



## COMMUNITY DEVELOPMENT AGENCY LONG RANGE PLANNING

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Date: August 2, 2016  
To: Board of Supervisors  
From: Shawna Purvines, Principal Planner  
Subject: **Board of Supervisors Workshop – Development of a Cultural Resources Ordinance**

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### RECOMMENDATION

The Community Development Agency, Long Range Planning Division, recommends the Board of Supervisors (Board) direct staff to:

1. Prepare a Cultural Resources Ordinance pursuant to General Plan Policy 7.5.1.1; and
2. Substantially update the *Guidelines for Cultural Resource Studies* approved by the Board of Supervisors on August 17, 1999 to be in compliance with the County's new Cultural Resources Ordinance and changes to the California Environmental Quality Act (CEQA) and other related federal, state and local statutes, including the County's public noticing procedures, and updates to the California Office of Historic Preservation's (OHP) *Archaeological Resources Management Reports (ARMR): Recommended Contents and Format*; and
3. Amend the General Plan to remove Policy 7.5.1.5, formation of a Cultural Resources Preservation Commission, which was disbanded by the Board of Supervisors on January 28, 2003.

This memo discusses the following:

1. Background and framework for development of a Cultural Resources Ordinance;
2. Comparison of other Northern California county jurisdictions;
3. Staff Recommendation; and
4. Next Steps

## BACKGROUND

### Related General Plan Policies

The 2004 General Plan Statement of Vision includes the following: “1. Maintain and protect the County’s...cultural resource values...” (General Plan, Page 3). Goals, objectives, policies and measures related to cultural resources are included in the following Elements: 1) Conservation and Open Space, 2) Land Use, 3) Parks and Recreation, 4) Public Services and Utilities, and are included on Exhibit A. Key policies that pertain to the establishment of a Cultural Resources Ordinance include 7.5.1.1 and 7.5.1.5 in the Conservation and Open Space Element. These policies were included in the 1996 General Plan and were retained in the 2004 General Plan with some revisions. The following section includes these policies and related staff discussion.

**Policy 7.5.1.1** states that “*The County shall establish a Cultural Resources Ordinance. This ordinance shall provide a broad regulatory framework for the mitigation of impacts on cultural resources (including historic, prehistoric and paleontological resources) by discretionary projects.*” [General Plan, Page 155; General Plan EIR Mitigation Measure 5.13-1(c)]

This policy requires that the Ordinance include (but not be limited to) the following six provisions (A – F):

- A. Appropriate (as per guidance from the Native American Heritage Commission) Native American monitors to be notified regarding projects involving significant ground-disturbing activities that could affect significant resources.

**Discussion:** Since this policy was first adopted in 2006, the State has passed two new laws that require local government notifications to Native American tribes: Senate Bill (SB) 18 (Chapter 905, Statutes of 2004) passed on August 19, 2004 and Assembly Bill (AB) No. 52 (Gatto 2014), the Native American Historic Resource Protection Act, which was signed on September 25, 2014 and became effective on July 1, 2015.

Senate Bill 18 requires cities and counties to contact, and consult with California Native American tribes prior to amending or adopting any general plan or specific plan, or designating land as open space.

Assembly Bill 52 established a new category of resources in the California Environmental Quality Act (CEQA) called Tribal Cultural Resources and also created a process for consultation with California Native American Tribes in the CEQA process.

The County has an existing process to notify California Native American tribes that is in compliance with both of these laws. The County’s process is consistent with the Governor’s Office of Planning and Research (OPR) “Tribal Consultation Guidelines Supplement to General Plan Guidelines” which was released in November 2005 to provide advisory guidance to cities and counties on the process for consulting with Native American Indian tribes during the adoption or amendment of local general plans

or specific plans. Given the new State laws and County process, duplicating such provisions in the Cultural Resources Ordinance would be redundant and is not recommended.

- B. A 100-foot development setback in sensitive areas as a study threshold when deemed appropriate.

**Discussion:** This policy requires the Cultural Resources Ordinance to confirm if the 100-foot development setback is the appropriate measurement for a study threshold and clarification for when is it “deemed appropriate” to conduct a study threshold. This would be addressed within the Cultural Resources Guidelines as part of the proposed update.

- C. Identification of appropriate buffers, given the nature of the resources within which ground-disturbing activities should be limited.

**Discussion:** This policy requires the Cultural Resources Ordinance to include the identification of appropriate buffers. This would be addressed within the Cultural Resources Guidelines as part of the proposed update.

- D. A definition of cultural resources that are significant to the County. This definition shall conform to (but not necessarily be limited to) the significance criteria used for the National Register of Historic Places (NRHP) and the California Register of Historical Resources (CRHR) and Society of Vertebrate Paleontology.

**Discussion:** This policy requires the Cultural Resources Ordinance to include a definition of cultural resources. A definition of cultural resources was included in Ordinance 4488 adopted by the County on April 21, 1998, but subsequently rescinded on February 11, 2003 by Ordinance 4621. This definition is as follows:

*“Cultural resource/cultural heritage resource means improvements, buildings, structures, signs, features, sites, scenic areas, views and vistas, places, areas, landscapes, trees, or other objects of scientific, aesthetic, educational, cultural, architectural, or historical significance to the citizens of the county and the state of California, the Northern California region, or the nation which may be eligible for designation or designated and determined to be appropriate for historic preservation.”*

This definition is similar to Placer County’s definition of “Cultural Resources” in its Cultural and Historic Resources Preservation Ordinance as follows: *“buildings, structures, signs, features, sites, places, areas, or other objects of scientific, aesthetic, educational, cultural, archaeological, architectural, or historic significance to the residents of the county.”*

Tuolumne County defines “Cultural Resources” in its Cultural Resources Ordinance as follows: “*Any building, structure, object, site, district, or other item of cultural, social, religious, economic, political, scientific, agricultural, educational, military, engineering or architectural significations to the citizens of Tuolumne County, the State of California, or the nation which is 50 years of age or older or has been listed on the National Register of Historic Places, the California Register of Historical Resources, or the Tuolumne County Register of Cultural Resources. The term “cultural resource” includes historical resources and historic properties.*”

A definition would be included in the Cultural Resources Ordinance and added to the Cultural Resources Guidelines as part of the proposed update.

E. Formulation of project review guidelines for all development projects.

**Discussion:** Guidelines for Cultural Resource Studies were adopted by the Board of Supervisors on August 17, 1999 (See Exhibit B). The Guidelines note that “All discretionary land use projects proposed in El Dorado County require, at a minimum, compliance with the California Environmental Quality Act (CEQA).” The Guidelines include regulations and standards consistent with those advocated by the State Historic Preservation Office (SHPO), which were developed to meet the information requirements and standards of both federal and state statutes for historic preservation. The Guidelines also include as an attachment the California Office of Historic Preservation’s (OHP) *Archaeological Resources Management Reports (ARMR): Recommended Contents and Format* (February 1990) which provides guidance on how to document archaeological properties. Given recent changes to CEQA related to passage of AB 52 (Gatto 2014), OHP is considering updating ARMR and in May 2016, contacted local governments for input on what aspects of the ARMR should be retained and any additions to be added to a new ARMR. In summary, the County’s Guidelines for Cultural Resource Studies are nearly 17 years old and need to be updated for consistency with relevant changes in CEQA and federal and state statutes.

F. Development of a cultural resources sensitivity map of the County.

**Discussion:** There is no state requirement that local jurisdictions shall have a cultural resources sensitivity map (according to the Office of Historic Preservation Archeology Review Unit Supervisor). The County’s review process for all discretionary projects requires a record search for archaeological resources and if the record search identifies a need for a field survey, a survey shall be required and shall meet the “Guidelines for Cultural Resource Studies.” This process is consistent with General Plan Policy 7.5.1.3 which requires that cultural resource studies shall be conducted prior to approval of discretionary projects. The County maintains confidential records of cultural resources identified in cultural resources studies conducted prior to approval of discretionary projects [Policy 7.5.1.2; Measure CO-R]. Policy 7.5.1.2 requires that “reports and/or maps identifying specific locations of archaeological or historical sites shall be kept confidential in the Planning Department but shall be disclosed where applicable.” This

confidentiality requirement is intended to protect the sites from any unauthorized disturbances. The County has completed cultural resources sensitivity maps for some specific areas of the county. More than 1,300 prehistoric and historic cultural resources have been documented within the county as of 2002. An additional 79 resources have been determined to be NRHP and CRHR eligible but have not yet been formally listed (See Exhibit F, El Dorado County General Plan EIR, Section 5.13 - Cultural Resources page 5.13-2). Development of a base map would require substantial production resources, either staff or contract services, to digitize the 1,400 resources documented as of 2002, and additional resources documented including all cultural resources studies completed since 2002. In addition, the El Dorado County General Plan EIR includes a Paleontological Sensitivity Map, Exhibit 5.13-1 which may need to be updated if any changes have occurred since October 2003. (See Exhibit C). Revising previously completed cultural sensitivity maps, using the latest GIS mapping technology would be extremely costly and labor-intensive and may require on-site surveys of privately-owned parcels. Furthermore, dedicated staff resources may be required for ongoing maintenance and updating of the maps.

In summary, Policy 7.5.1.1(A) has been implemented and Policy 7.5.1.1(E) needs to be updated for consistency with current state law and related regulation. Policies 7.5.1.1(B), (C) and (D) need to be addressed and incorporated into the Cultural Resources Ordinance. Policy 7.5.1.1(F) requires Board direction as to whether a cultural resources sensitivity map should be developed as part of the Cultural Resources Ordinance.

**Policy 7.5.1.5** states that a *“Cultural Resources Preservation Commission shall be formed to aid in the protection and preservation of the County’s important cultural resources.”*

In 1996, the Board adopted a General Plan that included the requirement for forming a Cultural Resources Preservation Commission. [Policy 7.5.1.5, General Plan Volume 1–Goals, Objectives, and Policies, Chapter 7–Conservation and Open Space]

On April 21, 1998, the Board of Supervisors adopted Ordinance No. 4488 (See Exhibit D) which added Chapter 2.29 to Title 2 of the County Ordinance Code, establishing the El Dorado County Cultural Resources Preservation Commission. The Commission consisted of ten regular members. Each Supervisor appointed two members: one from the professional category and one from the lay category, with the Museum Director as the eleventh member.

In 2002, the Board established the Cemetery Advisory Committee to make recommendations to the Board of Supervisors regarding cemeteries located wholly or partly in the County consistent with the Board's wishes to protect and promote the public health, safety, and general welfare by preserving and enhancing the County's cemeteries...; ensuring appropriate treatment of Native American burial sites; compiling and recording cemetery information, records and historical data;...”. The formation of this committee supports General Plan Policy 7.5.1.5(A) “Assisting in the formulation of policies for the identification, treatment, and protection of cultural resources (including historic cemeteries)...” This Board advisory committee is active and meets regularly.

On January 28, 2003, the Board of Supervisors disbanded the Cultural Resources Preservation Commission and appointed two Supervisors to a subcommittee to work with staff on revisions to the Ordinance. On February 4, 2003, the Board of Supervisors adopted Ordinance No. 4621 (See Exhibit E) which repealed Chapter 2.29 of Title 2 of the County Ordinance Code.

In 2004, SB18 was passed requiring cities and counties to contact, and consult with California Native American tribes prior to amending or adopting any general plan or specific plan, or designating land as open space.

In 2015, AB52 became effective and established Tribal Cultural Resources, a new CEQA category of resources, and also created a process for consultation with California Native American Tribes in the CEQA process.

As a result of these state law changes regarding public noticing of projects with identified or potential cultural resources, the County established a public notification process that provides the opportunity for all interested individuals and parties (including California Native American tribes) to provide input and comments on County projects requiring discretionary review.

In addition, the Board recently revised County Ordinance No. 5026 (adopted September 15, 2015) to expand public notification of public hearings for land development applications (Legistar Item 14-1210). The changes provided increased public noticing by expanding mailed notices from 500 feet to 1,000 feet from the project parcel(s) boundaries for all discretionary projects, and half-mile to one mile for larger residential projects depending on the lot numbers (300 – 999 lots, and 1,000 lots or more, respectively). A one-mile distribution boundary is also required for EIRs. In addition, requirements for physically posting notice onsite for larger projects and additional public outreach were included.

### **Other Related General Plan Policies and Implementation Measures**

The General Plan identifies the following eight policies/implementation measures specifically related to the development of a cultural resource ordinance. Other General Plan policies and implementation measures related to cultural resources are included in Exhibit A.

1. Policy 7.5.1.3 - Cultural resource studies (historic, prehistoric, and paleontological resources) shall be conducted prior to approval of discretionary projects. ***Note: This policy has been implemented.***
2. Policy 7.5.1.6 - The County shall treat any significant cultural resources (i.e., those determined California Register of Historical Resources/National Register of Historic Places eligible and unique paleontological resources), documented as a result of a conformity review for ministerial development, in accordance with CEQA standards. [General Plan EIR Mitigation Measure 5.13-1(b)] ***Note: This policy has been implemented.***

3. Policy 2.2.3.1 - The Planned Development (-PD) Combining Zone District shall emphasize clustering intensive land uses to avoid cultural resources where feasible... **Note: This policy has been implemented.**
4. Policy 9.3.4.1 - Support the establishment of a Director of Museums and cultural resources preservation function. **Note: This policy has been implemented.**
5. Develop and adopt a Cultural Resources Preservation Ordinance. [Measure CO-Q; Policy 7.5.1.1; General Plan EIR Mitigation Measure 5.1-3(c)]
6. Maintain a confidential cultural resources database of prehistoric and historic resources, including the location and condition of pioneer cemetery sites. [Measure CO-R; Policy 7.5.1.2] **Note: This Implementation Measure has been completed.**
7. The Planning Director shall review applications for ministerial projects to ascertain compliance with General Plan policies. The review shall include, but not be limited to the effects of the proposed project on biological resources, **cultural resources**, geology and soils, agriculture, visual, noise, and air quality. [Measure LU-C; General Plan EIR Mitigation Measure 5.13-1(a)] **Note: This Implementation Measure has been completed.**
8. Establish a means for various County agencies and departments to communicate with **Arts and Cultural Activity Providers** regarding planning for the provision of services and its relationship to the General Plan and the County's long range or capital improvement programs. [Measure PS-A]

**General Plan Environmental Impact Report, Section 5.13 Cultural Resources**

The 2004 General Plan Environmental Impact Report (May 2003) includes Section 5.13 Cultural Resources (see Exhibit F) which addresses the ways in which prehistoric and historic cultural resources found in El Dorado County could be affected by future development projects and provides mitigation measures for those impacts. Impact 5.13-I: Destruction or Alteration of Known and Unknown Prehistoric and Historic Sites, Features, Artifacts, and Human Remains, is considered significant. More than 1,300 prehistoric and historic cultural resources had been documented within the county as of 2002. Table 5.13-1 lists eleven properties located in El Dorado County that are on the National Register of Historic Places and California Register of Historic Places (NRHP/CRHR).

The NRHR listing as of June 2, 2016 (see Exhibit G) includes the additional four properties:

<b>Property/Resource Name</b>	<b>Location</b>
Wakamatsu Tea and Silk Colony Farm	Gold Hill
Baldwin Estate	South Lake Tahoe
Heller Estate	South Lake Tahoe
Pope Estate	South Lake Tahoe

Table 5.13-2 lists 25 California State Historic Landmarks situated in unincorporated El Dorado County. No additional State Historic Landmarks have been added to the list as of June 2, 2016 (see Exhibit H).

The 2015 Final EIR for the Targeted General Plan Amendment – Zoning Ordinance Update provided additional analysis on Cultural Resources (See Exhibit I). The TGPA/ZOU Final EIR analyzes whether the project would have the potential to adversely affect existing cultural resources. The TGPA/ZOU EIR is a programmatic level EIR, and did not perform a site-specific analysis as the project did not propose site-specific changes in General Plan land use designation that would have the potential to affect cultural resources. The 2004 General Plan EIR concluded that the General Plan would have a less-than-significant impact on cultural resources, with implementation of its mitigation measures. The 2004 General Plan provided a succinct description of how a broad analysis of general plan impacts can be done by quantifying the extent to which high- and medium-intensity land uses are being distributed. The TGPA/ZOU Final EIR's analysis considered whether the typical intensity of various potential land uses identified in the ZOU would likely result in adverse impacts on cultural resources. The TGPA/ZOU Final EIR concluded that impacts to archaeological and historical resources would be significant and unavoidable. However, none of the adopted General Plan policies protective of cultural resources were proposed for change as part of the TGPA/ZOU project.

### **Outreach Efforts to Date**

In June 2016, staff reached out to the El Dorado County Historical Museum Director, the El Dorado County Historical Society, and the County Cemetery Advisory Committee to provide status on the development of a County Cultural Resources Ordinance and to seek input on suggested revisions to be made to the Cultural Resources Guidelines and General Plan. Staff will continue to work with these groups and other stakeholders as the process moves forward.

### **COMPARISON OF OTHER NORTHERN CALIFORNIA COUNTY JURISDICTIONS**

Staff contacted 14 other rural counties in Northern California for information regarding cultural resources-related General Plan policies and/or ordinances. A list of all 14 counties is summarized in Exhibit J. Three counties have adopted ordinances related to cultural resources: Napa, Placer and Tuolumne. Napa County has a codified Landmark Preservation Ordinance. Placer County has a codified Cultural and Historical Resources Preservation Ordinance. Placer County also has a Design Historical combining zone district codified in its Zoning Ordinance (Sec. 17.52.070). Tuolumne County has a codified Cultural Resources Ordinance (Title 14). A summary of the sections included in each of these ordinances is attached as Exhibit K. A comparison of El Dorado County's cultural ordinance guidelines with these three counties is summarized in the table below. Of the 14 counties surveyed, three do not have any General Plan policies related to cultural resources and eight have related policies but have not implemented an ordinance. None of the three counties that have implemented ordinances have a model that would address all of the provisions included in El Dorado County's General Plan.



	<b>County</b>	<b>Napa</b>	<b>Placer</b>	<b>Tuolumne</b>
	<b>El Dorado County Cultural Resources Proposed Ordinance Provisions</b>	Landmark Preservation Ordinance	Cultural and Historic Resources Preservation Ordinance	Cultural Resources Ordinance
1.	Native American Notification	No	Yes – GP Policy 5.D.3	Yes – Section 14.10.100
2.	Study Thresholds	No	No	No
3.	Identification of appropriate buffers	No	No	No
4.	Definition	Yes - Historical Resource	Yes – “Cultural Resources”	Yes – “Cultural Resource” (Sec. 14.04.100)
5.	Project Review Guidelines	Yes	Yes – GP Implementatio n Program 5.4	Yes – Chapter 14.10
6.	Cultural Resources Sensitivity Map	No	No	No
7.	Archaeological/ Historical Sites identified on maps or reports	Inventory of designated landmarks/ other historical resources	Inventory of cultural and historical resources	Tuolumne County Database of Cultural Resources (Sec. 14.12.020)
8.	Requirements for cultural resource studies prior to approval of discretionary projects	No	Yes – see No. 10 below	Yes – Charts 14.10 (B) & (C) and Sections 14.04.130, 14.08.095, 14.10.070
9.	Cultural Resources Preservation Commission	No	Placer County Historical Advisory Board	Historic Preservation Review Commission and subcommittee: Demolition Review Committee
10.	Treatment of significant cultural resources in accordance with CEQA	Yes – General Plan program level EIR certified June 2008	All projects subject to CEQA review are analyzed for impacts to cultural and historic resources (Environmenta l Review Ordinance)	Yes – Based on Priority Designations (See Table 14.06(A))

	<b>County</b>	<b>Napa</b>	<b>Placer</b>	<b>Tuolumne</b>
	<b>El Dorado County Cultural Resources Proposed Ordinance Provisions</b>	Landmark Preservation Ordinance	Cultural and Historic Resources Preservation Ordinance	Cultural Resources Ordinance
11.	Incentives to encourage indoor/outdoor art	Incentives for preservation/ rehabilitation	Incentives for preservation, rehabilitation, restoration or relocated of structures designation as historic resources	Incentives for preservation such as local tax incentives, state/federal tax credits, loans, redevelopment agency loans, CDBG grants

**STAFF RECOMMENDATION**

1. Prepare a Cultural Resources Ordinance pursuant to General Plan Policy 7.5.1.1;
  - The implementing ordinance will include (but not be limited to) identification of related General Plan policies and implementation measures, applicability, definitions, public noticing, and reporting requirements.
  
2. Substantially update the *Guidelines for Cultural Resource Studies* approved by the Board of Supervisors on August 17, 1999 to be in compliance with the County’s new Cultural Resources Ordinance and changes to the California Environmental Quality Act (CEQA) and other related federal, state and local statutes, including the County’s public noticing procedures, and updates to the California Office of Historic Preservation's (OHP) *Archaeological Resources Management Reports (ARMR): Recommended Contents and Format*;
  - Revisions to the Guidelines would include general updating references to current federal and state statutes and changes in CEQA, supplemental information from the California Office of Historic Preservation since adoption in 1999; and would address General Plan Policy 7.5.1.1.B (100-foot development setback), 7.5.1.1.C (identification of appropriate buffers) and 7.5.1.1.D (definition of cultural resources) which are currently not contained in the 1999 Guidelines.

3. Amend the General Plan to remove Policy 7.5.1.5, formation of a Cultural Resources Preservation Commission, which was disbanded by the Board of Supervisors on January 28, 2003.
  - The preparation of a Cultural Resource Ordinance in compliance with existing adopted General Plan policies, and updating the Guidelines for Cultural Resource Studies in compliance with changes in CEQA, state statutes, and revised County noticing and outreach requirements would effectively meet the requirements of Policy 7.5.1.5 (e.g., formulation of cultural resources policies; preparation of a cultural resources inventory; and review of all projects with identified cultural resources.)
  - However, Policy 7.5.1.5 includes the requirement that the County shall request to become a Certified Local Government (CLG) through the State Office of Historic Preservation. Certification would qualify the County for CLG grants to aid historic preservation projects. One of the requirements to be a CLG is the establishment of an historic preservation review commission by local ordinance. The commission shall include a minimum membership of five individuals with all members having demonstrated interest, competence or knowledge in historic preservation; and at least two Commission members are encouraged to be appointed from among professionals in various disciplines related to historic preservation such as pre-historic and historic archaeology (See Exhibit L for CLG program requirements).

The other requirements to be a CLG are: Enforce appropriate state and local laws and regulations for the designation and protection of historic properties; Maintain a system for the survey and inventory of historic properties; Provide for public participation in the local preservation program; and Satisfactorily perform responsibilities delegated to it by the state.

The primary benefit of becoming a CLG is the opportunity to apply for and receive CLG grant funding to aid local historic preservation programs. Five cities received a total of \$167,000 (\$33,400 average per applicant) in 2015-16 CLG grant awards. Currently (as of March 2016), there are a total of 66 CLGs of which only 6 are counties (Monterey, San Diego, Santa Clara, Santa Cruz, Tuolumne, and Ventura).

If the Board desires that the County become a CLG, staff recommends that Policy 7.5.1.5 be revised to be consistent with state requirements for the Commission (see Exhibit L).

## **NEXT STEPS**

- 1) Present the Planning Commission with an informational item summarizing this presentation and Board's direction to staff.
- 2) Prepare draft Resolution of Intention, preliminary draft ordinance and proposed revisions to the adopted Cultural Resources Guidelines based on Board discussion.
- 3) Based on preliminary draft ordinance and proposed revisions to Cultural Resources Guidelines, prepare environmental review checklist to determine level of environmental review necessary.
- 4) Return to the Board with public review drafts of the draft ordinance, proposed revisions to the Cultural Resources Guidelines, and recommendation for environmental document. The level of environmental review and associated cost can range from no environmental review required to a full Environmental Impact Report at an average cost of \$100,000 to \$150,000.

## **Attachments**

Exhibit A	General Plan Goals, Objectives, Policies and Implementation Measures Related to Cultural Resources
Exhibit B	Guidelines for Cultural Resource Studies, El Dorado County, August 17, 1999
Exhibit C	Paleontological Sensitivity Map, El Dorado County General Plan EIR
Exhibit D	Ordinance No. 4488 adopted April 21, 1998
Exhibit E	Ordinance No. 4621 adopted February 11, 2003
Exhibit F	Section 5.13 Cultural Resources, El Dorado County General Plan EIR
Exhibit G	National Register of Historic Places: Listed Properties, El Dorado County (as of July 2015)
Exhibit H	California State Historic Landmarks Located in El Dorado County (as of June 2, 2016)
Exhibit I	Section 3.5 Cultural Resources Impact Analysis, TGPA/ZOU Final Program EIR, December 2015
Exhibit J	Table 1, Comparison of Other Jurisdictions Cultural Resources General Plan Policies and Ordinances
Exhibit K	Summary of Ordinances Adopted/Codified by Napa, Placer and Tuolumne Counties
Exhibit L	Requirements (Excerpt from Appendix G, Certified Local Government Application and Procedures, August 1999, pp 41-47.)

## **Contact**

Shawna Purvines, Principal Planner  
Community Development Agency, Long Range Planning Division

## EXHIBIT A

### General Plan Goals, Objectives, Policies and Implementation Measures Related to Cultural Resources

Goal, Objective, Policy, Measure	Description	Page No.	Related Measure	Page No.
<b><i>Conservation and Open Space Element</i></b>				
<b>Goal 7.5</b>	<b>CULTURAL RESOURCES</b>	155		
<b>Objective 7.5.1</b>	<b>Protection of Cultural Heritage</b>			
Policy 7.5.1.1	Establish a Cultural Resources Ordinance	155	Measure CO-Q	165
Policy 7.5.1.2	Archaeological/historical sites kept confidential	155	Measure CO-R	165
Policy 7.5.1.3	Cultural resource studies	155-156		
Policy 7.5.1.4	Registration of historic districts, sites, buildings, structures, and objects	156		
Policy 7.5.1.5	Cultural Resources Preservation Commission	156	Measure CO-S	165
Policy 7.5.1.6	Significant cultural resources treated in accordance with CEQA standards	156		
<b>Objective 7.5.2</b>	<b>Visual Integrity</b>	156		
Policy 7.5.2.1	Historic Design Control Districts	156		
Policy 7.5.2.2	Define HDCDs consistent with NHPA Historic District standards	156-157		
Policy 7.5.2.3	New buildings/reconstruction in historic communities	157		
Policy 7.5.2.4	Prohibit modification of NRHP/ CRHR listed properties	157-158		
Policy 7.5.2.5	Alteration of an historic building			
Policy 7.5.2.6	Coloma State Park viewshed identification and guidelines	158	Measure CO-T	166
<b>Objective 7.5.3</b>	<b>Recognition of Prehistoric/Historic Resources</b>	158		
<b>Objective 7.5.4</b>	<b>Protection of Cemeteries</b>	158		
Policy 7.5.4.1	Protect access routes and parking at existing cemeteries	158		
Measure CO-Q	Adopt a Cultural Ordinance, consistent with Policy 7.5.1.1	165		
Measure CO-R	Confidential cultural resources database	165		
Measure CO-S	Investigate becoming a Certified Local Government	165		
Measure CO-T	Identify viewshed of Marshall Gold Discovery State Historic Park	166		
<b><i>Land Use Element</i></b>				
<b>Objective 2.2.3</b>	<b>Planned Developments</b>	26		
Policy 2.2.3.1	Planned Development (-PD) Combining Zone District...Primary emphasis shall be placed on furthering uses and/or design that...(4) avoid cultural resources where feasible,...	26-27		
<b>Objective 2.2.5</b>	<b>General Policy Section</b>	30		
Policy 2.2.5.3	County shall evaluate future rezoning....specific criteria to include...17. Important historical/archaeological sites;...	31		

## EXHIBIT A

### General Plan Goals, Objectives, Policies and Implementation Measures Related to Cultural Resources

Goal, Objective, Policy, Measure	Description	Page No.	Related Measure	Page No.
Measure LU-C	Establish performance standards to be included in the Zoning Ordinance...Planning Director shall review...The review shall include....(1) the effects of the proposed project on...cultural resources....	48		
<b><i>Parks and Recreation Element</i></b>				
<b>Objective 9.1.2</b>	<b>County Trails</b>	190		
Policy 9.1.2.6	Trails with historical associations or essential trail linkages...	191		
<b>Objective 9.1.3</b>	<b>Incorporation of Parks and Trails</b>	192		
Policy 9.1.3.6	Establishment of California National Historic Trail interpretive and visitors center	192		
Policy 9.1.3.7	Establishment of Pony Express National Historic Trail interpretive and visitors center	192	Measure PR-D	198
<b>Objective 9.2.3</b>	<b>Grants, Fees, and Contributions</b> Other types of funding...to acquire historical or archaeologically significant land for parks.	194		
<b>Objective 9.3.4</b>	<b>Historical Resources</b>	195		
Policy 9.3.4.1	Establishment of a Director of Museums and cultural resources preservation function	195		
Policy 9.3.4.2	Development of interpretive centers for local historical sites and/or events of historical interest	196	Measure PR-D	198
<b>Objective 9.3.5</b>	<b>Historical Events</b>	196		
Measure PR-D	Develop interpretive centers for historical trail and sites	198		
<b><i>Public Services and Utilities Element</i></b>				
<b>Goal 5.9</b>	<b>Library Services and Cultural Facilities</b>	101		
<b>Objective 5.9.2</b>	<b>Community Participation on Cultural Events</b>	102		
Policy 5.9.2.1	County shall support...Sierra Cultural Arts Center Association in the development of performing arts centers.	102		
Measure PS-A	Establish a means...for various County agencies and departments to communicate with...(E) Arts and Cultural Activity Providers	102		

# EXHIBIT A

## **PRESERVATION OF CULTURAL RESOURCES**

### **GOAL 7.5: CULTURAL RESOURCES**

**Ensure the preservation of the County's important cultural resources.**

#### **OBJECTIVE 7.5.1: PROTECTION OF CULTURAL HERITAGE**

**Creation of an identification and preservation program for the County's cultural resources.**

Policy 7.5.1.1 The County shall establish a Cultural Resources Ordinance. This ordinance shall provide a broad regulatory framework for the mitigation of impacts on cultural resources (including historic, prehistoric and paleontological resources) by discretionary projects. This Ordinance should include (but not be limited to) and provide for the following:

- A. Appropriate (as per guidance from the Native American Heritage Commission) Native American monitors to be notified regarding projects involving significant ground-disturbing activities that could affect significant resources.
- B. A 100-foot development setback in sensitive areas as a study threshold when deemed appropriate.
- C. Identification of appropriate buffers, given the nature of the resources within which ground-disturbing activities should be limited.
- D. A definition of cultural resources that are significant to the County. This definition shall conform to (but not necessarily be limited to) the significance criteria used for the National Register of Historic Places (NRHP) and the California Register of Historical Resources (CRHR) and Society of Vertebrate Paleontology.
- E. Formulation of project review guidelines for all development projects.
- F. Development of a cultural resources sensitivity map of the County.

Policy 7.5.1.2 Reports and/or maps identifying specific locations of archaeological or historical sites shall be kept confidential in the Planning Department but shall be disclosed where applicable.

Policy 7.5.1.3 Cultural resource studies (historic, prehistoric, and paleontological resources) shall be conducted prior to approval of discretionary projects. Studies may include, but are not limited to, record searches through the North Central Information Center at California State University, Sacramento, the Museum of Paleontology, University of California,

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Berkeley, field surveys, subsurface testing, and/or salvage excavations. The avoidance and protection of sites shall be encouraged.

Policy 7.5.1.4 Promote the registration of historic districts, sites, buildings, structures, and objects in the National Register of Historic Places and inclusion in the California State Office of Historic Preservation's California Points of Historic Interest and California Inventory of Historic Resources.

Policy 7.5.1.5 A Cultural Resources Preservation Commission shall be formed to aid in the protection and preservation of the County's important cultural resources. The Commission's duties shall include, but are not limited to:

- A. Assisting in the formulation of policies for the identification, treatment, and protection of cultural resources (including historic cemeteries) and the curation of any artifacts collected during field collection/excavation;
- B. Assisting in preparation of a cultural resources inventory (to include prehistoric sites and historic sites and structures of local importance);
- C. Reviewing all projects with identified cultural resources and making recommendations on appropriate forms of protection and mitigation; and
- D. Reviewing sites for possible inclusion in the National Register of Historic Places, California Register, and other State and local lists of cultural properties.

The County shall request to become a Certified Local Government (CLG) through the State Office of Historic Preservation. Certification would qualify the County for grants to aid in historic preservation projects. The Cultural Resources Preservation Commission could serve as the Commission required for the CLG program.

Policy 7.5.1.6 The County shall treat any significant cultural resources (i.e., those determined California Register of Historical Resources/National Register of Historic Places eligible and unique paleontological resources), documented as a result of a conformity review for ministerial development, in accordance with CEQA standards.

### **OBJECTIVE 7.5.2: VISUAL INTEGRITY**

#### **Maintenance of the visual integrity of historic resources.**

Policy 7.5.2.1 Create Historic Design Control Districts for areas, places, sites, structures, or uses which have special historic significance.

Policy 7.5.2.2 The County shall define Historic Design Control Districts (HDCDs). HDCD inclusions and boundaries shall be determined in a manner



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consistent with National Historic Preservation Act (NHPA) Historic District standards.

- A. The County shall develop design guidelines for each HDCD. These guidelines shall be compatible with NHPA standards.
- B. New buildings and structures and reconstruction/restoration of historic (historic as per National Register of Historic Places [NRHP] and California Register of Historical Resources [CRHR] criteria) buildings and structures shall generally conform to styles of architecture prevalent during the latter half of the 19th century into the first decade of the 20th century.
- C. Any historic building or structure located within a designated HDCD, or any building or structure located elsewhere in the county that is listed on the NRHP or CRHR, is designated a California Building of Historic Interest, or a California State Historic Landmark, or is designated as significant as per NRHP/CRHR criteria, shall not be destroyed, significantly altered, removed, or otherwise changed in exterior appearance without a design review.
- D. In cases where the County permits the significant alteration of a historic building or structure exterior, such alteration shall be required to maintain the historic integrity and appearance of the building or structure and shall be subject to a design review.
- E. In cases where new building construction is placed next to a historic building or structure in a designated HDCD or listed on the CRHR/NRHP, the architectural design of the new construction shall generally conform to the historic period of significance of the HDCD or listed property.
- F. In cases where the County permits the destruction of a historic building or tearing down a structure, the building or structure shall first be recorded in a manner consistent with the standards of the NHPA Historic American Building Survey (HABS) by a qualified professional architectural historian.
- G. The County shall mandate building and structure design controls within the viewshed of the Marshall Gold Discovery State Historic Park. These design controls shall be consistent with those mandated for designated Historic Design Control Districts.

Policy 7.5.2.3 New buildings and reconstruction in historic communities shall generally conform to the types of architecture prevalent in the gold mining areas of California during the period 1850 to 1910.

Policy 7.5.2.4 The County shall prohibit the modification of all National Register of Historic Places (NRHP)/California Register of Historical Resources (CRHR) listed properties that would alter their integrity, historic setting,

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and appearance to a degree that would preclude their continued listing on these registers. If avoidance of such modifications on privately owned listed properties is deemed infeasible, mitigation measures commensurate with NRHP/CRHR standards shall be formulated in cooperation with the property owner.

Policy 7.5.2.5 In cases where the County permits the demolition or alteration of an historic building, such alteration or new construction (subsequent to demolition) shall be required to maintain the character of the historic building or replicate its historic features.

Policy 7.5.2.6 The County, in cooperation with the State, shall identify the viewshed of Coloma State Park and establish guidelines to be used for development within the viewshed. In addition, the County shall continue to support the relocation of State Route 49 to bypass the Park in order to protect its visual and physical integrity.

## **OBJECTIVE 7.5.3: RECOGNITION OF PREHISTORIC/HISTORIC RESOURCES**

**Recognition of the value of the County's prehistoric and historic resources to residents, tourists, and the economy of the County, and promotion of public access and enjoyment of prehistoric and historic resources where appropriate.**

## **OBJECTIVE 7.5.4: PROTECTION OF CEMETERIES**

**Preservation and protection of existing cemeteries including access and parking.**

Policy 7.5.4.1 Protect access routes and parking at existing cemeteries. Development proposals will be evaluated to ensure that they do not interfere with cemeteries or their access and parking.

## **PRESERVATION OF OPEN SPACE**

### **GOAL 7.6: OPEN SPACE CONSERVATION**

**Conserve open space land for the continuation of the County's rural character, commercial agriculture, forestry and other productive uses, the enjoyment of scenic beauty and recreation, the protection of natural resources, for protection from natural hazards, and for wildlife habitat.**

## **OBJECTIVE 7.6.1: IMPORTANCE OF OPEN SPACE**

**Consideration of open space as an important factor in the County's quality of life.**

Policy 7.6.1.1 The General Plan land use map shall include an Open Space land use designation. The purpose of this designation is to implement the goals and

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- Thresholds of significance for the loss of oak woodlands;
- Requirements for tree surveys and mitigation plans for discretionary projects;
- Replanting and replacement standards;
- Heritage/landmark tree protection standards; and
- An Oak Tree Preservation Ordinance as outlined in Policy 7.4.5.1.

[Policies 7.4.4.4 and 7.4.5.1]

Responsibility:	Planning Department
Time Frame:	Within two years of General Plan adoption.

## **MEASURE CO-Q**

Develop and adopt a Cultural Resources Preservation Ordinance, consistent with Policy 7.5.1.1.

Responsibility:	Planning Department and Department of Transportation
Time Frame:	Adopt ordinance within two years of General Plan adoption.

## **MEASURE CO-R**

Maintain a confidential cultural resources database of prehistoric and historic resources, including the location and condition of pioneer cemetery sites. Information may be made available consistent with state and federal law. [Policy 7.5.1.2]

Responsibility:	Planning Department
Time Frame:	Ongoing

## **MEASURE CO-S**

Investigate becoming a Certified Local Government through the State Office of Historic Preservation. [Policy 7.5.1.5]

Responsibility:	Planning Department
Time Frame:	Report to the Board of Supervisors within five years of General Plan adoption.

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## **MEASURE CO-T**

Work with the State of California Department of Parks and Recreation to identify the viewshed of Marshall Gold Discovery State Historic Park (Coloma) and establish guidelines for development within that viewshed. [Policy 7.5.2.6]

Responsibility:	Planning Department
Time Frame:	Identify viewshed within four years of General Plan adoption. Adopt standards within six years.

## **MEASURE CO-U**

Mitigation under Policy 7.4.1.6 shall include providing sufficient funding to the County's conservation fund to acquire and protect important habitat at a minimum 2:1 ratio. The cost associated with acquisition, restoration, and management of the habitat protected shall be included in the mitigation fee. For larger development projects (i.e., those that exceed a total of 10 acres), in addition to contributing to the conservation fund at a minimum 2:1 ratio, onsite preservation and/or restoration of important habitat shall be required at a 1:1 ratio. Impacts on important habitat and mitigation requirements shall be addressed in a Biological Resources Study and an Important Habitat Mitigation Program (described below).

- A. **Biological Resources Study.** The County shall adopt biological resource assessment standards that apply to all discretionary projects that would result in disturbance of soil and native vegetation in areas that include important habitat as defined in the INRMP. The assessment of the project site must be in the form of an independent Biological Resources Study, and must be completed by a qualified biologist. The evaluation shall quantify the amount of important habitat, by habitat type, as defined in the General Plan and delineated on maps included in the INRMP. The Biological Resources Study shall also address the potential for the project to adversely affect important habitat through conversion or fragmentation. This requirement shall not apply to projects that are on lands that either (1) have already been the subject of a study and for which all mitigation requirements are being implemented or (2) have been evaluated by the County and found to not possess any important habitat resources.
- B. **Important Habitat Mitigation Program.** The Biological Resource Study shall include an Important Habitat Mitigation Program that identifies options that would avoid, minimize, or compensate for impacts on important habitats in compliance with the standards of the INRMP and the General Plan. All mitigation programs shall include a monitoring and reporting component requiring reports to the County not less than once each year for a period of not less than 10 years. The report will include a description of the lands included in the mitigation program (including location and size), a summary of the evaluation criteria established at the time the mitigation program was approved, an evaluation of the mitigation program based on those criteria, and recommendations for action during the following year. The County shall adopt standards for evaluating mitigation programs proposed as part of the Biological

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- Industrial (I)
- Commercial (C)
- Public Facilities (PF)
- Rural Residential (RR)
- Low-Density Residential (LDR)

If appropriate, said properties shall also be similarly zoned with Mineral Resource (-MR) combining zone district in conformance with Policy 7.2.1.2.

Before authorizing any land uses within the -MR overlay zone that will threaten the potential to extract minerals in the affected area, the County shall prepare a statement specifying its reasons for considering approval of the proposed land use and shall provide for public and agency notice of such a statement consistent with the requirements of Public Resources Code section 2762. Furthermore, before finally approving any such proposed land use, the County shall balance the mineral values of the threatened mineral resource area against the economic, social, or other values associated with the proposed alternative land uses. Where the affected minerals are of regional significance, the County shall consider the importance of these minerals to their market region as a whole and not just their importance to the County. Where the affected minerals are of Statewide significance, the County shall consider the importance of these minerals to the State and Nation as a whole. The County may approve the alternative land use if it determines that the benefits of such uses outweigh the potential or certain loss of the affected mineral resources in the affected regional, Statewide, or national market.

