

CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES

5.5 CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES

This chapter describes the regulatory framework and existing conditions on the project site related to cultural resources and tribal cultural resources, and the potential impacts of the project on cultural resources and tribal cultural resources.

5.5.1 ENVIRONMENTAL SETTING

5.5.1.1 REGULATORY FRAMEWORK

This section summarizes key federal and State regulations and policies that apply to historical, archaeological, and paleontological resources and human remains.

Federal Regulations

National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA) is the most influential federal law dealing with historic preservation. Under the NHPA, Congress has enacted numerous statutes that affect historic properties. One of the most important provisions of the NHPA is the establishment of the National Register of Historic Places (NRHP), the official designation of historical resources. Districts, sites, buildings, structures and objects are eligible for listing in the Register. The NRHP is administered by the National Park Service. To be eligible for the NRHP, a property must be significant under criterion A (history), B (persons), or C (design/construction); possess integrity; and ordinarily be 50 years of age or more.

Listing in the NRHP does not entail specific protection or assistance for a property, but it does guarantee recognition in planning for federal or federally assisted projects (see Section 106), eligibility for federal tax benefits, and qualification for federal historic preservation assistance.¹ The NRHP is influential beyond its statutory role because it achieves uniform standards of documentation and evaluation. Additionally, project effects on properties listed in the NRHP must be evaluated under CEQA.²

Federal Historic Significance Criteria

For federal projects, cultural resource significance is evaluated in terms of eligibility for listing in the NRHP. Structures, sites, buildings, districts, and objects over 50 years of age can be listed in the NRHP as significant Historic Properties. However, properties under 50 years of age that are of exceptional importance or are contributors to a historic district can also be included in the NRHP. The NRHP is administered by the National Park Service and includes listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or traditional cultural significance at the national, state, or local level.

¹ The National Parks Service, National Historic Preservation Act, <https://www.nps.gov/subjects/historicpreservationfund/national-historic-preservation-act.htm>, accessed on October 14, 2021.

² 2009 CEQA Guidelines. 15064.5(c), page 126.

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Criteria for listing in the NRHP are outlined in 36 CFR 60.4 and are rooted in the notion that the quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and that:

1. Are associated with events that have contributed to the broad pattern of our history;
2. Are associated with the lives of people significant in our past;
3. Embody the distinct characteristics of a type, period, or method of construction, or represent the work of a master, or possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or
4. Have yielded, or are likely to yield, information important in prehistory or history. (36 CFR 60.4)

Through amendments to the NRHP in 1992 and their implementing regulations, federal responsibilities for consultations with interested parties, and especially with Indigenous tribes, during the Section 106 process were expanded. The result has been a more focused effort by federal agencies to involve interested parties in identifying Historic Properties of cultural significance and, if warranted, in considering effects that may result from a federal undertaking.

Traditional Cultural Properties (TCP) are often identified as resources during these consultation efforts. TCPs are tangible cultural properties that have historical and ongoing significance to living communities, as evidenced in their traditional cultural practices, values, beliefs, and identity. A TCP must still meet one of the four criteria outlined in 36 CFR Part 60.4, described previously, and must retain integrity. A TCP is simply a different way of grouping or looking at historic resources, emphasizing a place's value and significance to a living community.

As such, the NRHP guidelines describe the types of cultural significance for which properties may be eligible for inclusion in the NRHP. A property with traditional cultural significance will be found eligible for the NRHP because it is associated with cultural practices or beliefs of a living community that:

- a) Are rooted in that community's history, and
- b) Are important in maintaining the continuity of the cultural identity of the community.

This type of significance is grounded in the cultural patterns of thought and behavior of a living community and refers specifically to the association between their cultural traditions and a historic property.

State Regulations

California Environmental Quality Act

The state CEQA Guidelines requires that if a project would result in significant impacts on cultural resources that are important or significant, alternative plans or measures must be considered to lessen or mitigate such impacts. Prior to the development of mitigation measures, the importance of cultural resources must be determined.

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Archaeological Resources

Public Resources Code (PRC) Section 21083.2 (CEQA Statute) and California Code of Regulations (CCR) Section 15126.4 (CEQA Guidelines) specify lead agency responsibilities to determine whether a project may have a significant effect on archaeological resources.

CEQA Section 21083.2 sets out detailed requirements for projects for which it can be demonstrated will damage a unique archaeological resource. For such projects, the lead agency may require reasonable efforts for the resources to be preserved in place or left in an undisturbed state. Preservation in place is the preferred approach to mitigation. CEQA Section 21083.2 also details required mitigation if unique archaeological resources are not preserved in place.

CEQA Guidelines Section 15064.5 also specifies procedures to be used in the event of an unexpected discovery of Native American human remains on nonfederal land. These procedures include the following provisions: (1) protect such remains from disturbance, vandalism and inadvertent destruction; (2) establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and (3) establish the Native American Heritage Commission (NAHC) as the authority to resolve disputes regarding disposition of such remains.

Historic Resources

CEQA Guidelines Section 15064.5 states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant impact on the environment. CEQA Guidelines Section 15064.5(a) states that, for purposes of CEQA, the term "historical resources" shall include the following:

- A resource listed in or determined to be eligible by the State Historical Resources Commission, for listing in the California Register (PRC Section 5024.1; Title 14 CCR, Section 4850 et seq.).
- A resource included in a local register of historical resources, as defined in PRC Section 5020.1(k) or identified as significant in an historical resource survey meeting the requirements PRC Section 5024.1(g), shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- 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 (PRC Section 5024.1, Title 14 CCR, Section 4852) including the following:
 - Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
 - Is associated with the lives of persons important in our past;

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- 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
- Has yielded, or may be likely to yield, information important in prehistory or history.

