



Newman Community Conservation Area Master Plan
Initial Study and Proposed Mitigated Negative Declaration
March 2021

APPENDIX D: Cultural Resources Technical Report (HPSR/FOE)



Cover photograph: courtesy of Vollmar Natural Lands Consulting

**HISTORIC PROPERTY SURVEY REPORT/
FINDING OF EFFECT**

**NEWMAN COMMUNITY CONSERVATION AREA
78 AND 24-ACRE PARCELS
MERCED COUNTY, CALIFORNIA**

FOR

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LETTER	Request to Native American Heritage Commission
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CHRIS/CCIC SEARCH RESULTS

SEARCH 1	File No. 11485IN dated August 26, 2020 (No Confidential Information)
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DPR 523 PRIMARY FORM – Miller Ditch

FORM 1	DPR Primary Form – Miller Ditch. Dated November 2020
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1.0 INTRODUCTION

This *Historic Property Survey Report/Finding of Effect* report (HPSR/FOE) represents the archaeological identification and evaluation effort completed for the City of Newman's proposed Newman Community Conservation Area (NCAA). The NCAA is planned to support three separate but related habitat restoration and creation projects, a multi-use trail system, and other amenities that will provide public access, recreation, nature viewing, and nature- and conservation-oriented education opportunities to the community on two separate 78-acre and 24-acres parcels located to the immediate southeast of the city in Merced County.

The review was requested to determine if significant cultural resources under both the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA) might be affected by the proposed actions. Portions of the habitat restoration and creation project may have to comply with Section 404 of the Clean Water Act (codified at 33 U.S.C. § 1344) and the regulatory requirements of the Department of the Army, Corps of Engineers (USACE) with regard to cultural resources (historic properties) for a permit.

The USACE is the NEPA responsible entity for actions that will require a Section 404 permit and is required to complete the federal regulatory requirements for cultural resources pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966 (as amended) (54 U.S.C. § 306108) and its implementing regulations 36 CFR Part 800. The regulations require a federal agency with jurisdiction over a federal, federally assisted or federally licensed undertaking to take into account the effort of the undertaking on properties listed on or eligible for the National Register of Historic Places (NRHP) and to afford the Advisory Council on Historic Preservation (ACHP) an opportunity to comment on the undertaking should it adversely affect a NRHP eligible or NRHP listed property. The criteria for determining NRHP eligibility are found in 36 CFR Part 60.

The City of Newman is the lead local agency and the USACE is the lead federal agency for the projects. The USACE is responsible for consulting with the California State Historic Preservation Office (SHPO) on their identification and evaluation efforts and on the effects, if any, of the undertaking upon historic properties in accordance with 54 U.S.C. § 302303(b)(5), (b)(6) and (b)(9).

The Area of Potential Effects (APE) for Archaeology includes the area within which an undertaking may directly or indirectly cause changes in the character or use of historic properties, should any be present within the APE. The horizontal and vertical APE consists of the proposed construction within the footprint of the two parcels to develop the habitat restoration and creation projects as well as associated improvements.

The completion of an HPSR/FOE document will allow the project proponent to partially satisfy the regulations of the ACHP (36 CFR Part 800) for implementing Section 106 of the NHPA of 1966 as amended (54 U.S.C. § 306108). Section 106 studies provide the information necessary to satisfy the legal requirements for environmental documents or categorical exclusions under NEPA. In addition, the lead local agency, is required to determine the potential impacts of the construction on both historical and archaeological cultural resources and mitigate impacts on any significant resources located that may be affected by the project to a less than significant effect in

accordance with CEQA.

The research completed for the HPSR/FOE recommends that a finding of *No Adverse Effect* pursuant to 36 CFR Part 800.4(d)(1) for historic properties is appropriate as the proposed habitat restoration and creation and associated impacts will have no adverse effect as defined in 36 CFR Part 800.16(i).

2.0 DESCRIPTION AND LOCATION

2.1 LOCATION

The proposed NCAA projects will be completed within two parcels comprising 78-acres (APNs 054-050-019 and 054-050-020) and 24-acres (APN 054-05-010) southeast of the City of Newman. Both parcels are within Merced County (USGS Newman, Calif. 1978 and Gustine, Calif. 1973 Section 20 of Township 7 South Range 9 East) [Figs. 1-3].

The 78-acre parcel is bounded by Inyo Avenue and the Miller Ditch on the north, on the east by irrigated agricultural land, on the south by Brazo Road and on the west by Canal School Road and the Miller Ditch. Historically the majority of this parcel was graded into terraces or gently-angled pastures to facilitate irrigation and cultivation but the parcel has been fallowed since at least the late 1990s, and now is primarily used for cattle grazing. The parcel probably supported a mosaic of perennial grasslands, vernal pools, alkali seasonal wetlands, and potentially a portion of a tributary of the San Joaquin River. The various historic modifications have changed the extent of wetlands, as well as their hydrology and the associated plant communities (see Vollmar 2020a-b).

The 24-acre parcel is located to the east and consists of a northwest/southeast trending parcel with the north end bounded by Inyo Avenue/Miller Ditch and the south by the Newman Wasteway near Brazo Road. The eastern boundary is a drainage ditch and the Santa Fe Grade, a portion of railroad alignment constructed in 1890 that was never used and was subsequently converted to serve as both a gravel access road and reclamation structure. The west boundary is adjacent to former agricultural lands. The parcel is comprised of severely degraded wetlands, including a large alkali seasonal wetland as well as upland areas. This parcel has not been intensively cultivated, but has been overgrazed by cattle and received unseasonable irrigation water during the summer via drainage from the adjoining agricultural property (see Vollmar 2020a-b).

2.2 DESCRIPTION

The proposed NCAA projects include four separate complementary projects within the two parcels to be completed over a number of years: (1) Newman Environmental Wetland System (NEWS Project); (2) Wetland Project; (3) Miller Ditch Treatment Wetland Project; and, (4) Newman Nature Park. The NEWS, Miller Ditch Treatment Wetland Project, and Newman Nature Park projects would be located on the 78-acre parcel. The wetland project would extend to the 24-acre parcel [see Fig. 3]. The NEWS and Newman Nature Park projects would be served by City water for limited irrigation, potable and handwashing station use.

2.2A NEWS Project

The **NEWS Project** will occupy the northwest quadrant of the 78-acre parcel. This project will treat stormwater and dry season runoff from the City and surrounding agricultural lands prior to discharge to the Newman Wasteway and, ultimately, the San Joaquin River. Flows from the Miller Ditch would enter the NEWS facility via a passive diversion structure located at the northwest corner of the 78-acre parcel. Project components include a 2.5-acre sediment settling forebay, approximately eight acres of constructed wetland habitat for stormwater treatment (including 5.6 acres of low marsh habitat plus an additional 2.5 acres of high marsh habitat), and a 2.2-acre “micropool” with emergent wetland habitat for final polishing treatment. Unpaved roads/trails to enable O&M access are also planned. These would be opened to the public for walking, bicycling, jogging, and other non-motorized recreational use, with split-rail fencing around the forebay, wetland areas, and micropool providing for safety and discouraging entry into sensitive habitat. Native trees and shrubs would be planted along the access roads/trails at the west side of the forebay, and bordering the wetland area and micropool, in addition to native wetland plantings in the treatment cells.

2.2B Wetland Project

The **Wetland Project** would extend from the central and east-central portions of the 78-acre parcel to the 24-acre parcel to the east to restore and enhance an approximate 11-acre connected mosaic of wetland and perennial grassland habitat resembling the historic landscape as inferred from historic aerial photographs, historic topographic maps, and intact natural reference sites in the vicinity.

It is expected to include enhancement of about 1.4 acres existing marsh habitat in the central swale and reestablishment of another 6 acres of marsh habitat in the central swale; reestablishment of about 0.14 acre of seasonal wetlands adjacent to the central swale in the northeast corner of the 78-acre parcel; planting of at least 50 riparian trees along the south edge of the central swale on the 78-acre parcel; reestablishment of native perennial grasslands in disturbed upland areas south of the central swale on the 78-acre parcel; and enhancement of existing wetlands on the 24-acre parcel, which have been degraded and modified by unseasonable irrigation. The current practice of flood irrigation on the 78-acre parcel would be discontinued, and irrigation flows from the intervening privately owned parcel would be blocked from entering the 24-acre parcel to enable wetlands to return to a more site-appropriate ephemeral regime. Grazing on the 78-acre parcel would also be modified and limited under a new Grazing Management Plan tailored to supporting wetland function and value.

2.2C Newman Nature Park Project

The **Newman Nature Park Project** in the east and southeast portions of the 78-acre parcel would provide nature-oriented community recreational and education amenities, potentially including a community gathering plaza, outdoor classroom areas, and native plant, rainwise garden, and low-impact development demonstration areas. It would also construct new accessible (ADA-compliant) trails suitable for non-vehicular passive recreation such as jogging, walking, biking, and wildlife observation. Trails would include signage as well as split-rail fencing or other measures to restrict access to sensitive habitat areas. Seating and shade would be provided at

“trail nodes” for rest, nature viewing, and contemplation areas. The community area would also include restrooms with composting toilets, a handwashing station, and a hydration station. Vehicle and bicycle parking, potentially including a bus drop-off would be provided in a parking area off Brazo Road.

2.2D Miller Ditch Treatment Wetland Project

The ***Miller Ditch Treatment Wetland Project*** in the southwest portion of the 78-acre parcel would occupy about 16 acres with a focus on the removal of nitrates and phosphorus from the Miller Ditch. Contributions to public nature viewing and educational amenities for the City and surrounding area are anticipated by providing unpaved access suitable for operations and maintenance as well as non-vehicular public use such as walking, jogging, bicycling, birding, and watershed education. This project will be in collaboration with the Environmental Systems Graduate Group at the University of California, Merced (UC Merced) Department of Civil and Environmental Engineering,

2.2E Water Service Extension

The NEWS and Newman Nature Park projects would be served by City water for limited irrigation, potable, and handwashing station use. Water service for the NEWS project would be extended east from the City’s existing 8-inch-diameter water pipeline at the corner of Canal School Road and Inyo Avenue. Two possible alignments are under consideration for the Newman Nature Park Project: (1) water line would extend south along Canal School Road and then east on Brazo Road, entering the 78-acre parcel via the future location of the Newman Nature Park Project driveway; and, (2) water line would extend along the north edge of the 78-acre parcel, paralleling the Miller Ditch, and then south along the east property boundary to reach the community area [see Fig. 3]. Construction is expected to rely on conventional open cut or cut and cover installation.

2.3 AREA OF POTENTIAL EFFECTS (APE)

The Area of Potential Effects (APE) includes all areas where direct or indirect impacts may occur within the projects. The horizontal and vertical Area of Potential Effects (APE) of the proposed project consists of the two parcels (102 acres) with subsurface impacts up to 10 feet deep with excavation primarily focused on the NEWS and Wetland project areas as well as potential water line open-cut trenching. Staging and laydown areas would be confined to the NCCA property or other public right of way or possible adjacent private land with the permission of the land owner. Water intake and drainage would be via existing canals and ditches.

3.0 REGULATORY CONTEXT

Cultural resources include prehistoric and historic archaeological sites, districts, and objects; standing historic structures, buildings, districts, and objects, and locations of important historic events or sites of traditional and/or cultural importance to various groups. The analysis of cultural resources can provide valuable information on the cultural heritage of both local and regional populations.

Cultural resources may be determined significant or potentially significant in terms of national, state, or local criteria either individually or in combination. Resource evaluation criteria are determined by the compliance requirements of a specific project.

3.1 FEDERAL

At least two of the projects (NEWS project and Miller Ditch Treatment Wetland Project) are expected to require authorization under Section 404 of the Clean Water Act (codified at 33 U.S.C. § 1344) and will therefore need to satisfy the regulatory requirements of the USACE with regard to cultural resources (historic properties) for a permit.

The USACE is the NEPA responsible entity and is required to complete the federal regulatory requirements for cultural resources pursuant to Section 106 of the National Historic Preservation Act (NHPA) of 1966 (as amended) (54 U.S.C. § 306108) and its implementing regulations 36 CFR Part 800. The regulations require a federal agency with jurisdiction over a federal, federally assisted or federally licensed undertaking to take into account the effort of the undertaking on properties listed on or eligible for the National Register of Historic Places (NRHP) and to afford the Advisory Council on Historic Preservation (ACHP) an opportunity to comment on the undertaking should it adversely affect a NRHP eligible or NRHP listed property. The criteria for determining NRHP eligibility are found in 36 CFR Part 60.

3.2 STATE

The City of Newman, as the lead state agency under CEQA, must determine the potential impacts of the project on both historical and unique archaeological resources and identify possible mitigation measures or alternatives that can minimize adverse impacts on any significant cultural resources that may be affected by the project.

Public agencies under CEQA must consider the effects of their actions on both “historical resources” and “unique archaeological resources.” Pursuant to California 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” (CEQA Guidelines Section 15064.5(b).) PRC 21083.2 requires agencies to determine whether a proposed project would have an effect on “unique” archaeological resources.

“Historical resource” (see PRC 21084.1 and CEQA Guidelines Section 15064.5(a)) includes a resource listed in or determined to be eligible for listing in the California Register of Historic Resources (CRHR). 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.

