

3.5 CULTURAL RESOURCES

This section analyzes and evaluates the potential impacts of the project on known and unknown cultural resources as a result of adoption and implementation of the proposed CLUO, including issuance of subsequent Cannabis Use Permits pursuant to the adopted CLUO. 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 prehistoric resources, historic-era resources, and tribal cultural resources (the latter as defined by AB 52, Statutes of 2014, in PRC Section 21074). This section also analyzes archaeological, historical, and tribal cultural resources. Paleontological resources are discussed in Section 3.7, “Geology and Soils.”

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 or built environment) resources include standing buildings (e.g., houses, barns, outbuildings, cabins), intact structures (e.g., dams, bridges, wells), or other remains of human’s alteration of the environment (e.g., foundation pads, remnants of rock walls). Tribal cultural resources were added as a distinct resource subject to review under CEQA, effective January 1, 2015, under AB 52. Tribal cultural resources are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either included or determined to be eligible for inclusion in the California Register of Historical Resources (CRHR) or local registers of historical resources.

A comment letter requesting an increase of the proposed buffers between cannabis activities and sacred cultural lands to 1,000 feet for all the alternatives and an evaluation of all impacts associated with cultural resources was received in response to the NOP from the Yocha Dehe Wintun Nation. These comments were considered in the preparation of this analysis. A summary of the consultation with the Yocha Dehe Wintun Nation is provided below. The reader is referred to Appendix A for comment letters received on the NOP.

3.5.1 Environmental Setting

The Yolo County General Plan EIR setting section for cultural resources includes a detailed discussion of the prehistoric, ethnographic, and historical settings of Yolo County (Yolo County 2009:517–529). This section presents a brief summary of those discussions as well as cultural resources records searches conducted in 2019. The environmental setting information provided below addresses the County as a whole and does not specifically differentiate between conditions in the individual cities (i.e., Davis, West Sacramento, Winters, and Woodland).

PREHISTORIC SETTING

It is probable that humans have inhabited the Sacramento Valley for the last 10,000 years. However, evidence for early occupation is likely deeply buried under alluvial sediments deposited during the late Holocene. Although rare, archaeological remains of the early period have been identified in and around the Central Valley. Early archaeological manifestations are categorized as the Farmington Complex, which is characterized by core tools and large, reworked percussion flakes.

Later periods are better understood because the archaeological record is more abundantly represented. Three general patterns of cultural manifestations have been identified for the period between 4500 Before Present (B.P.) and 3000 B.P.: the Windmiller Pattern, the Berkeley Pattern, and the Augustine Pattern.

The Windmiller Pattern (4500 B.P.–3000 B.P.) shows evidence of a mixed economy of game procurement and use of wild plant foods. The archaeological record contains numerous projectile points with a wide range of faunal remains. Hunting was not limited to terrestrial animals, as is evidenced by fishing hooks and

spears that have been found in association with the remains of sturgeon, salmon, and other fish. Plants also were used, as indicated by ground stone artifacts and clay balls that were used for boiling acorn mush. Settlement strategies during the Windmill period reflect seasonal adaptations: Habitation sites in the valley were occupied during the winter months, but populations moved into the foothills during summer.

The Windmill Pattern ultimately changed to a more specialized adaptation labeled the Berkeley Pattern (3500 B.P.–2500 B.P.). A reduction in the number of manos and metates (stone tools for grinding) and an increase in mortars and pestles indicate a greater dependence on acorns. Although gathered resources gained importance during this period, the continued presence of projectile points and atlatls (spear-throwers) in the archaeological record indicates that hunting was still an important activity.

The Berkeley Pattern was superseded by the Augustine Pattern (1500 B.P.–200 B.P.). The Augustine Pattern is characterized by a change in technology and subsistence strategies. Bow and arrow technology is introduced, as evidenced by a growing increase in the number of small projectile points in Augustine Pattern lithic assemblages. Mortar and pestle implements continue to be used, with acorns becoming the dominant staple. Trade also expands and intensifies at this time, with the acquisition of both exotic finished goods and raw materials. Augustine Pattern mortuary patterns are characterized by either cremation or burial of the dead within habitation areas of a site, preinternment gravel pit burning, a flexed position of the body with variable orientations, and a differential distribution of grave goods with more items being associated with cremations compared to subsurface burial. Indeed, cremations may have been reserved for relatively wealthy and prestigious individuals.

ETHNOGRAPHIC SETTING

Yolo County includes portions of territories of two Native American groups: the Patwin and the Plains Miwok. Both groups speak languages classified as part of the Penutian linguistic stock. Penutian speakers appear to have entered California relatively late in time and settled nearly half the state by approximately 200 years ago. The Patwin occupied most of the County, while the Plains Miwok were more restricted, inhabiting the lower reaches of the Mokelumne and Cosumnes Rivers and the banks of the Sacramento River from Rio Vista to Freeport. The material culture and settlement and subsistence patterns of these groups share many similar traits, likely due to historical relationships and a shared natural environment.

Patwin are composed of numerous different tribal groups with separate dialects, but anthropologists usually separate Patwin into two primary subdivisions: Hill Patwin and River Patwin. Hill Patwin occupied the lower, eastern slopes of the southern North Coast Ranges, and River Patwin occupied the west side of the lower Sacramento River below the mouth of the Feather River and the lower reaches of Cache Creek and Putah Creek in the Sacramento Valley.

Patwin were organized into tribelets, which were usually composed of a principal village and a few satellite settlements. Each tribelet had a head chief, and each village had a chief who administered its economic and ceremonial activities. Patwin manufactured a variety of utilitarian and ceremonial/luxury items, including baskets, stone tools, mortars and pestles, shell beads, and clothing. Shell beads were manufactured for personal adornment and as a medium of exchange. River Patwin also built tule balsa boats to facilitate river travel and acquisition of fish resources.

Patwin traded for various commodities and subsistence resources using clamshell disc beads as a medium of exchange. Initially, River Patwin obtained finished shell beads from Hill Patwin, who obtained them from their Pomo neighbors. In the historic period, however, River Patwin traded for whole shells from the Pacific Coast and made beads themselves. Obsidian was obtained from sources in the southern North Coast Ranges, primarily Napa Valley.

The Plains Miwok inhabited the lower reaches of the Mokelumne and Cosumnes Rivers, and the banks of the Sacramento River from Rio Vista to Freeport. The primary sociopolitical unit was the tribelet, consisting

of the residents of several base settlements and their associated seasonal camps. Each tribelet was independent and held and defended specific territories.

The basic subsistence strategy of the Plains Miwok was seasonally mobile hunting and gathering. However, tobacco was cultivated and dogs were domesticated. Plant foods included acorns, buckeyes, laurel nuts, hazelnuts, seeds, roots, greens, and berries. Acorns, the primary staple, were gathered in fall and stored through winter. Seeds were gathered from May through August. Intentional, periodic burning in August ensured an ample supply of seed-bearing annuals and forage for game. The Plains Miwok ate more meat in winter when stores of plant resources grew smaller. Hunting was accomplished with the aid of the bow and arrow, traps, and snares. Salt was obtained from springs or through trade with people from the Mono Lake area.

Plains Miwok technology included tools of bone, stone, antler, wood, and textile. Typical basketry items were seed beaters; cradles; sifters; rackets used in ball games; and baskets for storing, winnowing, parching, and carrying burdens. Other textiles included mats and cordage. The Plains Miwok constructed several types of structures: conical habitation structures fashioned from tule matting, earth-covered semisubterranean winter dwellings, acorn granaries, menstrual huts, sweathouses, and conical grinding huts over bedrock mortars.

HISTORICAL SETTING

The Central Valley was explored by Spaniards as early as 1808, including Gabriel Moraga, who guided an expedition up the Sacramento River to present-day Sutter County in search of potential inland mission sites. His excursion was followed in 1817 by Father Narciso Duran, Father Ramon Abella, and Luis Arguello, who established a temporary camp near present-day Clarksburg. In 1821, Arguello and a party of explorers entered the area once again, this time passing through Solano and Yolo Counties before reaching the Sacramento River near Grimes.

During the early 1800s, the region was also explored by hunters and trappers, such as Jedediah Strong Smith, Ewing Young, and Hudson's Bay Company trappers. The hunters found the banks of the rivers and streams rich with beaver, otter, and other animals whose pelts were a highly valuable commodity in the worldwide trade of the time. They used to "cache" their pelts near Cache Creek, hence the name.

The influx of European and Spanish explorers and settlers during the 1830s and 1840s changed Patwin demography. The second quarter of the 19th century encompasses the Mexican Period (ca. 1821–1848) in California. This period is an outgrowth of the Mexican Revolution and its accompanying social and political views, which affected the mission system across California. In 1833, the missions were secularized and their lands divided among many of the elite Mexican families as land grants called ranchos. These ranchos facilitated the growth of a semiaristocratic group that controlled the larger ranchos. Patwin were essentially used as forced labor on many of these large tracts of land.

