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## 4.11 CULTURAL AND PALEONTOLOGICAL RESOURCES

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This section of the Draft EIR considers and evaluates the potential impacts of the proposed City of Chico General Plan Update on historical, cultural, and paleontological resources. Cultural resources are defined as prehistoric and historic sites, structures, and districts or any other physical evidence associated with human activity considered important to a culture, a subculture, or a community for scientific, traditional, or religious reasons. Paleontological resources include fossil remains, as well as fossil localities and formations which have produced fossil material.

For analysis purposes, cultural resources may be categorized into four groups: archaeological resources (prehistoric and historical); historic properties, buildings, and districts; areas of importance to Native Americans; and paleontological resources (fossilized remains of plants and animals). Cultural resource impacts include those to existing historic resources (i.e., historic districts, landmarks, etc.) and to archaeological and paleontological resources.

### CONCEPTS AND TERMINOLOGY FOR EVALUATION OF CULTURAL RESOURCES

The following definitions are common terms used to discuss the regulatory requirements and treatment of cultural resources:

*Cultural resources* is the term used to describe several different types of properties: prehistoric and historical archaeological sites; architectural properties such as buildings, bridges, and infrastructure; and resources of importance to Native Americans.

*Historic properties* is a term defined by the National Historic Preservation Act (NHPA) as any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on, the National Register of Historic Places (NRHP), including artifacts, records, and material remains related to such a property.

*Historical resource* as described in the California Environmental Quality Act (CEQA) includes buildings, sites, structures, objects, or districts, each of which may have historical, prehistoric, architectural, archaeological, cultural, or scientific importance and is eligible for listing or is listed in the California Register of Historical Resources (CRHR) or a local register of historical resources. The CRHR includes resources listed in, or formally determined eligible for listing in, the NRHP, as well as some California State Landmarks and Points of Historical Interest.

*Paleontological resource* is defined as including fossilized remains of vertebrate and invertebrate organisms, fossil tracks and trackways, and plant fossils. A unique paleontological site would include a known area of fossil-bearing rock strata.

#### 4.11.1 EXISTING SETTING

The existing conditions discussion for cultural and historic resources in the Planning Area addresses the prehistory and ethnography of the region, discusses the history of the City of Chico, and identifies known cultural and historic resources in the Planning Area. Information in this section is based on a records search at the Northeast Information Center, California State University, Chico, archival research (e.g., Meriam Library Special Collections, California State University Chico), review of cultural resources information presented in the current 1994 City of Chico General Plan, the City of Chico's Historic Resources Inventory, National Register Criteria, California State Register Criteria, State Landmark Criteria, and the California Office of Historic Preservation Historic Directory of Properties for the City of Chico. By utilizing the provisions of the CEQA Guidelines (see Sections 15148 [Citation] and 15150 [Incorporation by Reference]), the

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city, in preparing this DEIR, has been able to make maximum feasible and appropriate use of this technical information.

### PREHISTORY

The archaeology of the Central Valley and the area encompassing the City of Chico is complex and also related to surrounding areas such as the central Sierra Nevada and the Great Basin. The City of Chico, however, is located in an area primarily associated with the Mesilla, Bidwell, Sweetwater, and Oroville complexes.

While there have been relatively few extensive archaeological investigations in the Planning Area, large-scale archaeological investigations were undertaken in the neighboring Lake Oroville area during the 1960s through the 1970s for the construction of Oroville Dam and Lake Oroville. Archaeological research undertaken in the Lake Oroville area may be used to characterize the prehistory of the Planning Area. Ritter (1970) summarized the archaeological investigations in the area, which identified four prehistoric cultural complexes: Mesilla, 1,000 B.C.–A.D. 1; Bidwell, A.D. 1–A.D. 800; Sweetwater A.D. 800–A.D. 1500; and Oroville A.D. 1500–A.D. 1850 (PMC, 2008).

The Mesilla Complex represents hunter-gatherer occupation of the foothills of the Sierra Nevada and is characterized by large and heavy (usually weighing over 3.5 grams) leaf-shaped, stemmed, or side-notched points made of local “non-glassy” material; boatstones; milling stones and manos; *haliotis* and *olivella* shell beads and ornaments; and flexed burials. The Mesilla Complex points show considerable similarity with points from Martis Complex sites from the north-central Sierra Nevada, such as CA-Nev-15 which is only 35 miles from the Oroville area. Shell beads, shell ornaments, and flexed burials, however, also suggest a relationship of the Mesilla Complex to the Middle Horizon of the Central Valley (PMC, 2008).

Archaeologists have recognized the similarity of the Mesilla Complex to both the Martis Complex and the Middle Horizon of the Central Valley, but they believed that the Mesilla Complex had unique elements and its “intermediate” geographic position in the foothills between the other two cultures warranted its designation as a distinct complex. Similarities of the Mesilla Complex to the Martis Complex, the Middle Horizon of Central California, and other cultural complexes further to the north of Butte County in Tehama and Shasta counties have been identified by researchers. Similarities across the entire area, particularly regarding point types, shell beads, the presence of manos and milling stones, and type of burial have been identified (PMC, 2008).

The Bidwell Complex represents a continuation and elaboration of the Mesilla Complex, with an increase in the number of traits adopted from the Central Valley and an intensification and diversification of subsistence activities. The Bidwell Complex is characterized by large corner- and side-notched, wide-stemmed, leaf-shaped, small corner-notched, and stemmed projectile points primarily made of basalt; large basalt drills; net weights; steatite vessels; wooden mortar and pestles; and bone awls (PMC, 2008).

The Sweetwater Complex represents a period of population growth and intensification of acorn use during the Late Period. The Sweetwater Complex is characterized by large leaf-shaped and small corner-notched projectile points; cobble and slab mortars and pestles; bone fish gorges; shell beads; and clam shell spoons. It is believed by some that the Sweetwater Complex is associated with the arrival of Maidu peoples in the region (PMC, 2008).

The Oroville Complex represents a continuation of the Sweetwater Complex, particularly in terms of population growth, further intensification of acorn use, and the proliferation of certain artifacts

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such as beads. The Oroville Complex is characterized by small side-notched, corner-notched, and triangular projectile points; manos and metates; mortars and pestles; bone fish gorges; bone awls; clam shell disk beads; and *haliotis* ornaments. The Oroville Complex probably culminates in the culture of the ethnographic Konkow (PMC, 2008).

