

## 4.5. CULTURAL AND TRIBAL CULTURAL RESOURCES

### 4.5.1 INTRODUCTION

The Cultural and Tribal Cultural Resources chapter of the EIR addresses known historic and prehistoric resources in the project vicinity, as well as the potential for previously unknown resources to occur within the overall project site. In addition, a discussion of Tribal Cultural Resources potentially occurring in the project area is provided. The chapter summarizes the existing setting with respect to these resources, identifies thresholds of significance, evaluates project impacts to such resources, and sets forth mitigation measures as necessary. The information presented in this chapter is sourced primarily from the Nevada County General Plan,<sup>1</sup> the Nevada County General Plan EIR,<sup>2</sup> and the Historic Properties Inventory and Finding of Effect for the Idaho-Maryland Mine Project (InContext, 2020) prepared for the proposed project.<sup>3</sup> A redacted version of the InContext 2020 report is included as Appendix G of this EIR.

### 4.5.2 EXISTING ENVIRONMENTAL SETTING

According to the Nevada County General Plan EIR, a variety of prehistoric and historic site types occur within Nevada County. The following sections provide further details regarding the prehistoric overview, ethnographic overview, and historic overview of the project area, as well as a description of any identified cultural resources associated with the project site and a discussion of tribal cultural resources.

#### Prehistoric Overview

The earliest evidence of human occupation in the Sierra Nevada region dates to the Terminal Pleistocene and Early Holocene (12,000–8,000 B.P.), although archaeological finds from this timeframe are sparse and are typically limited to isolated stemmed points at high elevations. Sites from the Terminal Pleistocene and Early Holocene time indicate a semi-sedentary lifestyle, small group size, and subsistence focused on large game hunting. Large-stemmed and corner-notched projectile points made of local basalt are common in these early assemblages, although obsidian obtained through trade with the people of the Great Basin and California Coast Ranges has been documented.

Early and middle Holocene (8,000–5,000 B.P.) lifeways focused on hunting, with small and semi-sedentary social groups. Middle to late Holocene (5,000–2,000 B.P) archaeological patterns show an increase in population and economic intensification, demonstrated by an increase in settlement size, use of food storage pits, bow and arrow technology, reliance on small game and labor-intensive resources, such as seeds and nuts, and increased trade of obsidian and shell beads with groups to the east and west.

<sup>1</sup> Nevada County. *Nevada County General Plan*. Updated 2014.

<sup>2</sup> Nevada County. *Nevada County General Plan, Final Environmental Impact Report*. March 1995.

<sup>3</sup> InContext. *Historic Properties Inventory and Finding of Effect for the Idaho-Maryland Mine Project, Nevada County, California*. December 2020.



Late Period (2,000–450 B.P.) archaeological patterns reflect a waning population along the western slope of the Sierra Nevada from 1,450 to 700 B.P. From 700 B.P. to approximately the time of European contact, the population appears to increase again, and lifeways were centered on a plant-based diet.

### **Ethnographic Overview**

The project area is traditionally Hill Nisenan territory, a tribe who are sometimes referred to as Southern Maidu. The Nisenan are a Maidu-speaking people who settled in villages along major waterways, ridges, and flats. Settlements were typically organized around a central village, with family groups building homes apart from the main hub. Winter homes were conical and constructed from skins, bark slabs, and brush, while summer residences were typically brush structures. Villages tended to be located near large bedrock outcrops suitable for creating bedrock mortars used to process acorns and other plant foods, as well as small animals.

The nearest recorded ethnographic tribelet in the project area was *Hi'et*, southwest of present-day Nevada City, and the nearest recorded ethnographic villages were *Tsekankan* and *Ustoma*. Prehistoric archaeological sites or localities have not been recorded in the immediate vicinity of the project site. The lack of recorded prehistoric sites in the area can be attributed largely to the impacts of Euro-American incursion into Grass Valley. Traditional lifeways were disrupted, and Native people were displaced with the onset of the Gold Rush in the mid-nineteenth century.

### **Historic Overview**

The following section provides an overview of the Grass Valley Mining District and California Gold production, as well as local history associated with the project area.

### **Grass Valley Mining District and California Gold Production**

Gold mining in the Grass Valley area began in 1848 when placer gold was discovered in Wolf Creek. However, the region is primarily known for its high-producing lode mines that were productive from the 1860s through the 1950s. Although lode mining began in Grass Valley in the 1850s, lode mining did not develop in earnest until after the Comstock rush ended in 1865. Eventually, the Grass Valley Mining District (District) was the most productive gold-bearing area in California. Gold production from the late 1860s to 1950s in the District paralleled production throughout the State, but in much higher numbers. A steady increase began in the late 1860s with an infusion of capital. Another boost occurred from technological advances in the 1890s. With World War I (WWI) came prosperity and higher costs of production, which slowed output. Then, with the Great Depression, production costs decreased, increasing output. The ten-year span from 1930 to 1940 demonstrated a remarkable abundance within the District; nearly 2.2 million tons of ore were produced, yielding \$26.76 million. During World War II (WWII), the United States forced shut down of mines as non-essential to the war effort. An attempt to reopen the mines was made after the shutdown was lifted, but higher production costs stunted output until many mines, including the largest mines in Grass Valley, closed in 1956.

In the late 1860s, Nevada City and Grass Valley business owners began advocating at the State and federal levels for a railroad to connect their business interests with the Central Pacific Railroad. Mine operations needed a continuous supply of timber to fuel the boilers that supplied energy to the mines, and the train line helped bring more timber. On March 25, 1874, the State legislature approved the bill allowing the Centennial Narrow Gauge Railroad (CNGR) between Nevada City and Colfax. Construction was completed in April 1876. The railroad helped develop



other economic opportunities within the region, such as the fruit packing plants and lumber mills that ran along the railroad; however, Nevada County Narrow Gauge Railroad's (NCNGR's) main goal remained the support of the local quartz mines. The railroad route followed what is now East Bennet Road to the north bank of South Fork Wolf Creek, crossing the Union Hill Mine and New Brunswick Mine parcels. Passenger travel on the rail line stopped in 1938, and operations ceased completely in 1942 at the onset of WWII. By the following year, only the grade remained because the entire line had been sold for scrap.

### **Project-Specific Historic Context**

The Idaho-Maryland Mine property was identified as a lucrative gold-bearing parcel in 1851. Today, the Idaho-Maryland Mine is a consolidation of several of the important early day producing mines in the District, including the Eureka, Idaho, Maryland, Brunswick, and Union Hill Mines.

#### Early Development (1860–1890)

The early development period is characterized by steady growth in the number of mine claims, the expansion of underground and surface level operations, and production of such mines. The end of this period marks the sale of the Idaho Mine and the shift to the consolidation of the mines. In the early years of underground mining, the District had small claims that made it difficult to pay for equipment; therefore, the claims could not be worked. However, after 1860, the depths and production of the mines increased due to the use of newer technology and engineering. Underground mining requires technical engineering and the ability to design the infrastructure both above and below ground. Many of the first mine builders depended upon Cornish miners to design and build such infrastructure. However, as mines got deeper, more improvements became necessary and mining engineers were needed. Later mining operations began using power drills, nitroglycerine-based dynamite, and hydraulics, which further increased mining production.

#### Idaho Mine (ca. 1850-1893)

The Idaho vein, which stemmed from the eastern extension of the Eureka vein, was discovered in the bed of Wolf Creek about 1.5 miles east of downtown Grass Valley during the Gold Rush. The claim was not recorded until a rich strike was made in 1863. Two years later, discovery of high yielding ore within the claim prompted several investors to finance large-scale mining production. However, the initial capitalization of the Idaho Mine failed and the mine was purchased by the Coleman Brothers, who sold their North Star Mine, in 1867. The Coleman's Idaho Quartz Mining Company sunk a shaft to 300 feet and ran into the eastern extension of the Eureka-Idaho Ore Shoot. In 1881, the Idaho Mine reached a vertical depth of 1,200 feet, which no other gold mine in California had reached. As such, the Idaho Mine was considered one of the most up-to-date mines in the industry.

In 1868, the Idaho Quartz Mining Company finished constructing a stamp mill at the Idaho Mine. That year, 763 tons of ore were milled, yielding \$13,978 from the newly built stamp mill. In 1877, the timber in the 200-foot level had to be completely replaced. The mill property comprised an office, mill, buddle house, machine shop, drain tunnel, sulphurets house, tailings sluices, rocker house, pump house, hoisting works, blacksmith shop, waste rock track, air shaft, water ditch, Narrow Gauge Railroad (NGRR), and roads to Hills Flat and Grass Valley. Hydraulic mining ended in 1882, which allowed water supplies to serve other needs. The Idaho Mine installed Pelton wheels and contracted with South Yuba Water Company to supply water to the mine. Steam power switched to waterpower in 1883 and proved beneficial both operationally and



economically. The Idaho Mine was the leading quartz mine in California from 1869 to 1892. The Idaho Quartz Mining Company worked the same pay shoot until 1893, when operations halted because the mine reached its claim boundary to the east.

### Eureka Mine (1851-1877)

Discovered in February 1851, the Eureka Mine was located on the north side of Wolf Creek 0.25-mile east of Grass Valley, and was one of the earliest quartz mining locations in the District. In 1863, the vertical shaft was sunk to a depth of 100 feet, leading to the discovery of a rich ore shaft that averaged \$28 per ton. As the levels of the mine grew, so did the quality of the ore. At the 600-foot level and more than three feet wide, the ore value averaged \$50 per ton. The Eureka Mine was the largest producer of quartz gold in California and in the United States from 1866 to 1871. The Eureka Mine closed in 1877.

### Maryland Mine (1865-1893)

The Maryland Mine was located in June 1865, west of the Idaho Mine claim. Substantial work of the claim did not occur until 1880. In 1890, the underground workings of the Idaho and Maryland mines met, prompting a lawsuit to determine the boundary between the two properties. A compromise boundary was agreed upon and, three years later, the Idaho Mine workings reached the boundary line. The Coleman brothers sold the Idaho Mine to the Maryland Gold Quartz Mining Company, who took possession in 1893.

