

CARMELITA PROJECT

CULTURAL RESOURCES

ENVIRONMENTAL ASSESSMENT



JULY | 2010

Lead Agency

Fresno County, Public Works and Planning

Operator

Carmelita Resources, LLC

Applicant

Colony Land Company, L.P.

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CULTURAL RESOURCES ENVIRONMENTAL ASSESSMENT

This Cultural Resources Environmental Assessment is an evaluation of the potential cultural resource impacts associated with the Project's implementation. The information presented herein regarding archaeological sites is based on *A Cultural Resources Survey for the Carmelita Project, Fresno County* (Roper 2010) contained in Appendix A, Cultural Resources Technical Report, of this Assessment (portions of which may be exempt from the California Public Records Act).

1.0 METHODOLOGY AND TERMINOLOGY

1.1 Records Search

Prior to field inspection, a record search was conducted by the author with the Southern San Joaquin Valley Information Center of the California Historical Resources Information System (SSJVIC) to identify areas previously surveyed and identify known cultural resources present within or in close proximity to the Project site (see Figure 1, Project Site). There are no recorded cultural resources within the Project site or within a ½-mile radius of the Project site. No previous cultural resources surveys have been completed within the Project site. Four cultural resource surveys have been conducted within ½-mile of the Project site.

1.2 Cultural Resources Survey

On October 28-29, 2008 and February 17, 2010 Sierra Valley Cultural Planning conducted a mixed strategy cultural resources survey of the Project site. Surface visibility was good in most of the Project site, with limited visibility within orchard areas due to leaf duff and grasses. The survey included surface inspection for evidence of prehistoric and/or historic-period archaeological artifacts, structures, and features.

No archaeological deposits or isolated finds were identified during the cultural resources survey. No plant resources of potential value for Native Americans such as sedge or deer grass, which are of importance in the traditional methods of basketry construction, were observed in the surveyed area.

2.0 EXISTING CONDITIONS

2.1 Setting

The Project site is located on the eastern edge of the San Joaquin Valley at the base of the Sierra Nevada foothills in the Kings River drainage. Modern-day land use within the area primarily includes stone fruit orchards. The Project site is bounded by South Reed Avenue on the east, East Central Avenue on the south, East Annandale Avenue on the north, and Byrd Slough on the west. Fink Ditch, an earthen water conveyance feature, crosses through the parcel. Some commercial and residential structures are present within the parcel. All residential and commercial structures within the area of disturbance are of modern construction. Figure 2a, View South Along Fink Ditch, and Figure 2b, Cleared Former Orchard, provide overviews of the Project site.

2.2 Natural Environment

The Project site is located on level terrain just east of Byrd Slough which drains into the Kings River to the south. Campbell Mountain is located approximately 1 mile to the east of the Project site. Due to agriculture, little native vegetation remains within the Project site. Soils within the Project site include silty sands with numerous river-rounded cobbles. Elevation ranges from approximately 350 to 375 ft (107-114 m) above mean sea level.

Prior to Euro-American intrusion and settlement in the region, the San Joaquin Valley was an extensive wetland with contiguous rivers, sloughs, and lakes. Stands of trees – sycamore, cottonwoods, and willows – lined the higher elevation stream courses such as the Kings River, with dense stands of tule rushes in lower wetland areas. Rivers and

lakes yielded fish, mussels, and pond turtles; migratory waterfowl nested in the dense tules. Historically the Kings River had two annual salmon runs. Tule elk, sometimes referred to by early Spanish explorers as wild horses, found ample forage. Smaller mammals and birds, including jackrabbits, ground squirrels, and quail were abundant.

2.3 Prehistoric Period Summary

The San Joaquin Valley and adjacent Sierra foothills and Coast Range have a long and complex cultural history with distinct regional patterns that extend back more than 11,000 years (McGuire 1995). The first generally agreed-upon evidence for the presence of prehistoric peoples in the region is represented by the distinctive basally-thinned and fluted projectile points, found on the margins of extinct lakes in the San Joaquin Valley. These projectiles, often compared to Clovis points, have been found at three localities in the San Joaquin Valley including along the Pleistocene shorelines of former Tulare Lake. Based on evidence from these sites and other well-dated contexts elsewhere, these Paleo-Indian hunters who used these spear points existed during a narrow time range of 11,550 Before Present (BP) to 8,550 BP (Rosenthal *et al.* 2007).

As a result of climate change at the end of the Pleistocene, a period of extensive deposition occurred throughout the lowlands of central California, burying many older landforms and providing a distinct break between Pleistocene and subsequent occupations during the Holocene. Another period of deposition, also a product of climate change, had similar results around 7,550 BP, burying some of the oldest archaeological deposits discovered in California (Rosenthal and Meyer 2004).

The Lower Archaic (8,550-5,550 BP) is characterized by an apparent contrast in economies, although it is possible they may be seasonal expressions of the same economy. Archaeological deposits which date to this period on the valley floor frequently include only large stemmed spear points, suggesting an emphasis on large game such as artiodactyls (Wallace 1991). Recent discoveries in the adjacent Sierra Nevada have yielded distinct milling assemblages which clearly indicate a reliance on plant foods. Investigations at Copperopolis (Lajeunesse and Pryor 1996) argue that nut crops were the primary target of seasonal plant exploitation. Assemblages at these foothill sites include dense accumulations of handstones, millingslabs, and various cobble-core tools, representing “frequently visited camps in a seasonally structured settlement system” (Rosenthal *et al.* 2007). As previously stated, these may represent different elements of the seasonal round. What is known is that during the Lower Archaic, regional interaction spheres had been well established. Marine shell from the central California coast has been found in early Holocene contexts in the great basin

east of the Sierra Nevada, and eastern Sierra obsidian comprises a large percentage of flaked stone debitage and tools recovered from sites on both sides of the Sierra.

About 8,000 years ago, many California cultures shifted the main focus of their subsistence strategies from hunting to nut and seed gathering, as evidenced by the increase in food-grinding implements found in archeological sites dating to this period. This cultural pattern is best known for southern California, where it has been termed the Milling Stone Horizon (Wallace 1954, 1978a), but recent studies suggest that the horizon may be more widespread than originally described and is found throughout the region during the Middle Archaic Period. Radiocarbon dates associated with this period vary between 8,000 and 2,000 BP, although most cluster in the 6,000 to 4,000 BP range (Basgall and True 1985).

On the valley floor, early Middle Archaic sites are relatively rare. This changes significantly toward the end of the Middle Archaic. In central California late Middle Archaic settlement focused on river courses on the valley floor. "Extended residential settlement at these sites is indicated by refined and specialized tool assemblages and features, a wide range of non-utilitarian artifacts, abundant trade objects, and plant and animal remains indicative of year-round occupation" (Rosenthal *et al.* 2007). Again, climate change apparently influence this shift, with warmer, drier conditions prevailing throughout California. The shorelines of many lakes, including Tulare Lake, contracted substantially, while at the same time rising sea levels favored the expansion of the San Joaquin/Sacramento Delta region, with newly formed wetlands extending eastward from the San Francisco Bay.

In contrast, early Middle Archaic sites are relatively common in the Sierran foothills, and the mainly utilitarian assemblages recovered show relatively little change from the preceding period with a continued emphasis on acorns and pine nuts. Few bone or shell artifacts, beads, or ornaments have been recovered from these localities. Projectile points from this period reflect a high degree of regional morphological variability, with an emphasis on local toolstone material supplemented with a small amount of obsidian from eastern sources. In contrast with the more elaborate mortuary assemblages and extended burial mode documented at Valley sites, burials sites documented at some foothill sites such as CA-FRE-61 on Wahtoke Creek are reminiscent of "re-burial" features reported from Milling Stone Horizon sites in southern California. These re-burials are characterized by re-interment of incomplete skeletons often capped with inverted millingstones (McGuire 1995).

A return to colder and wetter conditions marked the Upper Archaic in Central California (2,500-1,000 BP). Previously desiccated lakes returned to spill levels and

increased freshwater flowed in the San Joaquin and Sacramento watershed. Cultural patterns as reflected in the archeological record, particularly specialized subsistence practices, emerged during this period. The archeological record becomes more complex, as specialized adaptations to locally available resources were developed and valley populations expanded into the lower Sierran foothills. New and specialized technologies expanded distinct shell bead types occur across the region. The range of subsistence resources utilized and exchange systems expanded significantly from the previous period. In the Central Valley, archaeological evidence of social stratification and craft specialization is indicated by well-made artifacts such as charmstones and beads, often found as mortuary items.

The period between approximately 1,000 BP and Euro-American contact is referred to as the Emergent Period. The Emergent Period is marked by the introduction of bow and arrow technology which replaced the dart and atlatl at about 1,100 to 800 BP. In the San Joaquin region, villages and small residential sites developed along the many stream courses in the lower foothills and along the river channels and sloughs of the valley floor. A local form of pottery was developed in the southern Sierran foothills along the Kaweah River. While many sites with rich archaeological assemblages have been documented in the northern Central Valley, relatively few sites have been documented from this period in the southern Sierran foothills and adjacent valley floor, despite the fact that the ethnographic record suggests dense populations for this region.

2.4 Ethnographic Summary

Prior to Euro-American settlement, most of the San Joaquin Valley and the bordering foothills of the Sierra Nevada and Diablo Range were inhabited by speakers of Yokutsan languages. The bulk of the Valley and Foothill Yokuts people lived on the eastern side of the San Joaquin River. The Project site falls within territory occupied by the Choinimne Yokuts (see Figure 3, Ethnographic Tribal Areas in Fresno County, CA). To the west is territory once held by the Wechihit Yokuts (Kroeber 1925; Latta 1999; Noren n.d.; Wallace 1978). Centerville is located at the western terminus of Choinimne Yokuts territory. The village of Kipai'yu was situated to the north of the Project site on Byrd Slough (Gayton 1948; McCarthy 1995). Pulwoi, originally a Wechihit village, was occupied by numerous Choinimne during the early decades of the 20th Century while working on the farms and orchards in the Reedley vicinity (McCarthy 1995).

Jesse Morrow Mountain, located to the northeast of the Project site, was formerly labeled Choinimne Mountain on older maps, including USGS maps of the area. According to McCarthy (1995), the Choinimne name for the mountain is Wahahlish, "Someone Cried." Latta (1999) notes, however, that it is Campbell Mountain to the east

that is called by this name. The valley between Jesse Morrow and Campbell mountains is called Wuhlahlyu; this was an area where people went to gather red maid seeds in the spring (McCarthy 1995).

The Native American occupants of the San Joaquin Valley and adjoining Sierra Nevada foothills were hunters and gatherers who depended on the seasonal procurement of locally abundant vegetal and faunal resources. The Choinimne lived in permanently established villages during most of the year, usually between October and May (Gayton 1930). During the remainder of the year Choinimne people would move across their territory tracking seasonally available plant resources as well as game and fish. Principal villages were situated along permanent stream courses, while temporary camp sites and special use areas were scattered throughout their territory. Bedrock milling sites, the most visible vestige of Native American occupation, were located in rock boulders and outcrops above stream courses. The abundance of resources in the valley and adjoining foothills provided a nearly sedentary life, with high population density typically limited elsewhere to agricultural adaptations (Baumhoff 1963).

