APPENDIX G

CULTURAL RESOURCES ASSESSMENT WITHIN

THE MERCED GENERAL PLAN UPDATE AREA

CITY OF MERCED, CALIFORNIA

Prepared for:

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(Job #06-107)

PROJECT DESCRIPTION

The proposed project includes an update to the City of Merced General Plan (Map 1). The overall areas indicated on Map 1 are considered the study area.

The additional study area is located in five tracts. The land areas are located in portions of Township 6 South Range 13 East, Township 6 South Range 14 East, Township 7 South Range 13 East, Township 7 South Range 14 East, Township 8 South Range 13 East, Township 8 South Range 14 East, MDM, mapped on the Atwater, El Nido, Merced, Sandy Mush, Winton and Yosemite Lake 7.5 USGS topographic quadrangles (Map 2).

Background research, a record search through the Central California Information Center of the California Historical Resources Information Center for the entire study area. Historic maps were also reviewed for information on resource locations.

Melinda Peak served as principal investigator for the project (resume, Appendix 1).

CULTURAL HISTORY

Archeology

The Central Valley region was among the first in the state to attract intensive fieldwork, and research has continued to the present day. This has resulted in a substantial accumulation of data.

In the early decades of the 1900s, E.J. Dawson explored numerous sites near Stockton and Lodi, later collaborating with W.E. Schenck (Schenck and Dawson 1929). By 1933, the focus of work was directed to the Cosumnes locality, where survey and excavation studies were conducted by the Sacramento Junior College (Lillard and Purves 1936). Excavation data, in particular from the stratified Windmiller site (CA-Sac-107), suggested two temporally distinct cultural traditions. Later work at other mounds by Sacramento Junior College and the University of California, Berkeley, enabled the investigators to identify a third cultural tradition, intermediate between the previously postulated Early and Late Horizons. The three-horizon sequence, based on discrete changes in ornamental artifacts and mortuary practices, as well as on observed differences in soils within sites (Lillard, Heizer and Fenenga 1939), was later refined by Beardsley (1954). An expanded definition of artifacts diagnostic of each time period was developed, and its application extended to parts of the central California coast. Traits held in common allow the application of this system within certain limits of time and space to other areas of prehistoric central California.

The Windmiller Culture (Early Horizon) is characterized by ventrally-extended burials (some dorsal extensions are known), with westerly orientation of heads; a high percentage of burials with grave goods; frequent presence of red ocher in graves; large projectile points, of which 60 percent are of materials other than obsidian; rectangular *Haliotis* beads; *Olivella* shell beads (types A1a and L); rare use of bone; some use of baked clay objects; and well-fashioned charmstones, usually perforated.

The Cosumnes Culture (Middle Horizon) displays considerable changes from the preceding cultural expression. The burial mode is predominately flexed, with variable cardinal orientation and some cremations present. There is a lower percentage of burials with grave goods, and ocher staining is common in graves. *Olivella* beads of types C1, F and G predominate, and there is abundant use of green *Haliotis sp.* rather than red *Haliotis sp.* Other characteristic artifacts include perforated and canid teeth; asymmetrical and "fishtail" charmstones, usually unperforated; cobble mortars and evidence of wooden mortars; extensive use of bone for tools and ornaments; large projectile points, with considerable use of rock other than obsidian; and use of baked clay.

Hotchkiss Culture (Late Horizon) -- The burial pattern retains the use of the flexed mode, and there is wide spread evidence of cremation, lesser use of red ocher, heavy sue of baked clay, *Olivella* beads of Types E and M, extensive use of *Haliotis* ornaments of many elaborate shapes and forms, shaped mortars and cylindrical pestles, bird-bone tubes with elaborate geometric designs, clam shell disc beads, small projectile points indicative of the introduction of the bow and arrow, flanged tubular pipes of steatite and schist, and use of magnesite (above adapted from Moratto 1984:181-183). The characteristics noted are not all-inclusive, but cover the more important traits.

Schulz (1981), in an extensive examination of the central California evidence for the use of acorns, used the terms Early, Middle and Late Complexes, but the traits attributed to them remain generally the same. While it is not altogether clear, Schulz seemingly uses the term "Complex" to refer to the particular archeological entities (above called "Horizons") as defined in this region. Ragir's (1972) cultures are the same as Schulz's complexes.

Bennyhoff and Hughes (1984) have presented alternative dating schemes for the Central California Archeological Sequence. The primary emphasis is a more elaborate division of the horizons to reflect what is seen as cultural/temporal changes within the three horizons and a compression of the temporal span.

There have been other chronologies proposed, including Fredrickson (1973), and since it is correlated with Bennyhoff's (1977) work, it does merit discussion. The particular archeological cultural entities Fredrickson has defined, based upon the work of Bennyhoff, are patterns, phases and aspects. Bennyhoff's (1977) work in the plains Miwok area is the best definition of the Cosumnes District, which likely conforms to Fredrickson's pattern. Fredrickson also proposed periods of time associated heavily with economic modes, which provides a temporal term for comparing contemporary cultural entities. It corresponds with Willey and Phillips' (1958) earlier "tradition," although it is tied more specifically to the archeological record in California.

Ethnology

The project area lies within the ethnographic territory of the Yokuts people. The Yokuts were members of the Penutian language family which held all of the Central Valley, San Francisco Bay Area, and the Pacific Coast from Marin County to near Point Sur. The Yokuts differed from other ethnographic groups in California as they had true tribal divisions with group names (Kroeber 1925). Each tribe spoke a particular dialect, common to its members, but similar enough to other Yokuts that they were mutually intelligible (Kroeber 1925).

The Yokuts held portions of the San Joaquin Valley from the Tehachapis in the south to Stockton in the north. On the north they were bordered by the Plains Miwok, on the west by the Saclan or Bay Miwok and Costonoan peoples. Although neighbors were often from distinct language families, differences between the people appear to have been more influenced by environmental factors as opposed to linguistic affinities. Thus the Plains Miwok were more similar to the nearby Yokuts than to foothill members of their own language group. Similarities in cultural inventory co-varied with distance from other groups and proximity to culturally diverse people. The material culture of the southern San Joaquin Yokuts was therefore more closely related to that of their non-Yokuts neighbors than to that of Delta members of their own language group.

