

5.5 CULTURAL RESOURCES

This section considers and evaluates the potential impacts of the proposed Project on cultural and paleontological resources. Cultural resources include historic buildings and structures, historic districts, historic sites, prehistoric and historic archaeological sites, and other prehistoric and historic objects and artifacts. Paleontological resources include fossil remains, as well as fossil localities and formations, which have produced fossil material in other nearby areas.

CONCEPTS AND TERMINOLOGY FOR EVALUATION OF CULTURAL RESOURCES

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

Cultural resource is a term used to describe several different types of properties: prehistoric and historical archaeological sites; architectural properties such as buildings, bridges, and infrastructure; and resources of importance to Native Americans.

Historic properties 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 of Historic Places (NRHP), including artifacts, records, and material remains related to such a property.

Historical resource is a CEQA term that 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 (CRHR).

Paleontological resource is defined as fossilized remains of vertebrate and invertebrate organisms, fossil tracks and trackways, and plant fossils. A unique paleontological site would include a known area of fossil-bearing rock strata.

5.5.1 EXISTING SETTING

PREHISTORY/ETHNOGRAPHY

The Eastern Miwok represent one of the two main divisions of the Miwokan subgroup of the Utian language family. The Plains Miwok, one of five separate cultural and linguistic groups of the Eastern Miwok, occupied the lower reaches of the Mokelumne, Cosumnes, and Sacramento rivers including the area of south Sacramento County surrounding the Project area. The Plains Miwok inhabited the Sacramento Delta for a considerable period of time.

The Plains Miwok organized their society into smaller tribelets, each of which controlled a specific area of resources. Each tribelet consisted of 300 to 500 persons scattered throughout several smaller villages and hamlets. Each village represented a different lineage of the tribelet and was localized to a specific village site where resources existed.

The diet of the Plains Miwok emphasized the collection of floral resources such as acorns, buckeye, foothill pine nuts, seeds from the native grasses, and various fresh greens. Faunal resources such as tule elk, pronghorn antelope, deer, jackrabbits, cottontails, beaver, gray squirrels, wood rats, quail, and waterfowl were hunted. Fishing, particularly salmon and sturgeon, contributed significantly to the Plains Miwok diet. The primary method of collecting fish was by nets, but the use of bone hooks, harpoons, and obsidian-tipped spears is also indicated by ethnographic evidence.

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The Plains Miwok have been characterized as intensive hunter-gatherers, with an emphasis on gathering. The seasonal availability of floral resources defined the limits of the group's economic pursuits. Hunting and fishing subsistence pursuits apparently accommodated the given distribution of resources. The Plains Miwok territory covered six seasonally productive biotic communities and, as such, native people could apparently afford to pick and choose the resources they ranked highest from each of these zones. The subsequent storage of floral resources (such as acorns in granaries) allowed for a more stable use of the resource base. The acorn was apparently the subsistence base needed to provide an unusually productive environment as earlier non-acorn using peoples who resided in the same geographic setting apparently suffered some seasonal deprivation. Such an emphasis upon the gathering of acorns is consistent with the population increase evident during the Upper Emergent Period in California.

The people of this area would probably have been a part of the Newachumne tribelet, one of the smaller Plains Miwok tribelets. The main village of the group can probably be associated with an archeological site located on the Cosumnes River about a mile southeast of the proposed Project area. This tribelet has been classified as part of the Cosumnes Group of cooperating tribelets, even though the main village was on the Sacramento River. The Newachumne had four associated subsidiary settlements in the immediate vicinity.

This group apparently resisted missionization, but was depleted by the 1833 epidemic. The Murphy family settled in the vicinity of Newachumne in 1844, building their ranch house adjacent to the Indian village. After the discovery of gold in early 1848, John Murphy used Indian labor in his operations on Weber Creek in El Dorado County. In September of the same year, he appears to have transported Indians from Newachumne and its subsidiary settlement of Chuyumkakat to the Upper Stanislaus River in Calaveras County. He established a trading post known as Murphys Camp, providing food and trade goods to the Indian laborers in exchange for gold.

HISTORIC PERIOD

The Project area is within the corporate boundaries of the City of Elk Grove. While the City incorporated relatively recently, in 2000, the town of Elk Grove has existed since 1850. In 1850, a hotel was built at the eventual site for the town. However, the town did not begin to expand until the railroad was constructed. The residents of the area pooled their money to form a construction company that eventually built two general stores, two hotels, a flouring mill, the railroad depot, a hardware store, a meat market, a furniture factory, two drugstores, a harness shop, a grain and hay warehouse, a dressmaking shop, two millinery shops, a boot shop, a wagon factory, and a blacksmith. The town continued to grow, first as a commercial center for the farmers in the area and recently as a suburban residential zone for greater Sacramento.

