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## **5.5 CULTURAL RESOURCES**

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This section describes the cultural and tribal cultural resources in the Planning Area and considers and evaluates the potential impacts on these resources with implementation of the proposed Project.

### CONCEPTS AND TERMINOLOGY

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

**Cultural resources** include archaeological and built environment resources. Definitions in the National Register of Historic Places (National Register) and adopted by the California Office of Historic Preservation (OHP) are listed below.

**Archaeological resources** are subsurface human cultural remains that are over 50 years old. Archaeological resources in the region are generally divided into two temporal categories: prehistoric (12,000+ years ago–1541) and historic-period (1542–50 years ago).

**Site:** A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archaeological value regardless of the value of any existing structure.

**Built environment** resources are defined as buildings, structures, objects, and districts.

**Building:** A building, such as a house, barn, church, hotel, or similar construction, is created principally to shelter any form of human activity. The term may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn.

**Structure:** The term is used to distinguish from buildings those functional constructions made usually for purposes other than creating human shelter.

**Object:** The term is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed. Although it may be, by nature or design, movable, an object is associated with a specific setting or environment.

**District:** A district possesses a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

**Tribal cultural resources** are defined in CEQA as a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe, which may include nonunique archaeological resources previously subject to limited review under CEQA.

### REGULATORY TERMS FOR CULTURAL RESOURCES

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

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

### 5.5.1 EXISTING SETTING

#### PREHISTORY/ETHNOGRAPHY

Elk Grove's prehistory and ethnographic history is presented in the General Plan Existing Conditions Report (City of Elk Grove 2016) and is summarized below.

The Paleo-Archaic-Emergent cultural sequence developed by Fredrickson (1974) and recalibrated by Rosenthal, White, and Sutton (2007) is commonly used to interpret the prehistoric occupation of the Sacramento Valley. The recalibrated sequence is broken into three broad periods: the Paleoindian period (11,550–8550 cal BC); the three-staged Archaic period, consisting of the Lower Archaic (8550–5550 cal BC), Middle Archaic (5550–550 cal BC), and Upper Archaic (550 cal BC–cal AD 1100); and the Emergent period (cal AD 1100–Historic).

The Paleo period began with the first entry of people into California. These people probably subsisted mainly on big game, minimally processed plant foods, and had no trade networks. Current research, however, indicates more sedentism, plant processing, and trading than previously believed. The Archaic period is characterized by increased use of plant foods, elaboration of burial and grave goods, and increasingly complex trade networks (Bennyhoff and Fredrickson 1994; Moratto 1984). The Emergent period is marked by the introduction of the bow and arrow, the ascendance of wealth-linked social status, and the elaboration and expansion of trade networks, signified in part by the appearance of clam disk bead money (Moratto 1984).

The Sacramento Valley has had many population movements and waves of cultural influence from neighboring regions. The valley was settled by native Californians at the end of the Pleistocene (approximately 11,500–7,500 years ago) (Moratto 1984). Hokan speakers may have been the earliest occupants of the San Joaquin Valley, eventually becoming displaced by migrating Penutian speakers (ancestral Yokuts) coming from outside of California. The Penutians most likely entered the San Joaquin Valley in several minor waves, slowly replacing the original Hokan speakers, causing the Hokan speakers to migrate to the periphery of the valley (Shiple 1978, p. 81). By about AD 300–500, the Penutian settlement of the Sacramento Valley was complete.

#### ETHNOGRAPHY

Ethnographically, the Planning Area is within the Plains Miwok territory (Levy 1978). The Plains Miwok are one of four Eastern Miwok groups. Linguistically, the Plains Miwok were part of the eastern group of the two subdivisions of Miwokan speakers. Plains Miwok territory included the lower Mokelumne River, Cosumnes River, and the Sacramento River from Rio Vista to Sacramento. The Sierra Nevada foothills formed the eastern boundary; the western boundary was between Fairfield and the Sacramento River (Bennyhoff 1977, p. 165; Levy 197, pp. 398–409).