### ETHNOGRAPHY

Prior to the arrival of Euroamericans in the region, California was inhabited by groups of Native Americans speaking more than 100 different languages and occupying a variety of ecological settings. Kroeber (1925) subdivided California into four subculture areas: Northwestern, Northeastern, Southern, and Central. The City of Chico is located in the Central area within the boundaries of Konkow or Northwestern Maidu territory. The City of Chico is still home to a vibrant Native American community as exemplified by the Mechoopda Tribe of the Chico Rancheria.

Konkow or Northwestern Maidu occupied a territory both along the Sacramento River and east into the foothills of the Sierra Nevada in the vicinity of Willows, Chico, and Oroville. Konkow are members of the Maidu Language Family of Penutian Stock. Their population was divided into several "village communities" which were recognized as autonomous political units (Kroeber, 1925). Subsistence activities included hunting, fishing, and the collecting of a variety of plant resources including acorns, which were a staple food source for the Konkow. Konkow made a variety of bone, wood, and stone tools and basketry (PMC, 2008).

### HISTORIC CONTEXT

The Spanish period in California lasted from about 1769 to 1821. Euroamerican contact with Native American groups living in the Central Valley of California began during the last half of the eighteenth century. At this time, the attention of Spanish missionaries shifted away from the coast and its dwindling Native American population to the conversion and missionization of interior populations. Luis Argüello led an early expedition into the area in 1820. The expedition left San Francisco and followed a northerly course to the Sacramento River, intersecting the river a short distance north of Grimes. The group then followed the river north to Cottonwood Creek, passing through Konkow territory. Regardless, the area remained relatively unoccupied by Euroamericans until the Gold Rush. The latter half of the nineteenth century witnessed an ongoing and growing immigration of Euroamericans into the area, which was also accompanied by regional cultural and economic changes. These changes are highlighted by the development of towns and businesses associated with either gold mining or agriculture and a dramatic decline of Native American culture and people.

The Mexican Period (ca. 1821–1848) in California is an outgrowth of the Mexican Revolution, and its accompanying social and political views affected the mission system. The end of the Mexican-American War and the signing of the Treaty of Guadalupe Hidalgo in 1848 marked the beginning of the American period (ca. 1848–Present) in California history.

The first non-Native American to enter current Butte County was probably Gabriel Moraga, a Spanish soldier, who led an expedition into Alta California, crossing the Feather River in 1808 near Oroville. Following Moraga, Captain Luis Argüello explored Butte County in 1820 and named the Feather River (Rio de la Plumas). In 1825, Jedediah Strong Smith entered California from the south and, by 1827, had made his way to the Feather River. Hudson's Bay Company trappers also extensively explored the area in the 1820s and 1830s looking for furs. Then, in the 1830s and 1840s Joseph R. Walker and Joseph B. Chiles explored parts of Butte County, traveling along the Sacramento River and the South Fork of the Feather River, either looking for travel routes in the area or bringing settlers to the area (PMC, 2008).

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The search for gold drew thousands of miners to what is today Plumas County. By 1880, the largest ethnic percentage of these miners was Chinese. In 1880, neighboring Butte County had the second largest Chinese population in the nation. Swiss-Italian immigrants traveled to the county during the 1860s. The Swiss-Italians produced dairy products and hay for nearby gold mining operations, and some of their descendants raise cattle today.

John Bidwell led one of the first immigrant parties from the eastern United States to California in 1841. Subsequently, he worked at Sutter's Fort until gold was discovered at Sutter's Mill in Coloma. John Bidwell became interested in gold mining, and in June 1848 he discovered gold on the Feather River near Hamilton. Subsequently, Bidwell purchased Rancho del Arroyo Chico in 1849 from William Dickey and Edward A. Farwell, and he settled in what would become Butte County. Bidwell began planting wheat, barley, and fruit-bearing trees (e.g., apple, pear, peach, walnut, almond, fig, cherry, and olive) on his property and established a very successful agricultural business. Bidwell's success in the area facilitated the development of other agricultural enterprises, and by 1861 there were 34,500 acres in cultivation in Butte County. By 1875 there were 190,200 acres under cultivation in the county, and in 1877 Bidwell built a facility for drying fruit. Today, agriculture remains one of the primary industries in Butte County (PMC, 2008).

Butte County was one of California's first counties, formed in 1850 at the time of statehood. Part of the county's territory was transferred to Plumas County in 1854 and to Tehama County in 1856. The county seat is Oroville. The major surface water sources in Butte County are the Feather and the Sacramento Rivers. Butte Creek and Big Chico Creek are additional perennial streams, both tributary to the Sacramento River. Butte County is the site of Feather Falls, which is the sixth largest waterfall in the United States. The county's name is derived from the Marysville or Sutter Buttes, which were located within the boundaries when it was created (Wikipedia, 2009; Butte County Historical Society, 2009).

The City of Chico was founded by John Bidwell, who had amassed a fortune through his various business enterprises on Rancho del Arroyo Chico property. In 1860, Bidwell laid out the town of Chico south of Big Chico Creek on portions of the Farwell and Hensley grants that he had acquired. John Bidwell died in 1900, and his widow, Annie Bidwell, donated 2,200 acres of their estate along Big Chico Creek to the City of Chico. This property became Bidwell Park. Other significant individuals in the history of the City of Chico include Edward Farwell and Thomas Fallon, who obtained a 22,193-acre land grant from the Mexican government along the Sacramento River south of Chico Creek in 1844, and John Potter, who obtained 220 acres of the Farwell Grant and built a home in what would become downtown Chico (PMC, 2008; edits by Magliari, 2010).