The lands of the Project area lay north of any of the land grants awarded by the Mexican government in the 1840s. The lands apparently lay vacant until the mid-1850s to early 1860s. One of the early settlers was Norman Stewart, who came to California in 1852. Stewart acquired a 320-acre tract on the upper Stockton road in 1854. The Stewart family retained ownership of a 160-acre parcel near the Project area until at least as late as 1911, with some of the buildings present on the parcel as late as 1953.

Major change in the pattern of ownership began to occur between 1903 and 1911. There was a philosophy in the early 1900s that dividing larger land holdings into very small subsistence farm plots would allow more efficient use of arable land and an increase in population that would speed the pace of development. It was in this era also that dairy farming began to be more

common in the region. The increase in dairying may have been due to the completion of the Western Pacific Railroad in 1909, with this additional route only 1 to 2 miles west of the Project area. It provided a means of quickly getting the dairy production to market. Both of the dairies within the Project area began operations in the first decade of the 1900s.

KNOWN CULTURAL RESOURCES IN THE PROJECT AREA

General Plan Background Report

According to the General Plan Background Report (City of Elk Grove 2003a), 93 known prehistoric and historic Native American archaeological sites were identified within the City's Planning Area in 2003. Most of the sites are village mounds, some of which are known to contain human remains, and are located along rivers, creeks, sloughs, and lakes. The Background Report also identified 24 historic sites within the Planning Area, including many remnants of farms and ranches. These historic sites include the Murphy's Ranch (Murphy's Corral) site, the site of Joseph Hampton Kerr's home, the site of the Old Elk Grove Hotel, the site of the first county free library, and the graves of Alexander Hamilton Willard and Elitha Cumi Donner Wilder. Old Town Elk Grove is also a nationally recognized historic district listed on the National Register of Historic Places (City of Elk Grove 2003a). None of the known historic sites are located within the Project area.

Cultural Resource Studies

Portions of the Project area have been evaluated for the presence of cultural resources. Eight cultural resource studies covering 18 parcels within the Project area were prepared between 2004 and 2007 for various landowners and project applicants to prepare the sites for development. Of the approximately 1,200 acres in the Project area, 697 acres have been the subject of previous cultural resource studies. Those studies describe the known cultural resources located within and near those properties and detail the potential for unknown cultural resources to be discovered on the properties. Each of the studies is described below, listed by the original project name used in the cultural resource study. **Figure 5.5-1** shows the properties that have been the subject of cultural resource studies.

Souza Dairy Project (APNs 132-0320-006, 132-0290-017, and 132-0290-018)

The Cultural Resource Assessment of the Souza Dairy Project (Peak & Associates 2004), which included a records search and field survey, was prepared in June 2004 and covered a total of 416 acres on three parcels making up a large portion of the northern half of the Project area. The largest of the parcels is known as the Souza property and is located south of Poppy Ridge Road, and the two other parcels, known as the Krull property, are located north of Poppy Ridge Road. Both properties support dairy operations.

The field survey for the Souza property did not identify any evidence of prehistoric period occupation, but did identify 13 historic period features. These features include various structures including sheds, wood structures, concrete block structures, a milking barn, a cow washing area with feeders, a holding pen, several barns, two small cottages, a modern house, and a wood frame structure used for weighing milk.

The field survey for the Krull property identified 16 historic period features associated with the dairy complex, including chicken houses, sheds, a milk storage building, barns, a water tank, a power plant, a former bus barn, and two houses, one constructed in 1910 and the other constructed in 1970 or 1980. No prehistoric period features were observed.

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The study concluded that although some of the structures within the properties date back to the early twentieth century, none of the structures are particularly architecturally significant or unusual, and none were associated with any particularly significant historical persons. None of the structures were determined to be eligible for the National Register of Historic Places (NRHP), and the study determined that no historic properties would be affected by development of the study area.

Seames Property Project (APN 132-0300-006)

The Cultural Resources Survey Report for Seames Property Project (Tremaine & Associates 2005a) was prepared in December 2005 for the 29.18-acre parcel located at the southeast corner of the intersection of Bruceville Road and Bilby Road. The field study completed for the study did not identify any significant cultural resources on the property. However, the study acknowledges that the study area is located in an area with moderate to high sensitivity for prehistoric cultural resources, as well as cultural resources associated with the historic agricultural practices on the property.

Simas Property Project (APN 132-0300-046)

The Cultural Resources Survey Report for the Simas Property Project (Tremaine & Associates 2005b) was prepared in December 2005 for one 13.54-acre parcel in the western portion of the Project area near Bruceville Road and Bilby Road. The field survey conducted as part of the study identified a dairy barn building constructed in the mid-twentieth century. The dairy barn was evaluated for eligibility for listing in the California Register of Historic Resources, but was determined not to be eligible because the structure lacked the artistic merit and workmanship needed to qualify it for listing. No other cultural resources were identified within the study area, although the study recognizes that the property has a high level of sensitivity for cultural resources due to the high level of prehistoric and proto-historic Native American occupation of the region.

