

3.6 CULTURAL AND TRIBAL CULTURAL RESOURCES

Comments received on the Notice of Preparation (NOP) were reviewed during preparation of this SEIR. The Native American Heritage Commission (NAHC) provided a comment letter noting the requirements of CEQA related to cultural resources, the requirements of Assembly Bill (AB) 52 related to Tribal Cultural Resources, the tribal consultation requirements of AB 52 and Senate Bill 18, and NAHC recommendations related to tribal consultation and inclusion of mitigation measures (where necessary). The Wilton Rancheria submitted a comment letter requesting maps of the proposed Project (which were provided by the City to the commenter on August 18, 2020). The City reviewed and considered this information during preparation of this chapter.

3.6.1 ENVIRONMENTAL SETTING

The environmental setting related to cultural resources has not changed since the 2019 SOIA EIR was prepared. However, since that time, the City has identified the need for additional off-site drainage improvements immediately adjacent to and extending south of the Project site. The same environmental setting that was presented in the 2019 SOIA EIR also applies to the proposed off-site improvement areas. A brief summary from the 2019 SOIA EIR Section 3.6, “Cultural Resources” and 2019 SOIA EIR Cultural Resources Appendix D, is presented below, along with the results of an updated records search and site visit.

Although the cultural and tribal cultural resources impact topics have areas of overlap and have been combined in order to avoid duplication and reduce page-length of the SEIR, it is important to understand that these are different types of resources. Separate significance thresholds have been used for cultural resources and tribal cultural resources; these thresholds, as listed in the CEQA Appendix G checklist, are presented below in Subsection 3.3, “Environmental Impacts and Mitigation Measures.”

Cultural resources include districts, sites, buildings, structures, or objects generally older than 50 years and considered important to a culture, subculture, or community for scientific, traditional, religious, or other reasons. They include prehistoric, historic-era, and Tribal Cultural Resources (the latter as defined by AB 52, Statutes of 2014, in Public Resources Code Section 21074).

Archaeological resources are locations where human activity has measurably altered the earth or left deposits of prehistoric or historic-era physical remains (e.g., stone tools, bottles, former roads, house foundations). Historical resources include standing buildings (e.g., houses, barns, outbuildings, cabins), intact structures (e.g., dams, bridges, wells), or other remains of humans’ alteration of the environment (foundation pads, remnants of rock walls).

Tribal Cultural Resources were added as a distinct resource subject to review under CEQA, effective January 1, 2015, under AB 52. This is a new category of resources under CEQA and includes site features, places, cultural landscapes, and sacred places or objects, which are of cultural value to a tribe. This new category of resources was added in order to recognize that tribes have unique knowledge and information about sensitive resources important to tribal communities.

PREHISTORIC PERIOD

The Project site and the off-site improvements areas are located in the traditional territory of the Plains Miwok, whose vast region included alluvial plains, Delta marshland, river channels, and upland ridges (Bennyhoff 1977).

Significant contact with European and Euroamerican immigrants occurred in the early 19th century as Spanish, Mexican, and American explorers arrived in the area. Plains Miwok populations were affected greatly by Spanish-era missionization, the rapid spread of diseases associated with large trapping companies, and the intensive settlement of the valley and foothills following the discovery of gold in 1848. Only four tribelets remained in their aboriginal territory by 1850, and, by 1880, the last tribelet that had resettled at what is today Elk Grove had also disappeared (Bennyhoff 1977). The closest recorded Plains Miwok ethnographic villages are Amuchamne and Shalachmushumne, approximately 0.7 mile and 0.8 mile, respectively, southeast of the Project site. These sites are within the Deer Creek/Cosumnes River floodplain, and are near the off-site improvement areas. The City of Elk Grove has previously identified prehistoric and historic Native American sites mostly located along rivers, creeks, and sloughs, and many if not all, have the potential to contain human remains (City of Elk Grove 2003).

Tribal Cultural Resources provide the backdrop to:

- ▶ religious understanding;
- ▶ traditional stories;
- ▶ knowledge of resources, such as varying landscapes, bodies of water, animals and plants; and
- ▶ self-identity.

Knowledge of place is central to the continuation and persistence of culture, even if former Native American occupants live removed from their traditional homeland. Consulting tribes view these interconnected sites and places as living entities; their associations and feeling persist and connect with descendant communities.

