
3.5 Cultural Resources

INTRODUCTION

The proposed action would take place in and around the Pit River in Canby, California (see Figure 1.1-2). The area was occupied by native people during historic and times.

PREHISTORIC RESOURCES OF THE REGION

Modoc County is rich in archaeological resources. The greatest diversity and density of archaeological sites occurs in the Devil's Garden area one mile north of the project area. The sites in that area represent seasonal activities of both the Modoc and Achumawi and their ancestors. Sites are most frequently found near water resources and on the edges of meadows and marshes. Winter villages and outlying specialized activity sites occur along and above the Pit River Valley and along the shores of Tule Lake.

Prehistoric archaeological sites and materials, such as petroglyphs, of the Native American Modoc, Achumawi, and Paiute of the area are essential to the interpretation of the Native American cultural heritage of the area. A number of archaeological studies have focused on parts of the Pit River and nearby areas. Twenty-four sites were located, of which five lie within the National Forest boundaries, along the Pit River Canyon and the lower stretches of tributary streams between Big Bend and Fender's Flat. Most of the sites appeared to be temporary campsites, although some sites with shell midden and house pits were noted, indicating longer periods of occupation. These sites are thought to be of the Achumawi (Mintier Harnish 1988a).

The project area lies within the ethnographic territory of the Astariwawi tribelet of the Achumawi or Pit River Indians. Several references discuss the culture and lifeways of the Achumawi (Dixon 1908, Kniffen 1928, Kroeber 1925, Merriam 1926, and Olmsted and Stewart 1978); the following information is excerpted from these sources (primarily the Stewart 1978). Achumawi translates to "river (literally "it flows") people." The Achumawi occupied lands extending from Mount Shasta on the northwest to Lassen Peak on the southwest, and from Goose Lake on the northeast to Eagle Lake on the southeast. Achumawi prehistory has been researched by Baumhoff and Olmsted (1964) who suggest that the Achumawi originally occupied the Pit River watershed 3,000 to 4,000 years ago.

The Astariwawi are one of nine Achumawi tribelets, each of which occupied a portion of the Pit River and its tributaries, as well as lands extending some distance away from the river. The nine tribelets functioned as self-governing units but were closely related through intermarriage. They shared a common language from the Palaihnihan branch of the Hokan family of languages, and although there were some dialectal differences, they were not different enough to prohibit communication.

Streams, lakes, meadows, and swamps were especially important to the Achumawi because they provided such a large proportion of their food and shelter. Prior to the construction of powerhouses on the Pit River, salmon and other anadromous fish traveled up the Pit River and its tributaries. In Achumawi territory, there were about 50 miles of salmon streams and 150 miles of streams from which bass, catfish, lamprey, pike, suckers, trout, and a number of species of minnows were taken. Crawfish and mussels were also eaten. Vegetal foods were an important part of the diet, and a wide variety of roots, seeds, berries, nuts, and herbs were gathered in season. Hunting appears to have been secondary to fishing and gathering, but numerous species were taken (Vaughn 2001).

HISTORIC

The earliest Euroamericans in northeastern California were fur traders and explorers for the Hudson's Bay Company from Fort Vancouver. John Charles Fremont visited the area in 1843 during an exploring expedition for the United States Government. In 1846 Lindsey and Jesse Applegate opened the South Emigrant Road between Tule Lake and Goose Lake. This became a popular road for immigrants traveling from Oregon to the gold fields in California, with the first wagon train entering California from the north via this route in 1848. The Emigrant Trail is now registered as State Historical Landmark No. 111, located about eight miles west of Canby near the Pit River, this historical landmark consists of visible remnants of the Lassen Trail, which was used extensively during the gold rush (www.rh2o.com).

The area was settled in 1869 by the Hess family followed by the Pope family in 1870. At that time it was called Warm Springs Valley, probably for the nearby hot springs. In 1874, the name was changed to Canby with the appointment of James Pope as the first postmaster. General E.R.S. Canby, for whom the town was named, was killed in 1873 during the Modoc Indian War at the Lava Beds.