Simultaneously with the exploration of the Central Valley and the flanks of the Sierra Nevada, settlers blazed trails across the plains and mountains of the central United States, facilitating the westward migration of Euro-Americans. The discovery of gold at Sutter's Mill in Coloma in 1848, however, was the catalyst that caused a dramatic alteration of both Native American and Euro-American cultural patterns in California. Once news of the discovery of gold spread, a flood of Euro-Americans entered the region and gravitated to the area of the "Mother Lode." The population of California quickly swelled from an estimated 4,000 Euro-Americans in 1848 to 500,000 in 1850. The discovery of gold and the large influx of Euro-American immigrants had a positive effect on the growth and economic development of the area, but a negative effect on Native American cultures. The discovery of gold in California marked the beginning of a relatively rapid decline of both Native American populations and culture.

The Gold Rush transformed Yolo County from an isolated farming community to a booming agricultural region, as disenchanting miners realized they could make a greater fortune through farming and ranching rather than gold prospecting. In 1850, 1,086 people lived in the County; by 1870 that number swelled to

9,899. The majority of growth occurred in the central and western parts of the County near roads and fords crossing Putah and Cache Creeks.

Fremont, the County's first town, was founded in 1849 along the confluence of the Sacramento and Feather Rivers (south of present-day Knights Landing). It became the first County seat in 1850. After Fremont suffered flood damage in 1851, the County government was moved to Washington (now West Sacramento). Between 1856 and 1861, the County seat moved from Washington to Cacheville (present-day Yolo) and back to Washington. Flooding finally motivated voters to choose centrally located Woodland as the permanent County seat in 1862.

Transportation

As the County developed, the area's transportation improved. Although early rancho boundaries commonly served as transportation routes, growth and land subdivision led to the creation of travel corridors. The demand for more direct transportation routes resulted in the construction of several railroad lines throughout the County, including the Central Pacific Railroad (1876) and the California Pacific (1868). By 1871, rail lines extended from Vallejo to Dixon, Davisville (now Davis), Washington (West Sacramento), Woodland, and Vacaville.

Farmers in the southwestern portion of the County were faced with poor transportation options, as no rail lines were close enough to serve their needs. Growers were forced to haul their goods to market by horse and wagon in Sacramento and beyond. The owners of the Vaca Valley Railroad Company recognized this dilemma and in 1857, the southern leg of the Vaca Valley Railroad was laid, which resulted in the permanent establishment of the town of Winters. In 1877, the Vaca Valley and Clear Lake Railroad Company was incorporated and extended the line north from Winters to Cache Creek. The Southern Pacific Railroad took over ownership of the Vaca Valley and Clear Lake Railroad Company the following year, and the railroad was extended into the Capay Valley. The new line assisted farmers who were starting to cultivate fruit and nut orchards in the northwest region of the County. As a result of the development, the Capay Valley Land Company laid out new towns, including Brooks, Esparto, Capay (formerly Langville), Cadenasso, Tancred, Guinda, and Rumsey.

Agriculture and Industry

Barley and wheat became the dominant crops in the County starting in the 1860s. Between 1870 and 1900, 25,000 to 35,000 acres of barley were planted each year. Grown primarily for beer production, the barley crop was sold both in the United States and abroad. In 1860, 13,236 acres of wheat were planted, and by 1893, the acreage had increased to 231,306. In 1893, however, a worldwide depression resulting from an overproduction of wheat effectively ended the boom.

Other successful crops included alfalfa, hops, green peas, onions, beans, tomatoes, corn, sugar beets, flax, and grapes. Fruit and nut varieties, such as almond, walnut, cherry, pear, plum, apple, olive, orange, lemon, apricot, peach, nectarine, and berries of all kinds, were also planted. By the mid-1880s, California's fruit industry was thriving and was second only to gold mining in economic importance.

In 1906, the University of California purchased 780 acres near Davis to establish a farm, which was to function as part of the university's College of Agriculture. The Davis farm eventually evolved into a separate campus of the University of California system, the University of California, Davis, and is currently the largest employer in the County.

During the early 1900s, hundreds of miles of levees were constructed to control flooding in the Sacramento Valley. In addition, the Fremont and Sacramento Weirs, the Knights Landing Ridge Cut, and the Yolo Bypass were built as part of massive flood control efforts. These flood control facilities supported reclamation of thousands of acres of land near the Sacramento River. Companies such as River Garden Farms of Knights Landing and Holland Land Company of Clarksburg developed large farms on the land and revitalized many communities.

Although much of Yolo County remained rural with agriculture as the foundation of the economy, areas such as Davis, Woodland, and West Sacramento became increasingly urbanized during the 20th century.

KNOWN CULTURAL RESOURCES IN YOLO COUNTY

Data from Yolo County 2030 Countywide General Plan

The Yolo County General Plan EIR includes a discussion of the recorded cultural resources located throughout the County, including the incorporated cities (Yolo County 2009:529–533). That discussion is summarized here and incorporated by reference.

As of 2019, more than 1,200 cultural resources have been recorded countywide. Of those resources, 275 are archaeological resources. There are 157 prehistoric-era archaeological resources made up primarily of temporary occupation sites, hunting/processing camps, habitation sites, milling stations, lithic scatters, rock features, quarry/single reduction loci, and rock art sites (in order of frequency). There are 118 recorded historic-era archaeological resources, which include homesteading, ranching and agriculture, mining, and town and urban sites. The location of and details regarding archaeological and tribal cultural resources are protected under state law.

The remaining resources are built environment resources, which include buildings, roads, trails, bridges, canals, and railroads associated with the period that begins with the first contact between Euro-Americans and native cultures. The County is rich in historic resources because nonnative settlement dates to the 1830s. Several hundred properties within the County appear to meet the criteria for listing in state and federal historic registers. Sites that are officially listed in the National Register of Historic Places (NRHP) and/or the CRHR are shown in Table 3.5-1 (the NRHP and CRHR are described in more detail below in Section 3.5.2, “Regulatory Setting”), based on data provided on the State Office of Historic Preservation website.

California State Historical Landmarks

The State of California began memorializing sites of statewide historic importance in 1932 with what is now known as the California State Historical Landmarks program. The criteria for consideration have been refined over the long history of this program; today a California Historical Landmark (CHL) must be the first, last, only, or most significant of a type in a large geographic area. Two resources in Yolo County have been designated as CHLs (Table 3.5-1).

California Points of Historical Interest

California Points of Historical Interest are sites, buildings, features, or events that are of local (city or county) significance and must be:

- the first, last, only, or most significant of its type in the state or within the local geographic region (city or county);
- associated with an individual or group having a profound influence on the history of the local area;
- a prototype of, or an outstanding example of, a period, style, or architectural movement or construction; or
- one of the more notable works or the best surviving work in the local region of a pioneer architect, designer, or master builder.

If a Point of Historical Interest is subsequently granted status as a CHL, the Point of Historical Interest designation will be retired. Eight resources in Yolo County are Points of Historical Interest (Table 3.5-1). These Points of Historical Interest were generated from the Office of Historic Preservation and a 1986 Historic Resources Survey conducted by Yolo County.

Table 3.5-1 Yolo County Historic Resources by Designation

Resource (Landmark Plaque Number)	Vicinity	NRHP- Listed	CHL	CRHR- Listed	Point of Historical Interest	Locally Designated Historic Resources
Adolph Oeste House	Davis					X
Animal Science Building (N1442)	Davis	X				
Beamer, R. H., House (N1131)	Woodland	X				
B.F. Conaway Ranch House	Woodland					X
Brown/Munk House	Clarksburg					X
Canon School (N177)	Brooks	X				
Capay School (P567)	Capay				X	
Clarence Johnson Home & Shop	Esparto					X
Davis Subway (N2023)	Davis	X				
Downtown Woodland Historic District (N2060)	Woodland	X				
Dresbach-Hunt-Boyer House (N439)	Davis	X				
Esparto Railroad Station	Esparto					X
First National & Home Savings Bank	Knights Landing					X
First Pacific Coast Salmon Cannery Site (N35)	Broderick	X				
Frank N. Bullard House	Woodland					X
Fred Wyatt House	Esparto					X
French Residence	Davis					X
Gable Mansion (864)	Woodland		X			
Gibson, William B., House (N449)	Woodland	X			X	
Gordon Cemetery	Yolo					X
Gotfried Schmisser House	Davis					X
Guinda Corner Store	Guinda					X
Haines Store	Madison					X
Hamilton S. Connor House	Clarksburg					X
Hanney/La Due House	Knights Landing					X
Henry Mefford House	Madison					X
Hext Brothers Farmhouse	Davis					X
Holland Land Company Headquarters	Clarksburg					X
Hotel Woodland (N1881)	Woodland	X				
Husick Hardware	Clarksburg					X
I.O.O.F. Building (N1048)	Woodland	X				
James Borach House	Yolo					X
James Carey Montgomery House	Davis					X
John Snowball Mansion	Knight Landing					X
Joseph T. Cooper House	Yolo					X
Lawler & Cosby General Merchandise	Clarksburg					X