Numerous accounts of Valley Yokuts lifeways offer details of pre-European land use in the San Joaquin Valley. The reader is referred to Gayton (1930, 1948), Kroeber (1925), Latta (1999), Spier (1978) and Wallace (1978) for additional information on pre-contact Yokuts subsistence and culture.

2.5 Historic Period Summary

The Kings River area was visited in the early 1800s by Spanish expeditions exploring the interior in search of potential mission sites. Lt. Gabriel Moraga, accompanied by Fr. Pedro Munoz, about 25 soldiers, and a few neophytes arrived in the territory of the Wechihit on October 16, 1806 (Phillips 1993). Moraga's group visited the Aiticha and several villages downstream.

In April of 1851, negotiations were held between the U.S. government and the 16 tribes of the central Sierra foothills at Camp Barbour on the San Joaquin River, resulting in the signing of a treaty between the tribes and the government (which, along with 17 other negotiated treaties, was never ratified). Part of these treaties involved the creation of reserves for the tribes to protect them from intruding miners and settlers (Heizer 1972). A reserve was created on the Kings River (the Kings River Farm) and William Campbell established a trading post which served as agency headquarters. This was located east of the Project site in Township 14S, Range 23E, SW 1/4 Sec. 9}. At one point the Farm included 350 acres of arable land and was fenced and irrigated. An 1854 GLO plat map depicts several fields and structures in this area including Campbell's house; Pasqual's

rancheria is noted southwest of the Project site in Section 32. A copy of this map is included as Figure 4, Original Government Land Office Plat Map (1855), relative to the Project site. Poktown, also referred to as Bobtown and located just southeast of Minkler, was an ethnically mixed historic settlement where Choinimne and other local Indian peoples lived while working on the reserve and other nearby farms (McCarthy 1995).

3.0 REGULATORY SETTING

3.1 Federal

3.1.1 *National Historic Preservation Act (NHPA)*

If the project were required to obtain an incidental take permit under the Federal Endangered Species Act (ESA), the Project may be considered a federal undertaking subject to Section 106 of the national Historic Preservation Act (NHPA). Section 106 requires that, before taking action on an undertaking, a federal agency must take into account the effects of the undertaking on *historic properties* and afford the Advisory Council on Historic Preservation (ACHP) and other interested parties an opportunity to comment on these actions. Implementing regulations for Section 106 are found at 36 CFR § 800.

A *historic property* is a cultural resource that is eligible for listing in the NRHP. The NRHP significance criteria applied to evaluate the cultural resources in this study are defined in 36 CFR 60.4 as follows:

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, association, and,

- 1. That are associated with events that have made a significant contribution to the broad patterns of our history; or*
- 2. That are associated with the lives or persons significant in our past; or*
- 3. That embody the distinctive characteristics of type, period, or method of construction, or that represent a significant and distinguishable entity whose components may lack individual distinction; or*
- 4. That have yielded, or may be likely to yield, information important in prehistory or history.*

Section 106 of the NHPA prescribes specific criteria for determining whether a project would adversely affect a *historic property*, as defined in 36 Code of Federal Regulations (CFR) 800.5. An impact is considered significant when prehistoric or historic archaeological sites, structures, or objects listed in or eligible for listing in the NRHP are subjected to the following effects:

- Physical destruction of or damage to all or part of the property;
- Alteration of a property;
- Removal of the property from its historic location;
- Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance;
- Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features;
- Neglect of a property that causes its deterioration; and
- Transfer, lease, or sale of the property.

Although the tasks necessary to comply with Section 106 may be delegated to others, the federal agency is ultimately responsible for ensuring that the Section 106 process is completed according to statute. The Project may require compliance with both CEQA and NHPA Section 106. While parallel, the two statutes are separate regulatory processes. However, the more rigorous standards and review process required for Section 106 can provide the information useful for CEQA compliance.

3.2 State

3.2.1 California Environmental Quality Act

The term "cultural resource," as it is used in CEQA, is a broad term that describes a wide variety of resources including archaeological sites, isolated artifacts, features, records, manuscripts, historical sites, historical resources, and historic properties. Under CEQA, cultural resources can be divided into two sub-categories: (1) historical resources, and (2) unique archaeological resources. Historical resources are resources that have been adjudged, either formally or informally, to be significant in the historical, architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California. Unique archaeological resources are archaeological resources that generally do not have historical qualities, but have unique characteristics nonetheless that could add to the current body of scientific knowledge or that render the resource of exceptional quality or consequence.

A resource may be both a historical resource and an archaeological resource under CEQA, in that an archaeological resource may be deemed to have high historical significance. Such resources are termed “historical archaeological resources,” and are afforded all the same protections as historical resources, with a few special considerations. They are properly viewed as a subset of historical resources, and the laws and guidelines for treatment of historical resources should be applied to them; the guidelines for dealing with unique archaeological resources do not pertain to historical archaeological resources. Unique archaeological resources, then, are archaeological items or sites that qualify as “unique” but not necessarily “historical.” Non historical, non-unique archaeological resources need not be considered under CEQA.

Historical Resource

The term *historical resource* includes, but is not limited to, any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California (PRC 5020.1(j)). Under CEQA, there are three broad categories of historical resources:

- Resources listed in, or determined to be eligible by, the State Historical Resources Commission for listing in the California Register of Historical Resources (CRHR).
- Resources included in a local register of historical resources, as defined in Section 5020.1(k) of the PRC or identified as significant in an historical resource survey meeting the requirements Section 5024.1(g) of the PRC. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- 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 CRHR including the following:
 - It is associated with 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;
 - It is associated with the lives of persons important to local, California, or national history;

- It 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; or
- It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

The CRHR automatically includes all California properties that have been listed with the NRHP; consequently, properties within the state that are listed on the NRHP are also historical resources under CEQA. The fact that a resource has not been listed in, or determined eligible for listing in, the CRHR (or NRHP) or identified as historic by a local register does not preclude a lead agency from making its own determination that a resource is historic using the criteria set forth in item 3, above (14 CCR § 15064.5(a)(4)).

The above CEQA Guidelines have been paraphrased as constituting three categories of historic resources:

1. **“Mandatory” historic resources:** Those that are listed in, or determined by the State Historic Resources Commission (SHRC) to be eligible for listing in, the CRHR;
2. **“Presumed” historic resources:** Those that are included in a local register of historic resources or that have been identified as significant pursuant to a historical resource survey; and
3. **“Optional” historic resources:** Those that do not fall within either the mandatory or presumptive categories, but which may be deemed historical at the discretion of the lead agency. If a lead agency chooses to designate a resource historically significant under the “optional” provision, that designation must be supported by substantial evidence in light of the whole record (14 CCR § 15064.5(a)(4)).

Thus, under the CEQA Guidelines, only those resources that are already listed with the CRHR (by direct listing or by virtue of inclusion in the NRHP), or that have gone through the formal CRHR nomination process and been approved for listing, are mandatory historic resources under CEQA (14 CCR § 15064.5(a)). Resources that are listed with a local historic register are presumed to be historic resources unless the lead agency determines, by applying the CRHR criteria, that the preponderance of the evidence points away from a finding of historical significance (14 CCR § 15064.5(a)(2)). Finally, a lead agency may make an independent determination that a non-listed resource has historical significance by applying the CRHR criteria. Any such

determination must be supported by substantial evidence in light of the whole record (*Id.* at § 15064.5(a)(4)).

National Register of Historic Places

Under CEQA, resources that are listed with the CRHR are historical resources. By statute, the CRHR automatically includes California properties listed in, or formally determined eligible for listing in the NRHP. The NRHP has four statutory “Criteria for Evaluation” of a property, which are essentially the same four considerations for determining eligibility under the CRHR listed above (36 CFR § 60.4; Public Resource Code (PRC) § 5024.1(c)). The NRHP normally will not list cemeteries, the birthplaces or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties that are primarily commemorative in nature, and properties that have achieved significance in the past 50 years. However, exceptions can be made for particularly unique properties or circumstances. Unlike the CRHR, only the State Historic Preservation Officer (SHPO) may nominate a property for inclusion in the NRHP. Individuals or organizations wishing to nominate a site must first submit a nomination packet to the SHPO, who makes a threshold determination concerning the property’s potential for listing.

As noted above, the criteria for determining CRHR-eligible properties are substantially the same as the NRHP criteria (PRC § 5024.1(c)). However, the NRHP provides quite a bit more supplemental guidance for evaluating properties than the CRHR. Where a lead agency is considering using its discretionary authority under the “optional” prong to designate a non-listed resource as nonetheless historically significant under CEQA, it may look to the supplemental materials and information provided by the NRHP for additional guidance in determining whether the site has historical significance.

Traditional Cultural Property

The NRHP publishes a number of bulletins that provide advice on how to evaluate potential sites and determine their eligibility. In particular, Bulletin 15, entitled, *How to Apply the National Register Criteria for Evaluation*, gives definitions for the terms used in each of the four criteria, and provides detailed examples of the types of properties that would qualify as historic resources. One such type of qualifying property is the “traditional cultural” property. Traditional cultural properties are properties whose historical significance “is derived from the role a property plays in a community’s historically rooted beliefs, customs, and practices. Properties may have significance if they are associated with events or

a series of events significant to the cultural traditions of a community”¹ (Bulletin 15 at 13). Traditional cultural properties are eligible for listing as historical places with the NRHP to the extent they are congruous with the NRHP’s four Criteria for Evaluation of potential historic properties.

The NRHP publishes a separate bulletin dedicated entirely to evaluating and documenting traditional cultural properties.² This bulletin, known as Bulletin 38, expounds on the four NRHP Criteria for Evaluation, explaining how they can assist recognition of properties that may have traditional cultural associations. The bulletin notes that these properties can be particularly difficult to recognize because their significance is often entirely intangible, and may not come to light through the traditional archaeological or historical resource survey (Bulletin 38 at 2). In many cases, the existence of such locations can only be ascertained through interviews with appropriate individuals and other ethnographic research.

Bulletin 38 outlines a general four-step approach, as recommended by the NRHP, to identify traditional cultural properties within a project area. The first step is to conduct background research “into what is already recorded about the area’s history, ethnography, sociology and folklife” (*Id.* at 7). The next step is to make contact with traditional communities, groups, and individuals who have knowledge of or intimate familiarity with the area, and to glean whatever information they may have regarding a site’s cultural significance. The third recommended step is to conduct fieldwork and recordation, consisting of land surveys, outside consultations, and information gathering within the community by way of interviews and community meetings.

The fourth and final step is to reconcile the data and resolve any conflicts. As noted in the bulletin, it is not uncommon for a traditional cultural property to be “discovered” only when it is threatened by a land use change, or other such project. This is partially because, according to the bulletin, many of these properties are kept secret out of respect or reverence for their significance, and partially because there may have been no reason to talk about the property until it was threatened. In other cases, there will be conflicts between the significance

¹ By way of example, Bulletin 15 indicates that a site may be considered a traditional cultural property if oral historical accounts evidence that the site was associated with the founding of an Indian tribe or society. Bulletin 15, *How to Apply the National Register Criteria for Evaluation*, National Register of Historic Places, 13.

² Bulletin 38, *Guidelines for Evaluating and Documenting Traditional Cultural Properties*, National Register of Historic Places.

that is ascribed to the property in recorded and historical data, and the significance that is ascribed to it modernly by the community or group.