Policy 2.2.2.8 The Important Biological Corridor (-IBC) overlay shall be as set forth in Policy 7.4.2.9. Where the -IBC Overlay is applied to lands that are also subject to the Agricultural District (-A) overlay or that are within the Agricultural Lands (AL) designation, the land use restrictions associated with the -IBC policies will not apply to the extent that the agricultural practices do not interfere with the purposes of the -IBC overlay.

## **OBJECTIVE 2.2.3: PLANNED DEVELOPMENTS**

**Provide for innovative planning and development techniques and further fulfill the Plan Strategy by encouraging balanced growth to better reflect the character and scale of the community in which it occurs while minimizing impacts on the surrounding areas, to provide more efficient utilization of land, and to allow for flexibility of development while providing for general public benefits.**

Policy 2.2.3.1 The Planned Development (-PD) Combining Zone District, to be implemented through the zoning ordinance, shall allow residential,

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commercial, and industrial land uses consistent with the density specified by the underlying zoning district with which it is combined. Primary emphasis shall be placed on furthering uses and/or design that (1) provide a public or common benefit on- or off-site, (2) cluster intensive land uses or lots to conform to the natural topography, (3) minimize impacts on various natural and agricultural resources, (4) avoid cultural resources where feasible, (5) minimize public health concerns, (6) minimize aesthetic concerns, and (7) promote the public health, safety, and welfare. A goal statement shall accompany each application specifically stating how the proposed project meets these criteria.

Except as otherwise provided herein, residential Planned Developments shall include open space lands comprising at least 30 percent of the total site which may be owned in common, by easement or fee title, by the homeowners or may be dedicated to a public agency. The following are exempt from the open space requirement:

- A. Condominium conversions,
- B. Residential Planned Developments consisting of five or fewer lots or dwelling units,
- C. Infill projects within Community Regions and Rural Centers on existing sites 3 acres or less are exempt from the open space requirement,
- D. Multi-Family Residential developments, and
- E. Commercial/Mixed Use Developments.

The common open space requirement may be reduced to 15% in High Density Residential (HDR) Planned Developments where the open space is improved for recreational purposes, or as landscaped buffers or green belts, and an additional 15% of the total site is devoted to open space areas reserved for the exclusive use of individual residents such as private yards.

The commonly owned open space can be improved for recreational purposes such as parks, recreational facilities, ball fields, golf courses, or picnic areas, or may be retained in a natural condition. Both improved and natural open space may be incorporated into a single Residential Planned Development. Commonly owned open space shall not include space occupied by infrastructure (e.g., roads, sewer and water treatment plants) except when multi-use trails are included within such space.

Policy 2.2.3.2 The calculation of development density for purposes of Planned Developments shall be based on the maximum density permitted by the underlying zone district(s). No density shall be attributed to bodies of water, such as lakes, rivers, and perennial streams, excluding wetlands.

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## Planned Development Subdivision Utilizing Density Bonus Provisions

A planned development proposing to set aside the 20 acre portion comprising slope  $\geq 40$  percent as open space and a set aside of 60 acres including the lake, river, wetlands, and 30 acres of developable land will yield a total of 38 2-acre developable parcels clustered on the remaining 80 acres (4.21 ac/du). Calculation of the yield is summarized as follows:

1. 20 acres open space density bonus yield = 20 acres at 1 dwelling unit/20 acres zoning = 1 dwelling unit x 2.5 density bonus = 2.5 dwelling units.
2. 60 acres park density bonus yield = 60 acres minus 15 acre lake minus 5 acre river = 40 acres at 1 dwelling unit/5 acre zoning = 8 dwelling units x 2.5 density = 20 dwelling units.
3. 80 acres developable area remaining = 80 acres at 1 dwelling unit/5 acre zoning = 16 dwelling units.
4. Total yield = 2.5 dwelling units + 20 dwelling units + 16 dwelling units = 38.5 dwelling units or 39 dwelling units.

**Note:** To achieve the maximum parcel creation, minimum development standards and public services must be met commensurate with the lot sizes and density proposed.

Policy 2.2.4.2 The density bonus limits described herein are exclusive of the density bonuses contained in the Housing Element.

## OBJECTIVE 2.2.5: GENERAL POLICY SECTION

Policy 2.2.5.1 Existing legal lots of record with a lot size less than the minimum area indicated by the designation on the General Plan land use map shall be permitted to develop at a density of at least one dwelling unit per lot provided that minimum health and safety requirements are met.

Policy 2.2.5.2 All applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan. In the case of General Plan amendments, such amendments can be rendered consistent with the General Plan by modifying or deleting the General Plan provisions, including both the land use map and any relevant textual policies, with which the proposed amendments would be inconsistent.

Policy 2.2.5.3 The County shall evaluate future rezoning: (1) To be based on the General Plan's general direction as to minimum parcel size or maximum allowable density; and (2) To assess whether changes in conditions that

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would support a higher density or intensity zoning district. The specific criteria to be considered include, but are not limited to, the following:

1. Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;
2. Availability and capacity of public treated water system;
3. Availability and capacity of public waste water treatment system;
4. Distance to and capacity of the serving elementary and high school;
5. Response time from nearest fire station handling structure fires;
6. Distance to nearest Community Region or Rural Center;
7. Erosion hazard;
8. Septic and leach field capability;
9. Groundwater capability to support wells;
10. Critical flora and fauna habitat areas;
11. Important timber production areas;
12. Important agricultural areas;
13. Important mineral resource areas;
14. Capacity of the transportation system serving the area;
15. Existing land use pattern;
16. Proximity to perennial water course;
17. Important historical/archeological sites; and
18. Seismic hazards and present of active faults.
19. Consistency with existing Conditions, Covenants, and Restrictions.

Policy 2.2.5.4 *intentionally blank*

Policy 2.2.5.5 Parcel Size Exception. All divisions of land must be in compliance with the density and lot standards established in the General Plan and Zoning Ordinance except as follows:

- A. One parcel may be subdivided to create one new parcel of lesser size than is required under policy 2.2.1.2 as implemented by the Zoning Ordinance.
- B. Minimum parcel size as shown on the General Plan land use map shall not apply to parcels occupied by governmental bodies or private or public utilities. When such agencies are acquiring land for their exclusive use, the remaining parcel from the donor property need not comply with the minimums set forth on the General Plan land use map, provided that the donor parcel shall retain sufficient lands so as to comply with the minimum lot size based on the type of water supply and sewage disposal.



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Responsibility:	Planning Department, Department of Transportation, Environmental Management, and General Services Department
Time Frame:	Beginning immediately upon General Plan adoption and ongoing thereafter, staff from all County departments review General Plan policies for conformance on all development proposals and capital improvement projects. Thereafter, the approving authority will be required to make findings that the proposed project is consistent with the General Plan.

## **MEASURE LU-C**

Establish performance standards to be included in the Zoning Ordinance to allow applicants for ministerial projects to demonstrate compliance with General Plan policies and with other applicable County ordinances, policies, and regulations. Until such time as these standards are developed, the Planning Director shall review information submitted by the applicant to ascertain compliance. The review shall include, but not be limited to: (1) the effects of the proposed project on biological resources, cultural resources, geology and soils, agriculture, visual, noise, and air quality; (2) the project's compliance with the concurrency requirements of the General Plan pertaining to traffic infrastructure and the availability of water and other services; (3) risks of exposure to hazardous materials and conditions as a result of site development; and (4) a determination as to whether the project is exempt from review under the California Environmental Quality Act. In lieu of requiring detailed resource assessments as part of initial applications, the Planning Director may establish a program for preliminary site inspections by qualified professionals employed or retained by the County to determine the need (if any) for specific resource evaluations required to complete this review. [Policy 2.2.5.20]

Responsibility:	Planning Department
Time Frame:	Revise Zoning Ordinance within one year of General Plan adoption.

## **MEASURE LU-D**

Revise the Zoning Ordinance to ensure that all uses permitted by right in any zoning district are compatible. Allow potentially incompatible uses subject to a discretionary review process with performance standards designed to ensure appropriate separation of incompatible uses. Include in the Zoning Ordinance a requirement that any project located adjacent to an existing sensitive land use shall be required to avoid impacts on the existing use. [Policy 2.2.5.21]

Responsibility:	Planning Department
Time Frame:	Revise Zoning Ordinance within one year of General Plan adoption.

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swimming facilities, amphitheaters, tennis courts, multi-purpose hardcourts, shooting sports facilities, concessionaire facilities, trails, nature interpretive centers, campgrounds, natural or historic points of interest, and community multi-purpose centers.

- Policy 9.1.1.5 Parkland dedicated under the Quimby Act must be suitable for active recreation uses and:
- A. Shall have a maximum average slope of 10 percent;
  - B. Shall have sufficient access for a community or neighborhood park; and
  - C. Shall not contain significant constraints that would render the site unsuitable for development.
- Policy 9.1.1.6 The primary responsibilities of the County as a recreation provider shall be the establishment and provision of a regional park system to serve the residents of and visitors to the County.
- Policy 9.1.1.7 Encourage and support efforts of independent recreation districts to provide parks and recreation facilities. The joint efforts of Community Services Districts, independent recreation districts, school districts, cities, and the County to provide parks and recreation facilities shall also be encouraged.
- Policy 9.1.1.8 The County shall prepare, implement, and regularly update a Parks Master Plan and Parks and Recreation Capital Improvement Program to meet current and future park and recreation needs.
- Policy 9.1.1.9 The County will identify and secure funding sources, where possible, to implement the Capital Improvement Program to meet the needs identified in the *Interim Master Plan for Parks, Recreation Facilities, and Trails*.
- Policy 9.1.1.10 As a priority, the County shall continue to plan for and develop existing County owned regional and community park sites.
- Policy 9.1.1.11 Focus park acquisition on recreation oriented facilities.

### **OBJECTIVE 9.1.2: COUNTY TRAILS**

**Provide for a County-wide, non-motorized, multi-purpose trail system and trail linkages to existing and proposed local, State, and Federal trail systems. The County will actively seek to establish trail linkages between schools, parks, residential, commercial, and industrial uses and to coordinate this non-motorized system with the vehicular circulation system.**

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- Policy 9.1.2.1 The proposed El Dorado Trail/Pony Express Trail as well as trails connecting regional parks shall be the County's primary responsibility for trail establishment and maintenance.
- Policy 9.1.2.2 The standards for the County trail system regarding general location, width, steepness, signage, offer of easement dedication, and other design standards are detailed in the Hiking and Equestrian Trails Master Plan and should be updated as necessary.
- Policy 9.1.2.3 The County will assume the responsibility, where possible, of acquiring and developing regional trails outside the boundaries of the cities, Community Service Districts, and park and recreation districts having park and recreation taxing authority and will assist areas such as the Georgetown Divide Recreation District with exceptionally large geographic areas with acquisition and development of trails.
- Policy 9.1.2.4 Evaluate every discretionary application as well as public facilities planning with regard to their ability to implement the *Hiking and Equestrian Trails Master Plan* and the *Bikeway Master Plan*.
- Policy 9.1.2.5 All discretionary applications may be conditioned to provide an irrevocable offer of a trail easement dedication and construction of trails as designated on the Trails Master Plan provided it can be shown that such trails will serve as loops and/or links to designated or existing trails, existing or proposed schools, public parks and open space areas, and existing or proposed public transit nodes (e.g., bus stops, park and ride lots). Parkland dedication credit shall be given where applicable for provision of land and trail improvements that aid in implementing the Trails Master Plan.
- Policy 9.1.2.6 A priority list of County trails for alignment delineation, acquisition, engineering, and development shall be developed. Trails with historical associations or essential trail linkages shall be given a higher priority in the Capital Improvement Plan.
- Policy 9.1.2.7 Mapping of parcel specific regional trail alignments shall be completed by within one year of General Plan adoption so that trail easements may be acquired at the earliest possible date.
- Policy 9.1.2.8 Integrate and link, where possible, existing and proposed National, State, regional, County, city and local hiking, bicycle, and equestrian trails for public use.
- Policy 9.1.2.9 The County shall update the *Bikeway Master Plan* and include the bikeways system on the Trails Master Plan Map within two years of General Plan adoption. The *Bikeway Master Plan* shall be reviewed

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annually for changes and possible updating. Major revision studies shall be conducted in accordance with Policy 2.9.1.2. The bicycle routes established in the *Bikeway Master Plan* are considered a part of both the Parks and Recreation Element and the Transportation and Circulation Element of the County General Plan.

- Policy 9.1.2.10 The County shall establish a procedure by which local trails can be recognized and designated.
- Policy 9.1.2.11 Recognize the national historic trails that are located within the County and promote and pursue cooperative efforts with private, regional, State, and Federal agencies to develop and fund these trails on public and private land.

### **OBJECTIVE 9.1.3: INCORPORATION OF PARKS AND TRAILS**

**Incorporate parks and non-motorized trails into urban and rural areas to promote the scenic, economic, and social importance of recreation and open space areas.**

- Policy 9.1.3.1 Linear parks and trails may be incorporated along rivers, creeks, and streams wherever possible.
- Policy 9.1.3.2 On public lands and where trails can be developed, maintained, and managed, a system of trails along the American and Cosumnes River systems may be created to increase public access to scenic waterways.
- Policy 9.1.3.3 Coordinate with Federal, State, other agencies, and private landholders to provide public access to recreational resources, including rivers, lakes, and public lands.
- Policy 9.1.3.4 To the extent possible, maximize the use of the regional park and trail system by the physically handicapped and developmentally disabled as detailed in the Federal Americans with Disabilities Act.
- Policy 9.1.3.5 Recognize that segments of the California and Pony Express National Historic Trails are located within public and private land areas of the County. Give priority to County activities that will establish contiguous recreational trails along these alignments and pursue funding to construct and maintain trails along these alignments.
- Policy 9.1.3.6 Support the establishment of a California National Historic Trail interpretive and visitors center in El Dorado County.
- Policy 9.1.3.7 Support the establishment of a Pony Express National Historic Trail interpretive and visitors center in El Dorado County.

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recommendations to the Planning Commission for appropriate provision of recreation services.

Policy 9.2.2.2 New development projects creating community or neighborhood parks shall provide mechanisms (e.g., homeowners associations, or benefit assessment districts) for the ongoing development, operation, and maintenance needs of these facilities if annexation to an existing parks and recreation service district/provider is not possible.

Policy 9.2.2.3 The County will cooperate with cities and independently funded districts to help acquire land and develop facilities for neighborhood and community parks as funding allows.

Policy 9.2.2.4 The County shall work with local districts and County services area recreation advisory committees to secure neighborhood park sites by use of the Quimby Act Implementing Ordinance.

Policy 9.2.2.5 The County shall establish a development fee program applicable to all new development to fund park and recreation improvements and acquisition of parklands such that minimum neighborhood, community, and regional park standards are achieved. This fee is in addition to Quimby Act requirements that address parkland acquisition only. The fee will be adjusted periodically to fully fund the improvements identified in the Parks and Capital Improvement Program concurrent with development over a five-year period.

Policy 9.2.2.6 The County shall actively pursue lands that can be transferred to the County from Federal, State, and other ownerships suitable and needed for public use.

Policy 9.2.2.7 The County shall strongly encourage the Bureau of Land Management (BLM) to divest itself of all lands that are not environmentally sensitive within the County to provide ownership so the County can reap the benefits therefrom.

## **OBJECTIVE 9.2.3: GRANTS, FEES, AND CONTRIBUTIONS**

**Other types of funding including Federal, State, and private grants, user-fees, concession agreements, and private contributions to fund the construction of facilities such as trails along abandoned railroad lines (Rails-to-Trails) along rivers and creeks and to acquire historical or archaeologically significant land for parks.**

Policy 9.2.3.1 Institute a system whereby user fees and concessions of various sorts (e.g., food and beverage vendors, gift shops, and boat rental facilities), wherever possible, contribute to the operation and maintenance costs of a facility.

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- Policy 9.2.3.2 The River Management program for the South Fork of the American River shall continue to be funded primarily through commercial permits and user fees.
- Policy 9.2.3.3 Actively encourage private sector donations of land and/or conservation easements through the use of various land use mechanisms (such as density transfers).
- Policy 9.2.3.4 Actively encourage private sector donations of structures, materials, funds, and/or labor to reduce acquisition, development, and maintenance costs.
- Policy 9.2.3.5 The County will encourage private sector development, operation, and maintenance of recreation facilities.

## **TOURISM AND RECREATION USES**

### **GOAL 9.3: RECREATION AND TOURISM**

**Greater opportunities to capitalize on the recreational resources of the County through tourism and recreational based businesses and industries.**

#### **OBJECTIVE 9.3.1: RECREATIONAL AND TOURIST USES**

**Protect and maintain existing recreational and tourist based assets such as Apple Hill, State historic parks, the Lake Tahoe Basin, wineries, South Fork of the American River, and other water sport areas and resorts and encourage the development of additional recreation/tourism businesses and industries.**

#### **OBJECTIVE 9.3.2: NATURAL RESOURCES**

**Protect and preserve those resources that attract tourism.**

#### **OBJECTIVE 9.3.3: MAJOR RECREATIONAL EVENTS**

**Actively encourage major recreational events (e.g., professional bicycle races, running events, whitewater kayaking, equestrian shows, rodeos, and athletic events) to showcase El Dorado County and increase tourism.**

#### **OBJECTIVE 9.3.4: HISTORICAL RESOURCES**

**Recognize the values of the historical resources in preserving the County's cultural heritage and for contributing to tourism, recreation, and the economy of the County.**

- Policy 9.3.4.1 Support the establishment of a Director of Museums and cultural resources preservation function.

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Policy 9.3.4.2 The County will encourage the development of interpretive centers for local historical sites and/or events of historical interest.

### **OBJECTIVE 9.3.5: HISTORICAL EVENTS**

**The County shall actively encourage major events relating to the County's history and way of life such as historical reenactment of the Pony Express and wagon trains, agricultural festivities, and historical fairs.**

### **OBJECTIVE 9.3.6: COUNTY FAIRGROUNDS**

**Recognize the importance of the fairgrounds to the County's local economy for its major recreational, agricultural, and tourism facilities.**

Policy 9.3.6.1 Continue to provide a fairgrounds to serve El Dorado County residents and visitors as the major location for large public events, including fairs, symphonies, horse shows, and farmers' markets.

Policy 9.3.6.2 Move the fairground site to a location that can safely serve the current and projected population of El Dorado County (recognizing that the current fairground site is inadequate) and potentially accommodate a West Slope Regional Park facility or Sports Complex.

### **OBJECTIVE 9.3.7: SKIING INDUSTRY**

**Expansion of the skiing industry consistent with the Tahoe Regional Planning Agency Regional Plan and the Eldorado National Forest and Lake Tahoe Basin Management Unit Forest Plans.**

### **OBJECTIVE 9.3.8: CAMPING FACILITIES**

**Expansion and development of additional Federal, State, and private overnight camping facilities including recreational vehicles and tent camping within the County while requiring appropriate mitigation of adverse environmental impacts.**

### **OBJECTIVE 9.3.9: TOURIST LODGING**

Policy 9.3.9.1 The County will encourage the development of private lodging facilities by modifying the Zoning Ordinance sections dealing with tourist related facilities.

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## **MEASURE PR-D**

Plan for and develop interpretive centers for historical trails and sites. [Policies 9.1.3.6, 9.1.3.7, 9.3.4.2, and 11.1.12.5]

Responsibility:	General Services Department, Airports, Parks and Grounds Division
Time Frame:	Within ten years of General Plan adoption.

## **MEASURE PR-E**

Maintain and implement the *El Dorado County River Management Plan* (Environmental Stewardship & Planning 2001) for management of recreational activities on the South Fork of the American River, including the provision of additional river access adjacent to Marshall Gold Discovery State Historic Park. [Policy 9.1.4.2]

Responsibility:	General Services Department, Airports, Parks, and Grounds Division
Time Frame:	Review and update the plan within eight years of General Plan adoption. Implementation will be ongoing for the life of the General Plan.

## **MEASURE PR-F**

Develop a program to facilitate the formation of independent recreation districts. The program should include coordination with the Local Agency Formation Commission. [Policy 9.1.5.1]

Responsibility:	General Services Department, Airports, Parks and Grounds Division
Time Frame:	Ongoing as needed

## **MEASURE PR-G**

Work with independent recreation districts to support efforts to provide parks and recreation facilities. [Policies 9.1.1.7 and 9.2.2.3]

Responsibility:	Planning Department and General Services Department, Airports, Parks and Grounds Division
Time Frame:	Ongoing



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- Policy 5.8.2.2 The affected school district shall be relied upon to review development applications to determine the ability of the district to serve the new development. The level of educational services shall not be reduced below acceptable levels as a consequence of new development to the extent permitted by State law.
- Policy 5.8.2.3 Explore the potential for expanding both public and private higher education and continuing education opportunities including attracting a four-year college or university to the County.
- Policy 5.8.2.4 Specific plans for Planned Communities shall identify and set aside land for new schools approvable under Title 5 Standards to serve new communities. A funding mechanism for site acquisition and construction shall be provided. School site dedication shall be considered as part of the funding mechanism.
- Policy 5.8.2.5 The County shall cooperate with the school districts in identifying the potential location of new school sites. All new public school sites shall be reviewed for General Plan consistency.

## **OBJECTIVE 5.8.3: CHILD AND OTHER CARE AND DAY CARE PROGRAMS**

**Encourage and promote opportunities for child care and extended day care programs.**

- Policy 5.8.3.1 Child day care facilities shall be allowed by right in commercial/office projects, in multiple family housing developments, in mixed use developments in specific plans, in employment centers, and near transit facilities.

## **LIBRARIES AND CULTURAL FACILITIES**

### **GOAL 5.9: LIBRARY SERVICES AND CULTURAL FACILITIES**

**A quality County library system and other cultural facilities consistent with the needs of current and future residents.**

## **OBJECTIVE 5.9.1: LIBRARY FACILITIES**

**Maintain existing library facilities and locate new libraries to serve existing and new communities throughout the County.**

- Policy 5.9.1.1 Allow flexibility in the placement of libraries.
- Policy 5.9.1.2 New libraries shall be funded through Community Services Districts, assessment districts, zones of benefits, or other sources.

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## OBJECTIVE 5.9.2: COMMUNITY PARTICIPATION IN CULTURAL EVENTS

**Promote community participation in art and cultural events and the establishment of art and cultural facilities including the visual and performing arts.**

Policy 5.9.2.1 El Dorado County shall support efforts by the Sierra Cultural Arts Center Association in the development of performing arts centers.

Policy 5.9.2.2 The County shall provide incentives to encourage indoor and outdoor art to be incorporated into the development of new multiple family, commercial, and industrial projects, and in all civic projects.

## IMPLEMENTATION PROGRAM

### MEASURE PS-A

Establish a means, either through formal agreement or through the identification of formal contacts, for various County agencies and departments to communicate with the following non-County public service and utility providers regarding planning for the provision of services and its relationship to the General Plan and the County's long range or capital improvement programs:

- A. Water Providers
- B. Wastewater Treatment Providers
- C. Solid Waste Disposal and Recycling Providers
- D. Private Emergency Service Providers
- E. Arts and Cultural Activity Providers
- F. Public School Districts
- G. Utility Providers (e.g., electricity)

[Policies 5.1.1.1, 5.1.1.2, 5.1.3.2, and 5.2.1.6]

Responsibility:	Environmental Management and Planning Department
Time Frame:	Establish mechanism within five years of General Plan adoption.

### MEASURE PS-B

Review the County Code to identify revisions that could accomplish the following:

- A. Require and specify the nature of findings to be made by the approving body that a proposed project is consistent with the long range and capital improvement plans of County and other service providers or, if not consistent, the conditions under which the project can be approved [Policy 5.1.1.2]; and

**GUIDELINES FOR CULTURAL RESOURCE STUDIES  
EL DORADO COUNTY, CALIFORNIA**

**Approved by Board of Supervisors  
August 17, 1999**

# EXHIBIT B

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2. ARMR Recommended Contents and Format
3. Public Resources Code 5024.1 Title 14.CCR
4. California Department of Parks and Recreation Guidelines

**GUIDELINES FOR CULTURAL RESOURCE STUDIES  
EL DORADO COUNTY, CALIFORNIA**

**I. PURPOSE**

El Dorado County seeks, through its planning process, to accommodate and integrate important aspects of our cultural heritage with the needs of contemporary society. These Cultural Resource Management Guidelines (Guidelines) are developed to assist El Dorado County in making informed decisions regarding the disposition of important cultural resources by ensuring that information and recommendations regarding cultural resources are supported by high-quality, professional research.

All discretionary land use projects proposed in El Dorado County require, at a minimum, compliance with the California Environmental Quality Act (CEQA), which states that “A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.”

These Guidelines promote regulations and standards consistent with those advocated by the State Historic Preservation Office (SHPO), which were developed to meet the information requirements and standards of both federal and state statutes for historic preservation. The establishment of a single standard for cultural resources studies would reduce duplication of work, reduce costs, and prevent delays resulting from multiple standards.

These Guidelines promote such integration by ensuring that:

- cultural resources studies and the resulting reports meet at least minimum professional standards;
- cultural resources studies and reports result in consistent application of standard practices; and
- the methods used, the information collected, the evaluation criteria, and management recommendations for cultural resources meet the statutory and regulatory requirements of CEQA and other historic preservation laws, as applicable.

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### II. QUALIFICATIONS

Thoughtful and appropriate identification, evaluation, and management of cultural resources can be made only with in-depth knowledge of cultural contexts and “standards of the industry.” Such knowledge is demonstrated with educational background, regional experience, and recommendations appropriate to the subject matter.

The following professional qualifications standards are recommendations, not requirements. However, if cultural resources studies are conducted by firms or individuals that do not meet the recommended standards, the resulting reports may be subject to greater scrutiny than those prepared by qualified professionals that meet the minimum standards. The possibility of greater scrutiny is proposed to ensure that cultural resources studies have been adequately performed and that requisite information is included in resulting reports.

#### A. **PROFESSIONAL QUALIFICATION STANDARDS**

The following standards are adopted from *Archeology and Historic Preservation: the Secretary of Interior’s Standards and Guidelines, Professional Qualifications Standards*. These standards are those used by the National Park Service, and define minimum education and experience recommended for historic preservation identification, evaluation, registration, and treatment activities. In some cases, additional areas or levels of expertise may be needed, depending on the complexity of the task and the nature of the historic properties involved. In the following definitions, a year of full-time professional experience need not consist of a continuous year of full-time work, but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience.

1. **History:** The minimum professional qualifications in history are a graduate degree in history or closely related field; or a bachelor’s degree in history or closely related field plus one of the following:
  - a. At least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historic organization or agency, museum, or other professional institution; or
  - b. Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.
2. **Archaeology:** The minimum professional qualifications in archaeology are a graduate degree in archaeology, anthropology, or closely related field plus:
  - a. At least one year of full-time professional experience or equivalent specialized training in archaeological research, administration, or management;
  - b. At least four months of supervised field and analytic experience in

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general North American archaeology; and

- c. Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archaeology should have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the prehistoric period. A professional in historic archaeology should have at least one year of full-time professional experience at a supervisory level in the study of archaeological resources of the historic period.

3. **Architectural History:** The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field. with course work in American architectural history; or a bachelor's degree in architectural history, art history, historic preservation or closely related field plus one of the following:
  - a. At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or
  - b. substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.
4. **Architecture:** The minimum professional qualifications in architecture are a professional degree in architecture plus at least two years of full-time experience in architecture; or a State license to practice architecture.
5. **Historic Architecture:** The minimum professional qualifications in historic architecture are a professional degree in architecture or a State licence to practice architecture, plus one of the following:
  - a. At least one year of graduate study in architectural preservation, American architectural history, preservation planning or closely related field; or
  - b. At least one year of full-time professional experience on historic preservation projects.

Such graduate study or experience should include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specifications for preservation projects.



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### B. QUALIFICATIONS FOR CULTURAL RESOURCES RECOMMENDATIONS

It is noted that there are some owners of consulting firms that do not have all of the qualifications outlined above, but one or more individuals that work for them do. These guidelines recognize that it is appropriate for these firms to perform the work as long as the qualified person(s) actually performs the work.

### III. CULTURAL RESOURCES STUDIES

CEQA and related guidelines and recommendations have evolved over nearly 30 years. As a consequence, the amendments to CEQA and the Public Resources codes that link to CEQA are a patchwork that does not provide a clear and coherent procedural path for conducting historical resources studies. The SHPO has provided *CEQA Guideline Summary, Historical Resource Sections 15064.5, 15126.4, 15325, 15332, Appendix G, January 1999* which identifies the mandates of the various Public Resources Codes as they relate to CEQA. The following sections provide procedural links between the various CEQA regulations. The SHPO's *CEQA Guideline Summary, Historic Resources Sections* is incorporated by referenced into these guidelines.

The SHPO has also produced guidelines for reporting the results of archaeological resource management studies called *Archaeological Resource Management Reports: Recommended Standards and Format* (1990), which are incorporated by reference into these guidelines. The guidelines provide insight into the tasks that should be conducted in order to provide the specified reporting information.

#### A. PREFIELD RESEARCH

Following are the recommended minimum standards for the identification of cultural resources.

1. **Prefield Research:** Cultural resources studies should be conducted through a review of available documents and literature. Often this review provides data on site-specific issues, that might include the general locations of ethnographic villages, cemeteries, early historic period homesteads and other useful information. The level of prefield research should be scaled to the undertaking size and type. If resources are identified during field inventory, additional research specifically relevant to those identified resources may be necessary to properly evaluate those resources.
  - a. A records search should be requested from the North Central Information Center (NCIC) of the California Historical Resources Information System located at California State University, Sacramento, and include information necessary for the NCIC to identify the study area on a 7.5' United States Geographical Survey

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(U.S.G.S.) topographic quadrangle. The NCIC imposes certain requirements in providing often sensitive cultural resource locations and information. The professional requesting the information should comply with the terms requested by the NCIC.

The NCIC request should not predate the cultural resources study by more than one year, and the NCIC findings should be included in the report and described in the report text.

- b. Prefield research should include an examination of appropriate historic period maps. Information on these maps often has the locations of Native American sites and early historic period structures and features. Post-survey/inventory work should include reference to these maps for identification purposes.
- c. Native American consultation should occur with appropriate knowledgeable Native Americans of local descent. Contact should be made with other groups or individuals with knowledge of local cultural resources of interest.

### **B. INVENTORY**

When possible, field inventory should be performed under conditions of maximum ground visibility, which may vary by geographic area depending upon vegetation types.

1. Project land parcels should be subject to full coverage (i.e., completely walked by experienced surveyors walking in transects 10 to 15 meters wide under conditions of good ground visibility).
2. Should difficult terrain or dense vegetation preclude full coverage in the prescribed transects, those areas should be delineated on the project maps. Explanation for variance from full coverage should be given in the report text and omitted acreage calculated and entered within the report.
3. All sites (prehistoric and historic periods), features (including ditches, roads, dams, etc.), and isolates should be recorded on the most current and appropriate Department of Parks and Recreation (DPR) forms and located on the proposed project maps according to the most current DPR guidelines.
4. For complex sites having more than one locus, a scaled site map should be prepared that clearly and concisely shows all loci in relationship to one another. Individual feature or locus maps should also be made. Distance and bearings should be given on the maps to provide information on distances between the individual loci.

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5. All scaled maps should have a legend detailing the features illustrated on the maps.
6. Photographs of all sites, features, and temporally diagnostic artifacts should be taken with all entries on a standard record form.

### IV. EVALUATION

#### A. CRITERIA FOR EVALUATION

Evaluation of cultural resources is the critical decision-making point that determines the need for further consideration under CEQA. As stated in *CEQA Guidelines For Historical Resources Section 15064.5(3)*, a cultural resource is important or significant if it is an “historical resource”.

Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource should be considered by the lead agency to be “historically significant” if the resource has integrity and meets the criteria for listing on the California Register of Historical Resources (CRHR) as follows:

- (A) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- (B) Is associated with the lives of persons important in our past;
- (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- (D) Has yielded, or may be likely to yield, information important in prehistory or history.

Public Resources Code Section 5024.1. Title 14 CCR, describes criteria and procedures for the CRHR and is incorporated by reference into these Guidelines.

#### B. THE PROCESS OF EVALUATION

*CEQA Guidelines For Historical Resources Section 15064.5* also describes the appropriate steps in determining whether a cultural resource requires further consideration under CEQA as follows:

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1. When a project will impact an archaeological site, a lead agency should first determine whether the site is an historical resource, as defined above.
2. If a lead agency determines that the archaeological site is an historical resource, it should refer to the provisions of Section 21084.1 of the Public Resources Code, and this section, Section 15126.4 of the Guidelines, and the limits contained in Section 21083.2 of the Public Resources Code do not apply.
3. If an archaeological site does not meet the criteria defined in subsection (A), but does meet the definition of a unique archaeological resource in section 21083.2 of the Public Resources Code, the site should be treated in accordance with the provisions of section 21083.2. The time and cost limitations described in Public Resources Code 21083.2 (c-f) do not apply to surveys and site evaluation activities intended to determine whether the project location contains unique archaeological resources.
4. If an archaeological resource is neither a unique archaeological nor an historical resource, the effects of the project on those resources should not be considered a significant effect on the environment. It should be sufficient that both the resource and effect on it are noted in the Environmental Checklist/Initial Study, or EIR, if one is prepared to address impacts on other resources, but they need not be considered further in the CEQA process.

### IV MITIGATION MEASURES

(adapted from Section 15126.4 of the CEQA Guideline Summary).

#### A. MITIGATION MEASURES IN GENERAL

1. An EIR should describe feasible measures which could minimize significant adverse impacts.
  - a. The discussion of mitigation measures should distinguish between the measures which are proposed by project proponents to be included in the project and simply reference that fact and briefly explain the reasons underlying the lead agency's determination.

#### B. MITIGATION MEASURES RELATED TO IMPACTS ON HISTORICAL RESOURCES.

1. Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings,

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the project's impacts on the historical resource will generally be considered mitigated below a level of significance and thus is not significant.

2. In many circumstances, documentation of an historical resource, by way of historic narrative, photographs or architectural drawings, as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur.
3. Public agencies should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature. The following factors should be considered and discussed in an EIR for a project involving such an archaeological site:
  - a. Preservation in place is the preferred manner of mitigating impacts to archaeological sites. Preservation in place maintains the relationship between artifacts and archaeological context. Preservation may also avoid conflict with religious or cultural values of groups associated with the site.
  - b. Preservation in place may be accomplished by, but is not limited to, the following;
    - i. Planning construction to avoid archaeological sites;
    - ii. Incorporation of sites within parks, greenspace, or other open space;
    - iii. Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site.
    - iv. Deeding the site into a permanent conservation easement.
  - c. When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the historical resource, should be prepared and adopted prior to any excavation being undertaken. Such studies should be deposited with the California Historical Resources Information System. Archaeological sites known to contain human remains should be treated in accordance with the provisions of Section 7050.5 Health and Safety Code.
  - d. Data recovery should not be required for an historical resource if the lead agency determines that testing or studies have adequately recovered the scientifically consequential information from and about

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the archaeological or historical resource, provided that the determination is documented in the EIR and that the studies are deposited with the NCIC.

### V. REPORTING AND MANAGEMENT RECOMMENDATIONS

#### **The Preservation Planning Bulletin: Archaeological Resource Management Reports (ARMR): Recommended Contents and Format.**

*The Preservation Planning Bulletin: Archaeological Resource Management Reports (ARMR): Recommended Contents and Format* is incorporated by reference into these Guidelines and should be used as a reference for all cultural resource inventories. The report information listed below displays the minimum contents for cultural resource inventories that are conducted within El Dorado County.

However, the ARMOR represents the contents and format recommended by the County. The ARMOR issued by the California Office of Historic Preservation and intended for statewide use is far more detailed than the minimum contents listed below, and provides additional information on the preparation of cultural resource reports.

The report should be complete and prepared to professional standards. The following outline of required sections is to be followed at a minimum. Other sections may be added if they are pertinent to the project. The study should list the team and their qualifications relative to the nature of the resources and location of the project. Upon completion, the report should be submitted to the Planning Department and other appropriate agencies within 30 days of completion.

- A. Title Page (ARMOR, Section II)**  
Provide all information on the project name, author, client, acreage, and the date of preparation. If the proposed project has been assigned a number by the Planning Department, this number should also appear on the Title Page.
- B. Table of Contents (ARMOR, Section III)**  
This is required for all reports over ten pages in length.
- C. Management Summary (ARMOR, Section IV)**  
Provide proposed project specifics: acreage, coverage, results of the inventory, and brief site evaluations.
- D. Introduction/Project Description (ARMOR, Section V of checklist)**  
Describe the proposed project, General Plan land-use changes, zoning classifications, and identify the section, township and range, and the Assessor's Parcel Number(s) (APN) of the project. If there is a El Dorado County Planning Department discretionary project number, this should be included in this section and also placed on the Title Page.

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### **E. Cultural Setting (ARMR, Section VIB)**

These sections should reflect the research conducted for the inventory and should be appropriate to the project area. Details on regionally and geographically distant areas are not appropriate to the proposed project.

1. The prehistory should consider the most recent and relevant archaeological work and should be included for the purpose of interpretation of prehistoric period sites that are identified within the proposed project boundaries.
2. The ethnography should give a general statement on the local Maidu and add any information that might have a particular relationship to the subject property area.
3. The historical background should focus on events that have transpired within the locale of the proposed project. Details on local history may well be of importance in the identification of historic period resources, especially if pertinent information has been found that directly relates to the project lands. The historic context should be appropriate to the project area and to the identified resources. All references should be properly cited.

### **F. Research Results (ARMR, Section VI)**

Include the results of the record search, review of historic site inventories, and all other archival research results in this section.

### **G. Methods/Field Inventory (ARMR, Section VIII)**

1. Provide the names and qualifications of the principal investigator and the team members are to appear in the report (resumes to be appended in the report).
2. State the dates of the field work and the person days expended for each of the team members.
3. Clearly explain the methods, techniques, and strategies employed. Any omitted areas should be described with the acreage amounts denoted. These omitted areas should be shown on the project map or maps and be included in the report.

### **H. Report of Findings (ARMR, Section IX)**

1. Study Results
  - a. Provide a numerical compilation of the identified resources and discuss these resources by site type: prehistoric, historic feature, or isolated artifact.

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- b. Describe in detail the identified resources (prehistoric and historic).
- c. Make a numbered and titled table if more than five cultural resources have been identified. Give site type, the cadastral location, latitude and longitude, and section, township and range in the table.
- d. Reference all sites on the proper location map or maps that follow the text on study results. U.S.G.S. 7.5' topographic quadrangles are most appropriate and useful.

### **I. Discussion/Interpretation**

1. Evaluations (ARMR, Section X)  
All resources including the isolates and features should be individually evaluated under the most current CEQA criteria and federal criteria if there is federal agency involvement. Rationale for these evaluations should be clearly defined in the text.
2. Impacts (ARMR, Section X)
  - a. Each site should be discussed in terms of potential impacts. Indirect and cumulative effects should be considered as well as the direct impacts.
  - b. A table should be prepared if more than five cultural resources have been identified. Resource numbers (temporary or permanent), site type, evaluation, findings, and the potential effects should be given on this table. The table should have a number and a title.
  - c. Consideration of Alternatives and Rational for Recommendations

**J. Recommendations** (ARMR, Section XI)  
Specific recommendations should be prepared for each site to mitigate such impacts and these recommendations should be substantive in scope and be achievable.

**K. References** (ARMR, Section XII)  
All referenced documents, publications, maps, and personal communications should be presented in a standard professional style. Non-cited references are not necessary.

**L. Appendices** (ARMR, Section XIII and XIV)  
All appendices should have a titled cover sheet and be sequentially numbered. References to these appendices should be incorporated in the text. Appendices should include:

1. Communication received from the North Central Information Center.
2. Resumes of all team personnel employed on the project.
3. Site forms and location maps.



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### **M. Maps** (ARMR, Section XIII)

All maps should be sequentially numbered. Reference to these maps should be incorporated in the text.

1. A survey coverage map is required, and the project boundaries clearly delineated with an identifying legend and scale.
2. A cultural resource location map is required if the field inventory is positive.
3. If historic period maps display pertinent information on identified cultural resources, these may be included and referenced in the text as well.
4. If deemed appropriate, other maps may be included, but these should be professionally presented, numbered, and referenced.
5. Submit a copy of the project plans with the identified cultural resources plotted on the map to the Planning Department.

### **N. Photographs** (ARMR, Section XIII and XIV)

If photographs are included in the report, these should be suitably mounted on a backing sheet and then numbered sequentially. References should be made to these in the text. Each photograph should be identified as to the subject, view, and date on the mounting.

### **O. Illustrations** (ARMR, Section XIII and XIV)

Should artifacts be illustrated in the field, these may be included if the report author deems them pertinent to the interpretation. All figures should be numbered sequentially and referenced in the report text.

