependency upon the Euroamerican settlers. Beginning in 1917, however, the Washoe Tribe began acquiring back a small part of their traditional lands. The Washoe remain as a recognized tribe by the U.S. government and have maintained an established land base. Its approximate 1,200 tribal members are governed by a tribal council that consists of members of the Carson, Dresslerville, Woodfords, and Reno-Sparks Indian colonies, as well as members from non-reservation areas.

The Washoe have not been completely displaced from their traditional lands. The contemporary Washoe have developed a Comprehensive Land Use Plan that includes goals of reestablishing a presence within the Tahoe Sierra and re-vitalizing Washoe cultural and cultural knowledge, including the harvest and care of traditional plant resources and the protection of traditional properties within the cultural landscape.

HISTORIC SETTING

Regional History

Historic topics germane to the Project center around the themes of: (1) transportation, (2) logging, and (3) 20th-century residential development.

Transportation

Lake Tahoe's strategic proximity to wood, water, mineral, rangeland, and recreational resources justified that a significant amount of capital and energy be invested into transportation to and through the Tahoe Basin. Beginning in 1852 Scott's Route (later known as the Placer County Emigrant Road) was traveled intermittently between Auburn and the Comstock mines by westbound emigrants and eastbound prospectors. It crossed the main sierran crest above Squaw Valley and entered the Tahoe Basin at Tahoe City. This historic route is now State Route (SR) 28. This road appears on historic maps dating from 1865. The opening of the Central Pacific Railroad in 1869, with connections to Tahoe's north shore by stage in the 1860s and by rail in 1900, fostered tourism and encouraged the development of long-lived communities, even after the demise of timber harvesting and grazing activities. Owing to the difficulty of overland travel within the Tahoe Basin, steamships became critical modes of transportation as early as 1864. Automobile roads in the Tahoe Basin generally date after the 1910s. During the 1930s the Forest Highway system was established, which resulted in a network of engineered and major routes through the Tahoe Basin. Not until 1927 did paved highways circle the lakeshore.

Logging

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 transcontinental 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 grew up where the larger mills were situated. In this era, the logistics of timber extraction and transport were accomplished by large lumber companies, whose timber holdings locked up immense blocks of land.

By the turn of the century, lands in the Tahoe Basin were largely stripped of pine, but fir and other species remained. Fir had been largely ignored during the earlier harvesting, as it was considered unsuitable for the production of ties and timbers. With the introduction of paper mills, stands were re-entered to harvest fir for use as pulpwood for paper mills. The greater "digestibility" of fir species (over pine) now made them the targets of harvest. Local pulpwood was processed at the Floriston Pulp and Paper Mill, located down the Truckee River Canyon on the main transcontinental line near the California/Nevada state line.

Twentieth century logging operations were conducted on a much smaller scale and carried out on a more limited land base than during the prior Comstock Era. By the 1950s, the offspring from pines cut in the 1800s were mature enough for harvest. Lumber harvest continued on a reduced scale through the 1970s. Growing communities in the

region also created a demand that was supported by localized sawmills and shingle mills, sawing pine and cedar, respectively. By the 1980s the forests around Lake Tahoe were of more value as recreational rather than timber resources, and the large-scale logging that occurred elsewhere in the northern Sierra was curtailed in the Tahoe Basin.

Community Development

Recreation

Over time, land in the Tahoe Basin 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. Tahoe's budding recreational economy amplified the rate of development and growth in population, with the majority of the population remaining transient or semi-transient.

As the Tahoe Basin attracted more interest and tourists with the entrance of automobiles and improved roadways, diverse resorts and rustic hotels appeared along the shores of the lake. Growing numbers of eastern visitors joined the members of San Francisco's elite and the wealthy mining and business interests of the Comstock at the lake's best hotels, such as the Tahoe Tavern in Tahoe City. Tahoe's backwoods became increasingly populated by recreationists. The U.S. Forest Service initiated patrols for visitor safety and to respond to the increased fire danger. Fire lookouts like the one on Martis Peak were established, along with remote guard stations. Early horse trails were improved and telephone lines were installed as part of a fairly extensive system which linked outlying forest government facilities with main forest offices.