### Union Hill Mine (1860-1900)

The Union Hill Gold Quartz Mine claim, which intersects the current project area, was made in 1866. The Union Hill Mine operated successfully until 1870, when a decline in the mining industry forced the closure of most mines in the area, except the Idaho-Maryland and Empire Mines. In 1900, the Union Hill Mine reopened and was subsequently purchased by the Idaho-Maryland Mines Company in 1918.

### Brunswick Mine (ca. 1880-1919)

The exact date the Brunswick Mine was founded is unknown. In 1888, the Brunswick Mine was worked only to a depth of 300 feet in the Old Brunswick shaft. Eventually, the three-compartment incline shaft reached depths of 700 feet and continued to 1,250 feet, where the Brunswick Consolidated Gold Mining Company found good-quality ore in 1896. The owners constructed a new vertical shaft, New Brunswick, in 1915. They also built a steel headframe and completed a twenty-stamp mill and cyanide plant. The method of treating and handling the ore improved and kept operating costs low.

### Consolidation (1890-1919)

The consolidation period is characterized by financial instability and several exchanges of ownership among the mines, followed by closures from lack of capital and later from WWI. The end of this period marks the consolidation and reopening of the mines under new ownership: the Idaho-Maryland Mines Company.

A lawsuit in 1890 between the Idaho Quartz Mining Company and the Maryland Gold Quartz Mining Company determined the boundary line for the two mine properties. When the Idaho Mine reached the compromise line in 1893, with no other ore bodies found that would call for further operations, the Coleman brothers decided to sell the mine. They sold the Idaho Mine claim to the Maryland Gold Mining Company for \$85,000 in April 1893. Dual management of the Idaho-Maryland Mine began on May 1, 1893, but the company name remained Maryland Gold



Quartz Mining Company. Furthermore, because both the Idaho Mine and Maryland Mine remained open, more than 200 miners within the Grass Valley area kept their jobs.

In 1894, the Maryland Gold Quartz Mining Company purchased the Idaho Quartz Mining Company and its Idaho Mine. The name then changed to Idaho-Maryland Mine and, soon afterward, the Dorsey vein was discovered. The Idaho-Maryland Mine closed in 1901 due to a lack of funds. The total production of gold from 1894 to 1901 was 60,282 ounces (roughly 3,768 pounds).

The Idaho-Maryland Mine's underground operations closed in February 1901 from lack of capital which, in turn, tripled ore costs, milling costs, and resulted in poor conditions of the underground workings. The closing of the underground mining operation at the Idaho-Maryland Mine ended 44 years of nonstop mining for gold within that location. Samuel P. Dorsey did keep the surface level workings intact and actively promoted the property to attract capital investors. In late 1902, a group of men from Boston expressed interest in the claim and sent a mining engineer to Grass Valley. The engineer's report returned favorable to the men, leading to the establishment of the Idaho-Maryland Development Company. The mine needed more work than estimated to reopen, and the group made some repairs to the surface level and pumped the water from the underground workings of the mine. Despite these efforts, the Idaho-Maryland Development Company ceased operations in October 1914, at the beginning of WWI, and the mine filled with water.

Errol MacBoyle, a well-known mining engineer from San Francisco, found interest in the Idaho-Maryland Mine and compiled a report. In his report, MacBoyle determined that the mine held much larger amounts of riches than the \$19 million it had generated to earlier owners. He also considered the benefits of combining all the surrounding mines with the Idaho-Maryland Mine. MacBoyle first received options from the South Idaho Consolidated Mining Company, Gold Point Gold Mining Company, and Black Hawk Mine. To further his plans to combine the mines, MacBoyle formed a syndicate to obtain the Union Hill Mine. Gold Point Consolidated Mines, Inc., was created to handle the purchases of more properties. However, in 1917, Metals Exploration Company took over Gold Point Consolidated Mines, Inc. After months of negotiations, Metals Exploration Company leased the Black Hawk, Eureka, Gold Point, Roanase, South Idaho, Union Hill mines, and several other claims with the option to buy each. Samuel P. Dorsey purchased the Idaho-Maryland Mine in late 1919 for \$187,692.50, paving the way for the Metals Exploration Company to secure the funds necessary to reopen the mines. The company named the new project the Idaho-Maryland Mines Company.

### WWI and WWII (1914–1957)

This period is characterized by vacillating decades of high production costs/low gold production and low production costs/high gold production. The end of this period also marks the closing of the large lode mines in the Grass Valley Mining District, which have yet to recover. The Eureka Mine reopened in 1920 and several years of production followed the consolidation. In 1925, the Idaho-Maryland Mine closed. Errol MacBoyle sought the funds necessary to continue operating the pumps so that the mine would not fill with water. Tributers or men who leased a part of the claim to mine kept the mine operating.

In the 1930s and 1940s, the Idaho-Maryland Mine was the second-largest underground gold mine in California, behind the Empire Mine. Between 1930 and 1940, the Idaho-Maryland and Brunswick Mines yielded 2,186,381 tons of ore, equating to \$26.76 million in extracted



materials. Additionally, the Idaho-Maryland Mine developed a new method of sinking shafts and core drilling. On July 1, 1933, the Idaho-Maryland Mines Company leased the Brunswick Mine from the Idaho Consolidated Mines, Inc. for five years. By 1934, the underground workings of the Idaho-Maryland Mine extended more than 8,000 feet from the main shaft. To supply better ventilation and another exit, another shaft was created closer to the underground operations. The location for the shaft was near the intersection of Brunswick and Idaho Maryland Roads, which proved problematic from a geological standpoint. In order to operate a conventional shaft at that location would have required a vast amount of timber and constant upkeep. The shaft would not need to hoist ore or waste rock, so they tried using a 60-inch-diameter experimental, single compartment, core drill. With the use of the drill, the second shaft, called the “Round Hole” shaft, was advanced 173 feet in 1934.

The Idaho-Maryland Consolidated Mines, Inc. merged with its operating company Idaho-Maryland Mines Company in 1935 and then changed the name to Idaho-Maryland Mines Corporation. Operations, including the Idaho Mine and the New Brunswick Mine, produced 293,975 tons of ore in 1936. In 1939, the Idaho-Maryland Mines Corporation experienced the largest gold production of any quartz mine in California and remained the second-largest gold mine in the United States. The mine maintained leading numbers for several years as a direct result of the output from the Idaho-Maryland Mine, and other Grass Valley area mines they controlled, including the Brunswick Mine. The Brunswick Mine added to the Idaho-Maryland Mine’s production numbers, which peaked in 1941.

In 1940, improvements were made to the New Brunswick Mine, including deeper shafts and, in turn, an increase in ore production, which required increasing the headframe size and hoisting capabilities. The owners of the surface plant for New Brunswick bought a 1,000-horsepower water drum from the Los Angeles Metropolitan Water District. The hoist had eight-foot-diameter drums with a 60-inch face that could hold 4,800 feet of cable. The cement piers, foundations, and drum pits were constructed, and the large hoist was installed. Concrete floors were poured and an all-steel building was built over the hoist. The new hoist room was constructed north of the three-compartment shaft, and the regularly-used hoist was on the south side.

Errol MacBoyle was significant in Grass Valley history. The mines produced over two million tons of material from the time MacBoyle took over the mine in 1926 until the early 1940s. On October 8, 1942, the War Production Board issued Limitation Order L-208, closing many of the top United States gold mines, including the Idaho-Maryland Mine. Mining resumed after the war, but without the prior success under MacBoyle’s supervision.

MacBoyle contributed resources to the Grass Valley area, including an airstrip used by the National Guard for training. The government closed the airstrip during WWII. In 1936, MacBoyle formed the Grass Valley Memorial Hospital Association and built a hospital to 80 percent completion. However, when WWII began, obtaining added materials proved difficult and funding stopped. MacBoyle passed away in 1947.

For the first time in 105 years, in 1956, all Grass Valley area mines stopped running. In December 1955, the Idaho-Maryland Miners Corporation ceased gold mining operations and switched to mining only tungsten. The Empire and North Star Mines Company, Ltd. closed on July 5, 1956. The estimated worth of the total yield of the lode mines was \$300 million. The Empire-Star Mine produced \$130 million and the Idaho-Maryland Mine produced \$70 million, making them the two largest mining operations in California and among the largest in the United States. The equipment at the New Brunswick and Idaho-Maryland Mines sold at auction in



March 1957 to help offset delinquent taxes. The Grass Valley and Nevada City area mines not only transformed the local area environmentally and economically, but quartz gold from the Sierra foothills changed the nation as well.

## **Summary**

The history of the District and lode mining reflects the broader trends and conditions of the times in local, State, and United States society from 1866 to 1957. With the discovery of gold in the area in 1848, mining changed the landscape of the Sierra foothills and made some of the Grass Valley District Mines top gold producing mines in the State and throughout the country. The General Mining Act of 1872 allowed individuals to patent mineral rights, in the same way farmers could claim settlements under the Homestead Act of 1862. The General Mining Act sparked a small boom in gold production in the later 1800s.

Most developments of new mining techniques and equipment originated in the Grass Valley and Nevada County Mining Districts, including hydraulic mining. In 1867, thirty stamp mills were operating and roughly 1,600 men were working in the mining industry in the Grass Valley area. Power drills and nitroglycerine-based dynamite replaced hand drills and black powder in 1868. A new steel headframe, a 20-stamp mill, and a cyanide plant were in place at the Idaho-Maryland Mine in 1915. By 1919, a new electric-powered hoist and Ingersoll-Rand compressor were installed. The Idaho-Maryland Mine property also housed a machine shop and carpenter shop. J. Branner Newsome fabricated a core drill in 1934 to help offset the amount of timber needed to get through the hard rock material. The new mining equipment that developed from need within the Grass Valley District mines contributed to some of the advancements of the Gilded Age. The surface level of the mine property constantly changed to remain updated and in working order to assist with the underground workings of the mine. However, the underground parts of the mine remained the same over time, except for timber replacement as needed and further digging.