HISTORIC PERIOD

The Project site and the off-site improvements areas are located outside the Elk Grove City limits, south of Grant Line Road, and west of the Cosumnes River. The Project site itself is within the City's Planning Area. The community of Elk Grove was established by 1850 as a stage stop along the Monterey Trail and developed as an agricultural center after the arrival of the Central Pacific Railroad in the 1870s.

The Project site and the off-site improvements areas are located within the former boundaries of the Rancho Omochumnes Mexican land grant and were historically used for farming and ranching; the area continues to have similar land uses today. Dominant commodities originally included cattle, sheep, wheat, and barley, but later diversified into row crops, hops, fruits, nuts, and grapes. Many of these large ranches maintained their original property boundaries until the mid-20th century when they began to sell off lands for residential development. Page & Turnbull (2012) previously identified the area between Grant Line Road and the Cosumnes River as recommended for additional survey efforts to identify historic ranches and farms to further Elk Grove's historic preservation efforts. A review of maps and historic aerial photographs identified four extant clusters of buildings and structures among the agricultural fields that represent historic-age home sites and ancillary buildings supporting agricultural and ranching operations from the 1860s to the 1950s when agriculture was the pillar of the Elk Grove economy (Page & Turnbull 2012). The following describes the four extant farmsteads on the Project site and the off-site improvements areas, generally from north to south.

The Mosher Ranch at 10161 Grant Line Road (APN 134-0190-002) within the Project site and a portion of the off-site improvement area is one of the original ranches established in the Elk Grove area and is still in operation today. Samuel Hoover established the ranch in the 1860s and the original two-story 1868 brick ranch house remains on the property (Page & Turnbull 2012).

A portion of the Mahon Ranch at 10171 Grant Line Road (APN 134-0190-003) is part of the Project site and the off-site improvement area. John Mahon established the ranch in 1882, and it became one of the largest hops producers in the Elk Grove area. A two-story Stick-style residence constructed in 1891 and a horse barn constructed in 1921 are extant on the property. Mahon Ranch is an Elk Grove heritage ranch and the Elk Grove Historical Society notes that it was the best remaining example of a historic ranch in the Elk Grove area (Page & Turnbull 2012). However, neither the Mosher or Mahon ranch properties have been formerly recorded or evaluated for eligibility to a local, State, or national registry and were not included in the results of the North Central Information Center records search.

The building cluster within the Project site at 10313 Grant Line Road (APN 134-0190-010) is accessed via a long tree-lined driveway and the main house and a barn were built on the site as of 1909, according to historic maps. The two-story house appears to be constructed in the Italianate style, which was popular in the late nineteenth century. Review of historic aerials show the house, several barns, and a silo in place in 1937. Between 1961 and 1971, it appears a second residence and additional outbuildings were constructed on the parcel. A large barn extant on the parcel in 1937 was demolished circa 2013 (University of California, Santa Barbara [UCSB] 2017; NETRonline 2016).

Lastly, in the southern portion of the Project site is a house and barn cluster at 10351 Grant Line Road (APN 134-0190-013). According to historic aerials, the Ranch style house was built between 1937 and 1952 and the barn at the north side of the house was in place before 1961. The large barn east of the house was built between 1981 and 1998 (UCSB 2017; NETRonline 2016).

A former farm complex dating to at least 1937 was previously located at the northwestern end of APN 134-0190-009-0000 near Grant Line Road; however, the farmstead has undergone demolition of its various historic-period components since 2010. The building cluster had included a residence, large barn, and several outbuildings and fenced areas; however, the original house was replaced with a mobile home by 1971 and the large barn and other outbuildings were demolished from 2010 to the present. Today, no built environment is extant, however, the remnant driveway off the east side of Grant Line Road is still visible and a cluster of large oak trees that surrounded the original house location are still present. The area outside of the former house location and remnant trees is under cultivation, but the former house location is not (UCSB 2017; NETRonline 2016).

CULTURAL RESOURCES STUDIES

In addition to the previous studies summarized in the 2019 SOIA EIR, AECOM also requested an updated records search from the California Historical Resources Information System (CHRIS) North Central Information Center (NCIC) in Sacramento in August 2020. No additional resources were identified by the NCIC other than those already presented in the 2019 SOIA EIR and summarized above.