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### VI. Checklist of Critical Items for Reviewing Cultural Resource Studies

Project: \_\_\_\_\_  
Report Title and Date: \_\_\_\_\_  
Report Type (Inventory, Evaluation, Data Recovery, etc.): \_\_\_\_\_  
Reviewer and Date: \_\_\_\_\_

The following is a list of critical items which should be presented in a cultural resources study. This is only a partial list of items which are recommended by the El Dorado County Cultural Resources Preservation Commission. For a thorough review of any cultural resources study, the reviewer is encouraged to consult the *Guidelines for Cultural Resources Studies, El Dorado County, California* (May 1999) and Attachments.

- Title Page (Page 8A)
- Table of Contents (Page 8B)
- Project Information: Management Summary and Project Description (Page 9 C&D)
- Cultural Setting (Page 9E)
- Methods (Page 9G)
- Research Results and Findings (Page 9 F&H)
- Discussion (if appropriate) (Page 10I)
- Inventory Reports: Discussion of management status of resources (Page 9G)
- Evaluation Reports: Discussion of integrity and significance of each identified resource (Page 10I.1.)
- Assessment of Effects (if appropriate) (Page 10I.2.)
- Consideration of Alternatives (Page 10.3)
- Recommendations (Page 10J)
- References (Page 10k)
- Appendices: i.e. resumes, correspondence, photo records, maps (Page 10L)
- Confidential Appendices: i.e. resource inventory records and location maps (Page 10L)

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### VII. GLOSSARY OF TERMS

Archaeological Site: A bounded area of a resource containing archaeological deposits of features that is defined in part by the character and location of such deposits or features.

Cadastral location: Showing or recording property boundaries, subdivision lines, buildings, and related details.

California Environmental Quality Act (CEQA): (Public Resources Code Section 2100 *et seq.*) requires that the potential adverse effects upon the environmental of both private and public projects be reviewed by decision makers.

California Historical Resources Information System (CHRIS): The collection of site records, historic resources inventory forms, and all information on resources which has been acquired and managed by the State Office of Historic Preservation since 1975.

Evaluation: A process carried out whereby the significance and integrity of a cultural resource is judged, thereby recommending or determining its eligibility for listing on the CRHR or the NRHP.

Historic Context: An organizing structure for interpreting history that groups information about cultural resources sharing a common theme, geographical area, or chronology. The development of a historic context is the foundation for decisions regarding the planning, identification, evaluation, registration, and treatment of resources based on comparative historic significance.

Historic Resources Inventory form (DPR Form 523): A document which describes the characteristics and locations of buildings, structures, objects, and districts.

Inventory: A set of data generated through a survey (see Survey).

National Historic Preservation Act of 1966 (NHPA) (16 U.S.C. 470 (1966) (amended)): Established the National Register of Historic Places. Created a partnership between federal, state, and local agencies to extend the national historic preservation programs to properties of state and local significance.

National Register of Historic Places (16 U.S.C. 470a, 36 C.F.R. Parts 60, 63): The official inventory of districts, sites, buildings, structures, and objects significant in American history, architecture, archaeology, and culture which is maintained by the Secretary of the Interior.

Preservation: The act or process of applying measures to sustain the existing form, integrity, or historic fabric of an historical building or structure, or the form of vegetative cover of an historic site. It may include stabilization work, as well as ongoing maintenance of the historic fabric.

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Protection: The act or process of applying measures to affect the physical condition of a cultural resource by guarding it from deterioration, loss, or attack by natural causes, or to cover or shield it from threat or danger or harm.

Research Design: Reveals the logic that will be used to direct identification, documentation, investigation, analysis, or treatment of an historical resource that identifies the goals, methods and techniques, potential results, and the relationship of the potential sites to other proposed activities or treatments.

Site: A location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archaeological value regardless of the value of an existing building, structure, or object. Examples include trails, landscapes, battlefields, habitation sites, ceremonial areas, and petroglyphs.

Site Record: A document which describes the characteristics and location of a site, which has been completed for submittal to the California Historical Resources Information Center.

State Historic Preservation Officer (SHPO): This person is appointed by the Governor under the authority of Public Resources Code Section 5020.6. The SHPO serves as the Chief Administrative Officer of the Office of Historic Preservation and Executive Secretary of the State Historical Resources Commission. The SHPO administers state and federally mandated historic preservation programs under the authority of the National Historic Preservation Act of 1966 Section 101 (b)(3), (16 U.S.C. 470 (1966) (amended)) and Cal. Pub. Res. Code Section 5024.

Survey: The process of systematically identifying, researching, and documenting cultural resources within a defined geographic area.

Universal Transverse Mercator (UTM) Coordinates: A set of metric coordinates (easting and northing) that indicate a unique location according to the UTM grid appearing on maps of the U.S.G.S.

## EXHIBIT B

### VIII. References (The following documents are available for review or purchase at the County Planning Department):

1. CEQA Guideline Summary: Historic Resources Sections
2. ARMR Recommended Contents and Format
3. Public Resources Code 5024.1 Title 14.CCR
4. California Department of Parks and Recreation Guidelines

**Attachment 1**

**CEQA Guideline Summary  
Historic Resources Sections**

## **CEQA GUIDELINE SUMMARY**

### **HISTORICAL RESOURCE SECTIONS**

15064.5, 15126.4, 15325, 15331, APPENDIX I (appen\_i.pdf file)

January 1999

State Office of Historic Preservation

## EXHIBIT B

### **15064.5. Determining the Significance of Impacts to Archeological and Historical Resources**

**(a) For purposes of this section, the term "historical resources" shall include the following:**

**(1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4850 et seq.).**

**(2) A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.**

**(3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code SS5024.1, Title 14 CCR, Section 4852) including the following:**

**(A) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;**

**(B) Is associated with the lives of persons important in our past;**

**(C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or**

**(D) Has yielded, or may be likely to yield, information important in prehistory or history.**

**(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.**



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**(b) A project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.**

**(1) Substantial adverse change in the significance of an historical resource means 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.**

**(2) 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.**

**(3) Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), Weeks and Grimmer, shall be considered as mitigated to a level of less than a significant impact on the historical resource.**

**(4) A lead agency shall identify potentially feasible measures to mitigate significant adverse changes in the significance of an historical resource. The lead agency shall ensure that any adopted measures to mitigate or avoid significant adverse changes are fully enforceable through permit conditions, agreements, or other measures.**

**(5) When a project will affect state-owned historical resources, as described in Public Resources Code Section 5024, and the lead agency is a state agency, the lead agency shall consult with the State Historic Preservation Officer as provided in Public Resources Code Section 5024.5. Consultation should be coordinated in a timely fashion with the preparation of environmental documents.**

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### **(c) CEQA applies to effects on archaeological sites.**

**(1) When a project will impact an archaeological site, a lead agency shall first determine whether the site is an historical resource, as defined in subsection (a).**

**(2) If a lead agency determines that the archaeological site is an historical resource, it shall refer to the provisions of Section 21084.1 of the Public Resources Code, and this section, Section 15126.4 of the Guidelines, and the limits contained in Section 21083.2 of the Public Resources Code do not apply.**

**(3) If an archaeological site does not meet the criteria defined in subsection (a), but does meet the definition of a unique archeological resource in Section 21083.2 of the Public Resources Code, the site shall be treated in accordance with the provisions of section 21083.2. The time and cost limitations described in Public Resources Code Section 21083.2 (c-f) do not apply to surveys and site evaluation activities intended to determine whether the project location contains unique archaeological resources.**

**(4) If an archaeological resource is neither a unique archaeological nor an historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the Initial Study or EIR, if one is prepared to address impacts on other resources, but they need not be considered further in the CEQA process.**

**(d) When an initial study identifies the existence of, or the probable likelihood, of Native American human remains within the project, a lead agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission as provided in Public Resources Code SS5097.98. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials with the appropriate Native Americans as identified by the Native American Heritage Commission. Action implementing such an agreement is exempt from:**

**(1) The general prohibition on disinterring, disturbing, or removing human remains from any location other than a dedicated cemetery (Health and Safety Code Section 7050.5).**

**(2) The requirements of CEQA and the Coastal Act.**

**(e) In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:**

**(1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:**

**(A) The coroner of the county in which the remains are discovered must be contacted to determine that**

## EXHIBIT B

no investigation of the cause of death is required, and

**(B) If the coroner determines the remains to be Native American:**

1. The coroner shall contact the Native American Heritage Commission within 24 hours.
2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.
3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or  
(2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

**(A) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.**

**(B) The descendant identified fails to make a recommendation; or**

**(C) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.**

**(f) As part of the objectives, criteria, and procedures required by Section 21082 of the Public Resources Code, a lead agency should make provisions for historical or unique archaeological resources accidentally discovered during construction. These provisions should include an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place.**

**Note: Authority: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21083.2, 21084, and 21084.1, Public Resources Code; *Citizens for Responsible Development in West Hollywood v. City of West Hollywood* (1995) 39 Cal.App.4th 490.**

**Discussion: This section establishes rules for the analysis of historical resources, including archaeological resources, in order to determine whether a project may have a substantial adverse effect on the**

significance of the resource. This incorporates provisions previously contained in Appendix K of the Guidelines. Subsection (a) relies upon the holding in *League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896 to describe the relative significance of resources which are listed in the California Register of Historical Resources, listed in a local register or survey or eligible for listing, or that may be considered locally significant despite not being listed or eligible for listing. Subsection (b) describes those actions which have substantial adverse effects. Subsection (c) describes the relationship between historical resources and archaeological resources, as well as limits on the cost of mitigating impacts on unique archaeological resources. Subsections (d) and (e) discuss the protocol to be followed if Native American or other human remains are discovered.

**15126.4 Consideration and Discussion of Mitigation Measures Proposed to Minimize Significant Effects.**

**(a) Mitigation Measures in General.**

(1) An EIR shall describe feasible measures which could minimize significant adverse impacts, including where relevant, inefficient and unnecessary consumption of energy.

(A) The discussion of mitigation measures shall distinguish between the measures which are proposed by project proponents to be included in the project and other measures proposed by the lead, responsible or trustee agency or other persons which are not included but the lead agency determines could reasonably be expected to reduce adverse impacts if required as conditions of approving the project. This discussion shall identify mitigation measures for each significant environmental effect identified in the EIR.

(B) Where several measures are available to mitigate an impact, each should be discussed and the basis for selecting a particular measure should be identified. Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specified way.

(C) Energy conservation measures, as well as other appropriate mitigation measures, shall be discussed when relevant. Examples of energy conservation measures are provided in Appendix F.

(D) If a mitigation measure would cause one or more significant effects in addition to those that would be caused by the project as proposed, the effects of the mitigation measure shall be discussed but in less detail than the significant effects of the project as proposed. (*Stevens v. City of Glendale* (1981) 125 Cal.App.3d 986.)

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- (2) Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. In the case of the adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design.
- (3) Mitigation measures are not required for effects which are not found to be significant.
- (4) Mitigation measures must be consistent with all applicable constitutional requirements, including the following:
- (A) There must be an essential nexus (i.e. connection) between the mitigation measure and a legitimate governmental interest. *Nollan v. California Coastal Commission*, 483 U.S. 825 (1987); and
- (B) The mitigation measure must be "roughly proportional" to the impacts of the project. *Dolan v. City of Tigard*, 512 U.S. 374 (1994). Where the mitigation measure is an ad hoc exaction, it must be "roughly proportional" to the impacts of the project. *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854.
- (5) If the lead agency determines that a mitigation measure cannot be legally imposed, the measure need not be proposed or analyzed. Instead, the EIR may simply reference that fact and briefly explain the reasons underlying the lead agency's determination.
- (b) Mitigation Measures Related to Impacts on Historical Resources.
- (1) Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer, the project's impact on the historical resource shall generally be considered mitigated below a level of significance and thus is not significant.
- (2) In some circumstances, documentation of an historical resource, by way of historic narrative, photographs or architectural drawings, as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur.
- (3) Public agencies should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature. The following factors shall be considered and discussed in an EIR for a project involving such an archaeological site:

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**(A) Preservation in place is the preferred manner of mitigating impacts to archaeological sites. Preservation in place maintains the relationship between artifacts and the archaeological context. Preservation may also avoid conflict with religious or cultural values of groups associated with the site.**

**(B) Preservation in place may be accomplished by, but is not limited to, the following:**

- 1. Planning construction to avoid archaeological sites;**
- 2. Incorporation of sites within parks, greenspace, or other open space;**
- 3. Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site.**
- 4. Deeding the site into a permanent conservation easement.**

**(C) When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archaeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code.**

**(D) Data recovery shall not be required for an historical resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archaeological or historical resource, provided that the determination is documented in the EIR and that the studies are deposited with the California Historical Resources Regional Information Center.**

**Note: Authority cited: Sections 21083 and 21087, Public Resources Code. Reference: Sections 21002, 21003, 21100, and 21084.1, Public Resources Code; *Citizens of Goleta Valley v. Board of Supervisors*, (1990) 52 Cal.3d 553; *Laurel Heights Improvement Association v. Regents of the University of California*, (1988) 47 Cal.3d 376; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359; and *Laurel Heights Improvement Association v. Regents of the University of California* (1993) 6 Cal.4th 1112; *Sacramento Old City Assn. v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011.**

**Discussion: This section describes the requirements for and selection of feasible mitigation measures. Subsection (a) reminds EIR preparers that the formulation of mitigation measures should not be deferred to a later time, but that mitigation measures may specify performance standards that will result in mitigation and may be undertaken in more than one way. Subsection (a) specifies that measures must**

be fully enforceable through permit conditions or other requirements. It also offers a reminder that mitigation measures can be subject to Constitutional takings principles. Further, it clarifies that mitigation measures are not required for impacts which are not significant.

Subsection (b) describes how impacts to historical resources may be mitigated. It provides that compliance with federal standards for the treatment of historic properties will generally avoid a significant effect on the resource. It also clarifies that where a historic resource is to be demolished, documentation of the resource usually falls short of full mitigation. In addition, subsection (b) describes the factors to be considered and discussed in an EIR for a project involving an archaeological site.

### **15325. Transfers of Ownership of Interest In Land to Preserve Open-Space Existing Natural Conditions and Historical Resources**

Class 25 consists of transfers of ownership in interests in land in order to preserve open space, habitat, or historical resources. Examples include but are not limited to:

- (a) Acquisition, sale, or other transfer of areas to preserve existing natural conditions, including plant or animal habitats.
- (b) Acquisition, sale, or other transfer of areas to allow continued agricultural use of the areas.
- (c) Acquisition, sale, or other transfer to allow restoration of natural conditions, including plant or animal habitats.
- (d) Acquisition, sale, or other transfer to prevent encroachment of development into flood plains.
- (e) Acquisition, sale, or other transfer to preserve historical resources.

Note: Authority cited: Sections 21083 and 21087, Public Resources Code; Reference: Section 21084, Public Resources Code.

Discussion: In *McQueen v. Midpeninsula Regional Open Space District* (1988) 202 Cal. App. 3d 1136, stated that the terms 'sale' and 'acquisition' are not interchangeable and reaffirmed that exemptions must comply with the "specific terms" of the exemption which are to be narrowly construed.

The class of project described by this section consists of transfers of ownership that are made to preserve open space, habitat, or historical resources. The 1998 revisions to this section clarify that sale or other transfer of lands is included among the exempt activities. Use of this exemption, like all categorical exemptions, is limited by the factors described in section 15300.2.

**15331. Historical Resource Restoration/Rehabilitation.**

Class 31 consists of projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer.

Note: Authority cited: Section 21083 and 21087, Public Resources Code. Reference: Section 21084, Public Resources Code.

Discussion: This section establishes an exemption for projects involving the maintenance, rehabilitation, restoration, preservation, or reconstruction of historical resources, provided that the activity meets published federal standards for the treatment of historic properties. These federal standards describe means of preserving, rehabilitating, restoring, and reconstructing historic buildings without adversely affecting their historic significance. Use of this exemption, like all categorical exemptions, is limited by the factors described in section 15300.2 and is not to be used where the activity would cause a substantial adverse change in the significance of a historical resource.



**Attachment 2**

**Archaeological Resource Management Reports (ARMR):  
Recommended Contents and Format**

## Archaeological Resource Management Reports (ARMR): Recommended Contents and Format

February 1990

### Preface

The California Office of Historic Preservation (OHP), under its state and federal mandates, has developed *Archaeological Resource Management Reports (ARMR): Recommended Contents and Format* (ARMR Guidelines) for the preparation and review of archaeological reports. The purpose of this guidance is to improve the quality of public archaeology in California. The ARMR Guidelines were developed to aid archaeological report preparation and review by ensuring that all needed data would be included and organized to optimize efficiency and utility. "Needed data" refers to information usually required by regulatory or review agencies and by the Information Centers of the California Archaeological Inventory. The checklist included with this guidance was developed as an additional means of rapidly assessing archaeological report quality.

It may be unnecessary to include all classes of information presented in this guidance in all reports. The content appropriate for any report should be determined by the type and scale of a project, by the nature and scheduling of cultural resources studies, and by the complexity of the resources and the information under consideration. Applicable federal or state laws and regulations, local ordinances and procedures may also determine appropriate report content.

Certain federal and state agencies routinely produce abbreviated reports adequate for management decisions. Some of the information discussed in this guidance (e.g., setting, research design, methods description) is presented in agency handbooks, manuals, guidelines, or overviews. Reference to these sources may be substituted in reports for an extended discussion of this information when routine or repetitive undertakings are involved.

Although these guidelines do not represent a state-mandated program, the OHP strongly urges anyone involved with public archaeology to read and use them. This guidance can be understood and effectively used by the professional archaeologist as well as by a broad spectrum of other professionals and decision-makers interested in ensuring that an investment in archaeology serves the public interest. Local governments in particular should adopt the guidelines as the standard according to which archaeological studies will be carried out, reported, and judged.

This guidance, and further guidance to follow, are major elements of the preservation planning process carried out by the OHP in accordance with its mandates. A central goal of this process is to ensure that land use planning at all levels of government routinely and affirmatively takes into account the needs and the value of historic properties. We hope this guidance will be an effective contribution toward attainment of that goal.

For copies of the ARMR guidelines, or further information on OHP programs and guidelines contact:

*California Office of Historic Preservation  
P.O. Box 942896, 1416 Ninth Street  
Sacramento, California 94296-0001  
(916) 445-8006.*

### Acknowledgements

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The ARMR Guidelines is the product of many minds. Authored by Mr. Robert Jackson, the guidelines evolved from interim guidance developed by the author at the OHP. The guidelines also borrow from the *Guidelines For Cultural Resource Management (CRM) Reports* developed by Mr. Lester Ross and issued through the San Bernardino Archaeological Information Center.

Dr. Hans Kreutzberg devoted substantial editorial and organizational attention to the ARMR Guidelines, rendering the document intelligible to a broad spectrum of potential users. Mr. Thad Van Bueren provided valuable and substantial input on the document. Thanks also go to Ms. Dorene Clement and Mr. Nicholas Del Cioppo, Mr. Jim Woodward, and Dr. Michael Moratto for their review and editorial comments.

As a review agency, the OHP frequently offers critical comments that focus on problems of quality and consistency encountered in archaeological reports. While the ARMR Guidelines have been prepared to address such problems, it is important to acknowledge the many excellent archaeological reports that we have reviewed over the last several years. While too numerous for individual acknowledgement, the authors of these reports have provided models for specific topics presented in the ARMR Guidelines. To these authors we offer thanks and appreciation.

The cover illustration was drafted by Thad Van Bueren for the 1984 report *Archaeological Investigations in the Sacramento River Canyon, Volume I: Report of Testing at Seven Aboriginal Sites*, by Infotec Development, Incorporated. The California Department of Transportation, for whom the report was prepared, graciously consented to our use of the illustration.

## Archaeological Resource Management Reports (ARMR): Recommended Contents and Format

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### I. Cover Letters

*Adequate cover letters greatly facilitate review of ARM reports because they succinctly summarize the purpose and intent of the study. Cover letters are necessary for federal agency submissions to the Office of Historic Preservation or the Advisory Council on Historic Preservation. Unlike management summaries or abstracts, which are often prepared by a consultant, cover letters reflect the agency's views and requests of the reviewing entity on such issues as archaeological resource significance and management. Regardless of origin, cover letters should at a minimum:*

- A. Provide the undertaking's name, location, and any identifying number.
- B. State the agency name and where applicable, district, region, section or branch.
- C. Briefly describe the undertaking, including:
  1. the type of undertaking (e.g., hydroelectric generating facility, highway widening, land exchange);
  2. the acreage of the area encompassed by the undertaking, or its length and width in the case of linear projects;
  3. the component parts of an undertaking and their land- and resource-disturbing potential; and
  4. undertaking schedules or other factors that have affected, or that may affect, the conduct of archaeological resource studies.
- D. Identify the law, regulation or agreement under which the document was prepared. These could include the *National Historic Preservation Act (NHPA)*, the *National Environmental Policy Act (NEPA)*, the *California Environmental Quality Act (CEQA)*, or local laws and regulations. The letter should also identify the point that compliance with applicable laws and regulations has reached.
- E. Describe the phase of investigation addressed by the document or the type of documents submitted (e.g., inventory/identification report, research design or report on evaluation, treatment or management plan). Reference the specific type of investigation represented by the report. For instance, if the investigation is a survey, state also whether the survey was intensive, general, intuitive, etc.
- F. Describe the results of the investigation. If the document reports the results of survey/identification, include the number and types of properties identified (e.g., historic archaeological, prehistoric archaeological). In addition, the letter should:
  1. identify (by name) properties within and outside an Area of Potential Effects (APE) (if survey exceeds APE boundaries);
  2. identify properties that may and may not be affected by the undertaking;
  3. note special circumstances (e.g., Native American or other public concerns, controversies, undertaking time constraints, political sensitivity).
- G. Indicate what action is being requested under the terms of applicable laws or regulations, and cite the specific section(s) of regulations to which the report is pertinent. Examples include requests for OHP consultation and concurrence in the adequacy of identification effort (*36 CFR 800.4 [b]*); requests for

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concurrence in *National Register of Historic Places* eligibility (36 CFR 800.4[c]); and requests for concurrence in determinations of effect (36 CFR 800.5). Include a description of further actions the agency anticipates taking to comply with pertinent laws such as *CEQA* or the *NHPA*. If the document addresses previous review comments, it may be appropriate to attach review comments to the cover letter.

- H. Name the agency contact person most familiar with the undertaking and with archaeological resources studies who has authority to deal with issues raised during the course of review (e.g., agency cultural resource specialists who prepare the letters and reports). Include phone number.

### II. Title Page

*The National Park Service has developed, and is encouraging the use of, a National Archaeological Data Base (NADB) comprising an annotated bibliography of archaeological resource management (ARM) reports. If used extensively and consistently, the NADB can be a valuable and efficient tool for managing ARM information. Consistent information and format in title pages will greatly facilitate computer entry of NADB data. A title page consistent with NADB standards, as outlined below, is appropriate for all reports.*

- A. List the authors. Include name, address, and phone number of any consulting firm.
- B. Date the report by month and year.
- C. Present the report title. Indicate the type of investigation conducted, undertaking name, location including county and city or equivalent designation.
- D. Identify the entity submitting the report, such as the consulting firm, agency, or group that prepared and submitted the document. The submitter and the author may be identical.
- E. Identify the party to whom the document was submitted (e.g., contracting or responsible party such as an agency, developer, or a lead agency under *CEQA*).
- F. Reference the contract number/federal agency permit number.
- G. Cite the U.S.G.S. topographic quadrangles depicting study area.
- H. List the acreage included in the study.
- I. List keywords. NADB accommodates a large number of key words. Appropriate content for the title page depends on the type and complexity of the report. Key words can include site numbers, county, type of undertaking, type of archaeological study, place names, important diagnostic artifact type, presence of human burials, evaluation, no resources found (if appropriate), Information Center file number (Information Centers should supply number), number of acres surveyed, quads, etc.). Archaeological site trinomials, township, and range but not section) are required in the key words section. If there are a large number of sites reported, cite the report page(s) that list the site trinomials.

### III. Table of Contents (appropriate if text of report exceeds 10 pages)

- A. List major report sections, subheadings, and appendices, with page numbers
- B. Provide a list of maps with page numbers.

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C. List figures with page numbers.

D. List tables with page numbers.

### IV. Management Summary/Abstract

*This section is appropriate in any type of ARM report. The Management Summary/Abstract should be a succinct (one to five pages) abstract of the scope and findings of the report. While much of the information described in this section is duplicated in a cover letter, cover letters often are either discarded after agency review or separated from archaeological reports in agency files. The Management Summary should be written so that non-archaeological professionals and the public, as well as professional archaeologists, can understand it.*

- A. Describe the purpose and scope of the archaeological investigation. Specify the type of study that was conducted (e.g., literature search, inventory, evaluation, data recovery).
- B. List the date(s) of the investigation.
- C. Summarize the major findings of the investigation. For example, if the document reports an archaeological survey, list the number and types of resources identified during the survey.
- D. If resources have been evaluated, summarize their significance as determined pursuant to *Appendix K of CEQA: California Environmental Quality Act Statutes and Guidelines*, the *National Register of Historic Places* criteria, or other standards as appropriate.
- E. Discuss how the undertaking affects significant resources.
- F. Describe constraints on the investigation (e.g., time, finances, logistics, vegetation, weather, landowner permission).
- G. Offer a summary of recommendations (e.g., evaluative test excavation, *National Register* eligibility recommendations, treatment recommendations).
- H. Describe the disposition of field notes, collections, and reports.

### V. Undertaking Information/Introduction

Undertaking means the land- or resource-disturbing activity for which an ARM study is prepared. The nature of an undertaking can determine the nature of the ARM study. Information about the undertaking is needed to determine how important archaeological resources may be affected. How much information is appropriate for a given report may depend on what was included in previous reports for the undertaking, and on the scope and size of the undertaking. Some of the following topics may not be relevant to a given undertaking.

- A. Identify the contracting institution, contract number, permit number and expiration date.
- B. Explain why the study was undertaken, citing relevant Federal, State, and local laws. Mention any studies that preceded and recommended the present effort.

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- C. Describe the undertaking, including the nature and extent of disturbance anticipated. If the undertaking consists of many features or facilities, identify and describe the nature and extent of its land- and resource-disturbing potential. Include:
1. an undertaking location map consisting of photocopies of relevant portions of appropriate USGS quadrangles clearly delineating the undertaking boundaries. Indicate the undertaking name, quad name, quad scale, township/range, and sections on each copy.
  2. specific characteristics of the undertaking that influenced the nature of the ARM study. Include impact map(s) consisting of a photocopy of the undertaking location map (see above) that delineate areas of potential effects (APE), both direct and indirect. If appropriate, duplicate this map in Section XI, and include copies of planning maps, engineering drawings, architectural drawings, or artist's renderings that assist in defining the nature and extent of the undertaking.
- D. Include a schedule for the undertaking. Describe phases of planning and construction.
- E. Identify the geographical limits of the ARM study area in acres (e.g. the length and width of the survey area for linear undertakings). This area may or may not coincide with the undertaking area.
- F. Describe how personnel conducting the work were organized and list the active participants and their duties. Statements of qualifications are to be provided in an appendix. Identify the persons participating in the study such as Native American observers, monitors, and consultants, interested parties with special knowledge or expertise, and technical specialists.

### VI. Setting

*A description of the undertaking's setting includes a discussion of both the natural and cultural environments in which archaeological resources were created and used. The discussion of setting, whether physical or cultural, involves a review of existing data and literature.*

#### A. Natural Setting

*While appropriate for all archaeological investigations, descriptions of the area's physical environments should be scaled to the size (area) of the undertaking and the potential role of the environment in understanding archaeological resources that might be present. Archaeological resources can be important for reasons other than their research value, and an analysis of the natural setting may provide such reasons.*

1. Identify the natural physiographic region and biotic communities found therein.
2. Describe the current natural environment of the general area including landforms, hydrology, geology, soils, climate, vegetation, and animal life, as appropriate. The location of culturally important resources such as outcrops of cryptocrystalline, reservoirs, townsites, etc., should also be discussed, as appropriate.
3. Describe the natural environment as it is believed to have existed during the temporal periods of occupations under investigation, if such information is available.
4. Describe current land use (e.g., agriculture, mining, recreation, residential).



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5. Assess the current condition of the land within the area of the undertaking (e.g., relatively unmodified, partially disturbed by construction or improvements).

### B. Cultural Setting

1. Provide an overview of the archaeology of the study area, with the level of detail scaled to the undertaking size and type. Existing overviews should be cited. Regardless of whether overviews exist, survey reports should include at least a brief summary of the prehistory of the study area, citing relevant information sources. As appropriate, include:
  - a. a review of the ethnographic information relevant to the study area, scaled to undertaking size and type. Consultation with the Native American Heritage Commission as well as interviews with knowledgeable consultants may be necessary.
  - b. a review of the history (which may or may not include ethnographic period information) of the study area, particularly when historic archaeological resources are or could be present. Again, the depth and extent of this review should be scaled to the size and type of undertaking as well as the recognized patterns of historic land use.
2. For resource identification reports, evidence of a record search for known archaeological resources and previous ARM reports conducted at an Information Center of the California Archaeological Inventory should be included. Either a copy of the record search report performed by Information Center staff or the results of a records search performed by a professional consultant should be provided in an appendix.
3. If other documentary research is conducted, provide the names and addresses of institutions and other sources consulted and include copies of correspondence. Refer to the types of documents examined and briefly outline the results.

### VII. Research Design

*Research designs are explicit statements of the theoretical and methodological approaches to be followed in an archaeological study. Research designs should be included in almost every type of archaeological report, and should vary in nature and level of detail with the undertaking and investigation type. In some cases, research designs have been developed for specific geographic regions, types of investigations, or types of resources. At a minimum, such research designs should be included into ARM reports by reference. In other reports, project-specific research design sections are necessary (e.g., evaluative and data recovery excavations).*

*Research designs link theory, known information, research goals, and methods. The use of previously formulated research designs is acceptable if these designs are current and relate directly to the area and type of study under consideration. Predictive models are elements of a research design applicable to archaeological surveys. Predictive models are structured predictions concerning the types and locations of archaeological phenomena anticipated in an area.*

- A. Discuss the theoretical basis of the proposed research. Cite or discuss the research paradigms under which the investigators are operating.
- B. Summarize previous research. A summary of important research questions pertinent to the study area or

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to identified resources should be presented, with particular emphasis on the identification of relevant data gaps. Statements appealing to generally recognized goals of archaeology or anthropology by themselves usually lack the detail necessary for an adequate research design.

- C. Present testable hypotheses or state the goals of the research. Any useful theoretical approach should be capable of generating testable hypotheses. A research design should present important research questions recognized for the region and relevant to the study, based on previous research.
- D. Identify the test implications of the hypotheses.
  - 1. Describe expected archaeological resource types, archaeological patterns, and data categories anticipated, as they relate to test implications. Discuss operational definitions for archaeological resource types (and rationales for their use), if different from OHP definitions of archaeological sites, historic resources, and isolated artifacts or resources.

### VIII. Methods

*Methods of investigation must always be included in an ARM report. The length and detail of this presentation should be scaled to the type and scope of the investigation. Discuss methodological considerations (as distinguished from methods) relevant to the resource types present or anticipated in the study area. Discuss the kinds of methods appropriate to achieving the objectives of the study. Conversely, identify constraints and difficulties that hinder(ed) realization of these goals.*

- A. If not offered previously, present definitions (and rationales for their use) of archaeological resource types. This is necessary when the definitions used for archaeological sites, historic resources, and isolated artifacts differ from those contained in the *California Archaeological Inventory Handbook for Completing An Archaeological Site Record*, distributed by the California OHP.
- B. Describe the data gathering methods employed (e.g., remote sensing data; surface survey; surface chemical analysis; subsurface methods such as probing road and stream cuts or analyzing core probes). The methods description should provide details such as maps of survey transects, deployment of survey personnel, site recordation techniques, chemical analyses, subsurface test locations and methods, and remote sensing techniques.
  - 1. Describe specific research and sampling strategies employed, the rationale for their use, a description of how they were implemented, and how many person-hours/days were expended, if such information is available. If methods follow agency or professional standards, define or at least cite the source for the definition of the method (e.g. intensive, general, intuitive, cursory surveys).
  - 2. Using U.S.G.S quadrangles, show area(s) subject to investigation in relation to the Area of Potential Effects (APE) and project boundaries. For survey reports, depict areas surveyed, not surveyed, or surveyed using various strategies. Larger scale maps may also be appropriate to convey information regarding the nature of the investigation. Such maps can be included in an appendix (see section IX.A.2.b).
  - 3. Provide a descriptive summary of the areas examined, noting undertaking areas that were not inspected in relationship to the sampling strategies employed, and why. Note the percentage of ground visibility for the areas inspected.
  - 4. Describe site recording procedures as appropriate.

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5. Describe the types and methods of excavation. Number each excavation location on a map of the site sufficiently detailed to depict the relationship between natural and archaeological features within the site.
  6. Describe cultural materials collected (if any), including methods of documentation and removal.
  7. Describe measures undertaken or needed to restore archaeologically disturbed site areas when archaeological field studies are completed.
- C. Indicate where collected materials, photographs, and other documents are curated. Curatorial agreements and reburial agreements should be provided in an appendix.
1. When photos or other documentation (e.g., remote sensing data) are not included in the report, name the repository where these data are stored. Provide appropriate reference numbers used to file and retrieve this data at the repository.
  2. Discuss problems or constraints in conducting the research.

### IX. Report of Findings

*This section presents the information collected during the study. Thorough description of collected data is essential for the construction of meaningful and well-supported interpretations. When interpretations of data are mixed with or substituted for basic data presentations, the reader is left with no basis for independently assessing conclusions and inferences. It is therefore critical to explicitly separate data presentation from interpretation of those results whenever possible. Specific descriptive requirements for particular types of ARM studies are outlined below.*

#### A. Archaeological Resource Inventory Reports

1. If no archaeological resources were located, their absence should be explicitly noted.
2. If resources were previously reported or anticipated but were not located, discuss the possible environmental and cultural factors that may have hidden or destroyed the resources.
3. Archaeological resources identified.
  - a. Provide information regarding the archaeological resources that were observed and recorded, including:
    - i. prehistoric archaeological sites (i.e., primarily surface and subsurface properties);
    - ii. historic archaeological sites;
    - iii. isolated artifacts.
  - b. Recent or contemporary resources (e.g., modern roads, power lines, structures) noted but not formally recorded might also be discussed and included on a map, although such information may not be appropriate or necessary, and is usually not confidential.
  - c. The following maps should generally be included in a report on the results of inventory. **Maps**

## EXHIBIT B

depicting archaeological site locations should not be included in reports that will be publicly circulated. The following types of maps might be placed in a separate appendix:

- i. if not already presented (see section VIII.B.2.) area(s) subject to investigation in relation to the Area of Potential Effects (APE) and project boundaries on appropriate U.S.G.S. quadrangles (7.5 or 15 minute series). For survey reports, depict areas surveyed, not surveyed, or surveyed using various strategies. Larger scale maps may also be appropriate to convey information regarding the nature of the investigation.
  - ii. U.S.G.S quadrangle maps showing archaeological resource locations recorded during survey.
  - iii. archaeological resource sketch maps (if the report involves survey) consistent in content and quality with the standards established in the *California Archaeological Inventory Handbook for Completing an Archaeological Site Record* distributed by the California OHP. If archaeological site records are provided in a detachable appendix to the report, sketch maps may be included with the site records.
  - iv. archaeological site contour maps depicting topographic and archaeological details, and surface and subsurface study locations should be provided, if available, although such maps often are not prepared for inventory reports.
- d. Describe archaeological resources. Provide a description of each resource listed under "Archaeological Resources Observed."
- i. For each archaeological resource, complete a *California Archaeological Inventory* form (DPR 422A), using the *California Archeological Inventory, Handbook For Completing An Archeological Site Record* available from the OHP. Insert forms in a **confidential** Archaeological Resources appendix. Prior to completing the report, submit two copies of each form to the appropriate Information Center of the California Archeological Inventory, requesting state trinomial numbers for each recorded site.
  - ii. If isolated prehistoric resources are recorded, complete one copy of the *California Archaeological Isolated Artifact* form (DPR 422H) and insert in a **confidential** Isolated Resources appendix. The OHP encourages the recording of isolated artifacts.
  - iii. Provide a master map (photocopy of appropriate USGS quadrangle) depicting the locations of all archaeological resources. It may not be appropriate to include maps of archaeological resource locations in the body of the report if the report is available to the general public. Archaeological resource locations should appear only in **confidential** appendices (see Section IX.A.3.c.).

### B. Archaeological Excavation Reports

*Excavation can occur during any phase of archaeological investigation, including inventory. The description of excavation during these various phases should be scaled to the size of the excavation, the importance of the information to the objectives of the study, and the abundance and quality of information resulting from the excavation. In terms of data presentation, no distinction is made here between excavation conducted for evaluative purposes and excavation performed as a data recovery or mitigation phase. Data and interpretation should be presented separately when possible. Summarize the results of lengthy, appended special studies.*

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1. Describe the physical context of the archaeological deposit, including:
  - a. site topography and geomorphology (if not addressed in Setting)
  - b. soil type, structure, chemistry, stratigraphy and their relationship to surrounding soils. Summarize results of special studies such as particle size analysis and soil chemistry, and include a copy of special studies reports in an appendix.
    - i. non-cultural soil constituents (floral, faunal). Include a summary of special studies and insert reports in an appendix;
    - ii. anthropic soils and stratigraphic relationships.
  - c. profiles of excavation units, trenches, or auger borings, as appropriate,
2. Describe archaeological features. Functional ascriptions/interpretations, such as hearth, oven, housepit, may be unavoidable at this level of data presentation. It may be appropriate to discuss the relationship between feature and non-feature archaeological material distributions (e.g., the relationship between midden deposits and ovens or housepits).
  - a. Describe physical evidence including location, dimensions, attributes, and associations.
  - b. Provide or reference illustrations and photographs of features.
  - c. Either present in full or summarize the results of special studies related to features (e.g., radiocarbon, flotation, microconstituent analysis, chemical analysis).
3. Enumerate and describe artifacts by material type and artifact class (e.g., flaked-stone). Avoid typological ascriptions that impose or imply function or chronological association in the initial description. For example, biface, uniface, or modified flake is preferable to knife, scraper, or used flake. Such interpretations can follow in a separate subsection, as described below.
  - a. Discuss typological consideration of artifacts such as stone tools, beads, bone and groundstone tools, and historic materials.
  - b. Include illustrations/photographs of formal artifacts. These can be included in an appendix.
  - c. Present the results of analyses of artifact manufacture and use (e.g., flaked-stone manufacturing technology, use-wear studies, pottery analysis, basketry identification). Extensive and detailed analyses may be included in appendices. A summary of the results of these studies should be presented in the body of the report. Such studies should define analytic methods and distinguishing traits of analytic categories. For example, if a flaked-stone analysis involved the identification of different types of flakes, then the attributes that define such flake types should be reported. References to previous analyses should not supplant basic descriptions of methods and analytic categories.
  - d. Present the results of analyses such as radiocarbon dating, obsidian source and hydration studies, thermoluminescence dating, geomagnetic studies, pollen analysis, blood protein analysis, and others.

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4. Describe non-artifactual archaeological material that reflects past human activities (e.g., burned seeds, charred animal bone), and materials that provide information on past environments or exploited resources (e.g., pollen).
  - a. Include identification studies for floral and faunal remains, with interpretations regarding the kinds and amounts of resources used, consumed, etc.
  - b. Present the results of physical analyses such as pollen, microconstituent analysis (flotation, coprolite studies).
5. Describe the context of discovery, examination, and disposition of human remains, if any. Given the often sensitive nature of human remains, examination and treatment of such remains will depend on the outcome of consultation with appropriate Native American representatives and the decisions of land owners regarding the disposition of human remains. Therefore, whether and how human remains and associated grave goods are examined may vary greatly. Similarly, the nature and extent of reporting on the treatment of human remains may vary with the nature of Native American concerns. It may not be possible or appropriate to maintain rigid reporting standards. In general however, the following information is desirable from an archaeological and management standpoint.
  - a. Describe the context of the discovery of human remains. For example, describe if a human burial discovered during excavation was expected, based on consultant information or archaeological indicators.
  - b. Describe measures taken pursuant to state law, local ordinance, agreement, and/or agency policy regarding human remains.
  - c. Describe efforts to consult with the Native American Heritage Commission, appropriate Native American representatives or living descendants, county coroner, landowners, etc.
  - d. Describe outcome of discussions regarding disposition of human remains.
  - e. Describe actions taken with regard to the study of human remains, i.e., exposure, exhumation, analysis, reburial in-situ, reburial after exhumation.
    - i. Describe the location, physical position, orientation, and nature of the remains (e.g., primary inhumation, cremation). Include a description of grave associations and the physical/contextual relationships between human remains and associated artifacts. For example, describe if artifacts were overlying or underlying the human remains in a patterned arrangement, or were found within burial pit fill.
    - ii. Report the results of analyses, including specialists' reports in an appendix. Description of the remains and reporting the results of any analyses may occur under the reporting of archaeological features (Section IX.B.1.g.).
    - iii. Include photographs and illustrations.
    - iv. Record/report the reburial location on a New Deposit/Redeposit Record (DPR 422I). Such information should be included in a **confidential appendix** and treated in a manner sensitive to the desires of the most likely descendants of the human remains.

