

5.15 TRIBAL CULTURAL RESOURCES

This section of the Draft Environmental Impact Report (EIR) describes the affected environment and regulatory setting for Tribal Cultural Resources (TCRs) in the project area. The following analysis of the potential environmental impacts related to TCRs is derived primarily from the following sources and agencies:

- ENPLAN. *Cultural Resources Inventory Report, North State Pavilion, Shasta County, California*. April 2017.
- Natural Investigations Company. *Phase II Subsurface Archaeological Testing and Evaluation of Site CA-SHA-214 (P-45-000214) for the North State Pavilion Project, Shasta County, California*. May 2017.

Information on the specific location of prehistoric and historic sites is confidential and exempt from the Freedom of Information Act (FOIA) and the California Public Records Act (CPRA); therefore, this information has been redacted for use in this Draft EIR. Professionally qualified individuals, as determined by the California Office of Historic Preservation, may contact the City of Redding directly in order to inquire about its availability.

5.15.1 ENVIRONMENTAL SETTING

The predominant Native American people occupying the region encompassing the project area at the time of European contact in the late 18th century were the Wintu. The Wintu territory encompassed portions of present-day Trinity, Tehama, Shasta, and Siskiyou Counties. The territory is generally bounded to the southwest by the South Fork of the Trinity River, to the north by Mount Shasta, and to the southeast by the Beegum and Little Cow Creeks. There are nine distinct Wintu groups: *Nomti-pom*, *Wenemem*, *Dawpom* ("front-ground" or Stillwater), *Elpom*, *l'abal-pom* (pronounced like *l'abal-pom*), *Nomsu's*, *Dawnom*, and *Norelmaq*. The Wintu language is in the Penutian Language family and is part of the Wintuan language group that includes the Wintu, the Nomlaki, and the Patwin Indians. The current project area is located within the area of the Stillwater group, which is named for its prehistoric association with the Stillwater Creek watershed, within which this project is situated (LaPena, 1978).

The Wintu hunted deer, brown bears, quails, rabbits, rats, squirrels, and birds. The Stillwater Wintu did not eat any kind of bear and none of the Wintu people ate grizzly bear. They mostly fished Chinook salmon and steelhead, but also collected suckers, mussels, and clams. Chinook salmon were often hunted in the Sacramento and McCloud rivers between May and December. The family units would collect acorns, buckeye, manzanita berries, Indian potatoes, snake's head, clover, miner's lettuce, skunkbush, hazel nuts, pine nuts, and wild grapes. The Wintu would also cultivate many plants for medicine, such as pennyroyal, Oregon grape, soaproot, milkweed, and salt (LaPena 1978). Acorn meal was leached, dried, and baked in rock-lined pits. The specialty of the Stillwater Wintu was "black bread," where red dirt was added to the acorn meal during the mixing process which allowed the bread to be made without having to leach the acorn meal (Du Bois, 1935).

Trade among the Wintu was most common within the triblets and villages; however, some trade was carried out between the Wintu and the neighboring Shasta, Achumawi, and Yana tribes. Obsidian was obtained from the Shasta tribe to the north but was mostly gathered by the Wintu from Glass Mountain, located in the Modoc territory, about 60 miles to the northeast.

The McCloud Wintu and other northern and western Wintu triblets traded salmon flour for salt from the Achumawi and Yana in the east, and the Stillwater Wintu in the south. Clam disks were used as a form of currency by the Bald Hills Wintu in exchange for salmon from the McCloud Wintu (LaPena, 1978).

Village structures included bark houses, steam houses, menstrual huts, and the earth lodge. The bark houses were the family unit's main shelter. Bark houses were conical and made of poles lashed-together and covered in bark or branches of evergreen. The steam houses and menstrual huts were domed brush shelters. The semi-subterranean earth lodges were the largest structures, ranging from 15 to 20 feet in diameter with a center pole. The earth lodge was used by men for gatherings, sweating, shaman initiation, and for the single men to sleep during the winter months. (LaPena, 1978).