Trade was well developed, with mutually beneficial interchange of needed or desired goods. Obsidian, rare in the San Joaquin Valley, was obtained by trade with Paiute and Shoshoni groups on the eastern side of the Sierra Nevada, where numerous sources of this material are located, and to some extent from the Napa Valley to the north. Shell beads, obtained by the Yokuts from coastal people, and acorns, rare in the Great Basin, were among many items exported to the east by Yokuts traders (Davis 1961).

Economic subsistence was based on the acorn, with substantial dependency on gathering and processing of wild seeds and other vegetable foods. The rivers, streams, and sloughs that formed a maze within the valley provided abundant food resources such as fish, shellfish, and turtles. Game, wild fowl, and small mammals were trapped and hunted to provide protein augmentation of the diet. In general, the eastern portion of the San Joaquin Valley provided a lush environment of varied food resources, with the estimated large population centers reflecting this abundance (Cook 1955; Baumhoff 1963).

Settlements were oriented along the water ways, with their village sites normally placed adjacent to these features for their nearby water and food resources. House structures varied in size and shape (Latta 1949; Kroeber 1925), with most constructed from the readily available tules found in the extensive marshes of the low-lying valley areas. Housepit depressions ranged in diameter from between 3 to 18 meters.

History

Merced County was first explored by Gabriel Moraga in 1806, when he named the Merced River, "El Río de Nuestra Señora de la Merced." Moraga's explorations were designed to locate appropriate sites for an inland chain of missions. Moraga explored the region again in 1808 and 1810.

Fur traders began working the streams of the San Joaquin Valley in 1828. Beaver skins may have been gathered by Hudson's Bay Company trappers in the Merced region.

John C. Frémont, on his way leaving California in 1844, proceeded southward from Sutter's Fort, passing through what is now Merced County. His party crossed the Merced River in a boat they constructed, camping on the south bank near the Merced River's junction with the San Joaquin River. The expedition stopped and camped on Bear Creek, five miles from its mouth. They then crossed the Creek, and traveled on into Madera County.

Merced County was carved out of Mariposa County in 1855. The construction of the Southern Pacific Railroad in 1872 brought major changes to the region. The City of Merced was laid out in January of that year, when the railroad reached the spot. Merced became the County seat in December of 1872 (Hoover, Rensch and Rensch 1990; Gudde 1969: 198-199).

The development of the railroads through the region allowed the establishment of the communities. The small communities grew up as service centers for the surrounding areas, providing a means of marketing farm products to remote destinations as well as providing supplies to the local residents. Freighting to the communities in the foothills became an important industry.

The completion of the Crocker-Huffman canal system led to the colonization of the territory around Merced, and resulted in a rapid expansion of the population. Merced is located in both the center of the State and the Valley, and serves as the gateway to Yosemite Park (Smith 1960: 379).

RECORD SEARCH

The research included a record search by the Central California Information Center of the California Historical Resources Information System to identify previously recorded sites and previous cultural resources studies in and near the project area (IC#7243I, Appendix 2). In addition, we reviewed historic maps from the California Room of the California State Library and historic maps provided by the Central California Information Center.

Maps reviewed include General Land Office plats of the townships, Official County maps, general County maps, early topographic maps (1916-1918) and more recent topographic base maps (1948-1962).

Results of the search are provided by geographic area.

Southwestern Lands

Surveys

Very little of the study area has been systematically surveyed, with seven surveys covering about 300 acres of the total land area.

Sites

There are six recorded sites/resources within this portion of the study area.

Recorded resources include a prehistoric bowl mortar (P-24-73); a section of the El Capitan Canal (P-24-577); Thomas Farms (P-24-579); a bridge (P-24-656); Bettencourt property/dairy (P-24-1808); and the Campos property/former dairy (P-24-1809). Three of the properties have been evaluated as not eligible for the National Register of Historic Places (P-24-656, -1808, and -1809).

Potential Sites

There are several natural waterways in this portion of the study area, and there is a possibility of the presence of prehistoric period sites near the water courses.

Early maps of the area in the 1850s show no historic features or development in the study area. Agricultural development began with the development of the water delivery systems. Later historic period maps of the area show a number of features including buildings, structures, features and canals.

Eastern Lands

Survey

There have been three small surveys within the study area, covering a very small section of the total acreage.

Sites

There are three recorded sites/resources within this portion of the study area. The resources include a segment of the Hartley Doane lateral (P-24-607); the Bradley Overhead (P-24-648); and the Caseretta Brothers pig farm (P-24-1658). The Bradley Overhead has been determined eligible for the National Register, and is listed on the California Register of Historical Resources.

Potential Sites

Bear Creek crosses this portion of the study area, and there is a possibility of the presence of prehistoric period resources near this waterway.

Early maps of the area in the 1850s show no features or development in the study area. Later maps indicate the land as part of the holdings of the Crocker Huffman Company, and by 1909, had been subdivided as an agricultural colony. Buildings and structures related to the agricultural development of this area may be present.

Northeastern Lands

Survey

There have been six surveys within the study area, including two large scale surveys in the northeast and central portions of the tract, covering about one-quarter of the total land area.

Sites

There are three recorded sites/resources within this portion of the study area, and one immediately adjacent. The three sites within this portion of the study area include a cattle trough (P-24-1660); a fence (P-24-1680); and the 1913 Smith Ranch (P-24-1681). At the edge of Lake Yosemite, there is the Lake Yosemite Water Tower (P-24-667). This feature is a California Point of Historical Interest.

Potential Sites

There are several natural waterways in this portion of the study area, and there is a possibility of the presence of prehistoric period sites near the water courses.

Early maps of the area in the 1850s show no historic features or development in the study area. The lands had been developed as agricultural colonies by 1909, and features related to this development could be present in the study area such as buildings, structures and other features.

Many of the canals and laterals that are shown on the older historic maps and still on the modern topographic maps have been evaluated elsewhere as not eligible for the National Register: the Fairfield Canal, the Le Grand Canal, Sells Lateral, and the Yosemite Lateral.