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6. Describe the spatial distribution and patterning of cultural material by class (e.g., flaked-stone, bone). Present data on the intrasite distribution of cultural materials, i.e., vertical and horizontal stratigraphy, assisted by data tables.

### X. Discussion/Interpretation

*Descriptive data presented above should be discussed and interpreted with explicit reference to the research design or study objectives defined earlier in the report. In addition, unanticipated data recovered during the study may warrant discussion of additional research topics not included in the research design.*

- A. Discuss results of the investigation as they relate to specific topics and questions presented in research design. Preferably, organize the discussion according to the structure of the research questions, hypotheses, and test implications presented in the research design.
- B. Discuss the results of the study in terms of the general research objectives of the study (e.g., settlement patterns, subsistence, change through time). This discussion should place the investigation in a regional context, noting its role or contribution to an understanding of local, regional, state, or national history or prehistory.

### XI. Management Considerations

*The discussion of management topics should address the management goals of the study in a manner that is consistent with the specific regulatory process relevant to the ARM study. For example, an inventory report should discuss how complete the study was, the likelihood that additional resources are present in an undertaking APE, and measures that would be necessary to identify such resources. Unfortunately, terminology for similar procedures varies among local, state and federal guidelines or regulations. For example, an archaeological site might be considered National Register eligible under the Section 106 process and significant under the Appendix K Guidelines for CEQA. The terms used in an ARM report should be consistent with the terms defined in the relevant guidelines or regulations.*

#### A. Inventory Reports

1. Identify the management status of resources identified during the study. For example, list archaeological properties that have been determined National Register eligible, important, unimportant, and those that have not been evaluated. If previously recorded and/or evaluated archaeological resources were identified, provide a list of these resources.
2. Describe the completeness of the study and the likelihood that additional, unidentified resources may be present.
3. Outline needs for further management action, such as additional field survey, evaluation of resources, or no further study.

#### B. Evaluation Reports

*Resource evaluation is the cornerstone of the current ARM environment. The outcome of evaluation determines which resources will and will not be protected or considered further. Thoughtful evaluation also establishes the importance of archaeological resources and influences the type of consideration they are afforded.*

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1. Provide a detailed discussion addressing the significance or uniqueness of each archaeological resource using the criteria for evaluation employed in *CEQA: California Environmental Quality Act Statutes and Guidelines, Appendix K* or *36 CFR 60.4*, as appropriate. Critically consider the full complement of potential reasons (criteria) why a property might be considered important, not simply the most obvious or prominent.
  - a. Consider the role of setting as a contributor to the importance of the resource. Archaeological resources can be eligible for the NRHP under *36 CFR 60.4(a)* for their association with events that have contributed to the broad patterns of history or prehistory, under *36 CFR 60.4(c)* because they embody the distinctive characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic value. Under these criteria, setting may contribute substantially to the importance of the resource.
  - b. Describe the integrity of each archaeological resource including an estimate of the percentage of the resource that is disturbed or remains. A consideration of integrity should relate to the reasons a resource is determined important. Thus, the environmental setting or surface of an archaeological site can be completely destroyed or disturbed yet the site may retain integrity if it is important only for the information its subsurface component contains.
  - c. Identify the characteristics and areas of a resource that do and do not contribute to its importance. If the resource is a *National Register district*, identify the contributing and non-contributing properties within the district and describe the nature of their contribution, to the extent known.
    - i. Present clear evidence that information from the resources can address or contribute to the resolution of important, specific research questions outlined in the research design.
    - ii. Summarize or reference, as appropriate, the evidence that indicates the resource contains in appropriate contexts and in sufficient quantity and quality, the material needed to meet the data requirements of the stated hypotheses or research questions documented in Sections IX and X above.
    - iii. Evaluate each resource in terms of its overall potential to address important questions or fill data gaps. Compare the resource to others in its local or regional context to determine how much it can help to achieve stated research goals.

### C. Assess Effects.

*Determining the nature of an undertaking's effects on an archaeological site depends on knowing what makes an archaeological resource important, and what specific ground disturbances or other physical changes are proposed.*

*For example, two projects may both involve grading. In one case, grading will disturb an archaeological resource important because of the information that it contains. In the other case, grading will disturb an archaeological resource important because it visibly represents a particular human adaptation to specific environmental challenges. In the first case, the assessment of effects might conclude that the information can be acceptably recovered through archaeological excavation. In the second case, there is no way to preserve the association between the site and its surroundings if grading occurs, and the effect of the grading might be considered adverse. The difference in the effect determination is due to the different reasons the archaeological sites were determined important.*



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*The focus of an ARM report (inventory, evaluation, etc.) and what phase of the undertaking is involved will largely determine whether or not an assessment of effects can be included in the report. Lack of project design information or unevaluated resources are just two of many factors that could preclude an assessment of effects.*

1. Discuss or reference a previous discussion of the general undertaking (see Section V-D). Discuss the likely effects the undertaking may have on each important archaeological resource. Use appropriate regulatory language and reference the local, state, or federal regulations or guidelines under which the effects of the undertaking are determined. Explain each determination.
  - a. Discuss anticipated direct and indirect impacts to archaeological resources. Direct impacts include destruction, alteration, and isolation of the property of its setting, when setting is a characteristic contributing to the importance of the resource. While *36 CFR Part 800* does not distinguish between direct and indirect effects, anticipated indirect impacts of an undertaking should be presented. Indirect impacts could include growth inducement, increased public use, erosion of resources outside the undertaking area. It is also appropriate to discuss beneficial effects in addition to adverse effects.
2. For reports involving multiple resources, include a table listing all resources. Provide your opinion on the importance of each resource and identify the effect of the undertaking on each (e.g., no effect, effect, no adverse effect, adverse effect).

### D. Consider Alternatives and Propose Management Actions

1. For each significant or unique resource that may be affected, discuss a range of possible measures to avoid or minimize an adverse effect. Examples include:
  - a. relocation or redesign of the undertaking;
  - b. preservation measures (e.g., site burial, erosion slope stabilization, vegetation cover, signing, public access restrictions, site monitoring);
  - c. data recovery for portions of selected resources; and
  - d. no undertaking.
2. Discuss the preferred alternative offering a rationale for this preference. This discussion may address the merits of the undertaking, the mission and needs of the agency, etc.

### E. Recommendations/Proposals

*Recommendations and proposals for further action can take a wide variety of forms depending on the nature of the ARM study and the undertaking.*

1. Inventory Reports
  - a. Inventory complete. Inventory reports may conclude that efforts to locate archaeological resources have been sufficient. The inventory may lead to one of the following conclusions and recommendations:

## EXHIBIT B

- i. No resources were identified. The proposed undertaking does not involve or affect archaeological resources.
- ii. Resources are present. Depending on the type of resources involved and the type of undertaking proposed, one of the following recommendations may be appropriate:
  - Only unimportant resources are present. No further consideration is necessary.
  - Archaeological resources are present but because of preventive measures, will not be affected by the undertaking.
  - Archaeological resources are present. Evaluation of these resources is necessary.
  - Sufficient information exists to evaluate resources. Offer recommendations regarding the importance of the resources. Often this is not possible for archaeological deposits on the basis on surface inspection alone.
- b. Inventory incomplete. An initial effort to locate archaeological resources may reveal that a different level of effort or additional inventory work is necessary. This section should identify the constraints, limitations, or rationale behind the recommendation for additional work and offer specific recommendations for additional inventory.

### 2. Evaluation Reports

- a. Evaluation results are summarized and conclusions or recommendations regarding the importance of archaeological resources are presented. When necessary, insert the following sorts of items in a confidential appendix:
  - i. *State Historical Landmarks* nominations.
  - ii. *National Register of Historic Places* nominations.
  - iii. *National Register* eligibility opinions.
  - iv. Opinions on the importance of the resources under *CEQA*.
- b. Provide conclusions regarding the effect of the undertaking on important archaeological resources (e.g., no effect, no adverse effect, adverse effect). Recommend further studies or actions such as mitigation or other treatment for identified effects.

### 3. Treatment Reports

- a. After mitigation, such as data recovery, has been completed, state whether the resource retains significance and propose additional measures needed to protect the resource or to recover additional significant information.
- b. Discuss how effectively the treatment program met expectations.

## XII. References (Use of *American Antiquity* format is encouraged).

**XIII. Appendices**

*Depending on the type and purpose of the archaeological report, some of the following information may or may not be appropriate. In addition, investigators preparing archaeological reports for publication or wide distribution in addition to regulatory review, may wish to exclude some of the administrative information from the body of the report and instead include such information as a detached appendices or attachments.*

- A. Personnel qualification statements, briefs, or resumes.
- B. Record search results.
  - 1. Provide a copy of the Information Center record search, if conducted by Information Center staff.
  - 2. If a records search is conducted at an Information Center by a qualified consultant, provide a copy of a receipt or evidence of such a search as well as a report of the results of that search, if not already included in the report. **Archaeological site locations must not be disclosed in documents accessible to the general public. Confidential appendices that report site locations should contain statements requesting that their distribution be carefully controlled (see Section XIV).**
- C. Repository agreements.
- D. Reviewer comments/agency correspondence.
- E. Artifact/Collection catalog.
- F. Artifact illustrations (if not in body of text).
- G. Photographs and photo records.
- H. Native American observer or monitor agreements.
- I. Maps (non-confidential) and undertaking plans, drawings, etc.
- J. Special studies/technical reports.

**XIV. Confidential Appendices**

*Archaeological and sensitive Native American site locations and maps should not be included in copies of reports for general distribution. Archaeological site locations are exempted from the California Freedom of Information Act, as specified in Government Code 6254.10. However, review and regulatory agencies often need such information for management purposes. The placement of such information in a Confidential Appendix fulfills that need.*

- A. General Historical and Archaeological Resource Location Map (depicting locations of all properties within a study area).
- B. Resource Inventory Records.
  - 1. *Historic Resources Inventory* forms and maps (consistent with DPR 523).

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2. *Archaeological Site Record* forms and maps (consistent with DPR 422).
  3. *Isolated Artifact* forms and maps.
- C. Native American sacred site location maps or descriptions, if regarded as sensitive. If not obtained from the Native American Heritage Commission (NAHC), disclosure of such information should occur only after coordinating with the NAHC and with appropriate groups and individuals recommended by the NAHC.
- D. Heritage Nomination Forms.
1. *National Register of Historic Places* forms.
  2. *National Historic Landmark* forms.
  3. *Registered State Historical Landmark* forms.
  4. *State Point of Historical Interest* forms.

### XV. Further Reading and Guidance - Selected References

*The following references are recommended for further information and guidance. Copies of many of these references, or information on their availability, can be obtained from the California Office of Historic Preservation, P.O. Box 942896, 1416 Ninth Street, Sacramento, California 94296-0001, (916) 445-8006.*

#### Laws and Regulations

*National Historic Preservation Act of 1966.* Public Law 89-665; STAT. 915; U.S.C. 470, as amended by Public Law 91-243, Public Law 94-458, Public Law 96-199, Public Law 96-244, and Public Law 96-515.

*Protection of Historic Properties (36 CFR Part 800).* Federal Register, Vol. 51, No. 169. September 1986.

*National Register of Historic Places (36 CFR Part 60).*

*National Register of Historic Places (36 CFR Parts 60 and 63). Proposed Rule.* Federal Register, Vol. 51, No. 150. August 5, 1986.

*Curation of Federally-Owned and Administered Archeological Collections (36 CFR 79). Proposed Rule.* Federal Register, Vol. 52, No. 167. August 28, 1987.

*Uniform Rules and Regulations: Archeological Resources Protection Act of 1979 (43 CFR Part 7).* Federal Register, Vol. 43, No. 4. January 6, 1984.

*CEQA: California Environmental Quality Act Statutes and Guidelines.* Office of Planning and Research, Office of Permit Assistance, Sacramento, California, 1986.

*California Health and Safety Code, Section 7050.5.*

*California Public Resources Code, Section 5097.*

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### **Department of the Interior Guidance**

*Secretary of Interior's Standards and Guidelines for Archeology and Historic Preservation.* Federal Register, Vol. 48, No. 190, September 29, 1983.

*Guidelines for Federal Agency Responsibilities under Section 110 of the National Historic Preservation Act.* Federal Register, Vol. 53, No. 31. February 17, 1988.

*The Section 110 Guidelines: Annotated Guidelines for Federal Agency Responsibilities under Section 110 of the National Historic Preservation Act.* Jointly issued by the Advisory Council on Historic Preservation and the National Park Service, U.S. Department of the Interior, Washington, D.C. 1989.

*The Curation and Management of Archeological Collections: A Pilot Study.* Alexander J. Lindsay, et al. Cultural Resources Management Series. U.S. Department of the Interior, Washington, D.C. September 1980.

*Archeological Survey: Methods and Uses.* Thomas F. King. National Park Service, U.S. Department of the Interior, Washington, D.C. 1978.

*Using UTM Grid System to Record Historic Sites.* Heritage Conservation and Recreation Service, U.S. Department of the Interior, Washington, D.C. 1980.

*How to Apply the National Register Criteria for Evaluation.* (Bulletin 15). National Park Service, U.S. Department of the Interior, Washington, D.C. 1982.

*National Register Bulletin Series.* National Park Service, Department of the Interior, Washington, D.C.

*Quantifying the Present and Predicting the Past: Theory, Method, and Application of Archaeological Predictive Modeling.* Bureau of Land Management, U.S. Department of the Interior, Washington, D.C. 1987.

### **Advisory Council on Historic Preservation Guidance**

*Section 106, Step-by-Step.* Advisory Council on Historic Preservation, Washington, D.C. 1986.

*Treatment of Archeological Properties: A Handbook.* Advisory Council on Historic Preservation. Washington, D.C. 1981.

*Fact Sheet: A Five-Minute Look at Section 106 Review.* Advisory Council on Historic Preservation, Washington, D.C. 1988.

*Fact Sheet: Programmatic Agreements under Section 106.* Advisory Council on Historic Preservation, Washington, D.C. 1988.

*Fact Sheet: Section 106 Participation by Applicants for and Recipients of Federal Assistance, Permits, and Licenses.* Advisory Council on Historic Preservation, Washington, D.C. 1988.

*Fact Sheet: Section 106 Participation by Indian Tribes and Other Native Americans.* Advisory Council on Historic Preservation, Washington, D.C. 1988.

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*California Archaeological Inventory Handbook for Completing An Archaeological Site Record.* California Office of Historic Preservation, Sacramento, California. 1989.

*California Archaeological Site Inventory Information Center Procedural Manual.* California Office of Historic Preservation, Sacramento, California.

*California Archaeological Resource Identification and Data Acquisition Program: Sparse Lithic Scatters.* California Office of Historic Preservation, Sacramento, California, 1988.

## EXHIBIT B

### Checklist for Preparing and Reviewing Archaeological Resource Management Reports

Name of Undertaking: \_\_\_\_\_

Name of Report: \_\_\_\_\_

Reviewer/Agency: \_\_\_\_\_ Date: \_\_\_\_\_

#### I. Cover Letters (see page 1 of ARMR Guidelines)

- A. Provide the undertaking's name and location, and any identifying number.
- B. State agency name and where applicable, district, region, section, or branch.
- C. Briefly describe the undertaking (type, acreage, components, scheduling).
- D. Describe the point that compliance with historic preservation law has reached.
- E. Describe the phase and/or type of investigation addressed by the document.
- F. Describe the results of the investigation.
- G. Indicate what compliance action is being requested under applicable laws.
- H. Name agency contact person administering, or most familiar with the undertaking and study.

#### II. Title Page (page 2)

- A. List the authors and consulting firm.
- B. Date the report by month and year.
- C. Present the report title.
- D. Identify the entity (e.g., agency, local government) submitting the report.
- E. Identify the party to whom the document was submitted and contract number, if any.
- G. Cite the U.S.G.S. topographic quadrangles depicting study area.
- H. List the acreage included in the study.
- I. List keywords.

#### III. Table of Contents (*if text of report exceeds 10 pages [see page 3]*)

- A. List major report sections, subheadings, and appendices, with page numbers.
- B. Provide a list of maps with page numbers.
- C. List figures with page numbers.
- D. List tables with page numbers.

#### IV. Management Summary/Abstract (page 3)

- A. Describe the purpose and scope of the archaeological investigation.
- B. List the date(s) of the investigation.
- C. Summarize the major findings of the investigation.
- D. If resources have been evaluated, summarize their significance/uniqueness.
- E. Discuss how the undertaking affects significant resources.
- F. Describe constraints on the investigation (e.g., time, finances, logistics).
- G. Offer a summary of recommendations.
- H. Describe the disposition of field notes, collections, and reports.

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### V. Undertaking Information/Introduction (page 4 of ARMR Guidelines)

- A. Identify the contracting institution, contract and permit numbers, etc.
- B. Explain why the study was conducted.
- C. Describe the undertaking (include maps).
- D. Include a schedule for the undertaking.
- E. Identify the geographical limits of ARM study area.
- F. Describe how personnel were organized and list participants (qualifications in appendix).

### VI. Setting (page 4)

- A. Natural Setting (e.g., landforms, geology, soils, flora, fauna; current land use).
- B. Cultural Setting (include records and literature search results).

### VII. Research Design (page 6)

- A. Discuss the theoretical basis of the proposed research.
- B. Summarize previous research.
- C. Present testable hypotheses or state the research goals.
- D. Identify the test implications of the hypotheses or expected archaeological information.

### VIII. Methods (page 6)

- A. Present definitions for archaeological resource types.
- B. Describe the methods employed and map the areas investigated.
- C. Indicate where collected materials, photos, etc., are curated.

### IX. Report of Findings (page 8)

- A. Archaeological Resource Inventory Reports
  1. Present results (list resources present or absent).
  2. Include site records and location maps in confidential appendices.
- B. Archaeological Excavation Reports
  1. Describe the physical context of the archaeological deposit.
  2. Describe archaeological features, artifacts, materials (ecofacts).
  3. Describe the discovery, examination, and disposition of human remains.

### X. Discussion/Interpretation (page 12)

- A. Discuss results of the investigation as they relate to specific research design items.
- B. Discuss results of the study in terms of general research objectives.



## EXHIBIT B

### **XI. Management Considerations (page 12)**

#### **A. Inventory Reports**

1. Identify the management status of resources identified during the study.
2. Describe the completeness of the study and likelihood of unidentified resources.
3. Outline the need for further management actions.

#### **B. Evaluation Reports**

1. Discuss significance or uniqueness of each archaeological resource.
2. Discuss the integrity of each archaeological resource.

#### **C. Assess Effects**

#### **D. Consider Alternatives/Proposed Management Actions**

1. Discuss possible measures to avoid/minimize impacts to resources.
2. Discuss the preferred alternative and rationale behind the preference.

#### **E. Recommendations/Proposals**

### **XII. References (page 16)**

### **XIII. Appendices (Include sections listed below as appropriate, page 16).**

- A. Personnel qualifications (provide briefs or resumes).
- B. Record search results.
- C. Repository agreements.
- D. Reviewers comments/agency correspondence.
- E. Artifact/Collection catalog.
- F. Artifact illustrations (if not in body of text).
- G. Photographs and photo records.
- H. Native American observer or monitor agreements.
- I. Maps (non-confidential) and undertaking plans, drawings, etc.
- J. Special studies/technical reports.

### **XIV. Confidential Appendices (page 17)**

- A. Historical and Archaeological Resource Location Maps.
- B. Resource Inventory Records for archaeological sites and historic structures.
- C. Native American sacred site location maps or descriptions.
- D. Heritage Nomination forms.

## EXHIBIT B

This publication was partially financed with federal funds from the National Park Service, Department of the Interior, under the *National Historic Preservation Act of 1966*. The contents do not necessarily reflect the views or policies of the Department of the Interior, nor does the mention of trade names or commercial products constitute endorsement or recommendation by the Department of the Interior.

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**Attachment 3**

**Title 14  
Adopt Chapter 11.5  
California Register of Historic Places**

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OFFICE OF HISTORIC PRESERVATION**  
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## **California Register of Historical Resources**

The California Register of Historical Resources is an authoritative guide to the state's significant historical and archeological resources.

The State Historical Resources Commission has designed this program for use by state and local agencies, private groups and citizens to identify, evaluate, register and protect California's historical resources.

The California Register program encourages public recognition and protection of resources of architectural, historical, archeological and cultural significance, identifies historical resources for state and local planning purposes, determines eligibility for state historic preservation grant funding and affords certain protections under the California Environmental Quality Act.

### **How does the California Register define a historical resource?**

For the purposes of listing, a "historical resource" includes, but is not limited to, "any object, building, structure, site, area or place which is historically or archeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military or cultural annals of California." Historical resources of local, state and national significance may be eligible for listing in the California Register if they satisfy the criteria established by the State Historical Resources Commission for this program.

### **What are the criteria for listing a resource in the California Register?**

While the significance criteria for the California Register are similar to those used by the National Register, this new Register will document the unique history of California. The resource must be associated with events contributing to the broad patterns of the state's history and culture, or with historically important people; or it must embody distinctive characteristics of a type, period, region or construction method, or represent the work of a creative individual; or it must have the potential for yielding important information in California's history or prehistory.

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### **How does a resource become listed in the California Register?**

Resources may be added in three ways. Some are listed automatically, including California State Historical Landmarks from number 770 onward and all properties listed on, or formally determined eligible for, the National Register of Historic Places. State Historical Landmarks below number 770 and State Points of Historical Interest will be individually evaluated and recommended to the State Historical Resources Commission for inclusion in the Register or the Commission may develop procedures for their consideration. Other resources can be nominated to the Register by local governments, private organizations or citizens; these include individual resources, historical resources contributing to the significance of an historical district, resources identified in an historical resources survey with a significance rating of 1 to 5 and resources designated as local landmarks or listed by city or county ordinance.

### **What is the relationship of the California Register to the California Environmental Quality Act (CEQA)?**

The California Register serves as the authoritative guide to resources that are to be considered under CEQA. However, simply because a resource is not currently listed in the California Register does not mean that it is not an historical resource and is not subject to CEQA environmental review. Two technical bulletins, *CEQA and Historical Resources* and *CEQA and Archeological Resources*, provide assistance to local governments in evaluating historical resources and project impacts. These publications may be purchased from the Governor's Office of Planning and Research in Sacramento for \$3.00 each. Or they can be accessed on the Internet at <http://199.253.163.150/ohp/index.htm>.

### **How are local governments involved?**

Local public agencies may assist in the nomination of resources to the California Register and may comment on nominations that originate from private groups or individuals within their jurisdictions. Applicants must inform local governments of resources within their jurisdictions that are being nominated for listing on the California Register.

### **Does the register affect property rights?**

Historical resources nominated to the California Register may not be listed against the dissent of the property owner. Property owners must be notified, sent a copy of the nomination and provided the opportunity to comment upon the nomination. Local ordinances may provide benefits to property owners of listed properties, such as federal tax credits for certified historical resources rehabilitation projects, Mills Act local property tax incentives or use of the State Historical Building Code, which mandates that reasonable alternatives be applied when the use of the Uniform Building Code threatens the historical integrity of a structure.

**How do we interpret historical resources survey information?**

Historical resources inventories are the product of a survey process which identifies historical resources within a specific geographic area under defined parameters such as architectural style or historic context. Surveys that are over five years old should be updated to include more recent information. Categories 1-5 refer to the National Register Status codes, a standard reference code used to indicate potential eligibility for the National Register of Historic Places. DPR form 523 will be used as the standard recordation form for the California Register. Questions regarding the planning and interpretation of historical resources surveys should be directed to Jan Wooley, Coordinator of the Historical Resources Survey and Inventory Program, Office of Historic Preservation.

**How do we evaluate archeological resources?**

Survey and evaluation are two separate processes for archeological resources. Resources may have been recorded on a variety of forms or different formats. For the purposes of the California Register, DPR form 523 and its supporting documents will be considered in determining potential historical significance. Archeological resources should also be included in all new or updated surveys of local historical resources.

**Where do I get more information on local historical resources?**

Regional Information Centers serve as branches of the California Historical Resources Information System under contract with the Office of Historic Preservation to provide information on historical resources. Each Center maintains a variety of survey and project files on historical and archeological resources and may also provide research, training and technical assistance on a fee for services basis. Information on archeological sites may be restricted under state or federal law in order to protect the resource. A description of this program and list of Information Centers is included in the *Procedural Guide for the Historical Resources Information Centers*.

**How can I get more information on the California Register of Historical Resources?**

Contact the Information Center that serves your county or Jenan Saunders, California Register Coordinator, at the Office of Historic Preservation, P.O. Box 942896, Sacramento CA 94296-0001, (916) 653-9432 phone, (916) 653-9824 fax; email: calshpo.jenan@quiknet.com.

TITLE 14

ADOPT CHAPTER 11.5

CALIFORNIA REGISTER OF HISTORICAL RESOURCES

**4850. Authority.**

On September 27, 1992, Assembly Bill 2881 (Statutes of 1992, Chapter 1075) was signed into law amending the Public Resources Code as it affects historical resources. This legislation, which became effective on January 1, 1993, also created the California Register of Historical Resources, henceforth the California Register.

NOTE: Authority cited: Sections 5020.4, 5024.1, and 5024.6, Public Resources Code. Reference: Sections 5020.1, 5020.4, 5020.7, 5024.1, 5024.5, 5024.6, 21084, and 21084.1, Public Resources Code.

**4850.1 Purpose.**

The California Register is an authoritative listing and guide to be used by state and local agencies, private groups, and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change.

Definitions are found in Appendix A, "A Glossary of Terms", of this chapter.

NOTE: Authority cited: Sections 5020.4, 5024.1, and 5024.6, Public Resources Code. Reference: Sections 5020.1, 5020.4, 5020.7, 5024.1, 5024.5, 5024.6, 21084, and 21084.1, Public Resources Code.

**4851. Historical Resources Eligible for Listing in the California Register of Historical Resources.**

The California Register consists of historical resources that are: (a) listed automatically; (b) listed following procedures and criteria adopted by the State Historical Resources Commission, henceforth the Commission; and (c) nominated by an application and listed after a public hearing process.

(a) Historical resources automatically listed in the California Register include the following pursuant to California Public Resources Code Section 5024.1 (d)(1) and (2):

(1) California historical resources listed in, or formally determined eligible for, the National Register of Historic Places, henceforth the National Register. "Formally determined eligible" for the purpose of this section means determined eligible through one of the federal

## EXHIBIT B

preservation programs administered by the California Office of Historic Preservation, henceforth the Office. Specifically, these programs are the National Register, Tax Certification (Evaluation of Significance, Part 1, 36 CFR Part 67), and National Historic Preservation Act (Section 106, 16 U.S.C. 470f) reviews of federal undertakings.

(2) California Registered Historical Landmarks, henceforth Landmarks, from No. 770 onward.

(3) Upon effective date of this chapter, the Office will notify resource owners by first class mail that as a result of listing or being formally determined eligible for listing in the National Register of Historic Places, and/or being designated a California Registered Historical Landmark subsequent to, and including No. 770, the resource has been automatically placed in the California Register. The owner(s) will be advised of the criteria for listing in the California Register and procedures for removal found in Sections 4855 and 4856 of this chapter. Removal may be requested at any time, but must satisfy one of the criteria for removal as listed in Section 4856 (a) of this chapter.

(b) Historical resources which require action by the State Historical Resources Commission to be listed in the California Register. The following resources require review and action by the Commission prior to listing, but are not subject to the formal nomination and application procedures described in Section 4851 (c) of this chapter.

(1) Landmarks with numbers preceding No. 770 pursuant to California Public Resources Code Section 5024.1 (d)(2). Procedures for inclusion of landmarks preceding No. 770 in the California Register have not been adopted by the State Historical Resources Commission at the time of inception of this chapter.

(2) California Points of Historical Interest, hereafter Points of Historical Interest, pursuant to California Public Resources Code Section 5024.1 (d)(3). Points of Historical Interest, which have been reviewed by the Office and recommended for listing by the Commission, will be included in the California Register if the following conditions are met:

(A) The resource meets the statutory criteria for the California Register;

(B) A boundary is provided that clearly delineates the area of historic importance;

(C) A list of contributing and noncontributing features is provided. Contributing features are those remaining from the resource's period of historic significance that retain integrity; and

(D) The application is accompanied by the appropriate State Historical Resources Commission approved recordation form, such as the DPR Form 523- Historic Resources Inventory Form.

Historical resource owners shall be notified of proposed Commission actions to nominate Points of Historical Interest to the California Register sixty (60) days prior to the Commission meeting at which a hearing is scheduled.

The Office shall notify resource owners of time and location of the hearing.

The Commission shall hear testimony regarding whether or not the criteria for listing a Point of Historical Interest in the California Register have been met. If the criteria for listing are met, the Commission shall recommend that the historical resource be made a Point of Historical Interest to the Director of the Department of Parks and Recreation. When the Director signs the



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nomination, the historical resource shall be listed as a Point of Historical Interest and listed in the California Register.

(c) Historical resources which require nomination to be listed in the California Register pursuant to California Public Resources Code Section 5024.1 (e)(1)-(5). Historical resources may be nominated to the California Register by individuals, organizations, or government agencies.

(1) An historical resource or historic district;

(2) An historical resource contributing to the significance of a nominated historic district;

(3) A group of historical resources identified in historic resource surveys, if the survey meets the criteria and standards of documentation listed in Section 4852 (e);

(4) An historical resource, a group of historical resources, or historic districts designated or listed as city or county landmarks or historical resources or districts pursuant to any city or county ordinance, if the criteria for designation or listing under the ordinance have been reviewed by the Office as meeting the California Register criteria as stated in this chapter and approved by the Commission; or

(5) An historical resource or a group of local landmarks or historical resources designated under any municipal or county ordinance which has not been previously approved by the Office.

NOTE: Authority cited: Sections 5020.4, 5024.1, and 5024.6, Public Resources Code. Reference: National Historic Preservation Act (NHPA) of 1966 (16 U.S.C. 470a), as amended; National Environmental Policy Act (NEPA) of 1969 (42 U.S.C. 4321-4347); Title 36, Parts 60, 63, 67, and 800, Code of Federal Regulations; Sections 5020.1, 5020.4, 5020.7, 5024.1, 5024.5, 5024.6, 21084, and 21084.1, Public Resources Code.

### 4852. Types of Historical Resources and Criteria For Listing in the California Register of Historical Resources.

The criteria for listing historical resources in the California Register are consistent with those developed by the National Park Service for listing historical resources in the National Register, but have been modified for state use in order to include a range of historical resources which better reflect the history of California. Only resources which meet the criteria as set out below may be listed in or formally determined eligible for listing in the California Register.

(a) Types of resources eligible for nomination:

(1) Building. A resource, such as a house, barn, church, factory, hotel, or similar structure created principally to shelter or assist in carrying out any form of human activity. "Building" may also be used to refer to an historically and functionally related unit, such as a courthouse and jail or a house and barn;

(2) Site. A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archeological value regardless of the value of any existing building, structure, or object. A site need not be marked by physical remains if it is the location of a prehistoric or historic event, and if no buildings, structures, or objects marked it at that time. Examples of such sites are trails, designed landscapes, battlefields, habitation sites, Native American ceremonial areas, petroglyphs, and pictographs;

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(3) Structure. The term "structure" is used to describe a construction made for a functional purpose rather than creating human shelter. Examples of structures include mines, bridges, and tunnels;

(4) Object. The term "object" is used to describe those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed, as opposed to a building or a structure. Although it may be movable by nature or design, an object is associated with a specific setting or environment. Objects should be in a setting appropriate to their significant historic use, role, or character. Objects that are relocated to a museum are not eligible for listing in the California Register. Examples of objects include fountains, monuments, maritime resources, sculptures, and boundary markers; and

(5) Historic district. Historic districts are unified geographic entities which contain a concentration of historic buildings, structures, objects, or sites united historically, culturally, or architecturally. Historic districts are defined by precise geographic boundaries. Therefore, districts with unusual boundaries require a description of what lies immediately outside the area, in order to define the edge of the district and to explain the exclusion of adjoining areas. The district must meet at least one of the criteria for significance discussed in Section 4852 (b)(1)-(4) of this chapter.

Those individual resources contributing to the significance of the historic district will also be listed in the California Register. For this reason, all individual resources located within the boundaries of an historic district must be designated as either contributing or as noncontributing to the significance of the historic district.

(b) Criteria for evaluating the significance of historical resources. An historical resource must be significant at the local, state, or national level under one or more of the following four criteria:

(1) It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;

(2) It is associated with the lives of persons important to local, California, or national history;

(3) It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values; or

(4) It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

(c) Integrity. Integrity is the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance. Historical resources eligible for listing in the California Register must meet one of the criteria of significance described in section 4852 (b) of this chapter and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. Historical resources that have been rehabilitated or restored may be evaluated for listing.

Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association. It must also be judged with reference to the particular criteria under which a resource is proposed for eligibility. Alterations over time to a resource or historic changes in its use may themselves have historical, cultural, or architectural significance.

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It is possible that historical resources may not retain sufficient integrity to meet the criteria for listing in the National Register, but they may still be eligible for listing in the California Register. A resource that has lost its historic character or appearance may still have sufficient integrity for the California Register if it maintains the potential to yield significant scientific or historical information or specific data.

(d) Special considerations:

(1) Moved buildings, structures, or objects. The Commission encourages the retention of historical resources on site and discourages the non-historic grouping of historic buildings into parks or districts. However, it is recognized that moving an historic building, structure, or object is sometimes necessary to prevent its destruction. Therefore, a moved building, structure, or object that is otherwise eligible may be listed in the California Register if it was moved to prevent its demolition at its former location and if the new location is compatible with the original character and use of the historical resource. An historical resource should retain its historic features and compatibility in orientation, setting, and general environment.

(2) Historical resources achieving significance within the past fifty (50) years. In order to understand the historic importance of a resource, sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with the resource. A resource less than fifty (50) years old may be considered for listing in the California Register if it can be demonstrated that sufficient time has passed to understand its historical importance.

(3) Reconstructed buildings. Reconstructed buildings are those buildings not listed in the California Register under the criteria in Section 4852 (b)(1), (2), or (3) of this chapter. A reconstructed building less than fifty (50) years old may be eligible if it embodies traditional building methods and techniques that play an important role in a community's historically rooted beliefs, customs, and practices; e.g., a Native American roundhouse.

(e) Historical resource surveys. Historical resources identified as significant in an historical resource survey may be listed in the California Register. In order to be listed, the survey must meet the following: (1) the resources meet the criteria of Section 4852 (b)(1)-(4) of this chapter; and (2) the survey documentation meets those standards of resource recordation established by the Office in the "Instructions for Nominating Historical Resources to the California Register" (August 1997), Appendix B.

(1) The resources must be included in the State Historical Resources Inventory at the time of listing of the survey by the Commission.

(2) The Office shall review all surveys to assure the standards of resource recordation, which can be found in the "Instructions for Nominating Historical Resources to the California Register" (August 1997), Appendix B of this chapter, have been met. If the survey meets the standards, the Office shall recommend to the Commission that all resources with a significance rating of category 1 through 4, or any subcategories thereof, on DPR Form 523 be listed in the California Register. The Office shall review all category 5 determinations for consistency with the California Register criteria of significance as found in Section 4852 (b) of this chapter. Office review will occur within sixty (60) days of receipt of the survey. At the end of sixty (60) days, the

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Office will either: (1) forward the survey for consideration by the Commission or (2) request additional information.

The status codes, established to indicate eligibility to the National Register of Historic Places, have the following meanings:

- (A) Category 1--Listed in the National Register of Historic Places;
- (B) Category 2--Formally determined eligible for listing in the National Register;
- (C) Category 3--Appears eligible for listing in the National Register;
- (D) Category 4--Could become eligible for listing in the National Register; or
- (E) Category 5--Locally significant.

(3) If the results of the survey are five or more years old at the time of nomination, the documentation for a resource, or resources, must be updated prior to nomination to ensure the accuracy of the information. The statute creating the California Register requires surveys over five (5) years old to be updated.

(f) Historical resources designated under municipal or county ordinances. Historical resources designated under municipal or county ordinances which have the authority to restrict demolition or alteration of historical resources, where the criteria for designation or listing have not been officially approved by the Office, may be nominated to the California Register if, after review by Office staff, it is determined that the local designation meets the following criteria:

(1) The ordinance provides for owner notification of the nomination of the resource for local historical resource designation and an opportunity for public comment.

(2) The criteria for municipal or county historical resource designation consider the historical and/or architectural significance and integrity of the historical resource and require a legal description of the resource.

(3) The designating authority issues findings or statements describing the basis of determination for designation.

(4) The designation provides some measure of protection from adverse actions that could threaten the historical integrity of the historical resource.

NOTE: Authority cited: Sections 5020.4, 5024.1, and 5024.6, Public Resources Code. Reference: Title 36, Part 60, Code of Federal Regulations; Sections 5020.1, 5020.4, 5020.7, 5024.1, 5024.5, 5024.6, 21084, and 21084.1, Public Resources Code.

### 4853. Application Format.

Applications shall be submitted on: (1) DPR Form 523-California Historic Resources Inventory Form, dated prior to January 1995; (2) DPR Form 422-Archeological Site Record, dated prior to January 1995; or (3) DPR Form 523 including supplemental forms DPR 523 (c), (f), (g), (h), (i), (j), (k), and/or (l) dated prior to January 1995, as appropriate. In addition, the applicant shall submit a set of clearly labeled photographs, as described in the OHP "Instructions for Nominating Historical Resources to the California Register" (August 1997), Appendix B, with the recordation form. If historical resources are recorded after the effective date of this chapter,

## EXHIBIT B

a DPR Form 523 must be used. In addition, the Commission may require other information for specific types of historical resources as listed in Section 4853 of this chapter.

(a) General requirements. The requirements of Section 4853 (a)(1)-(4) of this chapter shall apply to all historical resources which are nominated to the California Register.

(1) The applicant shall use the inventory form which corresponds to the date of recordation of the resource. The inventory form shall be accompanied by a cover letter which includes the name of the applicant, the resource owner and local government with land-use control authority, hereafter local government, and a concise statement of significance. The statement of significance should clearly list the justification for the importance of the historical resource.

(2) A sketch map shall be included, clearly showing the boundaries of the nominated resources, the footprint of all contributing and noncontributing resources, a directional North arrow, and scale. Careful and accurate information shall be provided with sufficient detail to ensure that a legal description of the proposed historical resource may be recorded. These details may include the UTM coordinates marked on a section grid, United States Geological Survey maps, parcel number(s), and legally recorded boundary lines. Boundaries of sites with no material evidence of the significant event must be clearly defined on the map on the basis of specific and definitive historical documentation.

(3) One or more color slides and black and white or color photos shall be provided to properly document the historical resource. Color slides should provide a realistic overview of the historical resource in its setting or detailed views of the historical resource itself, as appropriate. The Commission may require that the applicant provide photos of contributing historical resources on surveys which are over five (5) years old. All photos should be labeled, including the date taken and a location of the image relative to the sketch map described above.

(4) Primary numbers will be assigned by the Regional Information Center. The applicant shall provide a copy of the application to the Information Center which has responsibility for information regarding historical resources for the county in which the resources are located (see Appendix B) at the same time the application is submitted to the Office. The Office of Historic Preservation will assure primary numbers are assigned.

(b) Information Required for Historical Resources.

(1) Individual nominated resources. A single completed DPR Form 523 or Form 422 shall be submitted for each historical resource which is individually nominated. For resources recorded prior to the effective date of this chapter either a single completed DPR Form 523 or Form 422 shall be submitted for each historical resource which is individually nominated. If the historical resource is recorded after the effective date of this chapter, a DPR Form 523 (dated January 1995) shall be submitted for each historical resource.

(2) Historic districts. In the case of an historic district, the applicant shall complete one master form for the district as a whole, with an abbreviated form for each contributing resource. A list of noncontributing resources is required and must be provided in the cover letter. Owner information for each resource must be provided in the cover letter. Slides of contributing historical resources and/or streetscapes shall be included. Black and white or color photographs of each contributing historical resource and representative streetscape are required.

(3) Archeological resources. Archeological resources will be considered for nomination only after having been assigned a Site Trinomial Number by the appropriate Regional Information Center (see Appendix B). The Commission may require additional documentation to

## EXHIBIT B

more accurately identify and define the site. Depending upon the date the resource was recorded, the DPR Form 523 (dated January 1995) or Form 422 must be accompanied by a statement of significance or research design which explains why the resource qualifies for listing in the California Register.

(4) Historical resource survey. Historical resources which have recordation forms already on file in the inventory with the Office will not require additional DPR Inventory Forms 523 (dated January 1995) unless the Commission requests re-evaluation or re-survey. A cover letter shall provide the owner and the local government information as described in Section 4853 (a)(1) of this chapter, an overview of survey methodology to verify that the survey meets the standards discussed in Section 4852 (e) of this chapter and adequate mapping showing all areas surveyed.

