

### 3.3 CULTURAL AND TRIBAL CULTURAL RESOURCES

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

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

#### 3.3.1 Regulatory Setting

##### FEDERAL

##### Section 106 of the National Historic Preservation Act

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

Section 106 of the NHPA and accompanying regulations (36 CFR Part 800) constitute the main federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed in or may be eligible for listing in the NRHP. The NRHP is the nation’s master inventory of known historic resources. It is administered by the National Park Service and includes listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, and cultural districts that are considered significant at the national, state, or local level.

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

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

Listing in the NRHP does not entail specific protection or assistance for a property but it does guarantee recognition in planning for federal or federally assisted projects, eligibility for federal tax benefits, and qualification for federal

historic preservation assistance. Additionally, project effects on properties listed in the NRHP must be evaluated under CEQA.

The National Register Bulletin also provides guidance in the evaluation of archaeological site significance. If a heritage property cannot be placed within a particular theme or time period, and thereby lacks "focus," it is considered not eligible for the NRHP. In further expanding upon the generalized National Register criteria, evaluation standards for linear features (such as roads, trails, fence lines, railroads, ditches, and flumes) are considered in terms of four related criteria that account for specific elements that define engineering and construction methods of linear features: (1) size and length; (2) presence of distinctive engineering features and associated properties; (3) structural integrity; and (4) setting. The highest probability for National Register eligibility exists within the intact, longer segments, where multiple criteria coincide.

### Advisory Council on Historic Preservation

Under federal law, the Criteria of Adverse Effect are set forth by the Advisory Council on Historic Preservation (ACHP) in its implementing regulations, 36 CFR Part 800. As codified in 36 CFR Part 800.4(d)(2), if historic properties may be affected by a federal undertaking, the agency official shall assess adverse effects, if any, in accordance with the Criteria of Adverse Effect.

The Criteria of Adverse Effect (36 CFR 800.5 [a][1]) read:

An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the [NRHP] in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for the [NRHP]. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative.

36 CFR 800.5 (a)(2) reads:

Adverse effects on historic properties include, but are not limited to:

- (i) Physical destruction of or damage to all or part of the property;
- (ii) Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, and provision of handicapped access, that is not consistent with the [Secretary of the Interior's] Standards for the Treatment of Historic Properties (the Standards) (36 CFR part 68) and applicable guidelines;
- (iii) Removal of the property from its historic location;
- (iv) Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance;
- (v) Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features;
- (vi) Neglect of a property which causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization; and
- (vii) Transfer, lease, or sale of property out of Federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance.

### TAHOE REGIONAL PLANNING AGENCY

Article V(c)(3) of the Tahoe Regional Planning Compact (Public Law 96-551) required the development of a conservation plan for the preservation, development, utilization, and management of scenic and other natural

resources within the Tahoe Basin, including historic resources. TRPA accomplishes historic resource protection through implementation of its Goals and Policies and Code provisions as described below.

## Tahoe Regional Plan

TRPA regulates growth and development in the Tahoe Region through the Regional Plan, which includes the Goals and Policies, Code of Ordinances, and other components.

The Goals and Policies establish guiding policies for each resource element. The Conservation Element (Chapter 4) of the Goals and Policies document includes a Cultural Subelement, that includes a goal (Goal C-1) to identify and preserve sites of historic, cultural, and architectural significance within the Tahoe Region, and policies to identify and protect historic and culturally significant landmarks (Policy C-1.1), and sites and structures designated as historically, culturally, or archaeological significance (Policy C-1.2) (TRPA 2012a:4-28).

## Code of Ordinances

The Code is a compilation of the rules, regulations, and standards to implement the Regional Plan Goals and Policies. Adopted standards in the Code must be met by projects. TRPA recognizes sites, objects, structures, districts or other resources, eligible for designation as resources of historical, cultural, archaeological paleontological, or architectural significance locally, regionally, state-wide or nationally. Those resources must meet at least one of the criteria summarized below. Chapter 67 of the Code also provides for consultation with state historic preservation offices as well as the Washoe Tribe. Additionally, Standard 33.3.7 in Chapter 33 (Grading and Construction, Section 33.3, Grading Standards) addresses discovery of historic resources.

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

## STATE

### California Register of Historical Resources

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

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

considered a significant historical resource under CEQA. As noted above, all resources listed in or formally determined eligible for the NRHP are automatically listed in the CRHR.

The CRHR uses four evaluation criteria:

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

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

## California Environmental Quality Act

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

### Historical Resources

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

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission for listing in, the California Register of Historical Resources (PRC Section 5024.1).
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 a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, will be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource will be considered by the lead agency to be historically significant if the resource meets the criteria for listing in the California Register of Historical Resources (PRC Section 5024.1).
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 a 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 PRC Section 5020.1(j) or 5024.1.

### Unique Archaeological Resources

CEQA also requires lead agencies to consider whether projects will impact unique archaeological resources. PRC Section 21083.2(g) states that unique archaeological resource means an archaeological artifact, object, or site about

which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

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

### **Tribal Cultural Resources**

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

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

### **Public Resources Code Section 21080.3**

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

Within 14 days of determining that a project application is complete, or to undertake a project, the lead agency must provide formal notification, in writing, to the tribes that have requested notification of proposed projects in the lead agency's jurisdiction. If it wishes to engage in consultation on the project, the tribe must respond to the lead agency within 30 days of receipt of the formal notification. The lead agency must begin the consultation process with the tribes that have requested consultation within 30 days of receiving the request for consultation. Consultation concludes when either: 1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource, or 2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.

### **California Native American Historical, Cultural, and Sacred Sites Act**

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

### **Health and Safety Code Sections 7050.5 and 7052**

Section 7050.5 of the Health and Safety Code requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If determined to be Native American, the coroner must contact the NAHC. Section 7052 states that the disturbance of Native American cemeteries is a felony.

### **Public Resources Code Section 5097**

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

No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

## **3.3.2 Environmental Setting**

### **REGIONAL PREHISTORY**

A recent synthesis of the prehistory of California's Northern Sierra region focuses on data from more than 100 excavated sites in the watersheds of the Mokelumne, Calaveras, Stanislaus, and Tuolumne rivers. With timeframes adjusted for modern calibration curves for radiocarbon dates, the chronological sequence for this region is divided into five major time periods: Early Archaic (11,500–7000 calibrated before present [cal BP]), Middle Archaic (7000–3000 cal BP), Late Archaic (3000–1100 cal BP), Recent Prehistoric I (1100–610 cal BP), and Recent Prehistoric II (610–100 cal BP) (NIC 2021).

#### **Early Archaic Period (11,500-7000 cal BP)**

There is little evidence of the Early Archaic Period in the Sierran foothill region watersheds. Stratified cultural deposits at two sites have yielded wide stemmed and large stemmed dart points, as well as handstones and millingslabs, cobble core tools, and large percussion-flaked greenstone bifaces (NIC 2021).

#### **Middle Archaic Period (7000-3000 cal BP)**

A number of buried sites have been found in the western Sierran foothills that date to the Middle Archaic Period. The cultural material is primarily distinguished by corner-notched dart points, with an occasional mortar and pestle, as well as the earliest house structures in association with large subterranean storage pits. Various stone pendants, incised slate, and stone beads, as well as soapstone "frying pans" and other vessels first appear in the local archaeological record during this period. The presence of atlatl weights and spurs in these deposits confirms that the dart and atlatl were the primary hunting implements (NIC 2021).

#### **Late Archaic Period (3000-1100 cal BP)**

Although Late Archaic lifeways, technologies, and subsistence patterns are similar to those of the Middle Archaic, a primary difference is an increase in the use of obsidian. Flaked stone assemblages found above 6,000 feet on the western slope are composed almost entirely of obsidian. The use of chert, which is only available in the foothills of the western Sierra below about 3,000 feet, is more common below 6,000 feet. This pattern suggests that groups who used the upper elevations of the western Sierra likely arrived from the east side where obsidian was the primary toolstone (NIC 2021).