NATIVE AMERICAN CONSULTATION

In addition to the Native American consultation performed for the 2019 SOIA EIR, the Native American Heritage Commission (NAHC) was contacted in August 2020 to obtain a CEQA tribal consultation list and to request a search of the Sacred Lands File related to the off-site improvement areas. In its response dated August 10, 2020, the NAHC stated that the Sacred Lands File did indicate the presence of Native American resources in the vicinity of the off-site improvement areas. The NAHC also listed six Native American organizations and individuals who may have knowledge of cultural resources in the off-site improvement areas: Buena Vista Rancheria of Me-Wuk

Indians, Ione Band of Miwok Indians, Nashville Enterprise Miwok-Maidu-Nishinam Tribe, Shingle Springs Band of Miwok Indians, United Auburn Indian Community of the Auburn Rancheria, and the Wilton Rancheria. The City sent letters to these parties on August 22, 2020 inviting consultation for the Project.

CULTURAL RESOURCE FIELD INVESTIGATIONS

AECOM performed a site visit of the off-site improvement areas in August 2020. During the site visit, one historic (circa 1900, according to the landowner) hand-dug ditch is present that conveys water from the 15-acre pond to the outfall in Deer Creek. In this vicinity, a historic fence was also identified. However, both the ditch and the fence are still in use today as part of active, ongoing off-site agricultural operations by the landowner, and these operations will continue after the Project site is developed.

3.6.2 REGULATORY FRAMEWORK

CITY OF ELK GROVE GENERAL PLAN

The City General Plan (City of Elk Grove 2019), contains the following policies related to cultural resources that are applicable to the proposed Project.

- ▶ **Policy HR-1-1:** Encourage the preservation and enhancement of existing historical and archaeological resources in the City.
- ▶ **Policy HR-1-2:** Strive to preserve historic buildings and resources through adaptive re-use.
- ▶ **Policy HR-2-1:** Protect and preserve prehistoric and historic archaeological resources throughout the City.
- ▶ **Policy HR-2-2:** Consult when appropriate with local Native American tribes, the Native American Heritage Commission, and any other appropriate organizations and individuals to minimize potential impacts to cultural and tribal resources.
- ▶ **Policy HR-2-3:** Identify and evaluate local archaeological resources for inclusion in the National Register of Historic Places.

3.6.3 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

THRESHOLDS OF SIGNIFICANCE

Based on Appendix G of the CEQA Guidelines and Public Resources Code Section 21074, the proposed Project would have a significant impact related to cultural and tribal cultural resources if it would:

- ▶ cause a substantial adverse change in the significance of a unique archaeological resource or a historical resource as defined in Section 21083.2 of the Public Resources Code and Section 15064.5 of the CEQA Guidelines, respectively;
- ▶ disturb any human remains, including those interred outside formal cemeteries; or
- ▶ cause a substantial adverse change in the significance of a tribal cultural resource defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geologically defined in terms of

the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

- listed or eligible for listed in the California Register of Historical Resources, or in local register of historical resources as defined in Public Resources Code section 5020.1(k); or
- a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

Section 15064.5 of the CEQA Guidelines defines “substantial adverse change” as physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the resource would be materially impaired. The significance of a historical resource is materially impaired when a project results in demolition or material alteration in an adverse manner of those physical characteristics of a resource that:

- ▶ conveys its historical significance and that justify its inclusion in, or eligibility for inclusion in, the CRHR;
- ▶ accounts for its inclusion in a local register of historical resources pursuant to Public Resources Code Section 5020.1(k) or its identification in a historical resources survey meeting the requirements of Public Resources Code Section 5024.1(g), unless the public agency reviewing the effects of the proposed project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- ▶ conveys its historical significance and that justify its eligibility for inclusion in the CRHR, as determined by a lead agency for purposes of CEQA.

IMPACT ANALYSIS

Impact 3.6-1: Substantial Adverse Change in the Significance of Known Historical Resources.