Table 3.5-1 Yolo County Historic Resources by Designation

Resource (Landmark Plaque Number)	Vicinity	NRHP- Listed	CHL	CRHR- Listed	Point of Historical Interest	Locally Designated Historic Resources
Leithold's Drug Store	Knights Landing					X
Leonidas Taylor Monument (P765)	West Sacramento				X	
Lorenz Heinz Ranch	Davis					X
Main Street Historic District- Winters (N1967)	Winters	X				
Mary's Chapel and Cemetery (P213)	Yolo				X	
Masonic Lodge, Knights Landing	Knights Landing					X
Moore, James, House (N697)	Woodland	X				
Nelson Ranch (N186)	Woodland	X				
Nelson Bump House	Clarksburg					X
Porter Building (N710)	Woodland	X				
Robert Baur House	Madison					X
Rumsey Town Hall (N179)	Rumsey	X				
Russell Boulevard (P144)	Davis				X	
Saint Agnes Church (P214)	Woodland				X	
Samuel Carpenter Cottage	Winters					X
Silas/Edson House	Knights Landing					X
Southern Pacific Railroad Station (N450)	Davis	X				
St. Agnes Church	Zamora					X
St. Joseph Church and Rectory	Clarksburg					X
Tufts, Joshua B., House (N816)	Davis	X				
Union Church of Dunnigan (N2210)	Dunnigan	X				
Walnut Street School (N2318)	Woodland	X				
Washington Firehouse (C14)	West Sacramento			X		
William L. Seawright House	Winters					X
William Marcus Jackson House	Woodland					X
Woodland Congregational Church, First Church of Christ Scientist (P374)	Woodland				X	
Woodland Opera House (851)	Woodland	X	X			
Woodland Public Library (N973)	Woodland	X				
"Yolanda"	Woodland					X
Yolo Branch Library (N1666)	Yolo	X				
Yolo County Courthouse (P766)	Woodland				X	
Yolo Library	Yolo					X
Yolo Town Hall	Yolo					X

Notes: CHL = California Historical Landmark; CRHR = California Register of Historical Resources; NRHP = National Register of Historic Places.

Source: Office of Historic Preservation 2019

Tribal Cultural Resources

On March 7, 2018, County staff sent an invitation for early consultation on the decision to undertake the CLUO to tribes requesting notification in Yolo County. This notification, prepared in accordance with AB 52, was sent via e-mail and addressed to the following individuals and tribes:

- James Kinter, Tribal Historic Preservation Officer, Yocha Dehe Wintun Nation;
- Charlie Wright, Chairman, Cortina Rancheria Band of Wintun Indians of California;
- Randy Yonemura, Cultural Committee Chair, Lone Band of Miwok Indians;
- Antonio Ruiz Jr., Cultural Resources Officer, Wilton Rancheria;
- Michael Mirelez, Cultural Resource Coordinator, Torres Martinez Desert Cahuilla Indians; and
- Gene Whitehouse, Chairman, United Auburn Indian Community.

In response to the County's invitation, the County received a letter from Gene Whitehouse, United Auburn Indian Community (UAIC), requesting formal consultation. County staff replied to the UAIC Cultural Resources Manager, Marcos Guerrero, to initiate the consultation process. However, Mr. Guerrero indicated UAIC did not have any comments at the time and requested to close consultation but continue to receive all correspondence on the CLUO process.

The Yocha Dehe Wintun Nation also requested consultation, and in May 2018, the County extended an invitation for consultation on the CLUO and other matters related to the existing cannabis program. Of particular interest, at the time, was the parallel course for the early implementation development agreement applicants and, in particular, those applicants located in the Capay Valley. This consultation process is still underway.

3.5.2 Regulatory Setting

FEDERAL

National Historic Preservation Act

Among those statutes enacted by Congress that affect historic properties, the National Historic Preservation Act of 1966 (NHPA) is the most significant law that addresses historic preservation. One of the most important provisions of the NHPA is the establishment of the NRHP, the official designation of historical resources. Districts, sites, buildings, structures, and objects are eligible for listing in the NRHP. Nominated resources are listed if they are significant in American history, architecture, archaeology, engineering, or culture. The NRHP is administered by the National Park Service. 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 association; and
3. it possesses at least one of the following criteria:
 - A. association with events that have made a significant contribution to the broad patterns of history (events);
 - B. association with the lives of persons significant in the past (persons);
 - C. distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant, distinguishable entity whose components may lack individual distinction (architecture); or
 - D. has yielded, or may be likely to yield, information important to prehistory or history (information potential).

These seven aspects of integrity are described as:

- **Location:** “Integrity of location” refers to whether a property remains where it was originally constructed or was relocated.
- **Design:** “Integrity of design” refers to whether a property has maintained its original configuration of the elements and style that characterize its plan, massing, and structure. Changes made after original construction can acquire significance in their own right.
- **Setting:** “Integrity of setting” refers to the physical environment surrounding a property that informs the characterization of the place.
- **Materials:** “Integrity of materials” refers to the physical components of a property, their arrangement or pattern, and their authentic expression of a particular period.
- **Workmanship:** “Integrity of workmanship” refers to whether the physical elements of a structure express the original craftsmanship, technology and aesthetic principles of a particular people, place or culture at a particular period.
- **Feeling:** “Integrity of feeling” refers to the property’s ability to convey the historical sense of a particular period.
- **Association:** “Integrity of association” refers to the property’s significance, defined by a connection to a particular important event, person, or design.

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.

STATE

California Register of Historical Resources

All properties listed in or formally determined eligible for listing in the NRHP are eligible for listing in 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 with a scope and with criteria for inclusion similar to those of the NRHP. In addition, properties designated under municipal or county ordinances are eligible for listing in the CRHR.

CHL buildings, structures, sites, or places that have been determined to have statewide historical significance are also automatically listed in the CRHR. California Points of Historical Interest designated after December 1997 and recommended by the State Historical Resources Commission are also listed 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 CCR Title 15, Chapter 11.5, Section 4850 to be listed 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 historical resource under CEQA. As noted above, all resources listed in or formally determined eligible for listing in 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; and
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 to be listed in the CRHR. 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.” Pursuant to PRC Section 21084.2, a “project with an effect that may cause a substantial adverse change in the significance of a tribal cultural 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), and the method to determine whether significant impacts on historical and archaeological resources would occur is described in the State CEQA Guidelines (Section 15064.5[a] and [b]). Under State CEQA Guidelines Section 15064.5(a), historical resources are defined as follows:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission for listing in, the CRHR, is considered a historical resource (PRC Section 5024.1).
2. A resource included in a local register of historical resources, as defined in PRC Section 5020.1(k), or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g), will be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
3. Any object, building, structure, site, area, place, record, or manuscript that 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 any of the criteria for listing in the CRHR (PRC Section 5024.1):
 - a) is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
 - b) is associated with the lives of persons important in our past;
 - c) embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
 - d) has yielded, or may be likely to yield, information important in prehistory or history.
4. The fact that a resource is not listed in or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to PRC Section 5020.1[k]), or identified in a historical resources survey (meeting the criteria in PRC Section 5024.1[g]) does not preclude a lead agency from determining that the resource may be a 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 affect 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 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; or
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 affect tribal cultural resources. PRC Section 21074 describes tribal cultural resources as follows:

- 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).

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 they are determined to be those of a Native American, the coroner must contact the Native American Heritage Commission (NAHC). Section 7052 states that the disturbance of Native American cemeteries is a felony.

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 construction or excavation activity cease upon discovery of human remains and that the county coroner be notified. If the remains are those of a Native American, the coroner must notify the NAHC. The NAHC then notifies those persons most likely to be descended from the deceased Native American. The act stipulates the procedures the descendants may follow for treating or disposing of the remains and associated grave goods.

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 public lands. The disposition of Native American burials falls within the jurisdiction of the NAHC. Section 5097.5 of the code states:

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

Public Resources Code Section 21080.3

AB 52, signed by the California governor in September 2014, established a new class of resources under CEQA: tribal cultural resources. See the “Tribal Cultural Resources” section above for the definition of the term. 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 EIR, negative declaration, or mitigated negative declaration.

California Code of Regulations

CCR Title 3, Food and Agriculture, Division 8, Cannabis Cultivation, Chapter 1, Cannabis Cultivation Program, includes the following requirement:

- Section 8304(d): Immediately halt cultivation activities and implement section 7050.5 of the Health and Safety Code if human remains are discovered.