Properties of local historic 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 5024.1 and CEQA Guidelines Section 15064.5(a)(2)). Unless a resource listed in a survey has been demolished or has lost substantial integrity, or there is a preponderance of evidence

indicating that it is otherwise not historically or culturally significant, a lead agency should consider the resource a historical resource under CEQA.

In addition to resources listed on the CRHR or included in a local register of historical resources as defined by PRC 5020.1(k) or identified as significant in an historical resource survey meeting the requirements of PRC section 5024.1(g), the lead agency has discretion to treat an object, building, structure, site, area, place, record, or manuscript as a historical resource for CEQA purposes if the lead agency has substantial evidence showing that such a resource is historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California (PRC 21084.1 and CEQA Guidelines Section 15064.5(a)(3)). Generally, a lead agency considers a resource to be “historically significant” if the resource meets the criteria for listing on the CRHR, including the following:

1. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
2. Is associated with the lives of persons important in our past;
3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or,
4. Has yielded, or may be likely to yield, information important in prehistory or history (State CEQA Guidelines Section 15064.5(a)(3)).

The fact that a resource is not listed or determined to be eligible for listing in the CRHR, or not included in a local register of historical resources (pursuant to PRC section 5020.1(k)), or identified in an historical resources survey meeting the criteria in PRC section 5024.1(g) does not preclude a lead agency from determining that the resource may be a historical resource (PRC 21084.1 and CEQA Guidelines Section 15064.5(a)(4)).

CEQA also distinguishes between two classes of archaeological resources: archaeological sites that meet the definition of a historical resource, as described above, and “unique archaeological resources.” Under CEQA, an archaeological resource is considered “unique” if it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that the resource meets any of the following criteria:

- Contains information needed to answer important scientific research questions and 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; or,
- Is directly associated with a scientifically recognized important prehistoric or historic event or person (PRC 21083.2(g)).

CEQA states that if a proposed project would result in an impact that might cause a substantial adverse change in the significance of a historical resource, then an EIR must be prepared and mitigation measures considered. A “substantial adverse change” in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the

resource or its immediate surroundings such that the significance of a historical resource would be materially impaired (CEQA Guidelines Section 15064.5(b)(1)).

The CEQA Guidelines (Section 15064.5(c)) also provide specific guidance on the treatment of archaeological resources, depending on whether they meet the definition of a historical resource or a unique archaeological resource. If the site is not a historical resource, but meets the definition of a unique archaeological resource, it must be treated in accordance with the provisions of PRC 21083.2. PRC Section 21083.2 states that if it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to:

- (1) Planning construction to avoid archaeological sites.
- (2) Deeding archaeological sites into permanent conservation easements.
- (3) Capping or covering archaeological sites with a layer of soil before building on the sites.
- (4) Planning parks, greenspace, or other open space to incorporate archaeological sites.

When an archaeological resource is listed in or is eligible to be listed in the CRHR, PRC Section 21084.1 controls, and it states that “[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.” PRC Sections 21083.2 and 21084.1 operate independently to ensure that potential effects on archaeological resources are considered as part of a project’s environmental analysis.

Tribal Resources

Assembly Bill 52 (AB 52) provides protections for tribal cultural resources.¹ All lead agencies issuing a notice of preparation or a notice of negative declaration or mitigated negative declaration on or after July 1, 2015, are required, if formally requested by a culturally affiliated California Native American Tribe, to consult with such tribe regarding the impacts of a project on tribal cultural resources prior to the release of any negative declaration, mitigated negative declaration or draft environmental impact report. Under PRC Section 21074, tribal cultural resources include site features, places, cultural landscapes, sacred places or objects that are of cultural value to a tribe that are eligible or listed on the CRHR or a local historic register or that the lead agency has determined to be a significant tribal cultural resource.

Tribal consultation is to continue until mitigation measures are agreed to or either the tribe or the lead agency concludes in good faith that an agreement cannot be reached. In the case of agreement, the lead agency is required to include the mitigation measures in the environmental document along with the related Mitigation Monitoring and Reporting Program (MMRP). If no

1. AB 52 amended Section 5097.94 of, and added Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2 and 21084.3 to, the California Public Resources Code

agreement is reached, the lead agency must still impose all feasible mitigation measures necessary for a project to avoid or minimize significant adverse impacts on tribal cultural resources (PRC Section 21084.3).

Other California Laws and Regulations

Other state-level requirements for cultural resources management appear in the California PRC Chapter 1.7, Section 5097.5 "Archaeological, Paleontological, and Historical Sites," and Chapter 1.75 beginning at Section 5097.9 "Native American Historical, Cultural, and Sacred Sites" for lands owned by the state or a state agency.

The disposition of Native American burials is governed by Section 7050.5 of the California Health and Safety Code and PRC Sections 5097.94 and 5097.98, and falls within the jurisdiction of the Native American Heritage Commission.

4.0 BACKGROUND REVIEW

4.1 ENVIRONMENTAL SETTING

The NCCA site is located in Merced County in the central San Joaquin Valley . The 1980 square mile county is situated between the Coast Ranges on the west and the foothills of the Sierra Nevada on the east. Stanislaus County forms the northern boundary with Mariposa County on the east, Madera and Fresno counties on the south, and San Benito and Santa Clara counties on the west. Three major drainages are within or adjacent to the county – the San Joaquin River, the Merced River and the Chowchilla River on the southern boundary. Other major and minor streams flow from the Sierra foothills on the east and the Diablo Range on the west.

The San Joaquin Valley surface sediments are characterized as mostly fine grained basin fill consisting of sandy clay and clayey sand dissected by widely spaced, narrow drainages and stream channels filled with sand and gravel (see USBR 2009:3).

4.1A Project Area²

The two NCAA parcels are at an elevation of 75-80 feet above mean sea level with the maximum difference in elevation across each parcel less than 10 feet. Both parcels were historically part of the large floodplain and tributary complex draining generally eastward to the San Joaquin River (Bennett Valley-San Joaquin River watershed). Regionally and in the project site vicinity, this system has been substantially disrupted and replaced by agricultural uses. These NCAA parcels now occupy a complex surface water drainage context that includes a network of agricultural canals and ditches as well as the Newman Wasteway, which ultimately discharges to the San Joaquin River to the east. The Miller Ditch adjacent to the northern boundary of each project parcel is a feature constructed after 1949 but prior to 1952 that conveys flows from several sources. During the spring and summer, supply from the Central California Irrigation District (CCID) canal west of the City is diverted into the Miller Ditch for irrigation use.. The Miller Ditch also receives agricultural tailwater and some overland runoff. As a result,

2. This section relies generally on text provide by Redtail Consulting.

flow in the Ditch is generally year-round, although flow volumes and water quality vary seasonally.

Site topography and historic aerial photographs indicate that the 78-acre parcel was previously graded for flood irrigation supported by a system of ditches, and was formerly cultivated for row crops, although it has been fallow since the 1990s. In contrast, the 24-acre parcel does not appear to have been substantially graded or cultivated. In recent years, both of the parcels have primarily been used for grazing and are at least intermittently irrigated during the dry season.

Neither of the parcels appears to have been subject to the deep ripping typical of agricultural lands in the vicinity. As a result, they likely preserve intact Northern Claypan, an indurated subsurface clay layer that significantly reduces downward percolation of surface water and creates perched groundwater conditions in the shallow subsurface. This is conducive to the formation of seasonal wetlands.

Both parcels exhibit a channel-like feature, a central swale, that appears to represent a substantially disturbed remnant tributary of the San Joaquin River. This remnant channel no longer supports through-going flow, is blocked by berms at both ends, has been extensively modified by shallow grading for agriculture, and is disconnected from the River by intervening cultivated lands. Berming along the banks has also reduced its original extent and further modified its hydrology although it is locally open to overland flow input on both the 78-acre and 24-acre parcels.

4.2 NATIVE AMERICAN

4.2A Prehistoric

Cultural resources are traces of human occupation and activity. The lower San Joaquin River would have provided a favorable environment for Native Americans despite the periodic flooding of the bottomlands, intense summer heat, and the ever-present annoyance of mosquitoes (Wallace 1978b:463). Native American occupation sites appear to have been selected for accessibility, protection from seasonal flooding, and the availability of resources. Archaeological research over the past 50 years suggests an increase in the prehistoric population over time due to more efficient resource procurement, storage and increasing political complexity (see Moratto 1984).

The prehistory of the San Joaquin Valley may have had its origins in late Pleistocene and early Holocene sites dating from perhaps as early as 12,000 years ago. The Farmington Complex sites in San Joaquin and Stanislaus Counties north of Merced County (Riddell 1949; Treganza 1952) and the Tranquility Site in Fresno County (CA-FRE-48/P-10-000085; Hewes 1946) are suggested as providing some of the earliest examples of human activity within the Central Valley area. The Fluted Point Cultural Tradition (or Big Game Hunting Tradition) in the San Joaquin Valley is present at the Witt Site and other Tulare Lake shoreline finds which date from approximately 11,000 years ago (Riddell and Olson 1969). Sizeable prehistoric populations appeared in the San Joaquin Valley with the Western Pluvial Lake Tradition (WPLT), which extended from approximately 11,000 to 7,000 years ago. This period saw the emergence of a cultural tradition which was adapted to the wetland environments of Tulare and Buena Vista

Lakes. Following the WPLT in Central California, various regionalized cultural traditions and sequences emerged throughout the San Joaquin Valley, Sierra Foothills, and Coast Range area.

The prehistoric record of the western edge of the San Joaquin Valley and the lower eastern slopes of the Diablo Range was first explored by archaeological investigations associated with the San Luis, Los Banos, and Little Panoche flood control and reclamation projects. During the early 1960s and 1970s, archaeological surveys and excavations were conducted at these three reservoir locations (Treganza 1960; Olsen and Payen 1968, 1969, 1983; Pritchard 1966, 1983) and those studies have established the cultural and temporal prehistory for the project area.

A tentative chronological sequence of four cultural complexes has been proposed for the general area: Positas (ca. 330-2600 B.C.); Pacheco (ca. 2600 B.C.-A.D. 300); Gonzaga (ca. A.D. 300-100); and, Panoche (ca. A.D. 1500-1850) (see Moratto 1984:191-193 after Olsen and Payen 1983).

Hewes' (1941:124, Fig. 14) schematic map includes five sites in the area around Newman. Four sites are mapped along the San Joaquin River including three on the west side of the river; one of these is in Stanislaus County and the other three in Merced County. The fifth site is a considerable distance west of the river in Stanislaus County. The absence of prehistoric sites in, adjacent to, and within 0.25 mile of the project site and the paucity of recorded sites in the study general area around Newman reiterates Moratto's assessment of the area south of the Stockton District of the San Joaquin Valley as one of the least-known archaeological areas in California (Moratto 1984:215).

In terms of the potential for aboriginal sites in the vicinity of water resources, especially vernal pools, Roop has reported on the presence of ". . . millingstones, manos, pestles of a type designed for use in wooden mortars, and occasional flaked-stone tools on the margins of vernal pools". He has also postulated occupation ". . . near these pools for brief intervals each spring to harvest freshwater shrimp, take occasional waterfowl, and especially to gather the greens, bulbs, and seeds of clover, hairgrass, eryngium, navarretia, tarweed, brodiaea, and other plants associated with the pools" (Moratto 1984:198 after Roop 1981). In contrast, another research synthesis noted that flooding would have prevented occupation in the "winter and spring seasons" along creeks in the study area (Peak & Associates 1982:20).

Additional information on the regional and local prehistory is presented in Hewes (1941), King (1978), Elsasser (1978), Moratto (1984), Napton (1981:Merced Co), Moratto and Jackson (1990), TA/WAPA (1986:Appendix K), and Jones and Klar (2007) with a Central Valley specific chapter by Rosenthal et al. (2007).

4.2B Ethnographic

Little is known of the aboriginal inhabitants of the lower or northern San Joaquin Valley as a result of introduced diseases, missionization and displacement by gold seekers. Kroeber (1925:485) notes, "In the plains along the Merced, Tuolumne, Stanislaus, and Calaveras rivers, on the east bank of the San Joaquin, and perhaps on its west side also, were Yokuts" but he does not include a specific tribelet in the general Newman study area (Kroeber 1925:474-491, map opposite pg. 527).

The Yokutsan-speaking people numbered approximately 18,000 and were dispersed in 40-50 small tribelets speaking at least 21 dialects.³ These dialects appear to belong to 12 Yokutsan language groups within two divisions. Nearby dialects were probably intelligible, while geographically distant groups probably spoke unintelligible dialects. Yokuts subsistence relied on hunting and gathering, most especially salmon and acorns, but also on fowling and the consumption of tule roots. Reportedly Yokuts tribes were practically extinct on the west side of the San Joaquin River before 1790. In addition, a notable pestilence swept through Yokuts territory on the east side of the San Joaquin River as far south as the Fresno River in 1833. After 1833 forays against the missions and settlers by both the Miwoks and surviving Yokuts were a constant in Hispanic territory with Mission San Juan Bautista reported as under siege by Native Americans in 1841. These raids were a means of securing horses and cattle and have been also interpreted as a consequence of the mission system which entrapped and confined Indians to missions as laborers who endured punishment, abuse, and an inadequate diet (Wallace 1978b:464).