Historical resources include any properties listed in, or found eligible for inclusion in the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), or those included in a local register of historical resources, as well as unique archaeological resources. The fact that a resource is not listed in, or determined to be eligible for listing in the NRHP, the CRHR, or not included in a local register of historical resources shall not preclude a lead agency from determining whether the resource may be an historical resource for purposes of CEQA. In addition to assessing whether historical resources potentially impacted by a proposed project are listed or have been identified in a survey process, lead agencies have a responsibility to evaluate them against the California Register criteria prior to making a finding as to a proposed project’s impacts to historical resources (Public Resources Code Section 21084.1, CEQA Guidelines Section 15064.5[3]).

There are no known historical resources or unique archaeological resources that have been identified within the Project site. A historic hand-dug ditch and historic fence were identified during AECOM’s 2020 site visit to the off-site improvement areas, in the vicinity of the 15-acre pond. However, both of these features are currently being used as part of active, ongoing off-site agricultural operations by the landowner. Furthermore, use of these features will continue as part of ongoing off-site agricultural operations after the off-site drainage features are

improved. Therefore, Project-related drainage improvements would not have an adverse effect on these two features, and there would be **no impact**.

Impact 3.6-2: Potential to Cause a Substantial Adverse Change in the Significance of an Unknown Historical Resource or Unique Archeological Resource.

The Project site has moderate sensitivity for archaeological resources, which increases to high sensitivity for prehistoric archaeological resources in the vicinity of the off-site drainage improvements areas near Deer Creek, where fluvial processes may have buried archaeological deposits. Although no evidence of prehistoric occupation or land use was identified during the archeological surface survey, the potential exists for the presence of buried soils and associated archaeological deposits. Furthermore, the recorded Plains Miwok ethnographic villages of Amuchamne and Shalachmushumne are located approximately 0.25–0.5 mile southeast of the off-site improvement areas. Therefore, the potential for encountering significant archaeological resources in the Project site and the off-site improvements areas is moderate to high.

As discussed in the 2019 SOIA EIR, because the potential for encountering potentially significant built-environment resources in the Project site is moderate to high, additional studies of built-environment resources will be conducted as part of future site-specific CEQA impact assessments and mitigated according to the parameters defined in this SEIR. The Project site contains four clusters of extant buildings and structures, including the Mosher and Mahon ranches, which were described by Page & Turnbull (2012) as early ranches in the area. The other two agricultural properties in the project site were developed by 1909 and 1952. None of these properties have been evaluated against CRHR or under the City of Elk Grove Historic Preservation Ordinance Landmark Designation Criteria (Chapter 7.00.050) and could potentially be identified as historical resource upon further evaluation. Although no built-environment historical resources are known to exist within the Project site or the off-site improvements areas, it is possible that historical resources—either previously unknown or whose significance was previously unknown—could be affected by Project-related construction. Unless properly evaluated and managed, this could result in a significant impact to one or more historic-age built environment historical resource(s). This impact is considered **potentially significant**.

Mitigation Measure 3.6-2a: Conduct a Cultural Resources Inventory for Archaeological and/or Historic Architectural Resources and Tribal Cultural Resources (2019 SOIA EIR Mitigation Measure 3.6-2a).

Archaeology

- Prior to the approval of development projects and off-site improvements, the City will require that a qualified cultural resources specialist conduct a survey and inventory for archaeological resources that would include field survey, review of updated information from the North Central Information Center and other applicable data repositories. Additional consultation with relevant tribal representatives may be appropriate, depending on the relative level of cultural sensitivity, as identified by traditionally and culturally affiliated California Native American tribes.
- Management recommendations may include, but are not limited to additional studies to evaluate identified sites or archaeological monitoring at locations determined by a qualified archaeologist in consultation with culturally affiliated California Native American tribes to be sensitive for subsurface cultural resource deposits related to the off-site improvements areas south and southeast of the Project site.

- All identified cultural resources will be recorded using the appropriate California Department of Parks and Recreation (DPR) cultural resources recordation forms. The results of the inventory efforts will be documented in a technical report and submitted to the City. Cultural resources will be evaluated for eligibility for inclusion in the CRHR and the Elk Grove Register of Historic Resources and evaluations will be conducted by individuals who meet the Secretary of the Interior’s professional qualification standards in archaeology. If the evaluation is negative (i.e., not historically significant), no further mitigation is required. If the property is found to be an historical resource, the project proponent shall be required to implement mitigation if the proposed project has a substantial adverse change to a historical resource, including physical damage, destruction, relocation, or alteration of the property that materially alters in an adverse manner those physical characteristics of the property that conveys its significant for inclusion in or eligibility for the CRHR or local register.