The NRHP acknowledges that reconciliation of such conflicts is far from an exact science. “In general, the only reasonably reliable way to resolve conflict among sources is to review a wide enough range of documentary data, and to interview a wide enough range of authorities to minimize the likelihood either of inadvertent bias or of being deliberately misled” (*Id.* at 10). It is recommended that in most cases, the authorities consulted should include knowledgeable parties from within the community as well as “appropriate specialists in ethnography, sociology, history, and other relevant disciplines” (*Id.*).

Unique Archaeological Resource

A *unique archaeological resource* is defined in Section 21083.2(g) of the PRC as 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 for which there is a demonstrable public interest;
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.

Archaeological resources that may have high historical value should first be evaluated under the historical resources criteria. Only if a resource does not meet the historical resources criteria should it be evaluated under the standards for unique archaeological resources (see 14 CCR § 15064.5(c)(2)). If the resource is considered unique pursuant to the above criteria, the lead agency will need to consider whether the project may have a significant effect on it. A non-unique archaeological resource is any archaeological artifact, object, or site which does not meet the above criteria (PRC § 21083.2(h)). If the site is determined to be non-unique, its existence may be recorded at the discretion of the lead agency, but no more need be said about it for purposes of CEQA (14 CCR § 15064.5(c)(4)). The mere existence of archaeological resources on the property does not require a finding of significance. Absent a finding that the resources are unique, the lead agency is not required to impose conditions mitigating the impacts to those resources.

Native American Graves and Human Remains

There are several state laws that provide for the protection of Native American human remains.

Health and Safety Code

Contained in the California Health and Safety Code, (CHSC §§ 8010-8030) are broad provisions for the protection of Native American cultural resources. The California Native American Graves Protection and Repatriation Act established state policy to ensure that California Native American human remains and cultural items are treated with respect and dignity. The Act also provides the mechanism for disclosure and return of human remains and cultural items held by publicly funded agencies and museums in California. Additionally, the Act outlines the mechanism by which California Native American tribes not recognized by the federal government may file claims for human remains and cultural items held by agencies or museums.

Public Resources Code

Procedures are detailed under PRC Sections 5097.9-5097.996 for actions taken whenever Native American remains are discovered. No public agency and no private party using or occupying public property or operating on public property under a public license, permit, grant, lease, or contract made on or after July 1, 1977 shall in any manner interfere with the free expression or exercise of Native American religion as provided in the United States Constitution and the California Constitution; nor shall any such agency or party cause severe or irreparable damage to any Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property, except on a clear and convincing showing that the public interest and necessity so require. The NAHC is responsible for the enforcement of the provisions of this chapter.

Any person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor, except as provided in Section 5097.99 of the PRC. In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, no further excavation or disturbance of the site or any nearby area is allowed until the coroner of the county in which the human remains are

discovered is contacted. If the coroner determines that the remains are not subject to his or her authority, and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the NAHC.

Every person who removes any part of any human remains from any place where it has been interred, or from any place where it is deposited while awaiting interment or cremation, with intent to sell it or to dissect it, without authority of law or written permission of the person or persons having the right to control the remains under CHSC Section 7100, or with malice or wantonness, has committed a public offense that is punishable by imprisonment in a state prison.

3.3 County

The County of Fresno General Plan identifies environmental, social and economic goals for the region, and sets forth policies, standards, and programs to guide physical development within the County (County of Fresno 2000a). The following are sections from the General Plan Open Space and Conservation Element's Historical, Cultural, and Geological Resources that are relevant to the Project. The goal of the historical and cultural policies is to identify, protect, and enhance Fresno County's important historical, archaeological, paleontological, geological, and cultural sites and their contributing environment.

Policy OS-J.1: The County shall require that, as part of any required CEQA review, important historical, archaeological, paleontological, and cultural sites and their contributing environment are identified and protected from damage, destruction, and abuse to the maximum extent feasible. Project-level mitigation shall include accurate site surveys, consideration of project alternatives to preserve archaeological and historic resources, and provision for resource recovery and preservation when displacement is unavoidable.

Policy OS-J.2: The County shall, within the limits of its authority and responsibility, maintain confidentiality regarding the locations of archaeological sites in order to preserve and protect these resources from vandalism and the unauthorized removal of artifacts.

Policy OS-J.3: The County shall solicit the views of the local Native American community in cases where development may result in disturbance to sites containing evidence of Native American activity and/or sites of cultural importance.

4.0 THRESHOLDS OF SIGNIFICANCE

Appendix G of the CEQA Guidelines provides guidance for assessing the significance of potential environmental impacts. Relative to cultural resources, a Project will normally have a significant effect on the environment if it will:

- Cause a substantial adverse change in the significance of a historical resource;
- Cause a substantial adverse change in the significance of an archaeological resource;
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- Disturb any human remains, including those interred outside of formal cemeteries.

CEQA defines a *substantial adverse change* as:

- Physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired; or
- Demolition or material alteration of the physical characteristics that convey the resource's historical significance and justify its designation as a *historical resource* (14 CCR § 15064.5(b)).

5.0 ENVIRONMENTAL IMPACTS, MITIGATION MEASURES, AND SIGNIFICANCE DETERMINATIONS

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

The Project may cause a substantial adverse change in the significance of an archeological resource pursuant to the State CEQA Guidelines, Section 15064.5.

No archaeological deposits or isolated finds were identified during the cultural resources survey. No plant resources of potential value for Native Americans such as sedge or deer grass, which are of importance in the traditional methods of basketry construction, were observed in the Project site.

A resource may be listed as an historical resource in the California Register of Historical Resources if it is in excess of 50 years of age and it meets any of the following criteria:

1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
2. Is associated with the lives of persons important in our past;
3. 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,
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

In addition to the above, the resource must possess integrity which can be defined as the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance. Historical resources eligible for listing in the California Register must meet one of the criteria of significance described above and retain enough of their historic character or appearance to be recognizable as historical resources and to convey the reasons for their significance. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association. It must also be judged with reference to the particular criteria under which a resource is proposed for eligibility (California Code of Regulations, Title 14, Chapter 11.5).

The one residential building and commercial buildings on the Project Site are all of newer vintage (for less than 50 years in age) and do not meet any of the above criteria.

No historic properties (i.e., cultural resources eligible for inclusion on the California Register of Historical Resources) were identified within the area of disturbance in the Project site; thus, it is unlikely that development of the Carmelita Project will have an effect on significant or important archaeological or other cultural resources. Therefore, no further cultural resource investigation is recommended at this time. In the unlikely event that unanticipated buried archaeological deposits are encountered during Project-related activities, work in the immediate vicinity of the discovery must cease until the finds can be evaluated by a qualified archaeologist.

Level of Significance Before Mitigation: Potentially Significant**Mitigation Measure CULT-1**

If cultural materials (i.e., flaked stone artifacts, ground stone, historical glass, bone, etc.) or features (e.g., hearths, structural foundations, privies, etc.) are discovered during project-related activities, the find shall be reported immediately to the County of Fresno Planning Department, who shall provide direction to contact a paleontological monitor. The area of the find shall be avoided until the monitor is on-site. The monitor shall assess and make any necessary recommendations, including any procedures to further investigate or mitigate impacts to the find as required by law.

Level of Significance After Mitigation: Less than Significant**Impact CULT-2: Paleontological Resources**

The Project may directly or indirectly destroy a unique paleontological resource or site.

Although no paleontological resources were identified in the course of the archaeological and historical resources survey in the Project site, the possibility that such resources could be found nonetheless exists. This would be considered a potentially significant impact.

Level of Significance Before Mitigation: Potentially Significant**Mitigation Measure CULT-2:**

If paleontological resources are discovered during project-related activities, the find shall be reported immediately to the County of Fresno Planning Department, who shall provide direction to contact a paleontological monitor. The area of the find shall be avoided until the monitor is on-site. The monitor shall assess the find and make any necessary recommendations, including any procedures to further investigate or mitigate impacts to the find as required by law.

Level of Significance After Mitigation: Less than Significant

Impact CULT-3: The Project Could Disturb Unidentified Subsurface Cultural Resources

The Project would cause a change to archaeological sites identified within the Project site.

Impacts to potential cultural resources would be less than significant due to the nature and characters of potential resources as described in Impact CULT -1, above. As a result, no further investigations are warranted. As described in Impact CULT-1 above, the potentially impacted sites do not constitute unique archaeological or historic resources and do not possess qualities that make them eligible for the CRHR. Nonetheless, because buried cultural resources that may be unique or otherwise significant may be uncovered during the mining process, this impact is potentially significant.

Level of Significance Before Mitigation: Potentially Significant

Mitigation Measure CULT-3

In the event that unanticipated cultural resources are encountered during project operations, all earthmoving activity in the area shall cease until a qualified archaeologist can evaluate the resources. The archaeologist shall assess the significance of the resources and offer recommendations for procedures determined appropriate to either further investigate or mitigate impacts to the cultural resources encountered. If the cultural resource is associated with the past lifeways of California Native Americans, evaluation, recommendations for further investigation, and/or mitigation shall be determined in consultation with the most likely descendent.

Level of Significance After Mitigation: Less than Significant

Impact CULT-4: The Project Could Disturb Human Remains

The Project, during mining operations, could uncover and disturb unidentified human remains.

Although no human remains were identified in the course of the archaeological and historical resources survey in the Project site, the possibility that remains could be found nonetheless exists. This would be considered a potentially significant impact.

Level of Significance Before Mitigation: Potentially Significant

Mitigation Measure CULT-4:

The Applicant shall work with the NAHC to develop and execute an agreement between themselves and the most likely descendant(s) of Native Americans who may be buried in the vicinity by which the human remains and associated burial items will be treated or disposed, with appropriate dignity.

In the event that unanticipated human remains are discovered, work will immediately stop at the discovery location and any nearby area reasonably suspected to overlie adjacent human remains. The Fresno County Coroner shall immediately be contacted to determine if the cause of death must be investigated. If the coroner has reason to believe that the remains are of Native American origin, he or she will contact the NAHC by telephone within 24 hours (PRC § 7050.5).

The NAHC and landowner will follow prescribed steps in PRC Section 5097.98, which include but are not limited to the following: The NAHC will notify those persons it believes to be the most likely descended from the deceased Native American. The most likely descendant may recommend to the landowner the means of treating and disposing of, with appropriate dignity, the human remains and any associated grave goods. The landowner shall ensure the immediate vicinity of the Native American human remains is not damaged or disturbed by further development activity until the landowner has discussed and conferred with the most likely descendants regarding their recommendations.