With the legalization of gambling in 1931 and the Winter Olympics in 1960, the burgeoning recreational and resort industry increasingly depended upon locally based services and personnel and prompted development of subdivisions and the continual expansion of Tahoe's infrastructure. During the 1970s, unprecedented levels of growth took place at Lake Tahoe, stimulated by the availability of more reliable and widespread community sanitary water and sewer systems and organized garbage collection and landfills.

Lake Forest

The proposed Project site and Alternative A site are located north of the communities of Lake Forest and Dollar Point. The first settlement of the Lake Forest area came around 1859, when Homer D. Burton laid claim to the lakeside meadowlands of the creek which now bears his name. Burton named his Island Farm after a small hill exposed during low-water periods on the terminal end of a marshy spit of land. Here, Burton developed and cultivated garden vegetables, buckwheat, and timothy hay. Burton's Island Farm could also accommodate upwards of 30 guests. Lake Forest was a refueling stop for lake steamers, and a huge wharf, located near the present Coast Guard pier, was an over-water cache for cordwood. It took about four cords of wood per day to fuel a large steamer, much of it being harvested nearby and skidded to the wharf by teams of horses.

In the 1880s, Burton sold his 300-acre farm to Antone Russi, a dairyman whose name graces the upstream meadows of the Burton Creek drainage, two miles to the northwest. Russi died in the 1890s, and his widow married dairyman Frank X. Walker, who then took over the farm. In 1910, after having owned Russi's property for more than a decade, Walker sold a parcel, which included the Burton home. This acreage was subdivided and called Tahoe Island Park, and later it was re-subdivided into Lake Forest by Henry Droste of Tahoe Realty, the first real estate office on the western side of the lake. Seasonal residences grew in number, supplied by the founding of the Snyder Lumber Company in 1939. Several local businesses participated in an advertising campaign in 1946, reflecting the commercial upswing which Lake Forest enjoyed in the early postwar years. A post office, which opened in 1947, signaled the sense of permanence for this primarily seasonal community. With the relocation of SR 28 in 1954 to shorten and straighten the Tahoe City approach to Dollar Grade, the horseshoe, now known as Lake Forest Road, was removed as a main thoroughfare.

Dollar Point

Over the decades, Dollar Point has carried a variety of names: Chinquapin (after the Washoe derivation), Griff's, Old Lousy, Observatory, and Wychwood. The appellation "Old Lousy" has at least two explanations that have bearing on its historic land use. Griffin, a land squatter and cordwood cutter in the area, was nicknamed "Old Lousy," as he allegedly never changed his clothes. An alternative derivation comes from the notion that the waters off the promontory were considered "lousy" with trout. The name "Observatory Point" was coined in 1873 when James Lick, the San Francisco philanthropist, offered to appropriate \$1,000,000 for the construction of a large observatory there. An added incentive in this venture was the boost given by D. L. Bliss and H. M. Yerington of the CTLFC, who owned a half section of land at "Old Lousy" and generously agreed to donate 140 acres to James Lick if his plans materialized. Upon the death of D. L. Bliss in 1906, the land was turned over to his heirs. In 1915, Mrs. Lora Moore Knight acquired the property and built her first Tahoe home, calling it Wychwood. The "Old Tea House," built by Mrs. Knight in the early 1920s at her famous Vikingsholm Castle at Emerald Bay, was once located on Dollar Point. Moving to Emerald Bay in 1927, she sold the property to Robert Stanley Dollar, Sr. Dollar Point and Dollar Hill are named in his honor.

Highlands Subdivision

The Highlands Subdivision was developed sometime during the early 1950s by realtors Elsie and Howard Martin. Grand plans included a pool and a golf course known as Highland Greens; however, plans were below expectations, as the development lost profits on the golf course. The nine-hole golf course and small clubhouse were built by Dave Young and Gordon Moyer sometime during the later 1960s as part of the subdivision and it may never have been opened commercially. A sprinkler system was installed and there were fairways with grass, but the course had its problems with design and terrain, given the abundance of rock and trees that obstructed golf holes. Members of the subdivision cleared the rocks from the course as part of organized work days; non-residents who picked up rocks could play for free. By various accounts, the golf course was not open long, somewhere between one season to five years; the course closed sometime during the mid-1970s, after which time the TCPUD reseeded the golf fairways.