The District, as well as the Idaho-Maryland Mine, experienced many fluxes from 1848 to 1957. Between 1856 and 1860, a minor nationwide economic depression occurred. Many continued mining even though the work became increasingly more complicated than simple panning or rocking for gold. Gold mining consistently increases during slow economic cycles. The decline in mining activity represents the pull of other strikes and popularity of other occupations; however, the District's gold mining influence increased from 71 percent of the population engaged in mining in 1850 to 76 percent in 1860. A worldwide economic depression from 1893 to 1896 contributed to a gold boom sparked by technological advancements, and the production of gold climbed steadily. The Grass Valley region would have suffered negative economic effects of the first depression had the mines not employed such a sizable part of the community. The Great Depression brought the final boom of historic gold mining in the Grass Valley region and, between 1930 to 1940, the Idaho and Brunswick Mines produced enormous amounts of ore. By 1941, 973 employees were working at the Idaho-Maryland and Brunswick Mines.

Gold mining not only changed the Grass Valley area, but exporting gold created ripple effects throughout California and the United States. The landscape of the Sierra foothills changed from the amount of timber used for steam power. The mines, including the Idaho-Maryland Mine, used NGRR to haul in timber from other locations, thus changing the landscape in other locations as well. The District faced wartime decreases in production and government shutdowns during both WWI and WWII. The District also reflects the same development,



decline, and resurgence patterns that the United States experienced during several economic recessions and booms throughout the ninetieth and twentieth-centuries.

### **Previously Recorded Cultural Resources**

“Area of Potential Effects”, abbreviated as the APE, is used to describe the full extent of project limits as depicted in Figure 4.5-1. In addition, the APE includes the area of proposed/potential underground mine workings associated with the project.

Seven previously recorded historic-period cultural resources have been documented within the APE. Two of the seven resources (P-29-0839 and P-29-1495) no longer exist within the APE. The resources are summarized in Table 4.5-1 and described in further detail below.

<b>Table 4.5-1</b>	
<b>Previously Recorded Cultural Resources within the APE</b>	
<b>Identifier</b>	<b>Name</b>
P-29-0839	Segment of NCNGR
P-29-1447	Idaho-Maryland Mine (western portion not plotted by North Central Information Center)
P-29-1485	McPherson Ditch #1
P-29-1494	Brunswick Mine
P-29-1495	Two Mining Adits and Two Prospect Pits
P-29-1496	Union Hill Mine
P-29-4634	East Bennett Road
<i>Source: InContext, December 2020.</i>	

#### **P-29-0839 – Segment of NCNGR**

A section of the NCNGR was recorded within the current project APE in 1995, and described as a grade without rails or ties. Since 1995, the grade has been leveled and replaced by extensive graveled areas used by a lumber mill. Due to infrastructure removal, natural weathering, and frequent foot, bicycle, and off-highway vehicle traffic, there is little physical evidence for the NCNGR. The area was visited during the 2019 field survey, and resources associated with P-29-0839 no longer exist.

#### **P-29-1447 - Idaho-Maryland Mine**

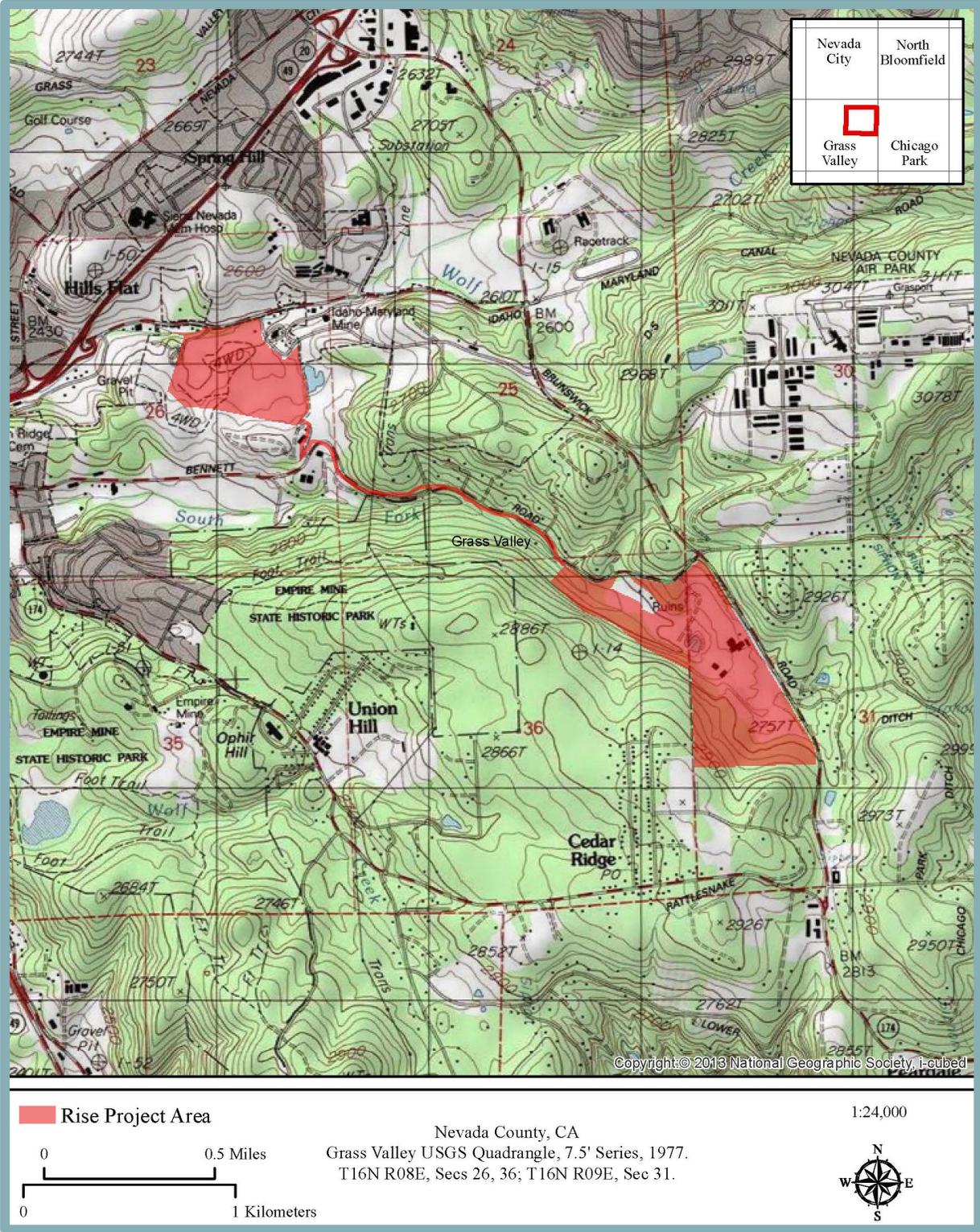
The Idaho-Maryland Mine has been recorded as P-29-1447 with three major components. One is the eastern loci, situated east of Brunswick Road and primarily south of Lower Banner Road. The second is the western loci, just east of the Elm Ridge Cemetery. The third is the Idaho-Maryland Ditch, which passes through both the eastern and western loci.

The Idaho-Maryland Mine has been subject to several recordings from 1983 to 2016. The first recording in 1983 identified resources adjacent to and north of the Centennial Industrial Site, south of Idaho-Maryland Road. Updates in 1994 added features to the eastern portion of the site, near the airport. The North Center Information Center (NCIC) identifies the site boundary to include the eastern features, but not the western features.

A field survey conducted in May 2019 confirmed that none of the previously recorded features of P-29-1447 are located within the current APE; however, the newly recorded resources (Temp-001, 005, 010, and 012), discussed in the next section, are most likely part of the western locus, as recorded in 1983.



**Figure 4.5-1  
 Area of Potential Effects**



### **P-29-1485 - McPherson Ditch #1**

McPherson Ditch #1 was subject to one recording. The McPherson Ditch #1 was described as an unlined, bell-shaped ditch approximately four- to six-feet wide and two- to three-feet deep, which contoured the northeastern side of Union Hill and terminated at the South Fork of Wolf Creek. Known artifact concentrations or features are not associated with the ditch. As of the May 2019 field survey, the segment of the ditch in the current project site was visible on the landscape.

### **P-29-1494 - New Brunswick Mine**

The New Brunswick Mine was subject to one thorough recording. The recording identifies ten feature loci consisting of the following:

- A. concrete footings;
- B. concrete ore bins;
- C. mine shaft capped with concrete;
- D. concrete basement foundation;
- E. concrete footings, foundations, and slurry ponds;
- F. concrete slab and foundation;
- G. concrete slab and foundations;
- H. headframe foundation and footings;
- I. concrete foundation; and
- J. concrete foundations.

The most prominent feature of the site was the tall concrete headframe (Feature H). During the field survey of May 2019, only the headframe and shaft remained. All other features appeared to have been removed from the site.

### **P-29-1495 - Two mining Adits and Two Prospect Pits**

In 1995, this resource was described as a historic mining landscape of collapsed adits, small tailings dumps, prospects, a trail, and trench located along the south bank of South Fork Wolf Creek. The area was visited during the 2019 field survey, and resources associated with P-29-1495 no longer exist.

### **P-29-1496 - Union Hill Mine**

The Union Hill Mine site was recorded as consisting of seven foundations/pads, one mine shaft, two tailings piles, and an access road. During the May 2019 survey, all previously recorded features were relocated, conforming to the site record and sketch map. The site is now overgrown with blackberry bushes.

### **P-29-4634 - East Bennett Road**

East Bennett Road is part of a historic route that extends through the current project site. In 2016, East Bennett Road was recorded as a modern paved road with four features. The features consist of one concrete culvert/bridge stamped with "WPA", indicating that the culvert was constructed by the Works Progress Administration that existed from 1935 to 1943. The three other features consist of two rudimentary masonry culverts and one locus with three separate short segments of dry-laid rock wall. During the survey of May 2019, the road was observed as modern and maintained. Each of the four features was relocated and observed in the same condition as described in 2016.



### **Previously Unrecorded Cultural Resources**

Four previously unrecorded components (Temp-001, 005, 010, and 012) of the Idaho-Maryland Mine (P-29-1447) were documented as a result of the Historic Properties Inventory and Finding of Effect document.

#### **Temp-001**

Temp-001 consists of three mining features: two concrete towers, approximately 30 and 40 feet tall, and a section of four-foot-diameter riveted pipe. Such features may be associated with the historic Idaho-Maryland Mine.

#### **Temp-005**

Temp-005 consists of two one-foot-diameter pipe segments that are partially underground, two short earthen ditch segments, and an earthen pile of unknown function. Such features may be associated with the historic Idaho-Maryland Mine.