State Water Resources Control Board Order WQ 2019-0001-DWQ

Attachment A (General Requirements and Prohibitions) of the State Water Resources Control Board (SWRCB) Order WQ 2019-0001-DWQ, General Waste Discharge Requirements and Waiver of Waste Discharge Requirements for Discharges of Wastes Associated with Cannabis Cultivation Activities, includes the following requirements for state-licensed cultivation sites. The Order includes exemptions for certain cultivation activities, including cultivation activities that disturb less than 1,000 square feet (in aggregate) and present the lowest threat to water quality and also outdoor cannabis cultivation activities that disturb an area (in aggregate) less than 2,000 square feet on any one parcel or on contiguous parcels managed as a single operation and that comply with all of the cultivation area criteria listed in the Order. The following general requirements and prohibitions apply to any cannabis cultivator:

19. Prior to acting on a cannabis cultivator’s request to cultivate cannabis on tribal lands or within 600 feet of tribal lands, the Water Boards will notify the governing body of any affected California Native American tribe or the governing body’s authorized representative, as applicable. A 45-day review period will commence upon receipt of the notice by the affected tribe.

During the 45-day review period, the affected tribe may, at its discretion, accept, reject, or not act regarding the cannabis cultivation proposal. If the tribe rejects the proposed cultivation, the cannabis cultivator is prohibited from cultivating cannabis on or within 600 feet of the affected tribe’s tribal lands. If the affected tribe accepts the cannabis cultivation proposal or does not act during the 45-day review period, the Water Boards may proceed with a decision on the cannabis cultivation request as though the affected tribe accepted the cannabis cultivation proposal. The Water Boards will consider requests to extend the 45-day review period on a case by case basis.

The governing bodies of California Native American tribes may, at their discretion, notify the State Water Board’s Executive Director in writing that they: a) reject all proposed cannabis cultivation; or b) waive the 45-day review period for all current and future proposed cannabis cultivation on their tribal lands, on portions of their tribal lands, or within 600 feet of their tribal lands. Upon the Executive Director’s receipt of written notice, the Water Boards will, based on the nature of the request, either:

- a. Not approve cannabis cultivation proposals on or within 600 feet of the affected tribe's tribal lands, as applicable; or
- b. Abide by the waiver and, at the Water Boards discretion, act on cannabis cultivation requests on or within 600 feet of tribal lands, as applicable, as though the affected tribe accepted the proposal.

The governing bodies of California Native American tribes may, at their discretion, withdraw a previously issued decision regarding cannabis cultivation on or within 600 feet of their tribal lands. In such instances, the governing body of the affected tribe should notify the State Water Board's Executive Director in writing. The Water Boards will abide by the withdrawal of the affected tribe's decision for any new cannabis cultivation proposals received after the date the State Water Board Executive Director has notified the governing body of the affected tribe that its decision was received. The Water Boards will coordinate with the affected tribe to address existing permitted cannabis cultivation sites on the affected tribe's lands, as necessary.

Nothing in this provision shall be construed to modify or interpret tribal law or tribal jurisdiction in any way.

20. No cannabis cultivation activities shall occur within 600 feet of an identified tribal cultural resource site. The State Water Board may modify this requirement for specific identified tribal cultural resource sites at the request of an affected California Native American tribe(s) after consultation with the affected tribe(s). The cannabis cultivator is solely responsible for identifying any tribal cultural resource sites⁸ within the cannabis cultivation area.
21. Prior to land disturbance activities for new or expanded cannabis cultivation activities, the cannabis cultivator shall either conduct or request a records search of potential Native American archeological or cultural resources at a California Historical Resources Information System (CHRIS) information center and document the results. Any person who meets qualification requirements for access to the CHRIS may conduct or request the initial CHRIS records search and document the results. The requirement to conduct or request a CHRIS records search may be satisfied by using the results of a previous CHRIS records search completed within the previous 10 years for the specific parcel or parcels where new or expanded cannabis cultivation activities are proposed to occur.

Prior to land disturbance activities for new or expanded cannabis cultivation activities, the cannabis cultivator shall also request a search of the Sacred Lands Inventory that is maintained by the Native American Heritage Commission pursuant to Public Resources Code sections 5097.94, subdivision (a), and 5097.96 (Sacred Lands Inventory). If the Sacred Lands Inventory search reveals the presence or potential presence of Native American places of special or social significance to Native Americans, Native American known graves or cemeteries, or Native American sacred places, the cannabis cultivator shall consult with the tribe or tribes that are culturally affiliated with the area in which these Native American cultural resources exist or potentially exist prior to conducting any land disturbance activities. The information provided by tribes through consultation with the cannabis cultivator shall be maintained as confidential by the cannabis cultivator and its agents. A new Sacred Lands Inventory search is always required prior to ground disturbing activities for new or expanded cannabis cultivation.

The cannabis cultivator shall notify the Appropriate Person within seven days of receiving a CHRIS positive result or Sacred Lands Inventory positive result. The Appropriate Person is the Deputy Director for Water Rights (Deputy Director) if the cannabis cultivator is operating under the Cannabis Small Irrigation Use Registration (SIUR), the Executive Officer of the applicable Regional Water Board (Executive Officer) if the cannabis cultivator is operating under the Cannabis Cultivation General Order or Cannabis General Water Quality Certification, or both if the cannabis cultivator is operating under both programs.

In the event that prehistoric archeological materials or indicators are identified in a CHRIS positive result, the cannabis cultivator shall also notify the Native American Heritage Commission within seven days of receiving the CHRIS positive result and request a list of any California Native American tribes that are potentially culturally affiliated with the positive result. The cannabis cultivator shall notify any potentially culturally affiliated California Native American tribes of the CHRIS positive result within 48 hours of receiving a list from the Native American Heritage Commission.

The cannabis cultivator shall promptly retain a Professional Archeologist⁹ to evaluate the CHRIS positive result and recommend appropriate conservation measures. In the event of a Sacred Lands Inventory positive result, the cannabis cultivator shall develop appropriate mitigation and conservation measures in consultation with the affected California Native American tribe, and shall promptly retain a Professional Archeologist to assist in this task in the event of a Sacred Lands Inventory positive result related to human remains or archeological resources. The cannabis cultivator shall submit proposed mitigation and conservation measures to the Appropriate Person(s) (Deputy Director for the Cannabis SIUR and Executive Officer for the Cannabis Cultivation General Order or Cannabis General Water Quality Certification) for written approval. The Appropriate Person may require all appropriate measures necessary to conserve archeological resources and tribal cultural resources, including but not limited to Native American monitoring, preservation in place, and archeological data recovery.

In the event that prehistoric archeological materials or indicators are identified in a CHRIS positive result, or in the event of a Sacred Lands Inventory positive result, the cannabis cultivator shall also provide a copy of the final proposed mitigation and conservation measures to any culturally affiliated California Native American tribes identified by the Native American Heritage Commission. The Appropriate Person will carefully consider any comments or mitigation measure recommendations submitted by culturally affiliated California Native American tribes with the goal of conserving tribal cultural resources and prehistoric archeological resources with appropriate dignity.

Ground-disturbing activities shall not commence until all approved measures have been completed to the satisfaction of the Deputy Director and/or Executive Officer, as applicable.

22. If any buried archeological materials or indicators¹⁰ are uncovered or discovered during any cannabis cultivation activities, all ground-disturbing activities shall immediately cease within 100 feet of the find.

The cannabis cultivator shall notify the Appropriate Person within 48 hours of any discovery. The Appropriate Person is the Deputy Director if the cannabis cultivator is operating under the Cannabis SIUR, the Regional Water Board Executive Officer if the cannabis cultivator is operating under the Cannabis Cultivation General Order or Cannabis General Water Quality Certification, or both if the cannabis cultivator is operating under both programs.

In the event that prehistoric archeological materials or indicators are discovered, the cannabis cultivator shall also notify the Native American Heritage Commission within 48 hours of any discovery and request a list of any California Native American tribes that are potentially culturally affiliated with the discovery. The cannabis cultivator shall notify any potentially culturally affiliated California Native American tribes of the discovery within 48 hours of receiving a list from the Native American Heritage Commission.

The cannabis cultivator shall promptly retain a Professional Archeologist to evaluate the discovery. The cannabis cultivator shall submit proposed mitigation and conservation measures to the Appropriate Person(s) (Deputy Director for the Cannabis SIUR and Regional Water Board Executive Officer for the Cannabis Cultivation General Order or Cannabis General Water Quality Certification) for written approval. The Appropriate Person may require all appropriate measures necessary to conserve archeological resources and tribal cultural resources, including but not limited to Native American monitoring, preservation in place, and archeological data recovery.

In the event of a discovery of prehistoric archeological materials or indicators are discovered, the cannabis cultivator shall also provide a copy of the final proposed mitigation and conservation measures to any culturally affiliated California Native American tribes identified by the Native American Heritage Commission. The Appropriate Person will carefully consider any comments or mitigation measure recommendations submitted by culturally affiliated California Native American tribes with the goal of conserving prehistoric archeological resources and tribal cultural resources with appropriate dignity.

Ground-disturbing activities shall not resume within 100 feet of the discovery until all approved measures have been completed to the satisfaction of the Deputy Director and/or Executive Officer, as applicable.