#### **Recent Prehistoric I Period (1100-610 cal BP)**

The beginning of the Prehistoric Period coincides with a region-wide interval of reduced precipitation known as the Medieval Climatic Anomaly. Among the most important changes in the archaeological record of the western slope at

this time was the introduction of the bow and arrow. This innovation appears to have been borrowed from neighboring groups to the north or east (NIC 2021).

### Recent Prehistoric II Period (610-100 cal BP)

During the Recent Prehistoric II Period, bedrock milling features are established across the western Sierran landscape. The common occurrence of bedrock mortars suggests they became an important milling technology by the start of the period. Greater settlement differentiation is also evident during this period, with focused residential sites that often include house depressions and other structural remains, as well as with special-use localities consisting simply of bedrock milling features. Additional specialized technologies associated with the Recent Prehistoric II include stone drills and bone awls. Desert Side-notched arrow points, which were likely adopted from Great Basin people to the east, appear in the archaeological record. The increase in sedentism and population growth led to the development of social stratification, with a more elaborate social and ceremonial organization. Imported shell beads from coastal California first appear in appreciable amounts in Recent Prehistoric II village sites (NIC 2021).

## ETHNOGRAPHY

The Lake Tahoe area is the nucleus of Washoe territory and is considered by the Washoe to be the “physical and spiritual center of the Washoe world”. Prehistoric remains in the traditional Washoe territory are considered by the Washoe to be of their direct ancestors. Washoe Tribe members point to the lack of an oral tradition of migration or mass movement to support that the prehistoric history of the Tahoe Basin is the history of the Washoe Tribe. Their language is an isolate, with no recognizable relationships to the dominant Numic language family speakers to the east or any of the Penutian language stock Native American groups to the west (NIC 2021).

The ethnographically unique Washoe engaged in a seasonal round, relying on a diverse range of resources (fish, animals, and plants) that were harvested at specific times of the year. There was a tendency to live on the lakeshore or other lower elevation areas during colder times and move up to higher elevations in warmer times. Ethnographers have noted that the Washoe tended to avoid living at places regarded as sacred. Permanent winter villages were established by local groups on high ground near springs and rivers, usually at the ecotone of several ecological zones. Individual, circular houses were usually 12–15 feet in diameter and made of poles interlocked at the top like a cone. The sides were covered with bark slabs or thatched with grass, tule, and willow. Temporary summer dwellings were dome-shaped and thatched with grass and tule. The dead were disposed of in a variety of ways, including cremation, tree or scaffold exposure, burial under logs, or burial in remote places (NIC 2021).

To gather and collect food resources, the Washoe used a wide array of tools, implements, and enclosures. These included bows and arrows, traps and snares, nets, and rock blinds for hunting mammals and birds, and duck and other shaped decoys for hunting waterfowl. Communal hunting drives were used to take both large and small mammals, using large nets and clubs. Cedar bark and tule rafts were used for lake fishing and reaching bird eggs along the banks. Woven tools (seed beaters, burden baskets, and carrying nets) and sharpened digging sticks were used to collect plant resources (NIC 2021).

External relations with many Native American groups were not always friendly. There were frequent clashes when Washoe groups encountered the Sacramento River Valley Miwok, Maidu, and Nisenan in the foothill gathering locales, since each claimed the same resource areas. Conflicts have also been recorded with the Konkow to the southwest and the Atsugewi and Achumawi to the northwest; the Washoe would have had to cross Maidu and Northern Paiute lands to reach these groups (NIC 2021).

The Washoe had little or no contact with Europeans, except for the occasional fur trapper, until the 1849 gold rush and later, the 1858 silver strike in Virginia City, brought miners and settlers through their territory. Even after this, there is little mention of the Washoe in settler accounts for several years because they moved their camps away from European American immigrant settlements. Following attempts to drive off settlers and facing increasing attacks by Paiutes who had acquired guns and horses, many Washoe sought accommodations with ranchers and farmers who had appropriated their lands. The Washoe soon were prevented from fishing in Lake Tahoe and other prime areas by European American commercial fisheries, and loggers cut down the piñon pine forests. Faced with such difficulties,

many Washoe participated in the Ghost Dance of the 1870s, a religious movement that diffused among Great Basin native peoples and prophesized an end to European American expansion (NIC 2021).

By 1859, the Washoe were urged to move to proposed reservations at Pyramid and Walker lakes with the Paiutes, but Washoe leaders refused to take their people to the homeland of a tribe that was now their enemy. Between 1887 and 1917, the federal government, the state of Nevada, and sympathetic European Americans set aside small parcels of land for the Washoe, in mostly worthless land, including Dresslerville Colony, Reno-Sparks Colony, and Carson Colony in Nevada. In 1936, the Washoe Tribe of Nevada and California was formed under regulations of the 1934 Indian Reorganization Act and started taking actions on their own behalf. They submitted land compensation claims to the Indian Claims Commission along with other California and Nevada tribes, and received a monetary award in the 1970s, which the Washoe invested in lands and businesses (NIC 2021).

Although the Washoe escaped the waves of infectious epidemics encountered by California coastal and valley tribes, and avoided direct contact with European American immigrants, the miners and settlers affected their traditional collecting, hunting, and fishing areas heavily. For this reason, their numbers were reduced by 1910 to perhaps 800 from a pre-contact population estimated at 1,500. As of 1984, the Washoe estimated a population of 1,530 on the tribal rolls. Today, the tribe has four communities—one in California at Woodfords and three in Nevada at Carson, Dresslerville, and Stewart—and shares the Reno-Sparks Indian Colony with Paiute and Shoshone tribes (NIC 2021).

## HISTORIC SETTING

### Regional History

El Dorado was one of the original 27 counties in the state of California. Its history is tied to the discovery of gold at Sutter's Mill on the American River in Coloma in January of 1848. Travel over the Carson Pass on the Carson Emigrant Road through today's El Dorado County was profuse. By 1849, nearly 90,000 people had journeyed to the gold fields of California and the state was officially incorporated the next year, largely as a result of the Gold Rush. Coloma was the first county seat, although it was superseded by Placerville in 1857. A few of the mining camps, including Diamond Springs, El Dorado, and Placerville, developed into permanent towns with schools, stores, hotels, mills, residences, and roadways that continue to serve as economic and cultural centers in the County (NIC 2021).

Parts of the Carson Emigrant Road were superseded by the Placerville Road, which is now part of U.S. Route 50. There were also a variety of deviations (e.g., Johnson's Cutoff) by miners trying to find shorter routes to the gold fields. In 1859, the discovery of silver ore sparked a "reverse" rush by prospective miners to the Comstock Lode in Nevada. During the Comstock Era, roads in El Dorado County were used primarily to provide supplies and lumber to the mines, as well as a route for the miners heading east. The growth in traffic prompted the construction of private toll roads and an increasing number of teamsters in the area (NIC 2021).

The Lake Tahoe Wagon Road was completed in 1863 and provided an alternate route to traffic that normally went over Daggett Pass on Kingsbury Grade. The route became the first state highway in 1895. The Lake Tahoe Wagon Road was designated a link in the Lincoln Highway, the pioneering transcontinental automobile road in 1914-1915. After the Federal Aid Highway Act of 1925 created our current U.S. interstate road system, the route became part of U.S. Route 50. The road was oiled in 1927 and constructed as a modern highway in the early 1930s. While the majority of Old U.S. 50 has been obliterated following construction of modern U.S. 50 in the 1920s and 1930s, intact segments of varying lengths of the historic route have been recorded in El Dorado County and elsewhere (NIC 2021).

Beginning in the early 1860s, resorts were established at Lake Tahoe as fashionable summer retreats for the well-to-do. The first permanent settlements were at the mouth of McKinney Creek, Ward Creek, Glenbrook, and Tahoe City, where the Tahoe House was erected in 1864. When the Central Pacific Railroad reached Truckee in 1868, a wagon road was constructed from Truckee to the lake and the tourism boom was on (Ascent Environmental 2022).

Some of the earliest resorts on the California side of the lake included the Lake House at Al Tahoe, Rubicon Point Lodge, Grand Hotel at Tahoe City, and the Bellevue Hotel at Sugar Pine Point. After the turn of the century, when Tahoe had become more accessible due to the completion of the Tahoe Railway, which connected Truckee with



Tahoe City, tourism surged, and additional resorts were constructed. Two of these, E. J. Baldwin's Tallac and the Bliss family's Tahoe Tavern in Tahoe City, were extremely luxurious for their time (Ascent Environmental 2022).