Level of Significance After Mitigation: Less than Significant

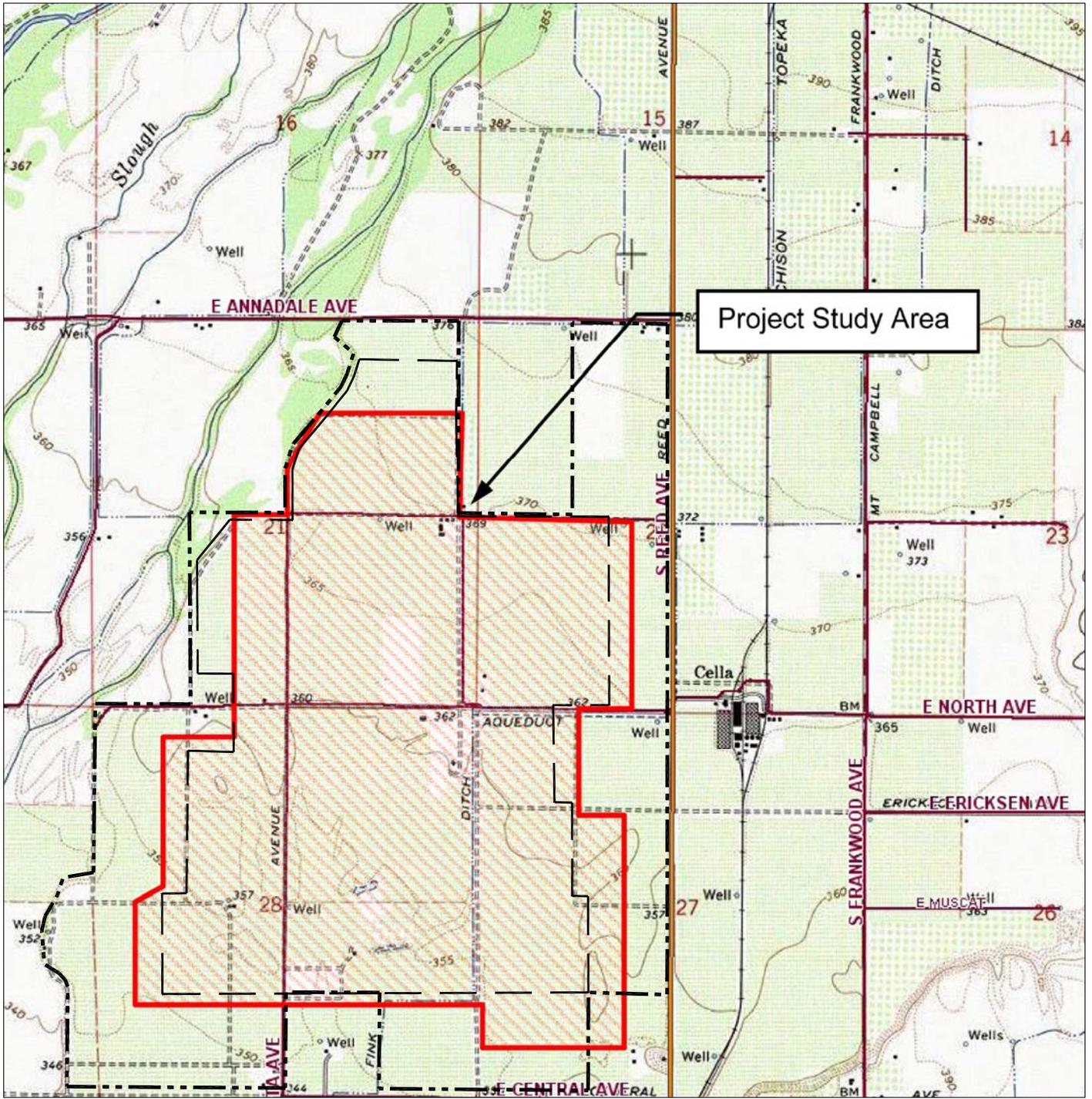
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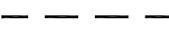
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SOURCE: Cultural Resources Survey of the Carmelita Project, Sierra Valley Cultural Planning (09-2009)



-  Project Study Area
-  Project Study Boundary
-  Project Site Boundary
-  Limits of Surface Disturbance



0 2000'

 SCALE: 1" = 2000'-0"

Project Site
Sanger, Fresno County, CA
 CULTURAL RESOURCES ENVIRONMENTAL IMPACT ANALYSIS
 CARMELITA PROJECT



Figure 2a: View South along Fink Ditch.

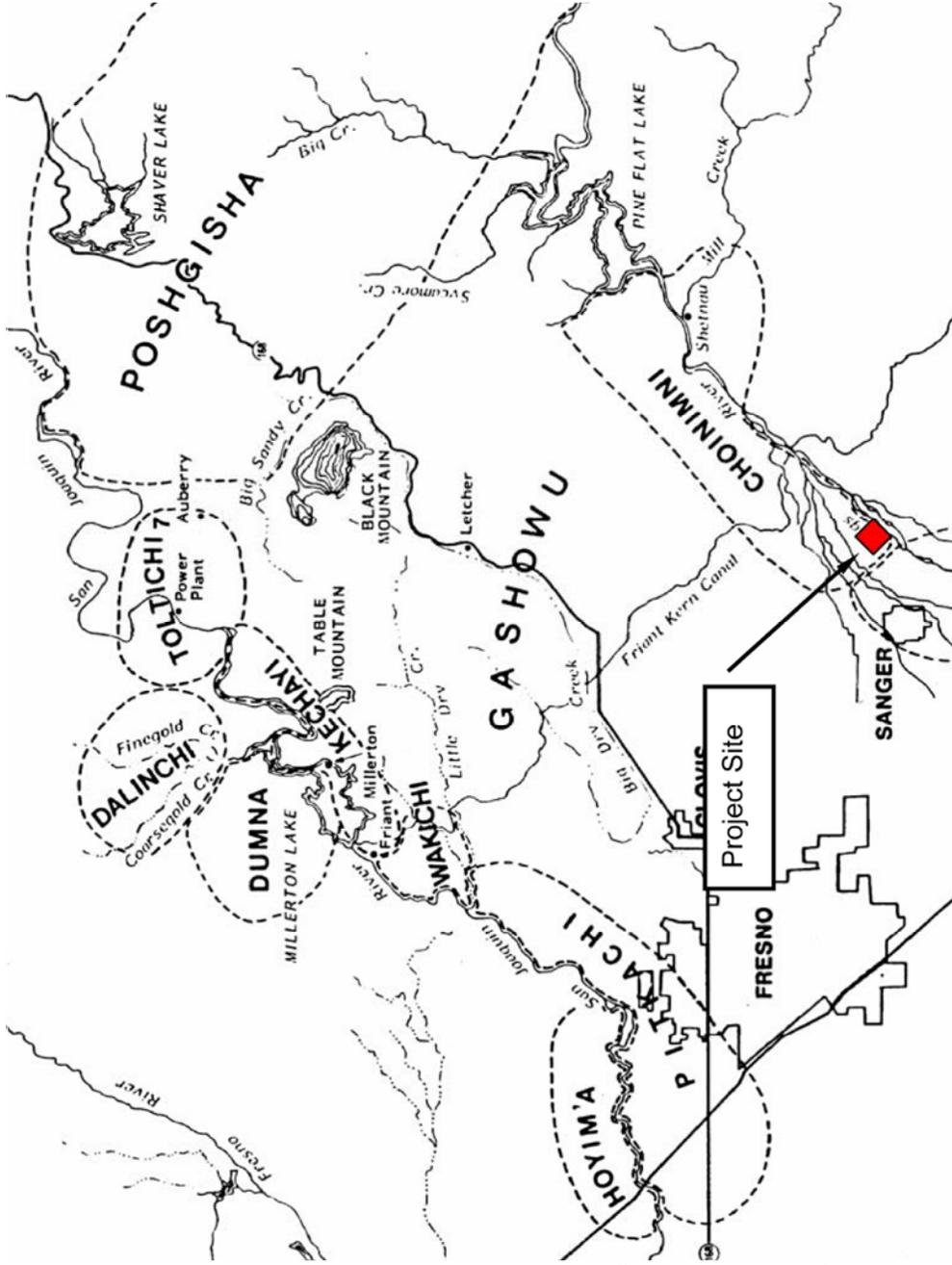
SOURCE: Cultural Resources Survey of the Carmelita Project,
Sierra Valley Cultural Planning (09-2009)



Figure 2b: Cleared former orchard located in the east-central project area; Campbell Mountain is in the background.

Project Site Photographs Sanger, Fresno County, CA

CULTURAL RESOURCES ENVIRONMENTAL IMPACT ANALYSIS
CARMELITA PROJECT



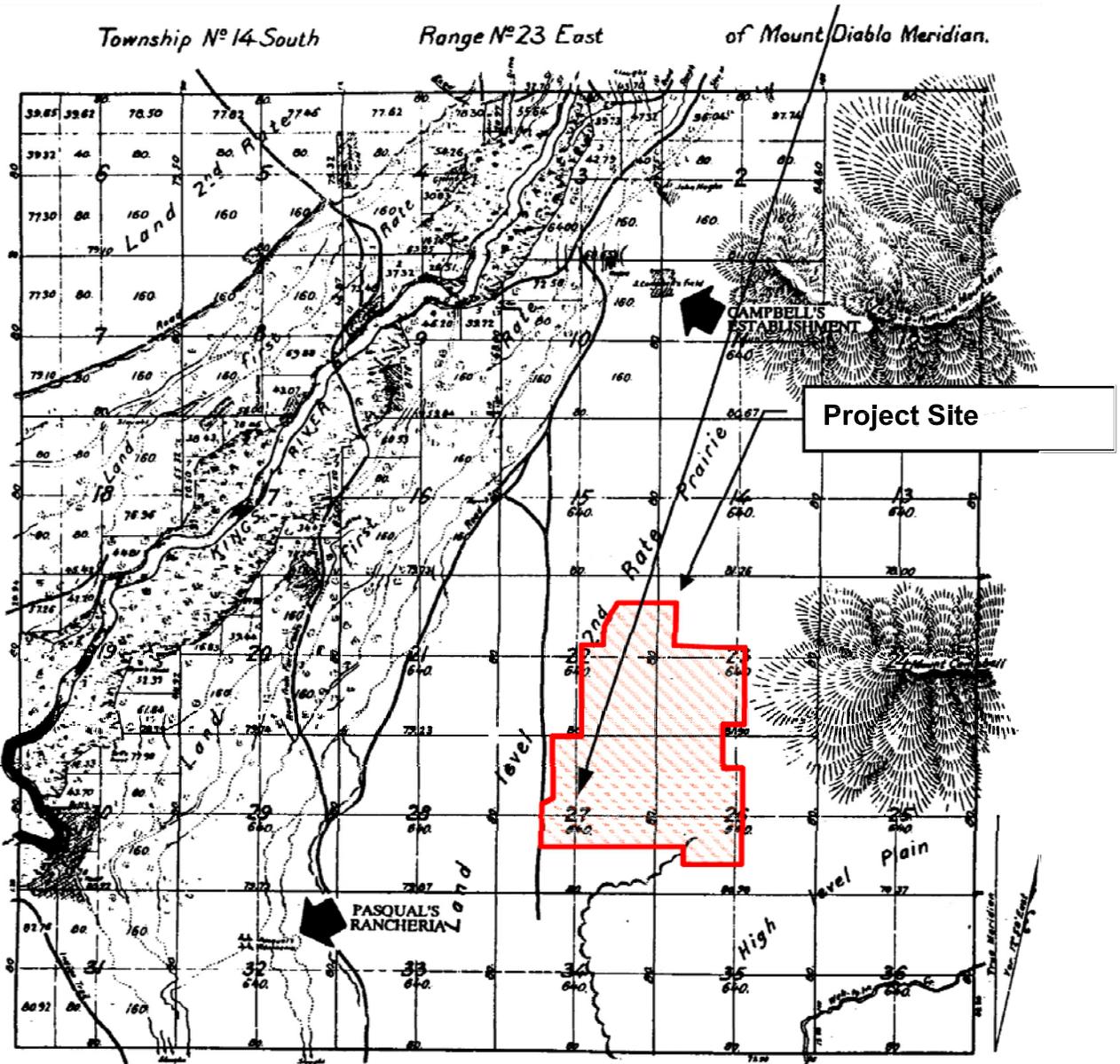
SOURCE: Cultural Resources Survey of the Carmelita Project, Sierra Valley Cultural Planning (09-2009)

NOTE: Adapted from drawing by Tim Seymour in Meighan and Dillon (1987)

Ethnographic Tribal Areas in Fresno County, CA

CULTURAL RESOURCES ENVIRONMENTAL IMPACT ANALYSIS
CARMELITA PROJECT

SOURCE: Cultural Resources Survey of the Carmelita Project, Sierra Valley Cultural Planning (09-2009)



The above plat of Township N° 14 South, Range N° 23 East "Mount Diablo Base & Meridian Line" has been made out from & in conformity to the field notes of the undermentioned Surveys thereof, returned to and filed in this Office, which have been Examined and Approved.