The Plains Miwok were seasonal hunter-gatherers with semi-permanent settlements. Winter villages were located on high ridges near watercourses. Villages were divided into tribelets. Tribelets averaged 300 to 500 individuals, and controlled specific lands and the natural resources within their territory, which included a main village and smaller satellite villages. The main village

included a large semi-subterranean or simple circular brush structure which served as the dance or assembly house. Villages also contained dwellings, acorn granaries, conical sweathouses, and winter grinding houses. Their dwellings were either aboveground conical houses made with tule-matting or were semi-subterranean. Cremation, rather than interment, was practiced by the Plains Miwok (Levy 1978, pp. 408–410; Kroeber 1925, pp. 447, 452).

Similar to many other Native American groups in California, the acorn was the primary food staple of the Plains Miwok, supplemented by fish, shellfish, waterfowl, and large and small mammals. Acorns were collected in the late fall/early winter and stored in the conical-shaped granaries prior to processing. Large and small animals regularly hunted by the Plains Miwok included deer, elk, pronghorn, rabbits, squirrels, beaver, and woodrats. Salmon were an important fish resource, along with sturgeon and lamprey (Bennyhoff 1977; Levy 1978, pp. 402–403).

The Plains Miwok used a variety of tools for hunting and collecting resources, including the bow and arrow, snares, traps, nets, enclosures or blinds, nets, seines, hook and line, harpoons, and basketry. On navigable rivers, the principal watercraft was the tule balsa canoe. They made both twined and coiled basketry, and used woven burden baskets to transport seeds, roots, or nuts for processing or storage (Levy 1978, pp. 403–404, 406).

Tools used to process food included bedrock mortars, cobblestone pestles, anvils, and portable stone mortars and pestles to grind or mill acorns and seeds. Food preparation included a variety of knives, leaching and boiling baskets, woven strainers and winnowers, and woven drying trays. Earth ovens were used to bake acorn bread (Levy 1978, p. 405).

Trade included marine shell (olivella and abalone) and steatite with coastal groups; basketry from various areas; and salt and obsidian from the Sierras and Great Basin (Levy 1978, pp. 411–412).

The Native American population in the Sacramento Valley first came into contact with Spanish explorers in the late 1700s as the Franciscan missions sought converts. Plains Miwok converts were sent to Mission San José in the early 1800s. Many labored in large ranchos awarded during the Mexican period (Levy 1978, pp. 400–402).

During two epidemics in 1830 and 1837, foreign diseases decimated the indigenous populations in the Sacramento Valley. Soon after the gold discovery in 1848 and the ensuing Gold Rush, the Miwok population declined from nearly 20,000 in 1805 to approximately 3,000 by 1856. Surviving Miwok labored for the growing mining, ranching, farming, and lumber industries (Cook 1955, 1943).

### HISTORY

#### **Early American Period and Statehood**

Beginning in the eighteenth century, California was a territory of Spain, and later of Mexico. In the mid-1840s, Mexico's interest in developing and strengthening its hold on California decreased as the Mexican government became distracted by political developments in central Mexico. The native-born Spanish speakers of Alta California, known as Californios, long accustomed to governmental neglect, experienced relative peace and enjoyed minimal intrusion into their social, political, and economic affairs (Monroy 1990, pp. 113–116). During this period, the United States aggressively sought access to the Pacific Ocean, resulting in the Mexican-American War.

Following the American victory and ratification of the Treaty of Guadalupe Hidalgo in 1848, California became a United States territory and, on September 9, 1850, formally joined the Union

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as the 31st state. Sacramento County was one of the original 27 California counties established by the legislature the same year (Coy 1923, p. 262).