Tribal names are unknown or uncertain on the west side of the San Joaquin River from the vicinity of Manteca to Gustine. Occupation appears to have been “clustered in a narrow strip of land bordering the San Joaquin and its main tributaries” (Wallace 1978b:463). Archaeologists and ethnologists place the *Nupchenche* (or alternatively, the *Nopchinchí*) south of the NCAA project area. Schenck (1926) places the *Nupchenche* on the west side of the San Joaquin River roughly between Mariposa Creek and the Chowchilla River if these features extended to the west side of the San Joaquin River.

Following Cook (1955), the NCAA project appears to be located on the probable boundary between the “*Lower River Group*” and the *Nupchenches* whose territory straddled the San Joaquin River from just south of Newman to below Mendota (Cook 1955 and maps therein). Latta (1977) maps contemporary Newman and Gustine with no Yokuts groups or village sites in the vicinity of the NCAA project. The closest group, the *Miumne*, occupied “the entire Orestimba Creek Basin, ranging as far south as the Garzas Creek Basin and extending to the west bank of the San Joaquin River.” (Latta 1977:126-127). This location appears to conform to the outlier site west of the San Joaquin River mapped by Schenck (1926). Wallace (1978b) does not map any Northern Valley Yokuts locations on the west side of the San Joaquin River between Manteca (north of the Stanislaus River) south to about the Chowchilla River (south of Ingomar). The *Nopchinchí* are the only group shown on the west side of the San Joaquin River from just north of Los Banos Creek and southward to north of Firebaugh (Wallace 1978b:462, Fig. 1).

The aboriginal inhabitants of the San Joaquin Valley were transformed from hunters and gatherers into agricultural laborers who lived at the missions including Mission San Jose (in the present-day City of Fremont), Santa Clara, Soledad, San Juan Bautista and San Antonio de Padua and worked with former neighboring groups such as the Ohlone and Esselen. In addition to missionization, the pestilence of 1833 decimated the San Joaquin Valley as far south as the Fresno River. The rapid influx of American miners and settlers during the gold rush (1848-

3. Latta (1977:xxx) as 60 tribes with an average of 400 individuals each.

1860s) was also a contributing factor to the disappearance of the Native peoples (Latta 1977:xxix; Wallace 1978a:462, Fig. 1).

No Native American ethnographic settlements or contemporary Native American use areas have been identified in or adjacent to the project site (Eargle 1986 with various sources). For a more extensive review of the aboriginal inhabitants of the NCAA project area see Kroeber (1925), Latta (1977), and Wallace (1978a-b), as well as Silverstein (1978), Spier (1978) and Swernoff (1982).

4.3 HISTORIC ERA

The history of the San Joaquin Valley can be divided into the Hispanic Period (Spanish Period 1769-1821 and Mexican Period 1822-1848), and the American Period (1848-onward). During the Hispanic Period, Spanish government policy in northwestern New Spain was directed at the founding of *presidios* (forts), missions and *pueblos* (secular towns) with the land held by the Crown whereas later Mexican policy (1822-1848) stressed individual ownership of the land with grants of vast tracts of land to individuals. The American Period focused on development and growth, a pattern that continues into the 21st Century (Hart 1987).

4.3A Hispanic Period (1769-1848)

The routes of the early explorers, even though they cannot be determined with total accuracy, had a profound effect on the indigenous populations. On March 30, 1772, Juan Crespi with Pedro Fages saw the San Joaquin River and named it *San Francisco*. The first party to travel through the general study area, reportedly in 1805 or 1806, was led by Gabriel Moraga who proceeded from San Juan Bautista through the San Joaquin Valley to as far north as the Mokelumne River. This party crossed the San Joaquin River between Bear Creek and the Chowchilla River and proceeded along the east side of the river. This expedition named the river *San Joaquin*, although portions of the river were variously named until ca. 1810. In 1810, Jose Viader, accompanied by Gabriel Moraga, travelled along the west side the San Joaquin River to as far south as the Merced River. Later, in 1828, the Mexican expedition of Sebastian Rodriguez also travelled along the San Joaquin River through the general study area (Schenck 1926:125-129; Hoover et al. 1966:200; Beck and Haase 1974:#20, 21, 22; Gudde 1998:337).

The project site is within ungranted land approximately 0.6 mile from the irregular western boundary of *Rancho Orestimba*, a rancho on the west side of the San Joaquin River (Beck and Haase 1974:#32; USGS Newman 1978). No Hispanic Period sites or features such as dwellings, corrals, roads etc. appear to have been present in or near the project (Dyer 1861).

As early as the 1820s Anglo-American mountain men followed many of routes favored by Spanish explorers through the San Joaquin. Mountain men are important in the history of the west as the precursors of Anglo-American settlement and the San Joaquin Valley was a favorite route from the 1820s. They first explored, trapped and traded and later "regularized" trails and escorted others who would eventually settle in the area. These included Jedediah Strong Smith in 1827, the Ewing-Young expedition in 1832-1833, and Joseph Reddeford Walker and his group in 1833. In addition, John Charles Fremont led five expeditions through the San Joaquin Valley from 1842 through 1853-1854. None of the known routes appear to have passed through

the NCCA project area or vicinity (Schenck 1926; Hoover et al. 1966; Beck and Haase 1974; Hart 1987).

4.3B American Period

California became a United States territory in 1848 through the Treaty of Guadalupe Hidalgo that ended the Mexican War of 1846-1847. California was not formally admitted as a state until 1850. In the mid-19th century, the majority of the rancho and pueblo lands and some of the ungranted land in California were subdivided as the result of the American takeover, population growth, and the confirmation of Mexican Period property titles. The initial population boom in California was associated with the Gold Rush (1848), followed later by the construction of the transcontinental railroad (1869). Still later, the development of the refrigerator railroad car (ca. 1880s) used for the transport of agricultural produce to distant markets, had a major impact. The agricultural land use pattern within the study area and environs and dependence on transportation systems - trails/roads, ferries, bridges, and the railroad - has persisted to date (Hart 1987).

By the 1850s, the Central Valley was an important source of meat, horses, and other agricultural products that supplied mining camps. The 1860s were a period of natural disasters that decimated thousands of sheep and cattle including the great flood of 1862, disease the following year, and drought in 1864. By 1865 wheat had replaced cattle and sheep (Napton 1991).

The San Joaquin River runs through the San Joaquin Valley including Stanislaus and Merced counties dividing them into two broad regions with distinct settlement histories. The City of Newman, just north of the project parcels, is within Stanislaus County which was created April 5, 1854 from portions of Tuolumne County and then modified in 1860 with land from San Joaquin County. From 1866 to 1868, Stanislaus County included a substantial portion of what is now Merced County which was formed in 1855 from part of Mariposa County (Outcalt 1925; Hoover et al. 1966; Coy 1973).

Early American settlement was initiated by former gold miners who established cattle ranches west of the San Joaquin River along the Merced River or valley creeks. The first county seat was on the Turner and Osborn Ranch near Mariposa Creek while Snellings' Ranch became the second county seat in 1857 (Kyle et al. 2002; Graham 1957). Cattle ranching (1848-1870) was followed by dry land wheat farming in the late-1860s as the main agricultural focus with the second wave of settlement leading to an increase in population from nearly 3,000 to over 9,000 in 1900 (Outcalt 1925). Most of the people who lived in Merced County during the wheat era (1870-1900) were sparsely settled on large agricultural parcels.

The project parcels are located in Section 20 of Township 7 South Range 9 East. "Newman's House" is mapped on the 1861 rancho plat as located adjacent to the west side of the San Joaquin River south of Orestimba Creek - a considerable distance north of the project parcels in Lot No. 38 of Township 6 South Range 9 East (Dyer 1861).

Britton & Rey's Map of the State of California (Goddard 1857) shows two trails/roads crossing the San Joaquin River and continuing westerly, but does not map Hills Ferry, a ferry founded in fall 1849 on the west side of the San Joaquin River and approximately three miles northeast of the project parcels. The land and water transportation system in the study area focused on Hill's

Ferry was superseded by rail in the late 1880s. The San Pablo & Tulare Extension Railroad (SP&TRR), was incorporated by the Southern Pacific Company in 1887 with construction from Tracy to Newman and Los Banos completed in late 1889. In 1891-1892, the SP&TRR was extended south to Fresno (Brotherton 1981; Fickewirth 1992:133).

The Town of Newman was created in 1887 and named for Simon Newman who had arrived in Hill's Ferry in 1869. The ferry began operations in 1849 and was important for shipping grain as well as other produce from the surrounding area. By 1881, Newman had a store as well as a large warehouse at the Hill's Ferry Landing roughly three miles northeast of the town. As a result of the growing importance of the town, the population of Hills Ferry as well as Dutch Corners, a half-way house located two miles south of Hill's Ferry, moved to Newman. At the time, Newman, was the terminus of the Southern Pacific Railroad (SPRR) and was the focus of shipping and trade on the west side of the Stanislaus County and the northwestern part of Merced County.⁴ In addition to the railroad, a stage connected Newman with Modesto (to the north) and beyond. Newman has merited a post office since August 9, 1888. The town was incorporated in 1908 and had a population of 1,251 in 1921 (Lewis Publishing Company 1892; Tinkham 1921; Patera 1991; Brotherton 1982; Gooch 1988; Kyle 2002; Gudde 1998; DC&E 2007).

In general, agricultural development of the Newman project area focused on areas east of the railroad which had access to irrigation canals. The passage of the Wright Act in 1887, sponsored by state senator C.C. Wright of Modesto, had a major impact on the general area. The act permitted groups of farmers to form irrigation districts with the power to divert river water to dry lands for flood control and water conservation. As a result, the power of owners with unrestricted stream use as part of a vast gravity irrigation system was radically altered. Small irrigation districts were formed throughout the San Joaquin Valley and allowed diversification of crops, so that in addition to cattle raising and wheat, grapes (introduced in the 1850s), almond and peach trees (from the 1870s and 1880s) and rice (from 1910-1915), and cotton (from 1910) could be grown. Today, dairy products, along with other crops such as tomatoes, potatoes, alfalfa, sugar beets, olives, and various fruits, especially apricots, are important (Beck and Haase 1974; Hart 1987). Numerous named and unnamed irrigation ditches/canals have facilitated agriculture within the Newman area and region (e.g., USGS v.d.).

The 24-acre project parcel is located adjacent to the Newman Wasteway on the south, a 8.2 mile long overflow canal built 1951 as an element of the 117 mile long Delta-Mendota Canal (DMC) constructed between 1946-1952. The canal is a major component of the Central Valley Project (CVP), a federal program under the management of the U.S. Bureau of Reclamation. The system was designed to prevent the devastating cycles of flood and drought common to the San Joaquin Valley and utilized Sacramento River water to irrigate the western part of the San Joaquin Valley. The CVP project has been determined eligible for the National Register of Historic Places (NRHP) under criterion a for its association with irrigation and agricultural development in California ((Hart 1987; JRP/Caltrans 2000; Overly 2009/form; Anderson 2010/form; USBR 2007, 2009).

4. Portions of the Southern Pacific Railroad line have been recorded as P-24-000097 in Merced County and P-50-000001 in Stanislaus County (see Cartier 2008).

5.0 RESEARCH PROTOCOLS

A prehistoric and historic site record and literature search was completed for a 0.25 mile radius around the NCAA project by the California Historical Resources Information System, Central California Information Center, California State University, Stanislaus, Turlock (CHRIS/CCIC File No. 11485IN by Greathouse dated 8/26/2020). Specialized listings for cultural resources consulted include:

- *National Register of Historic Places* listings for Merced and Stanislaus Counties, California (USNPS 2015/2017/2020);
- *OHP [Office of Historic Preservation] Built Environment Resources Directory* (BERD) for Merced and Stanislaus Counties (includes National Historical Landmarks, National Register of Historic Places, Federal (Agency Nominations, California Register of Historical Resources, California Historical Landmarks and California Points of Historical Interest listings). (CAL/OHP 2019a).
- *Archeological Determinations of Eligibility [ADOE]* for Merced and Stanislaus Counties (CAL/OHP 2020c).
- *California History Plan* (CAL/OHP 1973).
- *California Inventory of Historic Resources* (CAL/OHP 1976).
- *Five Views: An Ethnic Sites Survey for California* (CAL/OHP 1988).
- *Listed California Historical Resources* – Merced and Stanislaus Counties (including National Register, State Landmark, California Register, and Point of Interest) (CAL/OHP 2020b).
- Local lists, inventories and limited historic view maps.

The Native American Heritage Commission (NAHC) was contacted in regard to resources listed on the Sacred Lands File (SLF) (Busby 2020a). The NAHC responded with negative results and provided a list of locally knowledgeable Native American tribes who may also have knowledge of cultural resources in the project area (Gonzales-Lopez 2020). Requests for information were sent to the four knowledgeable Native American individuals/organizations identified by the NAHC (Busby 2020b-e) (see Attachments).

The Central California Irrigation District (CCID) and the Newman Drainage District were contacted regarding the Miller Ditch. No other agencies, departments or local historical societies were contacted.

Mr. Christopher Canzonieri (MA, RPA) conducted a systematic field inventory of the two project parcels on September 30 and October 1, 2020.

5.1 RECORDS SEARCH RESULTS (CHRIS/CCIC File No. 11485IN)

No prehistoric, combined prehistoric or historic era archaeological sites have been recorded or reported for the two parcels. Two historic built environment resources are adjacent to the southern and eastern boundary of the 24-acre parcel.

