

4.5 Cultural Resources

<i>Issues (and Supporting Information Sources):</i>	<i>Potentially Significant Impact</i>	<i>Less Than Significant with Mitigation Incorporation</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
5. CULTURAL RESOURCES— Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

4.5.1 Setting

Environment

The project area is located within the lower western foothills of the Sierra Nevada at an elevation ranging from around 2,200 to 2,800 feet above mean sea level. The three project sites are located between Wolf Creek and the South Fork of Wolf Creek. The biotic zone that predominates is Chaparral grading to Yellow-Pine Belt, mainly comprised of Manzanita and Ceanothus, Ponderosa and Jeffrey pines, as well as California Black Oak and Incense Cedar. Within the three project sites, the terrain is typical of the lower Sierra Nevada foothills, varying between flat ridges and valleys to gently and moderately sloping hillsides.

The project sites are located within the northern half of the Sierra Nevada geologic province. The Sierra Nevada batholith (deep rock) is composed chiefly of granitic rocks including granite, quartz monzonite, granodiorite, and quartz diorite. The sources of fine-grained (volcanic) rocks, like basalt and chert, also evident in the area, are of interest because of their use as the raw materials for lithic tools.

Prehistoric Context

Early to mid-Holocene¹ occupation of the Northern Sierra Nevada appears in the archaeological record by what is known as the Tahoe Reach (ca. 6,000 B.C.) and Spooner (ca. 5,000-2,000 B.C.) phases; these peoples were likely settlers from the Great Basin to the east. From this early occupation by Great Basin cultures emerged a broad distribution of traditions in terms of hunter-gatherer technologies called the Martis Phase (Moratto 1984). Martis technologies were noted for

¹ The present geological epoch, which began some 10,000 (before present) years ago (8300 BC).

its intensive use of basalt rather than obsidian for flaked-stone tools, the bowl mortar and cylindrical pestle, and a focus on a hunter-gatherer political economy. Much of the evidence suggests that Martis was not ancestral to the Washo (a tribal group associated with the Lake Tahoe area), but may be linked to the Maidu (a tribe whose territories encompassed most of Sierra and Plumas Counties as well as northern Nevada County). Much of the evidence linking the Martis traits to this area of the western slope of the northern Sierra came from the salvage archaeology during the excavations for the Oroville, Bullards Bar, and Auburn reservoirs. Research at the Auburn Reservoir included the excavation of five sites; the upper components of these sites were dated to less than 1,000 years old that contained arrow points and flakes of silicates, bedrock mortars, and some millstones. This component was likely associated with the Hill Nisenan tribe, a Penutian speaking group who likely originated from the Great Basin and migrated west (Ritter 1970).

Ethnographic Context

The Grass Valley area was occupied by the Hill Nisenan tribe up to contact with settlers in 1848. They inhabited territories bounded by the peaks of the Sierra to the east, the Sacramento River to the west, between the Yuba and Feather Rivers on the north, and between the Cosumnes and Mokelumne Rivers to the south. No permanent habitation linked to the Nisenan has been recorded above elevations of 3,000 feet; however, there are distinctions between the Valley Nisenan and Hill Nisenan in terms of both dialect and subsistence strategy (Matson, 1972). Kroeber (1925) and Beals (1933) provide the best sources on the Nisnean culture and both assert that they were typical of many California tribes insofar as they included an acorn complex, small semi-sedentary villages, semi-subterranean houses, bow and arrow use, basketry, a lack of pottery use, and little evidence of large political units.

The Hill Nisenan exploited a wide diversity of local plants and animals for food, with greater emphasis on vegetal foods. The acorn, Black Oak (*Quercus kelloggii*) was the dominant staple, with pine nuts from the Grey Pine (*Pinus sabiniana*) and Sugar Pine (*Pinus lambertiana*) also of importance. Manzanita berries (*Arctostaphylos sp.*), hazelnuts (*Corylus rostrata*), bulbs, and various other berries and fruits were used (Matson, 1972). Fish, deer, bears, rabbits, and even grasshoppers were also a part of the diet. Much of the subsistence strategy was tied to seasonal changes in the availability of a given resource; indeed, the settlement patterns recorded place Hill Nisenan villages and camp sites along the upper flat terraces of major rivers (above flood zones) not only for easy access to resources, but also due to the greater suitability for settlement along river corridors in an otherwise hilly terrain.