The fact that a resource is not listed in or determined to be eligible for listing in the California Register, not included in a local register of historical resources (pursuant to PRC Section 5020.1(k)), or identified in an historical resources survey (meeting the criteria in PRC Section 5024.1(g)) does not preclude a lead agency from determining that the resource may be an historical resource as defined in PRC Sections 5020.1(j) or 5024.1.

For historic resources, CEQA Guidelines Section 15064.5(b)(3) indicates that a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), shall be considered as mitigated to a less than significant level on the historic resource.

California Register of Historic Resources

The California Register of Historical Resources (CRHR) is restricted to properties that are to be protected from substantial adverse change (Public Resources Code Section 5024.1). A historical resource may be listed in the CRHR if it meets any of the following criteria:

- It is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- It is associated with the lives of persons important in California's past.
- It 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 value.
- It has yielded or is likely to yield information important in prehistory or history.

The CRHR includes properties that are listed or have been formally determined to be eligible for listing in the NRHP, State Historical Landmarks and eligible Points of Historical Interest. Other resources require nomination for inclusion in the Register. These may include resources contributing to the significance of a local historic district, individual historical resources, historical resources identified in historic resource surveys conducted in accordance with State Historic Preservation Office (SHPO) procedures, historic resources or districts designated under a local ordinance consistent with State Historic Resources Commission procedures, and local landmarks or historic properties designated under local ordinance.³

³ California Office of Historic Preservation, California Register of Historical Resources, https://ohp.parks.ca.gov/?page_id=21238, accessed on October 14, 2021.

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California Native American Historical, Cultural and Sacred Sites Act

The California Native American Historical, Cultural and Sacred Sites Act applies to both State and private lands. This Act requires that upon discovery of human remains, construction or excavation activity cease and the county coroner be notified. If the remains are of a Native American, the coroner must notify the NAHC. The NAHC then notifies the persons most likely to be descended from the Native American remains. This Act stipulates the procedures that descendants may follow for treating or disposing of the remains and associated grave goods.

California Public Resources Code

PRC Section 5097 specifies the procedures to be followed in the event of the unexpected discovery of human remains on nonfederal land. The disposition of Native American burial falls within the jurisdiction of the NAHC. Section 5097.5 of the PRC states the following:

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

As used in this section, “public lands” means lands owned by, or under the jurisdiction of, the State or any city, county, district, authority or public corporation, or any agency thereof. Consequently, Butte County is required to comply with Public Resource Code Section 5097.5 for its activities on publicly owned land.⁴

California State Health and Safety Code

Section 7052 of the California State Health and Safety Code states that the disturbance of Native American cemeteries is a felony. Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner determines whether the remains are those of a Native American. If determined to be Native American, the coroner must contact the NAHC.⁵

California Code of Regulations

Archaeological resources on lands administered by the California Department of Parks and Recreation are addressed in Title 14, Division 3, Chapter 1 of the CCR. Section 4308 of this chapter addresses archaeological features and states that no person shall remove, injure, disfigure, deface, or destroy any object of archaeological or historical interest or value.

⁴ California Public Resources Code, Division 5, Parks and Monuments, Chapter 1.7, Archaeological, Paleontological, and Historical Sites, Section 5097.5

⁵ California State Health and Safety Code, Division 7, Dead Bodies, Part 1, General Provisions, Chapter 2, General Provisions, Section 7050.5

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California Historical Building Code

The California Historical Building Code (24 CCR Part 8) provides regulations for permitting repairs, alterations, and additions for the preservation, rehabilitation, relocation, reconstruction, change of use, or continued use of historical buildings, structures, and properties determined by any level of government as qualifying as an historical resource. A historical resource is defined in Sections 18950 to 18961 of Division 13, Part 2.7 of the Health and Safety Code and subject to rules and regulations in 24 CCR Part 8.

California Government Code

California Government Code Section 65352.3-5, formerly known as Senate Bill (SB) 18, states that prior to the adoption or amendment of a city or county's general plan, or specific plans, the city or county shall consult with California Native American tribes that are on the contact list maintained by the NAHC. The intent of this legislation is to preserve or mitigate impacts on places, features and objects, as defined in PRC 5097.9 and PRC 5097.993, that are located within the city or county's jurisdiction. The bill also states that the city or county shall protect the confidentiality of information concerning the specific identity, location, character and use of those places, features and objects identified by Native American consultation. Government Code 65362.3-5 applies to all general and specific plans and amendments proposed after March 1, 2005.

Assembly Bill 52

Effective July 1, 2015, Assembly Bill 52 (AB 52) amended CEQA to require that: (1) a lead agency provide notice to California Native American tribes that requested notice of projects proposed by the lead agency; and (2) the lead agency consult with any tribe that responded to the project notice within 30 days of receipt with a request for consultation. Topics that may be addressed during consultation include Tribal Cultural Resources, the potential significance of project impacts, the type of environmental document that should be prepared, and possible mitigation measures and project alternatives.

A California Native American tribe is defined as "a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of the Statutes of 2004." This includes both federally recognized and unrecognized tribes.

Section 21074(a) of the PRC defines Tribal Cultural Resources for the purpose of CEQA as:

Sites, features, places, cultural landscapes (geographically defined in terms of the size and scope), sacred places, and objects with cultural value to a California Native American tribe that are any of the following:

- a. Included or determined to be eligible for inclusion in the CRHR; and/or
- b. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1; and/or
- c. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

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

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

Assembly Bill 168

AB 168 was signed in 2020 and extends the responsibility of a development proponent to consult with Native American tribes to streamlined ministerial approvals for affordable multifamily housing developments under SB 35. A development with streamlined ministerial approval under SB 35 is not subject to CEQA, allowing for such developments to occur without going through a CEQA review or screening process to determine if they would affect Tribal Cultural Resources.