5.1A Compliance Reports

One archaeological report includes part of the 24-acre project (Busby 2007/ME/ST-06488). One additional study includes an area opposite the 78-acre project parcel (Cartier 2008/ME-06712 / ST-06712). Both of these reports are negative for cultural resources within the two project parcels.

5.1B Recorded and/or Reported Sites

No prehistoric, combined prehistoric or historic era archaeological sites have been recorded or reported in the project APE. Two built environment cultural resources are present adjacent to the 24-acre parcel. P-24-001894, the Newman Wasteway has been recorded adjacent to the southern boundary of the 24-acre parcel and P-24-000083, the Old Santa Fe Grade, is adjacent to the eastern boundary of the 24-acre parcel. The Santa Fe Grade is part of a historic district identified as the Los Banos Miller-Lux Canal District (P-24-002104).

P-24-001894 - The Newman Wasteway, located both south and east of the City of Newman, consists of a 8.2 mile long overflow canal in both Merced and Stanislaus Counties completed in 1951. The Wasteway is an element of the 117 mile long Delta Mendota Canal (DMC) and a component of the U.S. Bureau of Reclamation Central Valley Project (CVP). The CVP has been determined eligible for the National Register of Historic Places (NRHP) under criterion a for its association with irrigation and agricultural development of California with the Newman Wasteway considered as a contributing element. The Newman Wasteway is owned and used by the U.S. Bureau of Reclamation and the Central California Irrigation District (CCID) as an overflow to the San Joaquin River. The canal is approximately 120 feet wide with large artificial levees on both sides. The initial 1.4 miles of the Wasteway is a 13-foot deep, concrete lined section, the remaining 6.8 miles is an unlined 21.25-foot deep ‘V’ shaped canal which terminates at and discharges into the San Joaquin River (Overly 2009/form; USBR 2009).

P-24-000083 - The Old Santa Fe Grade adjacent to the eastern boundary of the 24-acre parcel is currently a one-lane gravel road through the existing degraded wetlands (Levy 1995/form; Rogers 2017). Components of this former 100-mile long railroad alignment constructed in 1890 and converted to a roadway to allow access to Miller and Lux ranch lands have been recorded in Merced and Fresno counties by various researchers (Hattersley-Drayton 2001/form; Anderson 2009; Bowen et al. 2011; Lemon 2010; Rogers 2017). The resource was originally built for a potential Santa Fe Railroad line extension along the western edge of the San Joaquin Valley to cross seasonal wetlands. The opening of the Southern Pacific Railroad line west of the proposed Santa Fe line resulted in the abandonment of the alignment and its reversion to the Miller and Lux Company⁵ who used it for a roadway and for land reclamation related to its ranching interests.

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5. A San Francisco firm of meatpackers started by German immigrants during the Gold Rush and lasting until its dissolution in the 1920s. At one point, the firm was one of the nation’s largest 200 industrial corporations that at its peak dominated the Pacific Coast and intermountain meat markets. The entity controlled over 1.25 million acres in three states and had over 100,000 head of cattle. It controlled both land and water rights and

This resource is also listed as a contributor to P-24-002104, the Los Banos Miller and Lux Canal District (Caltrans 2003/form). The historic district includes portions of five contributors:

- P-24-000083 The Old Santa Fe Grade Road.
- P-24-000082 The Joaquin and Kings River Canal (“Main Canal”);⁶
- P-24-001926 The San Luis Canal;
- P-24-001893 The Santa Fe Canal; and,
- P-24-001796 The Arroyo Canal.

Caltrans (2003) proposed the historic district theme “Los Banos Area Water Management 1866-1985” with a period of significance from 1872 to 1916, the Miller and Lux Company era. Caltrans concluded that the proposed district lacked sufficient documentation, and that five properties listed as potential contributors “. . . were not eligible as a district” (Hattersley-Drayton 2002/form; Caltrans 2003/form; Rogers 2017/form).

The Santa Fe Grade was individually reviewed in 2017 and found eligible for listing in the NRHP/CRHR under criteria a/1 (associated with events that have made a significant contribution to the broad patterns of our history), and b/2 (associated with the lives of significant persons in our past) with a period of significance as 1890 (Rogers 2017). The resource retains its integrity of location, setting and feeling by maintaining its historic route through western Merced County's river floodplain and agricultural communities. The grade has been altered through maintenance and improvements, and no longer retains good integrity of original materials and workmanship. The property was originally developed as a railroad grade for the Santa Fe Railroad but was also utilized as a road by Miller and Lux. It was never used for its original purpose for a railroad but continues its function as a roadway; therefore, the property retains its integrity of association with its original use. In conclusion, the property retains its integrity of location, setting, and association that continue to adequately convey its historic significance.

The proposed Los Banos Miller and Lux Canal Historic District (see Caltrans 2003) was reviewed. Rogers (2017) concluded that the district did not qualify and was not eligible for the NRHP/CRHR and that the Santa Fe Grade was not a contributor to the district.

5.1C Listed Historic Properties

No local, state or federal historically or architecturally significant structures, landmarks, or points of interest have been identified within the project parcels.

was considered a vertically integrated industrial enterprise that included cattle ranching, meat packing and marketing. The firm is notable for engaging in large scale natural landscape modification including the development of massive irrigation systems, waterways and drainage schemes to create pastures for grazing and agricultural land for raising cattle feed. The firm was a litigant in numerous water rights cases in the San Joaquin Valley that established legal precedents for water control and use. Miller's death in 1916 led the decline of the firm and its ultimate dissolution (see Igler 2001 for a review).

6. P-50-000065 in Stanislaus County (DC&E 2006:4.5-9).

The California Office of Historic Preservation *Built Environment Resources Directory* (BERD) (CAL/OHP 2019a-b) reviewed by the CHRIS/CCIC for Merced County does not identify any listed resources within the two project parcels. The Newman Wasteway, adjacent to the 24-acre parcel on its southern boundary, is considered a contributing element to the NRHP-listed CVP.. The Santa Fe Grade, adjacent to the eastern boundary of the 24-acre parcel, was reviewed in 2017 and the evaluator found that the resource was individually eligible for both the NRHP and CRHR under criteria a/ and b/2. However, this determination does not appear to have been officially reviewed for inclusion on the CRHR as of November, 2020 based on the results presented in the BERD.

5.1D Archaeological Sensitivity

No recorded prehistoric archaeological resources are known for the two parcels and within 0.25 miles. Both parcels were historically part of the large floodplain and tributary complex draining generally eastward to the San Joaquin River. Regionally and in the project parcel vicinity, this system has been substantially disrupted and replaced by agricultural uses. The archival record for the past 100 years suggests a very low potential for the exposure of subsurface resources as wetlands are generally not favored for human occupation but may be intermittently used for resource procurement. In addition, no listed historic resources associated with the settlement and economic development of the project area are present. The archaeological sensitivity based on the archival record and literature review, the locations of the project sites within a flood plain and wetlands and impacts by agricultural activities including previous grading suggest a low potential for the exposure of significant subsurface cultural materials.

6.0 INDIVIDUALS, GROUP AND AGENCY PARTICIPATION

The Native American Heritage Commission (NAHC) was contacted in regard to resources listed on the Sacred Lands File (SLF) (Busby 2020a). The NAHC responded with negative results and recommended contacting Native American tribes who may also have knowledge of cultural resources in the project area (Gonzales-Lopez 2020). Letters and/or email requests for assistance were sent to three knowledgeable Native American individuals/organizations identified by the NAHC (Busby 2020b-e) (see Attachments). None of these individuals are members of Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs (e.g., Federally recognized) (USDI/BIA) 2020.

Valentin Lopez, Chairperson, Amah Mutsun Tribal Band;
Katherine Erolinda Perez, Chairperson, North Valley Yokuts Tribe, and,
William Leonard, Chairperson, Southern Sierra Miwuk Nation, Mariposa.

No responses were received in regard to the two project parcels.

The Central California Irrigation District (CCID) and the Newman Drainage District were contacted regarding the Miller Ditch. No other agencies, departments or local historical societies were contacted.

7.0 ARCHAEOLOGICAL FIELD INVENTORY

Mr. Christopher Canzonieri (MA, RPA) completed a systematic field inventory of the two project parcels September 30 and October 1, 2020. No evidence of prehistoric and/or historic materials and/or culturally modified sediments was observed during the survey conducted for the proposed project. Two previously identified historic features, the Newman Wasteway and the Santa Fe Grade, were noted adjacent to the project APE. The Miller Ditch, a previously unrecorded historic water service ditch, was noted as adjacent to the APE boundary on the west and north.

7.1 78-ACRE PARCEL [Figs. 4-16]

The 78-acre parcel is bordered on the north by a segment of the Miller Ditch; on the west by Canal School Road and another segment of the Miller Ditch; on the east by vacant agricultural land used for grazing; and, on the south by Brazo Road. Field transects were oriented north to south in alignment with the parcel boundary and spaced approximately 18 meters (60 feet) apart. Surface visibility varied within parcel from 0-5% in marshy areas near the northwest and southwest and along the various earthen drainages. Other areas within the parcel consisted of open areas that had been grazed. The open space surface visibility varied from 25-50%. Observed sediments consisted of grayish brown clayey silt to brown clayey silt.

A series of drainage and irrigation ditches borders the parcel with associated irrigation laterals and other drainages present within the parcel. The Miller Ditch forms the northern boundary [Figs. 6, 8]. A shallow earth ditch, present along the east side of the project and running the approximate length of the parcel and terminating at Brazo Road, is approximately 4-5 feet wide by 2 feet deep [see Fig. 5]. Another short earth drainage extends east from the Miller Ditch at Canal School Road parallel to Brazo Road [Fig., 16]. The 600-foot long ditch is approximately 12 feet wide and runs roughly 1200 feet north into the parcel [Fig. 11]. The ditch has numerous laterals (est. 22-24 laterals) along the east bank that allow irrigation water to flow into the agricultural/grazing field. The shallow 3-5 feet deep ditches are approximately 20 feet long, spaced at intervals of roughly 40-50 feet and vary from 3-5 feet wide.⁷ Another 2000-foot long x 12-20 foot wide earth drainage trends northeast/southwest across the parcel from approximately the Miller Ditch to the mid-point of Canal School Road between Inyo Avenue and Brazo Road [Fig. 10]. Depth of this drainage ranges from three feet near the west end to nearly ground level at the east end. The drainage appears to follow the alignment of a potential portion of the tributary of the San Joaquin River although historic modifications have nearly erased indications of the former waterway as viewed from the ground, although it is evident on air photos.

Various contemporary features were noted during inventory including:

A series of 12-24 inch plastic, reinforced concrete and steel pipes in association with metal screw/slot gates are used to control the water flow from the Miller Ditch and other drainages. A large number of these features were partially silted in and not visible for a detailed review

7. The laterals are clearly visible on Google Earth (see 07/2019 view).

at the time of the inventory. The visible portions suggest installation within the past 25 years.

A modern power pole is located at the northwest end. It is associated with a modern electric water pump and cattle trough.

A 4-foot diameter x 4 foot high concrete riser with a steel cover and hand valve is present in the northwest corner of the parcel.

A cattle paddock [see Fig. 15] is located at the southwest corner of the parcel and measures approximately 100 feet east to west x 50 feet north to south. The paddock appears to be in disrepair, it is accessible via a gravel road off of Brazo Road.

Several, probable geotechnical or soil exploration pits measuring approximately 5 feet x 5 feet x 1 foot deep were observed within the 78-acre parcel; these pits appear to have been recently excavated, as indicated by the little to no vegetation growth within the pits [Fig. 12].

7.2 24-ACRE PARCEL [Figs. 4, 17-22]

This narrow 24-acre parcel is oriented northwest to southeast and is bounded by the former Santa Fe Grade (P-24-000083, Old Santa Fe Grade Road) and an agricultural field on the east, a grazing pasture to the west, the Newman Wasteway (P-24-001894) on the south and Inyo Avenue/Miller Ditch on the north. Barbed wire fencing, two-strand with two points (Glidden's Barb see Clifton 1970:100) is present along the east, west, and south end (near Newman Wasteway). The north end (near the Miller Ditch) is protected by a modern electric cattle fence. Both banks along the Miller Ditch are sloped at 45 degree angles into the water and are sparsely covered with grasses.

Field transects were oriented northwest to southeast (in alignment with the parcel) and spaced approximately 18 meters (60 feet) apart. Surface visibility varied within the parcel with 25-50% at the north end and 0-5% at the south end. Additionally, there were several marshy areas (wetlands) and standing water. An earth drainage ditch [Fig. 17] extends the length of the parcel from the south to the north along the east side [Figs. 17, 24]. The drainage ditch measures approximately 25 feet wide x 2-3 feet deep. The shallow earth berm along the west side of the drainage ditch probably representing dirt removed during the construction of the ditch varies from 2-8 feet wide. A second shallow ditch [Fig. 19] extends diagonally from the west fence line approximately 420 feet to the into the drainage ditch along the east side. The ditch is approximately 5 feet wide x 2 feet deep. An electric power line crosses the project and one power pole (no utility markings) is within the project parcel along the east side near the barbed wire fence and earth drainage. Observed sediments consisted of grayish brown clayey silt to brown clayey silt. A modern cattle trough is present along the west side of the property.