Following the discovery of gold at Sutter's Mill on the American River in January 1848, the region surrounding Sutter's Fort was inundated with prospectors from around the world. Named after the river, Sacramento sprang up seemingly overnight as a boomtown in 1848 as a direct response to the gold discovery. Located at the confluence of the Sacramento and American Rivers, the city's location provided excellent access to San Francisco's shipping routes, yet was relatively close to the gold fields in the Sierra foothills and was an important transportation and trading center for those destined for the northern mines (Page & Turnbull 2012, pp. 41–42).

### Elk Grove

A description of each period of the City's history through 1967, as adapted from the Elk Grove Historic Context Statement (Page & Turnbull 2012), is presented in the General Plan Existing Conditions Report (City of Elk Grove 2016) and summarized below. During the Gold Rush, both Sacramento and Stockton served as convenient departure points for the mining camps in the Sierra Nevada foothills. The Monterey Trail, an important California transportation route connecting Sacramento to Stockton and eventually to Monterey, passed through the City. The trail, also known as the Lower Stockton and Upper Stockton Roads, increased traffic through the area and encouraged business opportunities, including a network of stage stops and hotels along Upper Stockton Road. The Elk Grove House, the first hotel and stage stop in Elk Grove, was opened in 1850 by English immigrant James Watson Hall. The hotel ultimately served as the namesake for the area and was located in the immediate vicinity of what is today Elk Grove Regional Park (Page & Turnbull 2012, pp. 42–43).

By the mid-1850s, discouraged gold miners turned to ranching or farming to meet the agricultural demands of California's growing population. Business pursuits in the area shifted from the service industry to ranching and farming. The principal agricultural output of the region included cattle, sheep, wheat, and barley until the late nineteenth century (Page & Turnbull 2012, pp. 44–50).

Rapid railroad transportation introduced to the area, beginning in 1868, allowed agricultural production to shift to more perishable fruit products. As a result, area farmers experimented with fruit orchards, including peaches, plums, apricots, figs, lemons, and prunes, as well as vineyards and nut orchards (Page & Turnbull 2012, pp. 71–72).

In the twentieth century, strawberries emerged as an important agricultural produce along with ranching, dairying, nut and fruit production, and wine grapes (Page & Turnbull 2012, pp. 113–114).

### KNOWN CULTURAL RESOURCES IN THE PLANNING AREA

#### General Plan Existing Conditions Report

According to the Existing Conditions Report (City of Elk Grove 2016), 44 known prehistoric and historic-period archaeological resources were identified within the Planning Area. Most of the resources included foundations, privies/dumps/trash scatters, pestles, bottle fragments, wells, cisterns, midden soil, mounds, lithic scatters, roads, and railroad grades.

The Existing Conditions Report also identified 288 built environment resources in the Planning Area that have either been identified or evaluated for inclusion in the Elk Grove Register of Historic Resources (Elk Grove Register), California Register, or National Register. Identified

resources and resources determined not eligible for inclusion in the National Register and/or California Register include farms and ranches, water conveyance features, single-family and multifamily residences, ancillary buildings, transmission lines and towers, commercial buildings, historic districts, railroads, industrial buildings, bridges, schools, parks, churches, utility buildings, government buildings, and a cemetery. The Existing Conditions Report (City of Elk Grove 2016) includes a list of the known historical resources in Elk Grove and their location, type, and status.

### Records Searches

The information summarized above was derived from a North Central Information Center (NCIC) records search (SAC-15-137) conducted for the Planning Area on August 26, 2015. The NCIC of the California Historical Resources Information System, California State University, Sacramento, is an affiliate of OHP, and is the official State repository of cultural resource records and reports for Sacramento County. As part of the records search, the following federal and State of California inventories were reviewed:

- California Inventory of Historic Resources (OHP 1976)
- California Points of Historical Interest (OHP 1992 and updates)
- California Historical Landmarks (OHP 1996)
- Archaeological Determinations of Eligibility (OHP 2012a)
- Directory of Properties in the Historic Property Data File for Sacramento County (OHP 2012b)

### Native American Consultation

Assembly Bill (AB) 52 and Senate Bill (SB) 18 consultation for the General Plan was completed.

