

3.11 CULTURAL RESOURCES

3.11-1 INTRODUCTION

The following Chapter has been prepared to analyze the potential cultural resources impacts associated with the proposed Epic Discovery Project. Much of the information in this Chapter has been taken from the 1996 Draft and Final EIR/EIS/EIS (1996 EIR/EIS/EIS) for the Heavenly Mountain Resort Master Plan accepted in 1996 (MP 96) and the 2007 EIR/EIS/EIS prepared for the 2007 Master Plan Amendment. Field surveys of the project area were completed in 1994 for the Heavenly Master Plan and in 2005 for the 2007 Master Plan Amendment. The Epic Discovery Project areas were not subjected to additional survey based upon the previously conducted studies for the 1996 Master Plan and 2007 Master Plan Amendment. A detailed description of the Epic Discovery Project can be found in Chapter 2.

3.11-2 ENVIRONMENTAL SETTING

Background

Previously recorded and evaluated cultural resources within the Heavenly Mountain Resort are associated with mining and timber. The following is an excerpt from the Heavenly Mountain Resort Master Plan Amendment Final EIR/EIS/EIS from 2007:

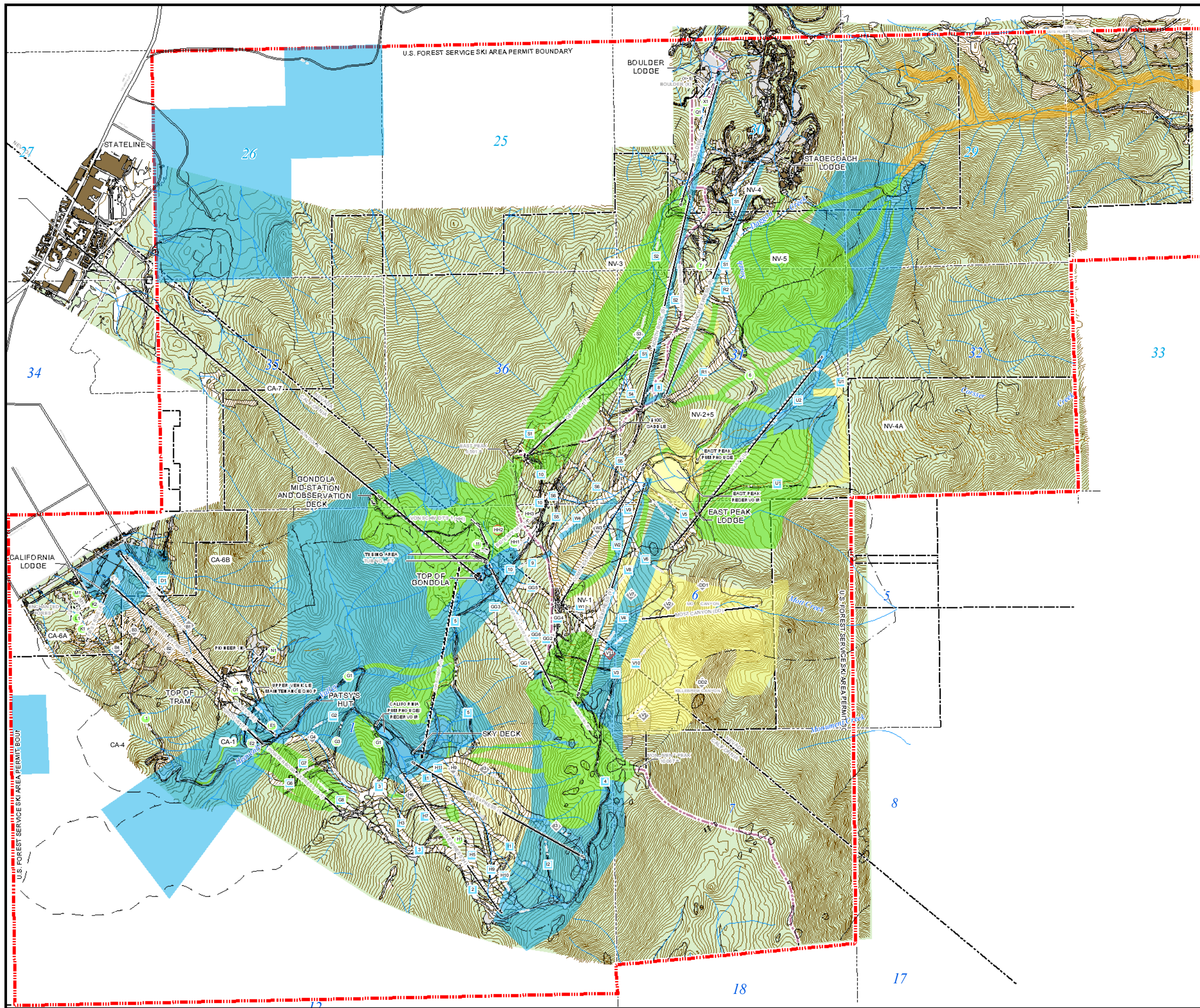
The history of the proposed project area is tied directly to the mining history of the Comstock Lode, a massive body of silver and gold ore discovered under what is now Virginia City, Nevada in 1859. Before its near depletion in 1880, the Comstock Lode yielded \$400 million in silver and gold ore and financed, among other things, the growth of San Francisco and the fortunes of many wealthy American families. The Comstock mining operations required a massive supply of wood for construction and fuel purposes. Most of this lumber was supplied by the forests of the Lake Tahoe Basin. Comstock-era logging in the Lake Tahoe Basin began on a small scale, but from the mid-1870s onwards was dominated by a handful of giant vertically-integrated lumber companies controlled by Comstock mining interests.