Under Contract		Work executed & exhibited	Distance			Cost		Payments charged in accounts of the Surveyor General for the
Dated	With		Miles	Chs.	Lts.	Dollars	Cents	
August 13 th 1853	Jos. A. Tivy	North Boundary of the Township	6	0	00	84	00	4 th Quarter 1853
.	.	East	4	0	00	58	00	.
.	.	South	6	0	00	84	00	.
.	.	West	6	0	00	84	00	.
May 27 th 1854	.	Section Lines	53	31	07	640	86	1 st 1855
.	.	Meanders	13	24	32	199	58	.
						1,148. 22		

NOTE: Figure shows Cambell's establishment and Pasquals's Rancheria relative to Project Site.

Original Government Land Office Plat Map (1855)
 CULTURAL RESOURCES ENVIRONMENTAL IMPACT ANALYSIS
 CARMELITA PROJECT



**A CULTURAL RESOURCES SURVEY OF THE
CARMELITA PROJECT,
SANGER, FRESNO COUNTY, CALIFORNIA**

Prepared by:

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Submitted to:

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February 2010

Topographic Quadrangle: Wahtoke, Calif., 7.5' (1966)
Area: 898 acres (363.4 hectares)

(Keywords: *Fresno County, Township 14S, Range 23E, Kings River,
Choinimne Yokuts, Wahtoke, Wahahlish, Campbell Mountain, Jesse Morrow Mountain*)

MANAGEMENT SUMMARY

On October 28-29, 2008 and February 17, 2010, a cultural resources survey was performed of 898 acres (363.4 hectares) of the 1,500-acre Carmelita Project site. The Project site is located immediately east of Byrd Slough and approximately four miles east of the City of Sanger, at the base of the Sierran Nevada foothills in east-central Fresno County, California (Project Study Area; Township 14S, Range 23E, Sections 21, 22, 27, and 28, MDB&M; see Figure 1).

The property owners are investigating the potential for development of a gravel mining project within the parcel. The present study was performed to identify any significant cultural resources (historic properties) that may be present within the portion of the Project area that could encounter ground-disturbing activities. Provisions and implementing guidelines of the California Environmental Quality Act (CEQA), as amended July 11, 2006, state that identification and evaluation of historical resources is required for any action that may result in a potential adverse effect on the significance of such resources, which include archaeological resources.

No historic properties (properties eligible for listing in the California Register of Historical Resources) were identified as a result of surface inspection of the Project Study Area; thus, it is unlikely that development of the Carmelita Project will have an effect on important archaeological, historical, or other cultural resources. No further cultural resources investigation is therefore recommended. In the unlikely event that buried archaeological deposits are encountered during project-related activities, work in the immediate vicinity of the discovery must cease until the finds have been evaluated by a qualified archaeologist. Should human remains be encountered during development, the County Coroner must be contacted immediately; if the remains are determined to be Native American, then the Native American Heritage Commission must be contacted as well.

1.0 INTRODUCTION

This report presents the findings of an archaeological survey of 898 acres (363.4 hectares; Project Study Area) of the 1,500-acre Project site.

This cultural resources investigation was performed at the request of Mr. Michael Mallery and addresses county and state regulatory requirements regarding cultural resources. Specifically, the present study was performed to identify any significant cultural resources (historic properties) that may be present within the Project Study Area. Provisions and implementing guidelines of the California Environmental Quality Act (CEQA), as amended July 11, 2006, state that identification and evaluation of historical resources is required for any action that may result in a potential adverse effect on the significance of such resources, which include archaeological resources.

A brief description of the natural and cultural setting of the Project Study Area follows this introduction. Survey methods and findings are presented in the subsequent section.

2.0 SETTING

The Project Study Area is located on the eastern edge of the San Joaquin Valley at the base of the Sierra Nevada foothills in the Kings River drainage. Modern-day land use within the area includes stone fruit orchards and gravel mining. The Project site is bounded by South Reed Avenue on the east, East Central Avenue on the south, East Annandale Avenue on the north, and Byrd Slough on the west. Fink Ditch, an earthen water conveyance feature, crosses through the parcel. Several commercial structures are present within the parcel, all of which are of modern construction. Figures 2a-b provide overviews of the Project site.

2.1 Natural Environment

The Project Study Area is located on level terrain just east of Byrd Slough which drains into the Kings River to the south. Campbell Mountain is located approximately one mile to the east of the project area. Due to agriculture, little native vegetation remains within the immediate study area. Soils within the project area include silty sands with numerous river-rounded cobbles. Elevation ranges from approximately 350 to 375 ft (107-114 m) above mean sea level.

Prior to EuroAmerican intrusion and settlement in the region, the San Joaquin Valley was an extensive wetland with contiguous rivers, sloughs, and lakes. Stands of trees -- sycamore, cottonwoods, and willows -- lined the higher elevation stream courses such as the Kings River, with dense stands of tule rushes in lower wetland areas. Rivers and lakes yielded fish, mussels, and pond turtles; migratory waterfowl nested in the dense tules. Historically the Kings River had two annual salmon runs. Tule elk, sometimes referred to by early Spanish explorers as wild horses, found ample forage. Smaller mammals and birds, including jackrabbits, ground squirrels, and quail were abundant.

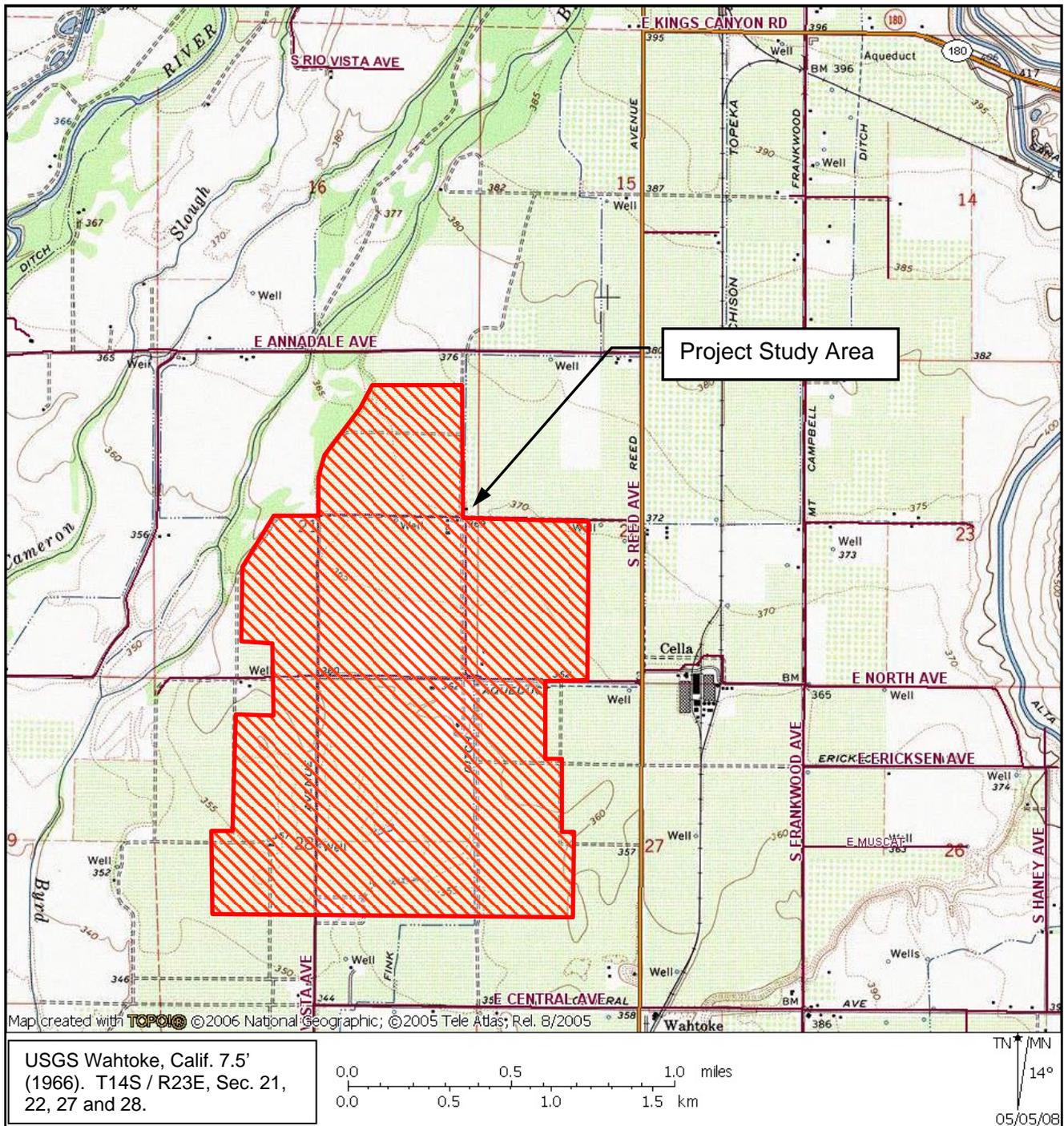


Figure 1. Project Study Area, Sanger, Fresno County, CA.



Figure 2a. View south along Fink Ditch.



Figure 2b. Cleared former orchard located in the east-central project area; Campbell Mountain is in background.

2.2 Prehistoric Period Summary

The San Joaquin Valley and adjacent Sierran foothills and Coast Range have a long and complex cultural history with distinct regional patterns that extend back more than 11,000 years (McGuire 1995). The first generally agreed-upon evidence for the presence of prehistoric peoples in the region is represented by the distinctive basally-thinned and fluted projectile points, found on the margins of extinct lakes in the San Joaquin Valley. These projectiles, often compared to Clovis points, have been found at three localities in the San Joaquin Valley including along the Pleistocene shorelines of former Tulare Lake. Based on evidence from these sites and other well-dated contexts elsewhere, these Paleo-Indian hunters who used these spear points existed during a narrow time range of 11,550 BP to 8,550 BP (Before Present; Rosenthal et al. 2007).

As a result of climate change at the end of the Pleistocene, a period of extensive deposition occurred throughout the lowlands of central California, burying many older landforms and providing a distinct break between Pleistocene and subsequent occupations during the Holocene. Another period of deposition, also a product of climate change, had similar results around 7,550 BP, burying some of the oldest archaeological deposits discovered in California (Rosenthal and Meyer 2004).