(5) Historical resources and historic districts designated or listed as city or county landmarks, historic resources or districts pursuant to any city or county ordinance, and local landmarks and other resources designated under municipal or county ordinances.

DPR Form 523 shall be submitted for all local landmarks or locally designated historical resources that have not previously been documented or do not have approved recordation forms on file with the Office. A cover letter shall be submitted, as described in Section 4853 (a) of this chapter, and it must include information regarding resource ownership, local government, and a list of all resources included in the nomination. A copy of the ordinance or criteria for local designation must be submitted with the application. Submitting a copy of the ordinance is required whether the resource was designated under a local historic preservation ordinance, which may cover a group or category of historical resources, or under an ordinance or resolution designating only the specific historical resource which is being nominated.

NOTE: Authority cited: Sections 5020.4, 5024.1, 5024.5, and 5024.6, Public Resources Code. Reference: Section 27288.2, Government Code; Sections 5020.1, 5020.4, 5020.7, 5024.1, 5024.5, 5024.6, 5029, 21084, and 21084.1, Public Resources Code.

### 4854. Application Procedures.

(a) Ownership information. It is the responsibility of the applicant to provide complete information regarding the ownership of those historical resources which the applicant wishes to be included in the California Register. The ownership data must include assessor parcel numbers, maps, and a legal description of the resources. The applicant shall provide the owners' names and addresses on mailing labels, as well as any information necessary to establish whether a proposed resource or district has more than one owner. A boundary map and a list of all resource owners within the proposed district boundaries shall be included for each district. The list shall indicate whether the property of each owner is contributing or noncontributing to the significance of the district. Resources will not be listed in the California Register over the owner's objection, or in the case of a district, a majority of resource owners, but will be "formally determined eligible for listing" (see Section 4855(c) of this chapter).

(b) Submitting the application. Historical resources may be nominated by any individual or group including, but not limited to, members of the general public, private organizations, or local government with control authority over the designated historical resource.

(1) Local government, in whose jurisdiction the historical resource is located, shall submit their applications directly to the Office.

## EXHIBIT B

(2) If the applicant is not a local government, the applicant must notify the clerk of the local government by certified mail that an application will be filed with the Office and request that the local government join in the nomination and/or provide comments. Notification to the clerk of the local government shall include a copy of the application. Ninety (90) days after notification to the clerk of the local government, the applicant shall forward all completed applications and any comments to the Office.

(c) If the applicant is not the owner of the resource being nominated, within thirty (30) days of receipt of the application, the Office will provide a copy of the application to the owner and request any additional information.

NOTE: Authority cited: Sections 5020.4, 5024.1, and 5024.6, Public Resources Code.  
Reference: Sections 5020.1, 5020.4, 5020.7, 5024.1, 5024.5, 5024.6, 21084, and 21084.1, Public Resources Code.

### 4855. State Historical Resources Commission's Public Hearing of a Nomination.

After technical review by the Office, the nomination will be scheduled for a hearing by the State Historical Resources Commission. The Commission will only consider comments that relate to the criteria for listing a resource in the California Register.

(a) Public notification. At least sixty (60) days before the hearing to consider the nomination for listing, the Office shall do all of the following:

(1) Notify all affected historical resource owners that their resource has been nominated for listing; the time and place set for the hearing; and that the Commission will consider public comments related to whether the resource meets the criteria for listing in the California Register as well as any objections of the owner(s).

(2) Notify the local government and interested local agencies of the time and place set for the hearing and the opportunity for public comments in support of or opposition to the proposed listing.

(3) Notify the general public by means of the Commission's hearing notices of the scheduled hearing date and the opportunity to comment on the nomination.

(4) In the case of an historic district, nominated either individually or as part of a survey, the Office must make a reasonable effort to obtain the identities and addresses of all owners of resources within the proposed district. The Commission must provide notice of the hearing and opportunity to comment or object to all identified owners whether or not their properties were nominated as contributing resources.

(b) Support of or objections to the nomination. The Commission shall consider public comments when it determines whether to list the historical resource in the California Register. Any person or organization, including the following, may submit supporting or opposing comments to the Office before the hearing.

(1) Resource owners. Private resource owners must make any objection to listing in a notarized letter stating that they are the sole or partial owners, that they object to the listing, and the reasons for their objection. Letters of support from private resource owners are welcomed, but not required. If a private resource owner does not reply to a properly transmitted letter of notification, the absence of a reply will be interpreted as consent to the historical resource designation.

## EXHIBIT B

(A) Each owner or partial owner of a privately owned individual historical resource has one vote regardless of what percentage of the resource such person owns. Within a district, each owner has one vote regardless of how many buildings, or what percentage of the area of the proposed district, such person owns.

(B) If a majority of private resource owners should object for any reason, the proposed individual resource or district will not be listed. However, in such cases, the Commission shall designate the resource as "formally determined eligible for listing in the California Register." A resource that has been designated as eligible may be listed at a later time if, and when, the objection is withdrawn.

(2) Local government. Support of, and objections by, local government are to be given full and careful consideration. When the local government objects to the listing, the findings of the Commission shall identify the historical or cultural significance of the resource and explain why the resource was listed in the California Register over the objections of the local government.

(c) Determinations of eligibility and formal listing. A privately owned resource may not be listed in the California Register over the objection of its owner, or in the case of a resource with multiple owners, over the objection of a majority of private resource owners. A district may not be listed in the California Register over the objection of a majority of private resource owners within the proposed district. If a district is listed, it will be listed in its entirety and all contributing resources will be listed, whether or not the owner of that resource has objected.

(1) If a private resource cannot be listed solely due to owner objection, the Commission shall designate the resource as "formally determined eligible for listing."

(2) An historical resource shall be considered formally "listed in the California Register" when the Commission, upon reviewing the nomination, designates the resource as eligible for listing and accepts it for official listing in the California Register.

(3) The Commission shall adopt written findings to support its determinations. Findings shall include a description of the historical resources and the historical or cultural significance of the resources and identification of those criteria on which any determination was based.

(4) Within forty-five (45) days after approval or disapproval of a nomination by the Commission, the Officer shall notify the applicant, resource owner(s), and the affected local government in writing of the Commission's decision.

NOTE: Authority cited: Sections 5020.4, 5024.1, and 5024.6, Public Resources Code. Reference: Title 36, Part 60, Code of Federal Regulations; Sections 5020.1, 5020.4, 5020.7, 5024.1, 5024.5, 5024.6, 21084, and 21084.1, Public Resources Code.

### 4856. Criteria and Procedures for Removal of an Historical Resource from the California Register of Historical Resources.

Historical resources are formally determined eligible for, or listed in, the California Register on the basis of an evaluation of the historical data by qualified professionals. The Commission may, at its discretion, consider a request for formal de-listing after a public hearing has taken place.

(a) The Commission may remove an historical resource from the California Register if one of the following criteria is satisfied:



## EXHIBIT B

(1) The historical resource, through demolition, alteration, or loss of integrity has lost its historic qualities or potential to yield information; or

(2) New information or analysis shows that the historical resource was not eligible at the time of its listing.

(b) Documentation supporting a request for removal of an historical resource from the California Register shall be provided to the Commission for its review. The documentation shall include:

(1) A written request from the Officer, resource owner, a member of the public, or local government in which the historical resource is located recommending the removal of the resource, including a detailed justification based on the criteria listed in Section 4856 (a)(1) or (2);

(2) Photographs and other documentation regarding the current condition of the historical resource;

(3) Photographic and archival documentation of the historical resource at the time of listing; and

(4) Complete current ownership information for historical resources included in the listing.

(c) The Office shall notify the resource owners, the local government in which the historical resource is located, the general public, and the individual, organization, or government authority which made the original nomination at least sixty (60) calendar days prior to the date scheduled for the public hearing. At the hearing, the Commission shall hear comments and receive information regarding whether or not the criteria for removal of an historical resource from the California Register have been met. If the criteria have been met, the resource shall be removed from the California Register. If the criteria for removal have not been met, the historical resource shall remain in the California Register. The decision of the Commission shall be final unless a request for reconsideration is made pursuant to Section 4857 of this chapter.

(d) The Office shall notify the resource owners, the local government described above, the general public, and the individual, organization, or government agency which made the original nomination within sixty (60) days after reaching a final decision. The decision of the Commission shall be binding.

Note: Authority cited: Sections 5020.4, 5024.1, and 5024.6, Public Resources Code.  
Reference: Sections 5020.1, 5020.4, 5020.7, 5024.1, 5024.5, 5024.6, 21084, and 21084.1, Public Resources Code.

### **4857. Requests for Redetermination by the State Historical Resources Commission.**

Requests for redetermination may be submitted within thirty (30) days after the Commission transmits notice of its final determination. Such requests shall set forth the reasons why the Commission's determination was improper, including all new relevant facts and information.

(a) The Commission has the power to reverse or alter its prior determinations, in whole or in part, if any of the following occur:

## EXHIBIT B

(1) There is a significant error in the facts, information, or analysis on which the prior decision was based; or

(2) The prior determination, in light of current information, appears to have been arbitrary, capricious, or based on substantial error.

(b) The Commission shall advise the applicant within sixty (60) days after receipt of a request for redetermination whether it will consider such request, and if so, set the date for a hearing by the Commission.

(c) If the request for redetermination is denied, then the original determination shall become final for all purposes, unless the resource is later shown to be demolished, altered, or has lost its integrity.

Note: Authority cited: Sections 5020.4, 5024.1, and 5024.6, Public Resources Code.

Reference: Sections 5020.1, 5020.4, 5020.7, 5024.1, 5024.5, 5024.6, 21084, and 21084.1, Public Resources Code.

### 4858. Saving Clause.

If any one or more of the regulations in this chapter, or any portion of any one of these regulations is found or held to be invalid, all other regulations and portions of regulations shall be severable from the invalid regulation or portion and shall be presumed to be valid.

Note: Authority cited: Sections 5020.4, 5024.1, and 5024.6, Public Resources Code.

Reference: Section 11350, Government Code; California Drive-In Restaurant Asso. v. Clark (1943) 22 Cal.2d 287, 140 P.2d 657; Schenley Affiliated Brands Corp. v. Kirby (1971) 21 Cal.App.3d 177, 98 Cal.Rptr. 609.

**APPENDIX A:**

**A GLOSSARY OF TERMS**

**as used in the**

**CALIFORNIA REGISTER OF HISTORICAL RESOURCES**

**-A-**

**Archeological District.** An area defined by a significant concentration, linkage, or continuity of sites.

**Archeological Site.** A bounded area of a resource containing archeological deposits or features that is defined in part by the character and location of such deposits or features.

**The Archeological Resources Protection Act of 1979 (16 U.S.C. 470aa).** Provides for protection of terrestrial and submerged archeological resources. Authorizes criminal prosecution

## EXHIBIT B

for the excavation, removal, or damage of archeological resources on public or Indian lands without appropriate permit. Governs the transportation of illegally obtained materials, access to information, and the permitting process.

-B-

Boundaries. Lines delineating the geographical extent or area of an historical resource.

Building. A resource, such as a house, barn, church, factory, hotel, or similar structure, created principally to shelter or assist in carrying out any form of human activity. Also, used to refer to an historically and functionally related unit, such as a courthouse and jail or a house and barn.

-C-

California Historical Resources Information System (CHRIS). That collection of Site Records, Historic Resource Inventory Forms, and all information on historical resources which has been acquired and managed by the State Office of Historic Preservation since 1975. This shall include the State Historic Resources Inventory, the California Archaeological Site Inventory, properties listed in the National Register of Historic Places, California Registered Historical Landmarks, California Points of Historical Interest, and the California Register of Historical Resources.

Conservation Easement. A less than fee simple interest in real property recorded as a deed restriction which is designed to protect the historic, cultural, archeological, or ecological characteristics of a property. For purposes of the regulations in this chapter, it is interchangeable with the term "Preservation Easement."

Cultural Heritage. Pertaining to the sum total of traditions, body of knowledge, etc., inherited as possessions, characteristics, or conditions expressing a traditional way of life subject to gradual, but continuous modifications by succeeding generations.

Cultural Resource. See Historical Resource.

Culture. A linkage of people possessing shared values, beliefs, and historical associations coupling social institutions and physical materials necessary for collective survival.

-D-

Disclosure, archeological site. To make available any records that pertain to an archeological site. However, "archeological site disclosure" need not take place if the nomination of a resource to the California Register requires making known any records which relate to archeological site information when those records are maintained by either the Department of Parks and Recreation or the State Historical Resources Commission.

District. A geographic area which possesses a significant concentration, linkage, or continuity of sites, buildings, areas, structures, or objects which are united historically, culturally, or aesthetically by plan, history, or physical development. For purposes of the regulations in this chapter, this term is interchangeable with "Historic District."

## EXHIBIT B

**DPR Form 422. Department of Parks and Recreation Archeological Resources Inventory Form Number 422.**

**DPR Form 523. Department of Parks and Recreation Historic Resources Inventory Form Number 523.**

**-E-**

**Evaluation. A process carried out by the State Historical Resource Commission whereby the significance and integrity of an historical resource is judged, thereby determining its eligibility for listing.**

**-F-**

**Footprint. The form or pattern made by the perimeter of a building or other resource. Often used in connection with sketch maps or boundaries. A sketch map may show the footprint of historic resources as they are found on a parcel of land.**

**Formally Determined Eligible for Listing. An historical resource shall be considered "formally determined eligible for listing" when the State Historical Resources Commission accepts the nomination of the historical resource and designates the property as eligible for listing in the California Register.**

**-G-**

**Geographical Area. An area of land containing historical or archeological resources that can be identified on a map and delineated by boundaries.**

**-H-**

**Historic Context. An organizing structure for interpreting history that groups information about historical resources sharing a common theme, geographical area, or chronology. The development of "historic context" is a foundation for decisions regarding the planning, identification, evaluation, registration, and treatment of historical resources based upon comparative historic significance.**

**Historic District. A geographic area which contains a concentration of historic buildings, structures, or sites united historically, culturally, or architecturally. "Historic districts" are defined by precise geographic boundaries. Therefore, "historic districts" with unusual boundaries require**

## EXHIBIT B

a description of what lies immediately outside the area in order to define the edge of the district and to explain the exclusion of adjoining areas.

**Historic Fabric.** (1) With regard to an historic building, "historic fabric" means the particular materials, ornamentation, and architectural features which are consistent with the historic character of the building. (2) With regard to an historic district, "historic fabric" means all sites, buildings, structures, features, objects, landscaping, street elements, and related design components of the district which are consistent with the historic character of the district. (3) With regard to an archeological district, "historic fabric" means sites, standing structures or buildings, historic landscape (land disturbance such as grading or construction), features (remnants of walls), and objects (artifacts) which are consistent with the historic character of the district.

**Historic Integrity.** The ability of a resource to convey its historical significance.

**Historic Resources Inventory Form (DPR Form 523).** A document which describes the characteristics and locations of buildings, structures, objects, and districts recorded for inclusion in an Historic Resources Inventory.

**Historical Landmarks.** See State Historical Landmark.

**Historical Resource.** Any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or which is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural history of California.

**Historical Resources Inventory.** A set of data, such as a list of historical resources, generated through an Historical Resources Survey.

**Historical Resources Survey.** The process of systematically identifying, researching, photographing, and documenting historical resources within a defined geographic area.

-I-

**Identification.** The process by which information is gathered regarding historical resources.

**Information Center.** See Regional Information Center.

-L-

**Landscape, Cultural.** A geographic area that (1) has been used, shaped, or modified by human activity, occupation, intervention; or (2) possesses significant value in the belief system of a culture or society.

**Landscape, Designed.** A geographic area that (1) has significance as a design or work of art; (2) was consciously designed and laid out by (a) a designer according to academic or professional design standards, theories, or philosophies of landscape architecture; or (b) by an amateur using a recognized style or tradition; (3) has an historical association with a significant person, trend, or event in landscape gardening or landscape architecture; or (4) has a significant relationship to the theory or practice of landscape architecture.

## EXHIBIT B

**Landscape, Rural.** A geographic area that (1) has historically been shaped or modified by human activity, occupancy, or intervention; (2) possesses a significant concentration, linkage, or continuity of areas of land use, vegetation, buildings or structures, roads or waterways, or natural features; or (3) provides a sense of place.

**Listed.** A California Register historical resource shall be considered "listed" when (1) the State Historical Resources Commission, after reviewing the nomination of the historical resource, accepts it for listing in the California Register; or (2) it has been automatically "listed" under Public Resources Code Section 5024.1 (d)(1) & (2).

**Local government.** A public agency with land-use control authority over a designated historical resource. Local governments may include special district, tribal, city, or county governments.

**-M-**

**Manuscript.** (1) Bodies or groups of personal papers. (2) Collections of documents acquired from various sources according to a plan. (3) Individual documents acquired by a manuscripts repository because of their special importance. (Society of American Archivists)

**-N-**

**National Environmental Policy Act of 1969 (NEPA).** (42 U.S.C. 4321-4347 (1969) (amended)). Created a process by which to analyze significant environmental impacts, including impacts to historical resources, for federally funded or licensed actions.

**National Historic Preservation Act of 1966 (NHPA).** (16 U.S.C. 470 (1966) (amended)). Established the National Register of Historic Places. Created a partnership between federal, state, and local agencies to extend the national historic preservation programs to properties of state and local significance.

**National Register Criteria.** The federally established standards for evaluating the eligibility of properties for inclusion in the National Register of Historic Places.

**National Register of Historic Places, The.** (16 U.S.C. 470a, 36 C.F.R. Parts 60, 63). The official inventory of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, and culture which is maintained by the Secretary of the Interior under the authority of the Historic Sites Act of 1935 (16 U.S.C. 461-467 (1935) (amended)) and the National Historic Preservation Act of 1966 (16 U.S.C. 470 (1966) (amended)).

**Nomination.** A formal application, submitted to the State Historical Resources Commission, for listing an historical resource on the California Register of Historical Resources.

**-O-**

**Object.** Manifestations that are primarily artistic in nature, or are relatively small in scale and simply constructed. The "object" may be a fixture (real property) or movable (personal property). Although it may be movable by nature or design, an object must be associated with a specific

## EXHIBIT B

setting or environment. The "object" should be in a setting appropriate to its significant historical use, role, or character; for example, a fountain or boundary marker.

Officer. The State Historic Preservation Officer (SHPO) is appointed by the Governor under the authority of Public Resources Code Section 5020.6. The SHPO serves as the Chief Administrative Officer of the Office of Historic Preservation and Executive Secretary of the State Historical Resources Commission. The SHPO administers state and federally mandated historic preservation programs under the authority of the National Historic Preservation Act of 1966, Section 101 (b)(3), (16 U.S.C. 470 (1966) (amended)) and Cal. Pub. Res. Code Section 5024.

Owner. Those individuals, partnerships, corporations, or public agencies holding fee simple title to a resource. The term does not include individuals, partnerships, corporations, or public agencies holding easements or less than fee simple interests, including leaseholds.

-P-

Penal Code, Section 622.5. Provides misdemeanor penalties for every person, other than the owner, who injures or destroys objects of historical or archeological interest located on public or private lands.

Point of Historical Interest. The California Point of Historical Interest Program (Cal. Pub. Res. Code Section 5021) is a state historical resources registration program, established in 1965, which provides official recognition for historical resources that are significant at a county or regional level, but do not qualify for designation as California Registered Historical Landmarks.

Preservation (treatment). The act or process of applying measures to sustain the existing form, integrity, or historic fabric of an historical building or structure, or the form or vegetative cover of an historic site. It may include stabilization work, as well as ongoing maintenance of the historic fabric.

Preservation Commission. A city or county board of appointed citizens with assigned responsibilities for surveying, designating, and protecting historical resources. May also be called an historic review board, design review board, landmarks commission, or cultural heritage commission.

Primary Number. The number used to identify and retrieve records regarding a specific site in the California Historical Resources Information System. The Primary Number describes the location of a resource in the same manner as a Site Trinomial Number.

Protection (treatment). The act or process of applying measures to affect the physical condition of an historical resource by guarding it from deterioration, loss, or attack by natural causes, or to cover or shield it from threat of danger or harm. In the case of buildings or structures, these measures are usually temporary; however, with regard to archeological resources, protective measures may be temporary or permanent.

Public Resources Code, Section 5097.5. Defines as a misdemeanor the unauthorized disturbance or removal of archeological, historical, or paleontological resources located on public lands.



## EXHIBIT B

-R-

**Reconstruction (treatment).** The act or process of reproducing through construction the exact form and detail of a vanished building, structure, or object, or any part thereof, as it appeared at a specified period of time.

**Recordation.** Section 27288.2 of the Government Code and Section 5029 of the Public Resources Code require the County Recorder to record a certified resolution of historical resources designation containing the name of the current property owner, the historical resources registration program, the designating entity, the specific historical resources designation, and a legal description of the property.

**Regional Information Center.** An Information Center of the California Historical Resources Information System, under contract to the Office of Historic Preservation, which receives, manages, and provides information on historical and archeological resources. "An Information Center" may also provide training or technical assistance on a fee-for-service basis.

**Registration.** A program by which an historic resource is documented, evaluated, and determined eligible or nominated for listing as a type of historical resource. Such programs may be local, state, or national.

**Rehabilitation (treatment).** The act or process of returning a property to a state of utility through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.

**Research Design.** Reveals the logic that will be used to direct identification, documentation, investigation, analysis, or treatment of an historical resource that identifies the goals, methods and techniques, potential results, and the relationship of the potential results to other proposed activities or treatments.

**Resource, Contributing.** A resource which by location, design, setting materials, workmanship, feeling, and association adds to the sense of historical authenticity, historical development, or value of an historical resource.

**Resource, Non Contributing.** An historical resource which does not add to the sense of historical authenticity or evolution of an historic property or where the location, design, setting, materials, workmanship, history, and/or association of the historical resource have been so altered or deteriorated that the overall integrity of that resource has been irretrievably lost.

**Restoration (treatment).** The act or process of reproducing the exact form and detail of a vanished building, structure, or object, or a part thereof, as it appeared at a specific period of time.

-S-

**Secretary of Interior Standards.** Identified in the Secretary of the Interior Standards and Guidelines for Historic Preservation Projects (36 C.F.R.67), with accompanying interpretive guidelines, which are utilized by federal agencies in the preservation of historical properties that are listed, or are eligible for listing, on the National Register. They are also used by some State Historic Preservation Offices in evaluating projects proposed as historical resources in

## EXHIBIT B

accordance with federal regulations; or by local governments, organizations, and individuals in making decisions about the identification, evaluation, registration, or treatment of historic properties. The Secretary of the Interior's Standards for Rehabilitation is aimed at retaining and preserving those features and materials which are important in defining the historic character of an historical resource. Technical advice about archeological and historic preservation activities and methods is also included in the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation.

Site. A location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archeological value regardless of the value of any existing building, structure, or object. A "site" need not be marked by physical remains if it is the location of a prehistoric or historic event and if no buildings, structures, or objects marked it at that time. Examples include trails, designed landscapes, battlefields, habitation sites, Native American ceremonial areas, petroglyphs, and pictographs.

Site Record. A document which describes the characteristics and location of a site, and which has been completed for entry in the California Archaeological Site Inventory.

Site Trinomial Number. A site registration number assigned by the Office of Historic Preservation to a specific archeological resource under which all documentation for that resource will be recorded.

Stabilization (treatment). The act or process of applying measures designed to establish a weather resistant enclosure and the structural stability of an unsafe or deteriorated property, or one which has the potential to deteriorate or to become unsafe, while maintaining the essential form as it exists at present.

State Historic Preservation Officer (SHPO). See Officer.

State Historic Resources Inventory. Compilation of all identified and evaluated historical resources maintained by the State Office of Historic Preservation. It includes all those historical resources evaluated in surveys that were conducted in accordance with criteria established by the Office (see Appendix B) and were thereafter determined eligible for, or listed in, the National Register of Historic Places or designated as California Registered Historical Landmarks, California Points of Historical Interest, or the California Register of Historical Resources.

State Historical Building Code (SHBC). The State Historical Building Code is contained in Part 8 of Title 24 (State Building Standards Code) and applies to all qualified historical structures, districts, and sites designated under federal, state, or local authority. It provides alternatives to the Uniform Building Code in cases consistent with building regulations for the rehabilitation, preservation, restoration, or relocation of qualified historic structures designated as historic buildings.

State Historical Landmarks. The California Registered Historical Landmarks Program (Cal. Pub. Res. Code Section 5021) is a state historical resources registration program which was created in 1949 to recognize historical resources with regional and statewide significance to the history of California.

State Historical Resources Commission (SHRC). Commission appointed by the Governor under Public Resources Code Section 5020.4 and 5020.5. The SHRC has broad responsibilities for the statewide historic preservation program that include conducting a statewide inventory of

## EXHIBIT B

historical resources, establishing criteria for evaluating historical resources, and conducting public hearings to develop and review a statewide historical resources plan.

**Statement of Significance.** An organizational format which groups information about related historical resources based on theme, geographic units, and chronological period. The information should describe why the resource is significant within a relevant historic context.

**Structure.** A construction made for a functional purpose rather than creating human shelter. Examples of structures include mines, bridges, and tunnels.

**-T-**

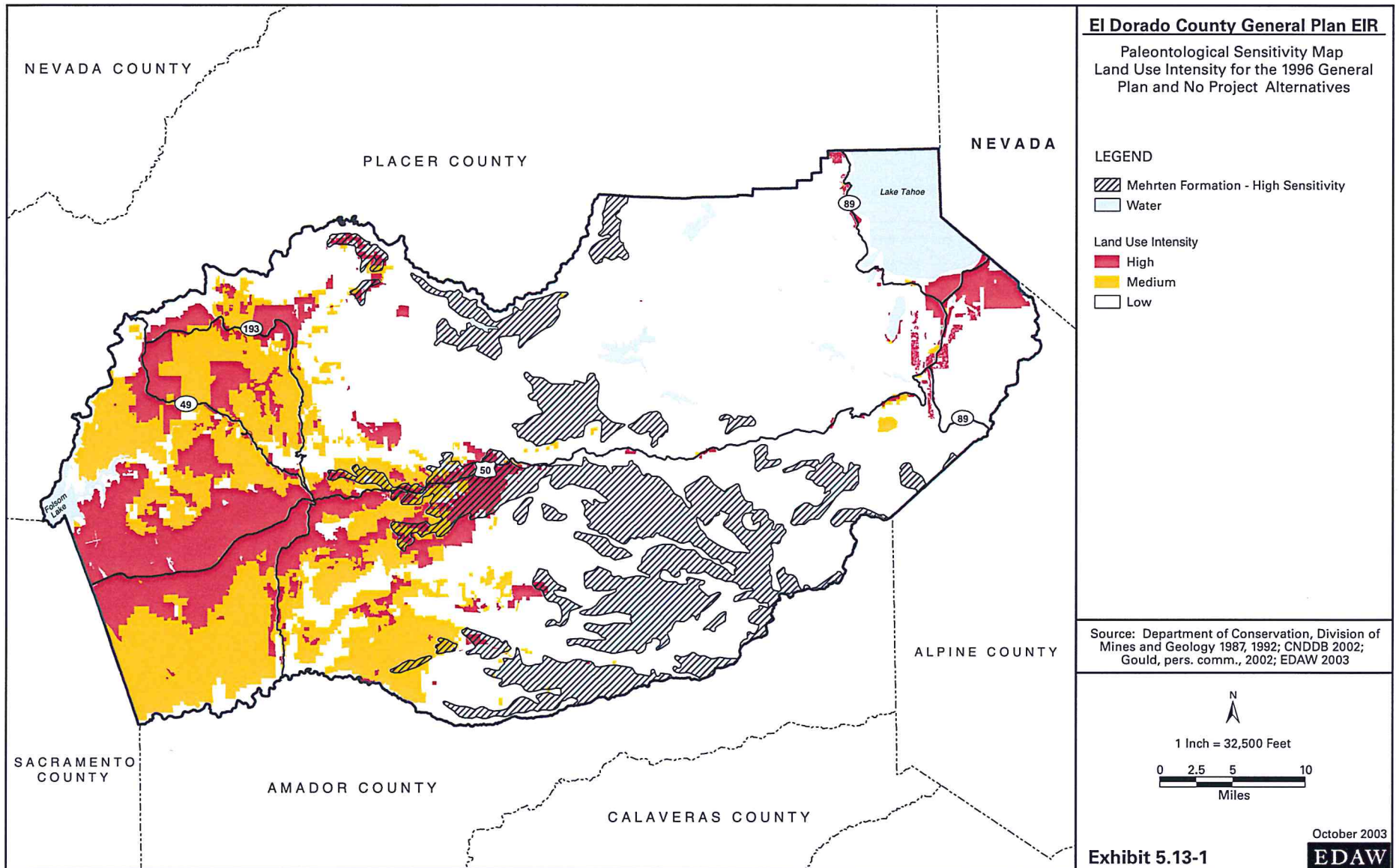
**Tax Certification.** A provision of federal tax law which, under certain conditions, allows money invested in capital rehabilitation to be deducted from income taxes owed. See those provisions for certified National Register structures which are included in the Economic Recovery Act of 1981 (Internal Revenue Code Sections 48, 168, 170, and 280B).

**Traditional Cultural Properties.** A geographic area or historical resource that embodies important cultural values. It may contain landscape characteristics that are the tangible evidence of the activities and habits of the people who occupied, developed, and shaped the land to serve their needs, or it may include several categories of properties. It may also contain, or consist primarily of, natural features which are important in a religious or belief system.

**-U-**

**UTM Coordinates.** A set of metric coordinates (easting and northing) that indicate a unique location according to the Universal Transverse Mercator grid appearing on maps of the United States Geological Survey.

EXHIBIT C



21. County Counsel recommending Board adopt findings and reaffirm its approval of contracts with Remy, Thomas and Moose; HDR Engineering, Inc.; Economic & Planning Systems, Inc.; and Resource Management International, Inc. **12370**

**RECOMMENDED ACTION:** Adopt interpretation policy that no additional economic and feasible findings are necessary for contracts in which there is no net County costs and County is reimbursed from a third-party source.

At the request of County Counsel this date, the matter was continued to February 3, 1998.

**BOARD ACTION** - Consent Calendar approved as recommended with exception of items 13 and 21 as noted; and Department Matter 52 added to the Consent Calendar and continued off calendar.

NBNuSU

**END CONSENT CALENDAR**

**DEPARTMENT MATTERS** (At the time the Board acts upon the Consent Calendar, it may select individual Department Matters to be moved to the Consent Calendar for approval, absent objections and/or requests of staff or the public to speak to those matters.)

- 50.** Planning Department submitting for introduction, Ordinance adding Chapter 2.29 to Title 2 of the Ordinance Code establishing a Cultural Resources Preservation Commission. **12280**

**BOARD ACTION** - Referred back to the Planning Director to incorporate modifications requested by the Board, and present to the Planning Commission for its review and recommendations; requested modifications as follows: include language emphasizing the Cultural Resources Preservation Commission (CRPC) is advisory in nature, in particular, advisory to the Planning Commission; include a "definitions" section, particularly to define the term "historical"; modify Section 2.29.020 to require "at least five" (rather than seven) members from professional disciplines and "at least five" (rather than eight) lay members; and modify Section 2.29.030 to clarify that among the three members appointed by each member of the Board of Supervisors, there will be at least one member each from the "professional" and "lay" categories, and to delete the requirement that Board members' appointees be residents of their Districts.

BNNuSU



**ORDINANCE No.** 4488

**S U M M A R Y**

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES  
ORDAIN AS FOLLOWS:**

This ordinance creates a commission to be known as the El Dorado County Cultural Resources Preservation Commission as mandated b the 1996 El Dorado County General Plan. The purpose of the Commission is to assist the county's planning commission, board of supervisors and planning staff in identifying and advising on implementation of goal 9.3 of the general plan where cultural and/or historical resources may be affected by a proposed land use project or upon request of the general public. Commission members are appointed by the board of supervisors and represent expertise in the areas of study identified in the ordinance. The Commission is also empowered to cooperate with local, state and federal authorities concerned with the preservation of cultural resources in the county.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 21ST day of APRI, 1998 by the following vote of said Board:

**SUPERVISORS:** WILLIAM S. BRADLEY, RAYMOND J. NUTTING, J. MARK NIELSEN, WALTER L. SHULTZ, JOHN E. UPTON

**ATTEST**

**DIXIE L. FOOTE**  
Clerk of the Board of Supervisors

By Margaret B. Moody  
Deputy Clerk

Noes: NONE  
Absent: NONE

John E. Upton  
Chairman, Board of Supervisors

**I CERTIFY THAT:**

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date \_\_\_\_\_

**ATTEST:** DIXIE L. FOOTE, Clerk of the Board of Supervisors of the County of El Dorado, State of California.

By \_\_\_\_\_  
Deputy Clerk



CORRECTED

**ORDINANCE No. 4488**

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES  
ORDAIN AS FOLLOWS:**

Section 1. Chapter 2.29 is hereby added to Title 2 of the El Dorado County Ordinance Code to read as follows:

Chapter 2.29

EL DORADO COUNTY CULTURAL  
RESOURCES PRESERVATION COMMISSION

2.29.010 Establishment and Purpose. There is created and established a commission of the county known as the "El Dorado County Cultural Resources Preservation Commission" and hereinafter referred to as the "Commission." The Commission is intended to be an advisory body to the planning commission on cultural resource matters within El Dorado County.

2.29.020 Definitions. As used in this chapter, the terms following shall have the following meanings:

A. Cultural resource/cultural heritage resource means improvements, buildings, structures, signs, features, sites, scenic areas, views and vistas, places, areas, landscapes, trees, or other objects of scientific, aesthetic, educational, cultural, architectural, or historical significance to the citizens of the county and the state of California, the Northern California region, or the nation which may be eligible for designation or designated and determined to be appropriate for historic preservation.

B. Discretionary project means a project which requires the exercise of judgment or deliberation when the public agency or body decides to approve or disapprove a particular activity, as distinguished from situations where the public agency or body merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations.

C. Historic district means any area containing a concentration of improvements which have a special character, historical interest, or aesthetic value, which possess integrity of location, design, setting, materials, workmanship, feeling and association, or which represent one or more architectural periods or styles typical to the history of the county, and that has been designated an historic district pursuant to provisions of this ordinance or nominated to the National Register of Historic Places.

D. Historic/historical means an historic building or site that is noteworthy for its significance in local, state, or national history or culture, its architecture or design, or its works of art, memorabilia, or artifacts.

E. Landmark/landmark sites means any site or improvements, man made or natural, which has special character or special historical, cultural, architectural, archaeological, community or aesthetic value as part of the heritage of the county or the nation which has been designated as a landmark pursuant to the provisions of this ordinance.

F. National Register of Historic Places means the nation's master inventory of known historic properties worthy of preservation. The National Register of Historic Places is administered by the National park Service on behalf of the Secretary of the Interior. National Register listings include buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archeological, or cultural significance. Properties listed are not limited those of nationwide significance; most are significant primarily at the state or local level.

G. Preservation means the identification, study, protection, restoration, rehabilitation or acquisition of cultural resources.

2.29.030 Appointments. The Commission shall consist of eleven (11) members having demonstrated interest, competence or knowledge in historic preservation. Five (5) Commission members shall be appointed from among professionals in the disciplines of archaeology, architecture, history, architectural history, planning, or other historic preservation-related disciplines such as American studies, American civilization, cultural geography, folklore, or cultural anthropology, to the extent that such professionals are available in the community. Five (5) Commission members shall also include lay members who have demonstrated special interest, competence, experience, or knowledge in historic preservation, American studies, cultural archaeology, anthropology, cultural geography or other historic preservation-related disciplines. Efforts will be made to fill the positions on the Commission with professional and lay members as highly qualified and representing as diverse a range of disciplines as possible. All members shall be residents of the county.

2.29.040 Terms of Office. Each member of the board of supervisors shall appoint two (2) members to the Commission, one of which shall be from the professional category and one from the lay category, as described in section 2.29.030 and the Museum Director. shall serve as the eleventh member. Terms shall coincide with each appointing supervisor's term of office.

Any vacancy in the office of any member of the Commission shall be filled in a like manner for the unexpired term of such office. As the term of any member of the Commission expires, his/her successor shall be appointed in a like manner as such member and each members will serve until his/her successor is appointed.



2.29.050 Meetings. The Commission shall meet at least once every quarter (at least four (4) times a year) and all meetings shall be held in accordance with the Ralph M. Brown Act and shall be open to the public except as provided by law. Special meetings may be called by the chair or a majority of the Commission.

2.29.060 Election of Officers. The first meeting of the Commission and thereafter at its first meeting of each subsequent year, the members shall elect a chair and a vice chair.

A quorum of the Commission shall be defined as six (6) voting members.

2.29.070 Staff Functions. The planning director or his/her designees shall serve as staff to the Commission. The County Museum Director shall serve as an *ex officio* member of the Commission.

2.29.080 Powers and Duties. The Commission shall have the following powers and duties.

A. Adopt rules and regulations for the conduct of its business in accordance with the provisions of this chapter.

B. Establish criteria and conduct, or cause to be conducted, a comprehensive survey in conformance with survey standards and guidelines of cultural heritage resources within the boundaries of the county. The Commission shall also publicize and periodically update the survey results.

C. Recommend the designation of cultural heritage resources including individual properties, landmark sites, conservation zones, and historic districts.

D. Maintain a local register of cultural heritage resources consistent with the National Register of Historic Places criteria including historic districts, landmark sites, and landmarks within the county including all information required for each designation.

E. Review and comment upon the conduct of land use, housing and redevelopment, capital improvements, and other types of planning and programs undertaken by any agency of the county, or state, as they relate to the survey results and cultural heritage resources of the county.

F. Propose prescriptive standards to be used by the Commission in reviewing applications for permits to construct, change, alter, modify, remodel, remove, or significantly affect any cultural resource.

G. Advise the board of supervisors regarding recommendations for the purchase by the county of fee or less-than-fee interests in property, transfer of development rights, easements, or other mechanisms for purposes of cultural heritage resources preservation.

H. Investigate and make recommendations to the board of supervisors on the use of various federal, state, local, or private

funding sources and mechanisms available to promote cultural resource preservation in the county.

I. Review all applications for discretionary projects, environmental assessments, environmental impact reports, environmental impact statements, and other similar documents as set forth in this ordinance, pertaining to designated and potential cultural resources, or related neighboring property within public view. The planning department shall forward all such documents to the Commission for review and comment, prior to review and approval by the zoning administrator or planning commission, as appropriate.

J. Review the actions and proposed actions and advise environmental review processes of all county departments and public agencies concerning the effects of their actions, programs, capital improvements, or activities on designated and potential cultural resources.

K. Recommend hiring staff, retaining consultants and conducting studies as the Commission deems desirable or necessary, by the board of supervisors.

L. Cooperate with local, state and federal governments in the pursuit of the objectives of cultural resource preservation.

M. Keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determinations, and decisions. All such material shall be a public record.

N. Render advice and guidance, upon the request of the property owners or occupants, on the restoration, alteration, decoration, landscaping, or maintenance of any cultural resource including landmarks, landmark sites, historic districts, or neighboring properties within public view.

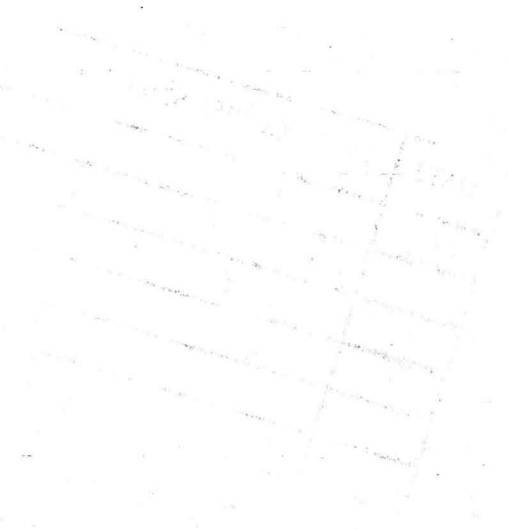
O. Encourage and render advice and guidance to property owners or occupants on procedures for inclusion of a cultural resource on the National Register of Historic Places.

P. Participate in, promote, and conduct public information, educational, and interpretive programs pertaining to cultural resources preservation.

Q. Confer recognition upon the owners of landmarks or property or structures within historic districts by means of certificates, plaques, or markers, and from time to time issue commendations to owners of cultural resources who have rehabilitated their property in an exemplary manner.

R. Undertake any other action or activity necessary or appropriate to the implementation of its powers or duties to fulfill the objectives of cultural resource preservation.

Section 2: This ordinance shall take effect and become effective thirty (30) days after the adoption hereof.



PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 21ST day of APRIL, 1998, by the following vote of said Board:

SUPERVISORS: WILLIAM S. BRADLEY, RAYMOND J. NUTTING, J. MARK NIELSEN, WALTER L. SHULTZ, JOHN E. UPTON

**ATTEST**

**DIXIE L. FOOTE**  
Clerk of the Board of Supervisors

By Margaret Moody  
Deputy Clerk

Noes: NONE  
Absent: NONE

John E. Upton  
Chairman, Board of Supervisors

**I CERTIFY THAT:**

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date \_\_\_\_\_

**ATTEST:** DIXIE L. FOOTE, Clerk of the Board of Supervisors of the County of El Dorado, State of California.

By \_\_\_\_\_  
Deputy Clerk

57. Planning Department recommending the Cultural Resources Preservation Commission be disbanded and members of the Board of Supervisors be appointed to a subcommittee to work with staff with regard to revisions to El Dorado County Ordinance 4488 addressing the protection and preservation of cultural resources in the County. (Referred 10/0/02, Item 58)

**BOARD ACTION** - Cultural Resources Preservation Commission **disbanded** and Supervisors Borelli and Paine appointed to a subcommittee to work with staff in making revisions to Ordinance 4488 that will address the protection and preservation of cultural resources in the County. BPDBaS

58. Administration recommending the following pertaining to Health Insurance Portability and Accountability Act (HIPAA) Phase II:

(1) Receive report and presentation on the status of Phase II HIPAA compliance activities;

(2) Approve the designation of El Dorado County as a Hybrid Entity, and approve the recommended organizational structure in relation to current HIPAA regulations;

(3) Direct the Chief Administrative Officer to implement the requirements for a County Privacy Official (CPO) including the establishment of a Compliance Advisory Committee;

(4) Authorize continuation of the HIPAA Project Management Office (PMO) until an orderly transition of administration under a designated Privacy Official is completed;

(5) Direct the PMO/CPO to coordinate Phase III privacy remediation efforts; and

(6) Direct the PMO/CPO to collect and document compliance information from the County's Business Associates under HIPAA regulations.

**BOARD ACTION** - Approved.

BPDBaS

52. Transportation Department recommending adoption of Resolution **030-2003** authorizing the Director of said Department to apply for second round funding from the State Energy Commission to defray a portion of the cost of battery backup systems for County traffic signals; accept a second round grant of up to \$4,453, if approved by said Commission; and execute all necessary grant documents relating to same.

**BOARD ACTION** - Resolution **030-2003** adopted accordingly. BPDBaS

53. Planning Department recommending the following pertaining to the Ecological Preserve/Rare Plant Mitigation In-Lieu Fee Program:

(1) Authorize Chairman to sign Amendment 001 to Agreement PLS-01-03 with Economic and Planning Systems increasing the not to exceed amount by \$14,750 to \$34,750; and

(2) Approve Budget Transfer 23120 increasing Estimated Revenue by \$14,750 to accomplish same. (4/5 vote required)

**BOARD ACTION** - Approved. BDBaPS

54. Planning Department recommending a Tri-County (Alpine, Amador and El Dorado Counties) Board Meeting be scheduled for 2:00 p.m. on Tuesday, March 18 or March 25, 2003 in the El Dorado County Board of Supervisors Meeting Room.

**BOARD ACTION** - Board approved March 18, 2003, for the Tri-County Board Meeting. DBBaPS

55. Adoption of Ordinance **4621** repealing Chapter 2.29 of Title 2 of the El Dorado County Ordinance Code relating to the Cultural Resources Preservation Commission. (Introduced 2/4/03, Item 63)

**BOARD ACTION** - Ordinance **4621** adopted accordingly. BPDBaS

TRP/km  
2-29ord  
01/29/03



**ORDINANCE No.** 4621

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES  
ORDAIN AS FOLLOWS:**

Section 1. Chapter 2.29 of Title 2 of the El Dorado County Ordinance Code is hereby repealed in its entirety.

Section 2. This ordinance repeal shall take effect and shall become effective thirty (30) days following the adoption hereof.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the 11th day of February, 2003, by the following vote of said Board:

Ayes DUPRAY, BAUMANN, BORELLI, PAINE, SOLARO

**ATTEST**

**DIXIE L. FOOTE**

Clerk of the Board of Supervisors

By Margaret E. Moody  
Deputy Clerk

Noes: NONE  
Absent: NONE

John H. Baumann  
Chairman, Board of Supervisors

**I CERTIFY THAT:**

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

Date \_\_\_\_\_

ATTEST: DIXIE L. FOOTE, Clerk of the Board of Supervisors  
of the County of El Dorado, State of California.

By \_\_\_\_\_  
Deputy Clerk

## EXHIBIT F

### 5.13 CULTURAL RESOURCES

This section addresses the ways in which prehistoric and historic cultural resources found in El Dorado County could be affected by future development projects and offers mitigation for those impacts. A consideration of potential effects on cultural resources relies heavily on qualitative assessments of numerous factors such as the nature of landforms, nearby water sources, proximity of floral and faunal species, presence of mineral resources, and timber type and quantity.

Potential impact on cultural resources in El Dorado County were assessed using two main research techniques. First, records maintained by the North Central Information Center (NCIC) of the California Historical Resources Information System (CHRIS) at California State University, Sacramento, were examined to gain an overview of the location and nature of archaeological and historic sites in the county. Second, prime factors affecting prehistoric and historic land use patterns were considered based on an examination of the elements of various archaeological predictive models (Berry 1984; Heizer and Baumhoff 1956; Judge and Sebastien 1988; Kohler 1988; Kvamme 1985; Plog and Hill 1971; Trigger 1968; Williams et al. 1973). Based on this research, it is appropriate to conclude that in general, areas exhibiting slopes of less than 25% within 100 feet of a natural perennial water source are the most sensitive and likely to contain at least prehistoric sites, features, or artifacts.

A discipline frequently associated with cultural sites and artifacts is paleontology. Paleontology is the study of the remains, typically fossilized, of various plant or animal species such as dinosaurs and early mammals and not the traces of human cultural activity or human remains themselves. Paleontological remains are found in sedimentary rock formations. El Dorado County's geology is predominantly igneous (volcanic) in nature and the type of sedimentary deposits where such remains might be present are virtually nonexistent. No comprehensive paleontological studies have been conducted within the county and, as a result, no information is available regarding the sensitivity of certain areas in El Dorado County to contain such resources. While paleontological finds could occur in river and stream gravel deposits within the county, this possibility would not be expected and is remote. Consequently, paleontology is an area of research and concern generally not applicable to the county.

#### 5.13.1 EXISTING CONDITIONS

##### PHYSICAL ENVIRONMENT

With elevations ranging between 200 feet in the western portion of the county to more than 10,000 feet in the Sierra Nevada to the east, El Dorado County possesses a varied range of

Table 5.13-2 California State Historic Landmarks Located in Unincorporated El Dorado County		
No.	Landmark	Location (Town)
143	Marshall Monument	Coloma
319	Marshall's Blacksmith Shop	Kelsey
456	Shingle Springs	Shingle Springs
484	Town of Georgetown	Georgetown
486	Town of El Dorado ("Mud Springs")	El Dorado
487	Town of Diamond Springs	Diamond Springs
521	Town of Greenwood	Greenwood
530	Gold Discovery Site	Coloma
551	California's First Grange Hall	Pilot Hill
569	Mormon Island	NE of Folsom
570	Negro Hill	NE of Folsom
571	Salmon Falls	NE of Folsom
572	Condemned Bar	NE of Folsom
699	Mormon Tavern-Pony Express Route	Clarksville
700	El Dorado-Nevada House-Pony Express Route	El Dorado
701	Placerville-Pony Express Route	Placerville vicinity
703	Pleasant Grove House-Pony Express Route	Rescue
704	Sportsman's Hall-Pony Express Route	Cedar Grove
705	Moore's (Riverton)-Pony Express Route	Kyburz
706	Webster's (Sugar Loaf House)-Pony Express Route	Kyburz
707	Strawberry Valley House-Pony Express Route	Kyburz
708	Yank's Station-Pony Express Route	Meyers
747	Coloma Road (Rescue)	Rescue
748	Coloma Road (Coloma)	Coloma
815	Wakamatsu Tea and Silk Farm Colony	Gold Hill

Source: CRHR 2003



developed exchange systems had evolved and mortuary practices with elaborate ceremonialism indicate a well-stratified society. Earlier Augustine Pattern sites, however, still bear many similarities to the Berkeley Pattern, suggesting that the Augustine Pattern represents elements of local innovation and a blending of traits with the Middle Horizon (Fredrickson 1973; Jackson and Schulz 1975; Johnson 1977; Moratto 1984).

Early Native American occupation has resulted in sites being distributed throughout the county, and stone tool scatters, midden deposits, and small campsites can be found in many areas, particularly where natural water sources are located. In general, such evidence is comparatively subtle, although more substantial traces of intensive prehistoric occupation and activities can be seen in stone quarries and bedrock mortars and large village sites with house pits. Prehistoric artifacts, features, and sites are found throughout the county, although larger sites and more dense midden and artifact deposits tend to occur at lower elevations in the Sierra foothills.

### Ethnography

Before the arrival of large numbers of people of European descent beginning in the mid-19th century, three main groups of Native Americans inhabited El Dorado County. The Nisenan (or "Southern Maidu") occupied the northern portion of the county in an area stretching from Folsom Reservoir to just west of Lake Tahoe and about as far south as several miles south of present-day U.S. Highway 50 (U.S. 50). (Dixon 1905; Kroeber 1925, 1929, 1932; Moratto 1984; Wilson and Towne 1978.) Eastern Miwok peoples lived in a region generally south of U.S. 50, stretching from near Latrobe in the west to the vicinity of Strawberry in the east (Bennyhoff 1977, Moratto 1984). The higher elevation areas to the west and south of Lake Tahoe were occupied by the Washoe people (Kroeber 1925).

Culturally, the Nisenan and Miwok possessed a wide range of political, economic, and technological systems that clearly differentiated the two groups. However, they shared many basic traits with one another, particularly in terms of settlement and subsistence patterns. Both the Nisenan and Miwok, at least in the foothill sections of El Dorado County, relied heavily on various species of acorns as a staple food source. Ample evidence for their heavy exploitation of acorns can be found in the bedrock and boulder mortars found throughout the region that were used from prehistoric times until well after extensive European contact in the middle of the 19th century. Political structure, religious and ceremonial practices, and overall worldview all share basic similarities, yet each group maintained a distinctive cultural identity (Beals 1933; Kroeber 1925; Wilson and Towne 1978).

the landscape, particularly at higher elevations where dense stands of valuable fir and pine existed. These camps moved with the cutting and tent platforms; traces of temporary structures and refuse deposits associated with these camps can be found throughout the county. More substantial logging-related sites in the county include log chutes, mills, and narrow-gauge rail grades such as the Camino Michigan-California line (1903), the Diamond and Caldor line (1902) and the Camino, Placerville and Lake Tahoe line (1904).

With the increasing popularity of Lake Tahoe as a recreation destination in the late 19th century, and the formation of the Eldorado National Forest in 1910, the Mormon Emigrant Trail, the Carson Emigrant Trail, the Pony Express Trail and other lesser-known routes evolved into more developed roadways. State Route (SR) 88 and U.S. 50 roughly follow some of these trails. Former Pony Express stations such as the Sportsman's Hall in Pollock Pines still exist today and small settlements such as Kyburz and Strawberry sprang up to serve travelers to the National Forest and the Lake Tahoe Basin. Some of the buildings in these towns, and the roadways and associated structures still visible, represent some of the more prominent transportation-related cultural resources in the county.

#### **REGULATORY/PLANNING ENVIRONMENT**

Cultural resources in California are protected by a number of federal, state, and local regulations, statutes, and ordinances. Management of cultural resources within the state is guided in large part by the provisions of CEQA and the National Historic Preservation Act (NHPA) of 1966. Because these programs are interrelated they are discussed together.

The NHPA includes and provides for:

- the Advisory Council on Historic Preservation (ACHP), which is authorized by the Secretary of the Interior to maintain the NRHP;
- approval by the Secretary of the Interior of state historic preservation programs that provide for a State Historic Preservation Officer (SHPO); and
- a National Historic Preservation Fund program.

Section 106 of the NHPA requires that federal agencies take into account the effects of their actions on properties that may be eligible for or listed on the NRHP, and afford the ACHP a reasonable opportunity to comment. To determine whether an undertaking could affect NRHP-eligible properties (of which there are currently 79 in El Dorado County), all cultural sites that could be affected must be inventoried and evaluated for inclusion on the NRHP.

programs in the form of insured loans for the preservation of NRHP-listed properties are outlined in Section 106 of the NHPA.

Determining the CRHR eligibility of historic and prehistoric properties is guided by CCR §§15064.5(b) and Public Resources Code (PRC) §§21083.2 and 21084.1. NRHP eligibility is based on similar criteria outlined in Section 106 of the NHPA (16 U.S. Code [USC] 470). In both the CRHR and NRHP, cultural resources are defined as buildings, sites, structures, or objects that may have historical, architectural, archaeological, cultural, or scientific importance. A cultural resource may be eligible for listing on the CRHR and/or NRHP if it:

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

In California, if a prehistoric or historic resource does not necessarily meet any of the four CRHR criteria, but does meet the definition of a "unique" site as outlined in PRC §21083.2, it may still be treated as a significant resource. This is the case if it is

... an archaeological artifact, object or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- it contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information,
- it has a special and particular quality such as being the oldest of its type or the best available example of its type, or
- it is directly associated with a scientifically recognized important prehistoric or historic event.

**5.13.2 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES**

**THRESHOLDS OF SIGNIFICANCE**

The General Plan would result in a significant impact if development would disrupt or adversely affect any of the following:

- a prehistoric or historic archaeological site or property of historic or cultural significance to a community or ethnic social group;
- a prehistoric or historic archaeological site determined to be an “important archaeological resource” as defined in the CEQA Guidelines;
- a property that is listed or eligible for listing on the CRHR or NRHP; or
- any human remains, historic or prehistoric, including those interred outside of marked formal cemeteries.

Impact  
5.13-1

**Destruction or Alteration of Known and Unknown Prehistoric and Historic Sites, Features, Artifacts, and Human Remains.** Development under the General Plan would adversely affect the integrity and importance of known and unknown and historic cultural resources and human remains located in the county. This impact is considered **significant** for all four equal-weight alternatives. The severity of this impact would be greatest under the 1996 General Plan Alternative, followed by the No Project, Roadway Constrained 6-Lane “Plus,” and Environmentally Constrained Alternatives. Impact significance before and after mitigation is shown in the table below.

Impact	Significance Before Mitigation*							
	Alt. #1 (No Project)		Alt. #2 (Roadway Constrained 6-Lane “Plus”)		Alt. #3 (Environmentally Constrained)		Alt. #4 (1996 General Plan)	
	2025	Buildout	2025	Buildout	2025	Buildout	2025	Buildout
5.13-1: Destruction or Alteration of Documented and Undocumented Prehistoric and Historic Sites, Features, Artifacts, and Human Remains	S <sub>2</sub>	S <sub>2</sub>	S <sub>3</sub>	S <sub>3</sub>	S <sub>4</sub>	S <sub>4</sub>	S <sub>1</sub>	S <sub>1</sub>

impacts on recorded and undocumented prehistoric and historic sites, features, or objects. An additional factor to consider is the review process afforded potential development. The more rigorous and inclusive the review, the greater the potential to avoid or mitigate potential impacts on cultural resources.

NR and OS land uses present, in relative terms, less of a potential threat to cultural resources than appears at first glance. While impacts such as recreational use and park developments can pose very real dangers to significant cultural resources, the intensity of these activities is, in general, minimal. As such, the number of acres subject to low-intensity use, while certainly warranting consideration in an assessment of impacts on cultural resources, is not necessarily the figure of greatest concern. It is the occurrence of loss of culturally sensitive acres as a result of high and medium levels of land use that is of primary interest in relation to all the alternatives. This is because of the fact that these uses would result in greater degrees of soil disturbance and alteration of topography within sensitive areas, potentially altering or destroying documented archaeological and historic materials.

Any level of ground disturbance within the county, regardless of intensity, has the potential to significantly affect cultural resources. As previously noted in this section, prehistoric and historic cultural resources can occur anywhere on the landscape regardless of topography, but areas with various floral, faunal, and mineral resources, areas located near surface water, areas with low degrees of slope occurring in the immediate vicinity of perennial, natural water sources are most likely to contain cultural resources. Although impacts on any lands are a matter of concern regarding prehistoric and historic sites, areas with low slope (<25%) in close proximity to natural water sources are generally more sensitive. The loss of such areas to development projects as a result of any alternative is of particular concern and is quantified in Table 5.13-3.

Ground disturbance and the potential loss of culturally sensitive acreage do not constitute the only major potential threats to the integrity of cultural resources in El Dorado County. Historic buildings and structures can be adversely impacted by modification or demolition. Also, new development next to historic structures and buildings can impact the resource by potentially compromising the resource's historic character. The alteration or destruction of historic buildings and structures and their historic settings, particularly those listed on the CRHR/NRHP or determined eligible for listing, constitutes a potential impact.

This alternative would result in dispersed development and development in rural and more remote areas of the county. While such development might appear to be a worst-case scenario in terms of impacts on cultural resources, this is not necessarily the case. Development of single homes on existing lots and the limited subdividing of parcels could allow more flexibility in the actual placement of buildings and structures.

The most significant potential impacts on cultural resources situated within the county under the No Project Alternative at 2025 would be from ministerial development consisting primarily of single-family homes on individual parcels. It has been projected that approximately 21,434 housing units would be constructed by 2025 and that there would be commercial and industrial development to support 36,188 jobs (see Tables 4-5 and 4-6). The majority of this development is projected to occur in the areas covered by the known DAs. The largest number of units are predicted to occur in the El Dorado Hills (13,104 units and 25,255 jobs) and Cameron Park/Shingle Springs/Rescue (3,134 units and 13,861 jobs) market areas.

One problem not addressed by any of the policies for this alternative (or the other equal-weight alternatives) is the degree to which ministerial development would affect cultural resources at 2025. This is particularly relevant to the No Project Alternative because the Writ prohibits new residential subdivisions, except in areas already approved and vested before the Writ. A large percentage of development projected to occur under all scenarios would not be subject to discretionary review because it would occur by right on legal parcels, such as residences constructed on legal parcels with no subdivision of land. If not subjected to effective mitigation measures, ministerial development projects could present a far greater threat to the integrity of cultural resources in the county than discretionary developments.

As outlined below, the policies applied to the No Project Alternative do not constitute effective cultural resource management tools for the County because they do not provide prescriptive measures. These policies include, but are not limited to, the encouragement of Native American participation and advisement on cultural resource studies (Policy 7.5.1.1); basic guidelines for the treatment of cultural resources (Policy 7.5.1.1); use of NRHP- or CRHR-comparable significance criteria in the evaluation of resources (Policy 7.5.1.1); the maintenance of the character or replication of historic structures subject to alteration or demolition (Policy 7.5.2.5); and the creation of Historic Districts (Historic Design Control Districts) (Policy 7.5.2.1). Further, because of the application of the Writ, much of the future development under the No Project Alternative at 2025 is ministerial in nature, and ministerial projects are not typically subject to General Plan policy review. Levels of cultural resource protection afforded by the policies in the No Project Alternative can be categorized according to two levels:

effective preservation mechanism. In addition, this specific policy does not consider undocumented historic or prehistoric cemetery sites. As a result of these and other deficiencies, implementation of these policies (and objective) would not result in reducing the impacts of development.

As currently written, the policies generally would not provide for adequate levels of recordation, preservation, and management of documented prehistoric and historic cultural resources subject to impacts resulting from ministerial or discretionary development projects. Taken as a whole, many elements of the policies tend to mirror CEQA cultural resource provisions, but they do not provide additional specific mechanisms suitable for mitigating impact of ministerial development projected under the No Project Alternative at 2025. This impact is considered significant.

#### *No Project Alternative (Buildout)—Impact Discussion*

The most significant potential impacts on cultural resources situated within El Dorado County under this alternative at buildout would result from the potential for the construction of high-intensity commercial developments. As discussed above under No Project Alternative (2025)—Impact Discussion, because of the application of the Writ and its limitation on subdivision, high-intensity residential developments will not occur except in the areas covered by existing DAs.

The most intensive areas of probable development are projected to be in the El Dorado Hills (13,205 units), Cameron Park/Shingle Springs/Rescue (4,326 units), and Georgetown/Garden Valley (2,023 units) Market Areas.

Impacts on culturally sensitive acreage are expected to be greater at buildout than at 2025 (see Table 5.13-3) because of increased development and the dispersal of development to outlying areas within the county. It is expected that all residential development after 2025 would occur on existing legal parcels requiring only ministerial permits. Approximately 8,086 housing units are projected to be built after 2025; these units are expected to be constructed not in dense clusters but across the county landscape, affecting a wide variety of landforms, including those most likely to contain cultural resources. In addition, in the absence of policies, this ministerial development could be conducted in what amounts to a regulatory void where only ministerial standards and not General Plan policies apply. This would present a substantial risk to documented and undocumented cultural resources.

policies are similar to those presented in the 1996 General Plan and discussed above under No Project Alternative (2025)—Impact Discussion. However, several important differences stand out and are discussed below.

As with the No Project Alternative, levels of cultural resource protection afforded by the policies for the Roadway Constrained 6-Lane “Plus” Alternative can be categorized as Level 1 and Level 2 policies. Level 1 policies include Policies CO-8b, CO-8c, and CO-8d. Taken as a whole, these policies are the most effective of the Roadway Constrained 6-Lane “Plus” Alternative policies in that they provide succinct quantitative means for the recordation, protection, and management of cultural resources in the county and form the basis for the formulation and implementation of subsequent policies. These include the adoption of a Cultural Resources Preservation Ordinance (similar to that discussed for the No Project Alternative), onsite monitoring of all project-related ground disturbances, and the development of mitigation measures designed to reduce adverse effects before approval of development projects.

When taken as a whole, Policies CO-8b, CO-8c, and CO-8d would be effective in reducing significant cultural resource impacts stemming from projected developments under the Roadway Constrained 6-Lane “Plus” Alternative. This is especially the case for Policy CO-8b, which would require that an archaeological monitor be present during all ground-disturbing activities on discretionary projects.

Level 2 policies include Policies CO-8a, CO-9a through CO-9c, and CO-10a and CO-10b. Some Level 2 policies, including CO-9a, CO-9b, and CO-9c, could contribute toward the preservation of historic resources through the definition and establishment of CEQA-equivalent Historic Design Control Combining Zone District(s) (CEQA “Historic District[s]”). These policies are, in effect, the same as those policies articulated in the 1996 General Plan and discussed above (please refer to No Project Alternative (2025)—Impact Discussion).

Additional Level 2 policies proposed for the Roadway Constrained 6-Lane “Plus” Alternative include Policies CO-8e and CO-10b. Taken as a whole and as currently written, these policies do not constitute effective means by which to reduce the potential impacts related to projected levels of development under this alternative. Specifically, Policies CO-8e and CO-10b do not incorporate mechanisms that would protect cultural resources or mitigate the effects of all development.

As currently written, the policies would, in general, not provide for adequate levels of recordation, preservation and management of documented prehistoric and historic cultural



Under the Environmentally Constrained Alternative, high- and low-density residential development would be focused in presently existing centers, discouraging dispersed development and maintaining rural centers. Under this scenario, development would occur primarily in these defined areas, allowing for a certain degree of control in terms of placement of development in relation to the locations of documented cultural resources and areas most likely to contain undocumented cultural resources.

Under this alternative, agricultural and environmental resources would receive the most stringent protections. By default, the protection of some natural resources, particularly those within and surrounding perennial natural water sources, would result in greater levels of protection for undocumented prehistoric cultural resources and associated human remains in particular. As discussed previously in this section, prehistoric sites and remains tend to cluster around perennial water, and they would, by association, receive greater protection under this alternative. This protection of environmentally and, by potential association, culturally sensitive areas, in combination with focused residential development subject to the provisions of CEQA, would result in the least impacts on cultural resources of all four equal-weight alternatives. However, this impact is still considered significant.

#### *Environmentally Constrained Alternative (Buildout)—Impact Discussion*

The projected population increase of 137,688 residents under this alternative at buildout is expected to lead to the construction of approximately 55,078 housing units (see Tables 4-5 and 4-6). While the majority of this development is projected to occur in the El Dorado Hills (18,786 units), Cameron Park/Shingle Springs/Rescue (11,827 units), and Diamond Springs (5,476 units) Market Areas, other portions of El Dorado County would also be affected by extensive increased high-intensity land use. Culturally sensitive acres would be subject to the same types of potential impacts noted previously except that at buildout, these impacts would be greater because of increased development (see Table 5.13-4). This impact is considered significant.

#### **1996 General Plan Alternative (Alternative #4)**

##### *Relevant Goals/Policies—1996 General Plan Alternative*

For the relevant policies of the 1996 General Plan Alternative, please refer to the policies listed above under Relevant Goals/Policies—No Project Alternative.

### **Mitigation Measure 5.13-1—No Project Alternative**

The County shall implement all of the following measures:

- Mitigation Measure 5.13-1(a): Implement Mitigation Measure 5.1-3(a)
- Mitigation Measure 5.13-1(b): Treat Significant Resources in Ministerial Development in Accordance with CEQA Standards
- Mitigation Measure 5.13-1(c): Adopt a Cultural Resources Ordinance
- Mitigation Measure 5.13-1(d): Define Historic Design Control Districts
- Mitigation Measure 5.13-1(e): Prohibit Significant Alteration or Destruction of NRHP/CRHR Listed Properties

These potential mitigation measures are described below. With implementation of these mitigation measures, impacts would be reduced to a less-than-significant level.

#### ***Mitigation Measure 5.13-1(a): Implement Mitigation Measure 5.1-3(a)***

The County shall implement Mitigation Measure 5.1-3(a) described in Section 5.1, Land Use and Housing. This measure provides for a review process for all development projects in El Dorado County to determine whether they conform to General Plan and other County policies regarding natural and cultural resources.

This mitigation measure would contribute to reducing impacts on undocumented and documented cultural resources to a less-than-significant level. The review process would serve to identify the presence of undocumented cultural resources and corroborate data on documented cultural resources.

#### ***Mitigation Measure 5.13-1(b): Treat Significant Resources in Ministerial Development in Accordance with CEQA Standards***

The County shall implement the following new policy:

**New Policy:** The County shall treat any significant cultural resources (i.e., those determined CRHR/NRHP eligible), documented as a result of a conformity review for ministerial development, in accordance with CEQA standards.

*Mitigation Measure 5.13-1(d): Define Historic Design Control Districts*

The County shall replace Policy 7.5.2.2 with the following:

**New Policy 7.5.2.2:** The County shall define Historic Design Control Districts (HDCDs). HDCD inclusions and boundaries shall be determined in a manner consistent with NHPA Historic District standards.

- A. The County shall develop design guidelines for each HDCD. These guidelines shall be compatible with NHPA standards.
- B. New buildings and structures and reconstruction/restoration of historic (historic as per NRHP and CRHR criteria) buildings and structures shall generally conform to styles of architecture and construction prevalent during the latter half of the 19th century into the first decade of the 20th century.
- C. Any historic building or structure located within a designated HDCD, or any building or structure located elsewhere in the county that is listed on the NRHP or CRHR, is designated a California Building of Historic Interest, or a California State Historic Landmark, or is designated as significant as per NRHP/CRHR criteria, shall not be destroyed, significantly altered, removed, or otherwise changed in exterior appearance without a design review.
- D. In cases where the County permits the significant alteration of a historic building or structure exterior, such alteration shall be required to maintain the historic integrity and appearance of the building or structure and shall be subject to a design review.
- E. In cases where new building construction is placed next to a historic building or structure in a designated HDCD or listed on the CRHR/NRHP, the architectural design of the new construction shall generally conform to the historic period of significance of the HDCD or listed property.
- F. In cases where the County permits the destruction of a historic building or tearing down structure, the building or structure shall first be recorded in a manner consistent with the standards of the NHPA Historic American Building Survey (HABS) by a qualified professional architectural historian.

- Mitigation Measure 5.13-1(e): Prohibit Significant Alteration or Destruction of NRHP/CRHR Listed Properties
- Mitigation Measure 5.13-1(f): Compile and Provide Access to Cultural Resources Data Not Documented in NCIC Files
- Mitigation Measure 5.13-1(g): Ensure that Proposed Projects Do Not Disturb Human Interments

These potential mitigation measures are described below. With implementation of these mitigation measures, impacts would be reduced to a less-than-significant level because cultural resources would receive adequate protection.

***Mitigation Measure 5.13-1(a): Implement Mitigation Measure 5.1-3(a)***

Please refer to the proposed mitigation measure for the No Project Alternative above.

***Mitigation Measure 5.13-1(b): Treat Significant Resources in Ministerial Development in Accordance with CEQA Standards***

Please refer to the proposed mitigation measure for the No Project Alternative above.

***Mitigation Measure 5.13-1(c): Adopt a Cultural Resources Ordinance***

The County shall revise Policy CO-8a as follows:

**Revised Policy CO-8a:** The County shall adopt a Cultural Resources Preservation Ordinance to address the inventory, preservation, protection, and management of prehistoric and historic resources and to establish procedures for the review of and comment on projects that may affect cultural resources. This Ordinance should include (but not be limited to) and provide for the following:

- Appropriate (as per guidance from the Native American Heritage Commission) Native American monitors to be notified regarding projects involving significant ground-disturbing activities that would affect significant resources.
- A 100-foot development setback in sensitive areas as a study threshold when deemed appropriate.
- Identification of appropriate buffers, given the nature of the resources within which ground-disturbing activities should be limited.

**Mitigation Measure 5.13-1(f): Compile and Provide Access to Cultural Resources Data Not Documented in NCIC Files**

The County shall revise Policy CO-8c as follows:

**Revised Policy CO-8c:** The County shall work cooperatively with the appropriate organizations, professionals, and Native Americans to compile relevant information on the location and the significance of cultural resources not documented in the files of the NCIC. This information shall be used to supplement data provided by the NCIC for the development review process outlined in Mitigation Measure 5.13-1(a).

The County shall replace Policy CO-8e with the following:

**New Policy CO-8e:** The County shall support public and private efforts to record historic districts, sites, buildings, and objects in the National Register of Historic Places and inclusion in the California State Office of Historic Preservation's California Points of Historic Interest and California Register of Historic Resources by providing access for qualified individuals or organizations to cultural resources data compiled as a result of Revised Policy CO-8C.

**Mitigation Measure 5.13-1(g): Ensure that Proposed Projects Do Not Disturb Human Interments**

The County shall replace Policy CO-10b as follows:

**New Policy CO-10b:** All projects located adjacent to cemeteries (including historic cemeteries and Native American funerary sites) shall be evaluated to ensure that the proposed projects do not disturb human interments, affect the historic setting of cemeteries, or interfere with access to public cemeteries.

**Mitigation Measure 5.13-1—Environmentally Constrained Alternative**

Please refer to the proposed mitigation measures for the Roadway Constrained 6-Lane "Plus" Alternative above. With implementation of these mitigation measures, impacts would be reduced to a less-than-significant level.

**Mitigation Measure 5.13-1—1996 General Plan Alternative**

Please refer to the proposed mitigation measures for the No Project Alternative above. With implementation of these mitigation measures, impacts would be reduced to a less-than-significant level.

## EXHIBIT G

### National Register of Historic Places: El Dorado County, California

Reference No.	State	County	City	Resource Name
09000397	CALIFORNIA	El Dorado	Gold Hill	Wakamatsu Tea and Silk Colony Farm
73000401	CALIFORNIA	El Dorado	Homewood	Sugar Pine Point State Park
78000660	CALIFORNIA	El Dorado	Pilot Hill	Bayley Hotel
84000770	CALIFORNIA	El Dorado	Placerville	Fountain-Tallman Soda Works
85000259	CALIFORNIA	El Dorado	Placerville	Combella-Blair House
66000207	CALIFORNIA	El Dorado	Placerville	Coloma
82002174	CALIFORNIA	El Dorado	Placerville	Confidence Hall
85003326	CALIFORNIA	El Dorado	Placerville	Pearson, John, Soda Works
77000292	CALIFORNIA	El Dorado	Placerville	Lombardo Ranch
77000291	CALIFORNIA	El Dorado	Placerville	Episcopal Church of Our Saviour
85003522	CALIFORNIA	El Dorado	Placerville	Hattie (Gold Bug), Priest and Silver Pine Mines and Stampmill
87000485	CALIFORNIA	El Dorado	Placerville	Eddy Tree Breeding Station
91001522	CALIFORNIA	El Dorado	Pleasant Valley	Crawford Ditch
87000496	CALIFORNIA	El Dorado	South Lake Tahoe	Baldwin Estate
87000495	CALIFORNIA	El Dorado	South Lake Tahoe	Pope Estate
87000497	CALIFORNIA	El Dorado	South Lake Tahoe	Heller Estate
90000555	CALIFORNIA	El Dorado	South Lake Tahoe	Tahoe Meadows
96001078	CALIFORNIA	El Dorado	South Lake Tahoe	Vikingsholm

Source:

<http://npgallery.nps.gov/nrhp>

Accessed 6/2/16 (Search on State: California and County: El Dorado)

## EXHIBIT H

### California State Historic Landmarks Located in El Dorado County

California Office of Historic Preservation website: [http://ohp.parks.ca.gov/?page\\_id=21417](http://ohp.parks.ca.gov/?page_id=21417)  
(Accessed 6/2/16)

**NO. 141 HANGMAN'S TREE** - In the days of 1849, when this city was called Hangtown, vigilantes executed many men for various crimes. This was the site of Hay Yard, on which stood the 'Hangman's Tree.' The stump of the tree is under the building on which the plaque is placed.

**Location:** 305 Main St. Placerville

**NO. 142 STUDEBAKER'S SHOP (SITE OF)** - This shop was built in the early 1850s. The front part housed a blacksmith shop operated by Ollis and Hinds, and John Mohler Studebaker rented a part of the rear. Here he had a bench and sort of woodworking shop where he repaired and worked on wagon wheels and the like. A little later he began to make wheelbarrows for the miners' use. He became engaged in the making of ammunition wagons for the Union Army - from that grew his extensive wagon and carriage business and, eventually, the automobile business.

**Location:** 543 Main St, Placerville

**NO. 143 MARSHALL MONUMENT** - In 1887 the State of California purchased the site for a monument to commemorate James Marshall, who in 1848 discovered gold near Coloma. Marshall's discovery started the 'gold rush,' that westward trek of Argonauts that marked a turning point in California history. The figure of Marshall atop the monument is pointing to the place of discovery on the South Fork of the American River.

**Location:** Marshall Gold Discovery State Historic Park, Coloma

**NO. 319 MARSHALL'S BLACKSMITH SHOP** - Marshall's blacksmith shop, located on the Gray Eagle Mine property, was built in 1872-73. Marshall not only was a smithy but also a qualified carpenter.

**Location:** On State Hwy 193 (P.M. 21.1), Kelsey

**NO. 456 SHINGLE SPRINGS** - The Boston-Newton Joint Stock Association, which left Boston April 16 and arrived at Sutter's Fort September 27 after a remarkable journey across the continent, camped here on September 26, 1849. A rich store of written records preserved by these pioneers has left a fascinating picture of the gold rush.

**Location:** Mother Lode Dr near post office, Shingle Springs

## EXHIBIT H

### California State Historic Landmarks Located in El Dorado County

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(Accessed 6/2/16)

**NO. 475 OLD DRY DIGGINGS-OLD HANGTOWN-PLACERVILLE** - This rich mining camp was established on the banks of Hangtown Creek in the spring of 1848. Millions in gold were taken from its ravines and hills, and it served as a supply center for mining camps and transportation terminus for the famous Comstock Lode. John M. Studebaker, Mark Hopkins, Leland Stanford, Phillip Armour, and Edwin Markham were among well-known men who contributed to Placerville's history, as did John A. 'Snowshoe' Thompson, who carried from 60 to 80 pounds of mail on skis from Placerville over the Sierra to Carson Valley during winter months.

**Location:** NE corner of Bedford and Main, Placerville

**NO. 484 GEORGETOWN** - Founded August 7, 1849, by George Phipps and party, Georgetown was nicknamed Growlersburg because of the heavy nuggets that 'growled' in the miners' pans. After the disastrous fire of 1852 the old town was moved from the canyon in lower Main Street to its present site, and, unique in early-day planning, Main Street was laid out 100 feet wide, with side streets 60 feet. The hub of an immensely rich gold mining area, Georgetown had a population of about three thousand in 1854-56.

**Location:** Mounted on wall in front of fire station, Main St, Georgetown

**NO. 486 EL DORADO (ORIGINALLY MUD SPRINGS)** - El Dorado, 'The Gilded One,' was first known as Mud Springs from the boggy quagmire the cattle and horses made of a nearby watering place. Originally an important camp on the old Carson Emigrant Trail, by 1849-50 it had become the center of a mining district and the crossroads for freight and stage lines. At the height of the rush its large gold production supported a population of several thousand.

**Location:** N side of intersection of Pleasant Valley Rd and Church St, El Dorado

**NO. 487 DIAMOND SPRINGS** - This town, settled in 1848, derived its name from its crystal clear springs. Among the richest spots in this vicinity, its diggings produced a 25-pound nugget, one of the largest ever found in El Dorado County. Its most thriving period was in 1851 and, through its lumber, lime production, and agriculture, Diamond Springs has retained some of its early importance.

**Location:** NW corner of Hwy 49 at China Garden Rd, Diamond Springs



## EXHIBIT H

### California State Historic Landmarks Located in El Dorado County

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(Accessed 6/2/16)

**NO. 521 GREENWOOD** - John Greenwood, a trapper and guide who came to California in 1844, established a trading post here in 1849. The gold rush town of Greenwood boasted a theater, four hotels, 14 stores, a brewery, and four saloons. Among its illustrious citizens was John A. Stone, California songwriter, who was buried here in 1863.

**Location:** SW corner of the intersection of State Hwy 193 and Greenwood St, Greenwood

**NO. 530 GOLD DISCOVERY SITE** - This monument marks the site of John A. Sutter's sawmill. In its tail-race, on January 24, 1848, James W. Marshall discovered gold and started great rush of Argonauts to California. The Society of California Pioneers definitely located and marked the site in 1924 - additional timbers and relics, including the original tailrace unearthed in 1947, were discovered after the property became a state park. The State erected the Marshall Monument overlooking this spot in 1890 through efforts begun in 1886 by the Native Sons of the Golden West.

**Location:** Marshall Gold Discovery State Historic Park, follow trail from Gold Discovery parking lot to American River, State Hwy 49 (P.M. 23.3), Coloma

**NO. 551 SITE OF CALIFORNIA'S FIRST GRANGE HALL** - Pilot Hill Grange No. 1, with 29 charter members-Master, F. D. Brown - Secretary A. J. Bayley-was organized August 10, 1870. The Grange hall, dedicated at this site on November 23, 1889, was built by Alcandor A. Bayley.

**Location:** On State Hwy 49 (P.M. 31.3), 0.2 mi N of Pilot Hill

**NO. 569 MORMON ISLAND** - Early in March 1848, W. Sidney, S. Willis, and Wilford Hudson, members of the Mormon Battalion, set out from Sutter's Fort to hunt deer. Stopping on the south fork of the American River, they found gold. They told their story on returning to the fort, and soon about 150 Mormons and other miners flocked to the site, which was named Mormon Island. This was the first major gold strike in California after James W. Marshall's discovery at Coloma. The population of the town in 1853 was more than 2,500. It had four hotels, three dry-goods stores, five general merchandise stores, an express office, and many small shops. The first ball in Sacramento County was held here on December 25, 1849. A fire destroyed the town in 1856, and it was never rebuilt. Its site was inundated by Folsom Lake in 1955.

**Location:** Folsom Lake State Recreation Area, N side, Folsom Point picnic area, near the Mormon Island Dam, 3 mi NE of Folsom

## EXHIBIT H

### California State Historic Landmarks Located in El Dorado County

California Office of Historic Preservation website: [http://ohp.parks.ca.gov/?page\\_id=21417](http://ohp.parks.ca.gov/?page_id=21417)  
(Accessed 6/2/16)

**NO. 570 NEGRO HILL** - These historic mining towns, and other mining camps of the gold rush era now inundated by Folsom Lake, are commemorated by the nearby Mormon Island Memorial Cemetery. Here were reburied the pioneers whose graves were flooded when the lake was formed by Folsom Dam.

**Location:** Folsom Lake State Recreation Area, Green Valley Rd, 0.1 mi NE of El Dorado-Sacramento County line, 4 mi NE of Folsom

**NO. 571 SALMON FALLS** - These historic mining towns, and other mining camps of the gold rush era now inundated by Folsom Lake, are commemorated by the nearby Mormon Island Memorial Cemetery. Here were reburied the pioneers whose graves were flooded when the lake was formed by Folsom Dam.

**Location:** Folsom Lake State Recreation Area, Green Valley Rd, 0.1 mi NE of El Dorado-Sacramento County line, 4 mi NE of Folsom

**NO. 572 CONDEMNED BAR** - These historic mining towns, and other mining camps of the gold rush era now inundated by Folsom Lake, are commemorated by the nearby Mormon Island Memorial Cemetery. Here were reburied the pioneers whose graves were flooded when the lake was formed by Folsom Dam.