The dominant lumber companies in the Lake Tahoe Basin were the Carson and Tahoe Lumber and Fluming Company (CTLFC) and its sister company the El Dorado Wood and Fluming Company (EDWFC). Formed in 1871 and based in the town of Glenbrook on the eastern shore of Lake Tahoe, the CTLFC monopolized logging from the southern to eastern portion of the Lake Tahoe Basin. Glenbrook was the Lake Tahoe Basin's first company town and was the site of four sawmills, a general store, two hotels, and housing for workers employed in the logging and milling operations. The CTLFC was financed by the Bank of California, which controlled a large portion of the Comstock and had financed the construction of the Virginia and Truckee Railroad, a line built in 1870 to connect the Comstock mines at Virginia City with the mills at Carson City. The stockholders of the CTLFC were D.L. Bliss (general director), H.M. Yerington (superintendent of the Virginia and Truckee Railroad), D.O. Mills (president of the Bank of California), and J.A. Rigby. Also based in Glenbrook, the EDWFC was formed in 1875 with Yerington as president and principal stockholder. As was the case with the CTLFC, a large

portion of EDWFC stock was held by officials of the Bank of California. The CTLFC and EDWFC strategy for monopolizing Comstock logging involved purchasing large tracts of land around the Lake Tahoe Basin. Following the demise of the logging industry in the Lake Tahoe Basin in the late nineteenth century, the CTLFC and EDWFC continued as real estate interests, selling and leasing large tracts of former logging lands mainly for ranching purposes. Both companies were dissolved by the late 1940s.




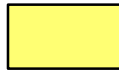
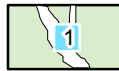
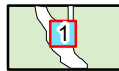



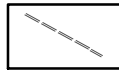

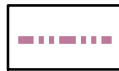

Documentary evidence confirms that Chinese workers were employed in CTLFC/EDWFC lumbering operations in the Lake Tahoe Basin. Chinese immigration to California began with the gold rush in 1849, but severe discrimination resulted in the exclusion of Chinese from mine ownership following the exhaustion of the most accessible mines. As a result many Chinese nationals became contract laborers. In 1856, the first Chinese contract workers were brought to Nevada to construct an irrigation ditch. The discovery of the Comstock Lode in 1859 brought Chinese laborers to work the silver mines, but organized labor succeeded in excluding the Chinese from mine work and mine ownership. Consequently, many Chinese relocated to Carson City and secured employment as cooks, servants, and laborers. By 1880, Carson City had the largest Chinese population in the state, with over 800 Chinese occupying a Chinatown that extended for five blocks. Contract laborers of various ethnic backgrounds augmented the CTLFC/EDWFC regular work force of over 500 men. Tasks performed by contractors included cutting, packing, and loading wood and constructing irrigation ditches, roads, and flumes. The contract labor force was stratified. Skilled positions were often assigned to experienced lumberman from Canada and Maine, and the lowest occupations, such as cordwood cutting, were allocated to French Canadians, Italians, Portuguese, and Chinese. Chinese laborers also worked on railroad-grading crews during the construction of the Virginia and Truckee Railroad.