Chico was incorporated as a city in 1872 and with its emergence as an economic center, there was a need to provide access to and from the city and surrounding area including Oroville, Marysville, and Sacramento. The construction of the California Northern Railroad from Marysville to Oroville was completed in 1864, with Chico receiving its first rail service from the California and Oregon Railroad in 1870. Both lines greatly expanded regional and local transportation in the area, with wagon traffic and related commerce beginning in 1866 from the Chico-Humboldt Road which served the Humboldt Silver mines in Idaho. Chico soon became an important and convenient locale for the growth of industry, including lumber milling. In 1875 the Sierra Flume and Lumber Company began operations, which were followed by operations of the Sierra Lumber Company (1878–1907). At this time agriculture was also expanding, particularly the production of crops such as almonds, peaches, wheat and flour milling (PMC, 2008).

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The City of Chico prospered at the end of the nineteenth century and into the twentieth century because of the abundant agricultural production of the region and the local economic success and contributions of individuals like Bidwell. Local orchards and other agricultural industries continued to expand during this period. Fruit drying, packing, and canning became important industries in Chico, especially with the arrival of Calpak/Del Monte (1916–1950), and the emergence of the local rice industry after 1910 added to Chico's importance as an agricultural center. Large lumber companies, such as the Diamond Match Company (1903–1975), soon became a fixture in the City of Chico. The city continued to grow, as did transportation networks including the arrival of the Northern Electric/Sacramento Northern Railroad in 1905, the construction of paved roads (e.g., State Route 32), and the opening of the Chico Municipal Airport, a single graded runway, in 1935. The current configuration of the airport is the result of its expansion in 1942 by the U.S. Army Corps of Engineers for use as a training facility for World War II pilots.

As the city grew, a need for access to higher education also grew; consequently Chico State Normal School was founded. The construction of the original campus began in 1887, with the first classes beginning two years later. The first graduating class was announced in 1891. From 1921 to 1935, the institution was known as the Chico State Teachers' College. The original Normal School campus building was destroyed by fire and replaced by the historic core of the modern California State University, Chico, campus including Kendall Hall, Laxson Auditorium, and Trinity Hall (1929–1933). In 1935 the college became known as Chico State College. During the years of 1949–1959, there was a major boom in campus construction to accommodate an increasing student population. Construction related to ongoing expansion of the student population has continued to the present. In 1972 Chico State College was incorporated into the California State University system, and currently it is one of the largest employers in the City of Chico and surrounding area (PMC, 2008).

Chinese immigrants came to California in the 1850s and 1860s and formed a community in Chico. The old Chinatown was founded about 1865 on Flume Street between 5th and 6th Streets, destroyed by fire in 1880, and rebuilt in the 1890s. The Chinese were responsible for many individual and community gardens in Chico and also contributed to the growth of the railroad industry (Moon, 2003). There was much anti-Chinese sentiment, which grew in the late 1800s, reported to be due to discontent over the hiring of Chinese workers in difficult economic times. Bidwell hired both Native Americans and Chinese Americans on his ranch and was said to protect their rights even while threatened by members of the community. He joined the "Committee of One Hundred," which was counteracting the efforts of a local anti-Chinese group.

### KNOWN CULTURAL RESOURCES IN THE PLANNING AREA

A records search was conducted at the Northeast Information Center of the California Historical Resources Information System at California State University, Chico, for the City of Chico in October 2007, during the preparation of the 2008 City of Chico Existing Conditions Report. There are 244 known archaeological sites and isolated features/artifacts, including prehistoric and historic sites, within the Planning Area. There are 177 prehistoric sites, 53 historic sites, and 11 sites that contain both prehistoric and historic elements. The majority of the prehistoric sites are bedrock milling stations and lithic scatters (e.g., areas representing the manufacture of stone tools) that are located along creeks and streams such as Mud Creek and Big Chico Creek. These are areas of high archaeological sensitivity. Many Mechoopda villages were located along these drainages as recently as the late nineteenth century. For example, the Mud Creek Canyon Archaeological District is listed in the National Register of Historic Places (NRHP). In the NRHP nomination form of 1970, it is described as a "virtually untouched and highly diversified

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archaeological resource." Numerous prehistoric sites are located in the district, such as the village site at Patrick Rancheria, which was the site of nineteenth century Ghost Dance ceremonies (Butte County, 2005).

Historic sites in the City of Chico primarily consist of residential and commercial buildings, but several trails and other linear features (e.g., the Southern Pacific Railroad alignment, historic roads, and wagon wheel ruts) are located throughout the Planning Area.

A new archaeological sensitivity map has been completed by the City and the Mechoopda Indian Tribe of the Chico Rancheria identifying areas of high archaeological sensitivity (see **Figure 4.11-1**). This map is very similar to the map found in the 1994 General Plan and the map found in the Existing Conditions Report. The new map expands the high sensitivity areas, which generally follow the creek corridors. Sacred lands, as identified by tribal representatives, are reflected in the sensitivity map as areas that would likely be sensitive for Native American cultural resources. The map reflects the location of known archaeological sites and areas in which archaeological sites would likely be identified.

One historic district and 497 properties in the City of Chico are listed in the current Office of Historic Preservation Directory of Properties, and an additional 17 properties are listed in the vicinity of Chico. The directory identifies 122 properties listed in the National Register of Historic Places (NRHP) and California Register of Historical Resources (CRHR), 80 properties that are eligible for inclusion in the NRHP, 121 properties that appear eligible for listing in a local historic register, and 168 properties that are not eligible for inclusion in the NRHP. Over 250 resources are listed on the City of Chico Historic Resources Inventory.

The Stansbury House, which is listed in the NRHP, is owned by the city. The South of Campus Neighborhood, which is bounded by West Second Street, Salem Street, West Ninth Street, and the western city limits, is a historic district listed in the NRHP. This area was the first residential area established in the city and currently is one of Chico's most densely populated areas.

The Bidwell Mansion is a California State Historic Park and was placed on the NRHP in 1972. It is a large, three-story, 26-room Victorian House Museum that stands as a memorial to John and Annie Bidwell. It was constructed in the style of an Italian villa and includes extensive grounds. It is considered to be the most elaborate house of its time in northern California. Upon arrival in Chico, the Bidwells used the mansion extensively while entertaining friends. Some of the guests that visited Bidwell Mansion were President Rutherford B. Hayes, General William T. Sherman, Susan B. Anthony, Frances Willard, Governor Stanford, John Muir, and Asa Gray (National Park Service, 2009; California State Parks, 2009).