#### **Temp-010**

Temp-010 consists of a segment of an abandoned mining ditch. The ditch was replaced by an unnamed dirt road at the west end and by Centennial Drive at the east end. The ditch is five feet wide and two feet deep, running east-to-west.

#### **Temp-012**

Temp-012 consists of a segment of an abandoned mining ditch. The ditch was replaced in an open meadow by some four-wheel-drive roads at the south end, and was undiscernible in dense vegetation at the north end. The ditch is eight to ten feet wide and three feet deep, running mostly north-to-south.

### **Tribal Cultural Resources**

As noted in the Historical Properties Inventory, the high density of hydrological features in the project area combined with occasional winter snowpack and steep terrain subject the local soils to a high level of erosion. Such soil conditions result in a low likelihood for preservation of intact subsurface archaeological deposits, and high likelihood for surface archaeological deposits to be displaced from their original context.

Based on a search of the Native American Heritage Commission (NAHC) Sacred Lands File, as described in further detail in the Method of Analysis section below, recorded Native American sacred sites or traditional cultural properties are not known to exist within the project site. In addition to the above, the County conducted Assembly Bill (AB) 52 and Senate Bill (SB) 18 tribal consultation for the project, as described in the Method of Analysis section below. Tribal Cultural Resources were not identified for the project site.

### **4.5.3 REGULATORY CONTEXT**

The following is a description of federal, State, and local environmental laws and policies that are relevant to the review of cultural and tribal cultural resources under the CEQA process.

#### **Federal Regulations**

The following are the federal regulations relevant to cultural and tribal cultural resources.



## National Register of Historic Places

The National Register of Historic Places (NRHP) is the nation’s master inventory of known historic resources. The NRHP includes listings of resources, including: buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, State, or local level. Resources over 50 years of age can be listed on the NRHP. However, properties under 50 years of age that are of exceptional significance or are contributors to a district can also be included on the NRHP. Four criteria are used to determine if a potential resource may be considered significant and eligible for listing on the NRHP. The criteria include resources that:

- A. Are associated with events that have made a significant contribution to the broad patterns of history; or
- B. Are associated with the lives of persons significant in our past; or
- C. Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. Have yielded or may likely yield information important in prehistory or history.

A resource can be individually eligible for listing on the NRHP under any of the above four criteria, or can be listed as contributing to a group of resources that are listed on the NRHP. A resource can be considered significant in American history, architecture, archaeology, engineering, or culture. Once a resource has been identified as significant and potentially eligible for the NRHP, the resource’s historic integrity must be evaluated. Integrity is a function of seven factors: location, design, setting, materials, workmanship, feeling, and association (see Table 4.5-2 for definitions). The factors closely relate to the resource’s significance and must be intact for NRHP eligibility.

<b>Table 4.5-2 Aspects of Historical Integrity</b>	
<b>Aspect</b>	<b>Definition</b>
Location	The place where the cultural resource was constructed or where the historic event occurred.
Setting	The physical environment of a cultural resource as it relates to the character of the location and its surrounding features or open space as it was during the period of significance.
Design	The combination of elements that were used to purposefully create the form, plan, space, structure, and style of a cultural resource.
Materials	The physical elements that were combined or deposited in a particular pattern or configuration during the period of significance to form the cultural resource. Materials reflect choice (influenced by tradition or culture) and availability (influenced by region or trade).
Workmanship	The physical evidence of the crafts of a particular culture or people (such as construction methods or techniques) during the period of significance.
Feeling	The physical features that together express the aesthetic sense of the period of significance and the absence of physical features that detract from this aesthetic sense.
Association	The physical features that can be directly linked to an important historic event or the reasons for which a historic person is significant.
<b>Source: InContext, December 2020.</b>	



## **State Regulations**

The following are the State environmental laws and policies relevant to cultural resources.

### **California Health and Safety Code**

Section 7050.5 of the California Health and Safety Code states that when human remains are discovered, no further site disturbance shall occur until the county coroner has determined that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, in the manner provided in Public Resources Code (PRC) Section 5097.98. If the coroner determines that the remains are not subject to the coroner's authority, and the remains are recognized to be those of a Native American, the coroner is required to contact the NAHC within 24 hours.

### **California Environmental Quality Act**

State historic preservation regulations affecting this project include the statutes and guidelines contained in CEQA (PRC Sections 21083.2 and 21084.1 and Sections 15064.5 and 15126.4 (b) of the CEQA Guidelines). CEQA requires lead agencies to consider the potential effects of a project on historic resources and unique archaeological resources. An "historic resource" includes, but is not limited to, any object, building, structure, site, area, place, record or manuscript that is historically or archaeologically significant (PRC Section 5020.1). Under Section 15064.5 of the CEQA Guidelines, a resource is considered "historically significant" if one or more of the following CRHR criteria have been met:

1. The resource is associated with events that have made a significant contribution to the broad patterns of California history and cultural heritage;
2. The resource is associated with the lives of important persons from our past;
3. The resource 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
4. The resource has yielded, or may be likely to yield, important information in prehistory or history.

The CEQA Guidelines also provide for other methods of determining whether a resource is a historical resource, including the following:

- 1) A resource included in a local register of historical resources, as defined in PRC Section 5020.1(k), which states:

"Local register of historical resources" means a list of properties officially designated or recognized as historically significant by a local government pursuant to a local ordinance or resolution.

- 2) A resource identified as significant in an historical resource survey meeting the requirements of PRC Section 5024.1(g), which states:

A resource identified as significant in an historical resource survey may be listed in the California Register if the survey meets all of the following criteria: (1) The survey has been or will be included in the State Historic Resources Inventory; (2) The survey and the survey documentation were prepared in accordance with office procedures and



requirements; (3) The resource is evaluated and determined by the office to have a significance rating of Category 1 to 5 on DPR Form 523. (4) If the survey is five or more years old at the time of its nomination for inclusion in the California Register, the survey is updated to identify historical resources which have become eligible or ineligible due to changed circumstances or further documentation and those which have been demolished or altered in a manner that substantially diminishes the significance of the resource.

- 3) The lead agency determines the resource to be significant as supported by substantial evidence in light of the whole record (California Code of Regulations [CCR], Title 14, Division 6, Chapter 3, section 15064.5(a)).

In addition, the resource must retain integrity. CEQA requires preparation of an EIR if a proposed project would cause a “substantial adverse change” in the significance of a historical resource. A “substantial adverse change” would occur if a proposed project would result in physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired (CEQA Guidelines Section 15064.5[b][1]). Pursuant to CEQA Guidelines, the significance of an historical resource is materially impaired when a project:

- (A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or
- (B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- (C) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.

In addition to historically significant resources, which can include archeological resources that meet the criteria listed above, CEQA also requires consideration of “unique archaeological resources.” If a site meets the definition of a unique archaeological resource, the site must be treated in accordance with the provisions of PRC Section 21083.2. Under PRC Section 21083.2(g), an archaeological resource is considered “unique” if it:

- 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.

CEQA also includes specific guidance regarding the accidental discovery of human remains. Specifically, CEQA Guidelines Section 15064.5(e) requires that if human remains are uncovered, excavation activities must be stopped and that the county coroner be contacted. If the county coroner determines that the remains are Native American, the coroner must contact



the NAHC within 24 hours. The NAHC identifies the most likely descendent, and that individual or individuals can make recommendations for treatment of the human remains under the procedures set forth in Section 15064.5 of the CEQA Guidelines.

### **Public Resource Code Section 5024.1**

The State Historic Preservation Officer (SHPO) maintains the California Register of Historic Resources (CRHR). Properties that are listed on the NRHP are automatically listed on the CRHR, along with State Landmarks and Points of Interest. The CRHR can also include properties designated under local ordinances or identified through local historical resource surveys. Criteria to determine eligibility under the CRHR are listed above.

### **Public Resource Code Section 5097.98**

PRC Section 5097.98 includes standards and procedures related to discovery of Native American human remains. Pursuant to Section 5097.98, in the event that Native American human remains are discovered, the most likely descendants of the deceased individual must be immediately notified. The descendants may, with the permission of the owner of the land, or their authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods.

### **Assembly Bill 52 - 2014**

Approved in 2014, AB 52 amended, and added to, Section 5097.94, 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3 of the PRC, relating to Native Americans. AB 52 added Tribal Cultural Resources to the categories of cultural resources in CEQA, which had formerly been limited to historic, archaeological, and paleontological resources. “Tribal Cultural Resources” are defined as either:

- (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 California Register of Historical Resources.
  - (B) Included in a local register of historical resources as defined in subdivision (k) of 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.

Under AB 52, a project that may cause a substantial adverse change in the significance of a Tribal Cultural Resource is defined as a project that may have a significant effect on the environment. Where a project may have a significant impact on a Tribal Cultural Resource, the lead agency’s environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. AB 52 (PRC Section 21080.3.1) requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the geographic area of a proposed project if they have requested notice of projects proposed within that area. If the tribe(s) requests consultation within 30 days upon receipt of the notice, the lead agency must consult with the tribe(s). Consultation may include



discussing the type of environmental review necessary, the significance of Tribal Cultural Resources, the significance of the project's impacts on the Tribal Cultural Resources, and alternatives and mitigation measures recommended by the tribe(s).

### **Local Regulations**

The following are the regulations pertinent to the proposed project on a local level.

### **Nevada County General Plan**

The relevant goals, policies, and actions from the Nevada County General Plan related to cultural and tribal cultural resources are presented below.

### **Cultural Resources Element**

Goal 19.1 Identify and protect and where economically feasible restore significant archaeological and historic resources.

Policy 19.3 Encourage and cooperate with the private sector in the implementation of innovative techniques intended to preserve archaeological and historic sites by gift, private conservancies and easements.

Policy 19.4 Incorporate cultural and historic resource management standards in the Comprehensive Site Development Standards, for use in project review of all discretionary project permits. These standards shall provide for the use of clustering and restricted building sites as techniques for the preservation of significant cultural resources.

Policy 19.6 Require all applications for discretionary project permits, and all applications for ministerial project permits except single-family residences on individual lots shall be accompanied by a Site Sensitivity Literature Review, prepared by a qualified archaeologist or entity such as the North Central Information Center, Department of Anthropology, California State University at Sacramento.