23. Upon discovery of any human remains, cannabis cultivators shall immediately comply with Health and Safety Code section 7050.5 and, if applicable, Public Resources Code section 5097.98. The following actions shall be taken immediately upon the discovery of human remains:

All ground-disturbing activities in the vicinity of the discovery shall stop immediately. The cannabis cultivator shall immediately notify the county coroner. Ground disturbing activities shall not resume until the requirements of Health and Safety Code section 7050.5 and, if applicable, Public Resources Code section 5097.98 have been met. The cannabis cultivator shall ensure that the human remains are treated with appropriate dignity.

Per Health and Safety Code section 7050.5, the coroner has two working days to examine human remains after being notified by the person responsible for the excavation, or by their authorized representative. If the remains are Native American, the coroner has 24 hours to notify the Native American Heritage Commission.

Per Public Resources Code section 5097.98, the Native American Heritage Commission will immediately notify the persons it believes to be the most likely descended from the deceased Native American. The most likely descendent has 48 hours to make recommendations to the landowner or representative for the treatment or disposition, with proper appropriate dignity, of the human remains and any associated grave goods. If the Native American Heritage Commission is unable to identify a descendant; the mediation provided for pursuant to subdivision (k) of Public Resources Code section 5097.94, if invoked, fails to provide measures acceptable to the landowner; or the most likely descendent does not make recommendations within 48 hours; and the most likely descendants and the landowner have not mutually agreed to extend discussions regarding treatment and disposition pursuant to subdivision (b)(2) of Public Resources Code section 5097.98, the landowner or their authorized representative shall reinter the human remains and items associated with the Native American human remains with appropriate dignity on the property in a location not subject to further and future disturbance consistent with subdivision (e) of Public Resources Code section 5097.98. If the landowner does not accept the descendant's recommendations, the landowner or the descendants may request mediation by the Native American Heritage Commission pursuant to Public Resources Code section 5097.94, subdivision (k).

LOCAL

Yolo County Code

Chapter 11, Historic Landmarks, of Title 8 of the Yolo County Code pertains to the treatment of local historic landmarks and historic districts. Overseen by the Historic Resources Commission, this section of the code provides for the identification, protection, enhancement, perpetuation, and use of cultural resources within the County that reflect elements of its cultural, agricultural, social economic, political, aesthetic, military, maritime, engineering, archaeological, religious, ethnic, natural, architectural, and other heritage.

A building, structure, object, particular place, vegetation, or geology may be designated a County historic landmark if it meets one or more of the following criteria:

- it exemplifies or reflects valued elements of the County’s cultural, agricultural, social, economic, political, aesthetic, military, religious, ethnic, natural vegetation, architectural, maritime, engineering, archaeological, or geological history;
- it is identified with persons or events important in local, state, or national history;
- it reflects significant geographical patterns, including those associated with different eras of settlement and growth and particular transportation modes;
- it embodies distinguishing characteristics or an architectural style, type, period, or method of construction or is a valuable example of the use of indigenous materials or craftsmanship;
- it is representative of the notable work of a builder, designer or architect; or
- it represents an important natural feature or design element that provides a visual point of reference to members of the community.

When an area includes at least two designated historic landmarks in such proximity that they create a setting historically or culturally significant to the local community, the state, or the nation and sufficiently distinguishable from other areas of the County, then a historic district may be established. Historic districts may include buildings, structures, and sites that individually do not meet criteria for landmark status but that collectively express their historical significance. With the exception of those types of projects specified in the design review guidelines or work authorized by the Building Official upon written approval of the Community Services Department for protection of public safety, projects that would demolish, move, remove, alter the exterior appearance of, or otherwise affect a designated historic landmark or any structure located in a designated historic district must first obtain written approval from the County Historic Preservation Commission.

Yolo County 2030 Countywide General Plan

The goals and policies of the Land Use and Community Character Element and the Conservation and Open Space Element of the General Plan seek to ensure a balanced management of the County’s multiple natural and cultural resources. Policies specific to cultural resources and potentially relevant to the proposed CLUO and its implementation include:

- **Policy CC-1.5:** Significant site features, such as trees, water courses, rock outcroppings, historic structures and scenic views shall be used to guide site planning and design in new development. Where possible, these features shall become focal points of the development.
- **Policy CC-1.15:** The following features shall be protected and preserved along designated scenic roadways and routes, except where there are health and safety concerns:
 - Trees and other natural or unique vegetation
 - Landforms and natural or unique features
 - Views and vistas
 - Historic structures (where feasible), including buildings, bridges and signs
- **Policy CC-4.11:** Site specific information shall be required for each application, subject to site conditions and available technical information, as determined by the County lead department, in order to enable informed decision-making and ensure consistency with the General Plan and with the assumptions of the General Plan EIR. Technical information and surveys requested may include, but not be limited to, the following: air quality and/or greenhouse gas emissions calculations, agricultural resource assessment/agricultural and evaluation and site assessment (LESA), biological resources assessment,

cultural resources assessment, fiscal impact analysis, flood risk analysis, hydrology and water quality analysis, geotechnical/soils study, land use compatibility analysis, noise analysis, Phase One environmental site assessment, sewer capacity and service analysis, storm drainage capacity and service analysis, title report, traffic and circulation study, visual simulation and lighting study, and water supply assessment. When a technical study is required, it must cover the entire acreage upon which development is being proposed including any off-site improvements (e.g. wells; pumps; force mains; new roads; dirt borrow sites; etc.) that may be necessary. Technical studies must meet CEQA standards and the standards in the applicable industry. As necessary, the technical studies shall include recommendations that are to be implemented as part of the project.

- **Policy CO-4.1:** Identify and safeguard important cultural resources.
- **Policy CO-4.10:** Encourage voluntary landowner efforts to protect cultural resources consistent with State law.
- **Policy CO-4.11:** Honor and respect local tribal heritage.
- **Policy CO-4.12:** Work with culturally affiliated tribes to identify and appropriately address cultural resources and tribal sacred sites through the development review process.
- **Policy CO-4.13:** Avoid or mitigate to the maximum extent feasible the impacts of development on Native American archaeological and cultural resources.
 - **Action CO-A60:** Review and monitor demolition permits, grading permits, building permits, and other approval procedures to reinforce preservation goals.
 - **Action CO-A63:** Require cultural resources inventories of all new development projects in areas where a preliminary site survey indicates a medium or high potential for archaeological, historical, or paleontological resources. In addition, require a mitigation plan to protect the resource before the issuance of permits. Mitigation may include:
 - Having a qualified archaeologist or paleontologist present during initial grading or trenching;
 - Redesign of the project to avoid historic or paleontological resources;
 - Capping the site with a layer of fill; and/or
 - Excavation and removal of the historical or paleontological resources and curation in an appropriate facility under the direction of a qualified professional.
 - **Action CO-A64:** Require that discretionary projects which involve earth disturbing activities on previously undisturbed soils in an area determined to be archaeologically sensitive perform the following:
 - Enter into a cultural resources treatment agreement with the culturally affiliated tribe.
 - Retain a qualified archaeologist to evaluate the site if cultural resources are discovered during the project construction. The archaeologist will have the authority to stop and redirect grading activities, in consultation with the culturally affiliated tribe and their designated monitors, to evaluate the significance of any archaeological resources discovered on the property.
 - Consult with the culturally-affiliated tribe to determine the extent of impacts to archaeological resources and to create appropriate mitigation to address any impacts.
 - Arrange for the monitoring of earth disturbing activities by members of the culturally affiliated tribe, including all archaeological surveys, testing, and studies, to be compensated by the developer.

- Implement the archaeologist's recommendations, subject to County approval.
- Agree to relinquish ownership of all artifacts that are found on the project area to the culturally affiliated tribe for proper treatment and disposition.
- **Action CO-A65:** Require that when cultural resources (including non-tribal archeological and paleontological artifacts, as well as human remains) are encountered during site preparation or construction, all work within the vicinity of the discovery is immediately halted and the area protected from further disturbance. The project applicant shall immediately notify the County Coroner and the Planning and Public Works Department. Where human remains are determined to be Native American, the project applicant shall consult with the Native American Heritage Commission (NAHC) to determine the person most likely descended from the deceased. The applicant shall confer with the descendant to determine appropriate treatment for the human remains, consistent with State law.
- **Action CO-A66:** Prohibit the removal of cultural resources from the project site except by a qualified consultant and after the County planning staff have been notified. Prehistoric resources include chert or obsidian flakes, projectile points, mortars, pestles, dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources include stone or adobe foundations and walls, structures and features with square nails, and refuse deposits often in old wells and privies.

Capay Valley Area Plan

The following policies and implementation measures from the Capay Valley Area Plan address protection of cultural resources:

- **Policy 2:** Work with culturally affiliated tribes to identify and appropriately address cultural resources and tribal sacred sites through the development review process.
- **Policy 3:** Avoid or mitigate to the maximum feasible extent impacts of development on Native American archaeological and cultural resources.
 - **Implementation Measure 2:** The County shall refer proposals for projects that are not categorically exempted from the California Environmental Quality Act for evaluation and a recommendation as to whether further study is required to determine the presence or absence of archaeological resources. If the Northwest Information Center recommends further study, the project applicant shall contract with a qualified professional to conduct the study and make recommendations designed to avoid or minimize adverse impacts on cultural or historic resources and indicate whether further investigation is needed. All studies shall be completed and submitted to the County prior to the completion of any environmental document for the project.