**Location:** Folsom Lake State Recreation Area, Green Valley Rd, 0.1 mi NE of El Dorado-Sacramento County line, 4 mi NE of Folsom

**NO. 699 MORMON TAVERN-OVERLAND PONY EXPRESS ROUTE IN CALIFORNIA** - At this site on the old Clarksville-White Rock Emigrant Road was Mormon Tavern. Constructed in 1849, this popular stage stop was enlarged and operated by Franklin Winchell in 1851. It became a remount station of the Central Overland Pony Express and on April 4, 1860, pony rider Sam (Bill) Hamilton changed horses here on the first eastbound trip.

**Location:** On frontage rd adjacent to State Hwy 50 (P.M. 1.5), take El Dorado Hills Blvd S for 0.5 mi to old White Rd (rd to Clarksville), then NE 0.9 mi, then go W 0.3 mi on PG&E Clarksville Substation Rd to plaque, 0.5 mi W of Clarksville

**NO. 700 EL DORADO-NEVADA HOUSE (MUD SPRINGS) -OVERLAND PONY EXPRESS ROUTE IN CALIFORNIA** - Trading post, emigrant stop, and mining camp of the 1850s, this became one of the remount stations of the Central Overland Pony Express. On April 13, 1860, pony rider William (Sam) Hamilton changed horses here at the Nevada House while carrying the first westbound mail of the Pony Express from St. Joseph, Missouri to Sacramento.

**Location:** SW corner of Pleasant Valley Rd near Church St, El Dorado

## EXHIBIT H

### California State Historic Landmarks Located in El Dorado County

California Office of Historic Preservation website: [http://ohp.parks.ca.gov/?page\\_id=21417](http://ohp.parks.ca.gov/?page_id=21417)  
(Accessed 6/2/16)

**NO. 701 PLACERVILLE-OVERLAND PONY EXPRESS ROUTE IN CALIFORNIA** - Gold rush town and western terminus of the Placerville-Carson Road to the Comstock, Placerville was a relay station of the Central Overland Pony Express from April 4, 1860 until June 30, 1861. Here on April 4, 1860, the first eastbound pony rider, William (Sam) Hamilton, changed horses, added an express letter to his mochila, and sped away for Sportsman's Hall. Placerville was the western terminus of the Pony Express from July 1, 1861 until its discontinuance on October 26, 1861.

**Location:** SW corner of Main and Sacramento, Placerville

**NO. 703 PLEASANT GROVE HOUSE OVERLAND PONY EXPRESS ROUTE IN CALIFORNIA** - This was the site of a popular road-house where the ponies of the Central Overland Pony Express were changed from July 1, 1860 to June 30, 1861. From here the route of the pony riders continued westward to Folsom and eastward to Placerville through Rescue, Dry Creek Crossing, and Missouri Flat.

**Location:** Green Valley Rd (P.M. 5.5), 3.9 mi W of Rescue

**NO. 704 SPORTSMAN'S HALL OVERLAND PONY EXPRESS ROUTE IN CALIFORNIA** - This was the site of Sportsman's Hall, also known as Twelve-Mile House, the hotel operated in the latter 1850s and 1860s by John and James Blair. A stopping place for stages and teams of the Comstock, it became a relay station of the Central Overland Pony Express. Here, at 7:40 a.m., April 4, 1860, pony rider William (Sam) Hamilton rode in from Placerville and handed the express mail to Warren Upson, who two minutes later sped on his way eastward.

**Location:** 5622 Old Pony Express Trail, Cedar Grove

**NO. 705 MOORE'S (RIVERTON)-OVERLAND PONY EXPRESS ROUTE IN CALIFORNIA** - This was the site of a change station of the Pioneer Stage Company in the 1850s and 1860s. During 1860-1861, the Central Overland Pony Express maintained the first pony remount station east of Sportsman's Hall here.

**Location:** At intersection of US. Hwy 50 and Ice House Rd (P.M. 39.7), 9.0 mi W of Kyburz

**NO. 706 WEBSTER'S (SUGAR LOAF HOUSE)-OVERLAND PONY EXPRESS ROUTE IN CALIFORNIA** - This was the site of Webster's Sugar Loaf House, well-known stopping place during the Comstock rush. Beginning in April 1860, it was used as a remount station of the Central Overland Pony Express, and in 1861 it became a horse change station for pioneer stage companies and the Overland Mail.

**Location:** On Hwy 50 (P.M. 48. 0), 1.0 mi W of Kyburz

## EXHIBIT H

### California State Historic Landmarks Located in El Dorado County

California Office of Historic Preservation website: [http://ohp.parks.ca.gov/?page\\_id=21417](http://ohp.parks.ca.gov/?page_id=21417)  
(Accessed 6/2/16)

**NO. 707 STRAWBERRY VALLEY HOUSE-OVERLAND PONY EXPRESS ROUTE IN CALIFORNIA** - This popular resort and stopping place for stages and teams of the Comstock, established by Swift and Watson in 1856, became a remount station of the Central Overland Pony Express. Here on April 4, 1860, Division Superintendent Bolivar Roberts waited with a string of mules to help pony rider Warren Upson through the snowstorm on Echo Summit.

**Location:** Strawberry, on Hwy 50 (P.M. 578), 8.7 mi E of Kyburz

**NO. 708 YANK'S STATION-OVERLAND PONY EXPRESS ROUTE IN CALIFORNIA** - This was the site of the most eastern remount station of the Central Overland Pony Express in California. Established as a trading post on the Placerville-Carson Road in 1851 by Martin Smith, it became a popular hostelry and stage stop operated by Ephraim 'Yank' Clement. Pony rider Warren Upson arrived here on the evening of April 28, 1860 and, changing ponies, galloped on to Friday's in Nevada to deliver his mochila to Bob Haslam for the ride to Genoa. Used as a pony remount station until October 26, 1861, the station was sold to George D. H. Meyers in 1873.

**Location:** Yank's Station shopping center, SW corner State Hwy 50 and Apache Ave, Meyers

**NO. 728 FRIDAY'S STATION-OVERLAND PONY EXPRESS ROUTE IN CALIFORNIA** - At this point the riders of the Central Overland Pony Express crossed the Nevada-California line. Three-quarters of a mile east of here, at Edgewood in Nevada, are the remains of the most easterly remount station of the California Division of the Pony Express. Established about 1858 by Friday Burke and James Small as a stage station on the Placerville-Carson City Road, it became the home station of pony rider Bob Haslam until October 26, 1861 when the Pony Express was succeeded by the Transcontinental Telegraph.

**Location:** Stateline, Hwy 50

**NO. 747 COLOMA ROAD-RESCUE** - Past this point on the old Coloma Road, running between Sutter's Fort and his sawmill on the American river, James W. Marshall rode with the first gold discovered at Coloma on January 24, 1848. Traveled by thousands to and from the diggings, this road became the route of California's earliest stageline, established in 1849 by James E. Birch.

**Location:** 4222 Green Valley Rd at Rescue Junction General Store, Rescue

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### California State Historic Landmarks Located in El Dorado County

California Office of Historic Preservation website: [http://ohp.parks.ca.gov/?page\\_id=21417](http://ohp.parks.ca.gov/?page_id=21417)  
(Accessed 6/2/16)

**NO. 748 COLOMA ROAD-COLOMA** - Here in the valley of the Cul-luh-mah Indians, James W. Marshall discovered gold on January 24, 1848, in the tailrace of Sutter's sawmill. The old Coloma Road, opened in 1847 from Sutter's Fort to Coloma, was used by Marshall to carry the news of the discovery to Captain John A. Sutter. During the gold rush, it was used by thousands of miners going to and from the diggings. In 1849 it became the route of California's first stage line, established by James E. Birch.

**Location:** Marshall Gold Discovery State Historic Park, in Gold Discovery parking area, State Hwy 49, Coloma

**NO. 767 METHODIST EPISCOPAL CHURCH** - Erected in 1851, this is the oldest church building in El Dorado County. Its original site was on the corner of Cedar Ravine and Main Street, Placerville.

**Location:** 1031 Thompson Way near Cedar Ravine St, Placerville

**NO. 815 WAKAMATSU TEA AND SILK FARM COLONY** - The agricultural settlement of pioneer Japanese immigrants who arrived at Gold Hill on June 8, 1869-the only tea and silk farm established in California-had a promising outlook but failed tragically in less than two years. This was the initial Japanese-influenced agricultural attempt in California.

**Location:** Gold Trails Elementary School, 889 Cold Springs Rd, Gold Hill

## 3.5 Cultural Resources

### 3.5.1 Existing Conditions

#### Regulatory Setting

##### Federal

###### National Historic Preservation Act

The National Historic Preservation Act does not directly regulate cultural or historic resources at the local level. This federal law applies only to the actions of federal agencies. However, one aspect of federal law, the National Register of Historic Places (NRHP), maintained by the Secretary of the Interior, does interact with local activities through CEQA. Resources that are included in or eligible for inclusion in the NRHP are also considered to be significant historical resources under CEQA.

For a property to be considered for inclusion in the NRHP, it must be at least 50 years old and meet the criteria for evaluation set forth in 36 CFR Part 60.4.

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of design, setting, materials, workmanship, feeling, and association and:

- (a) That are associated with events that have made a significant contribution to the broad patterns of our history; or
- (b) That are associated with the lives of persons significant in our past; or
- (c) That 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) That have yielded, or may be likely to yield, information important in prehistory or history.

##### State

###### California Environmental Quality Act

CEQA requires state public agencies to evaluate the implications of their project(s) on the environment and includes significant historical resources as part of the environment. According to CEQA, a project that causes a substantial adverse change in the significance of a historical resource has a significant effect on the environment (CCR 14 Section 15064.5; PRC Section 21098.1). CEQA defines a *substantial adverse change* as, "Physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired" (CCR 14 Section 15064.5[b][1]).

The State CEQA Guidelines (CCR 14 Section 15064.5[b][2]) describe the being *materially impaired* as follows.

- (2) The significance of an historical resource is materially impaired when a project:

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- (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 [CRHR]; 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 PRC Section 5020.1(k) or its identification in an historical resources survey meeting the requirements of PRC Section 5024.1(g), 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 Historic Resources (CRHR)] as determined by a lead agency for purposes of CEQA.

The term *historical resource* includes, but is not limited to, any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of PRC (PRC Section 5020.1[j]). Historical resources may be designated as such through three different processes.

1. Official designation or recognition by a local government pursuant to local ordinance or resolution (PRC Section 5020.1[k]).
2. A local survey conducted pursuant to PRC Section 5024.1(g).
3. The property is listed in or eligible for listing in the [NRHP] (PRC Section 5024.1[d][1]).

To be eligible for listing in the CRHR, a historical resource must be significant at the local, state, or national level under one or more of the following four criteria (CCR 14 Section 4852).

1. It is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
2. It is associated with the lives of persons important in our past.
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values.
4. It has yielded, or may be likely to yield, information important in prehistory or history.

Public Resources Code Section 21083.2 and State CEQA Guidelines Section 150164.5 establish three categories by which a resource may qualify as historically significant.

- Mandatory resources (those on or eligible for the California Register of Historical Resources).
- Presumptive resources (those on a local historic list or register).
- Discretionary resources (those determined by the lead agency to be worthy of historic preservation).

The Public Resources Code also requires the lead agency to determine whether or not the project will have a significant effect on unique *archaeological resources* (PRC Section 21083.2[a]). In most situations, resources that meet the definition of a unique archaeological resource also meet the definition of historical resource. As a result, it is current professional practice to evaluate cultural resources for significance based on their eligibility for listing in the CRHR.

**Tribal Consultation**

California Planning Law requires that local governments “provide opportunities for the involvement of” California Native American Indian tribes during the preparation or amendment of a general plan (Government Code Section 65351). Government Code Sections 65352.3 and 65352.4 describe the separate requirement that local governments undertake a formal consultation with California Native American tribes that are on the contact list maintained by the Native American Heritage Commission for the purpose of discussing protections for cultural resources that are important to the tribes. Government Code Section 65560 provides that land designated open space on a general plan can include lands with cultural resources of importance to the tribes.

These notice and consultation requirements are separate from CEQA.

**Assembly Bill 52**

Assembly Bill (AB) 52 (Chapter 532, Statutes of 2014) will require that the County offer California Native American Tribes the opportunity to consult during the CEQA process for projects that will require preparation of a negative declaration, mitigated negative declaration, or environmental impact report (EIR). This statute will apply to any such project for which a notice of availability of the proposed negative declaration or notice of preparation for the draft EIR has not been issued by July 1, 2015. It does not apply to the TGPA/ZOU EIR.

**Discovery of Human Remains**

Section 7050.5 of the California Health and Safety Code (CHSC) states the following in regard to the discovery of human remains.

- (a) Every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor, except as provided in Section 5097.99 of the California Public Resources Code. The provisions of this subdivision shall not apply to any person carrying out an agreement developed pursuant to subdivision (l) of Section 5097.94 of the [PRC] or to any person authorized to implement Section 5097.98 of the Public Resources Code.
- (b) In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, 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, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains.
- (c) If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission (CHSC Section 7050.5).

Of particular note to cultural resources is subsection (c), requiring the coroner to contact the NAHC within 24 hours if discovered human remains are determined to be Native American in origin. After



notification, NAHC will follow the procedures outlined in PRC Section 5097.98, which include notification of most likely descendants (MLDs), if possible, and recommendations for treatment of the remains. The MLD will have 24 hours after notification by the NAHC to make a recommendation (PRC Section 5097.98). In addition, knowing or willful possession of Native American human remains or artifacts taken from a grave or cairn is a felony under state law (PRC Section 5097.99).

## Local

### El Dorado County General Plan

The Conservation Element of the County General Plan contains numerous policies, objectives, and implementation measures for the protection of cultural resources.

**Policy 2.1.2.4:** Rural Centers shall be evaluated for their status as historic districts. The Historic Design combining zoning district shall be applied to each Rural Center which meets the criteria to conserve the unique historic character.

**Policy 2.4.1.3:** All properties located within the historic townsite known as Clarksville shall be designated on the zoning maps as Design Historic (-DH) combining zone district.

**Policy 2.2.5.20:** All non-residential development, all subdivisions, residential development on existing legal lots involving any structure greater than 4,000 square feet of living area or requiring a grading permit for which land disturbance of an area of 20,000 square feet or more occurs, and all development located on lands identified as Important Biological Corridor (-IBC) on the Land Use Diagram, Figure LU-1 [of the General Plan], shall be permitted only upon a finding that the development is consistent with this General Plan and the requirements of all applicable County ordinances, policies, and regulations. For projects that do not require approval of the Planning Commission or Board of Supervisors, this requirement shall be satisfied by information supplied by the applicant demonstrating compliance. All building permits shall be consistent with the land uses described in the land use designation established for the site, as provided in Policy 2.2.1.2 and set forth on Figure LU-1 [of the General Plan].

**Objective 7.5.1: Protection of Cultural Heritage.** Creation of an identification and preservation program for the County's cultural resources.

**Policy 7.5.1.1:** The County shall establish a Cultural Resources Ordinance. This ordinance shall provide a broad regulatory framework for the mitigation of impacts on cultural resources (including historic, prehistoric, and paleontological resources) by discretionary projects. This Ordinance should include (but not be limited to) and provide for the following:

- A. Appropriate (as per guidance from the Native American Heritage Commission) Native American monitors to be notified regarding projects involving significant ground-disturbing activities that could affect significant resources.
- B. A 100-foot development setback in sensitive areas as a study threshold when deemed appropriate.
- C. Identification of appropriate buffers, given the nature of the resources within which ground-disturbing activities should be limited.
- D. A definition of cultural resources that are significant to the County. This definition shall conform to (but not necessarily be limited to) the significance criteria used for the National Register of Historic Places (NRHP) and the California Register of Historical Resources (CRHR) and Society of Vertebrate Paleontology.
- E. Formulation of project review guidelines for all development projects.
- F. Development of a cultural resources sensitivity map of the County.

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**Policy 7.5.1.2:** Reports and/or maps identifying specific locations of archaeological or historical sites shall be kept confidential in the Planning Department but shall be disclosed where applicable.

**Policy 7.5.1.3:** Cultural resource studies (historic, prehistoric, and paleontological resources) shall be conducted prior to approval of discretionary projects. Studies may include, but are not limited to, record searches through the North Central Information Center at California State University, Sacramento, the Museum of Paleontology, University of California, Berkeley, field surveys, subsurface testing, and/or salvage excavations. The avoidance and protection of sites shall be encouraged.

**Policy 7.5.1.4:** Promote the registration of historic districts, sites, buildings, structures, and objects in the National Register of Historic Places and inclusion in the California State Office of Historic Preservation's California Points of Historic Interest and California Inventory of Historic Resources.

**Policy 7.5.1.5:** A Cultural Resources Preservation Commission shall be formed to aid in the protection and preservation of the County's important cultural resources. The Commission's duties shall include, but are not limited to:

- A. Assisting in the formulation of policies for the identification, treatment, and protection of cultural resources (including historic cemeteries) and the curation of any artifacts collected during field collection/excavation;
- B. Assisting in preparation of a cultural resources inventory (to include prehistoric sites and historic sites and structures of local importance);
- C. Reviewing all projects with identified cultural resources and making recommendations on appropriate forms of protection and mitigation; and
- D. Reviewing sites for possible inclusion in the National Register of Historic Places, California Register, and other State and local lists of cultural properties.

The County shall request to become a Certified Local Government (CLG) through the State Office of Historic Preservation. Certification would qualify the County for grants to aid in historic preservation projects. The Cultural Resources Preservation Commission could serve as the Commission required for the CLG program.

**Policy 7.5.1.6:** The County shall treat any significant cultural resources (i.e., those determined California Register of Historical Resources/National Register of Historic Places eligible and unique paleontological resources), documented as a result of a conformity review for ministerial development, in accordance with CEQA standards.

**Objective 7.5.2: Visual Integrity.** Maintenance of the visual integrity of historic resources.

**Policy 7.5.2.1:** Create Historic Design Control Districts for areas, places, sites, structures, or uses which have special historic significance.

**Policy 7.5.2.2:** The County shall define Historic Design Control Districts (HDCDs). HDCD inclusions and boundaries shall be determined in a manner consistent with National Historic Preservation Act (NHPA) Historic District standards.

- A. The County shall develop design guidelines for each HDCD. These guidelines shall be compatible with NHPA standards.
- B. New buildings and structures and reconstruction/restoration of historic (historic as per National Register of Historic Places [NRHP] and California Register of Historical Resources [CRHR] criteria) buildings and structures shall generally conform to styles of architecture prevalent during the latter half of the 19th century into the first decade of the 20th century.
- C. Any historic building or structure located within a designated HDCD, or any building or structure located elsewhere in the county that is listed on the NRHP or CRHR, is designated a

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California Building of Historic Interest, or a California State Historic Landmark, or is designated as significant as per NRHP/CRHR criteria, shall not be destroyed, significantly altered, removed, or otherwise changed in exterior appearance without a design review.

- D. In cases where the County permits the significant alteration of a historic building or structure exterior, such alteration shall be required to maintain the historic integrity and appearance of the building or structure and shall be subject to a design review.
- E. In cases where new building construction is placed next to a historic building or structure in a designated HDCD or listed on the CRHR/NRHP, the architectural design of the new construction shall generally conform to the historic period of significance of the HDCD or listed property.
- F. In cases where the County permits the destruction of a historic building or tearing down a structure, the building or structure shall first be recorded in a manner consistent with the standards of the NHPA Historic American Building Survey (HABS) by a qualified professional architectural historian.
- G. The County shall mandate building and structure design controls within the viewshed of the Marshall Gold Discovery State Historic Park. These design controls shall be consistent with those mandated for designated Historic Design Control Districts.

**Policy 7.5.2.3:** New buildings and reconstruction in historic communities shall generally conform to the types of architecture prevalent in the gold mining areas of California during the period 1850 to 1910.

**Policy 7.5.2.4:** The County shall prohibit the modification of all National Register of Historic Places (NRHP)/California Register of Historical Resources (CRHR) listed properties that would alter their integrity, historic setting, and appearance to a degree that would preclude their continued listing on these registers. If avoidance of such modifications on privately owned listed properties is deemed infeasible, mitigation measures commensurate with NRHP/CRHR standards shall be formulated in cooperation with the property owner.

**Policy 7.5.2.5:** In cases where the County permits the demolition or alteration of an historic building, such alteration or new construction (subsequent to demolition) shall be required to maintain the character of the historic building or replicate its historic features.

**Policy 7.5.2.6:** The County, in cooperation with the State, shall identify the viewshed of Coloma State Park and establish guidelines to be used for development within the viewshed. In addition, the County shall continue to support the relocation of State Route 49 to bypass the Park in order to protect its visual and physical integrity.

**Objective 7.5.3: Recognition of Prehistoric/Historic Resources.** Recognition of the value of the County's prehistoric and historic resources to residents, tourists, and the economy of the County, and promotion of public access and enjoyment of prehistoric and historic resources where appropriate.

**Implementation Measure CO-Q:** Develop and adopt a Cultural Resources Preservation Ordinance, consistent with Policy 7.5.1.1.<sup>1</sup>

## El Dorado County Zoning Ordinance

The County Zoning Ordinance establishes regulations that protect historical resources. They include the following sections.

**17.74.050 (Design Historic district).** The Design Historic (-DH) district is a combining zone applied to those areas shown in the General Plan for historic design (currently, this includes the historic townsite known as Clarksville and can include Rural Centers with historic buildings. New

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<sup>1</sup> No such ordinance has been adopted to date.

development in those areas is to have a western theme, as described in the County's Historic Design Guide.

**17.74.060 (historical building destruction).** This section provides that no historical building in any historic design district may be torn down, demolished, destroyed, altered, removed, improved or otherwise changed in exterior appearance without first obtaining a discretionary permit from the County. *Historical building* is defined as any building in an historic design district constructed prior to the year 1900 and originally intended for use of a residential, commercial, or industrial nature or any related use.

**17.25.020 (definitions).** The zoning ordinance states that "historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

### El Dorado County Historic Design Guide

The *El Dorado County Historic Design Guide*, adopted in 1982, sets out recommendations for the design of homes, businesses, and signs in historic design districts. The intent of the guide is to encourage new development to incorporate architectural themes reminiscent of the period 1850 through 1900.

The County also has a Sierra Design Guide and a design guide for the community of Missouri Flat. However, those guides are not focused on historic buildings.

### El Dorado County Guidelines for Cultural Resources Studies

The *El Dorado County Guidelines for Cultural Resource Studies* establish the minimum qualifications for professionals that are preparing cultural resources studies. The guidelines also recommend a basic methodology for cultural resources studies and surveys, as well as typical mitigation measures to minimize or avoid impacts to cultural resources. The guidelines apply to cultural resources studies being undertaken for development projects that are subject to discretionary permits and CEQA.

## Environmental Setting

The environmental setting discussion in this section is based on the similar discussion in the 2004 General Plan EIR (El Dorado County 2004).

## Prehistoric Context

The project area is located in the Sierra Nevada foothills, adjacent to the Sacramento Valley. Little archaeological evidence has been found that indicates human use of the area during the late Pleistocene and early Holocene eras (14,000–6,000 B.P.). This lack of evidence is likely due to data gaps in the archaeological record rather than indicating that the area was not used. Most Pleistocene- and early Holocene-era sites in the Sacramento Valley area are deeply buried in accumulated gravels and silts or have eroded away. More archaeological information is available about people in the area beginning in the mid-Holocene (5,000 B.P.). Between 5,000 B.P. and the mid-1800s, native Californians utilized the area, developing a broad hunter-gatherer subsistence strategy and a diverse technology base.

## Ethnographic Context

The indigenous people that occupied the project area at the time of European contact are called the Nisenan, or Southern Maidu. The Nisenan language, together with the languages of the Maidu and Konkow, their northern neighbors, form the Mauduan language family.

Early Nisenan contact with Europeans appears to have been limited to the southern reaches of the Nisenan's territory when Spanish expeditions began to cross Nisenan territory during the early 1800s. Unlike the valley Nisenan, the groups in the foothills remained relatively unaffected by the European presence until the discovery of gold at Coloma in 1848. In the 2 or 3 years following the gold discovery, Nisenan territory was overrun by settlers from all over the world. Gold seekers and the settlements that sprang up to support them were nearly fatal to the native inhabitants. The sudden onslaught of humanity brought disease and violent conflict to the indigenous groups who lived in the area. Survivors lived on the edges of foothill towns, where they worked as wage laborers and domestic help. Nisenan still live in El Dorado County today and have made great strides in regenerating their culture.

The 2004 General Plan EIR explained that known and unknown Native American sites are widespread within the county.

Early Native American occupation has resulted in sites being distributed throughout the county, and stone tool scatters, midden deposits, and small campsites can be found in many areas, particularly where natural water sources are located. In general, such evidence is comparatively subtle, although more substantial traces of intensive prehistoric occupation and activities can be seen in stone quarries and bedrock mortars and large village sites with house pits. Prehistoric artifacts, features, and sites are found throughout the county, although larger sites and more dense midden and artifact deposits tend to occur at lower elevations in the Sierra foothills.

## Historic Context

El Dorado County is one of the original 27 counties created by the California State Legislature in 1850. Originally, the county's boundaries included parts of present-day Amador, Alpine, and Placer Counties. By 1919, the state had adopted the current boundary lines that are marked to the east by the state of Nevada and to the west by Sacramento County. The American and Cosumnes Rivers form the county's northern and southern boundaries. The original county seat was the town of Coloma, but in 1857 the county seat was moved to Placerville.

On January 24, 1848, James W. Marshall discovered gold near the area of present-day Coloma. The first mining town in California sprouted soon after his discovery, and the gold region of El Dorado

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County experienced rapid growth. It was likely the gold discoveries of Marshall and others from which the county derived its name, El Dorado, meaning “the gilded man” in Spanish.

For many years during and after the Gold Rush, gold mining was the predominant industry in El Dorado County. The county lies on a rich ore vein that extends through several counties on the western slope of the Sierra Nevada. By the turn of the twentieth century, lumbering, raising livestock, and farming had joined mining as the principal industries of the county.

The 2004 General Plan EIR explained that there are many cultural resources known to exist within the county.

More than 1,300 prehistoric and historic cultural resources had been documented within the county as of 2002. Eleven of these resources, including individual buildings, sites and Historic Districts, are currently listed on the National Register of Historic Places (NRHP) and California Register of Historic Places (CRHR). An additional 79 resources have been determined to be NRHP and CRHR eligible but have not yet been formally listed. Records of each of these sites are curated at the NCIC [Northern California Information Center at Sacramento State University]. In addition to these documented cultural resources, there are 26 State Historic Landmarks situated in unincorporated El Dorado County.

As of January 2014, the State Office of Historic Preservation identified 32 historical resources in the unincorporated portion of the county that are either on the NRHP or a listed State Landmark (see Table 3.5-1). No resources in the county are currently listed on the CRHR. This list does not include most archaeological sites, nor does it include any prehistoric sites.

**Table 3.5-1. El Dorado Historical Resources**

Name	General Location	NRHP Listed	State Landmark
Bayley Hotel	Pilot Hill	X	--
Coloma Townsite	Coloma	X	--
Coloma Road	Coloma	--	X
Coloma Road	Rescue	--	X
Condemned Bar	Folsom area	--	X
Crawford Ditch	Pleasant Valley	X	--
Diamond Springs	Diamond Springs	--	X
Eddy Tree Breeding Station	Placerville area	X	--
El Dorado Townsite	El Dorado	--	X
El Dorado-Nevada House Overland Pony Express Route	El Dorado	--	X
Friday’s Station Overland Pony Express Route	El Dorado	--	X
Georgetown	Georgetown	--	X
Gold Discovery Site	Coloma	--	X
Greenwood	Greenwood	--	X
Lombardo Ranch	Placerville area	X	--
Marshall Monument	Coloma	--	X
Marshall’s Blacksmith Shop	Kelsey	--	X
Moore’s (Riverton) Overland Pony Express Route	Kyburz	--	X
Mormon Island	Folsom area	--	X
Mormon Tavern Overland Pony Express Route	Clarksville	--	X

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Name	General Location	NRHP Listed	State Landmark
Negro Hill	Folsom area	--	X
Placerville Overland Pony Express Route	Placerville area	--	X
Pleasant Grove House Overland Pony Express Route	Rescue	--	X
Salmon Falls	Folsom area	--	X
Shingle Springs	Shingle Springs	--	X
Site of California's First Grange Hall	Pilot Hill	X	X
Sportsman's Hall Overland Pony Express Route	Cedar Grove	--	X
Strawberry Valley Overland Pony Express Route	Kyburz	--	X
Sugar Pine Point State Park	Homewood	X	--
Vikingsholm	South Lake Tahoe area	X	--
Wakamatsu Tea and Silk Farm Colony	Gold Hill	--	X
Yank's Station Overland Pony Express Route	Meyers	--	X

Source: Office of Historic Preservation 2014.

## 3.5.2 Environmental Impacts

### Impact Mechanisms

The TGPA is proposing a limited number of amendments to the 2004 General Plan; the ZOU is an update of the County's existing Zoning Ordinance. This FEIR analyzes whether these proposed changes would result in impacts on existing cultural resources that would not be reasonably foreseeable under the existing General Plan and Zoning Ordinance. The key changes pertinent to cultural resources are listed below. This preliminary analysis eliminates from the further evaluation those components of the TGPA and ZOU that have little or no potential to result in substantial adverse environmental effects.

### Targeted General Plan Amendments

- Camino/Pollock Pines Community Region. The project proposes to divide the existing Community Region into three Rural Communities. Camino, Cedar Grove, and Pollock Pines would develop in a manner that reflects their separate and distinct characters. The proposed Rural Center designations would not extend beyond the existing boundary of the Community Region, and no changes to existing General Plan land use designations are proposed. The practical effect of the Camino/Pollock Pines proposal would be to reduce the development potential within these areas (in comparison to the potential under the current General Plan), because the ability to build at maximum allowable intensity or density is dependent on the availability of public services. This would have no adverse impact on existing cultural resources and need not be discussed further.
- The project includes expanding the boundaries of the Garden Valley-Georgetown, Coloma, Camino-Fruitridge, Gold Hill, Oak Hill, Pleasant Valley, and Fair Play-Somerset Agricultural Districts to implement General Plan Implementation Measure AF-J (inventory agricultural lands in active production and/or lands determined by the County Agricultural Commission to be suitable for agricultural production). In addition, a number of parcels now within Agricultural

Districts, but which do not actually meet the criteria for inclusion, are proposed to be removed from those Districts, based on the Policy 8.1.1.2 criteria. Approximately 479 parcels, totaling 17,241 acres, are proposed to be added to these Agricultural Districts, and 96 parcels, totaling 137 acres, are proposed to be removed. This would have no adverse impact on existing cultural resources and need not be discussed further.

- The project would amend Policy 2.4.1.3 (stating that all properties within the historic townsite known as Clarksville are to be assigned the Design Historic (-DH) combining zone district) to include the communities of El Dorado and Diamond Springs. This will extend the protections of the -DH combining zone to additional communities. It will not have an adverse effect on existing cultural resources and need not be discussed further.
- The project includes amendments to the General Plan policies and Zoning Ordinance provisions that currently prohibit development on slopes of 30% or greater with limited exceptions. The project would remove the prohibition and instead add regulations intended to minimize the adverse effects of development on steep slopes. Cultural resources, particularly archaeological resources, are unlikely to exist on slopes of 30% or greater because steep slopes are not suited to habitation or meeting sites. Therefore, this component of the project would not have a reasonably foreseeable adverse effect on cultural resources and need not be discussed further.

### Zoning Ordinance Updates

- The project includes rezoning of individual parcels throughout the county as needed to make the zoning classifications on each property consistent with the property's General Plan designation. Where there is more than one zone classification that would be consistent with the General Plan, these changes generally adopt the least intensive of those zones. The development potential of the parcels is currently determined by the densities and intensities established in the General Plan. The rezonings would not change the development potential. As a result, the rezonings would not change the expected environmental impacts that will occur as a result of implementation of the General Plan related to existing cultural resources and need not be discussed further.
- *Section 17.22.010* (Commercial Mainstreet (CM) zoning district). This proposed new zone would be "generally appropriate" to apply to "historic downtown areas." This would provide for a higher level of attention to be given to protecting historic structures than under the current zoning ordinance. Therefore, it would have no adverse effect on existing cultural resources and need not be discussed further.
- *Section 17.27.050* (Design Review - Community (-DC) Combining Zone). This zone would apply in areas adjacent to or visible from State Scenic Highway corridors. It would require new development to follow the Historic Design Guide, where applicable. This expands those areas that would be subject to the protections of the Historic Design Guide, in comparison to the current Zoning Ordinance. This may provide a higher level of attention to the protection of existing historic structures than under the current ordinance. Therefore, it would have no adverse effect and need not be discussed further.
- *Section 17.27.060* (Design Review - Historic (-DH) Combining Zone). This combining zone is intended "to identify and protect historic structures, sites, and districts, and establish procedures and regulations for the review of projects that may affect such resources." It is similar to the -DH combining zone in the current zoning ordinance, with the further enhancement of requiring approval of a design review permit prior to development in multi-unit



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residential, commercial, or industrial zones. An administrative permit would be required prior to issuance of a building permit for single-unit residential development. This would provide a higher level of attention to the protection of historic structures than under the current ordinance. Therefore, it would have no adverse effect and need not be discussed further.

- *Section 17.40.400* (winery ordinance). The provisions for allowable land uses are essentially the same as under the current Zoning Ordinance (Section 17.14.200), as are the protections for cultural resources. This would have no adverse effect and need not be discussed further.
- *Section 17.80.020* (definition of historic structure). This definition is the same as in the current Zoning Ordinance. This would have no adverse effect and need not be discussed further.
- *Various Conditional Land Uses*.<sup>2</sup> The ZOU would allow various intensive, permanent land uses in rural, agricultural, or resource areas not currently provided for in the Zoning Ordinance upon approval of a CUP or similar administrative permit. Although these permits would be subject to CEQA, there is a potential for such uses to adversely affect existing cultural resources, particularly resources that are unknown at this time. These uses and the zones within which they would be conditionally allowed are listed in Table 3.5-2. These uses will be examined in the impacts analysis under *Impacts and Mitigation Measures*.

**Table 3.5-2. El Dorado County Conditional Land Uses of Concern**

Conditionally Allowable Use	Applicable Zone Classifications	Typical Impact Mechanisms
Golf Course. Defined as: "Publicly and privately owned golf courses open to the general public. Minor accessory uses such as pro shops and snack bars intended to serve the golfers may be considered a part of the golf course facility. Restaurants, banquet and reception facilities, and other commercial uses commonly associated with golf courses shall be considered separate use types."	RL, R1A, R2A, R3A, RE, RFL, RFH, OS <sup>3</sup>	Construction impacts: <ul style="list-style-type: none"> <li>● Extensive grading and terrain contouring</li> <li>● Extensive tree and vegetation removal</li> </ul>
Off-Highway Vehicle Recreational Area. Defined as: "Any area where motorized vehicles are driven for commercial recreational use or for competitive speed or skill events, of which all or a portion of the vehicular use is conducted outside of road easements or public rights-of-way."	FR, TPZ, RFL, RFH	Operational impacts: <ul style="list-style-type: none"> <li>● Extensive surface disturbance from off-road motor vehicles</li> <li>● Intensive use of site</li> </ul>
Ski Area. Defined as: "Land areas and facilities to accommodate downhill (alpine) skiing and snowboarding, to include ski lifts, day lodge, and restaurant facilities, but not overnight accommodations."	RL, FR, TPZ, RFL, RFH	Construction impacts: <ul style="list-style-type: none"> <li>● Extensive grading and terrain contouring</li> <li>● Extensive tree and vegetation removal</li> <li>● Ground disturbance for installation of towers and foundations</li> </ul>

<sup>2</sup> The ZOU would allow other uses not currently allowed by the Zoning Ordinance, but they are temporary (e.g., concert or outdoor festival) or small in scale (e.g., Agricultural and Timber Resource Lodging) such that their potential for significant adverse impacts on cultural resources is small or reasonably subject to mitigation.

<sup>3</sup> Allowed in the OS zone as part of an approved development plan or subdivision.

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Conditionally Allowable Use	Applicable Zone Classifications	Typical Impact Mechanisms
Public Utility Service Facility, Intensive. Defined as: "Facilities necessary to provide the community with power, water, sewage disposal, telecommunications, and similar services. Service Facilities that may have the potential to cause impacts from noise, lights, odors, or the use of hazardous materials, such as electrical receiving facilities or substations, sewage treatment facilities, and power generating facilities."	PA, AG, RL, FR, TPZ, R1A, R2A, R3A, RE, OS	Construction impacts: <ul style="list-style-type: none"> <li>• Extensive grading</li> <li>• Extensive vegetation removal</li> <li>• Ground disturbance</li> </ul>
Large Amusement Complex. Defined as a "[t]heme park or similar complex which exceeds two acres in size and which includes outdoor amusement attractions such as mechanized or carnival rides or water slides."	RFH	Construction impacts: <ul style="list-style-type: none"> <li>• Extensive grading and terrain contouring</li> <li>• Extensive vegetation removal</li> <li>• Ground disturbance for installation of rides and foundations</li> </ul>
General Industrial. Defined as: "Manufacturing, processing, assembling, or fabricating from raw materials to include any use involving an incinerator, blast furnace, or similar industrial process and any industrial process conducted wholly or partially outdoors. It includes, but is not limited to lumber mills; batch plants; truss manufacturing; co-generation plants; food and byproducts processing plants; and fabric, textile, and carpet mills."	FR, TPZ	Construction impacts: <ul style="list-style-type: none"> <li>• Extensive grading</li> <li>• Extensive vegetation removal</li> <li>• Ground disturbance for installation of foundations</li> </ul> Operational impacts: <ul style="list-style-type: none"> <li>• Intensive use of site</li> </ul>

## Methods of Analysis

This FEIR analyzes whether the project (i.e., the TGPA and ZOU) would have the potential to adversely affect existing cultural resources. The identified differences have been examined for their general impact. Because the project does not propose any site-specific development activities, this analysis focuses on the potential indirect and reasonably foreseeable impacts of future development that could occur as a result of the project.

Although the proposed TGPA and ZOU would not substantially increase the area proposed for future development under the General Plan, development under the TGPA and ZOU may change existing conditions by increasing the intensity of development relative to existing conditions.

No new cultural resources surveys have been undertaken in conjunction with this analysis because the project is not site-specific. Further, none of the adopted policies of the General Plan protective of cultural resources is proposed for change as part of this project.

## Thresholds of Significance

In accordance with Appendix G of the State CEQA Guidelines, the proposed project would be considered to have a significant effect if it would result in any of the conditions listed below.

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- Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.
- Disturb any human remains, including those interred outside of formal cemeteries.
- The 2004 General Plan EIR modified these considerations to reflect the character of El Dorado County. It looked at a single impact consideration.
  - Destruction or alteration of known and unknown prehistoric and historic sites, features, artifacts, and human remains.
- Cultural resources may be adversely affected by other means besides destruction or alteration. Alteration alone, for example, would not result in a significant effect; a substantial adverse change, however, would. In the interest of completeness, the present FEIR uses the Appendix G considerations.

## Impacts and Mitigation Measures

The 2004 General Plan EIR concluded that the General Plan would have a less-than-significant impact on cultural resources, with implementation of its mitigation measures (see Table 3.5-3). The 2004 General Plan EIR provided a succinct description of how a broad analysis of general plan impacts can be done. It is repeated here because it reflects the basic method used in the present FEIR analysis.

High- and medium-intensity levels of land use development in El Dorado County are likely to result in adverse impacts on cultural resources (see Table 3-4 in Chapter 3). For the cultural resource analysis, the intensity level is based on expected ground disturbance and human interaction. It is assumed that high-density land uses could occur on lands designated as Adopted Plan (AP), Commercial (C), High-Density Residential (HDR), Medium-Density Residential (MDR), Low-Density Residential (LDR), Multi-Family Residential (MFR), Industrial (I), Research and Development (RD), and Public Facilities (PF). Medium-intensity levels of land use may occur on lands designated as Agricultural (A), Rural Residential (RR), and Tourist Recreation (TR). Remaining lands within the county, including Natural Resources (NR) and Open Space (OS), could be developed only with low-intensity land use.

A consideration of potential land use intensity is critical in any assessment of potential impacts on cultural resources. All other factors being equal, the more widespread and intensive the levels of projected development within the county, the more likely that there could be adverse impacts on recorded and undocumented prehistoric and historic sites, features, or objects. An additional factor to consider is the review process afforded potential development. The more rigorous and inclusive the review, the greater the potential to avoid or mitigate potential impacts on cultural resources.

NR and OS land uses present, in relative terms, less of a potential threat to cultural resources than appears at first glance. While impacts such as recreational use and park developments can pose very real dangers to significant cultural resources, the intensity of these activities is, in general, minimal. As such, the number of acres subject to low-intensity use, while certainly warranting consideration in an assessment of impacts on cultural resources, is not necessarily the figure of greatest concern. It is the occurrence of loss of culturally sensitive acres as a result of high and medium levels of land use that is of primary interest in relation to all the alternatives. This is because of the fact that these uses would result in greater degrees of soil disturbance and alteration of topography within sensitive areas, potentially altering or destroying documented archaeological and historic materials.