Poppy Ridge Road Project (APNs 132-0290-016 and 132-0290-020)

The Determination of Eligibility and Effect for the Proposed Poppy Ridge Road Project (Peak & Associates 2007a) was prepared in February 2007 for two noncontiguous parcels totaling 33 acres just south of Poppy Ridge Road. A field investigation done as part of the study found that only modern structures were located in the study area and only on the western parcel of the Project area. No historic resources were found. The study disclosed that soil discoloration on the site might indicate the presence of a midden, and some topographic features may indicate the former presence of structures.

Richland Project (APNs 132-0290-014 and 132-0290-021)

The Determination of Eligibility and Effect for the Proposed Richland Project (Peak & Associates 2007b) was prepared in April 2007 for two noncontiguous parcels south of Poppy Ridge Road. The field inspection done for the study parcels determined that none of the former structures were still present on the parcels. Portions of a well system dating to the 1960s were present on the western parcel (APN 132-0290-014). The well system was determined not to be of any historical significance.

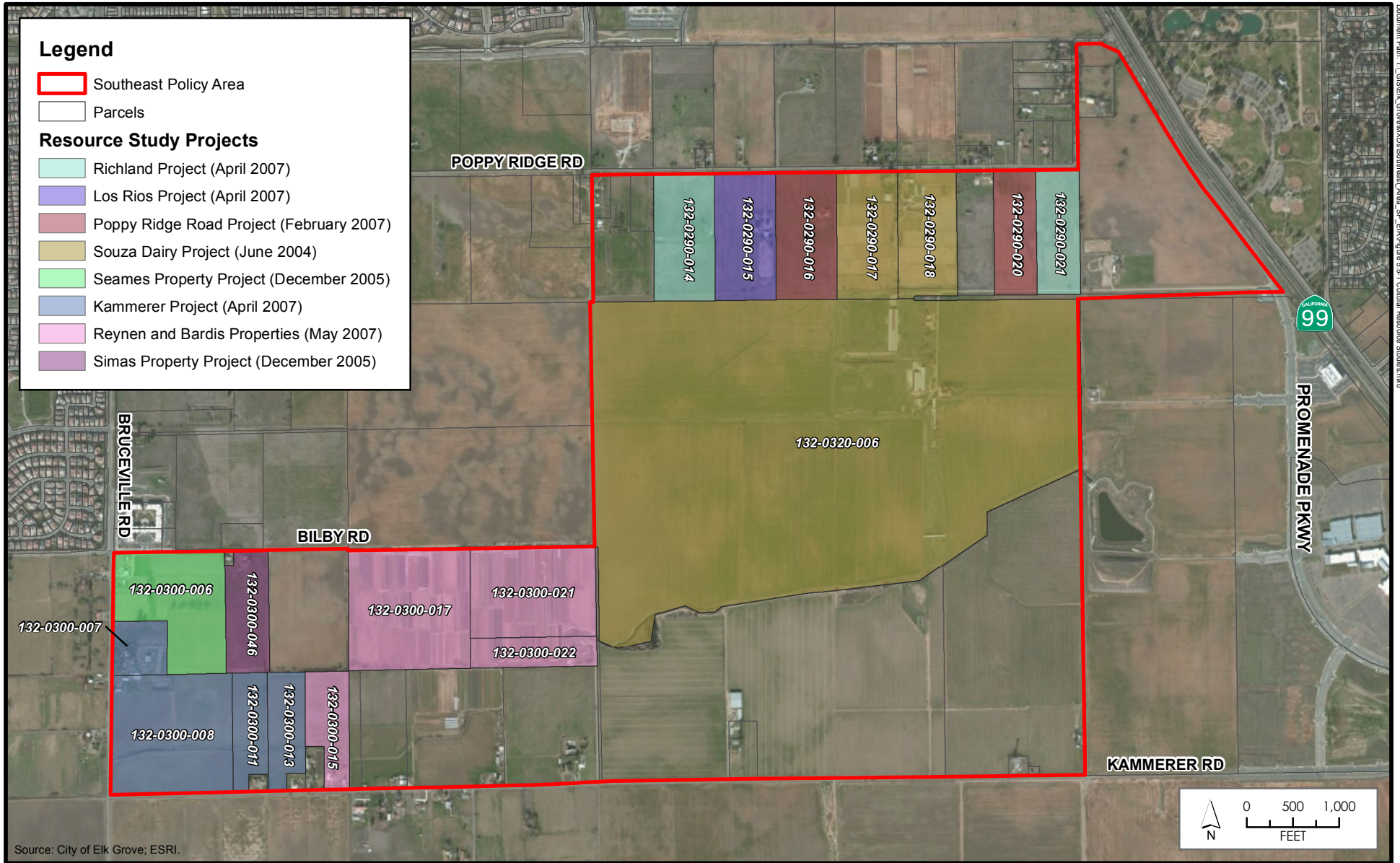


Figure 5.5-1
Cultural Resource Studies

Los Rios Project (APN 132-0290-015)

The Determination of Eligibility and Effect for the Proposed Los Rios Project (Peak & Associates 2007c) was prepared in April 2007 for a property just south of Poppy Ridge Road near the northwest corner of the Project area. The field survey for the study identified buildings on the site that date to the 1970s. The building complex is less than 50 years old, is not associated with important people or event, and is not distinctive in style, so it was determined to not be a significant cultural resource. No other resources were identified within the study area.