AB 168 requires a development proponent to submit notice of its intent to apply for streamlined approval to the local government prior to the actual application submittal. The local government is then required to provide formal notice to each California Native American tribe that is culturally affiliated with the geographic area of the proposed development and to engage in a “scoping consultation” regarding the potential effects the proposed development could have on a potential Tribal Cultural Resource (California Code Section 65913.4(b)).

The scoping consultation must commence within 30 days after the proponent submits a notice of intent to apply for ministerial approval and must conclude before the proponent can submit the application.

This bill deems a project ineligible for the streamlined, ministerial approval process and requires it be subject to CEQA if:

- (A) The site of the proposed development is a Tribal Cultural Resource that is on a national, State, tribal, or local historic register list;
- (B) The local government and the California Native American tribe do not agree that no potential Tribal Cultural Resource would be affected by the proposed development; or
- (C) The local government and California Native American tribe find that a potential Tribal Cultural Resource could be affected by the proposed development and the parties do not document an enforceable agreement regarding the methods, measures, and conditions for treatment of those tribal cultural resources, as provided.

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Local Regulations

Butte County General Plan

The following policies are included in the existing General Plan regarding aesthetics. The numbering is from the existing General Plan and therefore may not be consecutive.

Conservation and Open Space Element

- Goal COS-14 Preserve important cultural resources.
 - COS-P14.1 Historic and cultural resources management shall be coordinated with nearby jurisdictions, including the five incorporated municipalities, the Lassen and Plumas National Forests, other planning and regulatory agencies, and local tribes.
 - COS-P14.2 As part of CEQA and NEPA projects, evaluations of surface and subsurface cultural resources in the county shall be conducted. Such evaluations should involve consultation with the Northeast Information Center.
 - COS-P14.3 The Northeast Information Center and appropriate historic and preservation professionals shall be consulted when considering re-use of historic sites.
- Goal COS-15 Ensure that new development does not adversely impact cultural resources.
 - COS-P15.1 Areas found during construction to contain significant historic or prehistoric archaeological artifacts shall be examined by a qualified consulting archaeologist or historian for appropriate protection and preservation. Historic or prehistoric artifacts found during construction shall be examined by a qualified consulting archaeologist or historian to determine their significance and develop appropriate protection and preservation measures.*
 - COS-P15.2 Any archaeological or paleontological resources on a development project site shall be either preserved in their sites or adequately documented as a condition of removal. When a development project has sufficient flexibility, avoidance and preservation of the resource shall be the primary mitigation measure.
 - COS-P15.3 Demolition permit applications on potentially important historic sites shall be subject to discretionary review.
- Goal COS-16 Respect Native American culture and planning concerns.
 - COS-P16.1 County staff shall participate in a dialog with local Native American tribes to collaborate on tribal land use plans.
 - COS-P16.2 Impacts to the traditional Native American landscape shall be considered during California Environmental Quality Act or National Environmental Protection Act review of development proposals.

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- COS-P16.3 Human remains discovered during implementation of public and private development projects shall be treated with dignity and respect. Such treatment shall fully comply with the federal Native American Graves Protection and Repatriation Act and other appropriate laws.
- COS-P16.4 If human remains are located during any ground disturbing activity, work shall stop until the County Coroner has been contacted, and, if the human remains are determined to be of Native American origin, the NAHC and most likely descendant have been consulted.
- COS-P16.5 Consistent with State local and tribal intergovernmental consultation requirements such as SB18, the County shall consult with Native American tribes that may be interested in proposed new development projects and land use policy changes.

Butte County Code

Cultural resources are not separately addressed in the Butte County Code but are incorporated into various sections. The County Code provides for the protection of cultural resources in Chapter 20, Subdivision, and Chapter 24, Zoning.

Chapter 24-85 requires provisions for clustered development to retain open space for the preservation of environmentally sensitive areas, including important cultural resources (24-85(B)). It also lists sensitive archaeological sites as areas not suited for development (24-90(A)(4)) and requires telecommunications facilities to be located more than 500 feet from any building or feature listed as culturally significant (24-181-A(3)(c)). It also prohibits locating such facilities in areas of historical or cultural importance unless there are no feasible alternatives, in which case the Northeast Information Center at California State University (CSU) Chico and the Butte County Historical Society would review and comment on the application (24-181-O). It sets standards for unanticipated discoveries of archaeological resources during construction activities in the sports and entertainment zones, requiring construction to cease in the event an archaeological resource is discovered until an archaeologist is brought in to assess and treat the discovery (24-24(F)).

Additionally, Chapter 24-34.1 outlines land use and development standards specific to the Butte Creek Canyon Overlay Zone intended to protect and preserve the historical and ecological resources important to Butte County, and specifically mandates consulting the California Historical Resources Information System and CSU Chico for recommendations and mitigations necessary to preserve historic, cultural, and archaeological sites (24-34.1D(5)).

Chapter 20 mandates more restrictive setbacks in areas where structural development would destroy historic and archaeological sites (20-121.1(3)). It also requires submittal of an archaeological survey along with a vesting tentative map when filing for a build (20-255(b)(8)).

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Municipal Codes

Individual cities and towns in Butte County that currently have adopted general plans that consider a cultural resources element include Oroville, Chico, Biggs, and Paradise. Cultural resource provisions in these individual plans typically include goals and policies to preserve archaeological and historic resources, conduct current inventories of cultural resources and historic landmarks in the city or town jurisdiction, and develop or adhere to guidelines to ensure that potential impacts to cultural resources are minimized.

These individual general plans can be updated up to four times per year, and their mandates and provisions are regularly in the process of being reworked, updated, and finessed to apply to relevant and up-to-date community concerns about land use. Any planning or land use development that occurs within the limit of a city or town will be subject to the individual goals, policies, provisions, and procedures of the most current city-specific or town-specific general plan.