## 5.5.2 REGULATORY FRAMEWORK

### FEDERAL

#### National Historic Preservation Act

The NHPA requires that the federal government identify and mitigate adverse effects to historic properties that result from federal undertakings. Part of the identification efforts include evaluating cultural resources for inclusion in the National Register, which is the nation's master inventory of known historic properties. The National Register is administered by the National Park Service and includes listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, State, or local level.

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

- a) Are associated with events that have made a significant contribution to the broad patterns of history;

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- b) Are associated with the lives of persons significant in our past;
- c) Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d) Have yielded or may likely yield information important in prehistory or history.

### STATE

#### California Environmental Quality Act

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

The term *historical resource* is defined in PRC Section 21084.1. The State CEQA Guidelines Section 15064.5 describes how significant impacts on historical and archaeological resources are determined. Under Section 15064.5(a), historical resources include the following:

- 1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Public Resources Code Section 5024.1).
- 2) A resource included in a local register of historical resources, as defined in Public Resources Code Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g), will be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- 3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource will be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing in the California Register of Historical Resources (Public Resources Code Section 5024.1), including the following:
  - a) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
  - b) Is associated with the lives of persons important in our past;
  - c) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
  - d) Has yielded, or may be likely to yield, information important in prehistory or history.
- 4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register, not included in a local register of historical resources (pursuant to Public Resources Code Section 5020.1(k)), or identified in a historical resources survey (meeting the criteria in Section 5024.1(g)) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Section 5020.1(j) or 5024.1.

Historical resources are usually 50 years old or older and must meet at least one of the criteria for listing in the California Register, described above (such as association with historical events, important people, or architectural significance), in addition to maintaining a sufficient level of physical integrity.

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

For historic buildings, CEQA Guidelines Section 15064.5(b)(3) indicates that the impacts of a project that follows the Secretary of the Interior's Standards for either the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, or the Rehabilitation and Guidelines for Rehabilitating Historic Buildings, have been mitigated to less than significant.

As noted above, CEQA also requires lead agencies to consider whether projects will impact unique archaeological resources. PRC Section 21083.2(g) states:

"Unique archaeological resource" means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- (1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
- (2) Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- (3) Is directly associated with a scientifically recognized important prehistoric or historic event or person.

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

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

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

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

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

### **California Health and Safety Code**

California Health and Safety Code Section 7050.5 regulates the procedure in the event of Native American human remains discovery. Pursuant to PRC Section 5097.98, in the event of human remains discovery, no further disturbance is allowed until the county coroner has made the necessary findings regarding the origin and disposition of the remains. If the remains are determined to be Native American, the coroner is required to contact the Native American Heritage Commission. The commission is responsible for contacting the most likely Native American descendent, who will consult with the local agency regarding how to proceed with the remains. According to CEQA Guidelines Section 15064.5, Native American human remains are a significant resource.

### **Senate Bill 18**

California Government Code Section 65352.3 (SB 18) incorporates the protection of California’s traditional tribal cultural places into land use planning for cities, counties, and agencies by establishing responsibilities for local governments to contact, refer plans to, and consult with California Native American tribes as part of the adoption or amendment of any general plan or specific plan. SB 18 requires public notice to be sent to tribes listed on the Native American Heritage Commission’s SB 18 Tribal Consultation list within the geographical areas affected by the proposed changes. Tribes must respond to a local government notice within 90 days (unless a shorter time frame has been agreed upon by the tribe), indicating if they want to consult with the local government. Consultations are for the purpose of preserving or mitigating impacts on places, features, and objects described in PRC Sections 5097.9 and 5097.993 that may be affected by the proposed adoption or amendment to a general plan or specific plan.