Cattle and sheep ranching initially served as the primary economic base in Modoc County; agriculture gradually increased in importance. Cattle and sheep were competing for an increasingly limited amount of pasturage, as overgrazing and erosion left fewer and fewer acres for more and more animals. As the century progressed with constantly increasing demands on the relatively limited grassland, the federal government stepped in. In 1904, the Modoc Forest Reserve and the Warner Mountains Forest Reserve were made a part of the public lands scheme, and this ultimately became Modoc National Forest. It is the only National Forest in California created primarily for grazing rather than timber preservation needs.

In the middle 1930s the timber industry played an important factor in the growth of the town, and it became more than just "a wide spot in the road." At one time there were two mills operating, along with two logging camps, sixteen miles of rail logging, and a gandy dancer crew. The population grew to nearly 700 and there were over 100 students enrolled in the Arlington School. The lumber industry reached its peak in the 1940s, but the County continued to grow through the 1950s. The lumber industry has declined substantially, as has agriculture.

In 1966, the mill, then owned by Loveness Brothers, was destroyed by fire and Canby's heyday was over. Families moved away in search of employment. In 1969, I'SOT, Inc. (In Search of Truth) established a society of people organized exclusively for charitable, religious, and educational purposes within the meaning of section 501-c-3 of the Internal Revenue Code.

Project Surveys

Archaeological Reconnaissance. An archaeological reconnaissance was conducted along a linear corridor in the project area to assist in the environmental review and tribal consultation process. The research was used to prepare IS/MND for the Modoc County CEQA documentation for the project. In the initial linear survey of the proposed pipeline corridor, a prehistoric site was identified. In consultation with the I'SOT Project Coordinator, the line was moved west to avoid the site. This corridor was then surveyed, and no cultural resources were noted (Coyote & Fox 2001).

Michael Darcangelo of Far Western Anthropological Research Group, Inc. (FWARG) conducted a supplemental survey on October 14, 2002. The survey included areas not previously covered by Coyote & Fox in 2001. The areas surveyed were proposed locations for the food service/laundry building, mechanical building, and the pipeline route (1,300 ft.) along the levee road that had not been previously

surveyed. The levee road was surveyed because the discharge pipeline route was altered to avoid wetlands. No sites or isolated historic or prehistoric finds were discovered as a result of the current survey (Darcangelo 2002). The one site identified in the 2001 survey is located near a corridor segment that is no longer under consideration. Based on previous and current survey efforts, no further archaeological investigation is recommended for the project.

NATIVE AMERICAN CONCERNS AND TRADITIONAL CULTURAL VALUES

Native American Use of the Area

Modoc County was originally settled by three distinct groups of Native Americans: the Modocs in the Tulelake area, the Pit River Indians in the Warm Springs, South Fork, Alturas and Big Valley areas, and the Paiutes in Surprise Valley. Numerous permanent settlements existed throughout the area. There were also nomadic tribes throughout the region, principally the Paiutes. Figure 3.5-1 indicates the generalized location of tribal areas and settlements. The map indicates that in the general project vicinity three of the seven Pit River Indian village sites were located in the area west of Canby.

The Modocs and the Pits were basically sedentary tribes living in permanent villages. The name Modoc had its derivation from the original Indian name of the Modocs, which was Moatakni Maklaks. The Paiutes were semi-nomadic hunters and gatherers who traveled throughout Surprise Valley, northern Nevada and parts of California and Oregon.

The project area lies within the territory ethnographically ascribed to the Astariwa group of the Pit River Indians (Kniffen 1928). The name Astariwa means "hot spring" and refers specifically to the hot spring (Kelley Hot Spring) located about four miles east of Canby. The Astariwa occupied the area along the Pit River eight miles west of Alturas, to the crest of the mountains east of Big Valley.

Native American Consultation for the Proposed Project

Consultations. The DOE is currently conducting its tribal consultations regarding the proposed project. Communications with tribal groups are presented in Table 3.5-1.