7.3 The Miller Ditch (see Attachments)

The Miller Ditch, a previously unrecorded historic water service ditch, was noted as adjacent to the APE boundary on the west and north.

The Miller Ditch, a water service ditch approximately 15 feet wide by four feet deep, provides irrigation water from the Central California Irrigation District (CCID) Main Canal to the west for agricultural lands adjacent to the project site. The ditch forms the northern border of both project sites. The CCID was formed in 1951 when it took over control of the San Joaquin and Kings River Canal and Irrigation Company. The portion of the Miller Ditch along Canal School Road which is the western boundary of the 78-acre parcel and the northern boundary of both project sites appears to have been constructed in the early 1950s based on a review of historic topographic maps. It may have been constructed to take advantage of the additional water that could be obtained from the Central Valley Project Delta Mendota Canal (CVP DMC) to the west or the additional drainage offered by the Newman Wasteway which was completed in 1951 as part of the CVP DMC.

The Miller Ditch does not appear eligible for either the NRHP or CRHR under any of the criteria:

- a/1 the ditch does not appear to be associated with any important events in Merced and/or Stanislaus counties or with the development of irrigated farming in the immediate or general area;
- b/2 the ditch is not associated with an important person or prominent engineer either in the area's history or with water development in the State of California or regional history;
- c/3 the ditch does not possess important engineering or design values – it is a standard earth, 'v'-profile irrigation ditch typical of a large number of similar ditches in the general area used to deliver irrigation water or act as drainages. It is part of the larger water conveyance and drainage system of the Central California Irrigation District but is not a distinguishable entity of the system.
- d/4 the ditch is a standard water service structure which is not likely to provide information important in history.

A DPR 523 Primary Form was completed for the resource (see Attachments).

8.0 FINDINGS

This document was prepared to identify archaeological resources which may be listed, determined or potentially eligible for inclusion on the NRHP and/or CRHR within or immediately adjacent to the NCAA project.

Two cultural resources reports are on file that include the proposed projects or adjacent areas. The reports are negative for resources in/or adjacent to the project sites.

No prehistoric, combined prehistoric or historic era archaeological sites have been recorded or reported in the project parcels.

No known prehistoric, ethnographic or contemporary Native American resources, including sacred places and traditional use areas, have been identified in, adjacent, or near the project parcels.

No historic era or architecturally significant sites, structures, landmarks, or points of interest have been identified within the project parcels as part of either the archival records search or the field inventory.

Two previously recorded historic resources, The Old Santa Fe Grade Road (P-24-000083) and the Newman Wasteway (P-24-001894) are adjacent to the APEs for the project parcels. The Santa Fe Grade was found eligible for listing in the NRHP/CRHR under criteria a/1 and b/2 in 2017 but the determination has not yet been reviewed. The Newman Wasteway is considered a contributing element to the CVP under criterion a for its association with irrigation and agricultural development of California.

Two segments of the Miller Ditch, a historic water service ditch constructed ca. 1951, were identified along Canal School Road and Inyo Road. The ditch was recorded and evaluated. The two segments do not appear eligible for either the NRHP or CRHR under any of the criteria.

No National, State of California historical landmarks or points of interest are located in or adjacent to the project. parcels.

The field inventory of the project parcels was negative for prehistoric, combined prehistoric or historic era archaeological sites or isolates within the two parcels.

Archaeological Sensitivity, based on the archival record and literature review, the project site locations within a flood plain and wetlands and impacts by agricultural activities, appears low with a minimal potential for the exposure of significant subsurface cultural materials during construction.

9.0 FINDING OF EFFECT

A reasonable and good faith effort has been made to identify historic properties listed, determined, or potentially eligible for inclusion on the NRHP (36 CFR Part 800.4) within the APEs for the proposed habitat restoration and creation projects pursuant to the NHPA of 1966 (as amended) (54 U.S.C. § 306108) and its implementing regulations 36 CFR Part 800. The identification effort included: (1) a records search of the two project APEs and adjacent areas; (2) a literature review; (3) a project specific field review of the two project APEs; (4) Native American outreach; and, (5) consultation with the CCID in regard to the Miller Ditch adjacent to the two project sites.

Two previously recorded historic resources, The Old Santa Fe Grade Road (P-24-000083) and the Newman Wasteway (P-24-001894), are adjacent to the APEs for the project parcels. The Santa Fe Grade was found eligible for listing in the NRHP/CRHR under criteria a/1 and b/2 in 2017 but the determination has not yet been reviewed. The Newman Wasteway is considered a contributing element to the CVP under criterion a for its association with irrigation and agricultural development of California. Two segments of the Miller Ditch, a previously unrecorded historic water service ditch constructed ca. 1951 and adjacent to the NCAA project, do not appear eligible for either the NRHP or CRHR under any of the criteria.

The regulations implementing Section 106 define an effect as any action that would alter the characteristics of a historic property that may qualify the property for inclusion in the NRHP and, diminish the integrity of a property's location, setting, design, materials, workmanship, feeling or association (36 CFR Part 800.5(a)(1-2)).

A determination of *No Adverse Effect* (36 CFR Part 800.5(b)) is recommended as the proposed habitat restoration and creation projects will have no adverse effect on the three historic properties as defined in 36 CFR Part 800.5(a)(1). The two habitat restoration and creation projects will continue the historic use of the identified historic properties for irrigation and drainage. The proposed effort will not affect any of the criteria that could compromise or contribute to the eligibility of the three resources identified adjacent to the project sites for the NRHP.

10.0 RECOMMENDATIONS

- The development of a formal *Post-Review Discovery Plan* is not recommended due to the very low potential for exposing significant subsurface cultural material within each project APE.
- In the event of post-review discoveries of cultural resources,⁸ the USACE shall be notified so that any discoveries may be treated in accordance with 36 CFR Part 800.13(b).
- The exposure and treatment of Native American burials and any associated or unassociated funerary objects discovered during any soil-disturbing activity within the project site shall comply with applicable State laws. This shall include immediate notification of the appropriate county Coroner/Medical Examiner. In the event of the coroner's determination that the human remains are Native American, notification of the Native American Heritage Commission, is required who shall appoint a Most Likely Descendant (MLD) (Public Resources Code Section 5097.98) who shall make recommendations for treatment.

8. Significant prehistoric cultural materials may include:

- a. Human bone - either isolated or intact burials.
- b. Habitation (occupation or ceremonial structures as interpreted from rock rings/features, distinct ground depressions, differences in compaction (e.g., house floors).
- c. Artifacts including chipped stone objects such as projectile points and bifaces; groundstone artifacts such as manos, metates, mortars, pestles, grinding stones, pitted hammerstones; and, shell and bone artifacts including ornaments and beads.
- d. Various features and samples including hearths (fire-cracked rock; baked and vitrified clay), artifact caches, faunal and shellfish remains (which permit dietary reconstruction), distinctive changes in soil stratigraphy indicative of prehistoric activities.
- e. Isolated artifacts

Significant historic cultural materials may include finds from the late 19th through early 20th centuries. Objects and features associated with the Historic Period can include.

- f. Structural remains or portions of foundations (bricks, cobbles/boulders, stacked field stone, postholes, etc.).
- g. Trash pits, privies, wells and associated artifacts.
- h. Isolated artifacts or isolated clusters of manufactured artifacts (e.g., glass bottles, metal cans, manufactured wood items, etc.).
- i. Human remains.

In addition, cultural materials including both artifacts and structures that can be attributed to Hispanic, Asian and other ethnic or racial groups are potentially significant. Such features or clusters of artifacts and samples include remains of structures, trash pits, and privies.

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Abbreviations

n.d.	no date	v.d.	various dates
N.P.	no publisher noted	n.p.	no place of publisher noted
I.P.	in progress		

CHRIS/CCIC, CSU Stanislaus, Turlock - used for materials on file at the California Historical Resources Information System, Central California Information Center, California State University, Stanislaus (abbreviations: ME = Merced County, SJ = San Joaquin County, ST = Stanislaus County, TO = Tuolumne County)

ATTACHMENTS

FIGURES

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| FIGURE 1 | General Project Location (ESRI World Street Map) |
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| FIGURE 19 | 24-Acre Parcel – view south along the earthen drainage extending across the middle of the parcel |

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- FIGURE 20 24-Acre Parcel – view northwest from the middle of the parcel
- FIGURE 21 24-Acre Parcel – view northwest along the earthen drainage on the east side of the parcel
- FIGURE 22 24-Acre Parcel – view northwest from the south end of the parcel

CORRESPONDENCE

- LETTER Request to Native American Heritage Commission
- LETTER Response from Native American Heritage Commission
- LETTER Letters to Native American Individuals and Groups Recommended by the Native American Heritage Commission

CHRIS/CCIC SEARCH RESULTS

- SEARCH 1 File No. 11485IN dated August 26, 2020 (No Confidential Information)

MILLER DITCH – DPR 523 FORM

- FORM 1 Miller Ditch - DPR 523 Primary Form. Dated November 2020

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FIGURES

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FIGURE 19	24-Acre Parcel – view south along the earthen drainage extending across the middle of the parcel
FIGURE 20	24-Acre Parcel – view northwest from the middle of the parcel
FIGURE 21	24-Acre Parcel – view northwest along the earthen drainage on the east side of the parcel
FIGURE 22	24-Acre Parcel – view northwest from the south end of the parcel

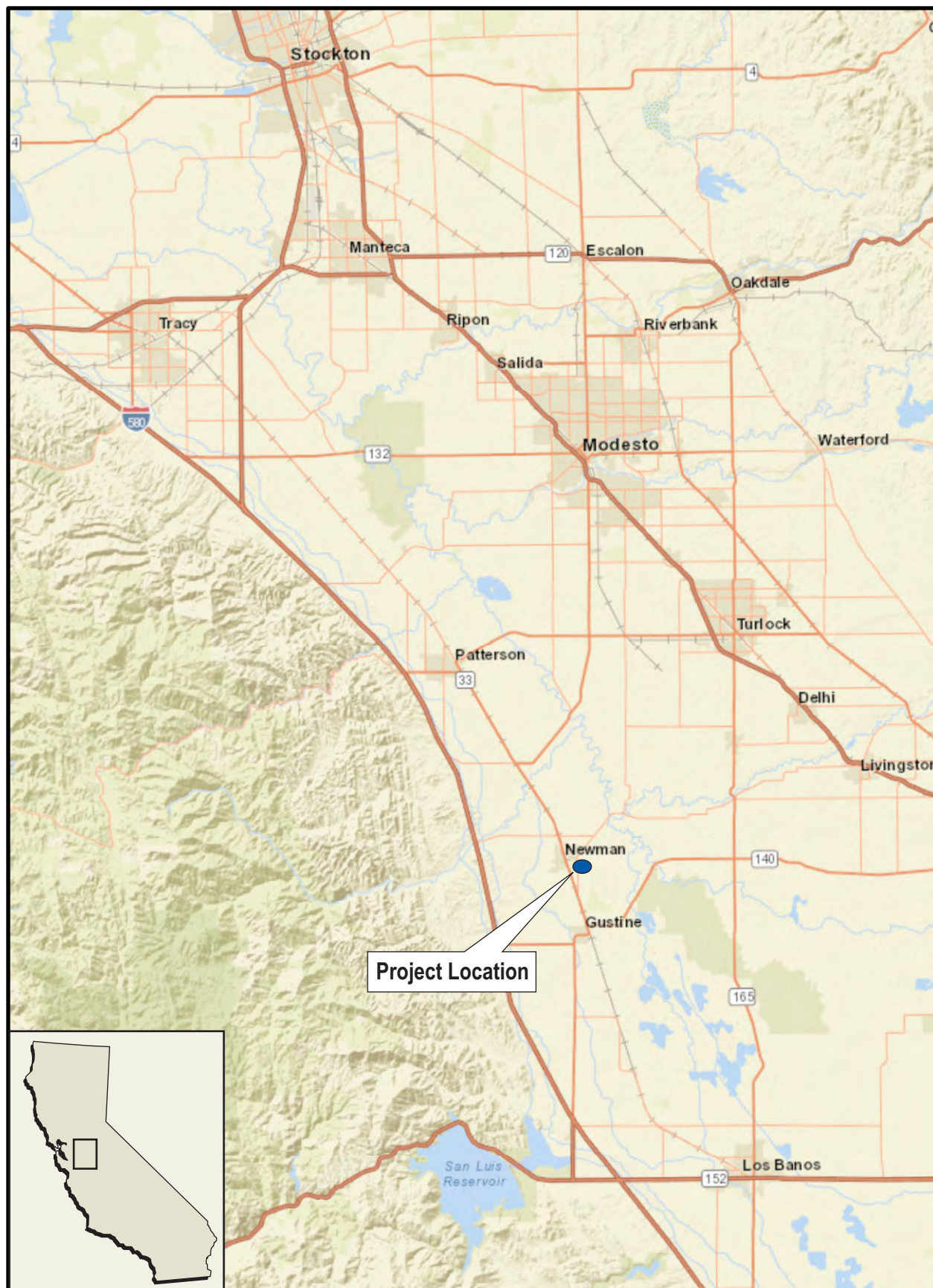


Figure 1: General Project Location (ESRI World Street Map)