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Any level of ground disturbance within the county, regardless of intensity, has the potential to significantly affect cultural resources. As previously noted in this section, prehistoric and historic cultural resources can occur anywhere on the landscape regardless of topography, but areas with various floral, faunal, and mineral resources, areas located near surface water, areas with low degrees of slope occurring in the immediate vicinity of perennial, natural water sources are most likely to contain cultural resources. Although impacts on any lands are a matter of concern regarding prehistoric and historic sites, areas with low slope (<25%) in close proximity to natural water sources are generally more sensitive. The loss of such areas to development projects as a result of any alternative is of particular concern and is quantified in Table 5.13-3.

Ground disturbance and the potential loss of culturally sensitive acreage do not constitute the only major potential threats to the integrity of cultural resources in El Dorado County. Historic buildings and structures can be adversely impacted by modification or demolition. Also, new development next to historic structures and buildings can impact the resource by potentially compromising the resource's historic character. The alteration or destruction of historic buildings and structures and their historic settings, particularly those listed on the CRHR/NRHP or determined eligible for listing, constitutes a potential impact.

Unlike the 2004 General Plan EIR's approach, however, this FEIR's analysis does not attempt to quantify the extent to which high- and medium-intensity land uses are being distributed because the project does not propose site-specific changes in General Plan land use designations that would have the potential to affect cultural resources. The analysis in this FEIR approaches the impact question by considering whether the typical intensity of various potential land uses identified in the ZOU is sufficient that they are likely to result in adverse impacts on cultural resources.

The 2004 General Plan EIR identified the mitigation measures shown in Table 3.5-3. All of them were integrated into the adopted General Plan.

**Table 3.5-3. 2004 General Plan EIR Mitigation Measures and Adopted General Plan Policies**

2004 General Plan EIR Mitigation Measure	Related Adopted General Plan Policy
5.13-1(a): Implement Mitigation Measure 5.1-3(a) Establish a General Plan Conformity Review Process for All Development Projects	2.2.5.20
5.13-1(b): Treat Significant Resources in Ministerial Development in Accordance with CEQA Standards	7.5.1.6
5.13-1(c): Adopt a Cultural Resources Ordinance	7.5.1.1 Implementation Measure CO-Q
5.13-1(d): Define Historic Design Control Districts	7.5.2.2
5.13-1(e): Prohibit Significant Alteration or Destruction of NRHP/CRHR-Listed Properties	7.5.2.4

**Impact CUL-1: Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5 (significant and unavoidable)**

The conditional land uses described in Table 3.5-2 are intensive uses that typically result in substantial ground disturbance during construction, operation, or both. Because they are allowed only upon approval of a CUP, they are subject to CEQA's analysis and mitigation requirements. In addition, General Plan Policies 7.5.1.3 (cultural resources studies required prior to approval of discretionary projects), 7.5.1.6 (treatment of significant cultural resources in accordance with CEQA standards) and 7.5.2.4 (prohibit the modification of all NRHP- and CRHR-listed properties in a way

that preclude their continued listing) would largely duplicate CEQA's requirements to moderate the impacts of these development projects.

CEQA would require the identification and characterization of any historic resources before the development project could be considered for approval. If a significant effect were to be identified, then CEQA would require the adoption of mitigation to reduce or avoid that effect. If the project would destroy the historic resource, full mitigation would not be possible and an EIR would be required to be prepared in order for the development project to be approved. Pursuant to CEQA, a historic resource that is eligible for listing, but not listed on the CRHR and NRHP, is considered to be significant.

Despite these protections, it is reasonably foreseeable that these types of uses could result in a significant effect on one or more historical resources. The reasons for this conclusion are as follows.

- These uses would be considered for approval in rural areas where the potential for encountering historical resources is relatively high. Rural areas are less likely than developed areas to have been previously surveyed for historical resources and more likely to contain significant, yet to be evaluated, resources.
- These uses typically result in substantial disturbance of the site on which they are constructed or operated. They cannot operate properly unless they occupy a given space.
- El Dorado County is rich in historical resources. However, there are currently no historical resources listed on the CRHR in the county. It is highly likely that there are many historical resources in the county that have not been evaluated for CRHR eligibility that actually would be eligible. The destruction of any of these resources as a result of one of the conditional land uses would be a significant impact.

Destructive impacts to historical resources cannot be fully mitigated (*League for Protection of Oakland's Architectural and Historic Resources v. City of Oakland* (1997) 52 Cal.App.4th 896). Therefore, this impact is significant and unavoidable.

**Impact CUL-2: Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 (significant and unavoidable)**

The conditional land uses described in Table 3.5-2 are intensive uses that typically result in substantial ground disturbance during construction, operation, or both. Because they are allowed only upon approval of a CUP, they would be subject to CEQA's analysis and mitigation requirements. General Plan Policy 7.5.1.6 (treatment of significant cultural resources in accordance with CEQA standards) would duplicate this requirement.

Application of General Plan Policy 7.5.1.1 (County to establish a Cultural Resources Ordinance) to these development projects (per the consistency review under Policy 2.2.5.20) would largely avoid adverse changes to archeological resources by providing a framework for the mitigation of impacts. However, the Cultural Resources Ordinance envisioned in this policy has not been adopted.

The County's Guidelines for Cultural Resources Studies is helpful in ensuring that archaeological surveys will be conducted by qualified professionals and that CEQA analysis is properly carried out. However, it does not identify specific mitigation measures to avoid impacts on archaeological resources and cannot ensure that no development project will result in a substantial adverse change in those resources. CEQA would allow a project resulting in a substantial adverse change to proceed, provided that an EIR were prepared first.

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The ZOU includes Zoning Ordinance Section 17.30.030.G (protection of wetlands and sensitive riparian habitat) that would establish standards requiring the avoidance and minimization of impacts on wetlands and sensitive riparian habitat. These standards would apply to all ministerial and discretionary permits proposed adjacent to perennial streams, rivers, or lakes, any intermittent streams and wetlands shown on the latest U.S. Geological Survey Quad maps, and any sensitive riparian habitat within the county. Ministerial development would be required to be set back 25 feet from any intermittent stream, wetland or sensitive riparian habitat, or a distance of 50 feet from any perennial lake, river, or stream. All discretionary development with the potential to impact wetlands or sensitive riparian habitat would require a biological resource evaluation to establish the area of avoidance and any buffers or setbacks required to reduce the impacts to a less-than-significant level (this would be in addition to any required CEQA analysis). The proposed code would also establish greater setbacks from specified major lakes, rivers, and creeks within the county.

This component of the ZOU would reduce the project's potential to adversely change the significance of archaeological resources. The areas adjacent to streams and waterways are among the most likely to contain archaeological resources. Although this would reduce the project's potential impact to some degree, it would not cover a sufficient amount of the county's archaeologically sensitive land to substantially reduce the potential for new development to adversely affect archaeological resources.

Despite these protections, it is reasonably foreseeable that these types of uses could result in a significant effect on one or more archaeological resources. The reasons for this conclusion are as follows.

- These uses would be considered for approval in rural areas where the potential for encountering archaeological resources is relatively high. Rural areas are less likely than developed areas to have been previously surveyed for archaeological resources and more likely to contain unknown, yet to be evaluated, resources.
- These uses typically result in substantial disturbance of the site on which they are constructed or operated. They cannot operate properly unless they occupy a given space.
- El Dorado County is rich in archaeological resources. It is highly likely that there are many unknown archaeological resources in the county. The destruction of a significant archaeological resource as a result of one of the conditional land uses would be a significant impact.

Mitigation measures for archaeological resources are necessarily project-specific and site-specific in order to effectively reduce or avoid the impacts of the development project being proposed on the particular archaeological resource being adversely affected. Mitigation measures take into account the characteristics of the project, its impact mechanisms, the particular resources being affected, and feasible and effective means of reducing its impacts. The project (i.e., TGPA and ZOU) does not include specific development projects. Therefore, development of feasible and effective mitigation that would assure that all future development projects would avoid significant effects on archaeological resources is not possible. When a Cultural Resources Ordinance is adopted pursuant to General Plan Policy 7.5.1.1, it may provide for mitigation of this impact. However, until that time, this impact is significant and unavoidable.

### **Impact CUL-3: Disturb any human remains, including those interred outside of formal cemeteries (less than significant)**

The project does not include any site-specific development project. Consequently, its effect on any specific resource cannot be determined. However, state regulations requiring the reporting and

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proper, respectful handling of human remains uncovered during construction activities avoid this impact (CHSC Section 7050.5 and PRC Section 5097.98). Therefore, development under the project is not expected to result in a significant effect. This impact would be less than significant.

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### Comparison of Other Jurisdictions Cultural Resources Ordinances

County	Adopted Cultural Resource Ordinance	General Plan Policies	Historical Resources Included or Separate	References
Alpine	No	No		
Amador	No	No		
Butte	No	<p>Policies in Cultural Resources Element call for:</p> <ul style="list-style-type: none"> <li>• Preserving important cultural resources (3);</li> <li>• Ensuring new development does not adversely impact cultural resources (3);</li> <li>• Respect of Native American culture and planning concerns (5)</li> </ul>	<p>Policies include historic, prehistoric archaeological, paleontological, resources and and Native American cultural resources</p>	<p><a href="http://www.buttegeneralplan.net/">http://www.buttegeneralplan.net/</a> Butte County General Plan 2030, Conservation and Resource Element, VIII. Cultural Resources</p>
Calaveras	No	<ul style="list-style-type: none"> <li>• 1996 Adopted General Plan Open Space Element addresses the role of open space in providing cultural opportunities;</li> <li>• Policies focus on areas of archaeological importance and significant cultural and historical areas;</li> <li>• Draft General Plan Update (December 2014) includes policies related to cultural and paleontological resources in the Conservation &amp; Open Space Element;</li> <li>• Land Use Element also includes policies that promote the use of the County's unique cultural resources; facilitate special events that promote cultural and historical attractions; ensure architectural style of new development is consistent with historical nature of existing buildings and maintain the community's historical character</li> </ul>	<p>Policies include historic, archaeological, paleontological, and Native American resources</p>	<p><a href="http://www.planning.calaverasgov.us/GeneralPlanUpdate/1996GeneralPlan.aspx">http://www.planning.calaverasgov.us/GeneralPlanUpdate/1996GeneralPlan.aspx</a> 1996 Adopted General Plan, Open Space Element Draft General Plan Update, December 2014, Conservation and Open Space Element</p>
Mariposa	Yes	<p>Policies in Historic and Cultural Resources Element call for:</p> <ul style="list-style-type: none"> <li>• Determining appropriateness of Certified Local Government Status to better serve owners of historic properties;</li> <li>• Identifying historical resources of significance within the County;</li> <li>• Use of financial incentives and partnership opportunities to preserve historic and cultural resources;</li> <li>• Utilization of the County's historic sites to increase tourism opportunities;</li> <li>• Creation of historic districts to preserve the County's historic character and promote tourism;</li> <li>• Alternatives to demolition or destruction of historic and cultural resources;</li> <li>• Inclusion of Native American</li> </ul>	<p>Historic Resources included; Two historic districts identified</p>	<p>County of Mariposa General Plan Vol. 1 Chapter 14 <a href="https://www.mariposacounty.org/DocumentCenter/Home/View/2932">https://www.mariposacounty.org/DocumentCenter/Home/View/2932</a></p> <p>Mariposa County Code:</p> <ul style="list-style-type: none"> <li>• Chapter 17.332 – History Design Review Overlay Zone</li> <li>• Sec. 17.336.070 – Architectural theme and development guidelines for historic design review overlay district</li> </ul> <p>Architectural them and development guidelines for Coulterville Town Planning Area</p>



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### Comparison of Other Jurisdictions Cultural Resources Ordinances

County	Adopted Cultural Resource Ordinance	General Plan Policies	Historical Resources Included or Separate	References
		representatives in discretionary project review		Historic Design Review Guideline
Napa	Yes	<p>Policies (15) in Community Character Element call for:</p> <ul style="list-style-type: none"> <li>• Identifying and preserving of Napa County's irreplaceable cultural and historic resources;</li> <li>• Encouraging reuse of historic buildings by providing incentives</li> </ul> <p>Landmark Preservation Ordinance includes:</p> <ul style="list-style-type: none"> <li>• Definition of "Historic Resource";</li> <li>• Landmark designation criteria and procedures;</li> <li>• Ghost wineries, farm centers and landmarks of special significance;</li> <li>• Preservation incentives;</li> <li>• Designated landmarks, farm centers, and landmarks of special significance–use conditions;</li> <li>• Designated landmarks–removal of status.</li> </ul> <p>• <i>County planner noted desire for a provision regarding demolition permit for a structure at least 50 years old, County has right to ask for a quick cultural resources survey.</i></p>	Historic, pre-historic, archaeological resources included	<p>Landmark Preservation Ordinance No. 1367 adopted 12/6/2011 – amended Chapter 15.52 &amp; added new sections 18.104.430 and 18.132.065</p> <p>Napa County Code:</p> <ul style="list-style-type: none"> <li>• Chapter 15.52 Landmark Preservation</li> <li>• Sec. 18.104.430 – Napa County Landmarks of Special Significance–Findings Sec. 18.132.065 – Napa County Landmarks of Special Significance–Use and Continuance</li> </ul>
Nevada	No	<p>Policies in 1996 Adopted General Plan, Chapter 19: Cultural Resources Element call for:</p> <ul style="list-style-type: none"> <li>• Identifying, protecting and restoring (where economically feasible) significant archaeological and historic resources;</li> <li>• Implementing development standards, including preservation of open space, to protect identified significant cultural sites;</li> <li>• Consideration of Native American concerns and values in the development review process. Policy 19.1 calls for enactment of a Cultural Resources Ordinance.</li> </ul> <p>Zoning Ordinance includes Historic Preservation Combining District</p>	Historic and archaeological resources included	<p>Nevada County General Plan, Chapter 19: Cultural Resources <a href="https://www.mynevadacounty.com/nc/cda/planning/Pages/Nevada-County-General-Plan.aspx">https://www.mynevadacounty.com/nc/cda/planning/Pages/Nevada-County-General-Plan.aspx</a></p> <p>Nevada County Zoning Ordinance, Article 2 Zoning Districts, Sec. L-II 2.7.2 Historic Preservation Combining District (HP) <a href="http://qcode.us/codes/nevadacounty/view.php?topic=3-ii-2-l_10&amp;frames=on">http://qcode.us/codes/nevadacounty/view.php?topic=3-ii-2-l_10&amp;frames=on</a></p>
Placer	Yes	<ul style="list-style-type: none"> <li>• Policies (12) in Recreation and Cultural Resources Element call to identify, protect, and enhance Placer County's important</li> </ul>	Historical, archaeological, paleontological	Placer County General Plan <a href="http://www.placer.ca.gov/departments/communitydevelopment/plan">http://www.placer.ca.gov/departments/communitydevelopment/plan</a>

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### Comparison of Other Jurisdictions Cultural Resources Ordinances

County	Adopted Cultural Resource Ordinance	General Plan Policies	Historical Resources Included or Separate	References
		<p>historical, archaeological, paleontological, and cultural sites;</p> <ul style="list-style-type: none"> <li>• Zoning Ordinance includes design review code for a Design Historical (-Dh) Combining Zone District;</li> <li>• Building and Development Code includes Article 15.60 Cultural and Historic Resources Preservation</li> <li>• Environmental Review Ordinance includes guidelines for protecting cultural and historic resources</li> <li>• Placer Legacy Open Space and Agricultural Conservation Program adopted in 1994 includes policies related to the protection and preservation of historic and cultural resources including historic landmarks, buildings and roads; Native American artifacts, petroglyphs and paleontological sites</li> </ul>	included	<p><a href="http://www.placer.ca.gov/DocumentLibrary/commplans/placer-county-gp">ning/documentlibrary/commplans/placer-county-gp</a>  Zoning Ordinance Code, Chapter 17  Sec. 17.52.070 (Design Review)  <a href="http://qcode.us/codes/placercounty/view.php?version=beta&amp;view=mobile&amp;topic=17-2-vi-17_52-17_52_070">http://qcode.us/codes/placercounty/view.php?version=beta&amp;view=mobile&amp;topic=17-2-vi-17_52-17_52_070</a>  Building and Development Code, Chapter 15, Article 15.60 Cultural and Historic Resources Preservation  <a href="http://qcode.us/codes/placercounty/view.php?version=beta&amp;view=mobile&amp;topic=15-15_60">http://qcode.us/codes/placercounty/view.php?version=beta&amp;view=mobile&amp;topic=15-15_60</a>  Placer County Code, Chapter 18 (Environmental Review)  <a href="http://qcode.us/codes/placercounty/view.php?topic=18">http://qcode.us/codes/placercounty/view.php?topic=18</a>  Placer Legacy Open Space and Agricultural Conservation Program, Appendix C (Placer County General Plan Conservation Goals, Policies and Programs)  <a href="http://www.placer.ca.gov/Departments/CommunityDevelopment/Planning/PlacerLegacy.aspx">http://www.placer.ca.gov/Departments/CommunityDevelopment/Planning/PlacerLegacy.aspx</a></p>

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### Comparison of Other Jurisdictions Cultural Resources Ordinances

County	Adopted Cultural Resource Ordinance	General Plan Policies	Historical Resources Included or Separate	References
Plumas	No	<p>Current General Plan adopted in 1984 includes an Historical Areas section which calls to:</p> <ul style="list-style-type: none"> <li>• Protect and preserve historic and prehistoric sites, structures, and objects for their scientific, education and cultural values;</li> <li>• Encourage private owners to preserve and rehabilitate historic buildings and to continue their use as an integral part of the community;</li> <li>• Identify important historical areas, buildings, and significant archaeological sites and map know cultural heritage resources</li> <li>• Establish panel of archaeological experts to develop specific criteria to determine site sensitivity</li> <li>• Establish “special plan-historical areas” and provide for an architectural review process.</li> </ul> <p>Draft General Plan Update (2012-13) Conservation and Open Space Element includes Cultural and Historical Resources policies (10) that call to: Protect and preserve historic and prehistoric sites, structures, features, objects, and properties important in Native American history</p>	Historic, prehistoric, archaeological resources included	<p>Current General Plan  <a href="http://www.countyofplumas.com/index.aspx?NID=527">http://www.countyofplumas.com/index.aspx?NID=527</a></p> <p>Draft General Plan Update (2012-13)  <a href="http://www.countyofplumas.com/index.aspx?NID=2116">http://www.countyofplumas.com/index.aspx?NID=2116</a>                      Conservation and Open Space Element, Goal 7.5 Cultural and Historical Resources</p>
Sierra	No	<p>Policies (15) in the General Plan (updated in 2012) Cultural Resources Element call to: Identify and protect the cultural, historical and archaeological resources of Sierra County</p> <ul style="list-style-type: none"> <li>• Includes Policy to encourage use of the U.S. Secretary of the Interior’s General Standards for Historic Preservation Projects</li> </ul> <p>Related Plans</p> <ul style="list-style-type: none"> <li>• Tahoe Forest Plan (1990) includes summary of cultural resources inventory within the Forest</li> <li>• Plumas National Forest Plan (1988) includes standards for the protection of several historic sites</li> <li>• Toiyabe Nation Forest Plan includes standards and guidelines consistent with State Historic Preservation Office</li> </ul>	Historical and archaeological resources included	<p>Sierra County General Plan (2012)  <a href="http://www.sierracounty.ca.gov/DocumentCenter/View/185">http://www.sierracounty.ca.gov/DocumentCenter/View/185</a></p>
Tehama	No	No		
Tuolumne	Yes	Policies in current General Plan Cultural	Historical	Tuolumne County General Plan,

## EXHIBIT J

### Comparison of Other Jurisdictions Cultural Resources Ordinances

County	Adopted Cultural Resource Ordinance	General Plan Policies	Historical Resources Included or Separate	References
		<p>Resources Management Element call to:</p> <ul style="list-style-type: none"> <li>• Encourage historic preservation by adopting a consistent and predictable environmental review process for evaluating impacts to cultural resources</li> <li>• Maintain the county's cultural heritage through identification, management, preservation, use, enhancement, restoration and study of its cultural resources</li> <li>• Recognize and use cultural resources management as a tool for implementing other goals and policies of the General Plan</li> <li>• Promote community appreciation for the county's cultural resources through community education and involvement to insure continued proper private and public stewardship of cultural resources in the county</li> </ul> <p>Cultural Resources Ordinance includes:</p> <ul style="list-style-type: none"> <li>• Definitions</li> <li>• Management of Cultural Resources Based on Priority Designations</li> <li>• Demolitions of Buildings and Structures</li> <li>• Project Review Procedures and Standardized resource Management Conditions</li> <li>• Database of Cultural Resources, County Archive and County-sponsored Resource Inventories</li> <li>• Heritage Corridors</li> </ul>	resources / properties included	<p>Chapter 9, Cultural Resources Management Element  <a href="http://www.tuolumnecounty.ca.gov/DocumentCenter/View/1146">http://www.tuolumnecounty.ca.gov/DocumentCenter/View/1146</a></p> <p>Tuolumne County Code, Title 14 (Cultural Resources)  <a href="http://www.tuolumnecounty.ca.gov/index.aspx?NID=165#">http://www.tuolumnecounty.ca.gov/index.aspx?NID=165#</a></p> <p>Draft General Plan Update, Cultural Resources Element  <a href="http://www.tuolumnecounty.ca.gov/DocumentCenter/View/2860">http://www.tuolumnecounty.ca.gov/DocumentCenter/View/2860</a></p>
Yolo	No	<ul style="list-style-type: none"> <li>• Policies (14) in Conservation and Open Space Element call to: Preserve and protect cultural resources within the County</li> <li>• Implementation Program includes 16 action items.</li> <li>• Policies in Land Use and Community Character Element call to: <ul style="list-style-type: none"> <li>• Encourage a range of uses (including cultural uses) in downtown areas</li> <li>• Site specific information shall be required for each application – technical information and surveys requested by may include cultural resources assessment</li> </ul> </li> </ul>	Historic, archaeological, paleontological resources included	Yolo County General Plan <a href="http://www.yolocounty.org/home/s/howdocument?id=14464">http://www.yolocounty.org/home/s/howdocument?id=14464</a>
Yuba	No	Policies (6) in General Plan Natural	Historic,	Yuba County General Plan

## EXHIBIT J

### Comparison of Other Jurisdictions Cultural Resources Ordinances

County	Adopted Cultural Resource Ordinance	General Plan Policies	Historical Resources Included or Separate	References
		Resources Element call to: Identify, protect, and preserve the County's important prehistoric and historic resources	prehistoric, paleontological resources included	<a href="http://www.co.yuba.ca.us/Departments/Community%20Development/Planning/Default%20Pages/2030%20General%20Plan.aspx">http://www.co.yuba.ca.us/Departments/Community%20Development/Planning/Default%20Pages/2030%20General%20Plan.aspx</a>

**EXHIBIT K**

**SUMMARY OF ORDINANCES ADOPTED/CODIFIED BY  
NAPA, PLACER AND TUOLUMNE COUNTIES**

**NAPA COUNTY  
LANDMARK PRESERVATION ORDINANCE  
(MUNICODE CHAPTER 15.52)**

<b>SECTION</b>	<b>PROVISION</b>
15.52.010	Purpose of provisions – Citizens participation
15.52.015	Definitions
15.52.020	Administrative authority – Powers and duties
15.52.030	Landmark designation criteria and procedures
15.52.035	Ghost wineries, farm centers and Landmarks of Special Significance
15.52.037	Preservation incentives
15.52.040	Designated Landmarks, farm centers and Landmarks of Special Significance– Use conditions
15.52.050	Designated Landmarks – Removal of status
15.52.060	Appeals procedure
18.104.430	Napa County Landmarks of Special Significance – Findings
18.132.065	Napa County Landmarks of Special Significance – Use and Continuance
<i>Ordinance Sections Not Codified:</i>	
Section 11.	General Plan Update program level EIR (as EIR for this ordinance)
Section 12.	Napa County General Plan policies and goals (this ordinance is consistent with)
Section 13.	Validity clause
Section 14.	Effective date (30 days from and after the date of passage (December 6, 2011))
Section 15.	Summary of Ordinance published dates

**EXHIBIT K**

**SUMMARY OF ORDINANCES ADOPTED/CODIFIED BY  
NAPA, PLACER AND TUOLUMNE COUNTIES**

**PLACER COUNTY  
CULTURAL AND HISTORIC RESOURCES PRESERVATION ORDINANCE  
CHAPTER 15, BUILDING AND DEVELOPMENT, ARTICLE 15.60**

<b>SECTION</b>	<b>PROVISION</b>
15.60.010	Title
15.60.020	Intent and purpose
15.60.030	Placer County Historical Advisory Board (HAB)
15.60.040	Responsibilities and duties of the historical advisory board
15.60.050	Responsibilities and duties of the department of facility services/museums division
15.60.060	Official register of cultural and historic resources
15.60.070	Initiation of official register designation process by the property owner(s)
15.60.080	Review criteria
15.60.090	Processing of applications
15.60.100	Planning commission hearing
15.60.110	Board of supervisors hearing
15.60.120	Deletion of demolished or destroyed resource
15.60.130	Amendment of official register
15.60.140	Cultural/historic district plan and cultural/historic preservation plan
15.60.150	Approval of permits
15.60.160	Dangerous structures
15.60.170	Substandard buildings
15.60.180	Demolition or destruction of cultural/historic resources, including sites in a cultural/historic district
15.60.190	Advice and guidance to property owners
15.60.200	Incentives
15.60.210	Ordinary maintenance and repair
15.60.220	Enforcement and penalties
15.60.230	Definitions

**EXHIBIT K**

**SUMMARY OF ORDINANCES ADOPTED/CODIFIED BY  
NAPA, PLACER AND TUOLUMNE COUNTIES**

**TUOLUMNE COUNTY  
TITLE 14 – CULTURAL RESOURCES**

<b>CHAPTER/ SECTION(S)</b>	<b>PROVISION</b>
<b>14.04. .010 - .440</b>	<b>Definitions (includes 48 defined terms)</b>
<b>14.06.</b>	<b>Management of Cultural Resources Based on Priority Designations</b>
14.06.010	Purpose
14.06.020	Management of cultural resources based on cultural resource priority designations
14.06.025	Historic preservation review commission use of priority designations
14.06.030	Applicability of priority designations
14.06.040	Building permits for demolition or relocations
14.06.050	Applications for discretionary entitlements
14.06.060	Use of State Historic Building Code
14.06.070	Mills Act program
14.06.080	Determination of priority
14.06.090	Implementation of cultural resources management activities
14.06.100	Determining cultural resource priority designations for resources which already have been evaluated by qualified professionals
14.06.110	Determining cultural resource priority designations for resources which have not yet been evaluated by a qualified professional
<b>14.08.</b>	<b>Demolition of Buildings and Structures</b>
14.08.010	Purpose
14.08.020	Review required
14.08.030	Exceptions to review process
14.08.040	Establishment of Historic Preservation Review Commission Demolition Review Committee
14.08.050	Procedures for reviewing and acting on demolition proposed in building permits outside of H district
14.08.060	Appeals of decisions of the Historic Preservation Review Commission Demolition Review Committee
14.08.070	Effective date of permits
14.08.080	Application for building permit for demolition outside an H district
14.08.090	Consideration of building permit for demolition
14.08.095	Alternative procedures for reviewing and acting on demolition proposed in building permits outside of H district
14.08.100	Maintenance of vacated lots after demolition
14.08.110	Violation; enforcement
14.08.115	Violation permit penalty



**EXHIBIT K**

**SUMMARY OF ORDINANCES ADOPTED/CODIFIED BY  
NAPA, PLACER AND TUOLUMNE COUNTIES**

<b>CHAPTER/ SECTION(S)</b>	<b>PROVISION</b>
<b>14.10.</b>	<b>Project Review Procedures and Standardized Resource Management Conditions</b>
14.10.010	Purpose
14.10.015	Applicability
14.10.020	Process for determining when building permits are discretionary
14.10.030	Exemptions
14.10.040	Procedure to assess potential impacts to cultural resources
14.10.050	Discovery of cultural resources
14.10.060	Avoidance of cultural resources
14.10.070	Cultural resources studies and preparation of cultural resource management plans
14.10.080	Data recovery excavations
14.10.090	Capping
14.10.100	Advisory agency notifications
14.10.110	California Historical Resources Information System (CHRIS)
14.10.120	Human remains
14.10.130	Emergency projects
14.10.140	Conditions attached to permit
14.10.150	Standard condition of approval for county entitlements
14.10.160	Preconstruction meetings for discretionary projects
14.10.170	Violation; enforcement
<b>14.12.</b>	<b>Database of Cultural Resources, County Archive and County-Sponsored Resource Inventories</b>
14.12.010	Purpose
14.12.020	Tuolumne County database of cultural resources
14.12.030	County archive
14.12.040	County-sponsored cultural resource inventories
<b>14.14.</b>	<b>Heritage Corridors</b>
14.14.010	Purpose
14.14.020	Heritage corridors defined
14.14.030	Application
14.14.040	Landowner notification
14.14.050	Landowner consent
14.14.060	Management plan

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## Requirements

(Excerpt from Appendix G, Certified Local Government Application and Procedures, August 1999, pp 41-47.)

Local governments may be certified to participate in the CLG program by complying with the following requirements:

- I Enforce appropriate state or local legislation for the designation and protection of historic properties:
  - A. State enabling legislation provides for local jurisdictions to enact appropriate historic preservation legislation. California Government Code Sections 65850, 25373, and 37361 enable city and county legislative bodies to provide for “the protection, enhancement; perpetuation, or use of places, sites, buildings, structures, works of art, and other objects having a special character or special historical or aesthetic interest or value.”
  - B. Local governments must adopt local historic preservation ordinances with provisions to enforce the designation and protection of historic and archeological resources.
  - C. The local legislation shall be consistent with the intent and purpose of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470).
  - D. The CLG will adopt a historic preservation plan or a historic preservation element for the local jurisdiction's General Plan, as authorized by the California Government Code, prior to or upon applying for a CLG grant.
  - E. The CLG commission will participate in the environmental review of specific federally sponsored projects, such as community development programs involving HUD Block Grant funds unless it is determined by OHP that the necessary expertise is not available to the local government. The CLG will establish programmatic agreements with the state agreeing to ensure compliance with Section 106 provisions of the NHPA.
  - F. The CLG commission will participate in the environment review of local projects in accordance with the requirements under the California Environmental Quality Act (CEQA). The commission may review and comment on permit actions affecting significant listed historic properties and other resources eligible for listing, in accordance with local ordinance requirements and with CEQA. Procedural guidelines should include standards for demolition stays, design review criteria, anti-neglect requirements, and appeal strategies.
- II Establish an adequate and qualified historic preservation review commission by local law:
  - A. The commission shall include a minimum membership of five (5) individuals with all members having demonstrated interest, competence, or knowledge in historic preservation.
  - B. At least two (2) Commission members are encouraged to be appointed from among professionals in the disciplines of history, architecture, architectural

## EXHIBIT L

- history, planning, pre-historic and historic archeology, folklore, cultural anthropology, curation, conservation, and landscape architecture or related disciplines, such as urban planning, American studies, American civilization, or cultural geography, to the extent that such professionals are available in the community. Commission membership may also include lay members who have demonstrated special interests, competence, experience, or knowledge in historic preservation.
- C. A local government may be certified without the minimum number or types of disciplines established in state procedures if it can be demonstrated to the satisfaction of the state that it has made a reasonable effort to fill those positions, or that some alternative composition of the commission best meets the needs of the protection of historic properties in the local community.
  - D. Commission members shall be appointed by the chief elected local official, city council, or board of supervisors consistent with the provisions of the preservation ordinance. The appointing authority shall make interim appointments to fill unexpired terms in the event of vacancies occurring during the term of members of the commission. The appointing authority shall also act within sixty (60) days to fill a vacancy. Terms of office of the commission members shall be according to the local preservation ordinance.
  - E. The commission shall meet at least four times a year, with meetings held in a public place, advertised in advance, and open to the public, pursuant to the Ralph M. Brown Act (G.C. Section 54950 et seq.) for open meetings. Written minutes of commission meetings shall be kept on file, available for public inspection, and submitted to the state as a part of the CLG Annual Report.
  - F. Each commission member is required to attend at least one informational or educational meeting, seminar, workshop, or conference per year that pertains directly to the work and functions of the commission and would be approvable by the state. The CLG Regional Workshops sponsored by the OHP are important sources of information. The annual State Historic Preservation Conference generally provides special sessions devoted to the issues, objectives, and responsibilities of commissions. Commissions may also bring in professionals to provide training on site.
  - G. An annual report of the activities of the commission shall be submitted to the state at the end of each calendar year. The reports shall include, but not be limited to, such information as narrative summary of accomplishments, summaries of new and corrected survey activities, number of properties designated under local ordinance in relation to inventory for community, summaries of National Register applications reviewed, summaries of historical contexts prepared, number of federal tax certifications reviewed, number of properties on which design review was held, number of properties on which environmental project reviews were conducted, property owners of Mills Act contracts approved, summarization of local preservation activities, list of local landmark designations, description of public education activities, lists of commission members and resumes, list of staff and resumes, detailed listing of commission and staff training received, commission attendance

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records, summary of changes in preservation laws, summary of adoption or updates of historic preservation plan or historic preservation element of your community's General Plan, commission meeting minutes and agendas, and other pertinent activities performed by the commission.

### III Maintain a system for the survey and inventory of historic properties:

The CLG shall be responsible for organizing, developing, and administering an inventory of cultural resources within the entire spatial jurisdiction of the CLG.

- A. The commission shall develop procedures for conducting an inventory of culture resources. Survey activities shall be coordinated with and complementary to the state program to ensure that survey results produced by the CLG will be readily integrated into the statewide comprehensive historic preservation planning process.
  1. The CLG shall be responsible for overseeing the compiling, recording, and updating of inventory information on cultural resources within its jurisdiction. The information shall be based on comprehensive surveys conducted in conformance with state survey standards and procedures. Surveys completed prior to the certification of a local government may be re-evaluated in accordance with state standards and may be submitted for inclusion in the State database.
  2. As part of any ongoing survey effort, procedural requirements must allow for periodic update of survey results as buildings gain maturity and as new areas are incorporated or annexed by the CLG.
  3. The commission must adopt state guidelines for conducting its inventory of historic properties. State-approved inventory forms (DPR-523, A-L) and the OHP's Instructions For Recording Historical Resources shall be used to facilitate integration into the state electronic data system and for statewide comprehensive historic preservation planning purposes. Dimitri software is available for the DPR 523 forms.
  4. Standards for the evaluation of properties must be consistent with the National Register of Historic Places criteria.
- A. The commission shall establish internal procedures to facilitate the use of survey results in the planning process by the CLG officials and departments. The commission shall submit survey results to the local government for adoption, then forward to OHP. Copies of the survey should be on deposit at the local planning department, building and safety office, public works department, and redevelopment agency. Libraries, colleges, and historical societies should also receive copies. OHP will make copies available for the appropriate "California Historical Resources Information System" regional center. See IV(A)(2) below for public access requirements.

### IV Provide for adequate public participation in the local historic preservation program:

- A The CLG shall provide opportunities for public participation in all responsibilities delegated to the CLG, in accordance with appropriate regulations, standards, and guidelines.

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1. Public participation shall be fully encouraged at local commission meetings. Commission meetings shall be open to the public, with published agenda and minutes in accordance with the Ralph M. Brown Act (G.C. Section 54950 et seq.) for open meetings. The published agenda shall be mailed in advance of meetings to individuals and citizen organizations interested in the commission's activities.
  2. Public participation shall be fully encouraged in the performance of the historic survey program at all levels of responsibility to identify and inventory significant cultural resources in the jurisdiction of the CLG. The public can serve as volunteers to assist in the survey effort. Survey results shall be of public record and on file at a public institution, except in the case of sensitive resources, e.g., archeological sites subject to vandalism.
  3. Public participation shall be fully encouraged in the nomination process for the National Register of Historic Places program. The CLG shall invite comments from the general public regarding National Register nominations.
  4. Public participation shall be fully encouraged in all public hearings on projects related to CEQA and Section 106 processes.
- V Satisfactorily perform the responsibilities delegated to the CLG:
- A. The CLG shall prepare a comprehensive local historic preservation plan which would identify preservation missions, goals, and priorities. The plan would also establish preservation strategies, programs, and time schedules.
  - B. The CLG will participate in the review and comment on historic preservation certification applications for tax incentives. The CLG and state may establish procedures for implementation of the investment tax credit program at the local level in conformance with the Secretary of the Interior's Standards for Historic Preservation.
  - C. Each CLG must have a local historic preservation plan prior to or upon becoming a CLG before any additional grant applications will be considered. The state shall monitor and evaluate the performance of the CLG for consistency with the identification, evaluation, and preservation priorities of the comprehensive state historic preservation planning process.
    1. Annual Review of CLGs:

The State shall conduct an annual review of CLGs to assure that each government continues to meet the minimal requirements and is satisfactorily performing its responsibilities. As part of this review, the state shall examine the annual reports submitted by the CLGs, records of the administration of funds allocated from the HPF, and other documents as necessary. The CLG shall make these records available to the state. A more thorough review and site visit to the Certified Local Government will occur at least once every three (3) years.
    2. Procedures for Decertification:

If the state evaluation indicates that the CLG no longer meets the minimal requirements or that in any other way a CLG's performance is not

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satisfactory, the state shall document that assessment and recommend to the local government steps to bring its performance up to a satisfactory level. The CLG shall have a period of not less than 30 nor more than 180 days to implement improvements; If the state determines that sufficient improvement has not occurred, the state shall decertify the local government, citing specific reasons for the decertification. Performance shall be deemed unsatisfactory if one or more of the following conditions exist or is applicable: a) the commission fails to perform its delegated responsibilities within established time periods; b) the CLG fails to coordinate its responsibilities with the state; c) the commission substantially fails to maintain consistency of its design review decisions with the Secretary's Standards for Historic Preservation; d) the CLG fails to maintain a qualified historic preservation review commission membership; e) the CLG fails to enforce the provisions of the local preservation ordinance; f) the CLG fails to enforce its CEQA and Section 106 responsibilities; g) the CLG fails to adequately survey historical resources in its jurisdiction; and h) the CLG fails to comply adequately with proper fiscal management of HPF grants in accordance with the National Register Programs Guideline, OMB Circular A-128, and 43 CFR 12.

3. Decertification Appeal:

If the state recommends decertification, the local government may appeal to the NPS. The NPS has 45 days to respond to the appeal.

4. Decertification Without Prejudice:

CLGs may petition the OHP to be decertified voluntarily and without prejudice.

5. Financial Assistance Close-out:

The state shall conduct financial assistance close-out procedures pursuant to the National Register Program Guideline when a local government is decertified.

VI The CLG shall assume certain responsibilities for reviewing and recommending properties within its jurisdiction to the National Register of Historic Places.

A. The SHPO shall have the sole responsibility of nominating National Register properties directly to the Secretary of the Interior (Secretary).

B. The CLG shall establish local procedures for the National Register nomination process consistent with the requirements in the NHPA, Section 101(c)(2).

1. Before a property within the jurisdiction of a CLG may be considered by the state to be nominated to the National Register, the state shall notify the owner, the applicable chief elected local official, and the local historic preservation commission. The commission, after reasonable opportunity for public comment, shall prepare a report as to whether or not such property, in its opinion, meets the criteria of the National Register. Within sixty (60) days of notice from the state, the chief elected local official shall transmit the report of the commission and his/her recommendation to the state. After receipt of such report and recommendation, or if no such report and recommendation are received within sixty (60) days, the state

## EXHIBIT L

shall process the National Register nomination. The state may expedite such process with the concurrence of the CLG.

2. If both the commission and the chief elected local official recommend that a property not be nominated to the National Register, the state shall take no further action, unless within thirty (30) days of the receipt of such recommendation by the state, an appeal is filed with the state. If such an appeal is filed, the state shall follow the procedure for making a nomination pursuant to Section 101(a). Any report and recommendations made under this section shall be included with any nomination submitted by the state to the Secretary.
- VII By mutual written agreement with the local governing body, the state may delegate additional responsibilities to the CLG. Local governments may be certified to participate in specific program activities under Programmatic Agreements.
- A. The CLG may develop educational programs promoting historic preservation at the local level such as, but not limited to, sponsorship of preservation workshops, publication of preservation information, organizing preservation fairs, conducting walking tours, preparing preservation curricula for schools, etc.
  - B. Commission members may act in an advisory capacity to other officials and departments within the local government and act as a liaison on behalf of the CLG to individuals and organizations concerned with historic preservation issues at the local level.
  - C. The CLG may participate in the Mills Act program or other economic incentive programs to provide property-tax relief for owners of historic properties.
  - D. The CLG may participate in the Marks Historical Rehabilitation Act for issuance of tax-exempt industrial development bonds, providing that the commission shall serve as a part of the required citizen advisory board.
  - E. The CLG may assume certain responsibilities of recommending National Register of Historic Places properties, identified in the CLG jurisdiction, directly to the State Historical Resources Commission.
  - F. By mutual written agreement with the local governing body, the state may delegate additional responsibilities to the CLG.