Where review indicates significant archaeological or historical sites or artifacts are, or are likely, present, on-site field review shall be required. If a site or artifacts are discovered, the find shall be evaluated and potential significance determined. If significant cultural resources may be directly or indirectly impacted by proposed development, appropriate mitigation shall be developed and implemented in accordance with California Environmental Quality Act standards, including Appendix K, prior to onset of ground disturbance. Avoidance of significant cultural resources shall be considered the mitigation priority. Excavation of such resources shall be considered only as a last resort when sufficient planning flexibility does not permit avoidance. On-site field review, evaluation of site significance, and development of mitigation



measures, as identified above, shall be performed by a qualified professional archaeologist.

- Policy 19.7 Cooperate with local historical societies and the Native American Indian community to protect significant historical, cultural, and archaeological artifacts, improve access to and interpretation of unrestricted resources and archaeological history by involving them in the development review process.

### **Nevada County Land Use and Development Code**

The Nevada County Land Use and Development Code (LUDC) provides Site Development Standards to guide the design, location, and development of new land uses and the alteration of existing uses. Section L-II 4.3.6, Cultural Resources, includes Site Development Standards intended to preserve, protect, and manage the County's significant cultural resources. The Site Development Standards are consistent with the Nevada County General Plan provisions protecting historic resources. The Site Development Standards require the following:

1. For all applicable projects, the County shall direct the project applicant to initiate a North Central Information Center (NCIC) records search to provide the most current information about the sensitivity of the property to contain cultural resources and to assess the need for a cultural resource study. If the NCIC does not recommend a cultural resource study and if there are no recorded or known cultural properties or traditional cultural areas, the project applicant shall submit NCIC correspondence documenting such to the County, with the land use application.

Should the NCIC recommend a cultural resource study, the applicant shall retain a qualified professional to conduct a cultural resource study of the project area. This study shall document the presence or likelihood of potentially significant cultural resources. When the NCIC or the qualified professional decides that there is a high likelihood that Native American archaeological sites and/or spiritual and non-physical sites may be encountered during the inventory phase, a qualified Native American Consultant shall be consulted to incorporate their views regarding the potential importance of Native American sites in the project area. The study shall be submitted to the County with the land use application.

If no cultural resources are inventoried, or if no potentially significant cultural resources will be impacted by the project, the qualified professional will prepare a report documenting these findings to be submitted to the County.

2. Projects shall only be approved when they do not remove or disturb cultural resources, unless a Management Plan is prepared consistent with paragraph 3 below or other standards are met consistent with paragraph 4 below. Preservation and avoidance are the first priority.
3. If the above standard effectively precludes development of the project or adversely affects another environmentally-sensitive resource, a Cultural Resource Management Plan shall be prepared by a qualified professional. The Plan shall provide for the analysis and determination of the significance of the cultural resource according to the importance standards listed in CEQA. It shall describe the results of a cultural resource investigation, illustrate potential conflicts with project design, assess impacts to resources, evaluate their significance, and attempt to design measures to mitigate impacts to insignificant levels. Plans shall follow the guidelines established in the State Office of Historic Preservation "Archaeological Resource Management



Reports: Recommended Contents and Format.” The Plan shall document the results of work performed during the inventory, evaluation and/or mitigation phases of study. Research designs shall follow the guidelines established in the State Historic Preservation Office “Guidelines for Archaeological Research Designs.” Alterations made to a cultural resource or structure for its rehabilitation, preservation, restoration, or relocation shall be in accordance with the “Secretary of the Interior’s Standards for Rehabilitation,” prepared by the National Park Service, and the “State Historic Building Code.”

If the cultural resource is determined not significant, or if the resource’s potentially important information is recovered at the evaluation phase of research, the qualified professional’s report documenting these findings shall be submitted to the County.

When sufficient planning flexibility, including density reduction or a revised project, does not permit avoidance of impacts to potentially significant cultural resources, measures for mitigating impacts to the resource, which allow maximum protection of the resource and/or maximum preservation of knowledge contained within the resource, shall be further developed by the qualified professional and implemented prior to the onset of project activities and as part of the condition of project approval. Where Native American resources are involved, a qualified Native American Consultant shall be consulted to determine the potential importance of Native American resources in the project area and the appropriateness of mitigation measures. A report from the Native American Consultant, summarizing their findings should be a component of the final report. Upon completion of mitigation, the qualified professional will prepare a report documenting these findings to be submitted to the County.

4. If preservation of a significant cultural resource is not possible, data recovery of an appropriate sample of the cultural resource, as determined by the qualified professional, shall be accomplished. Scientific data recovery may include: collection of surface artifacts, archaeological excavation, intensive recordation, photo/video documentation, etc. For traditional cultural properties, other specialized means of mitigation may need to be implemented in consultation with the affected parties. Artifacts generated out of data recovery shall be permanently housed at an institution operating in accordance with the State guidelines for the curation of archaeological collections and in cooperation with local Native American entities.
5. A condition of approval shall include a provision for cultural resources discovered during development construction. Any person who, in the process of project activities, discovers any cultural resources and/or human remains within the project area, shall cease from all project activities within at least 200 feet of the discovery. A qualified professional shall be notified to assess any discoveries and develop appropriate management recommendations for cultural resource treatment. In the event that human remains are encountered, the sheriff-coroner shall be notified immediately upon discovery. In the event that Native American human remains are encountered, the Native American Heritage Commission or the most likely descendants of the buried individual(s) who are qualified to represent Native American interests shall be contacted. Specific treatment of Native American human remains shall occur consistent with State law.
6. The locations of cultural resources are confidential and are not circulated as part of public documents but are used for planning purposes only. This class of information is exempted from public access by the California Public Records Act (PRC 6254.10). It is unlawful, prohibited and a misdemeanor for any person to willfully disclose, sell or furnish to any person any map or record describing the nature of location of



cultural resources, any copy thereof, or any information pertaining thereto, which has been prepared or maintained by the NCIC of Nevada County.

#### **4.5.4 IMPACTS AND MITIGATION MEASURES**

The following section describes the standards of significance and methodology used to analyze and determine the proposed project's potential impacts related to cultural and tribal cultural resources. In addition, a discussion of the project's impacts, as well as mitigation measures where necessary, is also presented.

##### **Standards of Significance**

Consistent with Appendix G of the CEQA Guidelines, an impact related to cultural or tribal cultural resources is considered significant if the proposed project would:

- Cause a substantial adverse change in the significance of an historical resource pursuant to CEQA Guidelines, Section 15064.5;
- Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to CEQA Guidelines, Section 15064.5;
- Disturb any human remains, including those interred outside of dedicated cemeteries;
- Cause a substantial adverse change in the significance of a tribal cultural resource as defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:
  - (a) Listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in PRC section 5020.1(k); or
  - (b) 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 PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

##### **Method of Analysis**

Preparation of the Historic Properties Inventory and Finding of Effect included a cultural records search, literature review, consultation with the Nevada County Landmark Commission (NCLC), consultation with the NAHC, and a field survey. The methods of analysis are described in further detail below.

##### **Records Search Methods**

A cultural resources literature search for the project area was completed at the NCIC of the California Historical Resources Information System (CHRIS) at California State University, Sacramento, on February 12, 2019. The records search was conducted to determine if prehistoric or historic cultural resources were previously recorded within the project area, the extent to which the project area had been previously surveyed, and the number and type of cultural resources within a 0.25-mile radius of the overall project site.

##### **Nevada County Landmark Commission**

Consultation with the NCLC identified the Idaho-Maryland Mine adjacent to the APE. The Idaho-Maryland Mine was designated a California Point of Historical Interest (P640) and Nevada



County Historical Landmark (NEV-33) in 1984. InContext conducted the following additional research regarding California Point of Historical Interest No. 640 and NEV-33:

- Reviewed California State Office of Historic Preservation’s (OHP) Historic Property Data file for Nevada County;
- Reviewed the OHP’s online listings of NRHP, CRHR, State Historic Landmarks (SHL), and Points of Historical Interest (POI);
- Discussed the OHP listings with OHP registration unit staff member, William Burg, and requested all documentation for the Idaho-Maryland Mine;
- Reviewed the documentation provided by OHP registration unit staff on the Idaho Maryland Mine;
- Reviewed the Nevada County LUDC (Title 3, Chapter II, Article 4, Division 4.3, Section L-II 4.3.6) regarding Cultural Resources;
- Reviewed Nevada County Board of Supervisors Resolution No. 69-102 (Nevada County 1969);
- Reviewed NCLC Constitution and Bylaws (Nevada County 2000);
- Reviewed historical NCLC meeting notes from 1984 online;
- Reviewed minutes of the NCLC meetings notes dated April 17, 2020;
- Reviewed “Exploring Nevada County: An Illustrated Guide to Local Landmarks and Historic Sites”;
- Discussed and addressed the Commission comments via phone on October 21, 2020 with Gage McKinney, local historian and consultant to the Commission;
- Reviewed results of a Public Records Act request submitted by Mitchell Chadwick, representative of Rise Grass Valley Inc.<sup>4</sup>

The location of NEV-33 is identified as the hillside area adjacent to Centennial Drive and Whispering Pines Lane, south of Idaho-Maryland Road. This description coincides with the western locus of P-29-1447 (Idaho-Maryland Mine), which is outside of the APE. The description of NEV-33 is:

*The Idaho quartz mine was discovered in 1863. It prospered under the Coleman brothers from 1867-93, then consolidated with the Maryland and other small mines. Eventually, it became one of the “Big Three” of the Northern Mines, the other two being the Empire and the North Star. Its final years under the management of Errol MacBoyle were very productive. He developed a revolutionary method of shaft sinking, using a huge core drill called the Newsom drilling machine. World War I and government order L208 brought about the final closing.*

This County-level designation was conducted under Nevada County Ordinance 69-102, establishing the NCLC, their duties, and the process for formal county designation through resolution by the County Board of Supervisors. The County-level designation qualifies the Idaho Maryland Mine as a historical resource as defined by CEQA [CCR Section 15064.5(a)(2)] and PRC Section 5020.1(k). However, NEV-33 is located outside of the project APE and, thus, would not be impacted by the proposed project. NEV-33 is appropriately not addressed as a

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<sup>4</sup> Two documents were provided by the County regarding designation of the Idaho Maryland Mine property as a State of California, Department of Parks and Recreation, Point of Historical Interest.



resource that needs to be documented and evaluated for the purpose of the proposed project. It is also noted that the Idaho #2 shaft (“roundhole” shaft) was confirmed by InContext to be outside the APE.