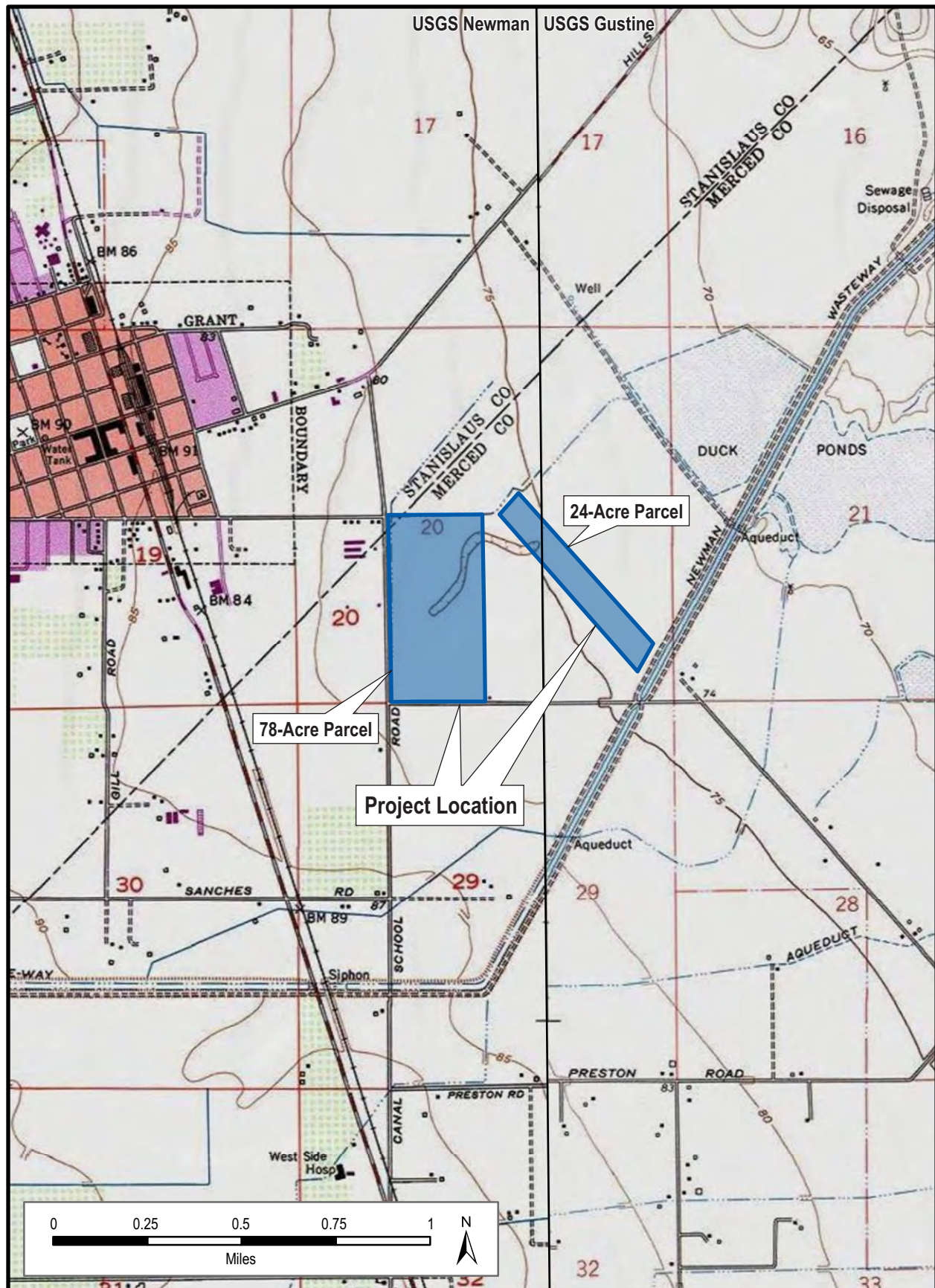


Figure 2: Project Location - T7S R9E Section 20 (USGS Newman, Calif. 1978 and Gustine, Calif. 1973)



Figure 3

Figure 1-2. Conceptual NCCA Site Layout
Newman Community Conservation Area Master Plan
City of Newman

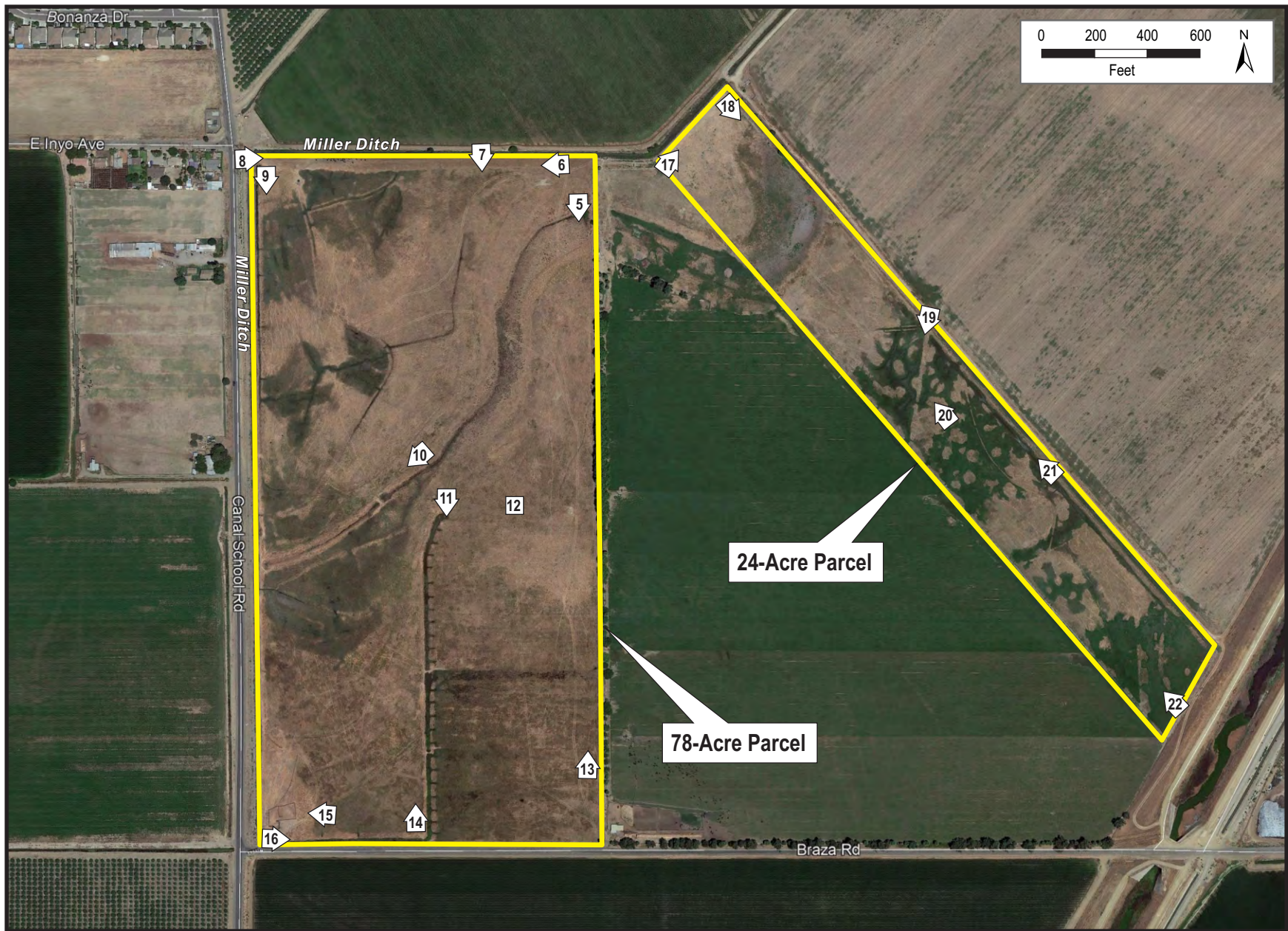


Figure 4: Project Parcels with Photo View Locations



Figure 5: 78-Acre Parcel – view south from Miller Ditch along drainage ditch on the east side of the property



Figure 6: 78-Acre Parcel – view west along Miller Ditch from the northeast corner of the parcel



Figure 7: 78-Acre Parcel – view south across the center of the parcel from the north end



Figure 8: 78-Acre Parcel – view east along Miller Ditch from the northwest corner of the parcel



Figure 9: 78-Acre Parcel – view south along the west side of the parcel along Miller Ditch



Figure 10: 78-Acre Parcel – view southwest towards Canal School Road along drainage that extends diagonally through the parcel



Figure 11: 78-Acre Parcel – view south along drainage from the middle of the parcel



Figure 12: 78-Acre Parcel – view northeast at a possible geotechnical exploration pit near the middle of the parcel



Figure 13: 78-Acre Parcel – view north from the southeast corner of the parcel



Figure 14: 78-Acre Parcel – view north from the south end of the parcel



Figure 15: 78-Acre Parcel – view west of paddock near the southwest corner of the parcel



Figure 16: 78-Acre Parcel – view west along Brazo Road from near the southwest corner of parcel



Figure 17: 24-Acre Parcel – view northeast along Miller Ditch from the northwest corner of the parcel



Figure 18: 24-Acre Parcel – view southeast from the northeast corner of the parcel



Figure 19: 24-Acre Parcel – view south along the earthen drainage extending across the middle of the parcel



Figure 20: 24-Acre Parcel – view northwest from the middle of the parcel



Figure 21: 24-Acre Parcel – view northwest along the earthen drainage on the east side of the parcel



Figure 22: 24-Acre Parcel – view northwest from the south end of the parcel

CORRESPONDENCE

LETTER	Request to Native American Heritage Commission
LETTER	Response from Native American Heritage Commission
LETTER	Letters to Native American Individuals and Groups Recommended by the Native American Heritage Commission

Sacred Lands File & Native American Contacts List Request

NATIVE AMERICAN HERITAGE COMMISSION

1556 Harbor Boulevard, STE 100

West Sacramento, CA 95691

(916) 373-3710

(916) 373-5471 – Fax

nahc@nahc.ca.gov

Information Below is Required for a Sacred Lands File Search

Project: City of Newman Habitation Restoration and Creation as per Newman Community Conservation Area (NCAA) Master Plan – Initial Study of projects

County: Merced County – less than 1% in Stanislaus County

USGS Quadrangle Name: USGS Newman, Calif. 1978 and Gustine, Calif. 1973)

Address: None

Township: 7 South, **Range:** 9 East, Section 20

Company/Firm/Agency: Basin Research Associates

Contact Person: Colin I. Busby, PhD, RPA

Street Address: 1933 Davis Street, STE 210

City/Zip: San Leandro, CA 94577

Phone: (510) 430-8441 x101

Email: Please send response to basinres1@gmail.com

Project Description:

The City of Newman plans two conservation areas on two parcels – a 78-acre parcel located at the southeast corner of Canal School Road and Inyo Avenue and a 24-acre parcel located nearby, northeast of Brazo Road. The 78-acre parcel has four separate projects:

NW portion of the 78-acre parcel, the Newman Environmental Wetland System (**NEWS project**), an approximately 21-acre constructed wetland complex that will treat stormwater and dry season runoff from the City and surrounding agricultural lands prior to discharge to the Newman Wasteway1 and, ultimately, the San Joaquin River

SE portion of the 78-acre parcel and likely extending to the central portion of the 24-acre parcel, a 10+-acre seasonal wetland, riparian, and grassland restoration project (**wetland project**) emphasizing natural sequestration of greenhouse gases (GHGs)

SW portion of the 78-acre parcel, an additional up to 10-acre constructed wetland project that is being planned in collaboration with the Environmental Systems Graduate Group at the University of California, Merced (UC Merced) Department of Civil and Environmental Engineering to treat water from the Miller Ditch and agricultural tailwater (**UC Merced project**)

SEasternmost portion of the 78-acre parcel, a community gathering plaza, outdoor classroom areas, and native plant, rainwise garden, and low-impact development demonstration areas, with an unpaved trail network and interpretive signage extending throughout the 78-acre parcel to enable appropriate public recreational access and tie all of the projects together (**access and education project**)