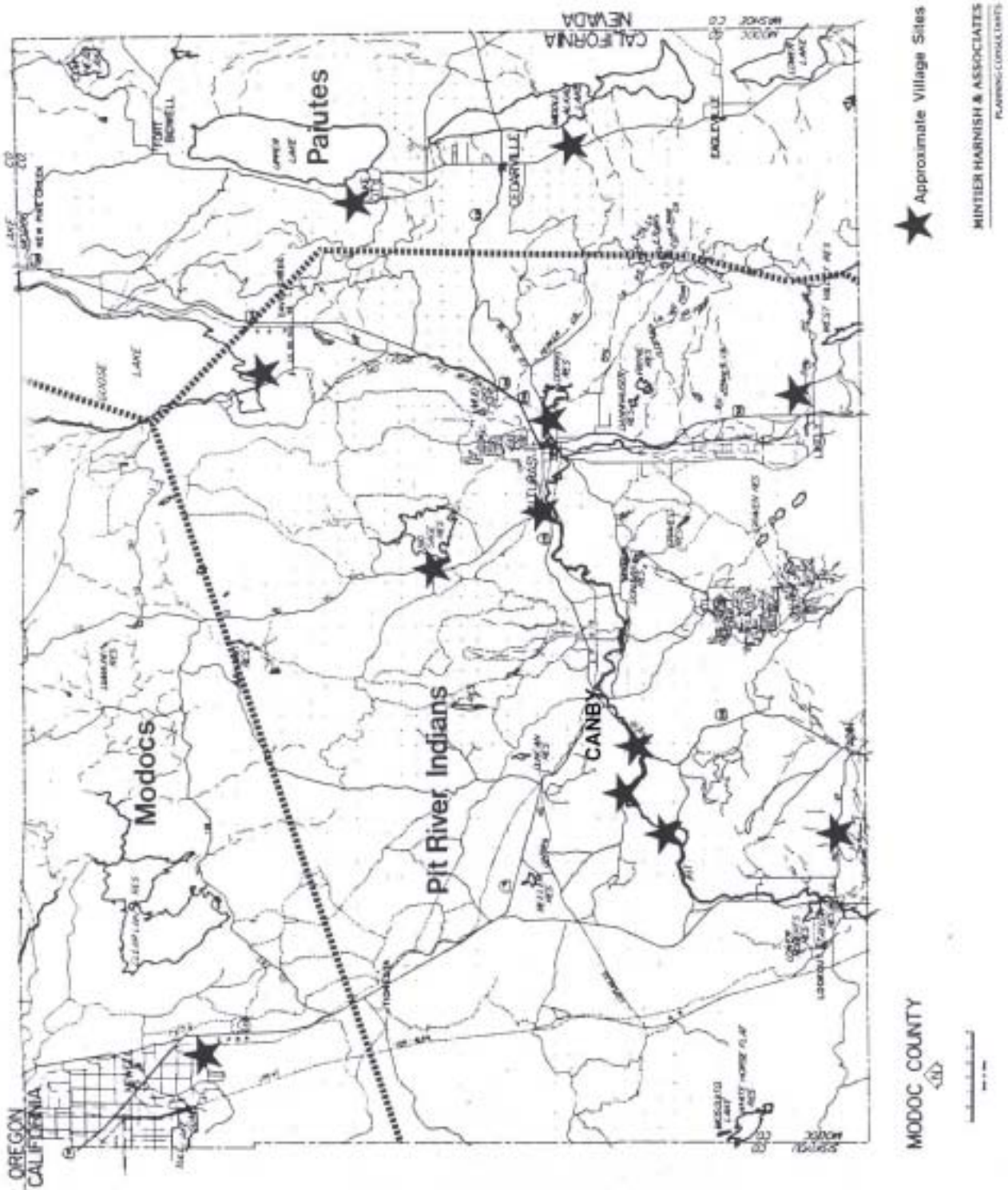
Table 3.5-1: DOE Tribal Consultations

Date	Contact
9/6/02	DOE sent scoping letter to Pit River Tribal Nation Chairman Gene Preston via mail and fax, as well as to other Pit River Tribal Band members.
9/10/02	DOE staff met with Pit River Tribal Band members at the I'SOT Canby Family Practice Center to give an overview of the project.
10/1/02	MHA sent letter to Native American Heritage Commission (NAHC) on behalf of the DOE to search for sacred sites in the project area.
10/21/02	DOE sent letter to tribal members listed by (NAHC) to request any known sacred sites or other information regarding the project area.
1/16/03	DOE and I'SOT staff met with Pit River Tribal Band members at the I'SOT Canby general purpose meeting facility to discuss construction monitoring and water quality issues.