### **Assembly Bill 52**

AB 52 requires the lead agency (in this case, the City) to begin consultation with any California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed Project prior to the release of a negative declaration, mitigated negative declaration, or EIR if (1) the California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and (2) the

California Native American tribe responds, in writing, within 30 days of receipt of the formal notification and requests the consultation (PRC Section 21080.3.1[d]).

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

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

#### LOCAL

### **Certified Local Government Status**

On January 24, 2007, the City adopted Ordinance No. 3-2007, which became the Historic Preservation Chapter (Chapter 7) of the Municipal Code, the purpose of which is to promote the general welfare and economic and social vitality of the City by recognizing those special elements that reflect the City's heritage and cultural diversity. Chapter 7 also established a Historic Preservation Committee. In 2010, the City of Elk Grove became a Certified Local Government (CLG), or a local government certified by the National Park Service to carry out the purposes of the NHPA of 1966, as amended.

### **City of Elk Grove Municipal Code**

Municipal Code Chapter 7, Historic Preservation, was last updated in 2017 and contains regulatory requirements to provide for "the identification, designation, protection, enhancement, perpetuation and use of historical resources including buildings, structures, objects, sites, districts, cultural landscapes, tribal cultural resources, and the historical personal histories and family stories of individuals, businesses, and associations in the City that reflect special elements of the City's heritage and cultural diversity." Substantive changes consisted of evaluation thresholds, Historic Preservation Committee membership, and thresholds for certificates of appropriateness.

### **5.5.3 IMPACTS AND MITIGATION MEASURES**

#### STANDARDS OF SIGNIFICANCE

The impact analysis provided below is based on the following CEQA Guidelines Appendix G thresholds of significance. A project is considered to have a significant effect on the environment if it will:

- 1) Cause a substantial adverse change in the significance of a historical resource as defined in Public Resources Code Section 21084.1 and CEQA Guidelines Section 15064.5, respectively.
- 2) Cause a substantial adverse change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5.

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- 3) Disturb any human remains, including those interred outside of formal cemeteries.
- 4) Cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code Section 21074.

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

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

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

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

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

- 1) Identify potential historical resources and unique archaeological resources.
- 2) Evaluate the significance of historical resources.
- 3) Evaluate the effects of the project on eligible historical resources.

### METHODOLOGY

Evaluation of the Project's potential to result in a significant impact on cultural and tribal cultural resources is based on the resource identification efforts presented in the City's General Plan Existing Conditions Report (City of Elk Grove 2016), the land uses defined in the proposed Project, the activities required to develop the land uses described in the proposed Project, and consideration of the City's proposed Project policies that are intended to reduce environmental impacts.

### General Plan Policies and Standards

The proposed Project contains the following policies and standards for managing future development in the City to protect cultural resources and tribal cultural resources.

- 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-1-3:** Encourage appropriate adaptive reuse of historic resources to prevent misuse, disrepair, and demolition.
- Policy HR-2-1:** Protect and preserve prehistoric and historic archaeological resources throughout the City.
- Policy HR-2-2:** Consult 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.
- Policy HR-2-4:** Ensure that City ordinances, programs, and policies create an environment that fosters the preservation, rehabilitation, and maintenance of historic, archaeological, and tribal resources.
- Policy HR-3-1:** Communicate Elk Grove's history using a variety of methods.
- Policy HR-3-2:** Encourage new development to be compatible with adjacent existing historic structures in terms of scale, massing, building material, and general architectural treatment.

### PROJECT IMPACTS AND MITIGATION MEASURES

#### **Historical Resources, Archaeological Resources, Tribal Cultural Resources, and Human Remains (Standards of Significance 1, 2, 4, and 5)**

- Impact 5.5.1** Implementation of the proposed Project would allow for new development throughout the Planning Area which has the potential to impact historical resources, archaeological resources, tribal cultural resources, and human remains. This impact would be **potentially significant**.