Northwestern Lands

Survey

There have been four surveys within the study area, including one larger scale survey of the southern section of the total land area.

Sites

No sites have been recorded within this portion of the study area.

Potential Sites

There is a natural waterway in the western portion of the study area, and there is a possibility of the presence of prehistoric period sites near the water course.

Early maps of the area in the 1850s show no historic features or development in the study area. The area was held in large tracts for a number of years, and there may be buildings and structures related to the occupancy of the lands.

Western Lands

Survey

There have been two surveys of the very small area, covering the drainage portions of the south and west sides of the land, as well as a linear survey covering the northern section of the parcel.

Sites

No sites have been recorded within this portion of the study area.

Potential Sites

The area has been almost completely surveyed and no evidence of prehistoric or historic resources has been found. It is unlikely that prehistoric or historic period resources will be found in this portion of the study area.

REGULATORY CONTEXT

CEQA Section 15064.5 requires that lead agencies determine whether projects may have a significant effect on archaeological and historical resources. This determination applies to those resources which meet significance criteria qualifying them as "unique," "important," listed on the California Register of Historical Resources (CRHR), or eligible for listing on the CRHR. If the agency determines that a project may have a significant effect on a significant resource, the project is determined to have a significant effect on the environment, and these effects must be addressed. If a cultural resource is found not to be significant under the qualifying criteria it need not be considered further in the planning process.

CEQA emphasizes avoidance of archaeological and historical resources as the preferred means of reducing potential significant effects. If avoidance is not feasible, an excavation program or some other form of mitigation must be developed to mitigate the impacts.

According to the *CEQA Guidelines*, a project's impacts are normally considered significant if it would:

a) Cause a substantial adverse change in the significance of an historical resource as defined in Section 15064.5?

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature of paleontological or cultural value?

d) Disturb any human remains, including those interred outside of formal cemeteries?

e) Disturb unique architectural features or the character of surrounding buildings?

Potential effects on cultural resources were considered with respect to local, state, and federal regulations as outlined in the *Public Resources Code, Section 21083.2*. In general, this code seeks to identify "significant" sites and/or properties, determine the possible effects on the resource, and provide ways to avoid or reduce potential impacts.

The California Register of Historical Resources (Public Resources Code Section 5020 *et seq.*)

The State Historic Preservation Office (SHPO) maintains the California Register of Historical Resources (CRHR). Properties listed, or formally designated as eligible for listing, on the National Register of Historic Places are automatically listed on the CRHR, as are State Landmarks and Points of Interest. The CRHR also includes properties designated under local ordinances or identified through local historical resource surveys.

For the purposes of CEQA, an historical resource is a resource listed in, or determined eligible for listing in the California Register of Historical Resources. When a project will impact a site, it needs to be determined whether the site is an historical resource. The criteria are set forth in Section 15064.5(a)(3) of the CEQA Guidelines, and are defined as any resource that does any of the following:

A. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

B. Is associated with the lives of persons important in our past;

C. Embodies the distinctive characteristics of a type, period, region, or method of

construction, or represents the work of an important creative individual, or possesses high artistic values; or

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

In addition, the CEQA Guidelines, Section 15064.5(a)(4) states:

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

PROJECT IMPACTS

Within the study area, there are few recorded resources, in large part due to a lack of systematic surveys. There is only one site that has been evaluated as a significant resource. Many other recorded resources have not been formally evaluated, again, in part due to a lack of development in these areas.

There could be impacts to cultural resources resulting from the development of the study area. Both prehistoric and historic period resources may be present, with prehistoric period resources more likely to occur along the natural water courses. Early maps indicate the potential locations of numbers of resources.

RECOMMENDATIONS

Prior to approval of projects within any portion of the study area, a record search should be conducted for the specific project. In addition, a check should be made of the Sacred Lands files through the Native American Heritage Commission. Letters should be sent to identified Native American groups and individuals.

The areas should then be proposed for development surveyed by a qualified archeologist for the presence of prehistoric and historic resources. Should significant resources be present, appropriate mitigation measures can then be developed.

General

Even with surveys of all prospective development areas, there always remains a very slight possibility that cultural material could be present in the specific project area, but is obscured from view. We recommend that if artifacts, exotic rock types or unusual amounts of bone, or shell are uncovered during construction activities, a qualified archeologist should be consulted for on-the-spot evaluation. Excavation should cease in the area of the find until the evaluation is completed. If bone is uncovered that could be human, state law requires that the Merced County Coroner must be contacted. If the Coroner determines that the bone is likely to be Native American in origin, then the Native American Heritage Commission must also be contacted.

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Appendix 1

Resume

PEAK & ASSOCIATES, INC.
RESUME

MELINDA A. PEAK
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January 2008

PROFESSIONAL EXPERIENCE

Ms. Peak has served as the principal investigator on a wide range of prehistoric and historic excavations throughout California. She has directed laboratory analyses of archeological materials, including the historic period. She has also conducted a wide variety of cultural resource assessments in California, including documentary research, field survey and report preparation.

In addition, Ms. Peak has developed a second field of expertise in applied history, specializing in site-specific research. She is a registered professional historian and has completed a number of historical research projects. Ms. Peak has been a regular lecturer for courses in the Capital Campus Public History program (California State University, Sacramento), teaching cultural resource law and site-specific research methods.

Through her education and experience, Ms. Peak meets the Secretary of Interior Standards for historian, architectural historian, prehistoric archeologist and historic archeologist.

EDUCATION

M.A. - History - California State University, Sacramento, 1989
Thesis: *The Bellevue Mine: A Historical Resources Management Site Study in Plumas and Sierra Counties, California*
B.A. - Anthropology - University of California, Berkeley

RECENT PROJECTS

Ms. Peak completed the cultural resource research and contributed to the text prepared for the DeSabla-Centerville PAD. She is also currently cultural resource project manager for the FERC relicensing of the South Feather Power Project and the Woodleaf-Palermo and Sly Creek Transmission Lines.

