



# COUNTY OF INYO PLANNING COMMISSION

P.O. Drawer L, Independence, California 93526

Telephone (619) 878-0263 FAX (619) 872-2712

Peter Chamberlin, Director of Planning

---

## NOTICE OF DECISION

December 28, 1994

Rick Moore  
C.G. Roxanne  
Drawer A  
Olancho, CA. 93549

**Subject: MITIGATED NEGATIVE DECLARATION FOR GRADING PERMIT  
AND ARCHAEOLOGICAL MITIGATION PLAN/C.G. ROXANNE**

On December 28, 1994 the Inyo County Planning Commission conducted a public hearing to consider a Mitigated Negative Declaration and Archaeological Mitigation Plan required as a result of your application for a Grading Permit. The Grading Permit and a subsequent application for a Building Permit are being submitted pursuant to the construction of a 63,000 square foot manufacturing plant, installation of an 8" fire supply line from a storage tank to the proposed building, asphalt concrete paving of an access road and parking area, and the demolition of a vacant single family dwelling. The proposed project is located adjacent easterly to U.S. Highway 395, one mile south of Owens Street in the unincorporated community of Cartago.

The Planning Commission made the following findings prior to approval of the **Mitigated Negative Declaration:**

- A. Based upon the Initial Study, Draft Mitigated Negative Declaration of Environmental Impact, and all verbal and written comments received, adopt the Mitigated Negative Declaration of Environmental Impact thus certifying that the provisions of the California Environmental Quality Act have been satisfied.
- B. Find that the project, as proposed, to excavate and fill approximately 6,800 cubic yards of earth materials and the proposed Archeology Mitigation Plan as mitigated and conditioned will not result in a significant impact.

*[Evidence: The potential impacts of the proposed project have been disclosed through environmental review including circulation to the State Clearinghouse. Proposed mitigation measures are designed to minimize effects to the environment.]*

- C. Find that, as conditioned, adequate public facilities and services will be available to meet the needs of the proposed development.

*[Evidence: Improvements are provided via current infrastructure.]*

- D. After consideration of the Initial Study, Negative Declaration of Environmental Impact, and all other oral and written comments received find a *de minimus* impact to fish and wildlife habitat and direct applicant to submit a \$25.00 filing fee, payable to the Inyo County Clerk, to the Inyo County Planning Department. Upon receipt of the fee, the Planning Department shall file a Notice of Determination and Notice of fee exemption pursuant to 7.35 (a) (3), Title 14 of California Code of Regulations and Section 711.4 of Fish and Game Code with the Inyo County Clerk.

*[Evidence: Surface disturbance in the area has already occurred by the previous development operations. The area is disturbed almost no vegetation. Because there will be no potential loss of native vegetation and habitat, Section 711.4 of the Fish and Game Code requires the payment of a \$25.00 fee before the approval of this project becomes final or vested. The potential impact of the project as a whole meets the "De Minimus" standard of Section 711.4].*

- E. Find that, as mitigated, the project will have no potential to conflict with established recreational, educational, religious, cultural or scientific uses of the project site (Appendix G of the CEQA Guidelines).

*[Evidence: No established recreational, educational, religious, cultural or scientific uses are known to occur on the project site.]*

- F. Find the proposed project, as mitigated, complies with the requirements of Section 21083.2 of Public Resources Code.

*[Evidence: Specific mitigation measures have been incorporated into the proposed project to ensure there will be no damage to unique archaeological resources].*

- G. Recommend to the Inyo County Department of Building and Safety to incorporate the following mitigation measures as conditions of the grading permit for the project.

1. A qualified archaeological entity approved by the County shall be retained for mapping and inventory of the remainder of the lease site not previously examined for both archaeological remains and existing ground disturbance.