The NCIC records search and AB 52 and SB 18 Native American consultation completed for the Project identified historical resources, archaeological resources, and tribal cultural resources throughout the Planning Area. Furthermore, there are likely previously unidentified historical resources, archaeological resources, tribal cultural resources, and human remains within the Planning Area. Therefore, it is possible that the excavation and grading required to construct future developments could impact these resources. Future development under the proposed Project could also impact known built resources, such as those listed in the Community and Resource Protection chapter of the General Plan. It is also possible that construction activities could damage or destroy as-yet undiscovered resources or human remains, if present, if procedures are not in place to manage them if found.

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### Existing Laws and Regulations and Proposed General Plan Policies That Provide Mitigation

Under CEQA, public agencies must consider the effects of their actions on both historical resources and unique archaeological resources. Pursuant to PRC Section 21084.1, a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment. Section 15064.5 of the CEQA Guidelines sets for the criteria for historical resource significance determination. Section 21083.2 requires agencies to determine whether proposed projects would have impacts on unique archaeological resources.

For historic buildings, CEQA Guidelines Section 15064.5(b)(3) indicates that the impacts of a project that follows the Secretary of the Interior's Standards for either the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, or the Rehabilitation and Guidelines for Rehabilitating Historic Buildings, have been mitigated to less than significant.

CEQA Guidelines Section 15046.5(f) requires that a lead agency make provisions for the accidental discovery of historical or archaeological resources, generally. These provisions should include "an immediate evaluation of the find by a qualified archaeologist.

California Health and Safety Code Section 7050.5(b) specifies protocol when human remains are discovered. CEQA Guidelines Section 15064.5(e) requires that excavation activities stop whenever human remains are uncovered and that the county coroner be called in to assess the remains. Section 15064.5 directs the lead agency (or applicant), under certain circumstances, to develop an agreement with the Native Americans for the treatment and disposition of the remains.

Proposed Project policies have the potential to reduce impacts on historical resources, archaeological resources, tribal cultural resources, and human remains. Policy HR-2-2 requires consultation with Native American tribes, the Native American Heritage Commission, and any other appropriate organizations and individuals prior to project approval and construction to minimize potential impacts to archaeological resources and tribal cultural resources. Policy HR-2-3 requires project applicants for future projects to identify and evaluate cultural resources; when resources are identified, implementation of Policy HR-2-4 would foster the preservation, rehabilitation, and maintenance of historic, archaeological, and tribal resources.

Policy HR-3-2, which encourages new development to be compatible with adjacent existing historical resources, would limit impacts on built environment resources. Similarly, Policy HR-1-3, which encourages appropriate adaptive reuse of historic resources to prevent misuse, disrepair, and demolition, would also limit impacts on built environment resources. Even more generally, Policy HR-1-2 encourages preservation of historic buildings and resources.

### Conclusion

Policies HR-1-1, HR-1-2, HR-1-3, HR-2-1, HR-2-2, HR-2-3, HR-2-4, HR-3-1, and HR-3-2 encourage protection and preservation of known and unknown (not yet identified) archaeological resources, historical resources, tribal cultural resources, and human remains. However, construction could damage or destroy as-yet undiscovered resources. This impact would be **potentially significant**, and the City would require the following mitigation measures.

### Mitigation Measures

**MM 5.5.1a** Prior to the approval of subsequent development projects in the Planning Area, a detailed cultural resources study of the subject property shall be conducted by the applicant and peer reviewed by the City. The cultural resources study shall identify, evaluate, and mitigate impacts to cultural resources as defined by CEQA and/or the NHPA. Mitigation methods to be employed include, but are not limited to, the following:

- Redesign of the project to avoid the resource. The resource site shall be deeded to a nonprofit agency to be approved by the City for maintenance of the site.
- If avoidance is determined to be infeasible by the City, the resource shall be mapped, stabilized, and capped pursuant to appropriate standards.
- If capping is determined infeasible by the City, the resource shall be recovered to appropriate standards.