## Project Area History

The first Euro-American recreational activity at Meeks Bay was provided by Sierra Nevada "Vade" Phillips Clark, who in the spring of 1906, leased the property to establish a resort. Vade constructed several structures at the bay, including tent cabins and a common dining hall. This endeavor lasted only a few summers and by 1920 there were no longer any structures at Meeks Bay. The next entrepreneurs to see potential in Meeks Bay were the Kehlet family. The Kehlets first camped on the shoreline in 1919. After their stay at Meeks Bay, Oswald Kehlet and son George were convinced that the west shore of Lake Tahoe would be a good choice for commercial development. In September of 1921 they purchased the 645-acre bayfront property and adjoining meadows (Ascent Environmental 2022).

Work on the resort began in the fall of 1921, with the opening of the campground. The headquarters building, the first structure completed at the bay, operated as the store, office, and lunch counter. The second structure to be erected was the residence for Oswald and his wife, Effie, in 1922. A recreation hall with a maple dance floor soon followed in 1923, as did the first six rental cabins. A bathhouse with running water for visitors was also added in 1923. At the end of the 1923 season, over 650 carloads of tourists had visited the resort, resulting in a gross income of \$8,100. Expansion of the amenities the resort offered continued to evolve as the decade moved forward, and included an auto camp south of Meeks Creek. In 1924, nine more cabins were built to the west followed by a dozen more in 1926, and 11 more in 1927. A dining room was added to the south side of the dance hall in the fall of 1924. The tent cabins, known as the "Bungalows," were converted to rentals, and in 1929, a 15-room hotel was erected at the northeast end of the Bungalows (Ascent Environmental 2022).

The early part of the 1930s were an exceptional time at the resort. It was during this time that many additional buildings were erected, and old ones were modernized. By 1932 the resort boasted 48 cabins and was so busy that two people were often required to man the front desk. It was also during this time that two residences for the Kehlet brothers were constructed; a modest home for Fred and Alice located southeast of the entrance, and a large "mansion" on the point for George and Marjorie. By 1935, the resort had 125 separate structures. During a busy summer day, one could expect over 1,200 people to visit the resort (Ascent Environmental 2022).

By 1940, Meeks Bay had developed into a thriving summer settlement, with Fred and George Kehlet and their sons actively participating in the management of the resort. The years during World War II, however, were difficult ones for the resort, though it continued to operate with a diminished staff. After the end of the war, the resort was again fully staffed, and the campsite north of the creek was replaced by employee housing and maintenance buildings. The campground was quite popular, with over 80 sites continuously occupied throughout the summer season (Ascent Environmental 2022).

In 1961, the same year that Fred Kehlet died, the Marina was completed. In 1962 the 1920s cabins (No. 1-8) on the beach were demolished and replaced by two motel type units. By the late 1960s, at least 5 other structures were demolished to be replaced by modern structures. By the end of the 1960s, environmental requirements for a sewer system turned the operation around. Each cabin was required to be hooked up to the sewer at estimate totaling \$400,000 to \$500,000. The resort was also told it needed to obtain other services and utilities, such as garbage pickup and water. As a result, George decided to sell the property (Ascent Environmental 2022).

In February of 1969, it was purchased by the Macco Corporation of Newport Beach. However, when their parent firm went bankrupt shortly thereafter, William Hewlett, with assistance from the League to Save Lake Tahoe, stepped in and purchased the property to hold until a suitable public entity could purchase it. Then in December of 1974, the newly formed Lake Tahoe Basin Management Unit of the U.S. Forest Service (LTBMU or U.S. Forest Service) purchased Meeks Bay Resort for \$3,000,000 (Ascent Environmental 2022).

The 645-acre purchase included two beaches, a 135-slip marina, pier, campground with 150 campsites and 80 trailer sites, a pack station, 151 structures (primarily housekeeping cabins), a post office, theatre, dining hall, real estate office, donut shop, sporting goods store, soda fountain, general store, teen center and dance hall, snack bars, offices, beauty and barbers shops, and the Kehlet Mansion; all were noted as in poor condition. One of the first activities

undertaken by the LTBMU was the proposed demolition of nearly all existing buildings, proposing to retain only two. The first structure to be demolished was the Effie Moon Kehlet Cabin, the oldest building in the complex. By 1975 the Boardwalk was gone, every cabin from No. 43 south through the dining room was demolished. The general store and hotel were planned for demolition, but time ran out before the snows fell. The following year the cabins by the road were taken, and the theatre collapsed. What was left of the resort was leased to Duke and Beverly Hubbard in 1977 (Ascent Environmental 2022).

The Hubbards continued to run the resort until Duke's death in 1997. According to the prospectus for development, the corporation was to provide minimum development, including buoys; managing and operating the motel units plus the Kehlet Mansion; maintaining the caretaker's residence, office, entrance station, and shop; as well as operating on-site food service, grocery store, and teen center; and maintaining the laundry facilities and house trailers for employees. Provision was also made for the development of an RV park. All the other facilities not under the operational permit, including the 1920s cabins, the store, lodge, hotel, maintenance buildings, and other facilities were demolished by the LTBMU by 1981. After the death of Duke Hubbard, five firms bid on the proposal to operate the resort for the next 20 years and the lease was awarded to the Washoe Tribe of California and Nevada, who continue to operate the Meeks Bay Resort under a special use permit with the U.S. Forest Service (Ascent Environmental 2022).

The Meeks Bay Campground was created in 1974 when the LTBMU purchased the Meeks Bay Resort. The campground is located on the grounds of the former resort auto camp. The campground is owned by the LTBMU and operated by Tahoe Recreation. Under the auspices of the LTBMU, the campground was improved in the late 1970s and a new visitor's center erected in the summer of 1981, replacing the original store and resort headquarters (Ascent Environmental 2022).

## RECORDS SEARCHES, SURVEYS, AND CONSULTATION

A California Historical Resources Information System (CHRIS) records search was conducted by the North Central Information Center on the campus of California State University, Sacramento for the project area and a 0.5-mile radius. The records search is to determine whether prehistoric or historic cultural resources have been previously recorded within the project area, the extent to which the project area has been previously surveyed, and the number and type of known cultural resources within a 0.5-mile radius. The results of the CHRIS search were returned on June 15, 2020. The archival search of the archaeological and historical records, national and state databases, and historic maps included the following sources:

- ▶ NRHP and CRHR,
- ▶ Historic Property Data File for El Dorado County,
- ▶ Archaeological Determinations of Eligibility,
- ▶ California Inventory of Historical Resources,
- ▶ California Historical Landmarks, and
- ▶ California Points of Historical Interest.

The CHRIS records search indicates that 16 prior cultural resource studies which include portions of the project area have been completed, and an additional nine have been completed outside the project area but within the 0.5-mile search radius. The CHRIS search also indicates that four cultural resources have been previously recorded within the project area, and ten additional resources have been previously identified within the 0.5-mile search radius. Of the four resources within the project area, two are prehistoric and two are historic built environment resources; these are described below.

An intensive pedestrian survey of the 50-acre landside portion of the project area was conducted between July 29 and 30, 2020. All landside portions of the project area were surveyed intensively using transects spaced no greater than 15 meters apart. During the survey, all visible ground surfaces were carefully examined for cultural material (e.g., flaked stone tools, tool-making debris, stone milling tools, or fire-affected rock), soil discoloration that might indicate

the presence of a cultural midden, soil depressions and features indicative of the former presence of structures or buildings (e.g., postholes, foundations), and historic-era debris (e.g., metal, glass, ceramics). No previously unrecorded cultural resources of any kind were identified during the pedestrian survey.

An underwater field survey was carried out of the approximately 7-acre Meeks Bay beach and offshore area included in the zone designated for possible construction of a recreational pier. The survey was done in two stages. First, a drone was employed to provide aerial coverage of the Meeks Bay shoreline and offshore where bottom visibility was possible. Second, a SCUBA survey was done focusing on the proposed recreational pier location north of the outfall of Meeks Creek. This was accomplished under excellent diving conditions on May 6, 2021. The survey covered the offshore area designated for possible pier construction. It extended some 300 feet offshore to a depth of 35 feet. No cultural resources of significance were identified. There was a light scatter of modern trash and concrete anchors for a buoy line were noted. No stumps, historic artifacts, or sunken vessels were found to be present. The underwater survey concluded that the archaeological sensitivity for the area is low.