Historic Architecture

- Prior to the approval of development projects and off-site drainage improvements, the City will require that a qualified cultural resources specialist conduct a survey and inventory for historic-age built environment resources. The inventory will include a field survey, review of updated information from the North Central Information Center and other applicable data repositories, and interested parties outreach. All identified resources will be recorded using the appropriate California Department of Parks and Recreation (DPR) cultural resources recordation forms. The results of the inventory efforts will be documented in a technical report and submitted to the City. Cultural resources will be evaluated for eligibility for inclusion in the CRHR and the Elk Grove Register of Historic Resources and evaluations will be conducted by individuals who meet the Secretary of the Interior’s professional qualification standards in history and/or architectural history. If the evaluation is negative (i.e., not historically significant), no further mitigation is required. If the property is found to be an historical resource, the project proponent shall be required to implement mitigation if the proposed project has a substantial adverse change to a historical resource, including physical damage, destruction, relocation, or alteration of the property that materially alters in an adverse manner those physical characteristics of the property that conveys its significant for inclusion in or eligibility for the CRHR or local register.

Mitigation Measure 3.6-2b: Avoid Effects on Historical Resources (2019 SOIA EIR Mitigation Measure 3.6-2b).

Archaeology and Historic Architecture

If the survey and evaluation required in Mitigation Measure 3.6-2a determines that a cultural resources site is an historical resource for the purposes of CEQA, the development project(s) will be redesigned to avoid the historical site(s). The historic site(s) will be deeded to a nonprofit agency to be approved by the City for the maintenance of the site(s). If avoidance is determined to be infeasible by the City, the applicant will prepare a treatment plan to minimize adverse effects, relocate resources, if feasible, and conduct all required documentation (in addition to the items above) in accordance with appropriate standards:

- The development of a site-specific history and appropriate contextual information regarding the particular resource; in addition to archival research and comparative studies, this task could involve limited oral history collection.
- Accurate mapping of the noted resource(s), scaled to indicate size and proportion of the structure(s).

- Architectural description of affected buildings and structures.
- Photo documentation of the designated resources.
- Recordation of measured architectural drawings, in the case of specifically designated buildings of higher architectural merit.
- Any historically significant artifacts within buildings and the surrounding area shall be recorded and may be deposited with the appropriate museum or collection with the consent of their owners.
- Document the affected historical resource and integrate aspects of the historical resource into an interpretive display panel and/or signage for public exhibition concerning the history of the resource. The display and/or signage can be based on the photographs, measured architectural drawings, salvaged material, and site-specific contextual information

Mitigation Measure 3.6-2c: Stop Work If Any Prehistoric or Historical Subsurface Cultural Resources Are Discovered, Consult a Qualified Archaeologist to Assess the Significance of the Find, and Implement Appropriate Measures, as Required (2019 SOIA EIR Mitigation Measure 3.6-2c).

Archaeology

- If previously unknown archaeological cultural resources (i.e., prehistoric sites, historical sites, and isolated artifacts) are discovered during construction work, work shall be halted immediately within 50 feet of the discovery, the City shall be notified, and a professional archaeologist that meets the Secretary of the Interior’s Professional Qualifications Standards shall be retained to determine the significance of the discovery.
- If any elements of the on-site development or the off-site drainage improvements will impact an archaeological site, including those determined to be a Tribal Cultural Resource, and avoidance is not a feasible option, a qualified archaeologist, in consultation with traditionally and culturally affiliated California Native American tribes, shall evaluate the eligibility of the site for listing in the California Register of Historical Resources. If the archaeological site is found to be a historical resource as per CEQA Guidelines Section 15064.5 (a)(3), the qualified archaeologist shall recommend further mitigative treatment, which could include preservation in place or data recovery.
- If a site to be tested is prehistoric, the City will determine the need for tribal monitoring.
- If significant archaeological resources that meet the definition of historical or unique archaeological resources, including those determined by the City to be Tribal Cultural Resources, are identified in the project area, the preferred mitigation of impacts is preservation in place. If impacts cannot be avoided through project design, appropriate and feasible treatment measures are required, which may consist of, but are not limited to actions, such as data recovery excavations. If only part of a site will be impacted by the project or the off-site improvements, data recovery will only be necessary for that portion of the site. Data recovery will not be required if the implementing agency determines prior testing and studies have adequately recovered the scientifically consequential information from the resources. Studies and reports resulting from the data recovery shall be deposited with the North Central Information Center.
- The project proponent shall be required to implement any mitigation necessary for the protection of archaeological cultural resources, including Tribal Cultural Resources.