The Lower Archaic (8,550-5,550 BP) is characterized by an apparent contrast in economies, although it is possible they may be seasonal expressions of the same economy. Archaeological deposits which date to this period on the valley floor frequently include only large stemmed spear points, suggesting an emphasis on large game such as artiodactyls (Wallace 1991). Recent discoveries in the adjacent Sierra Nevada have yielded distinct milling assemblages which clearly indicate a reliance on plant foods. Investigations at Copperopolis (LaJeunesse and Pryor 1996) argue that nut crops were the primary target of seasonal plant exploitation. Assemblages at these foothill sites include dense accumulations of handstones, millingslabs, and various cobble-core tools, representing "frequently visited camps in a seasonally structured settlement system (Rosenthal et al. 2007:152). As previously stated, these may represent different elements of the seasonal round. What is known is that during the Lower Archaic, regional interaction spheres had been well established. Marine shell from the central California coast has been found in early Holocene contexts in the great basin east of the Sierra Nevada, and eastern Sierra obsidian comprises a large percentage of flaked stone debitage and tools recovered from sites on both sides of the Sierra.

About 8,000 years ago, many California cultures shifted the main focus of their subsistence strategies from hunting to nut and seed gathering, as evidenced by the increase in food-grinding implements found in archeological sites dating to this period. This cultural pattern is best known for southern California, where it has been termed the Milling Stone Horizon (Wallace 1954, 1978a), but recent studies suggest that the horizon may be more widespread than originally described and is found throughout the region during the Middle Archaic Period. Radiocarbon dates associated with this period vary between 8,000 and 2,000 BP, although most cluster in the 6,000 to 4,000 BP range (Basgall and True 1985).

On the valley floor, early Middle Archaic sites are relatively rare. This changes significantly toward the end of the Middle Archaic. In central California late Middle Archaic settlement focused on river courses on the valley floor. "Extended residential settlement at these sites is indicated by refined and specialized tool assemblages and features, a wide range of nonutilitarian artifacts, abundant trade objects, and plant and animal remains indicative of year-round occupation" (Rosenthal et al. 2007:154). Again, climate change apparently influence this shift, with warmer, drier conditions prevailing throughout California. The shorelines of many lakes, including Tulare Lake, contracted substantially, while at the same time rising sea levels favored the expansion of the San Joaquin/Sacramento Delta region, with newly formed wetlands extending eastward from the San Francisco Bay.

**PRIVILEGED AND CONFIDENTIAL
ATTORNEY-CLIENT COMMUNICATION**

In contrast, early Middle Archaic sites are relatively common in the Sierran foothills, and their recovered, mainly utilitarian assemblages, show relatively little change from the preceding period with a continued emphasis on acorns and pine nuts. Few bone or shell artifacts, beads, or ornaments have been recovered from these localities. Projectile points from this period reflect a high degree of regional morphological variability, with an emphasis on local toolstone material supplemented with a small amount of obsidian from eastern sources. In contrast with the more elaborate mortuary assemblages and extended burial mode documented at Valley sites, burials sites documented at some foothill sites such as CA-FRE-61 on Wahtoke Creek are reminiscent of “re-burial” features reported from Milling Stone Horizon sites in southern California. These re-burials are characterized by re-interment of incomplete skeletons often capped with inverted millingstones (McGuire 1995:57).

A return to colder and wetter conditions marked the Upper Archaic in Central California (2,500-1,000 BP). Previously desiccated lakes returned to spill levels and increased freshwater flowed in the San Joaquin and Sacramento watershed. Cultural patterns as reflected in the archeological record, particularly specialized subsistence practices, emerged during this period. The archeological record becomes more complex as specialized adaptations to locally available resources were developed and valley populations expanded into the lower Sierran foothills. New and specialized technologies expanded distinct shell bead types occur across the region. The range of subsistence resources utilized and exchange systems expanded significantly from the previous period. In the Central Valley, archaeological evidence of social stratification and craft specialization is indicated by well-made artifacts such as charmstones and beads, often found as mortuary items.

The period between approximately 1,000 BP and EuroAmerican contact is referred to as the Emergent Period. The Emergent Period is marked by the introduction of bow and arrow technology which replaced the dart and atlatl at about 1,100 to 800 BP. In the San Joaquin region, villages and small residential sites developed along the many stream courses in the lower foothills and along the river channels and sloughs of the valley floor. A local form of pottery was developed in the southern Sierran foothills along the Kaweah River. While many sites with rich archaeological assemblages have been documented in the northern Central Valley, relatively few sites have been documented from this period in the southern Sierran foothills and adjacent valley floor, despite the fact that the ethnographic record suggests dense populations for this region.

2.3 Ethnographic Summary

Prior to EuroAmerican settlement, most of the San Joaquin Valley and the bordering foothills of the Sierra Nevada and Diablo Range were inhabited by speakers of Yokutsan languages. The bulk of the Valley and Foothill Yokuts people lived on the eastern side of the San Joaquin River. The Project site falls within territory occupied by the Choinimne Yokuts (Figure 3). To the west is territory once held by the Wechihit Yokuts (Kroeber 1925: Plate 47; Latta 1999:171; Noren n.d.; Wallace 1978:448). Centerville is located at the western terminus of Choinimne Yokuts territory. The village of Kipai'yu was situated to the north of the study area on Byrd Slough, approximately 3 miles north of the Project site (Gayton 1948: Map 2; McCarthy 1995:12). Pulwoi, originally a Wechihit village, was occupied by numerous Choinimne during the early decades of the twentieth century while working on the farms and orchards in the Reedley vicinity (McCarthy 1995:11-12).

Jesse Morrow Mountain, located to the northeast of the study area, was formerly labeled Choinimne Mountain on older maps, including USGS maps of the area. According to McCarthy (1995:11), the Choinimne name for the mountain is Wahahlish, “Someone Cried.” Latta (1999) notes, however, that it is Campbell Mountain to the east that is called by this name. The valley between Jesse Morrow and Campbell mountains is called Wuhlahlyu; this was an area where people went to gather red maid seeds in the spring (McCarthy 1995:11).

The Native American occupants of the San Joaquin Valley and adjoining Sierra Nevada foothills were hunters and gatherers who depended on the seasonal procurement of locally abundant vegetal and faunal resources. The Choinimne lived in permanently established villages during most of the year, usually between October and May (Gayton 1930:365). During the remainder of the year Choinimne people would move across their territory tracking seasonally available plant resources as well as game and fish. Principal villages were situated along permanent stream courses, while temporary camp sites and special use areas were scattered throughout their territory. Bedrock milling sites, the most visible vestige of Native American occupation, were located in rock boulders and outcrops above stream courses. The abundance of resources in the valley and adjoining foothills provided a nearly sedentary life, with high population density typically limited elsewhere to agricultural adaptations (Baumhoff 1963).

Numerous accounts of Valley Yokuts lifeways offer details of pre-European land use in the San Joaquin Valley. The reader is referred to Gayton (1930, 1948), Kroeber (1925), Latta (1999), Spier (1978) and Wallace (1978) for additional information on pre-contact Yokuts subsistence and culture.

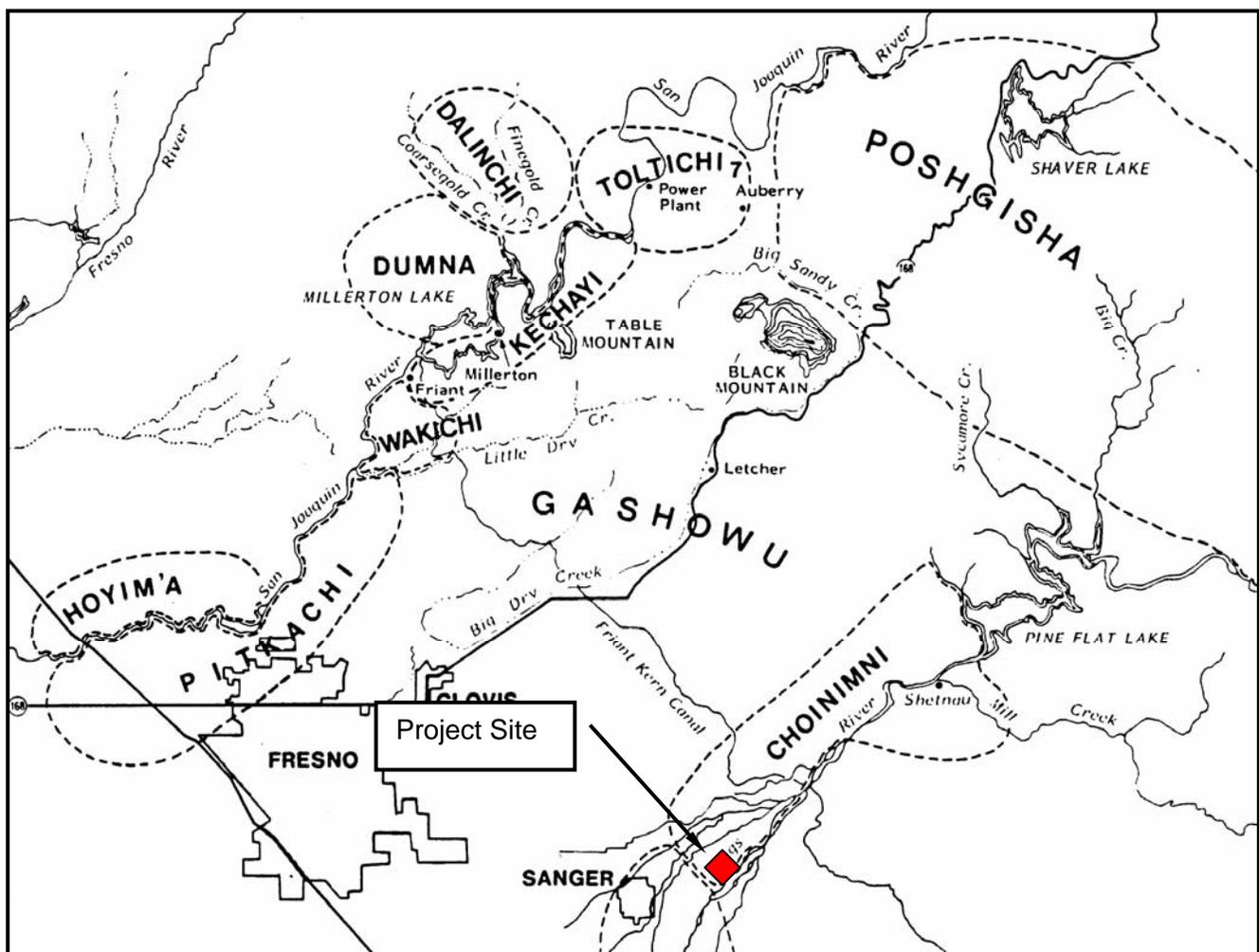


Figure 3. Ethnographic Tribal Areas in Fresno County, California (adapted from drawing by Tim Seymour in Meighan and Dillon 1987).

2.4 Historic Period Summary

The Kings River area was visited in the early 1800s by Spanish expeditions exploring the interior in search of potential mission sites. Lt. Gabriel Moraga, accompanied by Fr. Pedro Muñoz, about 25 soldiers, and a few neophytes arrived in the territory of the Wechihit on October 16, 1806 (Phillips 1993:50). Moraga's group visited the Aiticha and several villages downstream.