The golf course clubhouse was later converted into the present community building, which serves the cross-country ski area and community activities. The clubhouse was small and it was enlarged to accommodate the cross-country ski area, which operates on the abandoned golf greens.

RECORDS SEARCHES, SURVEYS, AND CONSULTATION

Archaeological Resources

In September 2016 a records search of the proposed Project site and a 0.25-mile radius (includes Sites D and A) was performed by the North-Central Information Center (NCIC) of the California Historical Resources Information System (NCIC File No.: PLA-16-100). The search was conducted to determine if prehistoric or historic cultural resources were previously recorded within the proposed Project site or Alternative A site; the records were reviewed by NCIC staff to identify any properties listed on the CRHR and other listings. In addition to the records and maps for sites and studies in Placer County, other official inventories were also reviewed:

- ▶ Office of Historic Preservation's Historic Property Directory,
- ▶ Determination of Eligibility,
- ▶ California Inventory of Historical Resources,
- ▶ California State Historical Landmarks,
- ▶ NRHP/CRHR listings,
- ▶ California Points of Historical Interest, and
- ▶ Caltrans State and Local Bridge Surveys.

The records search results disclosed that 13 prior archaeological studies have been conducted within the search area and a single archaeological resource, a segment of Old County Road (P-31-2008) has been recorded numerous times.

Old County Road may date at least to 1889, or earlier as the route may be schematically shown on maps dating to 1874 and 1876. The Old County Road alignment appears to be the primary route around Lake Tahoe's north-central shore until ca. 1940. By 1940 the primary road around the north end of the lake was shifted to the current SR 28 corridor and the Old County Road alignment was designated as a secondary roadway. The 225-foot section of the road recorded within the Project area has been recommended ineligible for listing in the CRHR due to lack of integrity. All but 15 feet have been disturbed by either bulldozer activity or grading for the former golf course. Its setting has also been compromised by construction of the school to the west and the residential development to the south.

An intensive-level pedestrian survey of the proposed Project site was conducted in October 2017. The one known archaeological site, Old County Road (P-31-2008), was re-visited and site record updates were prepared. No new archaeological sites were identified. An additional pedestrian survey for the Alternative A site was conducted in October 2018. The survey disclosed no archaeological resources.

Historical Resources

The Schilling Residence, also known as Paradise Flat, is an example of the Resort Rustic architecture popular around Lake Tahoe from roughly 1900 to 1940, designed by a known architect. The subject 4,465-square foot building designed by Berkeley architect Roland I. Stringham was built in 1936. The roofs have open eaves and rounded rafter tails. The chimney for the large stone fireplace in the living room also provides for an outdoor fireplace mortared of local stone reflecting a high level of workmanship. The interior walls are horizontal tongue and groove pine throughout, with the exception of the dining room, which is clear redwood. There are exposed wood scissor trusses in the living room. The floor on the lower level is comprised of 4-inch redwood blocks hand-laid in courses. A significant refurbishment of the building occurred between 2000 and 2002, including replacement of exterior siding (Ogilvy Consulting 2014).

The Schilling Residence was evaluated for historical significance in a report by Kautz Environmental Consultants, June 12, 2013. In that report, the preliminary conclusion was reached that the Schilling Residence is eligible as a historic resource under Section 67.6 of the TRPA Code, as "it is an excellent example of Lake Tahoe resort rustic architecture, designed by a known architect, and is therefore eligible as a historic property under TRPA Criterion 67.6.3." In addition, the report found the property to be eligible for listing in the NRHP under Criterion C, in that it embodies the distinctive characteristics of a type, period, or method of construction.

Tribal Cultural Resources

Native American Consultation

As previously stated in Section 3.4.1, "Regulatory Setting," PRC 21080.3 (AB 52) applies to those projects for which a lead agency had issued a notice of preparation of an EIR or notice of intent to adopt a negative declaration or mitigated negative declaration on or after July 1, 2015.

On April 13, 2018, TCPUD sent letters to the following tribal representatives:

- ▶ Michael Mirelez, Cultural Resources Coordinator, Torres Martinez Desert Cahuilla Indians;
- ▶ Gene Whitehouse, Chairman, United Auburn Indian Community of the Auburn Rancheria (UAIC);
- ▶ Jason Camp, Tribal Historic Preservation Officer, UAIC; and
- ▶ Marcos Guerrero, Cultural Resources Manager, UAIC.