Dunnigan Community Plan

The following policies from the Dunnigan General Plan address cultural resources:

- **Policy D-CON.7:** If the development of a site uncovers cultural resources, the recommendations of Section 21083.2, Archaeological Impacts of the California Environmental Quality Act and Guidelines shall be followed for identification, documentation and preservation of the resource. The developer shall contact the Director of the Planning and Public Works Department immediately if uncovered cultural resources are found.
- **Policy D-CON.8:** Historically or architecturally significant buildings should not be demolished or substantially changed in outward appearance, unless doing so is necessary to remove a threat to health and safety and other means to avoid the threat are infeasible in accordance with the Yolo County Zoning Regulations and California Environmental Quality Act.

3.5.3 Environmental Impacts and Mitigation Measures

METHODS AND ASSUMPTIONS

The impact analysis considers the known cultural resource environmental setting in the County described in Section 3.5.1, “Environmental Setting”; the potential for previously undocumented resources, including human remains; and physical effects (i.e., disturbance, material alteration, demolition) to known and previously undocumented cultural resources that could result from adoption and implementation of the proposed CLUO including issuance of subsequent Cannabis Use Permits pursuant to the adopted CLUO (the entire text of the CLUO is provided in Appendix B). The analysis is also informed by the provisions and requirements of federal, state, and local laws and regulations that apply to cultural resources. Evaluation of potential impacts on cultural resources is based on the assumed extent of cannabis uses under each alternative (see Table 2-4 and Appendix D) in comparison of the CLUO provisions with the General Plan, community plans, and County Code requirements. The analysis evaluates cultural resources impacts based on the assumed extent and locations of future cannabis uses under each of the five alternatives identified in Table 2-4 and Exhibits 2-4 through 2-8 provided in Chapter 2, “Description of Preferred Alternative and Equal Weight Alternatives.”

Chapter 4, “Cumulative Impacts and Overconcentration,” contains a separate detailed analysis of the potential for cumulative effects not otherwise identified in this section, and effects from concentrations or clusters of multiple cannabis uses located in distinct subregions of the County.

THRESHOLDS OF SIGNIFICANCE

Thresholds of significance are based on Appendix G of the State CEQA Guidelines. These thresholds address archaeological, historical, and tribal cultural resources that have been designated as important resources under state and local regulations (e.g., CRHR, PRC Section 21074 and 21083.2, and Title 8 of the Yolo County Code).

The project would result in a significant impact on cultural resources if it would:

- cause a substantial adverse change in the significance of a historical resource pursuant to State CEQA Guidelines Section 15064.5;
- cause a substantial adverse change in the significance of an archaeological resource pursuant to State CEQA Guidelines Section 15064.5;
- disturb any human remains, including those interred outside of dedicated cemeteries; or
- 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 and that is:
 - listed or eligible for listing in the CRHR, or in a local register of historic resources as defined in PRC Section 5020.1(k); or
 - a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC Section 5024.1(c); in applying the criteria set forth in PRC Section 5024.1(c), the lead agency shall consider the significance of the resource to a California Native American tribe.

IMPACT ANALYSIS

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

Adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the adopted CLUO, could result in damage to or destruction of an historic resource, building, place, or structure, thereby resulting in a substantial adverse change in the significance of an historic resource as defined in Section 15064.5. Implementation of Section 8-2.1408(H)(1) of the proposed CLUO would ensure protection of historic resources. Section 8-2.1408(H)(1) requires the identification and protection of historic resources. This would be a **less-than-significant** impact for all alternatives.

Yolo County contains a variety of historic resources, including federally recognized and state-recognized resources. Historic resources (see Table 3.5-1) within the County generally include property types ranging from civic and commercial buildings, such as the Yolo Branch Library, Union Church of Dunnigan, Rumsey Town Hall, and Nelson Ranch, to districts, including the Woodland and the Winters historical districts, to residential buildings in the County's many small towns. As of March 2018, 22 objects, structures, buildings, and sites in the County have been listed in the NRHP; one additional resource has been listed in the CRHR; two have been listed as California Landmarks; and eight have been listed as California Points of Historical Interest. These resources meet the definition of historic resource under Section 15064.5(a) of the State CEQA Guidelines. The demolition, alteration, or disturbance of existing features, buildings, and structures could result in changes to or destruction of historic resources. There may also be unevaluated standing buildings in the unincorporated area of the County that would meet the definition of an historic resource under Section 15064.5(a), especially considering that over time as structures age they become eligible for consideration

Section 8-2.1408(H)(1) of the CLUO includes the following requirements and performance standards for all cannabis uses (cultivation and noncultivation) that would apply to all five alternatives:

In accordance with Policies CO-4.12 and CO-4.13, and Actions CO-A63 through CO-A66, of the Cultural Resources chapter of the Conservation and Open Space Element of the County General Plan, applicants shall submit a preliminary site survey to determine the potential for archeological, historical, or paleontological resources to be located on the project site. If the site has a low potential for this to occur, no further actions are necessary unless resources are encountered during construction or farming. If the site has a medium to high potential, a cultural resources inventory is required to be submitted as part of the application. If onsite resources are identified, a mitigation plan is required to protect identified resources in accordance with General Plan Actions CO-A63 and CO-A64 prior to issuance of permits. If cultural resources (archaeological, historic, paleontological) are encountered during construction, workers shall not alter the materials or their context until an appropriately trained cultural resource consultant has evaluated the find. Project personnel shall not collect cultural resources. Prehistoric resources include chert or obsidian flakes, projectile points, mortars, pestles, dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials. Historic resources include stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits often in old wells and privies.

Section 8-2.1408(OO) of the CLUO also requires that site design demonstrate protection of paleontological resources and Section 8-2.14010(C)(1) requires that permittees submit a Cultural Resources Assessment to evaluate the potential for historic resources on the site as required by Section 8-2.1408(H).

Alternatives 1, 2, 3, and 5 assume that personal use outdoor cultivation may occur in any zoning district on a parcel with a legal residence. Personal use outdoor cultivation of up to six plants is assumed to occur within pots or garden areas on the grounds of the parcel. Alternative 4 would limit personal use cultivation to indoor only. These activities would likely involve no more than 100 square feet of land area and would be required to be outside of front yard and side yard setback areas. Given minimal size of the cultivation area and its location within a developed parcel, no significant historic resource impacts are expected.

Alternative 1: Cultivation (Ancillary Nurseries and Processing Only) with Existing Limits (Existing Operations with CLUO) (CEQA Preferred Alternative)

Nine of the 78 existing and eligible cannabis cultivation sites are assumed to relocate under Alternative 1 but no expansion of cannabis cultivation uses would occur. Existing and relocated cultivation sites would be subject to CLUO Sections 8-2.1408(H)(1), 8-2.1408(OO), and 8-2.1410(C)(1) that would require site assessments to determine potential historical resources in the area and site plans may be required to be redesigned to protect the historic resource consistent with General Plan Policies CC-1.15, CC-4.11, and CO-4.1 and Actions CO-A63 and CO-A66 and with Dunnigan Community Plan Policy D-CON.8.

The impact on historical resources would be **less than significant** for Alternative 1.

Alternative 2: All License Types with Moderate Limits

Exhibit 2-5 identifies the assumed distribution of new cannabis uses in the County that consists of 54 new cultivation and noncultivation uses under Alternative 2 (see Table 2-4). Alternative 2 is also assumed to result in the relocation of 30 of the 78 existing and eligible cannabis cultivation sites due to compliance with zoning and buffer standards in the CLUO. Relocated cultivation sites and new cannabis uses would be subject to CLUO Sections 8-2.1408(H)(1), 8-2.1408(OO), and 8-2.1410(C)(1) that would require site assessments to determine potential historical resources in the area and site plans may be required to be redesigned to protect the historic resource consistent with General Plan Policies CC-1.15, CC-4.11, and CO-4.1 and Actions CO-A63 and CO-A66 and with Dunnigan Community Plan Policy D-CON.8.

The impact on historical resources would be **less than significant** for Alternative 2.

Alternative 3: All License Types with High Limits

As shown in Exhibit 2-6, Alternative 3 assumes 186 new cannabis uses (cultivation and noncultivation) would be generally spread throughout the County though 40 new cannabis uses are assumed to be sited along the SR 16 corridor west of the City of Woodland (see Table 2-4). This alternative is also assumed to result in the relocation of nine of the 78 existing and eligible cannabis cultivation sites due to compliance with zoning requirements under the CLUO. Relocated cultivation sites and new cannabis uses would be subject to CLUO Sections 8-2.1408(H)(1), 8-2.1408(OO), and 8-2.1410(C)(1) that would require site assessments to determine potential historical resources in the area and site plans may be required to be redesigned to protect the historic resource consistent with General Plan Policies CC-1.15, CC-4.11, and CO-4.1 and Actions CO-A63 and CO-A66 and with Dunnigan Community Plan Policy D-CON.8.

