

4.13 CULTURAL RESOURCES

Section 106 of the NHPA states that an undertaking would have an adverse effect on a historic property (i.e., NRHP-eligible resource) if that undertaking were to alter or diminish characteristics of the property that qualify it for inclusion in the NRHP. This includes Native American TCPs in that they possess traditional cultural significance. Per 36CFR60.4, properties eligible for the NRHP possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. Are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. Are associated with the lives of persons significant in our past; or
- C. Embody the distinctive characteristics of a type, period, or method of construction, represent the work of a master, possess high artistic values, or represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. Have yielded or may be likely to yield, information important in prehistory or history.

Any impacts on NRHP-eligible historic properties as a result of the project must be identified, discussed with the State Historic Preservation Office (SHPO) and interested parties, and mitigated to the extent possible under the NHPA in order to avoid a significant impact under NEPA.

The Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 (as amended) provides federal protection of Native American human remains, associated and unassociated funerary objects, sacred objects, and objects of cultural patrimony. The intentional removal or excavation of Native American cultural items from federal or tribal lands for purposes of discovery, study, or removal of such items is considered illegal under NAGPRA, unless under the following circumstances:

- The items are excavated or removed under an Archaeological Resources Protection Act of 1979 permit;
- The items are excavated or removed after consultation with or, in the case of tribal lands, consent of the appropriate Indian tribe; or

Proof of consultation or consent is shown.

American Indian Religious Freedom Act allows for Native Americans to express and exercise their traditional religions, “including but not limited to access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.” EO 13007 states that federal agencies will, to the extent practicable, “accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners” and “avoid adversely affecting the physical integrity of such sacred sites.” As such, any actions that would alter or diminish a Native American sacred site or traditional

resource identified by consulted parties or limit access to or use of those resources would constitute an adverse impact on Native American resources.

Proposed Action

Direct Impacts

Prehistoric and Historic Cultural Resources

Vulcan Power relocated drill sites or access roads to avoid significant impacts. Both the original proposed locations and new locations were intensively inventoried for the presence or absence of cultural resources (MACTEC 2007a). No sites were found within the APE of the cold water well. Several sites are located within the APEs of proposed drill sites and access roads. With the exception of one NRHP-ineligible multicomponent site and the NRHP-eligible Wadsworth and Columbus Freight Road, all sites, regardless of NRHP eligibility, would be avoided during construction and operation.

The unavoided multicomponent site could be affected by a drill site and the access road to that site; however, the low density of artifacts attributed to the site is so that such affects are expected to be minimal. Additionally, MACTEC recommended the site as ineligible for listing on the NRHP.

The BLM has determined the Wadsworth and Columbus Freight Road to be eligible for listing on the NRHP. Modification and use of the road segment to access three of the proposed drill pads would adversely affect this historic archaeological site under NHPA unless appropriate mitigation is conducted. Developing a treatment plan in consultation with the BLM and State Historic Preservation Office and completing the agreed upon treatment would mitigate this adverse effect under NHPA and NEPA. The treatment plan may include data collection of artifacts along the road, extended recordation of the artifacts and road itself, additional research, and public interpretation efforts, using print and electronic media, to convey the nature and importance of the Wadsworth and Columbus Freight Road to the general public (MACTEC 2007b). The BLM and SHPO will review and approve the plan for compliance with 36CFR800.6, prior to project-related use of the road.

In the unlikely case that unexpected cultural resources or human remains are uncovered during construction or operation of the geothermal drill pads or access roads, work would halt immediately within 100 feet of the cultural materials or features and left undisturbed. The BLM CCFO cultural resource specialists would be contacted to assess the significance of the finds in compliance with the implementing regulations of the NAGPRA (43CFR10). In the case of accidental discovery of human remains, the County Coroner would be contacted as well. Should they prove to be significant, appropriate mitigation plans and measures would be developed and submitted for approval by the BLM, the SHPO, and the Fallon Paiute-Shoshone Tribe or other identified direct lineal descendent.

Native American Resources

Cultural resources are considered Native American Resources (see previous section). Based on the ongoing consultation with the Fallon Paiute-Shoshone Tribe, prehistoric cultural

resources identified during the Class III survey will be avoided. In the event of an inadvertent discovery, the tribe would be contacted. Consultation would be ongoing with the tribe until completion of the project, so no significant impacts on Native American Resources are expected.

Indirect Impacts Based on a Reasonably Foreseeable Development Scenario

Based on a reasonably foreseeable development scenario and the density of prehistoric and historic sites within the region, impacts on cultural resources could be significant. However, it is anticipated that all such impacts would be mitigated to minor impacts by conducting necessary surveys, recordation of sites, avoidance, public interpretation, and/or any other mitigations recommended by a contracted qualified archaeologist at the time.

Subsequent NEPA analysis would determine the actual impact to cultural resources.

No Action Alternative

Under the No Action Alternative, no construction would take place in the APE, and there would be no adverse impacts on cultural resources in the project area.