No responses were received during the 30-day response period for AB 52 as defined in PRC 21080.3.1.

In January 2017, a letter was sent to NAHC requesting a search of the Sacred Lands File database for the proposed Project and Alternative A sites. The response from NAHC received on January 13, 2017 stated that the search was negative for sacred sites in the Project vicinity.

Independent of Native American consultation pursuant to PRC 21080.3.1, additional Native American outreach was conducted by the Project archaeologist. This outreach aimed to incorporate tribal opinions, knowledge, and any potential concerns regarding the Project (Lindström 2017). Although prior ethnographic studies indicate that the Washoe Tribe is the applicable tribal authority for lands encompassing the Project, a number of adjoining Native American groups were also contacted including the Shingle Springs Band of Miwok Indians, T'si-Akim Maidu, and UAIC. Shingle Springs Band of Miwok Indians and UAIC did not respond. T'si-Akim Maidu knew of no recorded sites within 12 miles of Lake Tahoe and deferred to Washoe Tribe. The Washoe Tribe knew of no recorded sites within the Project area; however, the Tribe expressed concern related to possible unanticipated discoveries.

3.4.3 Environmental Impacts and Mitigation Measures

METHODS AND ASSUMPTIONS

The impact analysis for archaeological and historical resources is based on the findings and recommendations of the *Tahoe Cross-Country Ski Center Lodge Cultural Resource Inventory and Evaluation* (Lindström 2017); *Tahoe-Cross Country Lodge Replacement and Expansion Project Cultural Resource Inventory Addendum* (Lindström 2018); and the *Schilling Residence Targeted Historic Structure Report* (Wiss, Janney, Elstner Associates 2015).

The analysis is also informed by the provisions and requirements of federal, state, and local laws and regulations that apply to cultural resources.

Section 21083.2 of the State CEQA Guidelines defines a "unique archaeological resource" as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets one or more of the CRHR-related criteria described in Section 3.4.1, "Regulatory Setting." An impact on a "nonunique resource" is not a significant environmental impact under CEQA (State CEQA Guidelines Section 15064.5[c][4]). If an archaeological resource qualifies as a resource under CRHR criteria, then the resource is treated as a unique archaeological resource for the purposes of CEQA.

PRC Section 21074 defines TCRs as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe" that are listed or determined eligible for CRHR listing, listed in a local register of historical resources, or otherwise determined by the lead agency to be a TCR.

In addition, according to PRC Section 15126.4(b)(1), if a project adheres to the Secretary of the Interior's Standards for the Treatment of Historic Properties, the project's impact "will generally be considered mitigated below the level of a significance and thus is not significant."

SIGNIFICANCE CRITERIA

CEQA Criteria

In accordance with Appendix G of the State CEQA Guidelines, the Project would result in a significant impact if it would:

- ▶ cause a substantial adverse change in the significance of a historical resource pursuant to 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;
- ▶ cause a substantial adverse change in the significance of a TCR, defined in PRC Section 21074; or
- ▶ disturb any human remains, including those interred outside of dedicated cemeteries.

TRPA Criteria

Based on the TRPA Initial Environmental Checklist, impacts on cultural resources would be significant if the Project would:

- ▶ result in alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building;
- ▶ be located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records;
- ▶ be located on a property associated with any historically significant events and/or sites or persons;
- ▶ have the potential to cause a physical change which would affect unique ethnic cultural values; or
- ▶ restrict historic or pre-historic religious or sacred uses within the potential impact area.

ENVIRONMENTAL EFFECTS OF THE PROJECT

Impact 3.4-1: Cause the Alteration of, or Adversely Affect a Historical Site, Structure, Object, or Building

The Schilling Residence has been evaluated as eligible as a historic resource under Section 67.6 of the TRPA Code and as eligible for listing in the NRHP under Criterion C. Relocation and reassembly of a historic structure, as identified for the proposed Project and Alternative A, could adversely affect its historic status. Consultation with SHPO has resulted in preservation measures, which are conditions of a TRPA permit for the proposed Project. These conditions would also be applicable to a TRPA permit for Alternative A. Because the preservation measures required by SHPO would be a condition of the TRPA permit, these measures must be met for implementation of the proposed Project or Alternative A. Because these measures require that relocation and reconstruction of the Schilling Residence occur without adversely affecting its historic status, implementation of the proposed Project or Alternative A would result in a **less-than-significant** impact.