Kammerer Project (APNs 132-0300-007, 132-0300-008, 132-0300-011, and 132-0300-013)

The Determination of Eligibility and Effect for the Proposed Kammerer Project (Peak & Associates 2007d) was prepared in April 2007 for a site consisting of four parcels totaling 69.8 acres in the southwest corner of the Project area at the corner of Bruceville Road and Kammerer Road. The field inspection revealed the presence of soil discoloration, which could possibly indicate the presence of a midden or topographic features that might indicate the former presence of structures. However, the field inspection did not observe any evident of prehistoric period cultural resources within the study area. The study also indicated that prehistoric sites have never been found in the upland regions of the Elk Grove region, although many sites have been found closer to the Cosumnes River.

The field inspection did, however, identify one historic period resource: the Kammerer farm complex. The complex consists of 16 buildings of varying ages, including two mobile homes, three barns, two residences, a garage, a pump house, an aviary, a greenhouse, and several miscellaneous outbuildings. One of the residences dates to 1910. The original farm complex consisting of the 1910 residence and several older barns has been altered though the introduction of modern buildings. The evaluation indicated that the farm complex lacks integrity, and the complex is not associated with important individuals or events.

The 1910 residence was evaluated separately for its architectural values. The residence is a vernacular Folk Victorian that has had building additions (e.g., porches) and window replacements and alterations to the roof and siding shingles. The alterations have affected the integrity of the building since the added porches are of a newer style and original materials have been replaced by modern materials. The study concluded that based on this, the 1910 residence lacks integrity. The older barns on-site have also been modified and adapted and also lack integrity as a cultural resource. The cultural study concluded that neither the 1910 residence alone nor the farm complex can be considered eligible for the National Register of Historic Places or the California Register of Historic Places. Therefore, there are no eligible historic resources present with the Project area.

Reynen & Bardis Properties (APNs 132-0300-015, 132-0300-017, 132-0300-021, and 132-0300-022)

The Cultural Resources Survey Report, Southeast Area Specific Plan, Reynen and Bardis Properties (ECORP 2007) was prepared in May 2007 for four parcels totaling 93 acres in the southwest portion of the Project area. The field study done for the survey revealed that the site has been intensely farmed. No cultural resources were observed on the site during the field study. The survey report acknowledges that the site has the potential for buried prehistoric cultural materials.

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The survey reported the presence of two residences, constructed in 1960 and 1963, but found them to be ineligible for listing because they were less than 50 years old at the time of the survey. However, since the survey was completed in 2007, both structures are now 50 or more years old, which may trigger the need to evaluate them for cultural significance.

Records Searches

Each of the studies summarized above included a records search that recorded any other cultural resources studies or listed prehistoric and historic resources in the area. The records searches indicated that none of the properties investigated had ever been studied for the presence of cultural resources before, and none of the study properties had any listed cultural resources. Most of the records searches pulled records of other studies done only in the "immediate vicinity" of the subject property. Three studies pulled records from as far as 0.5 mile from the subject property, and one looked at other studies within 0.25 mile. The following summarizes the findings of the records searches by property:

- Souza Dairy Property – 3 surveys on adjacent properties; no prehistoric resources within 0.25 mile
- Richland Project – 2 surveys in immediate vicinity; 1 historic resource recorded
- Simas Property Project – 4 surveys within 0.5 mile; 1 historic site recorded
- Los Rios Project – 2 surveys in immediate vicinity; 1 historic site recorded
- Reynen & Bardis Properties – 11 studies within .05 mile; 6 resources recorded within 0.5 mile
- Poppy Ridge Road Project – 1 study in immediate vicinity
- Kammerer Project – 2 surveys in immediate vicinity; no resources recorded
- Seames Property Project – 4 studies within 0.5 mile; 1 historic site recorded

In several cases, the historic property recorded in the records searches is the Machado Dairy. Other historic resources recorded in some of the studies included single-family residences, including one at 8355 Poppy Ridge Road, as well one single-family residence, a ranch complex, and a dairy barn.