Date: 09/04/2020

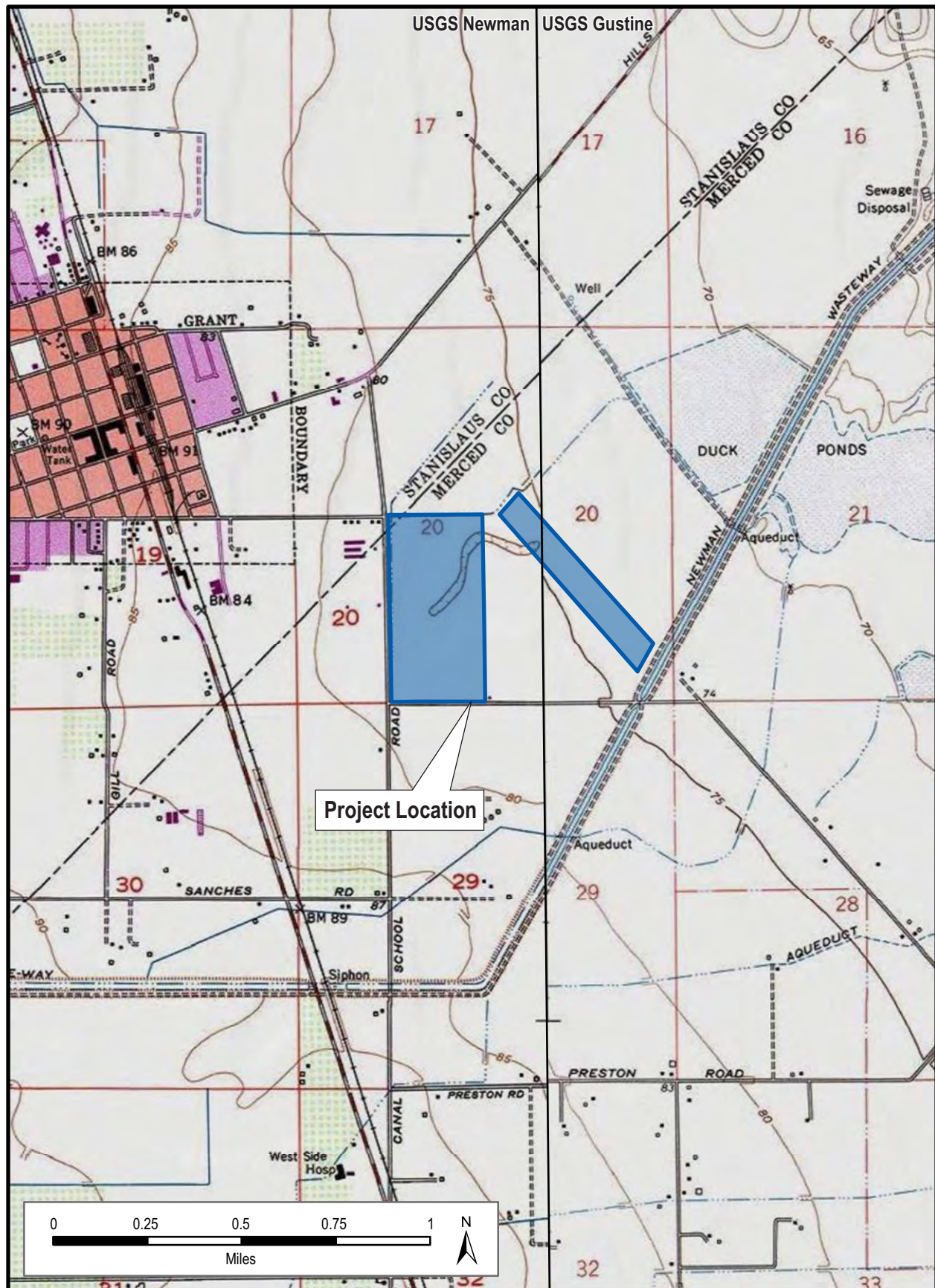


Figure 1: Project - T7S R9E Section 20 (USGS Newman, Calif. 1978 and Gustine, Calif. 1973)

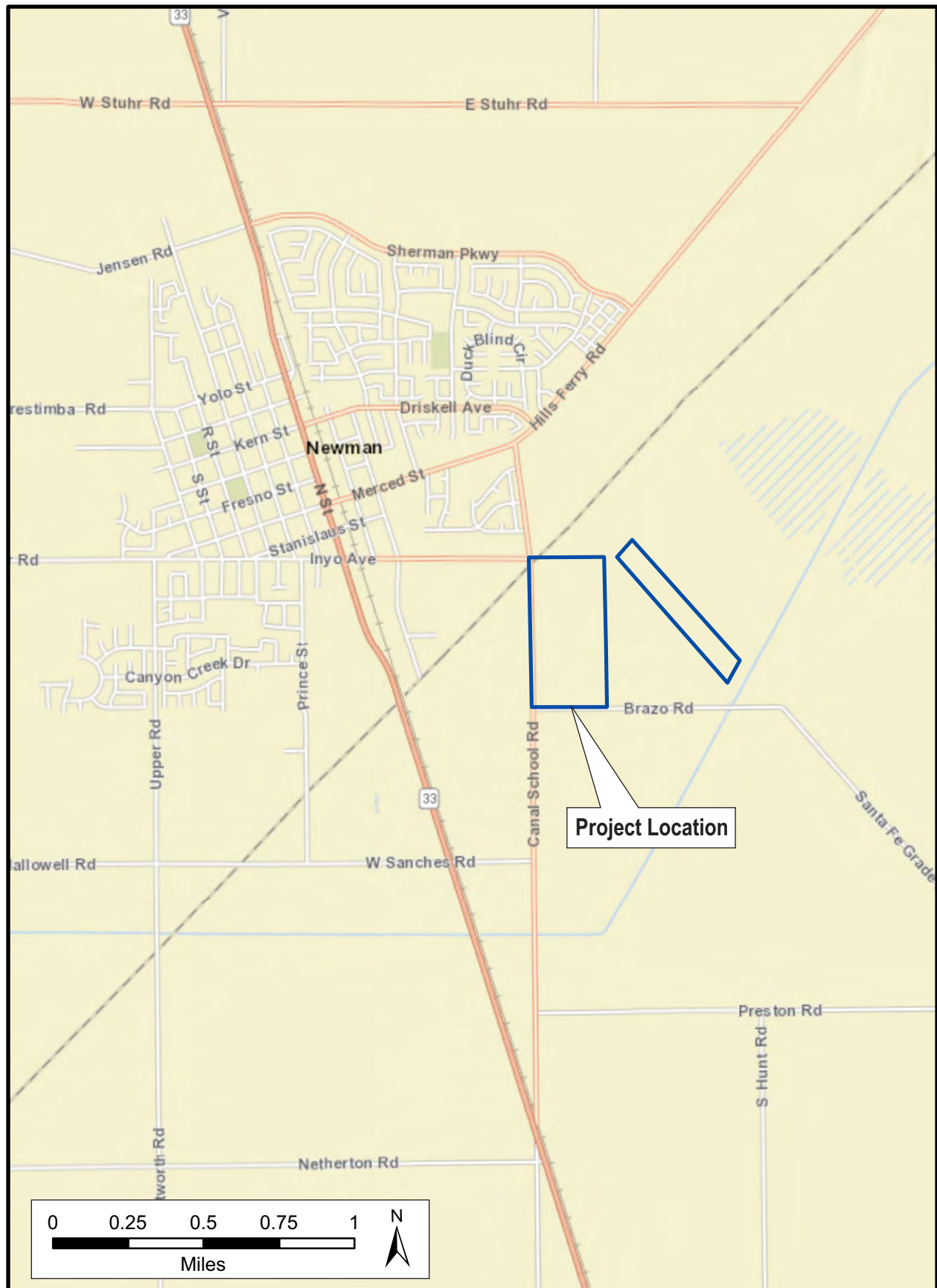


Figure 1: Project Location T11S R1W (ESRI World Street Map)

NATIVE AMERICAN HERITAGE COMMISSION

September 22, 2020

Colin I. Busby

Basin Research Associates

Via Email to: basinres1@gmail.com

Re: City of Newman Habitation Restoration and Creation as per Newman Community Conservation Area (NCAA) Master Plan, Merced County

Dear Mr. Busby:

A record search of the Native American Heritage Commission (NAHC) Sacred Lands File (SLF) was completed for the information you have submitted for the above referenced project. The results were negative. However, the absence of specific site information in the SLF does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Attached is a list of Native American tribes who may also have knowledge of cultural resources in the project area. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated; if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call or email to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from tribes, please notify me. With your assistance, we can assure that our lists contain current information.

If you have any questions or need additional information, please contact me at my email address: Nancy.Gonzalez-Lopez@nahc.ca.gov.

Sincerely,



Nancy Gonzalez-Lopez
Cultural Resources Analyst

Attachment



CHAIRPERSON
Laura Miranda
Luiseño

VICE CHAIRPERSON
Reginald Pagaling
Chumash

SECRETARY
Merri Lopez-Keifer
Luiseño

PARLIAMENTARIAN
Russell Attebery
Karuk

COMMISSIONER
Marshall McKay
Wintun

COMMISSIONER
William Mungary
Paiute/White Mountain Apache

COMMISSIONER
[Vacant]

COMMISSIONER
Julie Tumamait-Stenslie
Chumash

COMMISSIONER
[Vacant]

EXECUTIVE SECRETARY
Christina Snider
Pomo

NAHC HEADQUARTERS
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

**Native American Heritage Commission
Native American Contact List
Merced County
9/22/2020**

Amah Mutsun Tribal Band

Valentin Lopez, Chairperson
P.O. Box 5272
Galt, CA, 95632
Phone: (916) 743 - 5833
vlopez@amahmutsun.org

Costanoan
Northern Valley
Yokut

North Valley Yokuts Tribe

Katherine Perez, Chairperson
P.O. Box 717
Linden, CA, 95236
Phone: (209) 887 - 3415
canutes@verizon.net

Costanoan
Northern Valley
Yokut

North Valley Yokuts Tribe

Timothy Perez, MLD Contact
P.O. Box 717
Linden, CA, 95236
Phone: (209) 662 - 2788
huskanam@gmail.com

Costanoan
Northern Valley
Yokut

Southern Sierra Miwuk Nation

William Leonard, Chairperson
P.O. Box 186
Mariposa, CA, 95338
Phone: (209) 628 - 8603

Miwok
Northern Valley
Yokut
Paiute

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 Resource Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources assessment for the proposed City of Newman Habitation Restoration and Creation as per Newman Community Conservation Area (NCAA) Master Plan, Merced County.



September 25, 2020



Amah Mutsun Tribal Band

Valentin Lopez, Chairperson
P.O. Box 5272
Galt, CA 95632

RE: Request for Information – City of Newman Habitation Restoration and Creation as per Newman Community Conservation Area (NCAA) Master Plan – Initial Study of Projects

Dear Val,

The Native American Heritage Commission has provided your name as a person who may have further information on Native American resources in the City of Newman, Merced County and a small portion of adjoining Stanislaus County.

The City of Newman plans two conservation areas on two parcels currently used for agriculture. The parcels include a 78-acre main parcel located at the southeast corner of Canal School Road and Inyo Avenue and a 24-acre parcel located nearby, northeast of Brazo Road. The 78-acre parcel has four separate projects that will construct wetlands of various sizes covering 10-21 acres to treat stormwater and dry season runoff. Other planned improvements include a community gathering plaza, outdoor classroom areas, and native plant, rainwise garden, and low-impact development demonstration areas, with an unpaved trail network and interpretive signage extending throughout the main 78-acre parcel to enable appropriate public recreational access and tie all of the projects together.

No known resources are present within the proposed project areas.

Any information that you can provide will be used during the environmental review process. We look forward to hearing from you. I can be reached at (510) 430-8441 x101 or via email at basinres1@gmail.com. Thanking you in advance for any assistance.

BASIN RESEARCH ASSOCIATES, INC.

Colin I. Busby, Ph.D., RPA



September 25, 2020



North Valley Yokuts Tribe

Katherine Perez, Chairperson
P.O. Box 717
Linden, CA, 95236

RE: Request for Information – City of Newman Habitation Restoration and Creation as per Newman Community Conservation Area (NCAA) Master Plan – Initial Study of projects

Dear Kathy,

The Native American Heritage Commission has provided your name as a person who may have further information on Native American resources in the City of Newman, Merced County and a small portion of adjoining Stanislaus County.

The City of Newman plans two conservation areas on two parcels currently used for agriculture. The parcels include a 78-acre main parcel located at the southeast corner of Canal School Road and Inyo Avenue and a 24-acre parcel located nearby, northeast of Brazo Road. The 78-acre parcel has four separate projects that will construct wetlands of various sizes covering 10-21 acres to treat stormwater and dry season runoff. Other planned improvements include a community gathering plaza, outdoor classroom areas, and native plant, rainwise garden, and low-impact development demonstration areas, with an unpaved trail network and interpretive signage extending throughout the main 78-acre parcel to enable appropriate public recreational access and tie all of the projects together.

No known resources are present within the proposed project areas.

Any information that you can provide will be used during the environmental review process. We look forward to hearing from you. I can be reached at (510) 430-8441 x101 or via email at basinres1@gmail.com. Thanking you in advance for any assistance.

BASIN RESEARCH ASSOCIATES, INC.

Colin I. Busby, Ph.D., RPA



September 25, 2020

BASIN
RESEARCH
ASSOCIATES

1933 DAVIS STREET
SUITE 215
SAN LEANDRO, CA 94577
VOICE (510) 430-8441
FAX (510) 430-8443

Southern Sierra Miwuk Nation

William Leonard, Chairperson
P.O. Box 186
Mariposa, CA 95338

RE: Request for Information – City of Newman Habitation Restoration and Creation as per Newman Community Conservation Area (NCAA) Master Plan – Initial Study of projects

Dear Chairperson Leonard,

The Native American Heritage Commission has provided your name as a person who may have further information on Native American resources in the City of Newman, Merced County and a small portion of adjoining Stanislaus County.

The City of Newman plans two conservation areas on two parcels currently used for agriculture. The parcels include a 78-acre main parcel located at the southeast corner of Canal School Road and Inyo Avenue and a 24-acre parcel located nearby, northeast of Brazo Road. The 78-acre parcel has four separate projects that will construct wetlands of various sizes covering 10-21 acres to treat stormwater and dry season runoff. Other planned improvements include a community gathering plaza, outdoor classroom areas, and native plant, rainwise garden, and low-impact development demonstration areas, with an unpaved trail network and interpretive signage extending throughout the main 78-acre parcel to enable appropriate public recreational access and tie all of the projects together.