Material and documentary evidence provide clues to the role of Chinese laborers in Comstock-era logging in the Lake Tahoe Basin. China has a long history of logging, mining, and irrigation, and many of the Chinese workers who came to work in the Lake Tahoe Basin were skilled in these industries. Nonetheless, documents on file at the University of Nevada, Reno (UNR), Special Collections indicate that Chinese were paid considerably less than their Euroamerican counterparts for the same type of work. A set of pay records from 1883–1885 show Chinese laborers receiving about half the wage received by Euroamerican laborers. Moreover, it appears that Chinese laborers were paid in groups on a monthly basis, while Euroamerican workers were paid individually on a regular basis throughout the month. Records indicate that Chinese crews worked in wood camps that were run by independent contractors. Labor at the camps was focused primarily on the production of cordwood and shingle blocks. Chinese also appear on payroll records as cooks, dishwashers, and as laborers on railroad crews and flume camps. CTLFC/EDWFC records on file at UNR indicate that there were several Chinese wood camps in the proposed project area. The camps were active until the demise of Comstock-era logging in the Lake Tahoe Basin in 1898.



MASTER PLAN AMENDMENT 2005

LEGEND

-  Archaeological Survey Conducted by Parsons, 2004
-  Archaeological Survey Conducted by Carter, 1997
-  Archaeological Survey Conducted by Petersen, Seldonridge & Stearns, 1994
-  Archaeological Survey Conducted by USFS
-  Existing Ski Trails
-  Approved But Not Constructed Trails
-  Existing Gladed Zones
-  Existing Building or Structure
-  Existing Lift Alignment
-  Removed Lifts
-  Approved but Not Constructed Lifts
-  TRPA Regional Boundary
-  U.S. Forest Service Ski Area Permit Boundary

CONTOUR INTERVAL = 25 FEET
DATE: MARCH 29, 2006



PARSONS

international alpine design

Innovative Resort Design • Project Implementation





Feet

0
2,200
4,400

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3.11-3 REGULATORY SETTING AND EVALUATION CRITERIA

The processes for determination of effects on historic properties eligible for the National Register of Historic Places (NRHP) are specified in Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations (36 CFR 800). The formal criteria (3 CFR 60.4) for determining NRHP eligibility are as follows:

1. The property is at least 50 years old.
2. It retains integrity of location, design, setting, materials, workmanship, feeling, and associations.
3. It possesses at least one of the following characteristics:
 - A. association with events that have made a significant contribution to the broad patterns of history.
 - B. association with the lives of persons significant in the past.
 - C. embodies the 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.
 - D. has yielded, or may be likely to yield, information important to prehistory or history.

Criterion A. Historical themes developed in 1987 by the U.S. Department of the Interior, National Park Service, germane to Comstock-era lumbering include: western expansion of the British Colonies and the United States, 1763-1898; business; architecture; technology; and American ways of life (ethnic communities). In addition, state themes have been developed for Nevada by the *Nevada Comprehensive Preservation Plan* (State of Nevada 2003). Applicable themes include: commerce; industry; and people.

Comstock logging was a highly organized business venture, enriching the capitalists, inspiring new technologies (the V-flume), and employing a socially highly-stratified and ethnically diverse work force. Capitalist investment made possible the consolidation of timber resources and the development of innovative logging technologies specifically adapted to Tahoe Basin conditions. Logging made Comstock mining possible; the mines, in turn, provided a final impetus for completion of the Central-Pacific, the nation's first transcontinental railroad. They also created a major precondition for Nevada statehood. A darker historical theme exemplified by the Comstock mining and logging industries is the displacement of Native Americans and the disruption of the native ecosystem caused by Euroamerican westward expansion and resource development.

Criterion B. The development of the Comstock-era lumber industry along the eastern shore of Lake Tahoe climaxed with the expansion of the CTLFC and its sister organization, EDWFC. These companies, which controlled most Comstock lumbering operations in the proposed Comstock Load Historic District (CLHD), were dominated by D.L. Bliss and H.M. Yerington, important capitalists of Nevada and the American frontier.