Cultural Resource Evaluations for Other Projects

Since the Project area is located in an area of Elk Grove that is planned for major development projects, many cultural resource studies have been completed for other projects. The Laguna Ridge Specific Plan (LRSP) EIR identified one possible cultural resource site within the LRSP area, including several of the above-mentioned properties on Poppy Ridge Road, and another located northeast of the intersection of Bilby Road and Bruceville Road that was determined to lack historical integrity (City of Elk Grove 2003b p. 4.10-3). The LRSP EIR also identified other properties farther north, closer to Elk Grove Boulevard.

The EIR prepared for the Sterling Meadows project, adjacent to the Project area to the east, identified a potentially historical road directly west of that site, which marks the border between that the Sterling Meadows site and the Project area. The EIR also identified an unnamed house north of that project site. However, the EIR determined there were no known cultural resources within the Sterling Meadows site or in the vicinity. The EIR also prescribed standard cultural resources mitigation for the discovery of previously undiscovered cultural resources that would be implemented in the event of a potential resource being unearthed during project development activities.

The EIR prepared for the Southeast Connector Project, a proposed bypass roadway that would be located along Kammerer Road, did not identify any cultural resources within one-quarter mile of Kammerer Road within the Project area. The EIR did identify one possible prehistoric site southwest of the intersection of Bruceville Road and Kammerer Road, although the exact distance from the Project area is not disclosed. Another site located near Kammerer Road and State Route 99 was evaluated and determined to not be an eligible resource.

Native American Consultation

Like records searches, Native American consultation was done for each of the cultural studies described above. Letters were sent to the Native American Heritage Commission (NAHC) asking for reviews of the Sacred Lands files, and no listings of Native American cultural resources were found for any of the cultural resource studies. Each of the cultural studies also included sending letters to appropriate Native American contacts, and no responses were received for any of the cultural resource studies within the Project area.

As of March 1, 2005, Senate Bill 18 (Government Code Sections 65352.3 and 65352.4) requires that, prior to the adoption or amendment of a general plan proposed on or after March 1, 2005, a city or county must consult with Native American tribes with respect to the possible preservation of, or the mitigation of impacts to, specified Native American places, features, and objects located within that jurisdiction. The City of Elk Grove contacted appropriate Native American groups and individuals pursuant to stipulations of SB 18.

PALEONTOLOGICAL RESOURCES

The General Plan Background Report stated that although no fossils have been officially reported as being discovered in the General Plan Planning Area, there have been informal finds. In 1959, a local Elk Grove farmer discovered a Pleistocene bone bed in the Riverbank Formation along the west side of Deer Creek. While the find was reportedly examined by a geologist from California State University, Sacramento, the find was apparently never published. The fossils recovered to date from the Riverbank Formation are typically large, late Pleistocene vertebrates, although fish, frogs, snakes, turtles, and a few plants such as prune, sycamore, and willow are known as well. The typically large, Rancholabrean vertebrates include bison, horse, camel, mammoth, ground sloth, and wolf). These types of fossils suggest a wet grassland environment interspersed with rivers, streams, ponds, and bogs. The Rancholabrean fauna and flora are well known in California, and they typically include many more species than reported from Sacramento County. (City of Elk Grove 2003a)

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5.5.2 REGULATORY FRAMEWORK

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 an 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 effects on “unique archaeological resources.”

“Historical resource” is a term with a defined statutory meaning (PRC Section 21084.1 and State CEQA Guidelines Section 15064.5[a], [b]). The term embraces any resource listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR). The CRHR includes resources listed in or formally determined eligible for listing in the NRHP, as well as some California State Landmarks and Points of Historical Interest.

Properties of local significance that have been designated under a local preservation ordinance (local landmarks or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the CRHR and are presumed to be “historical resources” for purposes of CEQA unless a preponderance of evidence indicates otherwise (PRC 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 CRHR.

In addition to assessing whether historical resources potentially impacted by a proposed project are listed or have been identified in a survey process (PRC Section 5024.1[g]), lead agencies have a responsibility to evaluate them against the CRHR criteria prior to making a finding as to a proposed project’s impacts to historical resources (PRC Section 21084.1 and State CEQA Guidelines Section 15064.5[a][3]). Following CEQA Guidelines Section 21084.5(a) and (b), a historical resource is defined as any object, building, structure, site, area, place, record, or manuscript that:

- 1) Is historically or archeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, or cultural annals of California; and
- 2) Meets any of the following criteria:
 - 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.

Archaeological resources may also qualify as “historical resources,” and PRC Section 5024 requires consultation with the Office of Historic Preservation (OHP) when a project may impact historical resources located on state-owned land.

For historic structures, State CEQA Guidelines Section 15064.5(b)(3) indicates that a project that follows the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, or the Secretary of the Interior’s Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995) shall mitigate impacts to a level of less than significant. Potential eligibility also rests on the integrity of the resource. Integrity is defined as the retention of the resource’s physical identity that existed during its period of significance. Integrity is determined through considering the setting, design, workmanship, materials, location, feeling, and association of the resource.

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).