A built environment survey of the project area was conducted on July 23, 2021. The survey focused on buildings, structures, and objects 45 years or older within the project area that have the potential to be impacted by the current project. All resources surveyed were subject to written documentation on appropriate California Department of Parks and Recreation 523 forms as appropriate. Photographs that documented major characteristics and notable alterations were also taken.

## Previously Known Archaeological Sites

### P-09-005224 - *Mayala Wata*

This archaeological site is a prehistoric camping site along Meeks Creek that was used by the Washoe Tribe during midsummer for fishing and plant resource gathering. Among the utilized natural resources readily available at *Mayala wata* were wild strawberries, raspberries, currant, rhubarb, camas, wild onions, lilies, and various seeds that were prominent in the Washoe diet. The site is still regarded as important by the Washoe Tribe who cooperatively manage the landscape with the U.S. Forest Service. The primary site locus of *Mayala Wata* is described as being located below the Meeks Creek Bridge on State Route 89 (SR 89); however, it was likely affected by bridge construction, and its informational value lost. Existing site boundaries appear to be incompletely defined and additional work would be needed to better characterize the resource. No previously unrecorded artifacts or features associated with the *Mayala wata* site were observed during the archaeological field survey.

### P-09-003861 - Bedrock Mortar

This archaeological site is a granite bedrock mortar site with three distinct site loci. Locus A is within the Meeks Bay Resort portion of the project area, while Loci B and C are within the Meeks Bay Campground portion of the project area. Locus A is a low, flat granite boulder with five cupules, three small slicks, and a broad slick surrounding the others. Locus C is a granite boulder with two cupules and two slicks. Loci A and C were located and no change in overall site condition was noted. Locus B was not found, which is likely attributable to the fact that the small granite boulder with a single slick was located on the edge of a steep slope; it is likely that it has fallen downslope and is now submerged.

## Historic Features

### P-09-005052 - Meeks Creek Bridge

The Meeks Creek Bridge (P-09-005052) is located on SR 89 at Postmile 24.9, between the entrances to Meeks Bay Resort and Meeks Bay Campground. The bridge is a reinforced concrete double box culvert bridge (Caltrans Category 5) measuring 27 feet long and 44 feet wide. This bridge replaced an earlier wooden structure which was removed when State Route 38 (now SR 89) was rerouted and improved in 1928 to 1929. The most outstanding feature of this bridge is its rubble-masonry parapet with arches. These are original to the bridge as are the two 5-foot-wide sections of sidewalk. The bridge has not been significantly altered since it was constructed in 1929.

The Meeks Creek Bridge was constructed during a significant period of recreation and transportation improvements within the Lake Tahoe Basin, related to providing opportunities for travelers to have scenic experiences and easy

access to recreation. However, the does not convey the significance of this event under NRHP/CRHR Criterion A/1. The Meeks Creek Bridge also does not have any direct associations with any individuals significant to history (Criterion B/2). Because the bridge is constructed from two concrete box culverts it does not possess artistic elements or outstanding engineering. Concrete box culverts are deemed a common bridge type that is not capable of possessing historic significance per the guidelines of the State Historic Bridge Inventory. Therefore, it is not significant under NRHP/CRHR Criterion C/3. The Meeks Creek Bridge is also not eligible under Criterion D/4 because it is unlikely to yield any additional important information about bridge engineering or transportation structures and construction details of the bridge are completely documented on As Built plans (Ascent Environmental 2022).

The bridge had previously been categorically determined not eligible for listing in the NRHP as part of the Caltrans Historic Bridge Inventory in 1986 as a common bridge type. As described in the Caltrans Standard Environmental Reference, "Category 5 bridges were determined not eligible through the Section 106 process, either through a consensus determination with SHPO or a formal determination of ineligibility by the Keeper of the National Register. The vast majority of bridges fall into this category" (Caltrans 2019: E-6.2-3). The CRHR evaluation was conducted as part of the built environment investigation for this project. Therefore, the Meeks Creek Bridge is neither a historic property for the purposes of Section 106 nor a historical resource for the purposes of CEQA.

#### **FS #05-19-1283 - Meeks Bay Resort Historic District**

The Meeks Bay Resort Historic District is a lodging and recreation property containing recreational and commercial buildings and structures on approximately 68 acres. It is owned by the LTBMU and is currently under lease to the Washoe Tribe of Nevada and California who are managing the property. The resort is bordered by Meeks Bay on the west, SR 89 to the east, Sugar Pine Point State Park to the north, and Meeks Creek to the south (Marvin 2011).

The Meeks Bay Resort Historic District was recorded and evaluated in 2011 for the LTBMU and appears eligible for the NRHP under Criteria A and C; therefore, the historic district automatically appears eligible for CRHR Criteria 1 and 3. The resort is associated with the expansion of the outdoor recreation movement and the auto-tourist camp resort industry associated with the newly created state highway system. The cabins and commercial buildings at the resort exhibit the distinctive qualities of rustic vernacular and popular architecture. As an assemblage of related buildings set along the west shore of Lake Tahoe, Meeks Bay Resort conveys a strong identity with rustic mountain tourist camps of the early twentieth century, a strong sense of handcrafted aesthetic in harmony with the natural and cultural landscape, and the reflection of a strong association with the development of the automobile and an improved state and national highway system (Marvin 2011).

The contributors to the historic district date from 1930 to 1939 and include: the George Kehlet Mansion, the Fred Kehlet Residence, the Snack Bar, the Powerhouse, Cabins 2, 3, 4, 5, 6, 19, 20, and 21, and the mortared stone walls. Non-contributing structures that would be affected by the project are the motel units, the marina, the concrete retaining walls, and the granite breakwater (Figure 3.3-1) (Marvin 2011).

The July 2021 pedestrian survey added the previously recorded Meeks Bay Resort sign (P-09-004454) into the boundaries of the historic district and defines it as a non-contributing element. Additionally, the boat rental building (located north of the Meeks Bay Marina) and the Washoe House (located at the south end of the Meeks Bay Campground) were incorporated into the boundaries of the historic district as non-contributing elements.