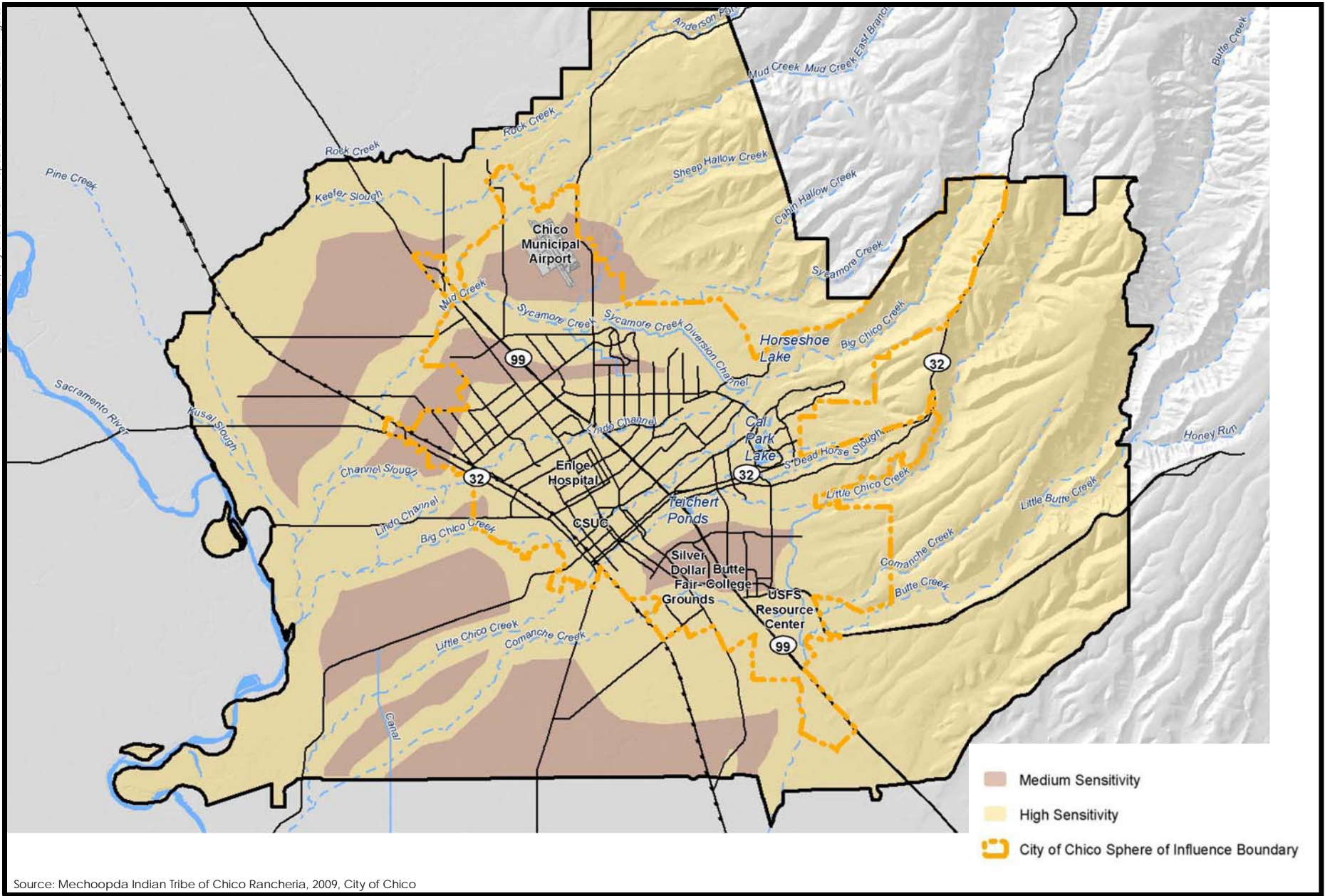


Figure 4.11-1  
Archaeological Sensitivity Map





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The city includes three California Historical Landmarks:

- **No. 313 Hooker Oak.** In 1887 Annie E. K. Bidwell named this huge oak after English botanist Sir Joseph Hooker. When it fell during a windstorm in 1977, the tree was estimated to be over a thousand years old; it was nearly 100 feet tall and 29 feet in circumference 8 feet from the ground. The largest branch measured 111 feet from trunk to tip; circumference of outside branches was nearly 500 feet. Location: Bidwell Park, Hooker Oak Recreation Area, Manzanita Avenue between Vallombrosa and Hooker Oak Avenue, Chico
- **No. 329 Rancho Chico and Bidwell Adobe.** The 26,000-acre Rancho Chico was purchased in 1845–1850 by John Bidwell. In 1865 he began construction of the mansion, which in time became the social and cultural center of the upper Sacramento Valley. It was through his advancement of agriculture, however, that Bidwell made his greatest contribution. Plants from all over the world were introduced to Rancho Chico to open the door to California's present agricultural treasure house. Location: Bidwell Mansion State Historic Park, 525 Esplanade, Chico
- **No. 840-2 Chico Forestry Station and Nursery.** In 1888, the State Board of Forestry established an experimental forestry station and nursery. It and the Santa Monica station established in 1887 were the first such stations in the nation. Exotic and native trees were tested and produced for scientific and conservation purposes. The station was operated by the Board of Forestry until 1903. Location: Bidwell Nature Center, Cedar Grove Picnic Area, Cedar Grove and E. 8th, Bidwell Park, Chico
- **No. 792 Chico African Methodist Episcopal Church South.** Twice moved, this small church was built in 1867 on Main Street to provide the town of Chico with one of its first organized church edifices. The church held the congregation of the Methodist Episcopal Church South at this location until growth brought a demand for a larger building. In 1907 the church building was given to the Black community and was moved to 6th and Flume streets on land deeded to the St. Andrew's African Methodist Episcopal Church by John Bidwell in 1871. The church building was once again moved in 1957 to its present location at 9th and Linden Streets when Trinity Methodist Church purchased the property to expand their church facilities located on the same block. The church holds the distinction of being Chico's oldest continuously used church. Location: Northeast corner of E. 9<sup>th</sup> and Linden Streets, 821 Linden Street, Chico.