### **Native American Tribal Consultation**

As noted previously, InContext contacted the NAHC on September 10, 2019 to request a search of the Sacred Lands File for tribal cultural resources within or near the project area. The results of the Sacred Lands File search were negative, which indicates that known cultural resources do not exist on the project site.<sup>5</sup> In addition, InContext contacted each of the following Native American tribes with the potential to have knowledge of cultural resources in the project area:

- Colfax-Todds Valley Consolidated Tribe;
- Tsi Akim Maidu;
- United Auburn Indian Community of the Auburn Rancheria (UAIC); and
- Nevada City Rancheria Nisenan Tribe.

In an effort to gather data regarding cultural resources of importance to these entities that could be affected by the project, the above parties were contacted via regular mail, email, and telephone between September 16, 2019 and December 16, 2020. Responses were not received from any of the above tribes.

On November 25, 2019, Nevada County sent project notification letters with offers to consult pursuant to AB 52 to the Tsi Akim Maidu Tribal Council, Shingle Springs Band of Miwok Indians, Nevada City Rancheria Nisenan Tribe, and UAIC. The Tsi Akim Maidu Tribal Council, Shingle Springs Band of Miwok Indians, and Nevada City Rancheria Nisenan Tribe did not respond within the 30-day consultation period. The UAIC responded on December 18, 2019, and requested consultation and copies of the Cultural Impact Report, technical reports, requests for and results of records searches, and Geographic Information System (GIS) Shapefiles. The County provided such information. In addition, the UAIC noted that they are not aware of any Native American archaeological sites in or near the project site.

### **Historical Entities Consultation**

InContext sent letters and followed up with emails and telephone calls to the entities listed below to gather information regarding the potential for the project to impact historic-period resources that might not otherwise be identified. Outreach, follow up, and subsequent communications occurred between September 20, 2019 and October 22, 2020. The results of this outreach are integrated into the findings and conclusions as presented in InContext 2020.

- Nevada County Historical Society
- North Star Mining Museum
- Empire Mine State Park
- Nevada County
- Gage McKinney, Local Historian

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<sup>5</sup> InContext. *Historic Properties Inventory and Finding of Effect for the Idaho-Maryland Mine Project, Nevada County, California*. December 2020.



## Field Survey Methods

On May 9 and 10, 2019, InContext conducted a pedestrian survey using 20 meter transects. Approximately 80 percent of the ground surface has been disturbed as a result of previous mining and industrial activities. The remaining 20 percent of the APE is covered by vegetation or duff. As previously discussed, two of the resources previously recorded no longer exist within the APE. The two resources that no longer exist are P-29-0839 (a segment of NGRR) and P-29-1495 (adits and prospects).

Five previously recorded cultural resources were confirmed within the APE. Four previously unrecorded components (Temp-001, 005, 010, and 012) of the Idaho-Maryland Mine (P-29-1447) were also documented as a result of the Historic Properties Inventory and Finding of Effect report (see Table 4.5-3).

Identifier	Name
P-29-1447	Idaho-Maryland Mine
	Temp-001 - Concrete towers, penstock, access road
	Temp-005 - Penstocks, ditch
	Temp-010 - Mining ditch and rock feature
	Temp-012 - Mining ditch
P-29-1485	McPherson Ditch #1
P-29-1494	New Brunswick Mine
P-29-1496	Union Hill Mine
P-29-4634	East Bennett Road
<i>Source: InContext, December 2020.</i>	

## Project-Specific Impacts and Mitigation Measures

The following discussion of impacts is based on implementation of the proposed project in comparison with the standards of significance identified above.

### **4.5-1 Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines, Section 15064.5. Based on the analysis below, and with the implementation of mitigation, the impact is *less than significant*.**

Six cultural resources have been identified and determined to currently exist within the APE and project limits: the Idaho-Maryland Mine, New Brunswick Mine, Union Hill Mine, underground workings of the Idaho-Maryland Mine Company, McPherson Ditch #1, and East Bennett Road (see Table 4.5-4).

Under Section 15064.5 of the CEQA Guidelines, a resource is considered “historically significant” if the resource meets one or more of the California Register of Historic Resources criteria outlined in the Regulatory Context section above. A resource must be considered historically significant and possess “integrity” in order to qualify for listing in the NRHP and CRHR. The eligibility of each of the resources



to be considered historical resources pursuant to NRHP and CRHR criteria is discussed in further detail below.

Four of the resources described above—P-29-1447, P-29-1494, P-29-1496, and the Underground Workings—are part of the Idaho-Maryland Mine Company. Because of this shared association, it is most appropriate to consider these resources as part of an assumed NRHP-eligible historic district (Historic District). Many of the potential physical remains of this assumed Historic District extend outside APE. However, portions of some of these historic mines are within the APE (see Table 4.5-4).

<b>Table 4.5-4 Summary of Known Existing Cultural Resources within APE</b>			
<b>Cultural Resource</b>	<b>Identifier</b>	<b>Description</b>	<b>Historic/ Thematic Association</b>
Idaho-Maryland Mine	P-29-1447	Temp-001: Concrete towers, penstock, access road	Idaho-Maryland Mine Co.
		Temp-005: Penstocks, ditch	
		Temp-010: Mining ditch and rock feature	
		Temp-012: Mining ditch	
New Brunswick Mine	P-29-1494	Only the tower and shaft remain	
Union Hill Mine	P-29-1496	7 concrete foundations/pads, 1 mine shaft, 2 tailings piles, access road in an area overgrown with blackberry bushes	
Underground Workings of Idaho Maryland Mine Co.	<b>n/a</b>	Inaccessible shafts and tunnels, constructed supports, and associated hardware and machinery	
McPherson Ditch #1	P-29-1485	Earthen ditch	Water conveyance
East Bennett Road	P-29-4634	Historic route improved for modern use. Four historic features within APE: 1 WPA concrete culvert; 2 rudimentary masonry culverts, locus with 3 dry-laid rock wall segments	Transportation

**Source: InContext, December 2020.**

Documentation and evaluation of all the components that may compose the assumed Historic District or delineate its boundaries is not required for this analysis; and neither CEQA nor Section 106 require the establishment of an NRHP historic district, even if one is identified and considered eligible. However, for the purposes of the analysis for this EIR, the proposed Idaho-Maryland Mine Historic District is considered significant under all of the NRHP and CRHR criteria, as demonstrated by the application of the NRHP and CRHR criteria that follows.

NRHP/CRHR A/1: The Idaho-Maryland Mine Historic District played a prominent role as one of the major lode mines in the District that operated from 1866 to 1956.



- NRHP/CRHR B/2: The Idaho-Maryland Mine Historic District is associated with the Coleman brothers and with Errol MacBoyle, who made significant contributions to local history through their development of the Idaho-Maryland Mine, and MacBoyle's community projects.
- NRHP/CRHR C/3: The Idaho-Maryland Mine Historic District embodies the distinctive characteristics of the hard-rock mining industry between 1866 and 1956 in the District through its extant underground workings, which also embody the distinctive construction method of the timbering support system. The Idaho-Maryland Mine Historic District also represents a significant and distinguishable entity whose components lack individual distinction [NRHP].
- NRHP/CRHR D/4: The Idaho-Maryland Mine Historic District has the potential to yield information important to history of the local area, California, and the nation through its possible archaeological deposits associated with workers, who represent the working labor class of miners locally and of the industrial age nationally.

Each individual cultural resource can then be evaluated to determine whether it is eligible for listing under each criterion, which depends on the ability for each resource to convey the criterion of significance. As explained in the previous section, the ability to convey significance rests on the resource's historic integrity, which is expressed as location, design, setting, materials, workmanship, feeling, and association (explained above).

#### Idaho-Maryland Mine (P-29-1447)

Four components of P-29-1447 were identified within the APE, and are all part of what is referred to as the western locus. The four components consist of the following resources: two concrete towers 30 and 40 feet tall and a section of four-foot-diameter riveted pipe (Temp-001); two one-foot-diameter pipe segments, two short eastern ditch segments, and an earthen pile of unknown function (Temp-005); a segment of an abandoned mining ditch (Temp-010); and another segment of an abandoned mining ditch (Temp-012).

All but the two concrete towers and earthen pile are fragmentary remains of water conveyance features that no longer retain integrity of design, materials, or workmanship. They no longer convey water to their intended destinations; thus, integrity of design is compromised. The unnamed ditches are truncated and it is not possible to discern their intended route. Further, the ditches and piping are common examples of features that are ubiquitous across the landscape of Nevada County. National Park Service Bulletin 36 includes a reminder that "mere association with historic events or trends is not enough, in and of itself, to qualify under Criterion A – the property's specific association must be considered".<sup>6</sup> While associated with

<sup>6</sup> U.S. Department of the Interior, National Park Service. *Bulletin 36: Guidelines for Evaluating and Registering Archaeological Properties* [pg. 22]. 2000.



Nevada County's mining history, such common features alone do not convey the importance of that industry.

The two concrete towers are of twentieth-century construction and appear at this location on the 1949 U.S. Geological Survey (USGS) map of the area. These are most likely associated with the latest period of the mine, but do not meet the CRHR eligibility criteria. As discussed above for the New Brunswick Mine, the removal of all buildings from the mine's productive era means that the concrete towers exist in isolation rather than being in their original setting as designed by mining engineers. Setting, feeling, and design are severely impacted by the removal of most infrastructure such that the historical workings cannot be understood. Integrity of materials, workmanship, and location for the towers are clearly present, but the towers by themselves represent standard engineering and design for mining infrastructure, and thus by themselves do not convey any distinguishing engineering achievements that would meet any CRHR criteria. As a result, InContext concluded that none of the newly recorded components are recommended eligible for listing in NRHP or CRHR under any criterion.

In summary and similar to the Brunswick Mine, the Idaho Maryland Mine surface components have limited ability to convey their association with important events in California's past (criterion 1) because most of the features that could convey that significance have been removed. While the mine is associated with important people (criterion 2), again the absence of built features limits the ability to understand and appreciate that connection. Engineering achievements (criterion 3) are present in the two surviving concrete towers; however, the structures are fairly pedestrian and alone do not convey how the former industrial plant functioned. Finally, data potential (criterion 4) is limited due to the absence of information-bearing artifact deposits or built remains that could help us understand the evolution of the industry of mining.