Criterion C. Many components of the proposed CLHD meet this criterion, both individually, and as elements of “significant, highly distinguishable entities.” Examples of the latter are the well-preserved remains of the logging transportation systems (log chutes, flumes, railroads) developed to meet engineering challenges and opportunities specific to the east side of Lake Tahoe, and found throughout the proposed CLHD.

Criterion D. The proposed CLHD contains archaeological resources and landscapes that, when studied in conjunction with archival records, have yielded and have the potential to yield further important data on the study and interpretation of Comstock logging in particular and of frontier expansion in general. Potentially fruitful research topics include lumbering technology in all its facets, business and labor organization, the ethnic composition and social structure of the work force, and the short and long term consequences of Comstock-era timber extraction on the regional ecosystem.

Further archaeological and historical research is needed to determine if the Heavenly properties are in fact significant, and therefore eligible for the NRHP either on their own merit or as contributors to the proposed CLHD. They are, however, at least potentially NRHP-eligible under Criteria A, B, and D.

Impacts to NRHP-eligible properties include direct or indirect effects that may alter "the characteristics of the property that may qualify [it] for inclusion in the National Register," such effects, including “alteration to features of the property’s location, setting or use” (36CFR800.9a). Characteristics of the Heavenly cabins affecting their NRHP-eligibility potential include integrity of setting and scientific data potential.

The California Environmental Quality Act (CEQA) provides significance criteria for historical and prehistoric cultural resources. Appendix K of the CEQA Guidelines characterizes significant impacts as those causing damage to an “important archaeological resource.” Important archaeological resources are defined as follows:

- Are associated with an event or person of:
 1. Recognized significance in California or American history; or
 2. Recognized scientific importance in prehistory.
- Can provide information which is both of demonstrable public interest and useful in addressing scientifically consequential and reasonable historical or archaeological research questions.
- Have special or particular quality such as oldest, best example, largest, or last surviving example of its kind.
- Are at least 100 years old and possess substantial stratigraphic integrity.
- Involve important research questions that historical research has shown can be answered only with archaeological methods.

Section 5024.1 of the Public Resources Code established the California Register of Historical Resources in 1992. A resource may be listed as an important resource if it meets any of the

NRHP criteria, as stated above. None of the identified Heavenly cultural properties meeting, or potentially meeting, CEQA criteria are in California.

There are no formal TRPA significance criteria for cultural and historical resources. However, TRPA's Goals and Policies of the Regional Plan for the Lake Tahoe Basin provides for the identification and preservation of culturally and historically significant sites within the region. Section 67.5 of the TRPA Code of Ordinances also specifies these goals, providing for the recognition, protection, and preservation of the region's significant historical, archaeological, and paleontological resources, and setting standards for resource protection, discovery, evaluation, and management. Upon the discovery of a site, object, district, structure, or other resource, potentially meeting the criteria of Code Section 67.6, TRPA shall consider the resource for designation as a historic resource and will consult with the State Historic Preservation Office (SHPO). If the resource is preliminarily determined to be eligible for designation as a historic resource by SHPO, TRPA shall consider formal designation to Section 67.5.

Resources are designated as historic by TRPA according to the following procedure:

- 67.5.1 Nominations for designation in the form of a report with sufficient information to evaluate a resource pursuant to Section 67.6.
- 67.5.2 Review and approval of a designation by TRPA using the nomination report and comments from SHPO and other interested parties.
- 67.5.3 Withdrawal of designation by TRPA based on request by TRPA, SHPO, property owner, or land management agency, if a resource is determined to be not significant and therefore, not designated as an historic resource.

It is anticipated that compliance with NHPA requirements, as summarized above, will also meet those of the TRPA.

3.11-4 ENVIRONMENTAL IMPACTS

Existing 2007 Master Plan mitigation measures 7.4-19 (Evaluate and Monitor Known Archaeological Resources within the Comstock Logging Historic District) and 7.4-20 (Identify and Protect Undiscovered Archaeological Resources) are now considered standard design features for Projects within the Heavenly Mountain Resort special use permit boundary and will be implemented for the Epic Discovery Project and Alternative. Implementation of these design features would reduce potentially adverse effects to cultural resources to a less than significant level. Interpreting and promoting the historical lumber industry and its role in the development of the surrounding area will also increase the appreciation of history to all visitors.