2. Formed artifacts shall be collected concurrent with mitigation procedure No. 1.

3. Subsequent to the site characterization procedures in mitigation measures No. 1 and No. 2, and prior to any site paving or over topping (excavation and deposit of fill), a vehicular circulation plan shall be implemented to minimize any impacts to identified archaeological assets.
4. An archaeologist, approved by the County, and a Native American representative of the Lone Pine Paiute/Shoshone Tribe or the appropriate Native American representative shall be permitted on-site to monitor ground disturbing activities attendant with the construction of the C.G. Roxanne factory in order to identify subsurface archaeological and human remains.
5. When avoidance of archaeological features (house pits, fire hearths, storage pits, etc.) and human burials is not possible, excavation and general observations shall be collected regarding the nature of subsurface deposits, concurrent with archaeological excavation, as necessary.
6. In the course of project activity, should human remains and their associated grave goods be discovered, the Inyo County Coroner and the California Native American Heritage Commission shall be notified.
7. A Native American consultant shall be permitted to monitor all excavation of human remains and may require that construction and archaeological excavation in the immediate vicinity be temporarily suspended to facilitate the exercise of certain religious observances.
8. In the event that human remains are encountered which cannot be left in place, excavation of the remains shall follow standard archaeological procedures (excavation, mapping, photography, and removal) and all of the remains shall be removed for re-interment at the applicant's expense.
9. Any human remains subject to mitigation measure No. 8 may be transported to an archaeological laboratory for temporary curation at the applicant's expense until that time when the Lone Pine Paiute/Shoshone Tribe or appropriate Native American representative requests their return. Absent a request for the return of any human remains within 6 months following field work, the archaeological representative may elect to return the remains to the Lone Pine Tribe or the appropriate Native American representative.
10. The project applicant shall construct a cement vault on-site for the interment of any human remains that might be recovered, subject to agreement of location and conditions with the Lone Pine Paiute/Shoshone Tribe or appropriate Native American representative.
11. The archaeological analyses may include nondestructive examination of the human remains, as well as standard procedures utilized for determining the date of burial from the accompanying artifacts.
12. In the course of project construction, the applicant shall relocate, to the maximum extent possible, any improvements to avoid degradation of archaeological features.
13. All materials recovered from surface collection and excavation shall be subjected to archaeological laboratory cataloging and analysis.

14. In the event that human remains are recovered, these shall be identified, at minimum, to skeletal element (age, sex, stature, and pathologies) by a Physical Anthropologist. If age, sex, stature, and pathologies can be documented, these data shall also be analyzed.

15. The archaeological consultant shall prepare a descriptive report, including a background context covering known prehistory and ethnography of the region that will provide information relevant to interpreting data recovered from the site. Artifacts, features, and human burials shall be described and technological, functional, and chronological interpretations shall be developed as appropriate. Existing site forms shall be updated and a copy of the report, including site forms, shall be submitted to the Eastern Information Center at University of at Riverside, Inyo County, and the project applicant.

16. An agreement with the landowner and the project applicant shall be required to release artifacts (other than human remains and associated artifacts) for curation at an archival museum facility. Such agreement shall be pursued as curation at such a facility is integral to preserving information retrieved from CA-INY-1991.

17. As part of the Grading Plan, a revegetation plan shall be prepared. All areas of the site not covered with structures and paving shall be revegetated to reduce wind water soil erosion.

18. All soil material exposed to wind erosion shall be kept moist to reduce fugitive dust emission during grading and construction.

19. As part of the Grading Plan, a drainage plan shall be prepared to prevent run off from the right-of-way of U.S. Highway 395. An encroachment permit may be required from CalTrans for any work in the right-of-way or for direct access from the highway. No areas on-site shall be left such that ponding conditions can occur.

20. Unsuitable soils material containing roots and organic material shall be disposed of off-site at an approved location. The house to be demolished, if not burned, shall be disposed of at an approved location.

21. The Grading Permit shall be conditioned to require all runoff from impervious surfacing to be retained on-site.

As a result of the same public hearing conducted by the Planning Commission on December 28, 1995, an **Archaeological Mitigation Plan** was also approved by the Commission subject to the following findings and conditions:

A. Find the proposed project will not result in the excavation or exploration for archaeological, educational or artifact collection purposes of any Native California Indian burial site, except as expressly permitted and conditioned by the Inyo County Planning Commission.