The only component of this resource that retains historical integrity is the underground workings that are accessed through the main shaft of the New Brunswick Mine. This component is considered separately from the Idaho-Maryland Mine because it is a combination of the underground workings of the New Brunswick Mine, Idaho-Maryland Mine, Union Hill Mine, Eureka Mine, and the consolidated Idaho-Maryland Mine Company (see Underground Workings of the Idaho-Maryland Mine Company below).

#### New Brunswick Mine (P-29-1494)

The above-ground components of the New Brunswick Mine are part of the Idaho-Maryland Mine Company; however, as with P-29-1447, the historic integrity of these components has suffered from the destruction or dismantling of a majority of the features that existed during the period of significance (1866-1957).

According to the site records and as depicted in historic photos, in 1956 there were at least 13 buildings or structures making up the main complex, including the main stamp mill and support facilities. After the mine's closure, the structures were dismantled and the area converted to a lumber mill. The 1994 site record concluded that "these compromises to the site's integrity have essentially destroyed the means by which the property's significance can be conveyed visually" (Windmiller 1994).



The 2019 field effort documented that the only remaining built environment feature was the single concrete headframe main shaft tower and that concrete foundations and other remains had been removed in the 25 years since the site had been visited by archaeologists.

The New Brunswick Mine is clearly associated with an important industry in California history and thus could likely be eligible under all four CRHR criteria. The minimal remains on site, however, are not sufficient to convey the historical significance of that association. Integrity of location, setting, feeling, and association often work in compliment to each other. Location is the place where the historic property was constructed<sup>7</sup> and the New Brunswick Mine does retain integrity of location. Setting is the physical environment of a property<sup>8</sup> and “includes elements such as topographic features... and relationships between buildings and other features”.<sup>9</sup> The post-1957 use of the property as a lumbermill yard destroyed those features that would have conveyed the complexity of activities that occurred at this location. Feeling is when a property can convey its historic sense during its period of significance.<sup>10</sup> Feeling is often subjective, but a general rule of thumb is whether someone who lived or worked at the property would recognize it today. Given the absence of virtually all the buildings and structures, it appears that threshold would not be met by someone walking through what used to be the New Brunswick Mine.

Integrity of design, materials, and workmanships also work together. Design is the “patterning of structures, buildings, or discrete activity areas relative to one another”.<sup>11</sup> Materials “reveal the preferences of those who created the property and indicate variable types of materials and technologies”.<sup>12</sup> Workmanship is “the evidence of an artisan’s labor and skill in constructing or altering a building, structure”.<sup>13</sup> Any evidence of deliberate design or layout of the mine’s industrial plant has been obliterated by the subsequent use of the property as lumbermill yard and removal of foundations, refuse deposits, and any other character defining features. The only original material remaining is the concrete tower. While imposing on the landscape, it sits alone as a twentieth-century remnant of the mine’s later period of development. It is standard construction for its day and does not exhibit any distinct engineering achievements or craftsmanship. While the tower could be described as representative of the history of mining, the absence of other buildings leaves it existing in isolation and thus unable to convey the complexity of the mining industry, particularly in contrast to nearby Empire Mine State Historic Park.

Furthermore, the tower, or silo, will not be demolished; rather, it will remain in use during the life of the proposed project. The steel structure of the headframe will be constructed over the existing concrete rock silo and building cladding will enclose the

<sup>7</sup> U.S. Department of the Interior, National Park Service. *National Register Bulletin 15: How to Apply the National Register Criteria for Evaluation* [pg. 44]. 1997.

<sup>8</sup> *Ibid.*, pg. 45.

<sup>9</sup> U.S. Department of the Interior, National Park Service. *Bulletin 36: Guidelines for Evaluating and Registering Archaeological Properties* [pg. 40]. 2000.

<sup>10</sup> *Ibid.*, pg. 42.

<sup>11</sup> Bulletin 15, pg. 45; Bulletin 36, pg. 40.

<sup>12</sup> *Ibid.*

<sup>13</sup> *Ibid.* See also Bulletin 36, pg. 41.



entire headframe. The headframe is a structure used to support hoisting cables to raise rock skips and cages from the underground mine to surface. Rock skips would transfer broken rock into the concrete silo for temporary storage. Gold mineralization in silo would be conveyed to the process plant and barren rock would be transferred to the truck loading building.

In summary, the New Brunswick Mine surface components have limited ability to convey their association with important events in California's past (criterion 1) because most of the features that could convey that significance have been removed. While the mine is associated with important people (criterion 2), again the absence of built features limits the ability to understand and appreciate that connection. Engineering achievements (criterion 3) are present in the concrete tower; however, the structure is fairly pedestrian and alone does not convey how the former industrial plant functioned. Finally, data potential (criterion 4) is limited due to the absence of information-bearing artifact deposits or built remains that could help us understand the evolution of the industry of mining and the people who worked in that industry. Based on the above, InContext concluded that the aboveground features of this resource are not eligible for listing in NRHP or CRHR, and the tower will not be subject to a substantial adverse change.

The only component of this resource that retains historical integrity is the underground workings. This component is considered separately from the New Brunswick Mine (see Underground Workings of the Idaho-Maryland Mine Company below).

#### Union Hill Mine (P-29-1496)

The Union Hill Mine consists of concrete structural remains, disturbed tailings piles, and a mining shaft. The above-ground physical components of this resource retain integrity of location only and, therefore, are not able to convey their historical significance. Accordingly, InContext concluded that the aboveground features associated with this resource are not eligible for listing in NRHP or CRHR, nor will they be impacted by the proposed project.

The only component of this resource that retains historical integrity is the underground workings. This component is considered separately from the Union Hill Mine (see Underground Workings of the Idaho-Maryland Mine Company below).

#### Underground Workings of the Idaho-Maryland Mine

The underground workings of the Idaho-Maryland Mine are a combination of the underground workings of the New Brunswick Mine, Idaho-Maryland Mine, Union Hill Mine, Eureka Mine, and the consolidated Idaho-Maryland Mine Company.

The character-defining feature of the resource comprises the structural components of the mine shaft, specifically the excavated cuts and timbering system. The machinery and equipment are not considered a character-defining feature, as these may be found in several other mines of the region, and are better represented via the Empire Mine State Historic Park and the North Star Mine museum. While this extensive resource has not been formally documented because of access issues and safety concerns, recent underwater videos taken of the underground workings show that



they are largely intact, albeit partially submersed by groundwater. It retains integrity of location, design, setting, materials, workmanship, feeling, and association; therefore, InContext concluded that the underground workings of the Idaho-Maryland Mine Company is recommended as a contributing element of the Idaho-Maryland Historic District under criteria A/1 and C/3.

#### McPherson Ditch #1 (P-29-1485)

The McPherson Ditch #1 is an earthen ditch in fair condition; however, research has been unable to associate it directly with any of the major water conveyance systems traversing the area or with any specific mine or period of use. As such, the McPherson Ditch #1 is considered a minor earthen feature lacking the association required for assigning significance and, therefore, is not eligible for listing in NRHP or CRHR under any criterion.

#### East Bennett Road (P-29-4634)

East Bennett Road is a modern roadway that follows and partially overlays a historic route. The historic route itself is not significant at the local, regional, or national level. In addition, the resource lacks historic integrity. As such, this resource is not eligible for listing in NRHP or CRHR.

#### Conclusion

Based on the above, the underground workings of the Idaho-Maryland Mine Company are recommended as a contributing element of the Idaho-Maryland Historic District under criteria A/1 and C/3. The proposed extraction efforts of the Idaho-Maryland Mine Project would alter the underground workings. Although the precise areas of the underground workings, which would be affected have not been completely determined at this time, the rehabilitation of the underground workings would occur throughout the life of the mine. For the purpose of this assessment, it is assumed the entire underground workings may be affected. As a result, the proposed project could result in a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines, Section 15064.5, and a **significant** impact could occur.

#### Mitigation Measure(s)

The underground workings of the Idaho-Maryland Mine Company are not currently accessible to historic preservation professionals and the public because the tunnels are flooded with groundwater. Notably, permission to study the underground geology of the Idaho-Maryland Mine Company was denied to the USGS for its 1940 professional paper on the gold quartz veins of Grass Valley. Therefore, information regarding the underground mine workings constructed after the year 1896 was never published and is not available to the public or government agencies. However, the project applicant possesses a private library of information that describes the underground mine workings of the Idaho-Maryland Mine in its entirety. A significant public and historic preservation benefit may be gained from sharing the library with the public.

Accessible and intact underground workings are an important source of information because few formal studies have been carried out regarding the underground work environment, engineering, equipment, and practices of hardrock mines. Currently,



historical references are the principal body of information that researchers rely on for studying the above aspects of mining. Documentation of underground workings will contribute material fact to this arena of inquiry.

Implementation of the following mitigation measures would reduce the above impact to a *less-than-significant* level.