Historic Context

The Gold Rush Era ushered in a wholly new source of economic activity in the Sierra foothills, and, with it, a considerable influx of settlers who performed placer mining in virtually every stream or watershed in the present-day Nevada County and Placer County areas. The shallow, easily accessible placer deposits were quickly exhausted and, by 1850, the emphasis was

beginning to be placed on gold-bearing quartz veins. George McKinght's Gold Hill lode, announced in October, 1850, initiated hard-rock mining in Nevada County.

Mining activity in the Grass Valley area picked up pace in 1866 with James K. Byrnes' patent for the Union Hill Gold Quartz Mine claim, which led to the quartz-vein mining operations in the Grass Valley area, including the Idaho-Maryland Mine. The Union Hill claim intersected the northwest portion of the present-day New Brunswick project area. The Union Hill Mine operated until 1870 with a shaft depth of 300-feet.

In the 1870s, a decline in the mining industry led to the closure of many mines, with the exception of the Idaho-Maryland and Empire Mines. By the end of the 19th century, the North Star, Empire, Idaho-Maryland, Pennsylvania and W.Y.O.D. mines were all still in production. During the first 25 years of the 20th-Century, the North Star and Empire Mines were the most prolific; however, the Idaho-Maryland Mine was idle between 1901 and 1919 (Chandler, 1994 as cited in Windmiller, 1995).

After the years of neglect, the Idaho-Maryland mine shaft was dewatered in the early 1920s and with new vigor began producing prodigious quantities of ore in large part due to the stewardship of Errol MacBoyle, who took control of the mine's operations (the Idaho-Maryland and Brunswick mines yielded 2,186,381 tons of ore from which \$26.76 million was extracted in bullion and concentrates) (Wolflin, 1941 as cited in Windmiller, 1995). In 1930, the Idaho-Maryland Mines Company owned the Eureka, Idaho-Maryland, Gold Point, Union Hill, and South Idaho mines. Idaho-Maryland Consolidated Mines, the holding company, owned the Morehouse Mine and 90-percent of the Brunswick Mine stock.

By the fall of 1942, the War Production Board issued Order L-208, closing nearly all of the country's major gold mines, including the Idaho-Maryland Mine. At the end of WWII, mining operations continued but with declining results, and by 1956 the Idaho-Maryland Mine complex closed.

Nevada County Narrow Gauge Railroad

On February 11, 1875, construction of the Nevada County Narrow Gauge Railroad (NCNGR) began with the objective of serving local towns, mines and the lumber industry. The line from Grass Valley to Colfax was completed late the next year, in 1876.

The railroad followed approximately the present-day route of East Bennett Road from Grass Valley, above the north side of South Fork Wolf Creek. Along its route, the railroad crossed the old Union Hill claim in the northeast quarter of Section 36, up slope from the Union Hill Mine. The NCNGR traversed the northwest quarter of adjacent Section 31, which was originally acquired by John Alexander Tyler from the United States Land Office, according to a patent filed on July 1, 1869.

On its 22-mile length, the NCNGR carried passengers and freight across truss bridges spanning Greenhorn Creek and the Bear River. The railroad also traveled through two tunnels, one at Town

Talk and the other between Grass Valley and Colfax. Though passenger service was discontinued in May 1938, the line did not cease operations until May 1942. The coming of age of the automobile had rendered the lines passenger and freight services obsolete (Windmiller, 1995).

4.5.2 Regulatory Context

Federal

Numerous federal laws and regulations have been developed to protect cultural resources. The most important is the National Historic Preservation Act of 1966 (as amended). The Act established the Advisory Council on Historic Preservation and the National Register of Historic Places (NRHP). Section 106 of the Act requires that any undertaking located on federal land, or that involves federal funds, or that requires federal permits, take into account the effect of the undertaking on all potential historic properties and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment with regard to the undertaking. An inventory must be performed of all potential historic properties within the undertaking's Area of Potential Effects. Properties judged significant in the context of criteria in the NRHP must be avoided or subject to programs that mitigate adverse effects. The Federal Lead Agency would initiate consultation with the State Historic Preservation Officer (SHPO) if the undertaking impacts a historical property.