In recent months, Ms. Peak has completed several determinations of eligibility and effect documents in coordination with the Corps of Engineers for projects requiring federal permits, assessing the eligibility of a number of sites for the National Register of Historic Places. She has also completed historical research projects on a wide variety of topics for a number of projects including the development of navigation and landings on the Napa River, a farmhouse dating to the 1860s, an early roadhouse, Folsom Dam and a section of an electric railway line.

In recent years, Ms. Peak has prepared a number of cultural resource overviews and predictive models for blocks of land proposed for future development for general and specific plans. She has been able to direct a number of surveys of these areas, allowing the model to be tested.

She served as principal investigator for the multi-phase Twelve Bridges Golf Club project in Placer County. She served as liaison with the various agencies, helped prepare the historic properties treatment plan, managed the various phases of test and data recovery excavations, and completed the final report on the analysis of the test phase excavations of a number of prehistoric sites. She is currently involved as the principal investigator for the Clover Valley Lakes project adjacent to Twelve Bridges in the City of Rocklin, coordinating contacts with Native Americans, the Corps of Engineers and the Office of Historic Preservation.

Ms. Peak has served as project manager for a number of major survey and excavation projects in recent years, including the many surveys and site definition excavations for the 172-mile-long Pacific Pipeline proposed for construction in Santa Barbara, Ventura and Los Angeles counties. She also completed an archival study in the City of Los Angeles for the project. She also served as principal investigator for the 1997 coaxial cable removal project for AT&T.

Additionally, she completed a number of small surveys, served as a construction monitor at several urban sites, and conducted emergency recovery excavations for sites found during monitoring. She has directed the excavations of several historic complexes in Sacramento, Placer and El Dorado Counties.

Ms. Peak is the author of a chapter and two sections of a published history (1999) of Sacramento County, *Sacramento: Gold Rush Legacy, Metropolitan Legacy*. She served as the consultant for a children's book on California, published by Capstone Press in 2003 in the land of Liberty series.

Appendix 2

Information Center Communication

CENTRAL CALIFORNIA INFORMATION CENTER

California Historical Resources Information System
Department of Anthropology – California State University, Stanislaus
One University Circle, Turlock, California 95382
(209) 667-3307 - FAX (209) 667-3324

Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus & Tuolumne Counties

Date: 11/19/08

CCIC File #: 7243I
Project: Merced General Plan, Amendment Records Search

Melinda Peak
Peak & Associates, Inc.
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El Dorado Hills, CA 95762

Dear Ms. Peak:

We have conducted a records search as per your request for the above-referenced project area located on the Atwater, El Nido, Merced, Sandy Mush, Winton, and Yosemite Lake USGS 7.5-minute quadrangle maps in Merced County.

Search of our files includes review of our maps for the specific project area (as specified by the client), and review of the National Register of Historic Places (NRHP), the California Register of Historical Resources, the *California Historical Landmarks* (1996), and the *California Points of Historical Interest* listing (May 1992 and updates), the Directory of Properties in the Historic Property Data File (HPDF) and the Archaeological Determinations of Eligibility (Office of Historic Preservation current computer lists dated 11-10-2008 and 10-31-2008), GLO Plats, and other historic maps available at the CCIC.

The following details the results of the records search, separated by project segments, Map References 1, 2, 3 / 4, 5 and 6:

Area 1: Atwater, El Nido, Merced, and Sandy Mush USGS Quadrangles

Prehistoric or historic resources within the project area:

(1) Six recorded historical resources:

Primary # P-24-	Trinomial CA-MER-	Resource Attributes
000073	--	Isolate: millingbase fragments

Primary # P-24-	Trinomial CA-MER-	Resource Attributes
000577	--	El Capitan Canal segment
000579	--	Thomas Farm
000656	--	Bridge #39-97; HPDF 11-10-08:31, not eligible for the NRHP
001808	--	Bettencourt Property/Dairy; HPDF 11-10-08:16, not eligible for the NRHP
001809	--	Campos Property/former dairy; HPDF 11-10-08:13, not eligible for the NRHP

(2) Portions of the Hartley Lateral (Branch C) have been recorded elsewhere in Merced County as P-24-000086, evaluated as not eligible for the NRHP (HPDF 11-10-08: 9). See also P-24-000607/CA-MER-364H in reference to Area 2 (below).

(3) The following GLO Plats cover the project area and are attached for your use:

Township	Range	Sheet #	Date
7S	13E	44-476	1852-1853
8S	13E	44-551	1852-1854
8S	14E	44-552	1853-1854

Sections in T8S/R13-14E have sections divided into parcels of various acreages. Sections 12, T8S/R13 shows a natural drainage (Miles Creek, now channelized).

(4) The following historic maps reference numerous features, including laterals, buildings and structures:

Atwater, edition of 1960
El Nido 7.5', edition of 1960
Merced 7.5', edition of 1948
Merced 15', edition of 1962
Sandy Mush, edition of 1948

Resources known to have value to local cultural groups: None have been formally reported to the CCIC.

Previous investigations within the project area: Eleven documents reference cultural resources investigations:

CCIC Report # ME-	Author/Date
00623	Napton (1978)
01522	Byar and Werner (1992)
03468	Levy (1999)
03614	Laylander and Silva (1999)

CCIC Report # ME-	Author/Date
03786	Wilson and Van Bueren (1999)
03834	Laylander (1999)
04083	Brown (2000)
04773	Caltrans (1999)
04775	Eastman and Hupp (1999)
05406	Dice (2002)
05600	Brady and Lanner (2003)

Area 2: Merced USGS Quadrangle

Prehistoric or historic resources within the project area:

(1) Three recorded historical resources:

Primary # P-24-	Trinomial CA-MER-	Resource Attributes
000607	364H	Hartley/Doane Lateral segment
000648	--	Bradley Overhead; HPDF 11-10-08:31, evaluated as determined eligible for the NRHP, listed on the California Register of Historical Resources (CRHR)
001658	--	Caseretta Brothers pig farm

(2) The GLO Plat for T7S R14E (Sheet 44-477, dated 1853-54) references this project area, as well as the Merced 7.5' (edition of 1948) and the Merced 15' (edition of 1962) quadrangles.

Resources known to have value to local cultural groups: None have been formally reported to the CCIC.