5.5.1.2 EXISTING CONDITIONS

A general countywide record search was requested and conducted at the Northeast Information Center (NEIC) of the California Historical Resources Information System at CSU Chico. Specifically, the NEIC keeps records of known archaeological and architectural sites and studies on U.S. Geological Survey 7.5-minute topographic quadrangle maps. All of the such maps covering Butte County were consulted by NEIC staff. This information provided the basis for the basic archaeological-sensitivity assessment of Butte County, discussed later in this report. Additionally, NEIC consulted the following sources: Office of Historic Preservation's historic property listings, California State Archaeological Determinations of Eligibility, NEIC historic resources maps, California Inventory of Historic Resources, *California Place Names*,⁶ *California Gold Camps*,⁷ Caltrans Historic Bridge Inventory, California Historical Landmarks (1996), California Points of Historical Interest (1992), *Historic Spots in California*,⁸ and the Butte County Built Environment Resources Directory.

Archaeological Resources

Of the 4,008 archaeological sites recorded in Butte County, 2,155 sites are either prehistoric archaeological resources or include a prehistoric archaeological component. There are 1,853 sites that are historic period sites. According to 2012 data from the California Office of Historic Preservation, a total of 40 archaeological sites are listed on or have been formally recommended eligible for listing on the NRHP (and therefore by default on the CRHR). Of these, 31 are prehistoric archaeological sites, 3 are historic-period archaeological sites, and 6 are archaeological sites that contain both prehistoric and historic-period components. The most current Archaeological Determinations of Eligibility listing dates to 2012.

Prehistoric Archaeological Resources

⁶ Gudde, E.G., 1969. *California Place Names: the Origin and Etymology of Current Geographical Names*. Berkeley, CA: University of California Press.

⁷ Gudde, E.G., 1969. *California Place Names: the Origin and Etymology of Current Geographical Names*. Berkeley, CA: University of California Press.

⁸ Kyle, D.E., 1990. *Historic Spots in California*. Stanford, CA: Stanford University Press.

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Previous studies in the general region provide reasonable expectations for the range of archaeological property types likely to occur in Butte County. Prehistoric site types include habitation sites, limited occupation sites, hunting/processing camps, lithic reduction stations, milling stations, quarries/single reduction locations, rock-art sites, bedrock milling features, and burial locations. Sites may fall into more than one category. For example, habitation sites may be associated with rock art. Therefore, sites may be classified as more than one site type.

Habitation sites are locations of long-term occupation. These sites were typically located near streams and springs, which are abundant in Butte County. Habitation sites are characterized by midden deposits and a variety of artifacts (flaked-stone debitage, bifaces, unifaces, other flaked-stone tools, ground-stone implements, and fire-affected rock).

Temporary camps are distinguished from habitation sites by the absence or limited development of midden deposits. Archaeological deposits at temporary camps are typically shallow or restricted to the surface and are limited principally to ground-stone tools, flaked-stone tools, and debitage (in approximate descending order of frequency).

Lithic scatters are collections of flaked- or ground-stone debris, including tools and debitage that relate to post-quarry reduction and tool manufacturing efforts. They are perceived primarily as daily or overnight task-oriented camps where a limited range of activities was conducted.

The most common prehistoric site type found in the Butte County area is temporary occupation sites. Other site types found in the area include hunting/processing camps, lithic scatters, milling stations sites, habitation sites, quarry/single reduction loci, and rock art sites.

The overall prehistoric archaeological sensitivity of Butte County is generally considered high, particularly in areas near water sources or on terraces along watercourses. In particular, the Sacramento River and Feather River watersheds in the Sierra foothills possess river terraces that are rich in archaeological resources. In the Oroville area where the forks of the Feather River converge, the archaeological site density is one of the highest in California; at least 500 sites were recorded in this area between 2005 and 2006 alone and reported to the NEIC. In general, the lands on the margins of the Sacramento River and other major waterways are sensitive for prehistoric archaeological resources. Prehistoric archaeological sites are often along riverbanks in the Sacramento Valley, although they are usually found on natural rises that protected the inhabitants from frequent floods. Sites along the Sacramento River and other major drainages in Butte County do exist, and the possibility remains that additional prehistoric deposits may be buried in similar locations, in natural buried contexts (such as under alluvial deposits) as well as cultural buried contexts (such as below constructed levees or mixed in as a portion of levee fill material).

Historic-Period Archaeological Resources

Historic site types include old transportation corridors and alignments, remnants of activities associated with historic homesteading, ranching and agriculture, mining, and commerce. The overall historic archaeological sensitivity of Butte County area is generally considered moderately high in areas where historic records indicate transportation routes, agricultural settlements, and mining.

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Historical Resources

The Historic Property Data File Historic Resources Inventory (HRI), which is maintained by SHPO, identifies properties that have been recorded and whether those properties are considered eligible or ineligible for listing in the NRHP. The listing for Butte County indicates that over 1,000 properties have been inventoried at some level. This includes several hundred archaeological or built environment resources that are listed or appear to meet the criteria for listing in the NRHP. In general, listing a property in the NRHP involves submission of a formal nomination form that requires concurrence from SHPO, the State Historical Resources Commission, and the Keeper of the National Register. Properties that are evaluated and, with SHPO concurrence, found to be eligible for listing under one or more of the NRHP criteria but are never nominated, are afforded the same protections for federally funded projects as listed properties. As noted previously, properties listed or found eligible for listing are also automatically eligible for the CRHR. The HRI also includes buildings that have been identified as historically significant by local government agencies.

The Built Environment Resources Directory (BERD) provides information regarding non-archaeological resources in the SHPO's Inventory. The listing for Butte County indicates that 993 built environment resources have been inventoried at some level; many of these overlap with the HRI listings. Eligibility status listed in the BERD is current as of 2020. An overview is given, below, of the total numbers and types of properties recorded by region in Butte County, and of properties determined or presumed eligible for the NRHP, CRHR, or local listing in Butte County.