Because implementation of the proposed project may include permitting required by the Army Corps of Engineers (Section 404 Permits), it would be necessary to comply with Section 106 of the NHPA. As the lead federal agency for compliance with the NHPA, it is the Corps responsibility to consult with the SHPO before granting permits, funding, or other authorization of the undertaking. The Section 106 review process normally involves a four-step procedure described in detail in the regulations implementing Section 106 of the NHPA (36 CFR Part 800):

- Identify and evaluate historic properties in consultation with the SHPO and interested parties,
- Assess the effects of the undertaking on properties that are eligible for inclusion in the NRHP,
- Consult with the SHPO, other agencies, and interested parties to develop an agreement that addresses the treatment of historic properties and notify the Advisory Council on Historic Preservation,
- Proceed with the project according to the conditions of the agreement.

State

CEQA requires that public or private projects financed or approved by public agencies must assess the effects of the project on historical resources. CEQA also applies to effects on archaeological sites, which may be included among "historical resources" as defined by Guidelines section 15064.5, subdivision (a), or, in the alternative, may be subject to the provisions of Public Resources Code section 21083.2, which govern review of "unique

archaeological resources.” Historical resources may generally include buildings, sites, structures, objects or districts, each of which may have historical, architectural, archaeological, cultural, or scientific significance.

Under CEQA, “historical resources” include the following:

- (1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Resources Code, § 5024.1.)
- (2) A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements of section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resources as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- (3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be “historically significant” if the resource meets the criteria for listing on the California Register of Historical Resources (Pub. Res. Code, § 5024.1) including the following:
 - (A) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
 - (B) Is associated with the lives of persons important in our past;
 - (C) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
 - (D) Has yielded, or may be likely to yield, information important in prehistory or history.
- (4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code section 5020.1(j) or 5024.1.

Archaeological resources that are not “historical resources” according to the above definitions may be “unique archaeological resources” as defined in Public Resources Code section 21083.2, which also generally provides that “non-unique archaeological resources” do not receive any protection under CEQA. If an archaeological resource is neither a “unique archaeological” nor an “historical resource,” the effects of the project on those resources shall not be considered a

significant effect on the environment. It shall be sufficient that both the resource and the effect on it are noted in the EIR, but they need not be considered further in the CEQA process.

In summary, CEQA requires that if a project results in an effect that may cause a substantial adverse change in the significance of an historical resource, or would cause significant effects on an unique archaeological resource, then alternative plans or mitigation measures must be considered.

Therefore, prior to the assessment of effects or the development of mitigation measures, the significance of cultural resources must first be determined. The steps that are normally taken in a cultural resources investigation for CEQA compliance are as follows:

- Identify potential historical resources
- Evaluate the eligibility of historical resources
- Evaluate the effects of a project on all eligible historical resources

Local

Nevada County General Plan²

The following policy is contained in the Nevada County General Plan that would be applicable to the proposed project:

- Policy 19.1: Enact a Cultural Resources Ordinance to ensure effective preservation, protection, and management of cultural resources. (Nevada County, 1996).

To date, Nevada County has enacted no such cultural resources ordinance. No other General Plan policies would apply to the proposed project.

City of Grass Valley General Plan

The following City of Grass Valley General Plan goals, objectives, and policies would be applicable to the proposed project:

Historical Goal and Objectives

- Goal 1-HG: Conserve and enhance the historical identity of Grass Valley.
- Objective 1-HO: Development and continuation of civic historic protection efforts.
- Objective 2-HO: Preservation of buildings of historic and/or architectural merit.

Historical Policies

- Policy 10-HP: Where historic and prehistoric cultural resources have been identified, the City shall require that development be designed to protect such resources from damage, destruction, or defacement.

² Under the proposed project, Nevada County plans and policies would only apply to the New Brunswick site, which would not be annexed into the City of Grass Valley as part of this proposed project.