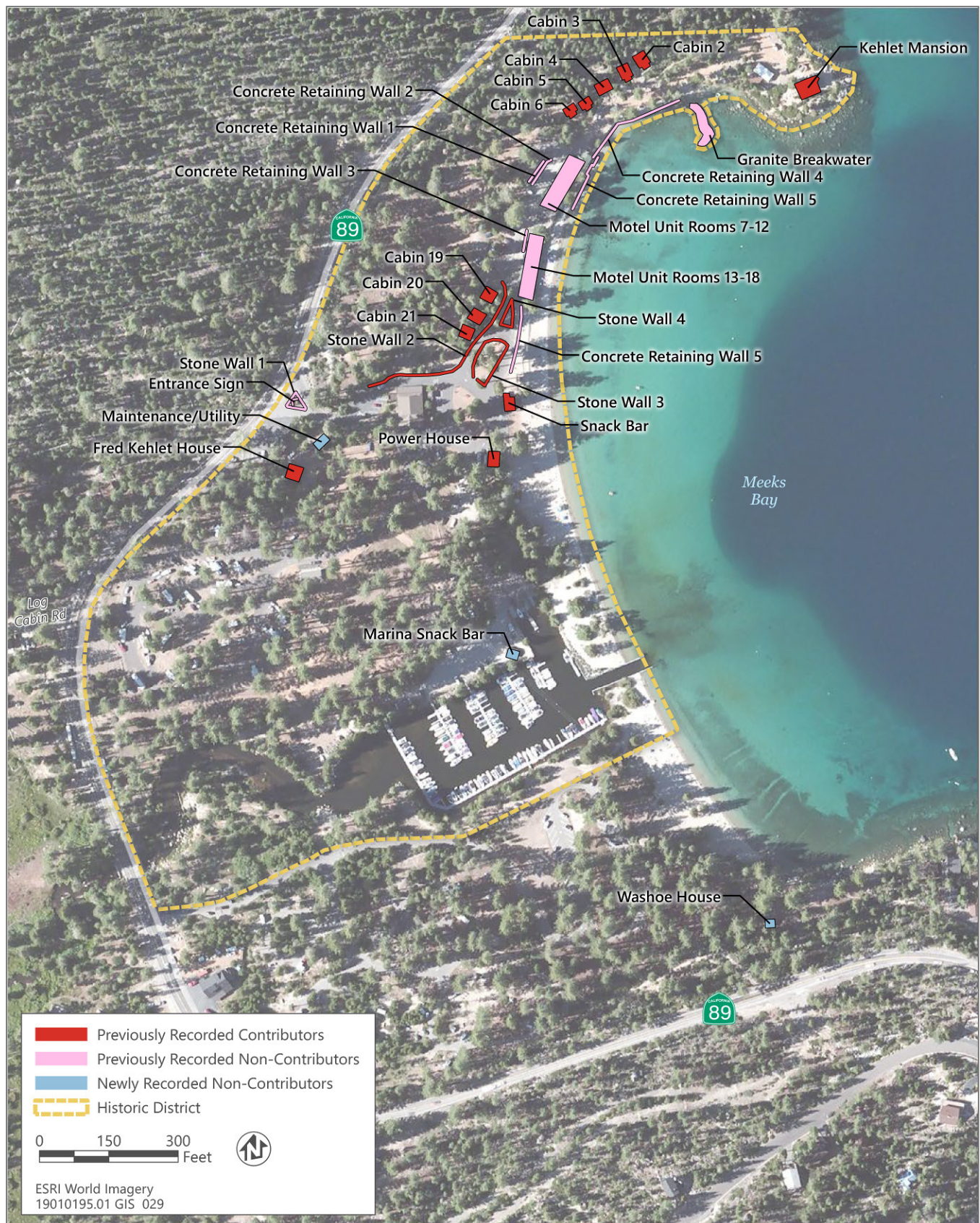
#### **TRPA Resource #49 - Meeks Bay**

The TRPA Historic and Cultural Inventory includes Meeks Bay as a designated historic resource. However, there is no additional information or documentation on this resource (TRPA 2012b:3.15-11).

#### **Meeks Bay Campground**

The Meeks Bay Campground had not been previously recorded or evaluated. The campground is bounded on the south and west by SR 89, on the north by Manicina Road (also known as Meeks Bay Access Road) and on the east by Meeks Bay Beach. The campground contains 40 developed campsites, roadways, signage, fencing, parking stalls, and restrooms. The campground does not appear to be eligible for listing in the NRHP or the CRHR as it is not associated with events that have made a significant contribution to history (Criterion A/1), does not have any direct associations with any individuals significant to history (Criterion B/2), is without noteworthy architectural qualities (Criterion C/3), and is not likely to yield any additional important information about our history (Criterion D/4) (Ascent Environmental 2022).





Source: adapted by Ascent Environmental in 2020.

**Figure 3.3-1 Meeks Bay Resort Historic District**

## Tribal Cultural Resources

The NAHC was contacted for a search of their sacred land file (SLF) for traditional cultural resources within or near the project area. The results of the search returned by the NAHC on June 11, 2020, were negative for Native American cultural resources in the project area.

### Native American Consultation under AB 52

The Lahontan Regional Water Quality Control Board (Lahontan RWQCB), as CEQA lead agency for the project, notified the two Native American tribes who had previously requested CEQA project notification under PRC Section 21080.3.2. On August 13, 2018, Lahontan RWQCB mailed AB 52 notices to the United Auburn Indian Community of the Auburn Rancheria (UAIC) and Wilton Rancheria. No response was received from UAIC. Wilton Rancheria requested consultation in January 2019, which is past the 30-day response window prescribed by PRC Section 21080.3.2. Therefore, there was no consultation under AB 52.

### Native American Consultation under Section 106

The NAHC provided contact information for the tribal groups affiliated with the region (the Washoe Tribe of Nevada and California and the Colfax-Todds Valley Consolidated Tribe) and recommended that they be contacted for more information on the potential for Native American cultural resources within or near the project area. A project information letter and map were mailed on June 16, 2020. The responses are summarized below.

Mr. Darrel Cruz, Director of the Washoe Tribe of Nevada and California, Tribal Historic Preservation Office/Cultural Resources Office, responded via email on June 16, 2020, indicating that the entire creek and meadow system is a culturally relevant area known to the tribe as *Mayala wata*. Mr. Cruz also requested a copy of the completed cultural report.

Ms. Pamela Cubbler, Treasurer and Cultural Preservation Officer of the Colfax-Todds Valley Consolidated Tribe, responded on June 19, 2020, requesting site plans and information on planned ground-disturbance for the Project and previous cultural resource survey reports. Additional project details were provided. Ms. Cubbler replied on June 24, 2020, requesting tribal monitoring during ground disturbance and rehabilitation efforts.

## 3.3.3 Environmental Impacts and Mitigation Measures

### METHODOLOGY

The impact analysis for archaeological resources is based on the findings and recommendations of the *Cultural Resources Inventory for the Meeks Bay Restoration Project* (NIC 2021). The impact analysis for historical resources is based on the findings and recommendations of the *Historic Resource Evaluation Report for the Meeks Bay Restoration Project* (Ascent Environmental 2022). The analysis is also informed by the provisions and requirements of federal, state, and local laws and regulations that apply to cultural resources.

Section 21083.2 of the State CEQA Guidelines defines “unique archaeological resource” as an archeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets one or more of the following CRHR-related criteria: 1) that it contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; 2) that it has a special and particular quality, such as being the oldest of its type or the best available example of its type; or 3) that it is directly associated with a scientifically recognized important prehistoric or historic event or person. An impact on a “nonunique resource” is not a significant environmental impact under CEQA (State CEQA Guidelines Section 15064.5[c][4]). If an archaeological resource qualifies as a resource under CRHR criteria, then the resource is treated as a unique archaeological resource for the purposes of CEQA.

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



For the purposes of the impact discussion, “historical resource” is used to describe built-environment historic-period resources. Archaeological resources (both prehistoric and historic-period), which may qualify as “historical resources” pursuant to CEQA, are analyzed separately from built-environment historical resources.

## THRESHOLDS OF SIGNIFICANCE

The thresholds of significance were developed in consideration of the State CEQA Guidelines, TRPA Thresholds, TRPA Initial Environmental Checklist, LTBMU Forest Plan, and other applicable policies and regulations. Under NEPA the significance of an effect must consider the context and intensity of the environmental effect. The factors that are considered under NEPA to determine the context and intensity of its effects are encompassed by the thresholds of significance. An alternative would have a significant effect on cultural and tribal cultural resources if it would:

- ▶ cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 of the State CEQA Guidelines;
- ▶ cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the State CEQA Guidelines;
- ▶ cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe;
- ▶ substantially disturb human remains, including those interred outside of dedicated cemeteries;
- ▶ result in alteration of or adverse physical or aesthetic effect to a significant archaeological or historical site, structure, object or building;
- ▶ be located on a property with any known cultural, historical, and/or archaeological resources, including resources on TRPA or other regulatory official maps or records;
- ▶ be located on a property associated with any historically significant events and/or sites or persons;
- ▶ have the potential to cause a physical change which would affect unique ethnic cultural values; or
- ▶ restrict historic or pre-historic religious or sacred uses within the potential impact area.

## ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

### Impact 3.3-1: Cause a Substantial Adverse Change in the Significance of a Historical Resource

The Meeks Bay Resort Historic District has been evaluated as appearing eligible for the NRHP under Criteria A and C and is therefore a historical resource under CEQA. The action alternatives would not physically alter the contributing buildings, however one of the contributing mortared stone walls would be partially demolished. This would not change the property’s uses, or otherwise diminish those aspects of integrity that enable the resource to convey its historical significance. This would be a **less-than-significant** impact for the purposes of NEPA, CEQA, and TRPA for Alternatives 1 through 4. There would be **no impact** under the No Action Alternative.