Proposed Project

The Schilling Residence has been evaluated as eligible as a historic resource under Section 67.6 of the TRPA Code and as eligible for listing in the NRHP under Criterion C related to its architectural character and construction type. The Project proposes to relocate the residence from its original location in Tahoma, adjacent to Rubicon Bay, to the Highlands Park residential neighborhood on lands designated for recreation. Relocation and reassembly of a historic structure has the potential to impact the integrity of its historic character by altering the location, setting, and feeling of the property, while also impacting its association with the events that engendered its construction. The Schilling Residence has already been disassembled and moved away from its original location. It is currently in storage in compliance with the TRPA conditions of approval (TRPA 2014) and SHPO conditions for the residential project that originally proposed to disassemble the Schilling Residence located at 291 & 301 Paradise Flat (SHPO 2014, TRPA 2014) for the new residence that has been constructed in the original location of the Schilling Residence.

Chapter 67 of the TRPA Code states, "Sites, objects, structures, or other resources eligible or designated as historic resources, or for which designation is pending, shall not be demolished, disturbed, removed, or significantly altered unless TRPA has approved a resource protection plan to protect the historic resources." The Code also provides for consultation with SHPO. TRPA initiated consultation with SHPO in 2014, related to the historic designation of the residence and its relocation. In September 2014, SHPO concurred with the historic designation of the property and listed conditions that would allow for relocation of the Schilling Residence without impacting its historic status.

The conditions included preparing a targeted Historic Structures Report (prepared in 2015; Wiss, Janney, Elstner Associates 2015), adhering to the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings*; photo documentation; and completion of the reconstruction within 5 years. In TRPA's October 2014 response to SHPO, the agency stated that

TCCSEA would be the permittee under a separate permit for the proposed reuse of the structure, and in that permit, TRPA would include SHPO's recommended preservation measures as permit conditions to be implemented before TRPA permit acknowledgement (SHPO 2014, TRPA 2014). The preservation measures are as follows:

- ▶ All work shall follow the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings.
- ▶ Qualified professionals or, at a minimum, any supervisor, shall meet the Secretary of the Interior's Professional Qualifications in the appropriate discipline will be addressed in a contract for work specified in the Plan.
- ▶ Reconstruction plans shall be submitted to the Office of Historic Preservation for review.
- ▶ Contractors shall be qualified as being suited for preservation reconstruction.
- ▶ The State Historic Building Code shall be used where appropriate.
- ▶ Structural work to the reconstruction shall not be visible from the outside or from significant Interiors, as defined under the targeted Historic Structures Report, wherever feasible.
- ▶ The reconstruction shall retain the original building orientation (i.e., the orientation defining the public approach to the residence).
- ▶ If after 5 years the Recovery Plan has not been Implemented, TCCSEA shall consult with both TRPA and SHPO regarding how to address the adverse effect resulting from the prolonged storage of the historical resource.

While the Historic Structure Report identified significant character defining features of the Schilling Residence as a historic structure include the axial and spatial relationship of the building to the frontage on Rubicon Bay and the orientation defining the public approach to the residence, the SHPO and TRPA conditions simply require that reconstruction of the Schilling Residence retain the original building orientation (Wiss, Janney, Elstner Associates 2015).

As further described under "National Park Service," above, the Secretary of the Interior's Standards include standards for the rehabilitation of historic structures, recognizing that rehabilitation may involve additions to the historic building. Included in one of the standards of rehabilitation, listed above, is the following requirement:

- ▶ New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

Thus, although the proposed Project would construct an addition to the Schilling Residence, the addition would be required to comply with the requirements of the Secretary of Interior's Standards, as acknowledged in the "Adaptive Reuse of the Schilling Residence" section in Chapter 2, "Description of the Proposed Project and Alternative Evaluated in Detail." For these reasons, the addition to the Schilling Residence as part of the proposed Project would not substantially alter the historic character of the Schilling Residence.