*(Evidence: As provided, the project sponsor has taken responsibility for preservation, protection, or relocation of the features or sites in accordance with the approved plan).*

B. Find any archaeological surveys conducted in association with the project will not disturb Native California Indian burial sites, except as expressly permitted and conditioned by the Inyo County Planning Commission.

*(Evidence: As required by Section 9.52, disturbance of archaeological, paleontological and historical features, subject to the Inyo County Code and Archaeological Mitigation Plan for the proposed project, have been submitted for review and comment by the Big Pine Indian Reservation, Bishop Indian Reservation, Lone Pine Indian Reservation, Owens Valley Paiute-Shoshone band and the Koso Native Graves Protection Committee.)*

C. Find the plan to be complete as required by Chapter 9.52 of the Inyo County Code.

*(Evidence: The plan was prepared by a consultant certified by the Society of Professional Archaeologists incorporating all of the necessary elements to describe the project and the probable effect of the project on the cultural resources.)*

D. Find that the ARCHAEOLOGICAL MITIGATION PLAN and project planning, including project alternatives, minimizes or avoids potential impacts to cultural resources.

*(Evidence: The project has been designed to protect cultural resources from the proposed development by locating structures to avoid impacts and the use of construction methods to minimize impacts to the existing soil and underlying artifacts.)*

E. Approve the ARCHAEOLOGICAL MITIGATION PLAN subject to the following conditions:

1. A qualified archaeological entity approved by the County shall be retained for mapping and inventory of the remainder of the lease site not previously examined for both archaeological remains and existing ground disturbance.
2. Formed artifacts shall be collected concurrent with mitigation procedure No.1.
3. Subsequent to the site characterization procedures in mitigation measures No.1 and No. 2, and prior to any site paving or over topping(excavation and deposit of fill), a vehicular circulation plan shall be implemented to minimize any impacts to identified archaeological assets.
4. An archaeologist, approved by the County, and a Native American representative of the Lone Pine Paiute/Shoshone Tribe or an appropriate Native American representative shall be permitted on-site to monitor ground disturbing activities attendant with the construction of the C.G. Roxanne factory in order to identify subsurface archaeological and human remains.
5. When avoidance of archaeological features (house pits, fire hearths, storage pits, etc.) and human burials is not possible, excavation and general observations shall be collected regarding the nature of subsurface deposits, concurrent with archaeological excavation, as necessary.

6. In the course of project activity, should human remains and their associated grave goods be discovered, the Inyo County Coroner and the Native American Heritage Commission shall be notified pursuant to state law.

7. A Native American consultant shall be permitted to monitor all excavation of human remains and may require that construction and archaeological excavation in the immediate vicinity be temporarily suspended to facilitate the exercise of certain religious observances.

8. In the event that human remains are encountered which cannot be left in place, excavation of the remains shall follow standard archaeological procedures (excavation, mapping, photography, and removal) and all of the remains shall be removed for re-interment at the applicant's expense.

9. Any human remains subject to mitigation measure No. 8 may be transported to an archaeological laboratory for temporary curation at the applicant's expense until that time when the Lone Pine Paiute/Shoshone Tribe or appropriate Native American representative requests their return. Absent a request for the return of any human remains within 6 months following field work, the archaeological representative may elect to return the remains to the Lone Pine Tribe or the appropriate Native American representative.

10. The project applicant shall construct a cement vault on-site for the interment of any human remains that might be recovered, subject to agreement of location and conditions with the Lone Pine Paiute/Shoshone Tribe or appropriate Native American representative.

11. The archaeological analyses may include nondestructive examination of the human remains, as well as standard procedures utilized for determining the date of burial from the accompanying artifacts.

12. In the course of project construction, the applicant shall relocate, to the maximum extent possible, any improvements to avoid degradation of archaeological features.

13. All materials recovered from surface collection and excavation shall be subjected to archaeological laboratory cataloging and analysis.

14. In the event that human remains are recovered, these shall be identified, at minimum, to skeletal element (age, sex, stature, and pathologies) by a Physical Anthropologist. If age, sex, stature and pathologies can be documented, these data shall also be analyzed. The Planning Commission shall be notified of the discovery of historical or prehistoric features.