The family unit was the basic organization unit for the Wintu Indians, and the village served as the focus of social, political, and economic organization. Villages ranged in size from 20 to 150 inhabitants. The chieftainships were ostensibly hereditary, passing from father to eldest son; however, it was necessary that the son be deemed worthy by the villagers. The Wintu were generally known to be a peaceful people, but they did engage in warfare. Wintu wars were typically the result of feuds between individuals or neighboring groups, and these conflicts were generally limited in their scope and severity by strong bonds of kinship. The weapons used by the Wintu were bows and arrows, clubs, thrusting spears, daggers, and slings. Wintu funerary practices required an individual to be buried on the same day that they died, or as soon as their relatives arrived. Individuals were buried in a crouched position, with their elbows placed between their knees and their hands placed on their cheeks. They were then bundled in a deerskin or bearskin and buried. Funerary objects included personal effects of the deceased, the deceased's dog, and a basket of acorn meal. The Wintu buried their dead in graveyards located far from their dwellings, approximately 90 meters away (LaPena, 1978).

The Wintu population prior to contact with Europeans is estimated to have been over 14,000; however, as a result of a malaria epidemic that swept through the Central and Upper Sacramento Valley from 1830 to 1833, approximately 75 percent of the indigenous population was killed. This epidemic severely hampered the ability of the Wintu to resist incursions into their territory by settlers. By 1846, Euroamericans were settling land in the region as a result of the Mexican Government granting land in the upper Sacramento Valley to Pearson B. Reading. Two years later, the California Gold Rush brought miners to the rivers and streams in the area in mass quantities. As settlers and miners moved into the region, the Wintu faced the destruction of vital resources by livestock on their lands, the pollution of fishing areas by gold miners, and violent conflict with settlers and miners. These factors further diminished the Wintu population, and by 1910 the Wintu population is estimated to have been 395. In the 20th century, dams were constructed, dispersing the last large concentrations of Wintu, as much of their habitable land was inundated. The Wintu population in 1971 is estimated to have reached 900, and today they live throughout the United States (LaPena, 1978).

5.15.2 REGULATORY SETTING

The following is a description of the governing State law regarding TCRs relevant to the California Environmental Quality Act (CEQA) review process.

STATE

Assembly Bill 52

Effective July 1, 2015, Assembly Bill 52 (AB 52) amended the CEQA to require that:

- 1) *A lead agency provide notice to those California Native American tribes that requested notice of projects proposed by the lead agency; and*
- 2) *For any tribe that responded to the notice within 30 days of receipt with a request for consultation, the lead agency must consult with the tribe.*

Topics that may be addressed during consultation include TCRs, the potential significance of project impacts, type of environmental document that should be prepared, and possible mitigation measures and project alternatives.

Pursuant to AB 52, Section 21073 of the Public Resources Code defines California Native American tribes as “a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of the Statutes of 2004.” This includes both federally and non-federally recognized tribes.

Section 21074(a) of the Public Resource Code defines TCRs for the purpose of CEQA as:

- 1) *Sites, features, places, cultural landscapes (geographically defined in terms of the size and scope), 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; and/or*
 - (b) *included in a local register of historical resources as defined in subdivision (k) of Section 5020.1; and/or*
 - (c) *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.*

Because criteria (a) and (b) also meet the definition of a Historical Resource under CEQA, a TCR may also require additional consideration as a Historical Resource. TCRs may or may not exhibit archaeological, cultural, or physical indicators.

Recognizing that California tribes are experts in their tribal cultural resources and heritage, AB 52 requires that CEQA lead agencies provide tribes that requested notification an opportunity to consult at the commencement of the CEQA process to identify TCRs. Furthermore, because a significant effect on a TCR is considered a significant impact on the environment under CEQA, consultation is used to develop appropriate avoidance, impact minimization, and mitigation measures.

5.15.3 STANDARDS OF SIGNIFICANCE

SIGNIFICANCE CRITERIA

In accordance with State *CEQA Guidelines*, the effects of a project are evaluated to determine whether they would result in a significant adverse impact on the environment. An EIR is required to focus on these effects and offer mitigation measures to reduce or avoid any significant impacts that are identified. The criteria used to determine the significance of impacts may vary depending on the nature of the project. The following significance thresholds related to Tribal Cultural Resources have been derived from Public Resources Code §21084.2:

- *Cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code section 21074 as either a site, feature, place, or 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 California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k). Refer to Impact 5.15-1, below.*
 - *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 Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe. Refer to Impact 5.15-1, below.*

AB 52 established that a substantial adverse change to a TCR has a significant effect on the environment. In assessing substantial adverse change, the City must determine whether or not the project will adversely affect the qualities of the resource that convey its significance. The qualities are expressed through integrity. Integrity of a resource is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association [CCR Title 14, Section 4852(c)].