Because the preservation measures required by SHPO, including following the Secretary of Interior's Standards, would be incorporated into Project design and would be a condition of the TRPA permit, these measures must be met for Project implementation. Given that construction of the proposed Project would occur at the outer limits of the five-year timeframe for implementation of the Recovery Plan, TCCSEA would consult with TRPA and SHPO to determine what actions may be necessary to continue to preserve the historical resource. Additionally, if the applicant proposes to change any of the character defining features that contribute to its historic character as identified in the Historic Structure Report prepared by Wiss, Janney, Elstner Associates in 2015, they would be required to seek approval from TRPA as part of the TRPA permit process. Historic resources are further discussed in Section 3.4, "Archaeological, Historical, and Tribal Cultural Resources." This would ensure that relocation of the Schilling Residence would occur without impacting its historic status and the impact would be **less than significant**.

Alternative A

Under this alternative, the Existing Lodge (Highlands Park and Community Center building) would be demolished. However, the building is less than 50 years old and therefore does not meet the NRHP or CRHR standards for evaluation and is not considered a resource under CEQA. Historic resources records searches were conducted for the Project as described above under the "Records Searches, Surveys, and Consultation" section. The Existing Lodge building was not identified in any of the results of those records searches (Lindström 2017, 2018). While the cultural resources reports prepared by Susan Lindström described the history of the Existing Lodge building, it was not recognized as having any characteristics that would make it eligible for listing as a historic resource. The reconstruction of the Schilling Residence at the Alternative A site would be subject to the same preservation measures required by SHPO for the TRPA permit as at the proposed Project site. Therefore, for the same reasons discussed for the proposed Project, this impact would be **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

Impact 3.4-2: Impacts to Unique Archaeological Resources

The records search revealed one historic-era archaeological site on the proposed Project site; the pedestrian survey identified no additional sites. The site has been evaluated for the CRHR and was not found to be eligible, and therefore is not considered a unique archaeological resource. No archaeological sites were identified on the Alternative A site. However, Project-related ground-disturbing activities for either the proposed Project or alternative A could result in discovery or damage of as-yet undiscovered archaeological resources as defined in State CEQA Guidelines Section 15064.5. With implementation of the proposed Project or Alternative A, this would be a **potentially significant** impact.

Proposed Project

One previously recorded historic-era archaeological site was identified in the NCIC records search and confirmed during the pedestrian survey of the proposed Project site. Archaeological site P-31-2008 has been evaluated for the CRHR and was not found to be eligible for listing. The site lacks integrity—all but 15 feet of the 225-foot section of road recorded within the Project area have been disturbed by either bulldozer activity or grading for the former golf course—and has no potential to yield any additional information important in local, regional, or state history. For these reasons, the proposed Project site is not considered to be a unique archaeological resource under CEQA.

Nonetheless, Project construction could encounter previously undiscovered or unrecorded archaeological sites and materials during preconstruction or construction-related ground disturbing activities. These activities could damage or destroy previously undiscovered unique archaeological resources. This would be a **potentially significant** impact.

Alternative A

The NCIC records search revealed no previously recorded archaeological sites in the Alternative A site. The pedestrian survey also identified no archaeological sites. This alternative requires less ground disturbance than the proposed Project because it is situated on an existing developed site; however, for the same reasons discussed under the proposed Project, this impact would be **potentially significant**.

Mitigation Measures

Mitigation Measure 3.4-2: Halt Ground-Disturbing Activity Upon Discovery of Subsurface Archaeological Features, Assess Discovery, and Implement Measures that will Mitigate Potential Impacts on Archaeological Resources

This mitigation measure would apply to the proposed Project and Alternative A.

In the event that any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil ("midden"), that could conceal cultural deposits, are discovered during construction, the construction contractor shall halt all ground-disturbing activity within 100 feet of the resources and shall notify TRPA and TCPUD. A

qualified professional archaeologist shall be retained by the applicant to assess the significance of the find. Specifically, the archaeologist shall determine whether the find qualifies as a historical resource, a unique archaeological resource, or tribal artifacts. If the find does fall within one of these three categories, the qualified archaeologist shall then make recommendations to TCPUD regarding appropriate procedures that could be used to protect the integrity of the resource and to ensure that no additional resources are affected. Procedures could include but would not necessarily be limited to, preservation in place, archival research, subsurface testing, or contiguous block unit excavation and data recovery, with preservation in place being the preferred option if feasible. If the find is a tribal artifact, TCPUD shall provide a reasonable opportunity for input from representatives of any tribe or tribes the professional archaeologist believes may be associated with the artifact. The tribal representative will determine whether the artifact is considered a TCR, as defined by PRC Section 21074. TCPUD shall require the applicant to implement such recommended measures if it determines that they are feasible in light of Project design, logistics, and cost considerations.