SOURCE: MHA 2002

3: AFFECTED ENVIRONMENT

Figure 3.5-1: Tribal Areas & Settlements



SOURCE: Mintier Harnish 1988a

On October 1, 2002 a letter was sent by MHA on behalf of the DOE to the Native American Heritage Commission (NAHC) requesting a sacred sites record search in the vicinity of the proposed project. Debbie Pilas-Treadway responded noting that the search failed to indicate the presence of Native American cultural resources in the immediate project area. Ms. Treadway enclosed a list of tribal members to contact for further information. MHA followed up on the NAHC contact letter sent by DOE with phone calls on November 12, 2002 to the identified tribe members. Michelle Berditschewsky at the Pit River Tribe Environmental office noted that the water resources specialist had some concerns with the effluent discharge.

I'SOT Consultations. On September 10, 2002 I'SOT representatives met with the Pit River Tribes' tribal representative in their Family Practice Center in Canby, California to discuss the project components. Patricia Preston of the Astariwawi Band requested that a tribal monitor be present during pipeline construction. It was agreed that the tribal representative would monitor pipeline construction. Sharon Elmore, the Ajumawi Environmental Representative requested a second meeting to discuss the project further with additional tribal members.

The requested second meeting was held on January 16, 2003, at the I'SOT facility in Canby, CA. Tribal representatives presented four verbal comments at this meeting:

- A Tribal monitor was requested during construction (this comment was originally made at the first meeting in September 2002);
- Chlorine content of the discharge effluent could have potential impact on water quality;
- The project area could have cultural significance to the Tribe;
- The Tribe requested a Memorandum of Agreement concerning mitigation of potential impacts to cultural resources (see Section 8.3).

In response to DOE's request for comments, Patricia Preston, Cultural Resource Representative for the Astarawi Band of the Pit River Nation, provided DOE with a document "Astarawi Requirements for Contractors and Monitors in Dealing with Newly Discovered Cultural Resources." The document outlined the Pit River Nation's position with regard to protection of any indigenous cultural resources during I'SOT's construction of the geothermal heating plant.

REGULATORY FRAMEWORK

Federal

Several laws and Executive Orders address the issue of consultation with local Native American groups and cultural resources regarding the proposed project that may affect traditional religious practices or cultural resources, including:

- National Historic Preservation Act of 1996, as amended and 36 CFR 800
- Native American Graves Protection and Repatriation Act of 1990
- *Traditional Cultural Properties*, National Register (U.S. Department of the Interior) Bulletin 38
- American Indian Religious Freedom Act of 1978
- Archaeological and Historic Preservation Act of 1974

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- Archaeological Resources Protection Act of 1979
- Executive Order 13175, November 6, 2000, Consultation and Coordination with Indian Tribal Governments and Statement by the President
- Executive Order 13007, May 24, 1996, Protection of Sacred Sites
- Executive Order 12898, February 11, 1994, Environmental Justice
- Executive Order 11593, May 13, 1971, Protection and Enhancement of the Cultural Environment
- Secretarial Order 3206, June 5, 1997, American Indian Tribal Rights, Federal-Tribal Trust Responsibilities
- National Environmental Policy Act of 1969
- 10 Code of Federal Regulations 1021.301, August 16, 1994, DOE Environmental Assessment Checklist Guidelines

State

Modoc County General Plan. The Modoc County General Plan Background Report states that various portions of the California State Code are relevant to the protection of archaeological resources. Due to the rich cultural and historic history of the project area, the General Plan notes that the enhancement and promotion of these valuable and extensive resources presents an important opportunity to develop policies and procedures for their protection. In addition, public agencies should seek to avoid damaging effects on archaeological resources wherever feasible.

The Modoc County General Plan Goal, Policies, and Action Program includes the following goals and policies pertinent to cultural resources:

GOAL: To preserve, protect, and enhance the valuable natural, cultural, and historical resources of the county.

POLICY: Historic Development 1. Develop a program to preserve and enhance historic and cultural building and places of significance.

POLICY: Archaeological 1. Minimize the loss of archaeological resources through the development review and approval process.

ACTION PROGRAM 7: Include consideration of archaeological history and cultural resources impacts in the review of any development proposal.