As outlined in existing mitigation measure 7.4-20, the Forest Service Heritage Resources staff shall have the opportunity to spot-check proposed construction areas and to consult with the State Historic Preservation Officers in both California and Nevada prior to final decisions regarding the siting of specific facilities at Heavenly.

If previously undiscovered resources are discovered or revealed during construction or any subsequent activity, all activity would cease in the vicinity of the discovery until the Forest Service Heritage Resources staff for either California or Nevada assesses it for eligibility to the NRHP, compliance with TRPA Code Chapter 67, and/or (in the event of a prehistoric or ethnographic find) for Native American (Washoe) values. This assessment would occur in consultation with the SHPO, TRPA, ACHP, and the Washoe Tribe, as appropriate. Cessation of activity would continue until proper treatment can be determined and implemented.

The Programmatic Agreement among the USDA Forest Service, California, and Nevada State Historic Preservation Officers and The Advisory Council on Historic Preservation

Adherence to the Programmatic Agreement (PA) will meet the requirements of CEQA, PRC 5024, and TRPA guidelines. Ultimately, the Forest Service has the responsibility for ensuring that the requirements of the PA are met in consultation with the Nevada and California State Historic Preservation Officers. The PA provides an overarching process that has been agreed upon by both California and Nevada Offices of Historic Preservation and the Forest Service that meets the requirements of Section 106 of the National Historic Preservation Act codified in the Code of Federal Records (CFR) at 36 CFR 800. In order to comply with the PA this project will:

Establish an Area of Potential Effects

The Heritage Program Manager (HPM) and the District Heritage Program Staff (DHPS) establish the Area of Potential Effects (APE) (PA Section 2.5).

The HPM/DHPS shall apply the definition of Area of Potential Effect (APE) (36 CFR 800.16[d]) to each undertaking and shall include a description of the APE in the undertaking's Section 106 report. In defining the APE, Region 5 shall consider potential direct, indirect, and cumulative effects to historic properties and their associated settings as applicable, regardless of land ownership. HPM/DHPS are not required to determine the APE in consultation with the SHPO. However, in cases where the APE is subject to question, or multiple federal jurisdictions are involved, or a Traditional Cultural Property has been identified, the Forest shall seek the opinion of the SHPO (Stipulation 8.1(c))(PA Section 7.3).

Once the APE has been established for each project action, the project proponent in consultation with the HPM will decide if the APE has undergone adequate survey to locate and record cultural resources according to Section 7.0 of the PA.

Identify and Evaluate Cultural Resources within the APE

Once the APE is designated, an inventory of the APE is conducted according to PA Section 7.4. Any cultural resources identified within the APE are evaluated for National Register of Historic Places Eligibility according to PA Section 7.7(a)-(h).

When historic properties will be managed and maintained in ways that ensure prospective NRHP values are preserved, or where no historic properties are affected by an undertaking (e.g., use of the Standard Protection Measures listed in Appendix C), then

their eligibility for inclusion in the NRHP can be assumed for purposes of the undertaking. If an undertaking may diminish prospective historic property NRHP values, the Forest shall evaluate cultural resources for eligibility for inclusion in the NRHP (36 CFR 60.4). Forests may choose to evaluate cultural resources for eligibility to the NRHP even where they can be protected. Determinations of Eligibility may be completed by a forest under the conditions and stipulations in this programmatic agreement, or through consensus determinations with the SHPO (36 CFR 800.4(c)(2)), or through consultation and determinations made by the Keeper of the NRHP. The Forest Heritage Program Manager will certify all determinations of eligibility performed by the forest under Stipulation 7.7(c) of this agreement (Appendix F. Supplemental Guidelines For Determinations of Eligibility).

The HPM/DHPS decides whether existing archaeological survey and information is adequate for the undertaking. The HPM/DHPS will design and inventory strategy based upon the coverage methods and sensitivity models developed for the forest (PA Section 7.4). Once all of the cultural resources have been identified within the proposed project APE resources are evaluated using the NRHP criteria to determine if the resources are historic properties under the PA.

Determine Effects to Historic Properties

Under mitigation measure 7.4-19, all historical cultural resources must be formally evaluated for the NRHP by a qualified professional as either contributors to the proposed CLHD, or on their own merits as historic properties. Their data potential (criterion D) and their associations (A and B) must be established in accordance with the PA.