In April of 1851 negotiations were held between the U.S. government and the 16 tribes of the central Sierra foothills at Camp Barbour on the San Joaquin River, resulting in the signing of a treaty between the tribes and the government (which, along with 17 other negotiated treaties, was never ratified). Part of these treaties involved the creation of reserves for the tribes to protect them from intruding miners and settlers (Heizer 1972). A reserve was created on the Kings River (the Kings River Farm) and William Campbell established a trading post which served as agency headquarters. This was located east of the project study area in Township 14S, Range 23E, SW 1/4 Sec. 9). At one point the Farm included 350 acres of arable land and was fenced and irrigated. An 1854 GLO plat map depicts several fields and structures in this area including Campbell's house; Pasqual's rancharia is noted southwest of the study area in Section 32. A copy of this map is included as Figure 4. Poktown, also referred to as Bobtown and located just southeast of Minkler, was an ethnically mixed historic settlement where Choinimne and other local Indian peoples lived while working on the reserve and other nearby farms (McCarthy 1995:11).

2.5 Record Search Results

Prior to field inspection, a record search was conducted by the author with the Southern San Joaquin Valley Information Center of the California Historical Resources Information System (SSJVIC) to identify areas previously surveyed and identify known cultural resources present within or in close proximity to the Project Study Area (Attachment 1). There are no recorded cultural resources within the Project Study Area or within ½ mile radius of the study area. No previous cultural resources surveys have been completed within the project study area. Four cultural resource surveys have been conducted within ½ mile of the project area (see Attachment 1).

3.0 METHODS AND FINDINGS

On October 28-29, 2008 and February 17, 2010, the author and one assistant conducted a mixed strategy cultural resources survey of the 898-acre Project Study Area. All open areas were walked using 20-meter transects. Those portions of the Project Study Area planted in orchards were surveyed by walking along every third row of trees. Surface visibility was good in most of the study area, with limited visibility within orchard areas due to leaf duff and grasses. The survey included surface inspection for evidence of prehistoric and/or historic-period archaeological artifacts, structures and features.

No archaeological deposits, isolated finds or other cultural resources were identified during the cultural resources survey. No plant resources of potential value for Native Americans such as sedge or deer grass, which are of importance in the traditional methods of basketry construction, were observed in the surveyed area.

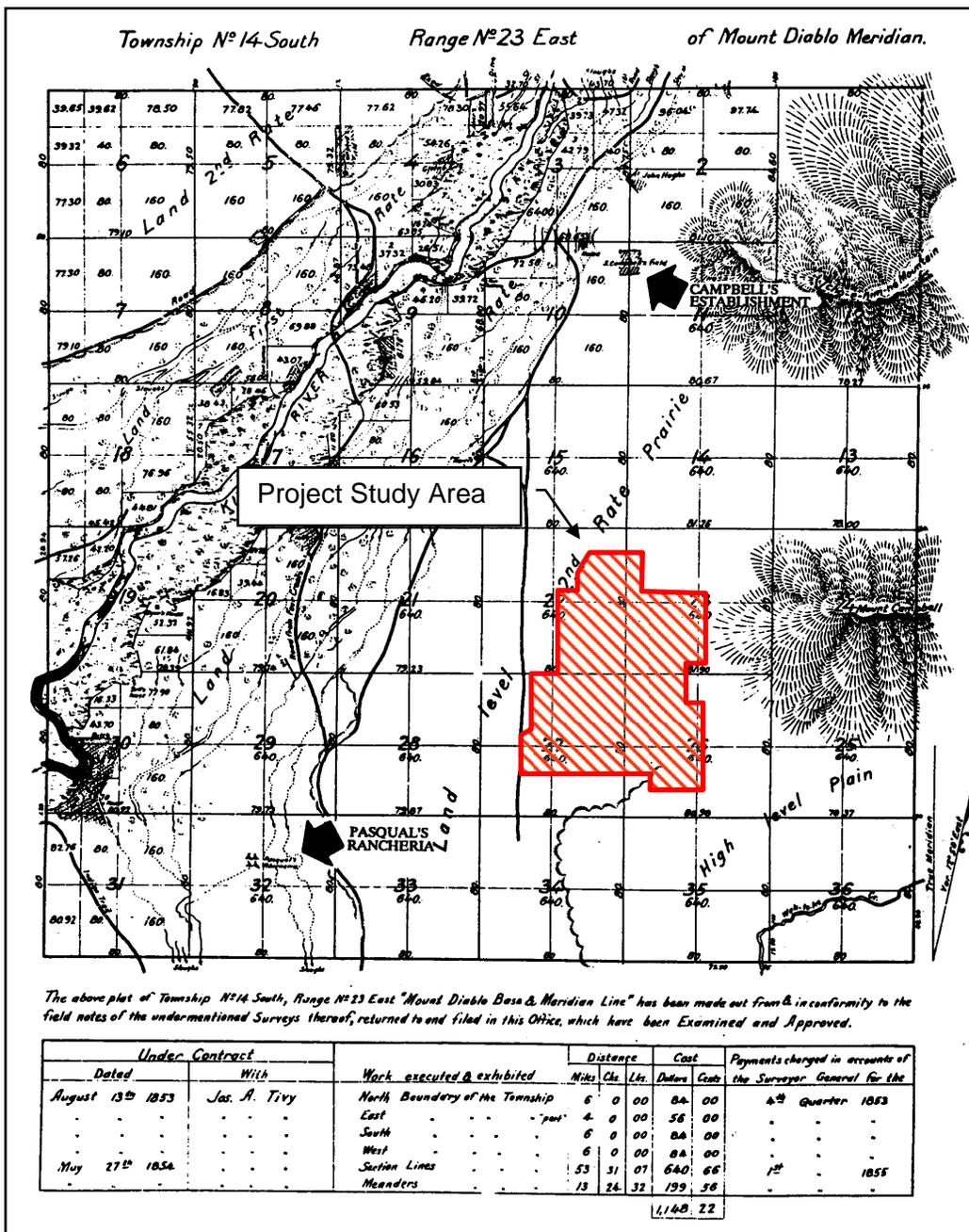


Figure 4. Original Government Land Office Plat Map (1855) showing Campbell's Establishment and Pasqual's Rancheria relative to the Project Study Area.

**PRIVILEGED AND CONFIDENTIAL
ATTORNEY-CLIENT COMMUNICATION**

In conclusion, no historic properties (i.e., cultural resources eligible for inclusion on the California Register of Historical Resources) were identified within the Project Study Area; thus, it is unlikely that development of the Carmelita Project will have an effect on significant or important archaeological or other cultural resources. Therefore, no further cultural resource investigation is recommended at this time. In the unlikely event that unanticipated buried archaeological deposits are encountered during Project-related activities, work in the immediate vicinity of the discovery must cease until the finds can be evaluated by a qualified archaeologist. Should human remains be encountered within the Project area, the County Coroner must be contacted immediately; if the remains are determined to be Native American, then the Native American Heritage Commission must be contacted as well.

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**PRIVILEGED AND CONFIDENTIAL
ATTORNEY-CLIENT COMMUNICATION**

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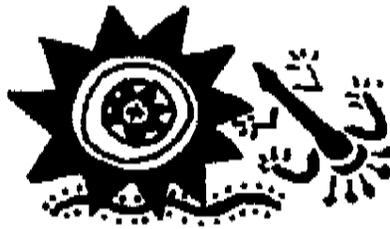
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Attachment 1:

Cultural Resources Records Search,
Southern San Joaquin Valley Information Center
of the California Historical Resources
Information System
(Records Search #08-346)

**CALIFORNIA
HISTORICAL
RESOURCES
INFORMATION
SYSTEM**



**FRESNO
KERN
KINGS
MADERA
TULARE**

Southern San Joaquin Valley
Archaeological Information Center
California State University, Bakersfield
9001 Stockdale Highway
31 MW
Bakersfield, California 93311-1022
(661) 654-2289 FAX (661) 654-2415
E-mail: abaldwin@csu.edu

TO: C. Kristina Roper, Consulting Archaeologist
Sierra Valley Cultural Planning
41845 Sierra Drive
Three Rivers, CA 93271

(RS# 08-346)

DATE: October 17, 2008

RE: Gerawan Farming Mine Project

County: Fresno

Map(s): Wahtoke 7.5'

CULTURAL RESOURCES RECORDS SEARCH

The Southern San Joaquin Valley Information Center is under contract to the State Office of Historic Preservation and is responsible for the local management of the California Historical Resources Inventories. The following are the results of a search of the cultural resources site files at the IC. These files include known and recorded archaeological and historic sites, inventory and excavation reports filed with this office, and properties listed in the Historic Property Data File (8/18/08), on the National Register of Historic Places, the California Register, the California Historical Landmarks, The California Inventory of Historic Resources, and The California Points of Historical Interest.

PRIOR CULTURAL RESOURCE INVENTORIES WITHIN THE PROJECT AREA AND A ONE-HALF MILE RADIUS

According to the information in our files, there have been no studies conducted within the project area. There have been four (4) surveys within a one-half mile radius, FR-518, FR-764, FR-1606, & FR-2206. Survey locations and their associated report numbers are on the project map.

KNOWN CULTURAL RESOURCES WITHIN THE PROJECT AREA AND A ONE- HALF MILE RADIUS

There are no recorded cultural resources within the project area and within a $\frac{1}{2}$ mile radius.

(RS# 08-346)

There are no known cultural resources within the project area that are listed in the National Register of Historic Places, Historic Property Data File, the California Register, California Inventory of Historic Resources, California Points of Historical Interest, or the California State Historic Landmarks.

COMMENTS

The report title pages are enclosed. If you need any additional information for this project, please don't hesitate to contact me at (661) 654-2289.