4.5-1(a) *Following initial mine dewatering, and prior to commencement of underground mining, the project applicant shall share the historical documentation of the Idaho-Maryland Mine Company in their possession with the public through one of the following libraries: the California State Library, the California Geology and Mining Library, or the Searls Library. The library shall consist of the following information:*

- *Surface Maps (5 maps) – Approx. year at 1956, Showing topography, buildings, roads, exploration trenches and drill holes, underground workings at surface, and geology;*
- *103 Level Maps (103 maps) – Approx. year 1942, Showing mine tunnels, raises and shafts, survey stations, geology, and drill holes;*
- *Mine Geology Maps (61 maps) – Approx. year 1956, Showing geology on tunnels driven post WW2;*
- *Mine Stopping Maps (219 Maps) – Approx. year 1956, Showing mine stopping;*
- *Operation Reports 1919 to 1924 and 1926 to 1935, Providing monthly or annual reports on underground exploration and mine development;*
- *Monthly Development Reports – 1936 to 1956, Providing monthly reports on mine development;*
- *Geological Summary Reports – 1936 to 1942, Providing monthly reports on underground exploration;*
- *Underground Geology Photos – Collection of photos from 1940's of underground tunnels and geology; and*
- *A digital mine model, including a 2D and 3D digitization of historic mine tunnels available in AutoCAD dwg and dxf formats.*

*Proof of submittal to one of the above-listed libraries shall be provided to the Nevada County Planning Department.*

4.5-1(b) *Following initial mine dewatering, and prior to commencement of underground mining, the project applicant shall retain a qualified historian meeting the Secretary of the Interior's standards, to perform a historical study of the underground mine workings in the areas deemed safe by a certified mining geologist. The historical study shall include but not be limited to an evaluation of the underground work environment, engineering, equipment, and practices, to the maximum extent feasible. The historical study shall be deposited at the same library selected in Mitigation Measure 4.5-1(a).*



**4.5-2 Cause a substantial adverse change in the significance of an archeological resource pursuant to CEQA Guidelines, Section 15064.5. Based on the analysis below and with implementation of mitigation, the impact is *less than significant*.**

Archeological resources have not been previously recorded within the project site area. Given the project site's history of disturbance through mining beginning in 1851, as well as the grading and construction of adjacent roadways, buildings, and mining infrastructure, the potential for buried archeological deposits to occur within the APE is low. In addition, the field survey conducted by InContext did not identify any evidence of archaeological resources. InContext did not recommend monitoring of ground-disturbing activity associated with the proposed project, but did identify in its recommendations the Nevada County standard condition of approval specifying a process to address inadvertent discovery of archaeological resources or human remains during construction.

Archeological resources have not been identified in the immediate project vicinity and are not anticipated to occur within the APE, thus, the potential for the proposed project to cause a substantial adverse change to the significance of an archaeological resource is low. However, due to known occurrences in the region, the possibility exists that previously unknown resources could be discovered within the APE during construction and/or operational mining activities. Therefore, this analysis recognizes the potential for implementation of the proposed project to uncover undocumented archaeological resources and to adversely affect such resources if not properly treated. As such, the proposed project could cause a substantial adverse change in the significance of a unique archeological resource pursuant to CEQA Guidelines, Section 15064.5, and a **significant** impact could occur.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

4.5-2 *If cultural resources are discovered during construction or mining activities, pursuant to Nevada County LUDC Section L-II 4.3.6, all work shall cease within 200 feet of the find (based on the apparent distribution of cultural resources) and the County shall be immediately notified. Examples of cultural materials include midden soil, artifacts, chipped stone, exotic (non-native) rock, or unusual amounts of baked clay, shell, or bone.*

*A qualified archeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, shall assess the significance of the find and make recommendations for further evaluation and treatment as necessary, to the satisfaction of the County. Further evaluation and treatment recommendations shall be consistent with CEQA Guidelines Section 15126.4(3) and may include processing materials*



*for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, construction monitoring of further construction activities, and/or returning objects to a location within the project area where they will not be subject to future impacts.*

*Following a review of the find and consultation with appropriate experts, the authority to proceed may be accompanied by the addition of development requirements which provide for protection of the site and/or additional measures necessary to address the unique or sensitive nature of the site. The treatment recommendations made by the cultural resource specialist shall be documented in the project record. Any recommendations made by these experts that are not implemented, must be documented and explained in the project record. Work in the area(s) of the cultural resource discovery may only proceed after authorization is granted by the Nevada County Planning Department following coordination with cultural resources experts.*

**4.5-3 Disturb any human remains, including those interred outside of dedicated cemeteries. Based on the analysis below and with implementation of mitigation, the impact is *less than significant*.**

The APE has been previously disturbed through historic mining. However, prior to the mining era, the project area is traditionally Hill Nisenan territory. While field surveys conducted by InContext did not detect human remains, cultural sites, or artifacts of ceremonial significance within the project site, the potential for human remains to be discovered cannot be eliminated given the known prehistoric occupation of the project vicinity by Native American tribes. To address an unexpected inadvertent discovery of human remains during development construction, Nevada County LUDC Section L-II 4.3.6, Cultural Resources, requires the following condition of approval:

Any person who, in the process of project activities, discovers any cultural resources and/or human remains within the project area, shall cease from all project activities within at least 200 feet of the discovery. A qualified professional shall be notified to assess any discoveries and develop appropriate management recommendations for cultural resource treatment. In the event that human remains are encountered, the sheriff-coroner shall be notified immediately upon discovery. In the event that Native American human remains are encountered, the Native American Heritage Commission or the most likely descendants of the buried individual(s) who are qualified to represent Native American interests shall be contacted. Specific treatment of Native American human remains shall occur consistent with State law.

As noted above, ground-disturbing activities associated with the proposed project could disturb human remains, including those interred outside of dedicated cemeteries. Therefore, this analysis recognizes the potential for implementation of the proposed project to uncover undocumented human remains and to adversely affect such resources if not properly treated. As such, the proposed project could



disturb human remains, including those interred outside of dedicated cemeteries, and a **significant** impact could occur.

#### Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

4.5-3 *Any person who, in the process of project activities, discovers any human remains within the project area, shall cease from all project activities within at least 200 feet of the discovery. In the event that human remains are encountered, the sheriff-coroner shall be notified immediately upon discovery. In the event that Native American human remains are encountered, the Native American Heritage Commission or the most likely descendants of the buried individual(s) who are qualified to represent Native American interests shall be contacted. Specific treatment of Native American human remains shall occur consistent with State law.*

**4.5-4 Cause a substantial adverse change in the significance of a tribal cultural resource as defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe. Based on the analysis below and with implementation of mitigation, the impact is less than significant.**

Pursuant to AB 52 requirements, the County sent project notification letters with offers to consult to the Tsi Akim Maidu Tribal Council, Shingle Springs Band of Miwok Indians, Nevada City Rancheria Nisenan Tribe, and UAIC on November 25, 2019. The Tsi Akim Maidu Tribal Council, Shingle Springs Band of Miwok Indians, and Nevada City Rancheria Nisenan Tribe did not respond within the 30-day consultation period. The UAIC responded on December 18, 2019, and requested consultation and copies of the Cultural Impact Report, technical reports, requests for and results of records searches, and GIS SHP files. The County provided such information. In addition, the UAIC noted that they are not aware of any Native American archaeological sites in or near the project site.

As noted previously, records searches of the NAHC Sacred Lands File failed to indicate the presence of Native American sacred lands or traditional cultural properties within the project site vicinity or the proposed off-site improvement areas. Considering the results of the literature search and the prehistory and history of the area, the project site has a low probability for buried prehistoric or historic cultural resources, which could include tribal cultural resources. In addition, as discussed above, the proposed project site does not contain any known resources listed or eligible for listing in the CRHR or NRHP, or in a local register of historical resources as defined in PRC Section 5020.1(k) or determined to be significant pursuant to PRC Section 5024.1(c).



Based on the above, the project site is not associated with any existing religious or sacred uses that would be restricted by the proposed project. However, previously unknown tribal cultural resources associated with local tribes could potentially occur in the vicinity of the project site. Thus, ground-disturbing activities associated with the proposed project could have the potential to cause a physical change which would affect unique cultural values or cause a substantial change in the significance of a Tribal Cultural Resource as defined in PRC Section 21074, and a **significant** impact could occur.

#### Mitigation Measure(s)

Implementation of the following mitigation measures would reduce the above potential impact to a *less-than-significant* level.

4.5-4            *Implement Mitigation Measures 4.5-2 and 4.5-3.*

### **Cumulative Impacts and Mitigation Measures**

Detail regarding the cumulative setting is included in Chapter 5, Statutorily Required Sections, of this EIR.

#### **4.5-5    Cause a cumulative loss of historic resources. Based on the analysis below, the cumulative impact is *less than significant*.**

Based on the discussion included in Impact 4.5-1, the underground workings of the Idaho-Maryland Mine Company were determined to be eligible for listing under the NRHP and CRHR.

As noted in Chapter 5, Statutorily Required Sections, a list of cumulative projects was compiled to develop a reasonable estimate of the cumulative impacts that would occur within neighboring portions of both the County of Nevada and the City of Grass Valley. A total of 20 projects were identified based on Nevada County and City of Grass Valley input. Each project is described in Chapter 5, and according to these descriptions, it can be seen that all cumulative projects are non-mining projects. Rather, all of the aforementioned projects are aboveground and, therefore, would have no combined impact on the underground workings of the Idaho-Maryland Mine Company. In addition, based upon a review of publicly available documents prepared for the cumulative list of projects, there are no known historically significant resources of any kind on the cumulative project sites that could be impacted by development of the respective sites, with the exception of potentially significant historic resources on the Loma Rica Ranch Specific Plan site and Housing Element Rezone Site 3. However, it was determined that with implementation of feasible mitigation measures, the potential impacts would be reduced to a less-than-significant level. As such, impacts related to historical resources from the proposed project would not combine with any of the reasonably foreseeable projects in the area to create a cumulatively considerable impact to historical resources.

Based on the above, the potential for impacts related to a cumulative loss of historic resources, to which implementation of the proposed project might contribute, is ***less than significant***.



Mitigation Measure(s)

*None required.*

**4.5-6 Cause a cumulative loss of cultural resources. Based on the analysis below, the cumulative impact is *less than significant*.**

Generally, while some cultural resources may have regional significance, the resources themselves are site-specific, and impacts to them are project-specific. For example, impacts to a subsurface archeological find at one project site would not generally be made worse by impacts to a cultural resource at another site due to development of another project. Rather, the resources and the effects upon them are generally independent.

Although the potential for previously unknown archaeological resources to occur on-site is considered low, Mitigation Measure 4.5-2 has been included in this EIR in an abundance of caution. Mitigation Measure 4.5-2 ensures protection in the case of inadvertent discovery of cultural and/or tribal cultural resources. Similar to the proposed project, future development projects throughout Nevada County would be required to implement project-specific mitigation and include conditions of approval to ensure any potential impacts to identified cultural resources are reduced to a less-than-significant level, where possible. Therefore, given that cultural resource impacts are generally site-specific and each future project within Nevada County would be required to mitigate such impacts, any potential impacts associated with cumulative buildout of the County would not combine to result in a cumulatively considerable impact.

Based on the above, the potential for impacts related to a cumulative loss of cultural resources, to which implementation of the proposed project might contribute, is ***less than significant***.

Mitigation Measure(s)

*None required.*