Impacts are significant if the resource is demolished or destroyed or if the characteristics that made the resource eligible are materially impaired [CCR Title 14, Section 15064.5(a)]. Accordingly, impacts to a TCR would likely be significant if the project negatively affects the qualities of integrity that made it significant in the first place. In making this determination, the City need only address the aspects of integrity that are important to the TCR's significance.

Based on these standards, the effects of the proposed project have been categorized as either a less than significant impact or a potentially significant impact. Mitigation measures are recommended for potentially significant impacts. If a potentially significant impact cannot be reduced to a less than significant level through the application of mitigation, it is categorized as a significant and unavoidable impact.

5.15.4 POTENTIAL IMPACTS AND MITIGATION MEASURES

METHODOLOGY

Previous Non-AB 52 Consultation

A request was sent to the Native American Heritage Commission (NAHC) on June 13, 2016 for a Sacred Lands Search and a Native American contact list. The NAHC responded on June 15, 2016, noting that their records did not indicate the presence of sacred lands in the project vicinity. The Wintu Tribe of Northern California was designated by the NAHC as the Most Likely Descendent (MLD) for the project area. A request for comment letters were sent on September 6, 2016, to Keli Hayward, Wintu Tribe of Northern California; Marilyn Delgado, Chairperson, Nor-Rel-Muk Nation; Caleen Sisk-Franco, Tribal Chair, Winnemem Wintu Tribe; Mickey Gemmill, Chairperson, Pit River Tribe; Tribal Historic Preservation Office, Pit River Tribe; Jack Potter Jr., Chairperson, Redding Rancheria; and James Hayward Sr., Cultural Resources Program Manager, Redding Rancheria. No responses were received.

AB 52 Consultation

On May 30, 2018, the City of Redding sent notification letters to Kelli Hayward of the Wintu Tribe of Northern California and James Hayward of the Redding Rancheria. The letters included a brief description of the project, project location, and a request for any information about tribal cultural resources in the project area vicinity. On July 6, 2018, Kelli Hayward contacted the City via telephone and indicated that she would be responding to the letter. As of November 1, 2018, no response has been received.

In the absence of tribes wishing to consult, information about potential impacts to TCRs was drawn from: 1) the results of a search of the NAHC Sacred Lands Files and 2) existing information about buried site sensitivity and known archaeological resources within the project area vicinity.

Sacred Lands File Search

A Sacred Lands File & Native American Contacts List Request was sent to the Native American Heritage Commission (NAHC) on June 13, 2016. The NAHC responded on June 15, 2016 indicating that their sacred lands search failed to indicate the presence of any resources in the project area vicinity.

Buried Site Sensitivity

According to the Natural Resources Conservation Service (2016), soil units within the project area are Cobbly alluvial loam; Reiff fine sandy loam, 0 to 3 percent slopes; Reiff fine sandy loam, deep, 0 to 3 percent slopes; and Riverwash. The Riverwash soil unit is found in drainage ways, the other three soil units are found in floodplains. Cobbly alluvial loam dates to the Historical-Modern era (<150 B.P.) and has a Very High potential for buried cultural deposits; both Reiff soil units date to the Recent Holocene (1,000-150 B.P.) and have a Very High potential for buried cultural deposits; and the Riverwash soil unit is Historical-Modern (Channel) and has a Very Low potential for buried cultural deposits (Meyer 2013).

Known Resources

One site (CA-SHA-214) has been previously recorded adjacent to the project area. Eight sites have been recorded within a half-mile radius of the project area. Archaeological testing and evaluation of CA-SHA-214 was conducted in 2017. As a result of the testing, no intact portion of the site was found to be located within the project area. The testing effort noted extensive modern ground disturbance within the project area indicating that the possibility of encountering any intact buried cultural deposits within the project area is extremely low.