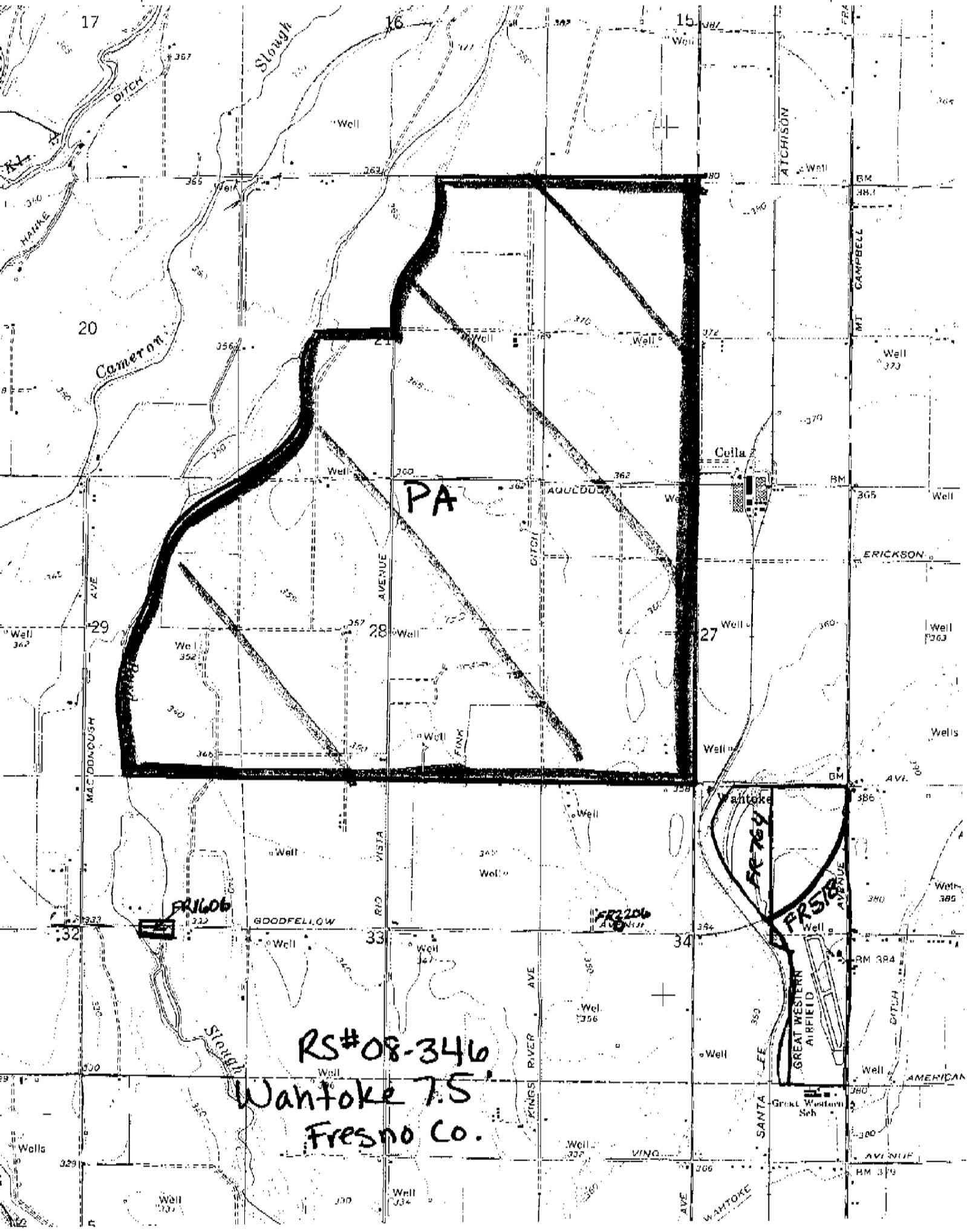
By:

Brian E. Hemphill, Ph. D.
Coordinator

Date: October 17, 2008

Fee: \$225.00/hr. (Priority Service)

Please note that invoices for Information Center services will be sent under separate cover from the California State University, Bakersfield Accounting Office.



PA

RS#08-346
Wantoke 7.5
Fresno Co.

FR 764

FR 518

GREAT WESTERN AIRFIELD

WANTOKE

Slough

Cameron

Cella

AQUEDUCO

DITCH

AVENUE

VISTA

GOODFELLOW

RIVER

SANTA LEE

VINO

AMERICAN

AVENUE

ATCHISON

CAMPBELL

ERICKSON

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NEGATIVE ARCHAEOLOGICAL SURVEY REPORT

I. PROJECT DESCRIPTION:

For a proposed revision of the airport master plan, an archaeological survey of the existing Reedley Municipal Airport property was carried out. The parcel in question is comprised of approximately 143 acres, part of the East 1/2 of the East 1/2 of Section 34, T14S, R23E, Mount Diablo Base and Meridian. The airport lies approximately four miles north of the City of Reedley in Fresno County. The parcel is bounded by the following streets: on the East by Frankwood Avenue, on the North by Central Avenue, and on the South by the extension of American Avenue. The western edge of the parcel roughly follows a bluff line.

II. STUDY FINDINGS:

Survey results were negative; no historic or prehistoric sites were identified within the Area of Potential Effects (APE) for the Reedley airport. However, if cultural materials are unearthed at any time in the future, that work must be halted in the vicinity of the find until a qualified archaeologist can assess its significance. If human remains are unearthed during construction, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the Fresno County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If such remains are Native American, the Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours; the most likely descendants then have 24 hours to recommend proper treatment or disposition of the remains, following NAHC guidelines.

III. INTRODUCTION:

NAMES OF SURVEYORS: James S. Kus and Claudia A. Mader

QUALIFICATIONS: Ph.D. in Geography; Professor of Geography, CSU Fresno;
27 years experience working in California and Peruvian archaeology

M.A. in Art; 9 years experience in California archaeology

FIELDWORK DATES: April 5 and April 6, 1996

Southern San Joaquin Valley
Archaeological Information Center
9901 Stockdale Highway
Fresno, CA 93711-1099

FR 00518

Reedley Municipal Airport
Proposed Site

By: Dudley Varner

April 1975

Wahtoke 7.5' USGS Quad

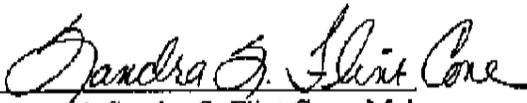
FR-00764

**ARCHAEOLOGICAL SURVEY REPORT
FOR THE
KINGS RIVER SLOUGH BRIDGE
REPLACEMENT PROJECT**

**GOODFELLOW AVENUE
FRESNO COUNTY, CALIFORNIA**

**06-FRE-0-CR
BRLO 5942(075)**

Sandra S. Flint Cone


Approved: Sandra S. Flint Cone, M.A.

Prepared By:



Applied EarthWorks, Inc.
5090 N. Fruit Ave., Suite 101
Fresno, California 93711

Submitted To:

The Twining Laboratories
2527 Fresno Street
Fresno, California 93721

Southern San Joaquin Valley
Archaeological Information Center
9001 Stockdale Highway
Bakersfield, CA 93311-1099

November 1999

F R 01606



June 19, 2006

Office of Historic Preservation
 Department of Parks and Recreation
 Attn: Wayne Donaldson
 PO Box 942896
 Sacramento, CA 94296-0001

COPY

Re: SHPO Cover Letter
 FCC Form 620 (Section 106) Submittal
 EarthTouch Inc. (Consultants on behalf of Nextel of California dba Sprint Nextel [Nextel])
 Anadale / CA-3279F
 Near Reedley, Fresno County, California

Dear Mr. Donaldson:

EarthTouch Inc. (36 CFR 61 qualified consultants), on behalf of Nextel, is providing FCC Form 620, New Tower (NT) Submission Packet, for the proposed antenna installation at the above-referenced location. In order to comply with Section 106 of the National Historic Preservation Act, the information on this form identifies cultural resources in the area surrounding our project area and considers the effect of our project upon these resources. The contents of the FCC Form 620 and all pertinent appendices immediately follow this cover letter.

The following is a summary of the submittal and its determinations:

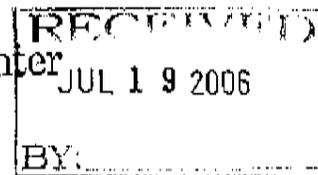
Project Name:	Anadale / CA-3279F
Project Activity:	Cellular facility installation
Project Address:	18138 Goodfellow Road Near Reedley, in unincorporated Fresno County, CA 93654
Federal Agency:	FCC (Delegated to Nextel of California dba Sprint Nextel./EarthTouch Inc.)
Historic Properties:	0
Nat. Reg. Properties:	0
Nat. Reg. Eligible Properties:	0
Archaeological Sites:	0
Effect:	No Effect

Our (EarthTouch Inc., nec Nextel of California dba Sprint Nextel.) signature of this cover sheet is to certify that all representations on this Form NT (FCC Form 620) and the accompanying attachments are true, correct, and complete.

Lorna Billat

Lorna Billat
 EarthTouch Inc.
 801.423.1014

Southern San Joaquin Valley
 Archaeological Information Center
 9901 Stockdale Highway
 Bakersfield, CA 93311-1099





Carmelita Project EIR Technical Report Review

SUBJECT/RESOURCE AREA: Cultural Resources

REPORT PREPARED BY: Benchmark Resources, July 2010

REVIEWED BY: Dean Martorana URS Corporation

DATE OF REVIEW: August 30, 2010

Technical Report Summary:

The cultural resource report submitted in support of the proposed project, *A Cultural Resource Survey of the Carmelita Project, Sanger, Fresno County, California* (Roper 2010), did not identify any historic properties (properties eligible for listing in the California Register of Historical Resources) during the surface inspection of the project Study Area. According to Roper (2010:1), “it is unlikely that development of the Carmelita Project will have an effect on important archaeological, historical, or other cultural resources. No further cultural resources investigation is therefore recommended.” The report recommends an accidental discovery mitigation measure be implemented to minimize any inadvertent impacts to unknown cultural resources that may result from the project.

Conclusions/Areas of Concern:

It appears that, by and large, the methods employed to identify historical resources are consistent with the standard practice for a CEQA-level project. However, there are a few items of concern regarding the nature of the survey. The report briefly summarizes the natural and cultural settings and describes a records search conducted at the South Central Valley Information Center for the project area, including a ½-mile buffer. However, what is described as a “mixed-strategy” survey of 898-acres of the project area was conducted

by two surveyors in three days and “all open areas” were apparently surveyed using 20-meter transects (each surveyor spaced apart by 20-meters). At this spacing, that many acres would not be possible in two days; with no recordation of sites, approximately 60-acres a day per person is typically expected. The surface visibility was good throughout, so no major impediments to the visibility of the surface (e.g. grasses) was described in the report. If the mixed-strategy included more cursory coverage of some acreage, this was not adequately described in the report. Further, the report describes a 898-acre survey of the 1,500-acre “Project site”. No explanation is provided on why only 898-acres were surveyed. It’s conceivable that this was the amount of acreage the archaeologists were granted access to, but there is no way of knowing.

In addition, while it is not often considered critical to a CEQA-level investigation, no substantial discussion of the geologic setting or the landscape evolution of the project site was provided. This information can help to illuminate whether the potential exists for buried archaeological deposits. This may be useful information especially in a mining project where large amounts of excavation is expected. It appears the site was, at one time, the river bed of the Kings River; hence, the preponderance of aggregate and other heavy clastics left behind. Given the proximity to this river corridor, human occupation of this area was highly likely. Roper (2010) concludes that the potential for buried deposits is unlikely, but very little evidence was provided to support this.

No Native American communication was described. It is now standard practice to at least notify the Native American Heritage Commission of the project and determine if any sacred lands are present at the site. Again, while not explicit in CEQA, this process is treated as a part of a good faith effort to complete a literature review of any known cultural resources potentially impacted by the project.

Lastly, no discussion of the built environment was provided. According to URS planners who had participated in site visits, a number of agricultural structures, including an old barn, were identified (David Young, personal communication, August 27, 2010). These structures are very likely not eligible as historic resources under CEQA; however, if the structures are in the project area and are to be taken or destroyed, the forthcoming EIR will need to demonstrate that there is a preponderance of evidence that they are *not* historic resources in order to determine no impact to historic resources will occur.

Recommended Revisions:

The concerns outlined above convey the revisions or additions that will likely be necessary for inclusion in the EIR section for it to be considered adequate, as summarized below:

- A letter should be sent to the Native American Heritage Commission requesting a sacred lands database search.
- A more thorough discription of the survey conducted, especially why the entire property was not surveyed.
- More description of the geologic setting as it relates to prehistoric occupation of the region.
- A descption of the project actions as it relates to expected subsurface deposits and archaeological potential.
- A discussion of the built environment—if any—in the project area and how the project actions will or will not affect them.

Certification:_____
Signature

I, Dean Martorana, have reviewed the report referenced herein and find the report has been prepared in accordance with the standards and practices of the industry. Additional data may be requested following preparation of the Administrative Draft of the EIR. I further certify that I have no present or contemplated future interest in the project nor am I associated with the project applicant in any manner.