The impact on historical resources would be **less than significant** for Alternative 3.

Alternative 4: Mixed-Light/Indoor License Types Only with Moderate Limits, No Hoop Houses or Outdoor Types

Exhibit 2-7 identifies the assumed distribution of new cannabis uses in the County that consists of 54 new cultivation and noncultivation uses under Alternative 4 (see Table 2-4). Alternative 4 also assumed to result in the relocation of nine of the 78 existing and eligible cannabis cultivation sites due to compliance with zoning standards. It is also assumed that 75 of the existing and eligible outdoor cannabis cultivation sites would convert entirely to indoor or mixed-light (greenhouse) cultivation. Mixed-light and indoor cultivation buildings may include construction of new buildings or the use of existing buildings that may be considered historic. Relocated cultivation sites and new cannabis uses would be subject to CLUO Sections 8-2.1408(H)(1), 8-2.1408(OO), and 8-2.1410(C)(1) that would require site assessments to determine potential historical resources in the area and site plans may be required to be redesigned to protect the historic resource consistent with General Plan Policies CC-1.15, CC-4.11, and CO-4.1 and Actions CO-A63 and CO-A66 and with Dunnigan Community Plan Policy D-CON.8.

The impact on historical resources would be **less than significant** for Alternative 4.

Alternative 5: All License Types with Moderate Limits, within Agricultural Zones Only, No Retail

Exhibit 2-8 identifies the assumed distribution of new cannabis uses in the County that consists of 52 new cultivation and noncultivation uses under Alternative 5 (see Table 2-4). Alternative 5 is also assumed to result in the relocation of 30 of the 78 existing and eligible cannabis cultivation sites due to compliance with zoning and buffer standards of the CLUO. Relocated cultivation sites and new cannabis uses would be subject to CLUO Sections 8-2.1408(H)(1), 8-2.1408(OO), and 8-2.1410(C)(1) that would require site assessments to determine potential historical resources in the area and site plans may be required to be redesigned to protect the historic resource consistent with General Plan Policies CC-1.15, CC-4.11, and CO-4.1 and Actions CO-A63 and CO-A66 and with Dunnigan Community Plan Policy D-CON.8.

The impact on historical resources would be **less than significant** for Alternative 5.

Mitigation Measures

No mitigation is required for any of the alternatives.

Impact CULT-2: Cause a Substantial Adverse Change in the Significance of an Archaeological Resource

Adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the adopted CLUO, could result in future commercial cannabis operations that are located on properties that contain known or unknown archaeological resources, and ground-disturbing activities could result in discovery or damage of yet undiscovered archaeological resources as defined in State CEQA Guidelines Section 15064.5. Implementation of Attachment A of SWRCB Order WQ 2019-0001-DWQ and Section 8-2.1408(H)(1) of the proposed CLUO would ensure protection of archaeological resources. This would be a **less-than-significant** impact for all alternatives.

As described in Section 3.5.1, “Environmental Setting,” there are 157 prehistoric-era archaeological sites composed primarily of temporary occupation sites, hunting/processing camps, habitation sites, milling stations, lithic scatters, and rock features. There are 118 recorded historic-era archaeological sites, which include homesteading, ranching and agriculture, mining, town, and urban sites. Additional sites may be encountered throughout unsurveyed portions of the County during ground-disturbing and trenching activities; the discovery of yet undiscovered archaeological materials could result in changes to or destruction of archaeological resources as defined in State CEQA Guidelines Section 15064.5.

As identified in Impact CULT-1, Section 8-2.1408(H)(1) of the CLUO includes the performance standards for all cannabis uses (cultivation and noncultivation) that would apply to all five alternatives that address archaeological resources. Specifically, this section requires that a site survey be conducted to determine the potential for archaeological resources and development of a mitigation plan to protect identified archaeological resources in accordance with General Plan Actions CO-A63 and CO-A64 before the issuance of permits. Mitigation may include redesigning the site to avoid the archaeological resource, capping the archaeological resource site to avoid impacts, or properly removing and curating the resource. This section also requires protection of archaeological resources discovered during construction. Section 8-2.1408(OO) of the CLUO also requires that site design demonstrate protection of paleontological resources and Section 8-2.14010(C)(1) requires that permittees submit a Cultural Resources Assessment to evaluate the potential for cultural resources on the site.

In addition to the CLUO, cannabis cultivation sites are required to comply with the SWRCB Attachment A (General Requirements and Prohibitions) of Order WQ 2019-0001-DWQ. Term 21 of the General Requirements and Prohibitions requires that records searches be performed through the applicable CHRIS information center before land-disturbing activities for cultivation operations. Any positive results identified in the records search would need to be further evaluated. Term 22 requires documentation and protection of any discovered archaeological resources during cultivation operations.

Alternatives 1, 2, 3, and 5 assume that personal use outdoor cultivation may occur in any zoning district on a parcel with a legal residence. Personal use outdoor cultivation of up to six plants is assumed to occur within pots or garden areas on the grounds of the parcel. Alternative 4 would limit personal use cultivation to indoor only. These activities would likely involve no more than 100 square feet of land area and would be required to be outside of front yard and side yard setback areas. Given minimal size of the cultivation area and its location within a developed parcel, no significant archaeological resource impacts are expected.

Alternative 1: Cultivation (Ancillary Nurseries and Processing Only) with Existing Limits (Existing Operations with CLUO) (CEQA Preferred Alternative)

Nine of the 78 existing and eligible cannabis cultivation sites are assumed to relocate under Alternative 1 but no expansion of cannabis cultivation uses would occur. Assumed relocation of cannabis cultivation sites could disturb 18 acres (see Table 2-5) that may contain undiscovered archaeological resources. Existing and relocated cultivation sites would be subject to CLUO Sections 8-2.1408(H)(1), 8-2.1408(OO), and 8-2.14010(C)(1) that would require site assessments to determine potential archaeological resources in the area and site plans may be required to move or be redesigned to protect the historic resource consistent with General Plan Policies CC-1.15, CC-4.11, CO-4.13, and CO-4.1 and Actions CO-A63 through CO-A66; Capay Valley Area Plan Policy 2; and Dunnigan Community Plan Policy D-CON.7.

The impact on archaeological resources would be **less than significant** for Alternative 1.

Alternative 2: All License Types with Moderate Limits

Exhibit 2-5 identifies the assumed distribution of new cannabis uses in the County that consists of 54 new cultivation and noncultivation uses (see Table 2-4). Alternative 2 is also assumed to result in the relocation of 30 of the 78 existing and eligible cannabis cultivation sites due to compliance with zoning and buffer standards in the CLUO. These assumed cannabis activities (relocations and new cannabis uses) could disturb 164 acres (see Table 2-5) that may contain undiscovered archaeological resources. Relocated cultivation sites and new cannabis uses would be subject to CLUO Sections 8-2.1408(H)(1), 8-2.1408(OO), and 8-2.14010(C)(1) that would require site assessments to determine potential archaeological resources in the area and site plans may be required to move or be redesigned to protect the historic resource consistent with General Plan Policies CC-1.15, CC-4.11, CO-4.13, and CO-4.1 and Actions CO-A63 through CO-A66; Capay Valley Area Plan Policy 2; and Dunnigan Community Plan Policy D-CON.7.

The impact on archaeological resources would be **less than significant** for Alternative 2.

Alternative 3: All License Types with High Limits

As shown in Exhibit 2-6, Alternative 3 assumes 186 new cannabis uses (cultivation and noncultivation) would be generally spread throughout the County, though 40 new cannabis uses are assumed to be sited along the SR 16 corridor west of the City of Woodland (see Table 2-4). This alternative is also assumed to result in the relocation of nine of the 78 existing and eligible cannabis cultivation sites due to compliance with zoning requirements under the CLUO. These assumed cannabis activities (relocations and new cannabis uses) could disturb 164 acres (see Table 2-5) could disturb 379 acres that may contain undiscovered archaeological resources. Relocated cultivation sites and new cannabis uses would be subject to CLUO Sections 8-2.1408(H)(1), 8-2.1408(OO), and 8-2.14010(C)(1) that would require site assessments to determine potential archaeological resources in the area and site plans may be required to move or be redesigned to protect the historic resource consistent with General Plan Policies CC-1.15, CC-4.11, CO-4.13, and CO-4.1 and Actions CO-A63 through CO-A66; Capay Valley Area Plan Policy 2; and Dunnigan Community Plan Policy D-CON.7.

The impact on archaeological resources would be **less than significant** for Alternative 3.