Significance after Mitigation

Archaeology

Implementation of Mitigation Measures 3.6-2a, 3.6-2b, and 3.6-2c would reduce the potential impacts on unknown archaeological cultural resources. With implementation of the above mitigation measures, existing cultural resources regulations, and as conditions of approval for development within the Project site, the on- and off-site project development would be designed to identify previously unknown archaeological cultural resources and minimize potential impacts.

However, even with the implementation of Mitigation Measures 3.6-2a, 3.6-2b, and 3.6-2c, it is possible that Project-related construction both on- and off-site could cause substantial adverse change if it would result in the physical demolition, destruction, relocation, or alteration of a historical resource or its immediate surroundings in such a way that it would adversely affect those physical characteristics that conveys its historical significance. Therefore, this impact is considered **significant and unavoidable**.

No archaeological cultural resources were identified in the City-owned parcel as a result of a CHRIS records search, tribal consultation, or field survey. Enforcement of mitigation measures, existing cultural resources regulations, City of Elk Grove policies, and conditions of approval for the City-owned property would reduce the potential impacts on unknown archaeological cultural resources to a **less-than-significant level with mitigation** on the City-owned parcel.

Historic Architecture

No historic-period built environment cultural resources were identified in the City-owned parcel as a result of a CHRIS records search or field survey. Implementation of Mitigation Measures 3.6-2a, 3.6-2b, and 3.6-2c, existing cultural resources regulations, and City of Elk Grove policies, and conditions of approval for development in the City-owned parcel would reduce the potential impacts on historic-period cultural resources to a **less-than-significant level with mitigation**.

Implementation of Mitigation Measures 3.6-2a, 3.6-2b, and 3.6-2c would reduce the potential impacts on unknown historic-age built environment cultural resources. With enforcement of these mitigation measures, existing cultural resources regulations, and City of Elk Grove policies, and as conditions of approval for projects located outside the City-owned parcel would be designed to identify previously unknown historic-age built environment cultural resources and minimize potential impacts.

However, even with the implementation of Mitigation Measures 3.6-2a, 3.6-2b, and 3.6-2c, it is possible that Project-related construction both on- and off-site could cause substantial adverse change if it would result in the physical demolition, destruction, relocation, or alteration of a historical resource or its immediate surroundings in such a way that it would adversely affect those physical characteristics that conveys its historical significance. Therefore, this impact is considered **significant and unavoidable**.

Impact 3.6-3: Substantial Adverse Change to a Tribal Cultural Resource.

As a part of the 2019 SOIA EIR, AECOM requested the NAHC to conduct a Sacred Lands File search to determine the presence of known Tribal Cultural Resources. The Sacred Lands File search failed to indicate the presence of any known Tribal Cultural Resources. During the process of preparing the 2019 SOIA EIR, early

consultation with culturally and traditionally geographically affiliated Native American tribes identified by the NAHC was initiated on November 19, 2015. These groups and individuals were sent letters, emails, and follow-up phone calls inviting consultation and information about any cultural resources in the vicinity of the SOIA Area, including Tribal Cultural Resources. No Tribal Cultural Resources were identified.

As noted previously, the NAHC was contacted in August 2020 to obtain a CEQA tribal consultation list and to request a search of the Sacred Lands File. In its response from August 2020, the NAHC stated that the Sacred Lands File did indicate the presence of Native American resources in the vicinity of the off-site improvement area. The impact is considered **significant**.

Implement Mitigation Measure 3.6-2a (Conduct a Cultural Resources Inventory for Archaeological and/or Historic Architectural Resources and Tribal Cultural Resources).

Implement Mitigation Measure 3.6-2b (Avoid Effects on Historical Resources).