- Policy 11-HP: If previously undiscovered cultural resources or human remains are encountered during construction or excavation, the procedures identified in Section 15064.5 of the CEQA Guidelines shall be followed.

(City of Grass Valley, 1999).

4.5.3 Impacts Discussion

Methods

The effort to identify cultural resources in the project area included a record search, review of existing documents and reference materials, and a field survey.

A records search was conducted in June 2004 for the purposes of the Idaho-Maryland Mine Environmental Assessment by the staff of the North Central Information Center, Sacramento State University. In order to obtain a full, updated database of archaeological records and historical properties within the project areas, an additional search was requested in January 2006 [NCIC File No. NEV-06-07]. The records were accessed by reviewing the Grass Valley USGS 7.5-minute quadrangle map and included the proposed project area along with a 1/4 mile radius around the project sites (or "Study Area").

In addition to Information Center maps and site record forms, other sources that were reviewed included the Directory of Properties in the Historic Property Data File for Nevada County, the National Register of Historic Places, the California Register of Historic Resources, the California Inventory of Historic Resources (1976), the California Historical Landmarks (1996), and the California Points of Historical Interest (1992). Relevant portions of the 1867 GLO Plats, the 1891 USGS map of Grass Valley, the 1940 Mining Claim Map of Grass Valley and Nevada City, and the 1949 USGS 7.5' Quadrangle were also reviewed.

A reconnaissance-level survey of the Idaho-Maryland, Round Hole, and New Brunswick project sites was conducted by an ESA Registered Professional Archaeologist on February 23, 2006. Because the project sites are heavily vegetated or disturbed, surface visibility was low throughout. The survey employed a technique that traversed the project areas and focused on areas of good surface visibility, rock exposures, and areas near existing water sources. The Idaho-Maryland site was surveyed primarily from existing access roads due to the heavy shrub and pine vegetation. Areas of exposed soils were more closely inspected and rock outcrops were also examined for bedrock mortars. The riparian area along Wolf Creek at the northern boundaries of the Idaho-Maryland site is heavily-vegetated with blackberry shrub, hence the majority of the Wolf Creek corridor was not surveyable. This area exhibits a moderate slope from north to south, with a large berm intersecting the area. The Round Hole site is a relatively narrow project area that consists of an unimproved road, which provided good surface visibility. The New Brunswick site, on the other hand, has been largely disturbed from the years of the mine's operation and the adjacent lumber yard, which is now largely abandoned with significant paving throughout. A meadow and small pond is situated along the South Fork Wolf Creek to the south of the project boundaries. These areas were accessed along existing paths; however, the meadow was

completely covered in grasses which precluded the inspection of the soil surface. This area appears to be in an area historically flooded by the South Fork Wolf Creek and would therefore have a low probability of yielding evidence of prehistoric use.

Results

Numerous historic archaeological sites have been previously identified within the project study area, as well as a number of investigations reported. **Table 4.5-1** provides examples of the types of sites identified in the study area. A survey conducted for the 1995 Idaho-Maryland Gold Mine EIR by Windmiller (1995) provided the most relevant survey coverage for the current proposed project. In addition, the Grass Valley General Plan Cultural Resources Evaluation and Sensitivity Study (Derr and Boghosian, 1998) also served as a reference. An archaeological survey of the Whispering Pines Park Annexation, covered much of the land east of the current Idaho-Maryland Mine site with negative results (Decater, 1983).

**TABLE 4.5-1
EXAMPLES OF CULTURAL RESOURCES IDENTIFIED IN STUDY AREA**

Site Designation	Age	Description	Integrity	Comments
Site of Idaho-Maryland Mine	Historic	Quartz Mine remnants	Good	A California and Nevada County Point of Historical Interest #297
CA-NEV-951	Mixed historic/ prehistoric	Housepits	Unknown	Ambiguous site function; prehistoric or historic
CA-NEV-952	Prehistoric	Bedrock Milling Station	Fair	n/a
CA-NEV-953H	Historic	Gauthier Geach Ditch	Poor	Originally serviced mining operations in Grass Valley area
CA-NEV-955H	Historic	D-S Canal	Unknown	Built in 1927; maintained for seasonal use
CA-NEV-960H	Historic	Eureka Shaft	Destroyed	n/a
CA-NEV-964	Prehistoric	Bedrock Milling Station	Good	No associated artifacts
CA-NEV-972H	Historic	New Brunswick Mine	Poor	Concrete ore bins and foundations remain
CA-NEV-1538H	Historic	Spring Hill Mine	Fair	Foundations remain
P-29-839H	Historic	Nevada County Narrow Gauge Railroad	Poor	The railroad grade is the only remaining feature