In addition, the sites must be monitored to determine the extent of deterioration and to discourage vandalism. Avoidance of cultural resources by project components is desired according to the PA. If avoidance of historical resources through project redesign is not feasible and cultural resources evaluated and determined eligible to the NRHP would be impacted, consultation and concurrence with SHPO, TRPA, the Forest Service, ACHP, and/or the Washoe Tribe in dealing with the affected resources must occur, and measures identified to reduce the impact to less than significant.

Implement Approved Standard Protection Measures

The use of standard protection measures provided within the PA will provide protection and preservation of cultural resources throughout the Project Area. Adherence to PA Appendix E will protect and preserve historical properties. Appendix E provides strategies to avoid cultural resources, including buffer zones, appropriate training and establishing protocol for project changes, redesign, and modifications (PA Appendix E).

Additional treatment measures may be determined appropriate after site evaluation and monitoring including a program for public interpretation. Increased public access and use of trails near and around historical sites and artifacts may increase looting or artifact collecting. Developing an interpretative program in consultation with the California and Nevada SHPO should be undertaken as a means of informing the public about the varied history of the area to encourage protection and preservation of the archaeological evidence of this history. An interpretive management plan with associated signage and historical interpretation can be used to

protect cultural resources. Modern technology exists that can provide interpretation of historical resources on hand-held devices via the internet or local-area networks. Utilizing these technologies for interpretation provides cost-effective avenues for disseminating information effectively and in many languages. Providing a simple barcode, scan, or other electronic means to access interpretive information electronically can reduce the size and complexity of interpretive signs and displays. Interpretation should promote community building by, increasing inclusivity, and ensuring all visitors have the opportunity to connect with the historical resources throughout the project area.

To comply with the PA, Heavenly will work with the USFS to develop appropriate interpretive signs to include within the project area. Potential opportunities to provide interpretive information about the natural and cultural resources near the project areas include the Ridge Run Lookout Tower and Sky Meadows Lodge Deck in the Sky Meadows Basin, and the East Peak Lodge in the East Peak Basin. In addition, interpretive signage can be incorporated into the Panorama Trail and along key stops of the Mountain Excursion Tour. Heavenly will work with the USFS to develop these interpretive opportunities as Epic Discovery activities are implemented and added to the summer recreational program.

Consultation with Native American and Interested Parties

Consultation with Native Americans and interested parties is an on-going process. The PA establishes this process in Section 7.5 Consultation with Indian Tribes and Native American Traditional Practitioners and 7.6 Public Involvement and Consulting Parties. Section 7.5 provides consultation guidance:

The Forest Supervisor shall ensure that consultation with Indian tribes and Native American Traditional Practitioners begins at the earliest stages of planning for an undertaking and continues throughout the process as appropriate. The Forests recognize the unique role Indian tribes play in determining which historic properties the tribes assign traditional religious or cultural importance. The Forest Supervisor shall ensure that consultation provides an Indian tribe a reasonable opportunity to identify its concerns about historic properties; advise on the identification and evaluation of historic properties, including those of traditional religious and cultural importance to them; identify Native American Traditional Practitioners who should be consulted; provide its views on the undertaking's effects on such properties; and participate in the resolution of adverse effects. The Forest Supervisor shall be prepared to continue consultation throughout the planning and implementation stages of an undertaking.

PA Section 7.6 provides for the use of public meetings and disclosure of proposed activities “Forests shall use the public notification and environmental project planning scoping process in its National Environmental Policy Act (NEPA) compliance regulations (36 CFR Part 220) to: notify Indian tribes and the public about proposed undertakings; initiate Section 106 consultation; and identify interested or potential consulting parties” (PA Section 7.6).

Many stakeholders from the local communities use the Sierra Nevada for recreation. It is imperative that project proponents work with The USDA Forest Service and these local stakeholders to promote historical preservation, interpretation, and use of Heavenly. There are important issues regarding historical resources including establishing personal identity, control

over the past and future, and preservation issues that are continuous. Interpretation and protection of historical resources takes a great deal of sustained effort. Opportunities to increase interpretation go hand in hand with goals to provide recreational opportunities. Many activities can be conducted with an overall emphasis on the historical landscape and the visitors place within this landscape. All of these efforts are based upon providing preservation and protection of historical resources, while sharing the varied and storied past of California and Nevada. Efforts are most successful when significance is demonstrated and there is a local community interested in preserving cultural resources. The policies provided within the PA and Master Plan will meet the goals to manage and preserve values associated with cultural resources; to provide recommendations for the interpretation of cultural resources; and to keep the public safe while providing quality outdoor recreation opportunities.