No known resources are present within the proposed project areas.

Any information that you can provide will be used during the environmental review process. We look forward to hearing from you. I can be reached at (510) 430-8441 x101 or via email at basinres1@gmail.com. Thanking you in advance for any assistance.

BASIN RESEARCH ASSOCIATES, INC.

Colin I. Busby, Ph.D., RPA

CHRIS/CCIC SEARCH RESULTS

SEARCH 1 File No. 11485IN dated August 26, 2020 (No Confidential Information)



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

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

Date: 8/26/2020

Records Search File No.: 11485IN
Access Agreement: #114
Project: Newman Habitat Rest, Canal
School Road and Brazo Road, Newman

Donna M. Garaventa
Basin Research Associates
1933 Davis Street, Suite 215
San Leandro, CA 94577
510-430-8441

basinres1@gmail.com

Dear Ms. Garaventa:

The Central California Information Center received your record search request for the project area referenced above, located on the Gustine and Newman 7.5' quadrangles in Merced and Stanislaus counties. The following reflects the results of the records search for the project study area and radius:

As per data currently available at the CCalC, the locations of resources/reports are provided in the following format: ☒ custom GIS maps ☐ shape files ☐ hand-drawn maps

Summary Data:

Resources within the project area:	None formally reported to the Information Center.
Resources within the 1/4-mile radius:	3: P-24-000083, 1894, 2104
Reports within the project area:	1: ME-06488
Reports within the 1/4-mile radius:	3: ME-06712, ST-06488, ST-06712

Resource Database Printout (list):

☒ enclosed ☐ not requested ☐ nothing listed

Resource Database Printout (details):

☒ enclosed ☐ not requested ☐ nothing listed

Resource Digital Database Records:

☐ enclosed ☒ not requested ☐ nothing listed

Report Database Printout (list):

☒ enclosed ☐ not requested ☐ nothing listed

Report Database Printout (details):

☒ enclosed ☐ not requested ☐ nothing listed

Report Digital Database Records:

☐ enclosed ☒ not requested ☐ nothing listed

Resource Record Copies:

☒ enclosed ☐ not requested ☐ nothing listed

Report Copies:

☒ enclosed ☐ not requested ☐ nothing listed

OHP Historic Properties Directory: New Excel File: Built Environment Resource Directory (BERD)

Dated 12/17/2019

Archaeological Determinations of Eligibility:

CA Inventory of Historic Resources (1976):

Caltrans Bridge Survey:

Ethnographic Information:

Historical Literature:

Historical Maps:

Local Inventories:

GLO and/or Rancho Plat Maps:

Shipwreck Inventory:

http://shipwrecks.slc.ca.gov/ShipwrecksDatabase/Shipwrecks_Database.asp

Soil Survey Maps:

<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>

☐ enclosed ☐ not requested ☒ nothing listed

☐ enclosed ☐ not requested ☒ nothing listed

☐ enclosed ☒ not requested ☐ nothing listed

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☐ enclosed ☒ not requested ☐ nothing listed

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☐ enclosed ☒ not requested ☐ nothing listed

☐ enclosed ☒ not requested ☐ nothing listed

☐ enclosed ☒ not requested ☐ nothing listed

☒ not available at CCIC; please go to

☒ not available at CCIC; please go to

Please forward a copy of any resulting reports from this project to the office as soon as possible. Due to the sensitive nature of archaeological site location data, we ask that you do not include resource location maps and resource location descriptions in your report if the report is for public distribution. If you have any questions regarding the results presented herein, please contact the office at the phone number listed above.

The provision of CHRIS Data via this records search response does not in any way constitute public disclosure of records otherwise exempt from disclosure under the California Public Records Act or any other law, including, but not limited to, records related to archeological site information maintained by or on behalf of, or in the possession of, the State of California, Department of Parks and Recreation, State Historic Preservation Officer, Office of Historic Preservation, or the State Historical Resources Commission.

Due to processing delays and other factors, not all of the historical resource reports and resource records that have been submitted to the Office of Historic Preservation are available via this records search. Additional information may be available through the federal, state, and local agencies that produced or paid for historical resource management work in the search area. Additionally, Native American tribes have historical resource information not in the CHRIS Inventory, and you should contact the California Native American Heritage Commission for information on local/regional tribal contacts.

Should you require any additional information for the above referenced project, reference the record search number listed above when making inquiries. Requests made after initial invoicing will result in the preparation of a separate invoice.

Thank you for using the California Historical Resources Information System (CHRIS).

Note: Billing will be transmitted separately via email by our Financial Services office *(\$241.50), payable within 60 days of receipt of the invoice.

If you wish to include payment by Credit Card, you must wait to receive the official invoice

from Financial Services so that you can reference the CMP # (Invoice Number), and then contact the link below:

<https://commerce.cashnet.com/ANTHROPOLOGY>

Sincerely,

E. A. Greathouse

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

* Invoice Request sent to: Laurie Marroquin CSU Stanislaus Financial Services
lamarroquin@csustan.edu

DPR 523 PRIMARY FORM – Miller Ditch

FORM 1 DPR Primary Form – Miller Ditch. Dated November 2020

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
PRIMARY RECORD

Primary # _____
HRI # _____
Trinomial _____
NRHP Status Code _____

Other Listings _____
Review Code _____ Reviewer _____ Date _____

Page 1 of 5

Resource Name or #: Miller Ditch (Segment)

P1. Other Identifier: _____

P2. Location: ☐ Not for Publication ☐ Unrestricted

a. County Merced and Stanislaus

b. USGS 7.5' Quad Newman (1978) and Gustine (1973) T7S R9E; S ½ of Section 20; Mount Diablo B.M.

c. Address Canal School Rd between E Inyo Ave and Braza Rd City Newman Zip _____

d. UTM: A) 10S 676539 mE 4130481 mN; B) 676517 mE 4131228 mN; C) 677053 mE 4131322 mN (WGS84)

e. Other Locational Data: The recorded segment of the Miller Ditch runs north from Braza Road to E Inyo Ave, then turning east, then northeast. The Miller Ditch, just southeast of Newman, is located primarily in Merced County; only a small portion extends into Stanislaus County.

P3a. Description

The Miller Ditch, a water service ditch approximately 15 feet wide by four feet deep, provides irrigation water from the Central California Irrigation District (CCID) Main Canal to the west for agricultural lands adjacent to the project site. The CCID was formed in 1951 when it took over control of the San Joaquin and Kings River Canal and Irrigation Company. The portion of the Miller Ditch along Canal School Road which is the western boundary of the 78-acre parcel and the northern boundary of both project sites appears to have been constructed in the early 1950s based on a review of historic topographic maps. It may have been constructed to take advantage of the additional water that could be obtained from the Central Valley Project Delta Mendota Canal (CVP DMC) to the west or the additional drainage offered by the Newman Wasteway which was completed in 1951 as part of the CVP DMC. The ditch is similar to other earth, 'v'-shaped irrigation and drainage ditches within the CCID service area.

(see continuation page)

P3b. Resource Attributes: AP20 – Canal/aqueduct

P4. Resources present: ☐ Building ☒ Structure ☐ Object ☐ Site ☐ District ☐ Element of District ☐ Other



P5b. Description of Photo: _____

View west along Miller Ditch towards
Canal School Rd

P6. Date Constructed/Age and Sources:

☒ Historic ☐ Prehistoric ☐ Both

Ca. early 1950s

P7. Owner and Address

Central California Irrigation District

1335 W. I Street

Los Banos, CA 93635

P8. Recorded by:

Basin Research Associates

1933 Davis Street, STE 215

San Leandro, CA 94577

P9. Date Recorded November 2020

P10. Survey Type:

Intensive Survey

P11. Report Citation HPSR/FOE Newman Community Conservation Area, Newman, Stanislaus County (November 2020)

Attachments: ☐ NONE ☒ Location Map ☐ Sketch Map ☒ Continuation Sheet ☐ Building, Structure and Object Record
☐ Archaeological Record ☐ District Record ☒ Linear Feature Record ☐ Milling Station Record ☐ Rock Art Record ☐ Artifact Record
☐ Photograph Record ☐ Other (List) _____

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
LINEAR FEATURE RECORD

Primary # _____
HRI # _____
Trinomial _____

Page 2 of 5

Resource Name or #: Miller Ditch (Segment)

Recorded by Basin Research Associates

Date: November 2020 ☒ Continuation ☐ Update

L1. Historic and/or Common Name: same

L2a. Portion Described: ☐ Entire Resource ☒ Segment ☐ Point Observation Designation: _____

b. Location of point or segment:

UTM coordinates: A) 10S 676539 mE 4130481 mN; B) 676517 mE 4131228 mN; C) 677053 mE 4131322 mN (WGS84)
T7S R9E; S ½ of Section 20

The recorded segment of the Miller Ditch runs north from Braza Road to E Inyo Ave, then turns east, then northeast.

L3. Description:

The Miller Ditch is a standard earth, 'v'-profile irrigation ditch. Both banks are sloped at approximately 45 degrees, and are sparsely covered with grasses.

The recorded segment measures approximately 4425 ft; 2550 ft north-south along Canal School Rd, 1500 ft east from the intersection of Canal School Road and E Inyo Avenue, then northeast for ca. 375 ft.

L4. Dimensions:

- a. Top Width ca. 15 ft
- b. Bottom Width unknown
- c. Height or Depth ca. 4 ft
- d. Length of Segment ca. 4426 ft

{PRIVATE } L4e. Sketch of Cross-Section

Facing: _____

L5. Associated Resources:

L6. Setting:

The Miller Ditch is located on the west side of the San Joaquin Valley, between the San Joaquin River and the Diablo Range, at an elevation of about 80 ft asl. The area was historically part of the large floodplain and tributary complex draining generally eastward to the San Joaquin River (Bennett Valley-San Joaquin River watershed). The area is now predominantly agricultural, with a complex surface water drainage context that includes a network of agricultural canals and ditches, as well as the Newman Wasteway, which ultimately discharges to the San Joaquin River to the east.

L7. Integrity Considerations:



L8b. Description of Photo, Map, or Drawing:

View southwest from northeast end of recorded segment

L9. Remarks:

L10. Form Prepared by:

Basin Research Associates
1933 Davis Street, STE 215
San Leandro, CA 94577

L11. Date: November 2020

State of California – The Resources Agency
DEPARTMENT OF PARKS AND RECREATION
CONTINUATION SHEET

Primary # _____
HRI # _____
Trinomial _____

Page 3 of 5 Resource Name or #: Miller Ditch (Segment)
Recorded by Basin Research Associates Date: November 2020 ☒ Continuation ☐ Update

P3a. Description, con't

During the spring and summer, supply from the Central California Irrigation District (CCID) canal west of the City is diverted into the Miller Ditch for irrigation use. The Miller Ditch also receives agricultural tailwater and some overland runoff. As a result, flow in the Ditch is generally year-round, although flow volumes and water quality vary seasonally.

Evaluation

The Miller Ditch, a historic water service ditch, is adjacent to the APE boundary on the west and north.

The Miller Ditch, a water service ditch approximately 15 feet wide by four feet deep, provides irrigation water from the Central California Irrigation District (CCID) Main Canal to the west for agricultural lands adjacent to the project site. The ditch forms the northern border of both project sites. The CCID was formed in 1951 when it took over control of the San Joaquin and Kings River Canal and Irrigation Company. The portion of the Miller Ditch along Canal School Road which is the western boundary of the 78-acre parcel and the northern boundary of both project sites appears to have been constructed in the early 1950s based on a review of historic topographic maps. It may have been constructed to take advantage of the additional water that could be obtained from the Central Valley Project Delta Mendota Canal (CVP DMC) to the west or the additional drainage offered by the Newman Wasteway which was completed in 1951 as part of the CVP DMC.

The Miller Ditch does not appear eligible for either the NRHP or CRHR under any of the criteria:

- a/1 the Miller Ditch does not appear to be associated with any important events in Merced and/or Stanislaus counties or with the development of irrigated farming in the immediate or general area;
- b/2 the ditch is not associated with an important person or prominent engineer either in the area's history or with water development in the State of California or regional history;
- c/3 the ditch does not possess important engineering or design values – it is a standard earth, 'v'-profile irrigation ditch typical of a large number of similar ditches in the general area used to deliver irrigation water or act as drainages. It is part of the larger water conveyance and drainage system of the Central California Irrigation District but is not a distinguishable entity of the system.
- d/4 the ditch is a standard water service structure which is not likely to provide information important in history.

References

United States Department of Interior, Geological Survey (USGS)
1919, 1941 Orestimba, Calif. [Quadrangle]. Topographic map, 15 minute series.
1952 Newman, Calif. [Quadrangle]. Topographic map, 7.5 minute series.

Personal Communications

2020 Jarrett Martin, Central California Irrigation District, personal communications on Miller Ditch, November, 2020.

Page 4 of 5

Resource Name or #: Miller Ditch (Segment)

Recorded by Basin Research Associates

Date: November 2020 ☒ Continuation ☐ Update



View south along Miller Ditch from near East Inyo Rd (Vollmar Natural Lands Consulting)



View east along Miller Ditch from near East Inyo Rd (Vollmar Natural Lands Consulting)