SOURCE: North Central Information Center (2006)

The reconnaissance survey revealed no evidence of prehistoric use of the three project sites. A significant quantity of quartzite and basalt scree is distributed throughout the Idaho-Maryland site; however, no clearly worked lithic debitage³ or other evidence of lithic industry was observed. No rock outcrops were observed.

Idaho-Maryland Site

The Idaho-Maryland site contains three historic features observed in the field: the remnants of the Idaho-Maryland mining tailings drainage infrastructure, ruins of a lumber yard facility, and the remains of a mining shaft. The original site of the Idaho-Maryland Quartz Mine is located approximately a quarter-mile east of the proposed Idaho-Maryland site. As such, the proposed project would not directly affect this California and Nevada County Point of Historical Interest.

- **Tailings Infrastructure.** According to the 1949 USGS Quadrangle, the northern portion of the Idaho-Maryland site was a tailings pond, presumably used by the original Idaho-Maryland mining operations. Three features apparently associated with this pond were identified. Two tall concrete structures that appear to have been part of the dam infrastructure that carried water to Wolf Creek and a rusted culvert that remains in-line with these two concrete structures on the creek bed. All three of these structures do not retain any sense of their original construction or setting and do not appear to be considered historical resources.
- **Lumber yard ruins.** Concrete footings and foundations are all that remains of a lumber yard that once operated on the eastern portion of the project area. The area has been used for dumping; a scattering of modern trash appears throughout. No historic period artifacts were identified.
- **Mining shaft.** The remains of a mining shaft prospect is located on the Idaho-Maryland site just north of the boundary with a present-day lumber yard facility. The shaft has collapsed and the visible components are piled on the shaft opening, which included a number of wood supports. No historic period artifacts were observed. However, this shaft opening may have importance in terms of the overall mining landscape and may yield information related to the distribution of mining in the Grass Valley area.

New Brunswick Site

The present-day site of the New Brunswick Mine, located on the southwest corner of the East Bennett Road and Brunswick Road intersection, consists largely of the concrete vestiges of the mine itself; that is, concrete footings, support structures, concrete ore bins and cement pads. After its discovery in 1851, this mine—originally named “East Eureka”—had excavated a shaft that had reached 700-feet by 1896, then to a 1,250-foot level. At this point the shaft worked laterally along a quartz vein for a distance of 2,000-feet (Windmiller, 1995). Between 1930 and 1940, new core drilling technology of sinking shafts was developed in the Idaho-Maryland shops that allowed for the drilling of a 5-foot diameter hole. With this method, the New Brunswick shaft was sunk to nearly 3,300-feet. This, in turn, allowed for the Idaho and the New Brunswick Mines to be connected as one mine. During these years of operation, the New Brunswick Mine

³ The waste by-products – chips or debris – resulting from the manufacture of stone tools, found in large quantities in a tool-making area.

incorporated a steel headframe, a complete 20-stamp mill and cyanide plant. By 1919, a new hoist, compressor, machine shop, carpenter shop and other buildings were added (Windmiller, 1995). The mine was closed in 1956 and all of the structures were dismantled to their foundations. The shaft was covered and the tailings area was leveled and paved for use as a lumber mill. No surface evidence—other than the concrete foundations mentioned above—of the mining operations was identified. The mine site was evaluated for listing in the California Register of Historic Resources and the National Register of Historic Places by Windmiller (1995) and was found to be ineligible on the grounds of compromised integrity.