Alternative 4: Mixed-Light/Indoor License Types Only with Moderate Limits, No Hoop Houses or Outdoor Types

Exhibit 2-7 identifies the assumed distribution of new cannabis uses in the County that consists of 54 new cultivation and noncultivation uses under Alternative 4 (see Table 2-4). Alternative 4 is also assumed to result in the relocation of nine of the 78 existing and eligible outdoor cannabis cultivation sites due to compliance with zoning standards. It is also assumed that 75 of the existing and eligible outdoor cannabis

cultivation sites would convert entirely to indoor or mixed-light cultivation. These assumed cannabis activities (relocations and new cannabis uses) could disturb 122 acres that may contain undiscovered archaeological resources (see Table 2-5). Relocated cultivation sites and new cannabis uses would be subject to CLUO Sections 8-2.1408(H)(1), 8-2.1408(OO), and 8-2.14010(C)(1) that would require site assessments to determine potential archaeological resources in the area and site plans may be required to move or be redesigned to protect the historic resource consistent with General Plan Policies CC-1.15, CC-4.11, CO-4.13, and CO-4.1 and Actions CO-A63 through CO-A66; Capay Valley Area Plan Policy 2; and Dunnigan Community Plan Policy D-CON.7.

The impact on archaeological resources would be **less than significant** for Alternative 4.

Alternative 5: All License Types with Moderate Limits, within Agricultural Zones Only, No Retail

Exhibit 2-8 identifies the assumed distribution of new cannabis uses in the County that consists of 52 new cultivation and noncultivation uses (see Table 2-4). Alternative 5 is also assumed to result in the relocation of 30 of the 78 existing and eligible cannabis cultivation sites due to compliance with zoning and buffer standards of the CLUO. These assumed cannabis activities (relocations and new cannabis uses) could disturb 164 acres (see Table 2-5) could disturb 163 acres that may contain undiscovered archaeological resources. Relocated cultivation sites and new cannabis uses would be subject to CLUO Sections 8-2.1408(H)(1), 8-2.1408(OO), and 8-2.14010(C)(1) that would require site assessments to determine potential archaeological resources in the area and site plans may be required to move or be redesigned to protect the historic resource consistent with General Plan Policies CC-1.15, CC-4.11, CO-4.13, and CO-4.1 and Actions CO-A63 through CO-A66; Capay Valley Area Plan Policy 2; and Dunnigan Community Plan Policy D-CON.7.

The impact on archaeological resources would be **less than significant** for Alternative 5.

Mitigation Measures

No mitigation is required for any of the alternatives.

Impact CULT-3: Disturb Any Human Remains, Including Those Interred Outside of Dedicated Cemeteries

Adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the adopted CLUO, could result in the disturbance of previously undiscovered human remains during construction of cannabis sites. Implementation of Attachment A of SWRCB Order WQ 2019-0001-DWQ and Section 8-2.1408(H)(3) of the proposed CLUO would ensure proper handling of human remains. Section 8-2.1408(H)(3) details any human remains to be analyzed by the County Coroner prior to continuation of work. This would be a **less-than-significant** impact for all alternatives.

As described in Impact CULT-2, there are 157 prehistoric-era archaeological sites composed primarily of temporary occupation sites, hunting/processing camps, habitation sites, milling stations, lithic scatters, and rock features. There are 118 recorded historic-era archaeological sites, which include homesteading, ranching and agriculture, mining, town, and urban sites. In addition to these sites, human remains and graves may occur in the County. Grave sites and Native American remains can occur outside dedicated cemeteries or burial sites anywhere in the County. The proposed CLUO would allow grading, trenching, and the development of new buildings associated with cannabis cultivation and noncultivation uses. The potential exists for previously undiscovered human remains to be discovered when soils are disturbed.

Cannabis uses (cultivation and noncultivation) would be required to comply with Section 8-2.1408(H)(3) of the CLUO for all five alternatives, which states:

If human remains are discovered, permittees shall comply with Section 7050.5 of the CHSC. Cultivation, grading/excavation, or other soil disturbance activities shall be immediately halted at the site and in the nearby area until the County Coroner has determined that the remains are not subject to the provisions of Section 27491 of the California Government Code (CGC) or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death,

and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, in the manner provided in Section 5097.98 of the Public Resources Code (PRC). If the coroner determines that the remains are not subject to his or her authority and the remains are recognized to be those of a Native American, the coroner shall contact the Native American Heritage Commission within 24 hours and disposition shall be as specified by Commission and in accordance with applicable requirements of State law.

In addition to the CLUO, cannabis cultivation sites are required to comply with Term 23 of Attachment A (General Requirements and Prohibitions) of SWRCB Order WQ 2019-0001-DWQ. These requirements are based on the procedures for the treatment of Native American human remains contained in California Health and Safety Code Sections 7050.5 and 7052 and PRC Section 5097. These statutes require that If human remains are discovered during any construction activities, potentially damaging ground-disturbing activities in the area of the remains shall be halted immediately, and the Yolo County coroner shall be notified immediately, in accordance with PRC Section 5097.98 and Section 7050.5 of California's Health and Safety Code. 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 are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in PRC Section 5097.94.

Alternatives 1, 2, 3, and 5 assume that personal use outdoor cultivation may occur in any zoning district on a parcel with a legal residence. Personal use outdoor cultivation of up to six plants is assumed to occur within pots or garden areas on the grounds of the parcel. Alternative 4 would limit personal use cultivation to indoor only. These activities would likely involve no more than 100 square feet of land area and would be required to be outside of front yard and side yard setback areas. Given minimal size of the cultivation area and its location within a developed parcel, no human remain impacts are expected.

Implementation of above requirements would ensure that discovery of any human remains is adequately addressed consistent with state requirements. This impact would be **less than significant** for all alternatives.

Mitigation Measures

No mitigation is required for any of the alternatives.

Impact CULT-4: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource

Consultation pursuant to AB 52 is underway. Cannabis cultivators are required to comply with the requirements of the SWRCB. The proposed CLUO Cannabis Use Permit process includes separate requirements for cultural resources studies, and would apply to all cannabis conditional use permit applicants. Therefore, implementation of the proposed CLUO would not result in adverse effects on tribal cultural resources, and this impact would be **less than significant** for all alternatives.

All cannabis cultivation and noncultivation uses would be required to comply with CLUO Section 8-2.1408(H)(2):

If tribal cultural resources are encountered all work in the area shall cease, resources shall be accorded culturally appropriate dignity, removal, reinternment, or other protection/disposition shall be as directed by the culturally affiliated tribe(s) pursuant to a Treatment Plan or Treatment Agreement (or other comparable arrangement).

CLUO Section 8-2.1408(H)(5) also requires that for any application for which a negative declaration, mitigated negative declaration, or EIR is prepared, tribal consultation must be conducted to address the potential for tribal cultural resources. AB 52 established a new class of resources under CEQA, tribal cultural resources, and requires that lead agencies undertaking CEQA review must, upon written request of a

California Native American tribe, begin consultation after the lead agency determines that the application for the project is complete. As identified above, the County requested consultation with tribes in compliance with AB 52. Section 8-2.1408(D) requires maintain a minimum 100-foot setback from waterways as set forth in Policy CO-2.22 of the General Plan as applicable.

The County sent notification for consultation under PRC 21080.3.1 to six tribes on March 7, 2018 and conducted consultation with the United Auburn Indian Community and the Yocha Dehe Wintun Nation.

The County received a letter from Gene Whitehouse, United Auburn Indian Community (UAIC), requesting formal consultation. County staff replied to the UAIC Cultural Resources Manager, Marcos Guerrero, to initiate the consultation process. However, Mr. Guerrero indicated UAIC did not have any comments at the time and requested to close consultation but continue to receive all correspondence on the CLUO process. The consultation process was completed, and no tribal cultural resources were identified.

The Yocha Dehe Wintun Nation also requested consultation, and in May 2018, the County extended an invitation for consultation on the CLUO and other matters related to the existing cannabis program. Of particular interest, at the time, was the parallel course for the early implementation development agreement applicants and, in particular, those applicants located in the Capay Valley. This consultation process is still underway.

Adoption and implementation of the proposed CLUO, including subsequent Cannabis Use Permits pursuant to the adopted CLUO, comply with the SWRCB's cannabis cultivation policies for cultivation activities. Attachment A (General Requirements and Prohibitions) of Order WQ 2019-0001-DWQ. Term 19 of the SWRCB Order prohibit cultivation sites or within 600 feet of tribal lands, while Term 20 prohibits cannabis cultivation within 600 feet of a tribal cultural resource. Terms 21 and 22 of the SWRCB Order require CHRIS records searches, NAHC record searches, and archaeological surveys or evaluations (if necessary). Compliance with the above Terms of the SWRCB Order would reduce impacts on known archaeological resources that may include tribal cultural resources through requiring standard record searches, requiring archaeological evaluations of identified features, and implementing necessary measures to ensure the protection of archaeological resources and tribal cultural resources. In addition, consultation under AB 52 is underway. Sections 8-2.1408(D) and 8-2.1408(H) of the CLUO and Terms 19 through 22 of the SWRCB Order will ensure appropriate coordination and protection of unknown potential archeological and tribal cultural resources. Therefore, the project's impact on tribal cultural resources would be **less than significant** for all alternatives.

Mitigation Measures

No mitigation is required for any of the alternatives.