IMPACT: CULT-1: Would the Project comply with Section 106 of the National Historic Preservation Act and TRPA Ordinances included in Code Chapter 67?

This project will comply with Section 106 of the National Historic Preservation ACT and TRPA Ordinances included in Code Chapter 67 by adhering to the Programmatic Agreement among the USDA Forest Service, California, and Nevada State Historic Preservation Officers and The Advisory Council on Historic Preservation as outlined above.

There have been numerous cultural resources surveys conducted within the present properties of the Heavenly Mountain Resort. Many of these surveys either crossed through the Epic Discovery Project Area or were completed on very small sections or areas of the Heavenly Mountain Resort. One survey conducted in 1994 focused on land within Heavenly and was conducted for the purpose of analyzing the projects contained in the Heavenly Ski Resort Master Plan adopted in 1996 (MP 96) (Peterson, Seldomridge, and Stearns 1994). The reader is referred to that report for a comprehensive list of previously recorded surveys and sites (report available at the LTBMU Forest Service Supervisor's office in South Lake Tahoe, CA).

Additional cultural resources surveys and investigations within Heavenly include: An Archaeological Survey and Site Damage Assessment for the Autumn Hills Fire Rehabilitation Project completed in 1997 by James Carter (Carter 1997); and The Determination of Eligibility for Inclusion in the National Register of Historic Places of 19 Historic Sites within the Heavenly Ski Resort, Douglas County, Nevada by Carrie Smith and Kelly Dixon 2004 (Smith and Dixon 2004).

In addition to the reports listed above, there have been two recently completed studies that provide insight into the Historic Comstock Mining activities of the larger Lake Tahoe and Carson Valley areas, both completed by Susan Lindstrom in 1994 and 2002 (Lindstrom, *et. al.* 1994; Lindstrom, *et. al.* 2002). These reports were utilized to develop the historic setting and assessments included in the 2007 MPA EIR/EIS/EIS.

Record searches at the Nevada State Museum, Carson City, Nevada, the North Central Information Center of the California Historic Resources Information System at Sacramento State University and the Heritage Resource Management Office of the Lake Tahoe Basin Management Unit, South Lake Tahoe, Nevada, identified the following resources: 13 sites at Heavenly were previously recommended eligible for listing in the NRHP; seven sites were recommended not eligible for listing in the NRHP; and 13 sites were not evaluated for inclusion in the NRHP. For descriptions of the sites, refer to the 2007 MPA Cultural Resources Technical Report on file at the USFS office.

The CLHD has been evaluated as eligible for listing in the NRHP; however, the extent of the CLHD has not been completely determined. Pedestrian surveys, as well as previously recorded sites located during the record searches, suggest that the CLHD is much larger than the 19 sites tested recently by the Tahoe National Forest (Kelly and Smith 2004). Upon completion of mapping and historic research of the CLHD, consultation with the California and Nevada SHPO will be necessary to develop a Memoranda of Agreement to develop a treatment plan for the sites located within the CLHD that may be disturbed or affected by project activities.

Locations outside the CLHD and proposed locations for new construction of restaurants, buildings, ski runs, and ski lifts in the 2007 MPA were surveyed, and no additional cultural resources were identified. Therefore, the proposed activities are not likely to disturb any known cultural resources. The possibility of discovering previously unidentified and sub-surface cultural resources could be possible.

Existing mitigation measures 7.4-19 (Evaluate and Monitor Known Archaeological Resources within the Comstock Logging Historic District) and 7.4-20 (Identify and Protect Undiscovered Archaeological Resources) are standard design features for the Epic Discovery Project and Alternative. Implementation of these design features would reduce potential adverse effects to cultural resources to less than significant.