As described above, neither the Meeks Creek Bridge nor the Meeks Bay Campground meet any of the CRHR criterion; therefore, neither of these built-environment features are considered a resource under CEQA. The Meeks Bay Resort Historic District has been evaluated as appearing eligible for the NRHP; therefore, it is a historical resource under CEQA. The contributors to the historic district include: the George Kehlet Mansion, the Fred Kehlet Residence, the Snack Bar, the Powerhouse, Cabins 2, 3, 4, 5, 6, 19, 20, and 21, and the mortared stone walls. Additionally, Meeks Bay is designated historic resource #49 in the TRPA Historic and Cultural Inventory and is therefore a historical resource under CEQA.

### No Action Alternative

The No Action Alternative would be a continuation of existing conditions. Because there would be no improvements with the No Action Alternative, there would be no alteration to or demolition of historical structures. Therefore, there would be **no impact** on historical resources for the purposes of NEPA, CEQA, and TRPA.

### Alternative 1: Full Restoration with Boating Pier

With this alternative, the marina would be removed, and the creek, lagoon, and barrier beach would be restored. To partially offset the loss of boating access at the marina, this alternative would include a 300-foot boating pier. To expand the useable beach space on the north end of the bay, this alternative would relocate the two motel style cabin units in the Meeks Bay Resort farther inland and replace them with three smaller cabin units while maintaining the existing overnight visitor capacity. The day-use area in the southern part of the project area would be expanded and reconfigured. It would also include upland features common to all the action alternatives, including bike paths parallel to SR 89 with a spur loop through the project area, replaced SR 89 bridge, new trail bridge over Meeks Creek, reconfigured parking and circulation, shoreline revetments on the north end of the bay, paddlecraft storage structure, reconfigured day-use areas, and interpretive features.

The project would not cause the physical destruction, alteration, or removal of the following contributing structures: the George Kehlet Mansion, the Fred Kehlet Residence, the Snack Bar, the Powerhouse, and Cabins 2, 3, 4, 5, 6, 19, 20, and 21. However, it would include the partial demolition of one of the mortared stone walls. The project would include a resource protection measure (see Appendix A) to retain as much of the wall as possible. There are two other examples of the wall remaining in the district and they have been thoroughly documented, as required by TRPA ordinance 67.7.3a. Therefore, this alteration would not diminish the integrity of the district and the Meeks Bay Resort Historic District would remain eligible for the NRHP (Ascent Environmental 2022). The project would not change the character of the Meeks Bay Resort Historic District or cause its neglect, transfer, lease, or sale. With regard to criterion v of ACHP's Criteria of Adverse Effect 36 CFR 800.5 (a)(2), the Meeks Bay Restoration Project would introduce new visual elements (the construction of a new pier, removal of the marina, and roadway improvements); however, these project elements would not substantially degrade the existing visual, atmospheric, or auditory setting and would not diminish those aspects of integrity that enable the resource to convey its significance (Ascent Environmental 2022). Additionally, because Meeks Bay has previously had a pier and recreation piers are expected in this environment, the construction of a 300-foot boating pier would not affect Meeks Bay in such a way to cause the removal of its listing from the TRPA Historic and Cultural Inventory. Alternative 1 would result in a **less-than-significant** impact on historical resources for the purposes of NEPA, CEQA, and TRPA.

### Alternative 2: Full Restoration with a Pedestrian Pier

As with Alternative 1, this alternative would involve removal of the marina and full restoration of the creek, lagoon, and barrier beach, and partial demolition of the mortared stone wall of the southern day-use area. Alternative 2 would include an approximately 100-foot-long pedestrian pier, which would provide recreational access but not access for motorized boats. It would also include upland features common to all the action alternatives, described above.

For the same reason described above under Alternative 1, construction of project features associated with Alternative 2 would not physically alter the contributing structures to the Meeks Bay Resort Historic District, change the resort's uses, or otherwise diminish those aspects of integrity that enable the resource to convey its historical significance (Ascent Environmental 2022). Therefore, this impact would be **less than significant** for the purposes of NEPA, CEQA, and TRPA.

### Alternative 3: Full Restoration with No Pier

As with Alternatives 1 and 2, this alternative would involve removal of the marina and full restoration of the creek, lagoon, and barrier beach, and partial demolition of the mortared stone wall of the southern day-use area. Alternative 3 would not include a pier but would include a small universally accessible paddlecraft launch structure on the south end of the bay. It would also include upland features common to all the action alternatives, described above.

For the same reason described above under Alternative 1, construction of project features associated with Alternative 3 would not physically alter the contributing structures to the Meeks Bay Resort Historic District, change



the resort's uses, or otherwise diminish those aspects of integrity that enable the resource to convey its historical significance. Additionally, because Meeks Bay has previously had a pier and recreation piers are expected in this environment, the construction of a small paddlecraft launch structure would not affect Meeks Bay in such a way to cause the removal of its listing from the TRPA Historic and Cultural Inventory. Therefore, this impact would be **less than significant** for the purposes of NEPA, CEQA, and TRPA.

#### **Alternative 4: Preferred Alternative**

As with Alternatives 1, 2, and 3, this alternative would involve removal of the marina and full restoration of the creek, lagoon, and barrier beach, and partial demolition of the mortared stone wall of the southern day-use area. Like Alternative 3, this alternative would not include a pier but would include a small universally accessible paddlecraft launch structure on the south end of the bay. It would also include an expanded parking lot on the south side of the project areas and upland features common to all the action alternatives, described above.

For the same reason described above under Alternative 1, construction of project features associated with Alternative 4 would not physically alter the contributing structures to the Meeks Bay Resort Historic District, change the resort's uses, or otherwise diminish those aspects of integrity that enable the resource to convey its historical significance. Because this alternative does not include the construction of a pier or other structures in Meeks Bay, it would not affect Meeks Bay in such a way to cause the removal of its listing from the TRPA Historic and Cultural Inventory. Therefore, this impact would be **less than significant** for the purposes of NEPA, CEQA, and TRPA.

#### **Mitigation Measures**

No mitigation is required for this impact.

#### **Impact 3.3-2: Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources**

The records search and pedestrian survey revealed two archaeological sites within the project area. Additionally, project-related ground-disturbing activities could result in discovery or damage of yet undiscovered archaeological resources as defined in State CEQA Guidelines Section 15064.5. This would be a **potentially significant** impact for the purposes of NEPA, CEQA, and TRPA for Alternatives 1 through 4. Implementation of Mitigation Measures 3.3-2a, 3.3-2b, and 3.3-2c would reduce impacts associated with archaeological resources to a **less-than-significant** level for Alternatives 1 through 4 because it would require the performance of feasible, professionally accepted, and legally compliant procedures for the protection of previously recorded archaeological resources and the potential discovery of any previously undocumented unique archaeological resources. There would be **no impact** under the No Action Alternative.

The two prehistoric resources, *Mayala wata* (P-09-005224) and the associated bedrock mortar (P-09-003861), are within the boundary of project. Tribal representatives of both the Washoe Tribe of Nevada and California and the Colfax-Todds Valley Consolidated Tribe have expressed concern for the area of these two sites. It is recommended that a 20-foot buffer be established around the two remaining bedrock mortars constituting P-09-003861 (Loci A and C) and that the site be avoided during Project-related work.

#### **No Action Alternative**

The No Action Alternative would be a continuation of existing conditions. Because there would be no improvements with the No Action Alternative, there would be no construction-related ground disturbance. Therefore, there would be **no impact** on archaeological resources for the purposes of NEPA, CEQA, and TRPA.

#### **Alternative 1: Full Restoration with Boating Pier**

Project activities, primarily the creek and lagoon restoration, could damage the two known prehistoric archaeological resources within the project area. Additional project activities, such as the demolition and reconstruction of Meeks Creek Bridge, construction of the pier, and removal of the marina, could result in discovery or damage of yet undiscovered archaeological resources as defined in State CEQA Guidelines Section 15064.5. This would be a **potentially significant** impact for the purposes of NEPA, CEQA, and TRPA.

**Alternative 2: Full Restoration with a Pedestrian Pier**

For the same reason described above under Alternative 1, construction of project features associated with Alternative 2 could result in disturbance, or destruction of archaeological resources, including previously recorded P-09-005224 and P-09-003861. This would be a **potentially significant** impact for the purposes of NEPA, CEQA, and TRPA.