Demolition and fires have destroyed numerous historic buildings and structures in the City of Chico. Historic buildings/structures that have been lost include the Sperry Flour Mills (1900) demolished in 1963, the Chico Rotunda and Bath House (1908) demolished in 1965, Chico High School (1922) demolished in 1967, the Hotel Oaks (1919) demolished around 1969, the Morse-Dresbach-Curtiss warehouse (1874) demolished in 1969, the M. Volpato and Co. Building (1925) and Colusa Hall (1919–1921) in 2000, the Diamond Garden/Diamond Match warehouse (1910) in 2001, the Stiles warehouse (1953) and Reynolds warehouse (1921) in 2006, and the conversion of the Bank of America building (1931) in 1997–1998 into a restaurant. Fires destroyed the Northern Star Flour Mills (1890s) in 1986, the Diamond Match Mill Works Main Office complex and warehouse in 1991, the Calpak/Cannery North warehouse (1905) by arson in 1997, the original Enloe Hospital building in 2003, and the Diamond Match Apiary and lumber warehouses by arson in 2004 (PMC, 2008).

Several historic buildings were restored in the City of Chico during the 1990s. These projects include restoration work on St. Augustine's Episcopal Church (1905) in 1995, the ground floor of

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the Bidwell Mansion in 1997, the 3<sup>rd</sup> Street Language Houses in 1998, the Senator Theatre (1927–1928) from 1999 to 2005, the Julia Morgan House-Chico State President's Mansion (1923) in 2000, the Northgraves-Compton-Patrick Ranch House (1877) in 2001, and the Hotel Diamond (1904) in 2005. The historically significant Thomas Wright-Old Patrick Ranch House (1852) is currently located beyond city limits and is proposed to be relocated within the city (PMC, 2008).

### KNOWN PALEONTOLOGICAL RESOURCES IN THE PLANNING AREA

Paleontology is defined as a science dealing with the life of past geological periods as known from fossil remains. Paleontological resources include fossil remains, as well as fossil localities and formations that have produced fossil material. Such locations and specimens are important nonrenewable resources. The California Environmental Quality Act (CEQA) offers protection for these sensitive resources and requires that they be addressed during the environmental impact report process. A search of the University of California Museum of Paleontology (UCMP) collections database indicated that 126 sites with the fossilized remains of plants, invertebrates, and mammalian vertebrates have been discovered in the Chico Planning Area (University of California, Berkeley, 2009).

### NATIVE AMERICAN COORDINATION

As of March 1, 2005, Senate Bill (SB) 18 (Gov. Code, Sections 65352.3, 65352.4) requires that, prior to the adoption or amendment of a general plan proposed on or after March 1, 2005, a city or county must consult with Native American tribes with respect to the possible preservation of, or the mitigation of impacts to, specified Native American places, features, and objects located within that jurisdiction. On July 31, 2008, the City of Chico initiated the consultation process as required under these provisions of the Government Code and consultation meetings between the city and tribal representatives have been ongoing.

## 4.11.2 REGULATORY FRAMEWORK

### FEDERAL

#### National Environmental Policy Act

The National Register of Historic Places (NRHP) is the nation's master inventory of known historic resources. 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 cultural significance at the national, state, or local level.

Structures, sites, buildings, districts, and objects over 50 years of age can be listed in the NRHP as significant historic resources. However, properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the NRHP. The criteria for listing in the NRHP include resources that:

- a) Are associated with events that have made a significant contribution to the broad patterns of history;
- b) Are associated with the lives of persons significant in our past;
- c) Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent

a significant and distinguishable entity whose components may lack individual distinction; or

- d) Have yielded or may likely yield information important in prehistory or history.

STATE

### **California Register of Historical Resources**

The State Historical Resources Commission has designed the California Register of Historic Resources (CRHR) for use by state and local agencies, private groups, and citizens to identify, evaluate, register, and protect California's historical resources. The CRHR is the authoritative guide to the state's significant historical and archeological resources. This program encourages public recognition and protection of resources of architectural, historical, archeological, and cultural significance, identifies historical resources for state and local planning purposes, determines eligibility for state historic preservation grant funding, and affords certain protections under CEQA.

### **California Environmental Quality Act**

Under CEQA, public agencies must consider the effects of their actions on both "historical resources" and "unique archaeological resources." Pursuant to Public Resources Code (PRC) Section 21084.1, a "project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." Section 21083.2 requires agencies to determine whether proposed projects would have effects on unique archaeological resources.

*Historical resource* is a term with a defined statutory meaning (PRC Section 21084.1; determining significant impacts to historical and archaeological resources is described in the CEQA Guidelines, Section 15064.5 [a], [b]). Under CEQA Guidelines Section 15064.5(a), historical resources include the following:

- 1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Public Resources Code, Section 5024.1).
- 2) A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, will 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.
- 3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource will be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing in the California Register of Historical Resources (Public Resources Code, Section 5024.1), including the following:

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- a) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
  - b) Is associated with the lives of persons important in our past;
  - c) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
  - d) Has yielded, or may be likely to yield, information important in prehistory or history.
- 4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to Section 5020.1 (k) of the Public Resources Code[PRC]), or identified in a historical resources survey (meeting the criteria in Section 5024.1 (g) of the PRC) does not preclude a lead agency from determining that the resource may be an historical resource as defined in PRC Section 5020.1 (j) or 5024.1.

Historic resources are usually 45 years old or older and must meet at least one of the criteria for listing in the California Register, described above (such as association with historical events, important people, or architectural significance), in addition to maintaining a sufficient level of physical integrity.

Properties of local significance that have been designated under a local preservation ordinance (local landmarks or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the CRHR and are presumed to be historical resources for purposes of CEQA unless a preponderance of evidence indicates otherwise (PRC, Section 5024.1 and California Code of Regulations (CCR), Title 14, Section 4850). Unless a resource listed in a survey has been demolished, lost substantial integrity, or there is a preponderance of evidence indicating that it is otherwise not eligible for listing, a lead agency should consider the resource to be potentially eligible for the CRHR.