Under mitigation measure 7.4-19, all project sites must be formally evaluated for the NRHP by a qualified professional as either contributors to the proposed CLHD, or on their own merits as historic properties. Their data potential (criterion D) and their associations (A and B) must be established in consultation with the California and Nevada SHPO. Concurrently, the resources should be evaluated for designation as TRPA historic resources in compliance with TRPA Code of Ordinances Chapter 67. In addition, the sites must be monitored to determine the extent of deterioration and to discourage vandalism. If project redesign is not feasible and cultural resources evaluated and determined eligible to the NRHP could potentially be impacted, consultation and concurrence with SHPO, TRPA, the Forest Service, ACHP, and/or the Washoe Tribe in dealing with the affected resources must occur, and measures identified to reduce the impact to less than significant must be identified. Another option that may be

determined appropriate through consultation after site evaluation and monitoring is a program of public interpretation. A program to accomplish site evaluation, monitoring, and interpretation must be negotiated in a Programmatic Agreement with the Nevada SHPO.

As outlined in existing mitigation measure 7.4-20, the Forest Service Heritage Resources staff shall have the opportunity to spot-check proposed construction areas and to consult with the SHPO, prior to final decisions regarding the siting of specific Epic Discovery or Alternative facilities.

If previously undiscovered resources are discovered or revealed during construction or any subsequent activity, all activity would cease in the vicinity of the discovery until the Forest Service Heritage Resources staff for either California or Nevada assesses it for eligibility to the NRHP, compliance with TRPA Code Section 67, and/or (in the event of a prehistoric or ethnographic find) for Native American (Washoe) values. This assessment would occur in consultation with the SHPO, TRPA, ACHP, and the Washoe Tribe, as appropriate. Cessation of activity would continue until proper treatment can be determined and implemented.

CEQA and TRPA

Analysis: Less than Significant; All Alternatives

Implementing the procedures provided in the PA, with continued implementation of the existing 2007 Master Plan mitigation measures 7.4-19 and 7.4-20 as standard design features of all alternatives of the Project would reduce potential impacts to cultural resources to a less than significant level.

NEPA

Analysis: No Adverse Effects; All Alternatives

Implementing the procedures provided in the PA, with continued implementation of the existing 2007 Master Plan mitigation measures 7.4-19 and 7.4-20 as standard design features of all alternatives of the Project would ensure there are no adverse effects.

IMPACT: CULT-C1: Will the project have significant cumulative impacts to cultural resources?

Implementation of the project mitigation measures would reduce potential impacts to known cultural resources. However the potential exists for cultural resources to become impacted as an indirect effect from resort operations and natural causes. As occurred in 2002, the Gondola Fire, which burned approximately 640 acres, started as a result of a discarded cigarette that may have been dropped from a rider on the Gondola Ski Lift. The potential for similar fires to occur within the Heavenly boundary and damage known cultural resource sites is possible. Maintenance activities during the summer months have the potential

to be ignition sources for wildfires. In addition, the Tahoe Rim Trail crosses close to many known cultural resource sites and could be a potential source of ignition and vandalism from hikers who wander off-trail.

Additional projects are proposed which may impact cultural resources in the vicinity of Heavenly Mountain Resort. These projects are not directly associated with implementation of the Proposed Action or the Alternative. However, the potential to cumulatively impact known cultural resources may occur. Projects that may impact cultural resources in the area include the High Meadows Cold Creek Restoration project, the Kingsbury Fuels Reduction Project, and continued development of Van Sickle Bi-State Park. While these projects have the potential to disturb cultural resources, each project area would be surveyed as required by NEPA and SHPO prior to commencement to determine the presence or absence of cultural resources. Avoidance measures would be put into place to ensure that no adverse impacts to identified resources would occur in accordance with the Nevada or California SHPO, TRPA, and Forest Service regulations.

Continuation of the Annual Mitigation and Monitoring Program as approved in the 2007 Master Plan will provide data necessary to monitor potential cumulative impacts to cultural resources. Potential impacts to cultural resources due to more access through trail use and proposed recreational facilities will be addressed during implementation of required project specific monitoring. Additional reporting should include monitoring of proposed cultural resources interpretation programs. Monitoring of the resource will ensure that no unforeseen impacts are effecting cultural resources.

CEQA and TRPA

Analysis: Less than Significant; All Alternatives

Since all areas for the proposed projects would be adequately surveyed, and measures taken to avoid impacts, this impact would be less than significant.

NEPA

Analysis: No Adverse Effects; All Alternatives

Since all areas for the proposed projects would be adequately surveyed, and measures taken to reduce adverse impacts, no additional design features are required at this time.