Advice on procedures to identify cultural resources, evaluate their importance, and estimate potential effects is given in several agency publications such as the series produced by the Governor’s Office of Planning and Research (OPR). The technical advice series produced by OPR strongly recommends that Native American concerns and the concerns of other interested persons and corporate entities, including but not limited to museums, historical commissions, associations, and societies, be solicited as part of the process of cultural resources inventory. In addition, California law protects Native American burials, skeletal remains, and associated grave goods regardless of their antiquity and provides for the sensitive treatment and disposition of those remains.

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Section 7050.5(b) of the California Health and Safety code specifies protocol when human remains are discovered. The code states:

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 death, and the recommendations concerning 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.

State CEQA Guidelines Section 15064.5(e) requires that excavation activities be stopped 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 (NAHC) must be contacted within 24 hours. At that time, the lead agency must consult, in a timely manner, with the appropriate Native Americans, if any, as identified by the NAHC. 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 mitigation provisions pertaining to accidental discoveries of human remains, the State CEQA 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."

Paleontological resources are classified as non-renewable scientific resources and are protected by state statute (PRC Chapter 1.7, Section 5097.5, Archeological, Paleontological, and Historical Sites, and Appendix G). No state or local agencies have specific jurisdiction over paleontological resources. No state or local agency requires a paleontological collecting permit to allow for the recovery of fossil remains discovered as a result of construction-related earth moving on state or private land in a project area.

LOCAL

City of Elk Grove General Plan

The following Elk Grove General Plan policies regarding cultural resources are applicable to the proposed Project:

"Policy HR-1: Encourage the preservation and enhancement of existing historical and archaeological resources in the City."

“Policy HR-6: Protect and preserve prehistoric and historic archaeological resources throughout the City.”

The Project does not include any actions or components that conflict with these General Plan policies. However, it should be noted that the final authority for interpretation of a policy statement, determination of the Project’s consistency, ultimately rests with the Elk Grove City Council.

City of Elk Grove Municipal Code

The City of Elk Grove Municipal Code Title 7.00, Historic Preservation, contains regulatory requirements for the identification and protection of cultural resources. Archaeological and historical resources investigations that comply with regulatory requirements presented in Municipal Code Title 7.00 were conducted for the Project. The Project is in compliance with the Municipal Code Title 7.00.

5.5.3 IMPACTS AND MITIGATION MEASURES

STANDARDS OF SIGNIFICANCE

Following PRC Sections 21083.2 and 21084.1, and Section 15064.5 and Appendix G of the State CEQA Guidelines, cultural resource impacts are considered to be significant if implementation of the Project considered would result in any of the following:

- 1) Cause a substantial adverse change in the significance of an archaeological resource or an historical resource as defined in Public Resources Code Section 21083.2 and CEQA Guidelines Section 15064.5, respectively.
- 2) Directly or indirectly destroy a unique paleontological resource or site or unique geological feature.
- 3) Disturb any human remains, including those interred outside of formal cemeteries.

State 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 an historical resource is materially impaired.

METHODOLOGY

The evaluation for the potential for cultural and paleontological resources to be affected by the proposed Project was based on reviews of the cultural resources studies prepared for several of the properties located within the Project area; reviews of the City’s General Plan Background Report (City of Elk Grove 2003a) and General Plan Draft EIR (City of Elk Grove 2003b) for information about the presence of known and the potential for the occurrence of unknown cultural and paleontological resources; and other environmental documentation prepared for projects located near the Project area.

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PROJECT IMPACTS AND MITIGATION MEASURES

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

Impact 5.5.1 Construction of the proposed Project could adversely affect or result in the damage of potential or unknown cultural resources (i.e., prehistoric sites, historic sites, historic buildings/structures, and isolated artifacts) and human remains. This would be a **potentially significant** impact.

Cultural resource investigations have been prepared for portions of the Project area. None of the studies identified any significant or potentially significant historic resources. However, many of the studies are older than five years. In particular, the cultural resource study done for Reynen & Bardis Communities (APNs 132-0300-015, 132-0300-017, 132-0300-021, and 132-0300-022) (ECORP 2007) states that the two residences on-site were constructed in 1960 and 1963, were less than 50 years old at the time, and were not eligible for listing at the time. However, since several years have passed since the study was done, the homes are now 53 and 50 years old and now require evaluation to determine if they may be historic resources.

The studies did not identify the presence of any known prehistoric or archeological resources or human remains anywhere within the properties studied. However, the studies acknowledge the potential for unknown resources to be located within the study properties. Ground-disturbing activities could potentially result in the discovery of buried resources.

In addition, several of the properties within the Project area have not yet been evaluated for the potential for cultural resources, so it is unknown whether construction of the proposed Project could affect a cultural resources or human remains that may be present within one of the properties that have not been evaluated.

Because two residences now warrant evaluation as potential historic resources, because there is the potential for ground-disturbing activities to encounter unknown archeological resources or human remains, and because several of the properties within the Project area have not been surveyed for cultural resources, this impact is **potentially significant**.