For historic structures, CEQA Guidelines Section 15064.5, subdivision (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 mitigating impacts to a less than significant level.

As noted above, CEQA also requires lead agencies to consider whether projects will impact "unique archaeological resources." Public Resources Code Section 21083.2, subdivision (g), states that " 'unique archaeological resource' means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
- Has a special and particular quality such as being the oldest of its type or the best available example of its type.

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- Is directly associated with a scientifically recognized important prehistoric or historic event or person.”

Treatment options under Section 21083.2 include activities that preserve such resources in place in an undisturbed state. Other acceptable methods of mitigation under Section 21083.2 include excavation and curation or study in place without excavation and curation (if the study finds that the artifacts would not meet one or more of the criteria for defining a unique archaeological resource).

Section 7050.5(b) of the California Health and Safety Code (CHSC) specifies protocol when human remains are discovered, as follows:

*In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27492 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.*

CEQA Guidelines Section 15064.5, subdivision (e) requires that excavation activities be stopped whenever human remains are uncovered and that the county coroner be called in to assess the remains. If the county coroner determines that the remains are those of Native Americans, the Native American Heritage Commission must be contacted within 24 hours. At that time, the lead agency must consult with the appropriate Native Americans, if any, as timely identified by the Native American Heritage Commission. Section 15064.5 directs the lead agency (or applicant), under certain circumstances, to develop an agreement with the Native Americans for the treatment and disposition of the remains.

In addition to the mitigation provisions pertaining to accidental discovery of human remains, the CEQA Guidelines also require that a lead agency make provisions for the accidental discovery of historical or archaeological resources, generally. Pursuant to Section 15064.5, subdivision (f), these provisions should include “an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place.”

Paleontological resources are classified as non-renewable scientific resources. California Public Resources Code Section 5097.5 et seq makes it a misdemeanor for anyone to knowingly disturb any archaeological, paleontological, or historical features situated on public lands. No state or local agencies have specific jurisdiction over paleontological resources. No state or local agency requires a paleontological collecting permit to allow for the recovery of fossil remains discovered as a result of construction-related earth-moving on state or private land in a project site.

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### LOCAL

#### ***City of Chico Historic Preservation Program***

The city is currently working on expanding its historic preservation program. The City Council adopted a historic resources inventory in January 2009 as the first step of the Historic Preservation Program. The inventory is currently referenced in Title 19 of the Municipal Code as a necessary component to implement the Landmark Overlay zoning district. Following adoption of the pending historic preservation ordinance and establishment of an historic preservation board, the city will pursue Certified Local Government status with the State Office of Historic Preservation.

#### ***City of Chico Architectural Review Board***

The Architectural Review Board reviews architectural drawings or renderings which are required to be submitted with an application for a commercial, industrial, or multi-family building permit. Furthermore, the Architectural Review Board (ARB) promotes responsible architectural design which is consistent with Chico's character by enforcing the design guidelines. In order to illustrate these guidelines, the City Design Manual contains graphic examples as well as explanations of the architectural review process. The design review process focuses on three major areas: site design, building design, and landscape design. As part of the comprehensive Historic Preservation Program, the current ARB will act as the new Architectural Review and Historic Preservation Board.

#### ***Landmark (-L) Overlay Zone – City of Chico Municipal Code***

The Landmark overlay zone is intended to identify landmarks and historic sites in compliance with the General Plan, so that development and new land uses are designed and operated in a manner compatible with the preservation of these historic resources. Any land use normally allowed in the primary zoning district may be allowed within the Landmark overlay zone, in compliance with certificate of appropriateness requirements. New landmark overlay zoning districts may be established to implement (in part) a pending historic preservation ordinance.

### **4.11.3 IMPACTS AND MITIGATION MEASURES**

#### THRESHOLDS OF SIGNIFICANCE

Following Public Resources Code Sections 21083.2 and 21084.1, and Section 15064.5 and Appendix G of the CEQA Guidelines, cultural resource impacts are considered to be significant if implementation of the project considered would result in any of the following:

- 1) Cause a substantial adverse change in the significance of a historical resource as defined in Public Resources Code Section 21084.1 and CEQA Guidelines Section 15064.5.
- 2) Cause a substantial adverse change in the significance of an archaeological resource as defined in Public Resources Code Sections 21083.2 and 21084.1, and CEQA Guidelines Section 15064.5.
- 3) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature.
- 4) Disturb any human remains, including those interred outside of formal cemeteries.

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State CEQA Guidelines Section 15064.5 defines “substantial adverse change” as physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource is materially impaired.

CEQA Guidelines, Section 15064.5, subdivision (b)(2), defines “materially impaired” for purposes of the definition of substantial adverse change as follows:

*The significance of an historical resource is materially impaired when a project:*

- (A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or*
- (B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or*
- (C) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.*

CEQA requires that if a project would result in an effect that may cause a substantial adverse change in the significance of a historical resource or would cause significant effects on a unique archaeological resource, then alternative plans or mitigation measures must be considered. Therefore, prior to assessing effects or developing mitigation measures, the significance of cultural resources must first be determined. The steps that are normally taken in a cultural resources investigation for CEQA compliance are as follows:

- Identify potential historical resources and unique archaeological resources;
- Evaluate the eligibility of historical resources; and
- Evaluate the effects of the project on eligible historical resources.

### METHODOLOGY

A records search was completed by PMC at the Northeast Information Center, California State University Chico of the California Historical Resources Information System. PMC also completed archival research (e.g., Meriam Library Special Collections, California State University Chico), review of cultural resources information presented in the current 1994 City of Chico General Plan, the City of Chico's Historic Resources Inventory, National Register Criteria, California State Register Criteria, State Landmark Criteria, and the California Office of Historic Preservation Historic Directory of Properties for the City of Chico. A sacred lands search conducted by the Native American Heritage Commission, and consultation with the Native American community per the requirements of SB 18, was initiated by the City of Chico in July 2008. All Native American

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groups identified by the NAHC were contacted by letter regarding the proposed General Plan Update.

The potential impacts of the proposed General Plan Update on cultural resources have been evaluated by considering both potential future construction activities and operational impacts of potential proposed projects which could occur under the proposed General Plan Update. The proposed policies and actions providing mitigation have been identified for each significant impact in this section. If the applicable proposed General Plan Update policies were determined not to fully mitigate or avoid impacts, then additional mitigation measures have been provided.