Previous investigations within the project area: Five documents reference cultural resources investigations within the project:

CCIC Report # ME-	Author/Date
00626	Napton (1978)
03995	Nelson (2000)
04384	URS Corporation (2001)
04385	URS Corporation (2001)
04563	Pastron and Brown (2001)

Area 3 / 4: Merced Yosemite Lake USGS Quadrangles

Prehistoric or historic resources within the project area:

(1) Four recorded historical resources:

Primary # P-24-	Trinomial CA-MER-	Resource Attributes
000667	--	Point of Historical Interest, Lake Yosemite Water Tower (adjacent to project)
001660	--	Cattle trough
001680	--	Fence
001681	--	Smith Ranch (1913)

(2) See historical reference (CCIC Report # ME-04739) for the historic "Lost Dutch Colony".

(3) The following GLO Plats reference the project area:

Township	Range	Sheet #	Date
6S	14E	44-407	1853-1854
7S	14E	44-477	1853-1854

A historic road is shown in Section 29, T6S/R14E; A natural drainagway (Cottonwood Creek) is shown in Section 9, T7S/R14E, and a slough in Section 11.

(4) Other historic maps that reference features within the project include the following:

Merced 7.5', edition of 1948
Merced 15', edition of 1962
Yosemite Lake, edition of 1962

(5) The following historic laterals and canals are referenced as evaluated as not eligible for the NRHP in the HPDF (11-10-08:9):

Name	Date of Construction
Fairfield Canal	1903
Le Grand Canal	1922
Sells Lateral	1888
Yosemite Lateral	1888

We have no records on file pertaining to these features other than the listing in the HPDF.

Resources known to have value to local cultural groups: None have been formally reported to the CCIC.

Previous investigations within the project area:

(1) Six documents reference cultural resources investigations on the project:

CCIC Report # ME-	Author/Date
00584	Bissonette (1991)
00632	Napton (1990)
00687	Smith et al. (1991)
04294	Self (2001)
04387	URS Corporation (2001)
04698	URS Corporation (2002)

(2) We have on file one oral history document that references the "Lost Dutch [Rotterdam] Colony":

CCIC Report # ME-	Author/Date
04739	Hering and Lewis (1979)

Area 5: Atwater and Winton USGS Quadrangles

Prehistoric or historic resources within the project area:

(1) None formally reported to the Information Center.

(2) The Henderson Lateral is referenced on the Atwater USGS 7.5' Quadrangle (edition of 1960) and on the Winton USGS 7.5' Quadrangle (editions of 1948 and 1961).

(3) The GLO Plat for T6S R13E (Sheet 44-406, dated 1852-1854) references a road in Sections 26, 27, 34 and 35.

Resources known to have value to local cultural groups: None have been formally reported to the CCIC.

Previous investigations within the project area: Seven documents reference cultural resources investigations within the project:

CCIC Report # ME-	Author/Date
00423	Clewlow (1976)
05498	Leach-Palm et al. (2004)
05499	Leach-Palm et al. (2004)
05500	Leach-Palm et al. (2004)

CCIC Report # ME-	Author/Date
05501	Rosenthal and Meyer (2004)
06468	Byrd et al. (2007)
06359	Byrd and Darcangelo (2006)

Area 6: Atwater USGS Quadrangle

Prehistoric or historic resources within the project area:

(1) None formally reported to the Information Center.

(2) The GLO Plat for T7S R13E (Sheet 44-476, dated 1852-1853) references the project area.

(3) The 1960 edition of the Atwater USGS 7.5' Quadrangle references the project.

Resources known to have value to local cultural groups: None have been formally reported to the CCIC.

Previous investigations within the project area: Two investigations, referenced by the following:

CCIC Report # ME-	Author/Date
00672	Peak and Associates, Inc. (1982)
03092	Napton (1997)

Note: We have attached a copy of the HPDF (11-10-08:8-32) for the City of Merced for your use. The majority of properties listed are not mapped and you may wish to consult the directory for possible evaluated properties that might fall within the general plan amendment areas.

Comments: In accordance with State law, if any historical resources are found during construction, work is to stop and the lead agency and a qualified professional are to be consulted to determine the importance and appropriate treatment of the find.

We understand that you will be preparing an overview document for the proposed amendment that is the subject of this records search. We look forward to receiving one copy of your report of findings.

We thank you for contacting this office regarding historical resource preservation. Please let us know when we can be of further service. Please **sign and return** the attached **Access**

Agreement. Billing is attached, payable within 60 days of receipt of the invoice.

Sincerely,

E. A. Greathouse, Coordinator
Central California Information Center
California Historical Resources Information System

CITY OF MERCED

"Gateway to Yosemite"

September 28, 2006

Amah Mutsun Tribal Band
Valentin Lopez, Chairperson
3015 Eastern Avenue, #40
Sacramento CA 95821

Dear Valentin Lopez,

Consistent with the State of California, Tribal Consultation Guidelines (Attachment A), the City of Merced invites the *Amah Mutsun Tribal Band* to consider consulting with us concerning the City of Merced General Plan Update described below. The General Plan Study Area contains approximately 43,591 acres surrounding the current City limits and the City's adopted growth boundary (see map, Attachment B). Early consultation is an opportunity to discuss options of preserving, protecting or mitigating impacts to cultural places that may be affected by the proposed plan adoption or amendment.

Project Description: "City of Merced General Plan Update"

> The City of Merced is preparing a comprehensive update of our General Plan. The General Plan Study Area includes approximately 43,591 acres. This includes 20,540 acres which are already within the City's growth boundary or Specific Urban Development Plan (SUDP) as well as 14,566 acres already within the City Limits. If the General Plan Study Area is adopted as the City's new growth boundary, this would represent an expansion of the City's growth boundary by 23,051 acres. This expanded area has a population holding capacity of approximately 500,000 persons. The City's 2006 population is 76,225. A map of the General Plan Study Area is attached, but is generally bounded by a line 1 mile north of Old Lake Road on the north, Franklin Road and ¼ mile west of Thornton Road on the west, ¼ mile South of Reilly and McHenry Roads on the south, and the Fairfield Canal on the east.