**MM 5.5.1b** If cultural resources or tribal cultural resources are discovered during grading or construction activities within the Planning Area, work shall halt immediately within 50 feet of the discovery, the Planning Department shall be notified, and a professional archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in archaeology shall be retained to determine the significance of the discovery.

If resources are determined to be potentially significant, the City shall require the preparation of a treatment plan and report of findings for cultural and tribal cultural resources. The City and the applicant shall consult and agree to implement all measures the City deems feasible. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The applicant shall be required to implement measures necessary for the protection and documentation of cultural resources.

Mitigation measure **MM 5.5.1a** requires that future projects complete cultural resources studies to identify cultural resources, evaluate potential effects, and develop mitigation according to CEQA and/or the NHPA. Mitigation measure **5.5.1b** addresses the potential for encountering undiscovered cultural resources and tribal cultural resources. If human remains are discovered during construction, PRC Section 5097.98 and California Health and Safety Code Section 7050.5, detailed in the CEQA regulatory section above, would be followed. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed. These measures and California State laws require that construction and/or grading be halted upon discovery of cultural resources, tribal cultural resources, or human remains and that the resources discovered are protected using measures specific to the resource as determined by a qualified professional. Implementation of these mitigation measures and laws would reduce impacts to **less than significant**.

## 5.5 CULTURAL RESOURCES

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

#### CUMULATIVE SETTING

The cumulative context associated with the Project includes proposed, planned, reasonably foreseeable, and approved projects in the Planning Area and surrounding region. Much development has occurred in the region prior to protections for historic and prehistoric resources. This past urban development in the region has likely resulted in adverse impacts to historical and prehistoric resources, and it there is potential for present and future development activities to affect as-yet undiscovered cultural resources, tribal cultural resources, and human remains. Federal, State, and local laws provide protections for historical resources, but protection may not always be feasible. For these reasons, the cumulative effects of future development on cultural resources, tribal cultural resources, and human remains are considered significant.

#### CUMULATIVE IMPACTS AND MITIGATION MEASURES

##### **Prehistoric Resources, Historic Resources, and Human Remains (Standards of Significance 1, 2, and 3)**

**Impact 5.5.2** Development of the proposed Project could contribute to the cumulative disturbance of cultural resources (i.e., prehistoric sites, historic sites, historic buildings/structures, and isolated artifacts and features) and human remains. This impact would be **less than cumulatively considerable**.

Implementation of the proposed Project has the potential to contribute to cumulative impacts on cultural resources, including archaeological and historic resources, as well as interred human remains. The past, present, and foreseeable projects have affected, or will affect, cultural resources throughout the region despite the federal, State, and local laws designed to protect them. These laws have led to the discovery, recording, preservation, and curation of artifacts and historic structures; however, more have been destroyed in the period before preservation efforts began or are inadvertently destroyed during grading and excavation for construction. For these reasons, cumulative impacts on cultural resources in the region are significant.

Construction activities resulting from the Project would include grading and excavation in previously disturbed areas where undiscovered subsurface resources may exist; these impacts would be potentially significant. Future projects occurring under the proposed Project would implement the mitigation measures as described above, including **MM 5.5.1a** and **MM 5.5.1b**. **MM 5.5.1a** requires future projects to complete cultural resources studies that document the cultural resources identification, evaluation, and mitigation efforts required according to CEQA and/or the NHPA. **MM 5.5.1b** address the potential for encountering undiscovered cultural resources or tribal cultural resources. These measures require construction and/or grading work to be halted upon discovery of these resources to ensure their protection. While past projects constructed prior to protection measures have negatively affected historic and prehistoric resources, implementation of mitigation measures **MM 5.5.1a** and **MM 5.5.1b** would ensure that the Project's contribution to the cumulative impact would be **less than cumulatively considerable**.

#### Mitigation Measures

No additional mitigation required beyond compliance with existing laws and regulations, proposed General Plan policies, and mitigation measures **MM 5.5.1a** and **MM 5.5.1b**.

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