Significance after Mitigation

Implementation of Mitigation Measure 3.4-2 would reduce impacts associated with archaeological resources to a **less-than-significant** level because it would require the performance of feasible, professionally accepted, and legally compliant procedures for the discovery of any previously undocumented unique archaeological resources.

Impact 3.4-3: Impacts to Tribal Cultural Resources or Ethnic and Cultural Values

TCPUD sent notification for consultation to two tribes on April 13, 2018. No responses were received during the 30-day response period for AB 52 as defined in PRC Section 21080.3.1; therefore, no resources were identified as TCRs. Additional tribal outreach by the archaeologist resulted in concern expressed by the Washoe Tribe related to unanticipated discoveries. Because proposed Project activities or activities associated with Alternative A could still uncover or destroy previously unknown archaeological resources with ethnic or cultural values, this impact would be **potentially significant**.

Proposed Project

As part of the 2013/2014 legislative session, AB 52 established a new class of resources under CEQA, TCRs, and requires that lead agencies undertaking CEQA review must, upon written request of a California Native American Tribe, begin consultation once the lead agency determines that the application for the Project is complete. As detailed above, the TCPUD sent letters to tribal representatives of the Torres Martinez Desert Cahuilla Indians and UAIC. No responses were received during the 30-day response period for AB 52 as defined in PRC 21080.3.1.

Neither the records search at NCIC nor the pedestrian survey revealed any pre-historic archaeological or ethnographic sites. In addition, a record search of the NAHC Sacred Lands File database was completed on January 13, 2017 with negative results. For these reasons, no part of the proposed Project site meets any of the criteria for TCRs as defined in PRC Section 21074.

Independent of Native American consultation pursuant to PRC 21080.3.1, additional Native American outreach by the Project archaeologist included the Washoe Tribe, the Shingle Springs Band of Miwok Indians, T'si-Akim Maidu, and UAIC. The Shingle Springs Band of Miwok Indians and UAIC did not respond. T'si-Akim Maidu knew of no recorded sites within 12 miles of Lake Tahoe and deferred to the Washoe Tribe. The Washoe Tribe knew of no recorded sites within the Project area; however, the Tribe expressed concern related to possible unanticipated discoveries.

Because construction-related activities, both ground-disturbing and staging access, could encounter previously undiscovered or unrecorded resources, development of the proposed Project site could result in physical changes to sites, structures, and areas that have religious or sacred significance or other cultural significance to the Washoe people. Therefore, this impact would be **potentially significant**.

Alternative A

As with the proposed Project site, there are no known TCRs or specific concerns related to the Alternative A site. However, this site would result in the development of a similar type and intensity as the proposed Project; therefore, for the same reasons discussed under the proposed Project, this impact would be **potentially significant**.

Mitigation Measures

Mitigation Measure 3.4-3: Halt Ground-Disturbing Activity Upon Discovery of Subsurface Archaeological Features, Assess Discovery, and Implement Measures that will Mitigate Potential Impacts on Archaeological Resources and Avoid Degradation of Ethnic and Cultural Values

This mitigation measure would apply to the proposed Project and Alternative A.

Implement Mitigation Measure 3.4-2.

Significance after Mitigation

Implementation of Mitigation Measure 3.4-2 would reduce potentially significant impacts to archaeological and TCRs because mitigation would avoid, move, record, or otherwise treat a discovered resource appropriately, in accordance with pertinent laws and regulations. By providing an opportunity to avoid disturbance, disruption, or destruction of sites, structures, and areas that have religious or sacred significance or other cultural significance to the Washoe people, this impact would be reduced to a **less-than-significant** level.

Impact 3.4-4: Impacts to Previously Unidentified Human Remains

No evidence exists that suggests any prehistoric or historic-era marked or un-marked human interments are present within or in the immediate vicinity of the proposed Project site or Alternative A site. However, ground-disturbing construction activities could uncover previously unknown human remains. Compliance with California HSC Sections 7050.5 and 7052 and PRC Section 5097 by the proposed Project and Alternative A would render this impact **less than significant**.