Independent of and after any consultation that you may choose to initiate, the City will provide you with a subsequent notice providing an opportunity to review the project during a 45-day comment period before a public hearing is to take place.

If you would like to consult with the City regarding this project, then please contact me at your earliest convenience, but no later than 90 days after receipt of this letter. If you have any questions concerning this matter or would like additional information, then please do not hesitate to contact me at 209-385-6858 or Planning Manager, Kim Espinosa at the same number or espinosak@cityofmerced.org. .

Sincerely,

Jack Lesch

Jack Lesch
Director of Development Services

CITY OF MERCED

"Gateway to Yosemite"

September 28, 2006

North Valley Yokuts Tribe
Katherine Erolinda Perez
P.O. Box 717
Linden CA 95236

Dear Katherine Erolinda Perez,

Consistent with the State of California, Tribal Consultation Guidelines (Attachment A), the City of Merced invites the *North Valley Yokuts Tribe* to consider consulting with us concerning the City of Merced General Plan Update described below. The General Plan Study Area contains approximately 43,591 acres surrounding the current City limits and the City's adopted growth boundary (see map, Attachment B). Early consultation is an opportunity to discuss options of preserving, protecting or mitigating impacts to cultural places that may be affected by the proposed plan adoption or amendment.

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If you would like to consult with the City regarding this project, then please contact me at your earliest convenience, but no later than 90 days after receipt of this letter. If you have any questions concerning this matter or would like additional information, then please do not hesitate to contact me at 209-385-6858 or Planning Manager, Kim Espinosa at the same number or espinosak@cityofmerced.org. .

Sincerely,

Jack Lesch

Jack Lesch
Director of Development Services

CITY OF MERCED

"Gateway to Yosemite"

September 28, 2006

Southern Sierra Miwuk Nation
Anthony Brochini, Chairperson
P.O. Box 1200
Mariposa CA 95338

Dear Anthony Brochini,

Consistent with the State of California, Tribal Consultation Guidelines (Attachment A), the City of Merced invites the *Southern Sierra Miwuk Nation* to consider consulting with us concerning the City of Merced General Plan Update described below. The General Plan Study Area contains approximately 43,591 acres surrounding the current City limits and the City's adopted growth boundary (see map, Attachment B). Early consultation is an opportunity to discuss options of preserving, protecting or mitigating impacts to cultural places that may be affected by the proposed plan adoption or amendment.

Project Description: "City of Merced General Plan Update"

> The City of Merced is preparing a comprehensive update of our General Plan. The General Plan Study Area includes approximately 43,591 acres. This includes 20,540 acres which are already within the City's growth boundary or Specific Urban Development Plan (SUDP) as well as 14,566 acres already within the City Limits. If the General Plan Study Area is adopted as the City's new growth boundary, this would represent an expansion of the City's growth boundary by 23,051 acres. This expanded area has a population holding capacity of approximately 500,000 persons. The City's 2006 population is 76,225. A map of the General Plan Study Area is attached, but is generally bounded by a line 1 mile north of Old Lake Road on the north, Franklin Road and ¼ mile west of Thornton Road on the west, ¼ mile South of Reilly and McHenry Roads on the south, and the Fairfield Canal on the east.

Independent of and after any consultation that you may choose to initiate, the City will provide you with a subsequent notice providing an opportunity to review the project during a 45-day comment period before a public hearing is to take place.

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Sincerely,

Jack Lesch

Jack Lesch
Director of Development Services

ATTACHMENT A

Process Overview: General Plan or Specific Plan Adoption or Amendment

As discussed above, SB 18 establishes responsibilities for local government to contact, refer plans to, and consult with tribes. The following table provides an overview of SB 18 requirements related to the adoption or amendment of a general plan or specific plan. All statutory references are to the Government Code (GC).

Overview of SB 18 Consultation and Notice Requirements

Step	*OPR Guidelines (GDL) Section and Statutory Reference*
Adoption or amendment of any general plan (GP) or specific plan (SP) is proposed on or after March 1, 2005.	GDL Section IV GC §65352.3(a)(1)
Local government sends proposal information to NAHC and requests contact information for tribes with traditional lands or places located within the geographical areas affected by the proposed changes.	GDL Section IV GC §65352.3(a)(2)
NAHC provides tribal contact information. – OPR recommends that NAHC provide written information as soon as possible but no later than 30 days after receiving a local government's request	GDL Section IV
Local government contacts tribe(s) identified by NAHC and notifies them of the opportunity to consult. – Pursuant to Government Code §65352.3, local government must consult with tribes on the NAHC contact list.	GDL Section IV
Tribe(s) responds to a local government notice within 90 days, indicating whether or not they want to consult with the local government. – Consultation does not begin until/unless a tribe requests it within 90 days of receiving a notice of the opportunity to consult. – Tribes can agree to a shorter timeframe (less than 90 days) to request consultation.	GDL Section IV GC §65352.3(a)(2)