**Alternative 3: Full Restoration with No Pier**

For the same reason described above under Alternative 1, construction of project features associated with Alternative 3 could result in disturbance, or destruction of archaeological resources, including previously recorded P-09-005224 and P-09-003861. This would be a **potentially significant** impact for the purposes of NEPA, CEQA, and TRPA.

**Alternative 4: Preferred Alternative**

For the same reason described above under Alternative 1, construction of project features associated with Alternative 4 could result in disturbance, or destruction of archaeological resources, including previously recorded P-09-005224 and P-09-003861. This would be a **potentially significant** impact for the purposes of NEPA, CEQA, and TRPA.

**Mitigation Measures****Mitigation Measure 3.3-2a: Develop and implement a Worker Environmental Awareness Program**

*This mitigation measure will apply to Alternatives 1, 2, 3, and 4.*

Prior to initiating project construction, the project implementer shall design and implement a Worker Environmental Awareness Program (WEAP) that shall be provided to all construction personnel and supervisors who will have the potential to encounter and alter cultural resources. The WEAP shall describe, at a minimum:

- ▶ types of heritage and cultural resources expected in the project area;
- ▶ types of evidence that indicate cultural resources might be present (e.g., ceramic shards, trash scatters, lithic scatters);
- ▶ what to do if a worker encounters a possible resource;
- ▶ what to do if a worker encounters bones or possible bones; and
- ▶ penalties for removing or intentionally disturbing heritage and cultural resources, such as those identified in the Archeological Resources Protection Act.

**Mitigation Measure 3.3-2b: Establish an Archaeological Buffer for P-09-003861**

*This mitigation measure will apply to Alternatives 1, 2, 3, and 4.*

Prior to any ground-disturbing activities in the vicinity of the resource, a qualified archaeologist, in cooperation with a Tribal monitor/consultant, shall establish a 20-foot buffer around the two bedrock mortars constituting P-09-003861 (Loci A and C). The archaeologist shall oversee the installation of the standard orange construction fencing; once established, the fencing shall be checked periodically, as determined by the archaeologist. This will ensure the resource shall be avoided during project-related work. The fence shall remain until project work in the vicinity of the resource is complete; fence removal shall be overseen by the archaeologist.

**Mitigation Measure 3.3-2c: Retain an Archaeological Monitor and Native American Monitor, and Halt Ground-Disturbing Activity Upon Discovery of Subsurface Archaeological Features**

*This mitigation measure will apply to Alternatives 1, 2, 3, and 4.*

Prior to any ground-disturbing activities, a qualified archaeologist meeting the United States Secretary of Interior guidelines for professional archaeologists will be retained by the project proponent. The monitor shall only be present onsite during the construction phases that involve ground-disturbing activities for the project, including but not limited to utility installation, as well as any other terrestrial disturbance required for proposed campground construction, parking lot improvements, and bridge removal. Monitoring of project-related work in submerged areas

is not required. The monitor shall complete daily monitoring logs that describe each day's activities, including construction activities, locations, soil, and any cultural materials identified.

The project proponent shall also invite a Tribal monitor/consultant who is approved by both the Washoe Tribe of Nevada and California and the Colfax-Todds Valley Consolidated Tribe. The project proponent shall contact the Tribal representatives a minimum of seven days prior to beginning earthwork or other ground-disturbing activities; construction activities will proceed if no response is received 48 hours prior to ground-disturbing activities.

In the event that any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil ("midden") that could conceal cultural deposits, are discovered during construction, all ground-disturbing activity within 50 feet of the resources shall be halted and Lahontan RWQCB, TRPA, and LTBMU shall be notified. A qualified professional archaeologist shall assess the significance of the find. Specifically, the archaeologist shall determine whether the find qualifies as an historical resource, a unique archaeological resource, or tribal artifact. If the find does fall within one of these three categories, the qualified archaeologist shall then make recommendations to Lahontan RWQCB, TRPA, and LTBMU regarding appropriate procedures that could be used to protect the integrity of the resource and to ensure that no additional resources are affected. Procedures could include but would not necessarily be limited to, preservation in place, archival research, subsurface testing, or contiguous block unit excavation and data recovery, with preservation in place being the preferred option if feasible. If the find is a tribal artifact, LTBMU shall provide a reasonable opportunity for input from the tribal monitor or representatives. The tribal representative will determine whether the artifact is considered a tribal cultural resource, as defined by PRC Section 21074. Lahontan RWQCB, TRPA, and LTBMU shall implement such recommended measures (e.g., relocation, replacement, or providing interpretive features) if it determines that they are feasible in light of project design, logistics, and cost considerations.

#### **Significance after Mitigation**

Implementation of Mitigation Measures 3.3-2a, 3.3-2b, and 3.3-2c would reduce impacts associated with archaeological resources to a **less-than-significant** level because it would require the performance of feasible, professionally accepted, and legally compliant procedures, including preservation in place, subsurface testing, and data recovery, consistent with TRPA ordinance 67.3.3, for the protection of previously recorded archaeological resources and the potential discovery of any previously undocumented unique archaeological resources.

#### **Impact 3.3-3: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource or Affect Unique Ethnic Cultural Values or Restrict Sacred Uses**

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Lahontan RWQCB sent notification for consultation to two tribes on August 13, 2018. No responses were received during the 30-day response period for AB 52 as defined in PRC 21080.3.1; therefore, no resources were identified as TCRs. Additional tribal outreach under Section 106 resulted in concern related to *Mayala wata*. Because project activities could still uncover or destroy archaeological resources with tribal, ethnic, or cultural values, this impact is considered **potentially significant** for the purposes of NEPA, CEQA, and TRPA for Alternatives 1 through 4.

Implementation of Mitigation Measure 3.3-3 would reduce potentially significant impacts to archaeological and tribal resources because mitigation would avoid, move, record, or otherwise treat a discovered resource appropriately, in accordance with pertinent laws and regulations. By providing an opportunity to avoid disturbance, disruption, or destruction of sites, structures, and areas that have religious or sacred significance or other cultural significance to the Washoe people, this impact would be reduced to a **less-than-significant** level for Alternatives 1 through 4. There would be **no impact** under the No Action Alternative.

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As described above, Lahontan RWQCB mailed AB 52 notices to UAIC and Wilton Rancheria. No responses were received during the 30-day response window prescribed by PRC Section 21080.3.2. Therefore, there was no consultation under AB 52 and no resources identified as tribal cultural resources pursuant to PRC Section 21074. Additionally, a search of the NAHC's SLF for traditional cultural resources was negative.

Under Section 106 consultation, the Washoe Tribe of Nevada and California indicated that the entire creek and meadow system is a culturally relevant area known to the tribe as *Mayala wata*. The Colfax-Todds Valley Consolidated Tribe requesting tribal monitoring during ground-disturbance and rehabilitation efforts.

#### **No Action Alternative**

The No Action Alternative would be a continuation of existing conditions. Because there would be no improvements with the No Action Alternative, there would be no construction-related ground disturbance. Therefore, there would be **no impact** on tribal cultural resources or sacred uses for the purposes of NEPA, CEQA, and TRPA.

#### **Alternative 1: Full Restoration with Boating Pier**

There are no known tribal cultural resources within the project area meeting any of the PRC 5024.1(c) criteria, pursuant to PRC Section 21074. However, construction activities that result in ground disturbance at the creek, lagoon, or resort area could damage or destroy previously unidentified tribal cultural resources. Similarly, although the Washoe Tribe is leading the restoration of Meeks Meadow upstream of the project area and have been involved in the planning process for this project, ground-disturbing activities at *Mayala wata* could affect unique ethnic cultural values or temporarily restrict sacred uses. This would be a **potentially significant** impact for the purposes of NEPA, CEQA, and TRPA.

#### **Alternative 2: Full Restoration with a Pedestrian Pier**

For the same reason described above under Alternative 1, construction of project features associated with Alternative 2 could result in the disturbance or destruction of tribal cultural resources, if present within the project area, or ground-disturbing activities at *Mayala wata* could affect unique ethnic cultural values or temporarily restrict sacred uses. This would be a **potentially significant** impact for the purposes of NEPA, CEQA, and TRPA.