Oroville Area

Surveys have identified 108 buildings and structures in the Oroville area, including several in the Old Oroville Commercial District; 73 are listed in the BERD and meet the criteria for listing in the NRHP, the CRHR, or have local designation. Among these are buildings that make up the Berkeley Olive Association Historic District, located in the vicinity of Coal Canyon Road and Rocky Lane, that was listed in the National Register in 2000. Notable individually eligible buildings in and around Oroville (listed between 1979 and 2007) include:

- Oroville Chinese Temple (1500 Broderick Street)
- State Theatre (1489 Myers Street)
- Old Oroville Commercial District Building (Montgomery Street)
- Governor Perkins Building (1864 Montgomery Street)
- The Fong Lee Company (address restricted)
- Oroville Carnegie Library (1675 Montgomery Street)
- Oroville Inn (2066 Bird Street)
- Main US Post Office (1735 Robinson Street)
- Biggs Ranch and associated structures and buildings (1359 Oroville Highway)
- Gem Saloon Building (1337 Huntoon Street)
- Bloomer Hill Fire Lookout Station
- Washington Block Building (1975 Montgomery Street)
- Table Mountain Boulevard Bridge

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Chico Area

Chico includes some of the most important cultural resources in the county. Surveys have identified 579 buildings and structures in the Chico area; of these, 123 have been evaluated and have been listed or found to meet the criteria for listing in the NRHP, the CRHR, or have local designation. Among these are buildings that make up the South of Campus Neighborhood Historic District. Located in the vicinity of Cherry Street and 2nd through 6th Streets, this historic district was listed in the National Register in 1991. Notable individually eligible buildings in and around Chico include the Southern Pacific Depot (5th Street); the Chester Cole Residence (334 Normal Avenue); the Bidwell Mansion (Sowillenno Avenue); the Patrick Rancheria (SR-99); the Patrick Ranch House; the A. H. Chapman House (256 E. 12th Street); the Silberstein Park Building (426 to 434 Broadway); St. John's Episcopal Church (230 Salem Street); and the Stansbury House (307 W. 5th Street).

Paradise Area

The HRI and BERD together list 33 buildings and structures in and around Paradise that have been surveyed. Four of these have been evaluated and found to meet the criteria for listing in the NRHP, the CRHR, or have local designation. Among these, the Centerville Schoolhouse was nominated and listed in the National Register in 1972. The Honey Run Covered Bridge, listed in 1988, was destroyed by the 2018 Camp Fire, though local efforts are underway to rebuild the bridge.

Gridley Area

The town of Gridley includes 68 built environment properties that have been surveyed; of these, two have been evaluated and found to meet the criteria for listing in the NRHP, the CRHR, or have local designation. The Hazel Hotel (850 Hazel Street) was listed in the National Register in 2001.

Biggs Area

Twenty-three buildings and structures in the vicinity of Biggs have been surveyed. One of these, the Biggs Rice Experiment Station, has been evaluated and found to meet the criteria for listing in the NRHP, the CRHR, or have local designation. None have been formally nominated and listed in the National Register.

Other Areas

In areas of Butte County other than those listed above, 237 buildings and structures have been surveyed and recorded; of these, 12 have been evaluated and found to meet the criteria for listing in the NRHP, the CRHR, or have local designation. Among these built environment resources, the following have been formally nominated and listed in the NRHP: the W. W. Durham House in Durham, the Magalia Dam and the Magalia Community Church in Magalia, Big Bear Mountain Lookout and Brush Creek Standard Office in Plumas National Forest, Bridge #12-38 on SR-70 in Pulga, the Inskip Hotel near Stirling City, and the Hyatt Power House Switching Yard near the Oroville Dam.

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California State Historical Landmarks

The State of California officially began commemorating sites important to the history of the state in 1932. Originally, the California Historical Landmarks emphasized well-known places and events, including the missions, early settlements, and the Gold Rush. Over the years, the program has been refined to include only sites that are of statewide historical importance and must be the first, last, only, or most significant of a type in a large geographical area.

The following lists the 10 resources in Butte County that the state has designated as California Historical Landmarks:

- Hooker Oak (Landmark No. 313), Bidwell Park, Chico
- Old Suspension Bridge (Landmark No. 314), Lake Oroville State Recreation Area, Oroville
- Rancho Chico and Bidwell Adobe (Landmark No. 329), Bidwell Mansion State Historic Park, Chico
- Bidwell's Bar (Landmark No. 330), Lake Oroville State Recreation Area, Oroville
- Chinese Temple (Landmark No. 770), Magalia
- Dogtown Nugget Discovery Site (Landmark No. 771), Magalia
- Oregon City (Landmark No. 807), Diggins Drive between Oroville and Cherokee
- Discovery Site of the Last Yahi Indian (Landmark No. 809), Oroville
- Chico Forestry Station and Nursery (Landmark No. 840-2), Bidwell Park, Chico
- Mother Orange Tree of Butte County (Landmark No. 1043), near the toll bridge at Bidwell's Bar, Lake Oroville State Recreation Area, Oroville

California Points of Historical Interest

California Points of Historical Interest are sites, buildings, features, or events that are of local (city or county) significance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other value. No historical resource may be designated both a Landmark and a Point of Historical Interest. If a Point of Historical Interest is subsequently granted status as a Landmark, the Point designation will be retired. To be eligible for designation as a Point of Historical Interest, a resource must meet at least one of the following criteria: the first, last, only, or most significant of its type in the State or within the local geographic region (city or county); association with an individual or group having a profound influence on the history of the local area; a prototype of, or an outstanding example of, a period, style, architectural movement or construction; or is one of the more notable works or the best surviving work in the local region of a pioneer architect, designer or master builder.