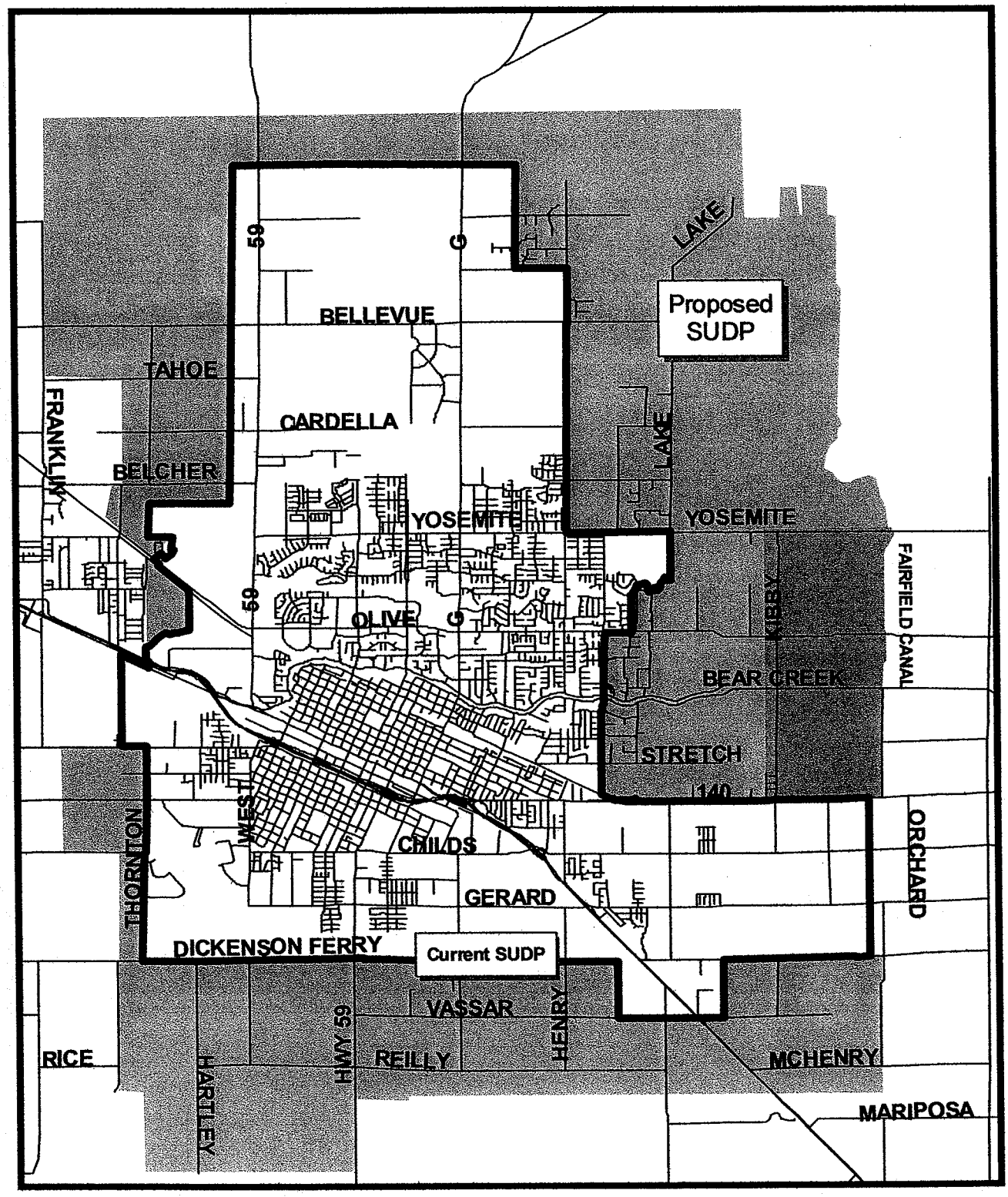
Step	*OPR Guidelines (GDL) Section and Statutory Reference*
Consultation begins, if requested by tribe. No statutory limit on the duration of the consultation. – Consultation may continue through planning commission or board of supervisors/city council deliberation on plan proposal.	GDL Section IV
Local government continues normal processing of GP/SP adoption or amendment. (CEQA review, preparation of staff reports, consultation, etc., may be ongoing.)	
At least 45 days before local government adopts or substantially amends GP/SP, local government refers proposed action to agencies, including tribe(s). – Referral required regardless of whether or not there has been prior consultation. – This does not initiate a new consultation process. – This opens 45 day comment period before approval by board of supervisors/city council. – Referral required on or after March 1, 2005.	GDL Section III GC §65352(a)(8)
At least 10 days before public hearing, local government provides notice of hearing to tribes and any other persons who have requested such notice.	GDL Section III GC §65092
Public hearing of board of supervisors/city council to take final action on the GP/SP.	

Note: The Permit Streamlining Act (PSA) (GC §65920 et seq.) establishes time limits for public agencies to take action on privately initiated development projects. Some general plan amendments may involve a private applicant for a development project. The PSA does not apply to a project that requires approval by a legislative act, such as a general plan amendment or rezone, even if there is a quasi-judicial approval involved (such as a use permit or subdivision map). Therefore, time limits for project approval under the PSA should not interfere with a local government's process for consultation.

DRAFT Specific Urban Development Plan Boundary

For Purposes of Completing the General Plan Update Only

Adopted by Merced City Council—July 17, 2006



ATTACHMENT B

STATE OF CALIFORNIA Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
Fax (916) 657-5390

September 14, 2006

Kim Espinosa, Planning Manager
City of Merced

Sent Via Fax: 209-725-8775
# of Pages: 2

RE: SB 18 Tribal Consultation: City of Merced General Plan Update, City of Merced, Merced County.

Dear Ms. Espinosa:

Government Code §65352.3 requires local governments to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose of protecting, and/or mitigating impacts to cultural places. Attached is a consultation list of tribes with traditional lands or cultural places located within the requested General Plan boundaries.

As a part of consultation, the NAHC recommends that local governments conduct record searches through the NAHC and California Historic Resources Information System (CHRIS) to determine if any cultural places are located within the area(s) affected by the proposed action. NAHC Sacred Lands File requests must be made in writing. All requests must include: county, USGS quad map name, township, range and section. Local governments should be aware, however, that records maintained by the NAHC and CHRIS are not exhaustive, and a negative response to these searches does not preclude the existence of a cultural place. A tribe may be the only source of information regarding the existence of a cultural place.

If you receive notification of change of addresses and phone numbers from Tribes, please notify me. With your assistance we are able to assure that our consultation list contains current information.

If you have any questions, please contact me at (916) 653-4038.

Sincerely,

Debbie Pilas-Treadway
Environmental Specialist III

Native American Tribal Consultation List
City of Merced
Merced County
September 13, 2006

Amah MutsunTribal Band
Valentin Lopez, Chairperson
3015 Eastern Ave, #40
Sacramento , CA 95821
(916) 481-5785

Ohlone/Costanoan

North Valley Yokuts Tribe
Katherine Erolinda Perez
PO Box 717
Linden , CA 95236
canutes@comcast.net
(209) 474-2602

Ohlone/Costanoan
Northern Valley Yokuts
Bay Miwok

Southern Sierra Miwuk Nation
Anthony Brochini, Chairperson
P.O. Box 1200
Mariposa , CA 95338

209-379-1120
209-628-0085 cell

Miwok
Pauite
Northern Valley Yokut

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is applicable only for consultation with Native American tribes under Government Code Section 65352.3.