#### **Alternative 3: Full Restoration with No Pier**

For the same reason described above under Alternative 1, construction project features associated with Alternative 3 could result in the disturbance or destruction of tribal cultural resources, if present within the project area, or ground-disturbing activities at *Mayala wata* could affect unique ethnic cultural values or temporarily restrict sacred uses. This would be a **potentially significant** impact for the purposes of NEPA, CEQA, and TRPA.

#### **Alternative 4: Preferred Alternative**

For the same reason described above under Alternative 1, construction of any new project associated with Alternative 4 could result in the disturbance or destruction of tribal cultural resources, if present within the project area or ground-disturbing activities at *Mayala wata* could affect unique ethnic cultural values or temporarily restrict sacred uses. This would be a **potentially significant** impact for the purposes of NEPA, CEQA, and TRPA.

### **Mitigation Measures**

#### **Mitigation Measure 3.3-3: Avoid Degradation of Tribal Cultural Resources, Ethnic, and Cultural Values**

*This mitigation measure will apply to Alternatives 1, 2, 3, and 4.*

Implement Mitigation Measure 3.3-2c.

#### **Significance after Mitigation**

Implementation of Mitigation Measure 3.3-3 would reduce potentially significant impacts to archaeological and tribal resources because mitigation would avoid, move, record, or otherwise treat a discovered resource appropriately, in accordance with pertinent laws and regulations. By providing an opportunity to avoid disturbance, disruption, or destruction of sites, structures, and areas that have religious or sacred significance or other cultural significance to the Washoe people, this impact would be reduced to a **less-than-significant** level.

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### Impact 3.3-4: Disturb Human Remains

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Based on documentary research, no evidence suggests that any prehistoric or historic-era marked or un-marked human interments are present within or in the immediate vicinity of the project area. Because Alternatives 1 through 4 would result in some new construction and ground-disturbing activities, each has the potential to disturb, disrupt, or destroy human remains through implementation of specific projects. Compliance with California Health and Safety Code Sections 7050.5 and California PRC Section 5097 would make this impact **less than significant** for the purposes of NEPA, CEQA, and TRPA for Alternatives 1 through 4. There would be **no impact** under the No Action Alternative.

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#### No Action Alternative

The No Action Alternative would be a continuation of existing conditions. Because there would be no improvements with the No Action Alternative, there would be no construction-related ground disturbance. Therefore, there would be **no impact** on human remains for the purposes of NEPA, CEQA, and TRPA.

#### Alternative 1: Full Restoration with Boating Pier

Based on documentary research, no evidence suggests that any prehistoric or historic-era marked or un-marked human interments are present within or in the immediate vicinity of the project area. However, the location of grave sites and Native American remains can occur outside of identified cemeteries or burial sites. Therefore, there is a possibility that unmarked, previously unknown Native American or other graves could be present within the project area and could be uncovered by project-related construction activities. California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code Section 7050.5 and PRC Section 5097.

These statutes require that, if human remains are discovered, potentially damaging ground-disturbing activities in the area of the remains shall be halted immediately, and the appropriate County coroner shall be notified immediately. If the remains are determined by the coroner to be Native American, NAHC shall be notified within 24 hours and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. Following the coroner's findings, the NAHC-designated Most Likely Descendant, and the landowner shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments, if present, are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in PRC Section 5097.94.

Compliance with California Health and Safety Code Section 7050.5 and PRC Section 5097 would provide an opportunity to avoid or minimize the disturbance of human remains, and to appropriately treat any remains that are discovered. Therefore, this impact would be **less than significant** for the purposes of NEPA, CEQA, and TRPA.

#### Alternative 2: Full Restoration with a Pedestrian Pier

For the same reason described above under Alternative 1, construction of any new project associated with Alternative 2 could result in disturbance, disruption, or destruction of human remains, if present within the project area. For the same reasons described above in Alternative 1, construction that could occur with Alternative 3 would comply with California Health and Safety Code Section 7050.5 and PRC Section 5097 to minimize the disturbance of human remains and appropriately treat any remains that are discovered. Therefore, this impact would be **less than significant** for the purposes of NEPA, CEQA, and TRPA.

#### Alternative 3: Full Restoration with No Pier

For the same reason described above under Alternative 1, construction of any new project associated with Alternative 3 could result in disturbance, disruption, or destruction of human remains, if present within the project area. For the same reasons described above in Alternative 1, construction that could occur with Alternative 3 would comply with California Health and Safety Code Section 7050.5 and PRC Section 5097 to minimize the disturbance of human remains and appropriately treat any remains that are discovered. Therefore, this impact would be **less than significant** for the purposes of NEPA, CEQA, and TRPA.

#### Alternative 4: Preferred Alternative

For the same reason described above under Alternative 1, construction of any new project associated with Alternative 4 could result in disturbance, disruption, or destruction of human remains, if present within the project area. For the same reasons described above in Alternative 1, construction that could occur with Alternative 4 would comply with California Health and Safety Code Section 7050.5 and PRC Section 5097 to minimize the disturbance of human remains and appropriately treat any remains that are discovered. Therefore, this impact would be **less than significant** for the purposes of NEPA, CEQA, and TRPA.

#### **Mitigation Measures**

No mitigation is required for this impact.

### **3.3.4 Cumulative Impacts**

The geographic scope for the analysis of cumulative impacts to archaeological resources and human remains is the Lake Tahoe Basin, where archaeologists have developed a taxonomic framework describing patterns characterized by technology, particular artifacts, economic systems, trade, burial practices, and other aspects of culture. The geographic scope for the analysis of cumulative impacts to tribal cultural resources is the historic lands of the Washoe people. Beyond Lake Tahoe itself, Washoe territory extends from the edge of the Great Basin to the east at the Pah Pah range, to the crest of the Sierra Nevada to the west, to Honey Lake in the north and the Sonora Pass in the south.

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

Euro-American development in the Tahoe Basin since 1858 has resulted in an existing significant adverse effect on archaeological resources and human remains. The historic lands of the Washoe people have been affected by development since 1858 when western expansion and the discovery of the Comstock Lode saw considerable numbers of Euro-Americans moving west. As a result, Washoe lands were colonized, and tribal members were displaced as settlers, ranchers, and miners moved into the region. These activities have resulted in an existing significant adverse effect on tribal cultural resources and cumulative development, including some of the projects described in Table 3-2 and the project, continues to contribute to the potential disturbance of these resources.

Two known archaeological resources are located within the project area; no known tribal cultural resources or human remains are located within the project area. Project-related earth-disturbing activities could damage as yet undiscovered archaeological resources, tribal cultural resources, or human remains. Implementation of the project, in combination with other development in the region, could contribute to ongoing substantial adverse changes in the significance of unique archaeological resources and tribal cultural resources resulting from urban development and conversion of natural lands. Cumulative development could result in potentially significant archaeological resource impacts.

Implementation of Mitigation Measures 3.3-2a, 3.3-2b, and 3.3-c would ensure that the project's contribution to cumulatively significant archaeological resource impacts would not be considerable by implementing a Worker Environmental Awareness Program, establishing a 20-foot buffer around the two bedrock mortars constituting P-09-003861, and requiring construction work to cease in the event of an accidental find and the appropriate treatment of discovered resources, in accordance with pertinent laws and regulations. Similarly, implementation of Mitigation Measure 3.3-3 would ensure that the project's contribution to cumulatively significant tribal cultural resource impacts would not be considerable by providing an opportunity to avoid disturbance, disruption, or destruction of sites, structures, and areas that have religious or sacred significance or other cultural significance to the Washoe people.

With implementation of this mitigation measure, the project's contribution to these impacts would be offset. Further, cumulative development would be required to implement similar mitigation to avoid/reduce impacts to archaeological resources. Compliance with California Health and Safety Code Section 7050.5 and PRC Section 5097 would ensure that treatment and disposition of the remains occurs in a manner consistent with state guidelines and California Native American Heritage Commission guidance. Therefore, the project would have a **less than cumulatively considerable** impact related to archaeological resources, tribal cultural resources, or human remains.

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