Mitigation Measures

MM 5.5.1a If cultural resources (i.e., prehistoric sites, historic sites, and isolated artifacts) are discovered during grading or construction activities within the Project area, work shall be halted immediately within 50 feet of the discovery, the City Planning Department shall be notified, and a professional archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in archaeology and/or history shall be retained to determine the significance of the discovery.

The City shall consider mitigation recommendations presented by a professional archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in archaeology and/or history for any unanticipated discoveries. The City and the Project applicant of the site where the discovery is made shall consult and agree on implementation of a measure or measures that the City deems feasible. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The Project

proponent shall be required to implement any mitigation necessary for the protection of cultural resources.

Timing/Implementation: As a condition of Project approval and implemented during grading or construction activities

Enforcement/Monitoring: City of Elk Grove Planning Department

MM 5.5.1b

If human remains are discovered during any ground-disturbing activities within the Project area, all work shall be halted immediately within 50 feet of the discovery, the City Planning Department shall be notified, and the County Coroner must be notified according to Section 5097.98 of the California Public Resources Code and Section 7050.5 of the California Health and Safety Code. 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.

Timing/Implementation: As a condition of Project approval and implemented during grading or construction activities

Enforcement/Monitoring: City of Elk Grove Planning Department

MM 5.5.1c

Prior to the approval of subsequent development projects within the Project area that have not already been evaluated for the presence of cultural resources, a detailed cultural resources field survey of the subject property shall be conducted by the City and funded by the applicant. The cultural resources field survey shall identify any cultural resource finds and will set out measures to mitigate any impacts to any significant resources as defined by CEQA, the California Register of Historic Resources, and/or the National Historic Preservation Act. Mitigation methods to be employed include, but are not limited to, the following:

- Redesign of the subsequent development 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 excavated and recorded to appropriate standards.

Timing/Implementation: Prior to approval of each application

Enforcement/Monitoring: City of Elk Grove Planning Department

MM 5.5.1d

Prior to the approval of subsequent development projects that include the residences at 7809 Kammerer Road and 8011 Kammerer Road, a detailed evaluation of the historical significance of the structures at the two sites listed above shall be conducted by the City and funded by the applicant. If the evaluation is negative (i.e., not historically significant), no further mitigation is required.

5.5 CULTURAL RESOURCES

If the evaluation determines that one or both of the two sites are historically significant, the subsequent development project(s) will be redesigned to avoid the historical site(s). The historical 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 appropriate, 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 structures.
- Photo documentation of the designated resources, both in still and video format.
- Recordation of measured architectural drawings, in the case of specifically designated buildings of higher architectural merit.
- Any historical significant artifacts within buildings and the surrounding area shall be recorded and deposited with the appropriate museum.

Timing/Implementation: Prior to approval of demolition permits or subsequent development projects involving the properties at 7809 Kammerer Road and 8011 Kammerer Road

Enforcement/Monitoring: City of Elk Grove Planning Department

Mitigation measures **MM 5.5.1a** and **5.5.1b** address the potential for encountering undiscovered cultural resources and human remains. These measures require all construction and/or grading work to be halted upon discovery of cultural resources or human remains and ensure that discovered resources would be protected by measures specific to the resource as determined by a qualified professional. Mitigation measure **MM 5.5.1c** requires that all properties that have not already been evaluated for potential effects on cultural resources have detailed cultural resource field surveys prepared to determine whether cultural resources are present, and if so, provides additional steps to avoid or record the resource. The mitigation measure provides that additional measures may be required per the outcome of the cultural resource field survey. Mitigation measure **MM 5.5.1d** requires that the two residences previously not evaluated for eligibility as historic resource be evaluated for historical significance before development is approved that could adversely affect those properties. The mitigation measure includes measures to avoid, minimize, or record the resource(s) of either of the properties found to have historic significance. Implementation of these mitigation measures would reduce impacts on cultural resources and human remains to a **less than significant** level.

Undiscovered Paleontological Resources (Standard of Significance 2)

Impact 5.5.2 Construction of the proposed Project could adversely affect or result in the damage of unknown paleontological resources (i.e., fossils and fossil formations). This would be a **potentially significant** impact.

According to the General Plan Background Report, although there have been no fossils officially reported that have been discovered in the City, informal finds have occurred. No fossils and no evidence of exposed geomorphological features that typically contain fossils were observed during any of the surveys of parcels in the Project area, but that does not preclude the possibility of their existence at greater depth below the ground surface. The City is considered to be sensitive for paleontological resources, and there is a possibility of the unanticipated discovery of paleontological resources during ground-disturbing activities associated with implementation of the proposed Project. Because the proposed project could destroy a unique paleontological resource, this is considered a **potentially significant** impact.