There are 20 California Points of Historical Interest in Butte County. They are:

- Lott Museum, Oroville
- Manzanita School, east of Gridley
- Chico Flour Mill, Chico (Bidwell's Mill Site, Bidwell Mill Stones)

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- Garrott's Sawmill, Oroville
- California-Oregon Railroad Depot, Gridley
- Centerville Schoolhouse, northeast of Chico
- Old Chinese Cemetery, vicinity of Oroville
- Townsite of Cherokee and Spring Valley Mine, near Oroville
- Little Chapman Mansion, Chico
- Butte County Railroad Depot, Paradise
- Long's Bar, near Oroville
- Oroville Cemetery, vicinity of Oroville
- Chinese Cemetery, vicinity of Oroville
- Jewish Cemetery, vicinity of Oroville
- Site of 14-Mile House, Toll Station, and Wayside Inn, vicinity of Chico
- Richardson Springs Resort, northeast of Chico
- Odd Fellows Home (Bella Vista Hotel) Site, vicinity of Thermalito
- The Fagan House, east of Gridley
- Bethel African Methodist Episcopal Church, Chico
- Gianella Bridge, vicinity of Chico

5.5.2 STANDARDS OF SIGNIFICANCE

The proposed project would result in a significant aesthetic impact if it would:

1. Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5.
2. Cause a substantial adverse change in the significance of an archeological resource pursuant to CEQA Guidelines Section 15064.5.
3. Disturb any human remains, including those interred outside of formal cemeteries.
4. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Sections, 21074, 5020.1(k), or 5024.1.
5. In combination with past, present, and reasonably foreseeable projects, result in significant cumulative impacts with respect to cultural resources and tribal cultural resources.

5.5.3 PROPOSED GENERAL PLAN POLICIES

The following relevant policies and actions of the Butte County General Plan Update may reduce the potential impacts on cultural resources as a result of implementation of the proposed project.

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Conservation and Open Space Element

- **COS-P16.1:** Areas found during construction to contain significant historic or prehistoric archaeological artifacts shall be examined by a qualified consulting archaeologist or historian for appropriate protection and preservation. Historic or prehistoric artifacts found during construction shall be examined by a qualified consulting archaeologist or historian to determine their significance and develop appropriate protection and preservation measures.
- **COS-P16.2:** Any archaeological or paleontological resources on a development project site shall be either preserved in their sites or adequately documented as a condition of removal. When a development project has sufficient flexibility, avoidance and preservation of the resource shall be the primary mitigation measure.
- **COS-P16.3:** Demolition permit applications on potentially important historic sites shall be subject to discretionary review.
- **COS-P15.1:** Historic and cultural resources management shall be coordinated with nearby jurisdictions, including the five incorporated municipalities, the Lassen and Plumas National Forests, other planning and regulatory agencies, and local tribes.
- **COS-P15.2:** In consultation with the Northeast Information Center, create guidelines for evaluating development project impacts to surface and subsurface cultural resources, including specific mitigations for impacts that are identified.
- **COS-P15.3:** The Northeast Information Center and appropriate historic and preservation professionals shall be consulted when considering re-use of historic sites.
- **COS-P16.1:** Areas found during construction to contain significant historic or prehistoric archaeological artifacts shall be examined by a qualified consulting archaeologist or historian for appropriate protection and preservation. Historic or prehistoric artifacts found during construction shall be examined by a qualified consulting archaeologist or historian to determine their significance and develop appropriate protection and preservation measures.
- **COS-P17.1:** The County shall maintain collaborative relationships with local Native American tribal representatives to facilitate consultation in the review of future projects that have the potential to impact tribal cultural resources.
- **COS-P17.2:** County staff shall participate in a dialog with local Native American tribes to collaborate on tribal land use plans.
- **COS-P17.4:** Impacts to the traditional Native American landscape shall be considered during California Environmental Quality Act or National Environmental Protection Act review of development proposals.
- **COS-P17.5:** Human remains discovered during implementation of public and private development projects shall be treated with dignity and respect. Such treatment shall fully comply with the federal Native American Graves Protection and Repatriation Act and other appropriate laws.
- **COS-P17.6:** If human remains are located during any ground disturbing activity, work shall stop until the County Coroner has been contacted, and, if the human remains are determined to be of Native American origin, the NAHC and most likely descendant have been consulted.

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- **COS-P17.7:** Consistent with State local and tribal intergovernmental consultation requirements such as SB18 and AB52, the County shall consult with Native American tribes that may be interested in proposed new development projects and land use policy changes.

5.5.4 IMPACT DISCUSSION

CULT-1 The proposed project would not cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines Section 15064.5.

General Plan 2040

Section 15064.5 (b)(1) of the CEQA Guidelines defines a substantial adverse change in the significance of a historic resource to be the “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.”

Development allowed by General Plan Update could cause a substantial adverse change in the significance of a historical resource. Specifically, direct impacts could occur if buildings determined to be historic were demolished or significantly altered as a result of development allowed by General Plan Update.

However, the General Plan Update includes goals, policies and actions that would address potential historic resource impacts and propose mitigation, if applicable. Conservation and Open Space Element Goal COS-16 and its associated policies and actions address potential impacts of new development on cultural resources. Specifically, Policy COS-P16.1 requires examination by a qualified consulting archaeologist or historian and appropriate protection and preservation when significant historic resources are found during construction. Policy COS-P16.3 requires a discretionary review of demolition permit applications on potentially important historic sites. In addition, Action COS-A16.1 directs the County to create guidelines for evaluating and mitigating project impacts to cultural resources, in consultation with the NEIC.

General Plan Update also seeks to preserve important historical resources through Conservation and Open Space Element Goal COS-15 and its associated policies and actions. In particular, Policy COS-P15.2 requires that evaluations of cultural resources be conducted as part of the review process under CEQA and the National Environmental Protection Act (NEPA). Policy COS-P15.3 requires consultation with the NEIC and appropriate historic and preservation professionals when considering reuse of historic sites. In addition, Actions COS-A15.1 through COS-A15.6 direct the County to seek funding for and conduct studies that would define the types and categories of historic and cultural resources in the county, and to inventory known cultural resources.