Mitigation Measure 3.6-2c (Stop Work If Any Prehistoric or Historical Subsurface Cultural Resources Are Discovered, Consult a Qualified Archaeologist to Assess the Significance of the Find, and Implement Appropriate Measures, as Required).

Significance after Mitigation

Implementation of Mitigation Measures 3.6-2a, 3.6-2b, and 3.6-2c would help to protect tribal cultural resources, because these measures require preparation of site-specific archaeological surveys, proper treatment of materials encountered during construction activities, incorporation of measures to protect archaeological resources, and preservation/avoidance of archaeological resources as feasible. However, significant impacts to tribal cultural resources may still occur. No other feasible mitigation measures are available. Therefore, the impact of the proposed Project on tribal cultural resources is considered **significant and unavoidable**.

Impact 3.6-4: Disturbance of Human Remains.

While no evidence for prehistoric or early historic interments was found in the Project site or the off-site improvement areas through background research and field surveys, this does not preclude the existence of buried subsurface human remains. Prehistoric archaeological sites including some that contain human remains have been identified in other areas of Sacramento County. The likelihood of inadvertently exposing currently unknown archaeological resources, including those containing human remains during future development in the Project site and the off-site improvement areas, cannot be dismissed. The inadvertent exposure of previously unidentified human remains, including those interred outside of formal cemeteries, would be a **potentially significant** impact.

California law recognizes the need to protect historic-era and Native American human burials, skeletal remains, and items associated with Native American interments from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code Section 7050.5 and Section 7052 and California Public Resources Code Section 5097.

Mitigation Measure 3.6-4: Halt Construction if Human Remains are Discovered and Implement Appropriate Actions (2019 SOIA EIR Mitigation Measure 3.6-4).

- In accordance with California law described above, if human remains are uncovered during future ground-disturbing activities, the project applicant(s) and/or their contractors would be required to halt

potentially damaging excavation in the area of the burial and notify the County Coroner and a professional archaeologist to determine the nature of the remains. The coroner would be required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or State lands (California Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the NAHC by phone within 24 hours of making that determination (California Health and Safety Code Section 7050[c]). The responsibilities for acting upon notification of a discovery of Native American human remains are identified in California Public Resources Code Section 5097.9. Following the coroner's findings, the property owner, contractor or project proponent, an archaeologist, and the NAHC-designated Most Likely Descendant will determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed.

- Upon the discovery of Native American remains, project applicant(s) and/or their contractors would be required to ensure that the immediate vicinity (according to generally accepted cultural or archaeological standards and practices) is not damaged or disturbed by further development activity until consultation with the Most Likely Descendant has taken place. The Most Likely Descendant would have 48 hours to complete a site inspection and make recommendations after being granted access to the site. A range of possible treatments for the remains, including nondestructive removal and analysis, preservation in place, relinquishment of the remains and associated items to the descendants, or other culturally appropriate treatment may be discussed. Public Resources Code Section 5097.9 suggests that the concerned parties may extend discussions beyond the initial 48 hours to allow for the discovery of additional remains. The following is a list of site protection measures that could be employed:
 1. record the site with the NAHC and the appropriate Information Center,
 2. use an open-space or conservation zoning designation or easement, and
 3. record a document with the county in which the property is located.
- If the NAHC is unable to identify a Most Likely Descendant or the Most Likely Descendant fails to make a recommendation within 48 hours after being granted access to the site, the Native American human remains and associated grave goods would be reburied with appropriate dignity on the subject property in a location not subject to further subsurface disturbance.

Significance after Mitigation

Compliance with California Health and Safety Code, California Public Resources Code, and the applicable City General Plan policies would reduce potential impacts on previously undiscovered human remains. Prehistoric and historic Native American sites are generally located along rivers, creeks, and sloughs, and many if not all, have the potential to contain human remains (City of Elk Grove 2003). Implementing Mitigation Measure 3.6-4 would ensure that any human remains encountered during construction would be treated in an appropriate manner under CEQA and other applicable laws and regulations. If the discovery could potentially be human remains, compliance with Health and Safety Code Section 7050 et seq. and Public Resources Code Section 5097.9 et seq. would be required. Therefore, this impact would be **less than significant with mitigation**.

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