Mitigation Measures

MM 5.5.2 If any paleontological resources (fossils) are discovered during grading or construction activities within the Project area, work shall be halted immediately within 50 feet of the discovery, and the City Planning Department shall be immediately notified. At that time, the City will coordinate any necessary investigation of the discovery with a qualified paleontologist.

The City shall consider the mitigation recommendations of the qualified paleontologist for any unanticipated discoveries of paleontological resources. The City and the appropriate project applicant shall consult and agree on implementation of a measure or measures that the City deems feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The project proponent shall be required to implement any mitigation necessary for the protection of paleontological resources.

Timing/Implementation: As a condition of project approval and implemented during ground-disturbing activities

Enforcement/Monitoring: City of Elk Grove Planning Department

Implementation of mitigation measure **MM 5.5.2** would require discovery procedures for paleontological resources during Project construction and require a qualified paleontologist to recommend measures particular to the discovered resource to mitigate adverse impacts discovered during construction activities. Implementation of mitigation measure **MM 5.5.2** would reduce impacts to paleontological resources to a **less than significant** level.

5.5 CULTURAL RESOURCES

3.5.4 CUMULATIVE SETTING, IMPACTS, AND MITIGATION MEASURES

CUMULATIVE SETTING

The cumulative context associated with the proposed Project includes proposed, planned, reasonably foreseeable, and approved projects in the City's Sphere of Influence and Sacramento County. Urban development that has occurred over the past several decades in the incorporated and unincorporated county has resulted in adverse impacts on innumerable significant historical and archaeological resources, and it is reasonable to assume that present and future development activities will continue to result in impacts on significant cultural resources, including historical resources, archaeological resources, and human remains. Federal, state, and local laws protect cultural resources in most instances but are not always feasible to protect cultural resources, particularly when in-place preservation would frustrate implementation of projects. Future developments and planned land uses would contribute to potential impacts on cultural and paleontological resources, including archaeological resources associated with Native American activities and historic resources associated with Euroamerican settlement, gold mining, agriculture, and economic development. Future developments could conflict with these resources through inadvertent destruction or removal resulting from project grading, excavation, and/or construction activities. Similarly, the proposed Project could affect undiscovered paleontological resources that may be associated with the Riverbank Formation. For this reason, the cumulative effects of development in the region on cultural resources are considered significant.

CUMULATIVE IMPACTS AND MITIGATION MEASURES

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

Impact 5.5.3 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 **potentially cumulatively considerable**.

Although there are no known significant cultural resources within the Project area, several of the properties located within the Project area have not yet been surveyed for cultural resources, so it is possible that some resources may be discovered to exist within those properties. In addition, while several properties have been surveyed and no significant cultural resources were determined to be present, ground-disturbing activities associated with construction within the Project area could uncover previously unknown cultural resources and/or human remains, and the potential loss or degradation of these resources might contribute to the cumulative loss of cultural resources in the City of Elk Grove and Sacramento County. This contribution could be considerable when combined with other past, present, and foreseeable development in the region.

Mitigation Measures

Implement mitigation measures **MM 5.5.1a** and **MM 5.5.1b**.

Mitigation measures **MM 5.5.1a** and **5.5.1b** address the inadvertent discovery of previously unknown prehistoric resources, historic resources, and human remains. Implementation of these mitigation measures would reduce the proposed Project's contribution to cumulative impacts to prehistoric resources, historic resources, and human remains to a **less than cumulatively considerable** level.

Paleontological Resources

Impact 5.5.4 Development of the proposed Project could contribute to the cumulative disturbance of paleontological resources (i.e., fossils and fossil formations). This would be a **cumulatively considerable** impact.

There are no known paleontological resources within the Project area, but the City is considered to be sensitive for paleontological resources. As a result, ground-disturbing activities within the Project area could potentially uncover previously unknown paleontological resources that might contribute to the cumulative loss of paleontological resources in the City of Elk Grove and Sacramento County. This loss of paleontologic resources could be considerable, when combined with other past, present, and foreseeable development in the region.

Mitigation Measures

Implement mitigation measure **MM 5.5.2**.

Mitigation measure **MM 5.5.2** addresses the inadvertent discovery of previously unknown paleontological resources and would reduce the proposed Project's contribution to paleontological resources to a **less than cumulatively considerable** level.

5.5 CULTURAL RESOURCES

REFERENCES

- City of Elk Grove. 2003a. *General Plan Background Report*.
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- Peak & Associates, Inc. 2004. *Cultural Resource Assessment of the Souza Dairy Project*.
- . 2007a. *Determination of Eligibility and Effect for the Proposed Poppy Ridge Road Project*.
- . 2007b. *Determination of Eligibility and Effect for the Proposed Richland Project*.
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- . 2007d. *Determination of Eligibility and Effect for the Proposed Kammerer Project*.
- Tremaine & Associates Inc. 2005a. *Cultural Resources Survey Report, Seames Property Project*.
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