Upper Ridge Community Plan

As discussed in Chapter 3, Project Description, the Upper Ridge Community Plan (URCP) would increase development potential in the Upper Ridge community with 28 parcels redesignated from Retail and Office to Mixed-use land uses in the Old Magalia and Magalia Center neighborhoods.

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The location for potential development in the Upper Ridge community includes the commercial center of Old Magalia. This area is the historic old town of the Upper Ridge and once connected to Chico via railway (Butte County 2022). Future development under the proposed project could adversely impact historic resources through changes to accommodate adaptive use, removal, or reconstruction. Development in the URCP would be subject to the following Conservation Element Policies of the General Plan Update, which would protect historical resources. Specifically, Policy COS-P16.1 requires examination by a qualified consulting archaeologist or historian and appropriate protection and preservation when significant historic resources are found during construction. Policy COS-P16.3 requires a discretionary review of demolition permit applications on potentially important historic sites.

Together, the goals, policies and actions in General Plan Update would reduce potential historical resource impacts to a less than significant level.

Level of Significance Before Mitigation: CULT-1 would be less than significant.

Mitigation Measures

No mitigation measures are required.

CULT-2	The proposed project would not cause a substantial adverse change in the significance of an archeological resource pursuant to CEQA Guidelines Section 15064.5.
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General Plan 2040

Development allowed by General Plan Update could result in direct or indirect impacts to archaeological resources. Construction activities, such as grading and excavation, may result in the accidental destruction or disturbance of archaeological sites.

However, General Plan Update includes goals, policies and actions that would mitigate potential archaeological resource impacts. The Conservation and Open Space Element Goal COS-15 and its associated policies and actions address the potential adverse impacts of new development on cultural resources. In particular, Policy COS-P16.1 requires examination and appropriate protection and preservation of prehistoric archaeological artifacts found during construction, and Action COS-A16.1 directs the County to create guidelines for evaluating and mitigating impacts to surface and subsurface cultural resources. Furthermore, Policy COS-P16.2 requires that any archaeological resources on a project site be either preserved in their sites or adequately documented as a condition of removal, and directs that when a project has sufficient flexibility, avoidance and preservation of the resource should be the primary mitigation measure.

In addition, the Conservation and Open Space Element Goal COS-15 and its associated policies and actions aim to preserve important archaeological resources. In particular, Policy COS-P15.2 requires that evaluations of surface and subsurface cultural resources be conducted as part of the review process under CEQA and NEPA, and Actions COS-A15.1 through COS-A15.6 direct the County to seek funding for and

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conduct studies that would define the types of cultural resources in the county and inventory known cultural resources.

Together, the goals, policies, and actions in the General Plan Update would reduce potential archaeological resource impacts to a less than significant level.

Level of Significance Before Mitigation: CULT-2 would be less than significant.

Mitigation Measures

No mitigation measures are required.

Upper Ridge Community Plan

As discussed in Chapter 3, Project Description, the URCP would increase development potential in the Upper Ridge community, with 28 parcels redesignated from Retail and Office to Mixed-use land uses in the Old Magalia and Magalia Center neighborhoods.

There are 105 archeological sites in the URCP area. Of the 105 archeological sites, 20 are prehistoric and 85 are historic-period sites. Implementation of the proposed project could result in a substantial adverse change in the significance of an archaeological resource, as well as the potential disturbance of currently undiscovered archaeological resources on future development sites. Therefore, this impact is potentially significant.

However, the General Plan Update includes goals, policies, and actions in the Conservation and Open Space Element which would protect archeological resources. Specifically, Policy COS-P16.1 requires examination and appropriate protection and preservation of prehistoric archaeological artifacts found during construction, and Action COS-A16.1 directs the County to create guidelines for evaluating and mitigating impacts to surface and subsurface cultural resources.

Together, the goals, policies and actions in the General Plan Update would reduce potential historical resource impacts to a less than significant level.

Level of Significance Before Mitigation: CULT-2 would be less than significant.

Mitigation Measures

No mitigation measures are required.

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CULT-3 The proposed project would not disturb any human remains, including those interred outside of formal cemeteries.

General Plan 2040

Although General Plan Update would not affect any formal cemeteries or known burials outside of formal cemeteries, future development could disturb unknown human remains.

However, the General Plan Update includes goals, policies, and actions that would mitigate potential impacts associated with the disturbance of human remains. Specifically, Conservation and Open Space Element Policy COS-P17.5 requires that human remains discovered during implementation of public and private projects be treated with dignity and respect, and that treatment of those remains fully comply with the federal Native American Graves Protection and Repatriation Act and other appropriate laws. Policy COS-P17.6 requires that, if human remains are located during any ground disturbing activity, work must stop until the County Coroner has been contacted. If the human remains are determined to be of Native American origin, the NAHC and the most likely descendant would need to be consulted before resuming work.

Upper Ridge Community Plan

As discussed in Chapter 3, Project Description, the URCP would increase development potential in the Upper Ridge community, with 28 parcels redesignated from Retail and Office to Mixed-use land uses in the Old Magalia and Magalia Center neighborhoods. Although the Upper Ridge community would not affect any formal cemeteries or known burials outside of formal cemeteries, future development could disturb unknown human remains.

Potential development in the URCP area would be subject to the following Conservation Element Policies of the General Plan Update that detail proper procedures in the event of uncovering human remains or formal cemeteries. Policy COS-P17.5 requires that human remains discovered during implementation of public and private projects be treated with dignity and respect, and that treatment of those remains fully comply with the federal Native American Graves Protection and Repatriation Act and other appropriate laws. Policy COS-P17.6 requires that, if human remains are located during any ground-disturbing activity, work must stop until the County Coroner has been contacted.