15. The archaeological consultant shall prepare a descriptive report, including a background context covering known prehistory and ethnography of the region that will provide information relevant to interpreting data recovered from the site. Artifacts, features, and human burials shall be described and technological, functional, and chronological interpretations shall be developed as appropriate. Existing site forms shall be updated and a copy of the report, including site forms, shall be submitted to the Eastern Archaeological Information Center at the University of Riverside, Inyo County and the project applicant.

16. An agreement with the landowner and the project applicant shall be required to release artifacts (other than human remains and associated artifacts) for curation at an archival museum facility. Such agreement shall be pursued as curation at such a facility is integral to preserving information retrieved from CA-INY-1991.

17. Any human remains encountered on-site that will be subject to re-interment in place, and will be vulnerable to any chemical intrusion as a result of asphalt concrete paving, shall be protected by the installation of an impermeable lens over the burial site. This condition shall be monitored by the Inyo County Public Works Department.

18. Unless an element of compelling scientific need is demonstrated, no human remains shall be removed from the site for scientific analysis.

19. All methods and means of re-interment shall be determined by the Paiute and Shoshoni Tribes of the Owens Valley.

20. All associated funerary objects, objects of cultural patrimony and sacred objects recovered shall be returned to the appropriate tribal group or tribe.

21. Clearing and grading to facilitate further discovery of Native American remains or artifacts need not be executed if the existing ground level is sealed and a pad is constructed on the surface of the project site.

22. All archaeological analysis and cataloging of information from the site shall be made available to the appropriate tribal affiliation.

23. The descriptive report prepared as a result of archaeological exploration of the site shall include history of the area and region incorporating information relevant to, as available and appropriate, "Indian Massacres" which occurred in the 1850's as a result of actions by the U.S. Army, California Volunteers upon the Owens Valley Paiute, Saline Valley, Koso and Panamint Shoshoni.

24. The Owens Valley Paiute and Shoshoni Cultural Center in Bishop, California shall be notified as a curative archival facility for preservation of information retrieved from CA-INY-1991.

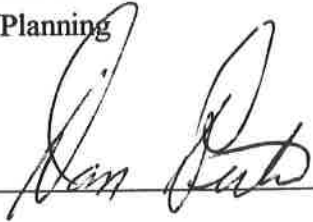
25. The applicant/developer shall defend, indemnify and hold harmless the County and its agents, officers and employees from any claim, action or proceeding against Inyo County or its agents, officers and employees to attack, set aside, void or annul the approval of the Archaeological Mitigation Plan, grading permit and applicable proceedings. Inyo County reserves the right to prepare its own defense.

The Mitigated Negative Declaration and Archaeological Mitigation Plan will become effective fifteen (15) days after the Planning Commission's approval. During that time, pursuant to Section 18.81.030 of the Inyo County Zoning Ordinance (#943-2/15/94) any interested person alleging error in any determination made by the Planning Commission may appeal all or any

portion of the Mitigated Negative Declaration or Archaeological Mitigation Plan to the Inyo County Board of Supervisors after compiling evidence of the alleged error and making an appeal fee payment of three-hundred dollars (\$300.00) to the Clerk of the Board.

If you have any questions regarding the above, please feel free to contact this office.

Sincerely, for  
Peter Chamberlin  
Director of Planning



---

Dan Beets  
Associate Planner

cc: Mike Conklin, Inyo County Deputy Director of Public Works  
Rick Moore, C.G. Roxanne  
Tom Hyde, C.G. Roxanne  
Dorothy Alther, Attorney at Law, California Indian Legal Services  
Koso Native Graves Protection Committee  
Brad Nelson, Water Resource Control Engineer, LRWQCB  
F.K. Walton, Chief, Transportation Planning & Public Transportation, CALTRANS  
Paul Bruce, Inyo County Counsel  
Bishop Indian Reservation  
Bishop Paiute/Shoshone Cultural Center, Owens Valley Paiute/Shoshone Band  
Big Pine Indian Reservation  
Fort Independence Indian Reservation  
Lone Pine Indian Reservation  
Death Valley Timbi-Shaw Shoshone Band  
Paul Payne, Fifth District Supervisor