The following proposed General Plan Update policies and actions address cultural and paleontological resources:

- |                   |  |
|-------------------|--|
| Policy CRHP-1.1   | <i>(Historic Preservation Program) – Maintain a comprehensive Historic Preservation Program that includes policies and regulations which protect and preserve the archaeological, historical and cultural resources of Chico.</i>                                |
| Action CRHP-1.1.1 | <i>(Historic Preservation Ordinance) – Maintain and update as necessary the City's Historic Preservation Ordinance.</i>  |
| Action CRHP-1.1.2 | <i>(Historic Resources Inventory) – Maintain and update the City's Historic Resources Inventory.</i>   |
| Action CRHP-1.1.3 | <i>(Historic Preservation Board) – Appoint members for the Historic Preservation Board who meet the qualifications of a Certified Local Government and who also serve a dual role as members of the City's Architectural Review Board.</i>                       |
| Action CRHP-1.1.4 | <i>(Certified Local Government) – Maintain the City's recognition by the State Historic Preservation Office as a Certified Local Government.</i>   |
| Action CRHP-1.1.5 | <i>(Financial Assistance Programs) – Pursue grant funding sources available to Certified Local Governments to establish and maintain a Cultural Resources Management Plan and to expand the City's Historic Preservation Program.</i>                            |
| Action CRHP-1.1.6 | <i>(Conditions of Approval) – Develop standard conditions of approval for discretionary projects that ensure best management practices to protect cultural and historic resources.</i>   |
| Policy CRHP-2.1   | <i>(Infill and Historic Preservation) – Integrate the values of historic preservation with infill development and adaptive reuse.</i>  |
| Action CRHP-2.1.2 | <i>(Guidelines for Redevelopment of Historic Resources) – Utilize the City's Design Guidelines Manual for discretionary design review to address exterior alterations proposed to historic buildings in accordance with the Historic Preservation Ordinance.</i> |



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- Policy CRHP-2.2      *(Adaptive Reuse) – Encourage the adaptive reuse of historic buildings when the original use of the structure is no longer feasible.*
- Action CRHP-2.2.1      *(Exterior of Historic Structures) – With discretionary actions or in compliance with the Historic Preservation Ordinance, restore or preserve the original exterior of historic structures at the time of a change in use, whenever feasible.*
- Policy CRHP-2.3      *(Demolition as Last Resort) – Limit the demolition of historic resources to an act of last resort, to be permitted only if rehabilitation of the resource is not feasible; demolition is necessary to protect the health, safety, and welfare of its residents; or the public benefits outweigh the loss of the historic resource.*
- Policy CRHP-2.5      *(Purchase of Historically Significant Buildings) – Explore grant funding, partnerships, and other opportunities to purchase historically significant buildings or sites that are eligible for State or National Registers as they become available.*
- Action CRHP-2.5.1      *(Register Listings of City-owned Properties) – Pursue the listing of City-owned historic properties on the National Register of Historic Places and California Register of Historical Resources.*
- Policy CRHP-3.1      *(Partnerships to Preserve Heritage Resources) – Foster partnerships with interested parties to preserve heritage resources.*
- Action CRHP-3.1.5      *(Public/Private Partnerships) – Explore public and private partnerships that support the City's historic preservation program. Continue to utilize the Chico Heritage Association as a resource for issues and projects.*

The impact analysis provided below utilizes these proposed policies and actions to determine whether implementation of the proposed General Plan Update would result in significant impacts. The analyses identify and describe how specific policies and actions as well as other City regulations and standards provide enforceable requirements and/or performance standards that address cultural and paleontological resources and avoid or minimize significant impacts.

### PROJECT IMPACTS AND MITIGATION MEASURES

#### **Potential Destruction or Damage to Historical Resources (Standard of Significance 1)**

- Impact 4.11.1**      Subsequent activities under the proposed General Plan Update could potentially cause a direct substantial adverse change in the significance of a historical resource or structure. However, policy provisions in the proposed General Plan Update, existing Best Management Practices (BMPs), and continued implementation of the city's Municipal Code would ensure that historic resources are not adversely impacted. This would be a **less than significant** impact.

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Future development allowed under the proposed General Plan Update could result in the destruction of historic buildings and alterations resulting in the loss of historic character-defining features of buildings. Indirect impacts could also occur from development adjacent to historic structures that conflict in design. As noted above, the Landmark overlay zone requires that development and new land uses are designed and operated in a manner compatible with the preservation of these historic resources. Any land use normally allowed in the primary zoning district may be allowed within the Landmark overlay zone.

Implementation of the proposed General Plan Update Cultural Resources and Historical Conservation Element policies and actions would ensure protection and preservation of significant historical resources by identifying resources and avoiding or mitigating potential impacts as well as by ensuring that infill development compliments existing historic structures. For example, Action CRHP-1.1.6 requires that conditions of approval for a proposed development project would have to include best management practices that protect cultural resources, while Action CRHP-2.1.2 requires review of proposed exterior alterations to historic buildings in accordance with the Historic Preservation Ordinance. Also, Policy CRHP-2.1 requires the city to integrate the values of historic preservation with infill development and adaptive reuse and Policy CRHP-2.3 limits the demolition of historic resources to an act of last resort. Future discretionary approvals that could result in the demolition of historical resources will be subject to individual review of potential impacts under a separate CEQA document. However, the proposed General Plan Update does not propose the removal of any historic resources. Thus, this impact would be **less than significant**.

### **Potential Destruction or Damage to Known and Undiscovered Archaeological Resources and Human Remains (Standards of Significance 2 and 4)**

**Impact 4.11.2** Subsequent activities under the proposed General Plan Update could result in the potential disturbance of cultural resources (i.e., prehistoric archaeological sites, historical archaeological sites, and isolated artifacts and features) and human remains. However, policy provisions in the proposed General Plan Update would ensure that archaeological resources are not adversely impacted. This would be a **less than significant** impact.