Proposed Project

Based on documentary research, no evidence suggests that any prehistoric or historic-era marked or un-marked human interments are present within or in the immediate vicinity of the proposed Project site. However, the location of grave sites and Native American remains can occur outside of identified cemeteries or burial sites. Therefore, there is a possibility that unmarked, previously unknown Native American or other graves could be present within the proposed Project site and could be uncovered by construction activities related to the proposed Project.

California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California HSC Sections 7050.5 and 7052 and PRC Section 5097.

These statutes require that, if human remains are discovered, potentially damaging ground-disturbing activities in the area of the remains shall be halted immediately, and the Placer County coroner shall be notified immediately. If the remains are determined by the coroner to be Native American, NAHC shall be notified within 48 hours and the guidelines of NAHC shall be adhered to in the treatment and disposition of the remains. Following the coroner's findings, the NAHC-designated MLD, and the landowner shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments, if present, are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in PRC Section 5097.94.

Compliance with California HSC Sections 7050.5 and 7052 and California PRC Section 5097 would provide an opportunity to avoid or minimize the disturbance of human remains, and to appropriately treat any remains that are discovered. Therefore, this impact would be **less than significant**.

Alternative A

As with the proposed Project site, no evidence suggests that any prehistoric or historic-era marked or un-marked human interments are present within or in the immediate vicinity of the Alternative A site. This alternative requires less ground disturbance than the proposed Project site because it is situated on an existing developed site; however, for the same reasons discussed under the proposed Project, this impact would be **less than significant**.

Mitigation Measures

No mitigation is required for this impact.

CUMULATIVE IMPACTS

Because all significant cultural resources are unique and nonrenewable members of finite classes, meaning there are a limited number of significant cultural resources, all adverse effects erode a dwindling resource base. The loss of any one archaeological site could affect the scientific value of others in a region because these resources are best understood in the context of the entirety of the cultural system of which they are a part. The cultural system is represented archaeologically by the total inventory of all sites and other cultural remains in the region. As a result, a meaningful approach to preserving and managing cultural resources must focus on the likely distribution of cultural resources, rather than on a single project or parcel boundary.

The geographic scope for the analysis of cumulative impacts to archaeological resources, TCRs, and human remains is the historic lands of the Washoe people, primarily the Tahoe Basin. By the 1850s, Euroamericans had permanently occupied the Washoe territory and changed traditional lifeways. Mining, lumbering, grazing, commercial fishing, tourism, and the growth of settlements disrupted traditional Indian relationships to the land.

Similarly, the geographic scope for the analysis of historic structures is the Tahoe Basin. Continued development of the Tahoe Basin has resulted in the loss of rustic single-family residences, similar to the Schilling Residence. Compliance with preservation measures required by SHPO as a condition of the TRPA permit, would ensure that relocation of the Schilling Residence would occur without impacting its historic status and the impact would be less than significant.

No known unique archaeological resources, TCRs, or human remains are located within the boundaries of the proposed Project site or Alternative A site; nonetheless, Project-related earth-disturbing activities could damage undiscovered archaeological resources, TCRs, or human remains. The proposed Project or Alternative A, in combination with other development in the region, could contribute to ongoing substantial adverse changes in the significance of unique archaeological resources resulting from urban development and conversion of natural lands. Cumulative development could result in potentially significant archaeological resource impacts.

Implementation of Mitigation Measure 3.4-2 would ensure that the proposed Project's or Alternative A's contribution to cumulatively significant archaeological resource and TCR impacts would not be considerable by requiring construction work to cease in the event of an accidental find and the appropriate treatment of discovered resources, in accordance with pertinent laws and regulations. With implementation of this mitigation measure, the proposed Project's or Alternative A's contribution to these impacts would be offset. Further, cumulative development would be required to implement similar mitigation to avoid/reduce impacts to archaeological resources and TCRs. Compliance with California HSC Sections 7050.5 and 7052 and PRC Section 5097 would ensure that treatment and disposition of the remains occurs in a manner consistent with state guidelines and California NAHC guidance. Therefore, the proposed Project or Alternative A **would not have a considerable contribution** to any significant cumulative impact related to archaeological resources, historical resources, and TCRs.

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