Conclusions

The search of the Sacred Lands File by the NAHC failed to identify TCRs or sacred lands within or immediately adjacent to the project area. The archaeological record for the area indicates that one resource, CA-SHA-214 is directly adjacent to the project area. During archaeological testing, no intact portion of the site was found within the project area. Due to extensive modern ground disturbance, it is unlikely that any intact buried cultural resources would be encountered within the project area boundaries.

In accordance with CEQA, the effects of a project are evaluated to determine if they would result in a significant adverse impact on the environment. Potential TCR Impacts are analyzed below according to topic. Mitigation measures directly correspond with an identified impact.

IMPACT 5.15-1	<i>Ground disturbing activities could result in the unanticipated discovery of prehistoric archaeological sites, which may be considered to be Tribal Cultural Resources.</i>
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Significance: Potentially Significant Impact.

Impact Analysis: No TCRs were identified within or immediately adjacent to the project area and therefore, the proposed project would not result in a significant impact to known TCRs. Impacts to unknown TCRs that may be discovered during project construction would be *less than significant* with the incorporation of **MM 5.4-1a** through **MM 5.4-1e** in Section 5.4, CULTURAL RESOURCES.

Mitigation Measures: Implement **MM 5.4-1a** through **MM 5.4-1e** in Section 5.4, CULTURAL RESOURCES.

Level of Significance After Mitigation: Impacts would be *less than significant* with mitigation incorporated.

5.15.5 CUMULATIVE SETTING, IMPACTS, AND MITIGATION MEASURES

The analysis of cumulative impacts focuses on those effects that, when combined together with other similar activities or projects could result in a large enough effect or impact that would be considered cumulatively significant. If the individual project’s contribution is substantial enough, it may be considered cumulatively significant. In some instances, a project-specific impact may not combine with effects from other activities, in which case, the project’s contribution to a cumulative effect would be less than considerable.

The geographic scope for cumulative impacts to TCRs includes past, present, and reasonably foreseeable projects as identified in Section 4.0, BASIS OF CUMULATIVE ANALYSIS. This geographic limitation is appropriate as TCR impacts are generally localized, site specific and either individually impacted in a way that changes the significance of the resource or avoided.

IMPACT 5.15-2	<i>Implementation of the proposed project, combined with planned and reasonably foreseeable development within the City, the proposed project could result in the unanticipated discovery of prehistoric archaeological sites, which may be considered to be Tribal Cultural Resources.</i>
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Significance: Less Than Significant Impact.

Impact Analysis: No TCRs were identified within or immediately adjacent to the project area and therefore, the proposed project would not result in a significant impact to known TCRs. The proposed project's incremental contribution to cumulative TCR impacts is, therefore, not cumulatively considerable.

Potential TCR impacts associated with cumulative development within and surrounding the City is site-specific and would be evaluated on a project-by-project basis and would also be expected to have mitigation measures that would reduce potential impacts on TCRs through avoidance or mitigation and, therefore, not contribute to a significant cumulative impact. Federally licensed projects require compliance with Section 106 of the NHPA to consider and resolve adverse effects to significant tribal cultural resources. Likewise, compliance with CEQA for all projects would be expected to reduce impacts on TCRs.

The proposed project would not contribute to a cumulative TCR impact as the project itself would not cause a substantial adverse action to a known TCR. Each incremental development would be required to comply with the provisions of AB 52 any resultant consultation and implement measures similar to **MM 5.4-1a**, **MM 5.4-1b**, **MM 5.4-1c**, **MM 5.4-1d**, and **MM 5.4-1e** (refer to Section 5.4, CULTURAL RESOURCES). Therefore, impacts of the proposed project would not have the potential to combine with impacts from past, present, or reasonably foreseeable projects to result in a cumulative impact to TCRs. In consideration of the requirements of AB 52 and other applicable federal, State and local regulations, potential cumulative impacts related TCRs would be cumulatively *less than significant*.

Mitigation Measures: No mitigation measures are required.

Level of Significance After Mitigation: No mitigation measures are required. Impacts to Tribal Cultural Resources would be cumulatively *less than significant*.