Cultural resources have been identified by previous investigations in the city, and it is anticipated that additional cultural resources may be discovered in other areas within the city during construction and build-out of land uses allowed under the proposed General Plan Update. Development which could occur has the potential to destroy and/or degrade known and unknown prehistoric archaeological resources, historical archaeological resources, or human remains. As noted above, CEQA Guidelines Section 15064.5, subdivision (e) requires that excavation activities be stopped whenever human remains are uncovered and that the county coroner be called in to assess the remains. If the county coroner determines that the remains are those of Native Americans, the Native American Heritage Commission must be contacted within 24 hours. At that time, the lead agency must consult with the appropriate Native Americans, if any, as timely identified by the Native American Heritage Commission. Section 15064.5 directs the lead agency (or applicant), under certain circumstances, to develop an agreement with the Native Americans for the treatment and disposition of the remains.

Implementation of the proposed General Plan Update Cultural Resources and Historical Preservation Element policy and actions would ensure protection and preservation of significant archaeological resources by identifying resources and avoiding or mitigating potential impacts. For example, Action CRHP-1.1.8 mandates consultation and record searches with the Northeast Center of the California Historical Information System. Founded in the early 1970s, the Northeast

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Center of the California Historical Resources Information System (NEIC) is one of eleven information centers under contract to the State of California Office of Historic Preservation (OHP) in Sacramento. These centers are nonprofit organizations located at various universities and museums throughout the state of California. NEIC staff provides research and information services regarding Northeastern California history and prehistory (Cal-Fire, 1999). Action CRHP-1.1.6 requires the development of standard conditions of approval for discretionary projects that ensure best management practices protect cultural resources. Thus, this impact would be **less than significant**.

### Potential Destruction or Damage to Paleontological Resources (Standard of Significance 3)

**Impact 4.11.3** Adoption of the proposed General Plan Update could result in the potential disturbance of paleontological resources (i.e., fossils and fossil formations) within the Planning Area. However, policy provisions in the proposed General Plan Update would ensure that paleontological resources are not adversely impacted. This would be a **less than significant** impact.

A search of the University of California Museum of Paleontology collections database indicated that 126 sites with the fossilized remains of plants, invertebrates, and mammals have been discovered in the Chico Planning Area. The potential exists for future projects being approved within the Planning Area to disturb other undiscovered paleontological resources. Development under the proposed General Plan Update could impact undiscovered paleontological resources in areas encompassed by the Planning Area.

However, the General Plan Update does not propose any development activities that would directly disturb currently undiscovered paleontological resources. Furthermore, as described under Impact 4.11.1 and 4.11.2, proposed General Plan Update Action CRHP-1.1.6 requires that conditions of approval for future proposed development projects to include best management practices that protect paleontological resources. Future discretionary approvals that could result in the potential disturbance of paleontological resources will be subject to individual review of potential impacts under a separate CEQA document. As such, this impact would be **less than significant**.

### 4.11.4 CUMULATIVE SETTING, IMPACTS, AND MITIGATION MEASURES

#### CUMULATIVE SETTING

The cumulative setting associated with the proposed General Plan Update includes existing, proposed, planned, and reasonably foreseeable projects and growth within the Planning Area and the region (see Section 4.0 for a further description of cumulative growth conditions). Continued growth in the region would contribute to potential conflicts with cultural and paleontological resources. These resources include archaeological resources associated with Native American activities and historic resources associated with settlement, farming, and economic development.

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### CUMULATIVE IMPACTS AND MITIGATION MEASURES

#### **Cumulative Impacts on Historic Resources, Prehistoric Resources, and Human Remains (Standard of Significance 1, 2 and 4)**

**Impact 4.11.4** Implementation of the proposed General Plan Update, in addition to existing, approved, proposed, and reasonably foreseeable development in the region, could result in cumulative impacts to cultural resources in the region. However, policy provisions in the proposed General Plan Update and continued implementation of the city's Municipal Code would ensure that historic and prehistoric resources are not adversely impacted. This impact would be **less than cumulatively considerable**.

Implementation of the proposed General Plan Update, in combination with cumulative development in the surrounding region, would increase the potential to disturb known and undiscovered cultural resources. The project might contribute to the cumulative loss of cultural resources in the region. This contribution might be considerable when combined with other past, present, and reasonably foreseeable development in the region.

However, as discussed under Impact 4.11.1 and 4.11.2, the proposed General Plan Cultural Resources and Historical Preservation Element contains several policies and actions that would assist in reducing potential cumulative impacts to historical resources, prehistoric resources, and human remains throughout the Planning Area. General Plan Update Action CRHP-1.1.6 requires that conditions of approval for future proposed development projects to include best management practices that protect cultural and historic resources. Future discretionary approvals that could result in the potential disturbance of paleontological resources will be subject to individual review of potential impacts under a separate CEQA document. General Plan Update Policy CRHP-2.1 requires the city to integrate the values of historic preservation with infill development and adaptive reuse and Policy CRHP-2.3 limits the demolition of historic resources to an act of last resort. In addition, Section 7050.5(b) of the CHSC specifies protocol when human remains are discovered on a project site, while Public Resources Code Section 21083.2 includes requirements for activities that preserve unique archeological resources in place in an undisturbed state. Future environmental and discretionary review of development or redevelopment projects under the proposed General Plan Update would ensure that the project's contribution to cumulative impacts would be **less than cumulatively considerable**.

#### **Cumulative Impacts on Paleontological Resources (Standard of Significance 3)**

**Impact 4.11.5** Implementation of the proposed General Plan Update, in addition to existing, approved, proposed, and reasonably foreseeable development in the region, could result in cumulative impacts to paleontological resources in the region. However, policy provisions in the proposed General Plan Update would ensure that impacts would be **less than cumulatively considerable**.

Implementation of the proposed project, in combination with cumulative development in the surrounding region, would increase the potential to disturb known and undiscovered paleontological resources in the region. However, during implementation of the current General Plan, little, if any impacts have occurred to paleontological resources. While multiple impacts may occur during the implementation period of the General Plan Update, cumulative impacts are unlikely. Cumulative impacts that may occur would be reduced to **less than cumulatively considerable** levels by implementation of Action CRHP-1.1.6 identified under Impact 4.11.3.

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