The Nevada County Narrow Gauge Railroad (NCNGR) is shown on historic maps to have traversed the New Brunswick project area, passing within a “few feet” of the New Brunswick Mine. Windmiller (1995) identified the railroad grade on the “north side of East Bennett Road near the point where the grade crosses the road in a southeasterly direction. On the south side of East Bennett Road, the grade is disturbed beyond recognition for a distance of approximately 150-feet.” The remaining segment of the grade found within the project area appeared in good condition at the time of Windmiller’s recordation. “No rails or ties remain, because they were removed in 1942. The road bed is intact, though overgrown with berry bushes and saplings” (Windmiller, 1995). Windmiller (1995) contends that the intact portion of the NCNGR qualifies as a historical resource per CEQA guidelines and qualifies for the National Register as a historic site of local and regional significance, because of its association with events important in California history.

The present survey was unable to re-identify this resource within the New Brunswick project area. However, as pointed out by Windmiller, the area was heavily vegetated, which may have obscured the railroad grade. In addition, in the time since the Windmiller survey, the grade may have continued to erode to a point of being imperceptible against the natural topography and vegetation. The proposed pipeline south of the New Brunswick mine site to the South Fork Wolf Creek may proceed through a portion of the NCNGR.

Round Hole Site

No historic features or prehistoric phenomena were observed in the Round Hole project area. However, according to the site record for CA-NEV-955H, an historic canal (D-S Canal) passes along Idaho-Maryland Road in front of the entrance to the Round Hole project area and bears south on New Brunswick Road. This earthen ditch was not observed in the field; it is possible it was graded for the road construction.

The proposed project would not affect any known cultural resources, with the possible exception of the NCNGR, if extant in the project area. Section 4.5.4, Data Gaps, recommends further efforts to identify and map the remains of this railroad in the area of the New Brunswick Mine.

While the potential existence of prehistoric archaeological resources, paleontological resources, and human remains interred outside of formal cemeteries on the project site is moderately low, accidental discovery of such resources during construction could damage or destroy them, which

would be a significant impact under CEQA. Standard CEQA mitigation measures to avoid or reduce such impacts to a less-than-significant level are presented below.

Impact 4.5-1: Adverse impacts to significant historical resources, including unique archaeological resources and human remains, could result from implementation of the proposed project. This would be a less than significant impact with mitigation.

Mitigation Measure 4.5-1: In the event of accidental discovery of cultural resources, such as structural features or unusual amounts of bone or shell, artifacts, human remains, architectural remains (such as bricks or other foundation elements), or historic archaeological artifacts (such as antique glass bottles, ceramics, horseshoes, etc.), work shall be suspended and City staff shall be contacted. The City shall retain a qualified cultural resource specialist to perform any necessary investigations to determine the significance of the find. The City shall then implement any mitigation deemed necessary for the recordation and/or protection of the cultural resources. In addition, pursuant to Sections 5097.97 and 5097.98 of the California Public Resources Code and Section 7050.5 of the California Health and Safety Code, in the event of the discovery of human remains, all work shall be halted and the County Coroner shall be notified immediately. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.

Impact 4.5-2: Adverse impacts to significant scientific resources or paleontologic remains could result from implementation of the proposed project. This would be a less than significant impact with mitigation.

Mitigation Measure 4.5-2: In the event a fossil is discovered during construction, excavations within 50 feet of the find shall be temporarily halted or diverted until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards (SVP, 1995), the discovery shall be documented as needed, the potential resource evaluated, and the significance of the find shall be assessed under the criteria set forth in Section 15064.5 of the CEQA Guidelines. The paleontologist shall notify the City Planning Department to determine procedures to be followed before construction is allowed to resume at the location of the find. If the City Planning Director determines that avoidance is not feasible, the paleontologist shall prepare an excavation plan for mitigating the effect of the project on the qualities that make the resource important, and the plan shall be implemented. The plan shall be submitted to the City Planning Department for review and approval.

Significance after Mitigation: Less than significant.

4.5.4 Data Gaps

1. Further field efforts are recommended to identify and map the remains of the Nevada County Narrow Gauge railroad extent that runs near the New Brunswick mine—also in terms of the potential for the project to impact this site.
2. Confirm if Nevada County has an adopted cultural resources ordinance.

References – Cultural Resources

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