Faxed 8/18/05

TRIBAL CONSULTATION LIST REQUEST

NATIVE AMERICAN HERITAGE COMMISSION
915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-4082
(916) 657-5390 - Fax
E-mail -- nahc@pacbell.net

Project Title City of Merced General Plan Update

Local Government City of Merced

Contact Person Kim Espinosa, Planning Manager

Street Address: 678 West 18th Street

City: Merced Zip 95340

Phone: 209-385-6858 Fax: 209-725-8775

Email: espinosak@cityofmerced.org

Project Location:

County: Merced City/Community: Merced

Local Action Type:

X General Plan ___ General Plan Element ___ Specific Plan

___ General Plan Amendment ___ Specific Plan Amendment

___ Pre-Planning Outreach Activity

Project Description:

The City of Merced is preparing a comprehensive update of our General Plan. The General Plan Study Area includes approximately 43,591 acres. This includes 20,540 acres which are already within the City's growth boundary or Specific Urban Development Plan (SUDP) as well as 14,566 acres already within the City Limits. If the General Plan Study Area is adopted as the City's new growth boundary, this would represent an expansion of the City's growth boundary by 23,051 acres. This expanded area has a population holding capacity of approximately 500,000 persons. The City's 2006 population is 76,225. A map of the General Plan Study Area is attached, but is generally bounded by a line 1 mile north of Old Lake Road on the north, Franklin Road and ¼ mile west of Thornton Road on the west, ¼ mile South of Reilly and McHenry Roads on the south, and the Fairfield Canal on the east.

NAHC Use Only

Date Received: _____

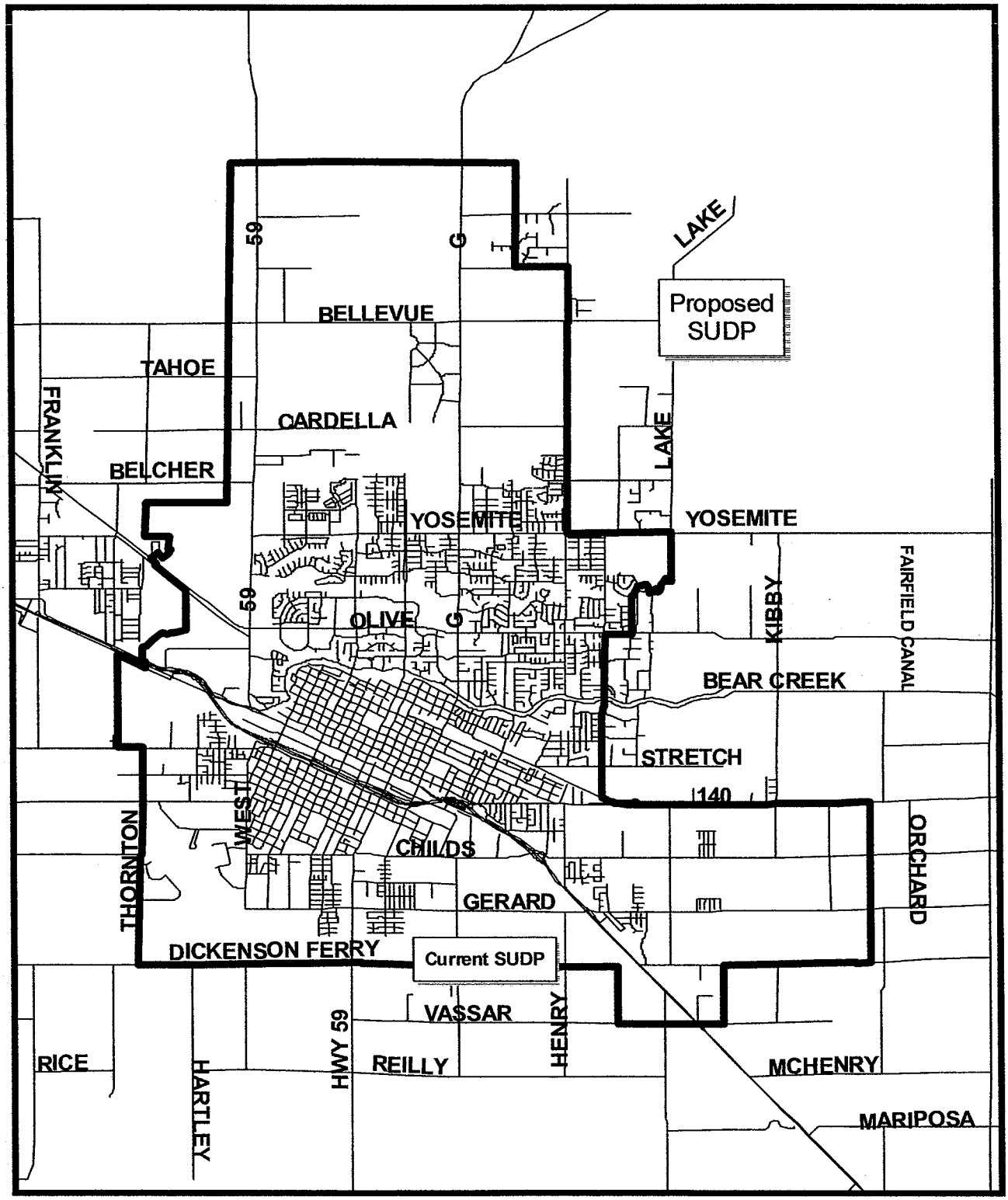
Date Completed _____

Native American Tribal Consultation lists are only applicable for consulting with California Native American tribes per Government Code Section 65352.3.

DRAFT Specific Urban Development Plan Boundary

For Purposes of Completing the General Plan Update Only

Adopted by Merced City Council—July 17, 2006



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Aug. 18 2006 09:56AM

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THEN SELECT OFF BY USING '+' OR '-'.

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