The proposed General Plan Update goals and policies, in combination with applicable State and local requirements, would ensure that potential impacts from septic tanks would be less than significant.

Together, the goals, policies, and actions in General Plan Update would reduce potential impacts associated with the disturbance of human remains to a less than significant level.

Level of Significance Before Mitigation: CULT-3 would be less than significant.

Mitigation Measures

No mitigation measures are required.

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CULT-4 **The proposed project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Sections, 21074, 5020.1(k), or 5024.1.**

General Plan 2040

Butte County includes the territories of four Native American groups, the Maidu, the Nisen, the Konkow and the Yana. The Maidu territory is located at the approximate boundary between the northern Sierra Nevada and southern Cascade Range and includes mountain valleys from Honey Lake to Lassen Peak. To the south, the Nisenan territory extends from the banks of the Sacramento River across the lower Feather River drainages to the crest of the Sierra. The Konkow territory includes Feather River area west of Richbar and extends to the southwest almost to the Sutter Buttes, and the Sacramento River area from about Butte City on the south to Butte Meadows on the north. The Yana territory extends from the edge of the Sacramento Valley east to the crest of the Cascades and northern Sierra.

Development allowed by General Plan Update could result in direct or indirect impacts to tribal cultural resources. Construction activities, such as grading and excavation, may result in the accidental destruction or disturbance of tribal cultural resources and/or sites. However, General Plan Update includes goals, policies, and actions that would serve to protect and reduce impacts related tribal cultural resources. The Conservation and Open Space Element Goal COS-17 and its associated policies and actions aim to reduce potential impacts of new development on tribal cultural resources:

- **COS-P17.1:** The County shall maintain collaborative relationships with local Native American tribal representatives to facilitate consultation in the review of future projects that have the potential to impact tribal cultural resources.
- **COS-P17.2:** County staff shall participate in a dialog with local Native American tribes to collaborate on tribal land use plans.
- **COS-P17.4:** Impacts to the traditional Native American landscape shall be considered during California Environmental Quality Act or National Environmental Protection Act review of development proposals.
- **COS-P17.5:** Human remains discovered during implementation of public and private development projects shall be treated with dignity and respect. Such treatment shall fully comply with the federal Native American Graves Protection and Repatriation Act and other appropriate laws.
- **COS-P17.6:** If human remains are located during any ground disturbing activity, work shall stop until the County Coroner has been contacted, and, if the human remains are determined to be of Native American origin, the NAHC and most likely descendant have been consulted.
- **COS-P17.7:** Consistent with State local and tribal intergovernmental consultation requirements such as SB18 and AB52, the County shall consult with Native American tribes that may be interested in proposed new development projects and land use policy changes.

The policies and regulations in the General Plan Update would address potential impacts regarding tribal cultural resources. Therefore, the impacts would be less than significant.

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Level of Significance Before Mitigation: CULT-4 would be less than significant.

Mitigation Measures

No mitigation measures are required.

Upper Ridge Community Plan

As discussed in Chapter 3, Project Description, the URCP would increase development potential in the Upper Ridge community, with 28 parcels redesignated from Retail and Office to Mixed-use land uses in the Old Magalia and Magalia Center neighborhoods.

The first human inhabitants of the URCP area were the Konkow Valley Band of the Maidu Indians who resided in the ridges in the summer and fall (Butte County 2022). Implementation of the proposed project could result in a substantial adverse change in the significance of a tribal cultural resource, as well as the potential disturbance of currently undiscovered tribal cultural resource on future development sites.

However, the General Plan Update includes goals, policies, and actions in the Conservation and Open Space Element that would protect tribal cultural resources. Specifically, Policy COS-P17.1 requires the County to maintain collaborative relationships with local Native American tribal representatives to facilitate consultation in the review of future projects that have the potential to impact tribal cultural resources. In addition, Action COS-A16.1 directs the County to create guidelines for evaluating and mitigating impacts to surface and subsurface cultural resources.

The policies and regulations in the General Plan Update would address potential impacts regarding tribal cultural resources. Therefore, the impacts would be less than significant.

Level of Significance Before Mitigation: CULT-4 would be less than significant.

Mitigation Measures

No mitigation measures are required.

5.5.5 CUMULATIVE IMPACTS

CULT-5	The proposed project, in combination with past, present, and reasonably foreseeable projects, would result in less-than-significant cumulative impacts with respect to cultural resources.
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General Plan 2040

In general, cumulative impacts to cultural, historical, or paleontological resource sites would occur when a series of actions leads to the loss of a substantial type of site, building, or resource. For example, while the loss of a single historic building may not be significant to the character of a neighborhood or streetscape, continued loss of such resources on a project-by-project basis could constitute a significant cumulative

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effect. This is most obvious in historic districts, where destruction or alteration of a percentage of the contributing elements may lead to a loss of integrity of the district overall. Changes to the setting or character of an area, for example, by adding modern structures on all sides of a historically significant building, thus altering the aesthetics of the streetscape, would create a significant impact. Destruction or relocation of historic buildings would also significantly impact the setting.

However, development in the Butte County region would be subject to federal and State laws protecting cultural resources. The goals, polices and actions of General Plan Update that protect historical, archaeological, and paleontological resources and human remains, in combination with these other regulations, would result in a less than significant cumulative impact to cultural resources.

Level of Significance Before Mitigation: CULT-5 would be less than significant.

Mitigation Measures

No mitigation measures are required.

CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES

5.5.6 REFERENCES

Butte, County of. 2022. Butte County Upper Ridge Community Plan.
https://www.buttecounty.net/Portals/10/Planning/Upper%20Ridge%20Community%20Plan/URCP_Final_Plan_2-17-2022_Optimized.pdf?ver=2022-02-18-084825-757.