

3.3 ARCHAEOLOGICAL, HISTORICAL, AND TRIBAL CULTURAL RESOURCES

This section analyzes and evaluates the potential impacts of the City of Elk Grove General Plan Amendments and Update of VMT Standards (Project) on known and unknown cultural resources. The primary source of information used for this analysis is the General Plan EIR.

Cultural resources include districts, sites, buildings, structures, or objects generally older than 50 years and considered to be important to a culture, subculture, or community for scientific, traditional, religious, or other reasons. They include pre-historic resources, historic-period resources, and “tribal cultural resources” (the latter as defined by Assembly Bill (AB) 52, Statutes of 2014, in Public Resources Code [PRC] Section 21074).

Archaeological resources are locations where human activity has measurably altered the earth or left deposits of prehistoric or historic-period physical remains (e.g., stone tools, bottles, former roads, house foundations). Historical (or built-environment) resources include standing buildings (e.g., houses, barns, outbuildings, cabins) and intact structures (e.g., dams, bridges, roads, districts), or landscapes. A cultural landscape is defined as a geographic area (including both cultural and natural resources and the wildlife therein), associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values. Tribal cultural resources are sites, features, places, cultural landscapes, sacred places and objects, with cultural value to a tribe.

One comment letter regarding cultural resources was received in response to the notice of preparation (NOP) (see Appendix A). The Native American Heritage Commission (NAHC) requested AB 52 and SB 18 compliance information; while SB 18 does apply to the Project because there is a General Plan amendment associated with the Project (which is the trigger for SB 18 compliance), SB 18 is not a CEQA requirement and therefore is not discussed in this section. AB 52 compliance is described below. As described later in this section, AB 52 letters were sent to area tribes on March 18, 2022, and no requests for consultation were received by the City.

3.3.1 Regulatory Setting

FEDERAL

National Register of Historic Places

The National Register of Historic Places (NRHP) is the nation’s master inventory of known historic properties. It 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.

The formal criteria (36 CFR 60.4) for determining NRHP eligibility are as follows:

1. The property is at least 50 years old (however, properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the NRHP);
2. It retains integrity of location, design, setting, materials, workmanship, feeling, and associations; and
3. It possesses at least one of the following characteristics:
 - Criterion A Is associated with events that have made a significant contribution to the broad patterns of history (events).
 - Criterion B Is associated with the lives of persons significant in the past (persons).
 - Criterion C Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant, distinguishable entity whose components may lack individual distinction (architecture).
 - Criterion D Has yielded, or may be likely to yield, information important in prehistory or history (information potential).

For a property to retain and convey historic integrity it must possess most of the seven aspects of integrity: location, design, setting, materials, workmanship, feeling, and association. Location is the place where the historic property was constructed or the place where a historic event occurred. Integrity of location refers to whether the property has been moved since its construction. Design is the combination of elements that create the form, plan, space, structure, and style of a property. Setting is the physical environment of a historic property that illustrates the character of the place. Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property. Workmanship is the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory. Feeling is a property's expression of the aesthetic or historic sense of a particular period of time. This is an intangible quality evoked by physical features that reflect a sense of a past time and place. Association is the direct link between the important historic event or person and a historic property. Continuation of historic use and occupation help maintain integrity of association.

Listing in the NRHP does not entail specific protection or assistance for a property but it does guarantee consideration in planning for federal or federally-assisted projects, eligibility for federal tax benefits, and qualification for federal historic preservation assistance. Additionally, project effects on properties listed in the NRHP must be evaluated under CEQA.

The National Register Bulletin series was developed to assist evaluators in the application of NRHP criteria. For example, National Register Bulletin #36 provides guidance in the evaluation of archaeological site significance. If a property cannot be placed within a particular theme or time period, and thereby lacks "focus," it will be unlikely to possess characteristics which would make it eligible for listing in the NRHP. Evaluation standards for linear features (such as roads, trails, fence lines, railroads, ditches, and flumes) are considered in terms of four related criteria that account for specific elements that define engineering and construction methods of linear features: (1) size and length, (2) presence of distinctive engineering features and associated properties, (3) structural integrity, and (4) setting. The highest probability for NRHP eligibility exists in the intact, longer segments, where multiple criteria coincide.

Secretary of the Interior's Standards

The *Secretary of the Interior's Standards for the Treatment of Historic Properties* (Secretary's Standards) provide guidance for working with historic properties. The Secretary's Standards are used by lead agencies to evaluate proposed rehabilitative work on historic properties. The Secretary's Standards are a useful analytic tool for understanding and describing the potential impacts of proposed changes to historic resources. Projects that comply with the Secretary's Standards benefit from a regulatory presumption that they would not result in a significant impact to a historic resource.

In 1992 the Secretary's Standards were revised so they could be applied to all types of historic resources, including landscapes. They were reduced to four sets of treatments to guide work on historic properties: Preservation, Rehabilitation, Restoration, and Reconstruction. The four distinct treatments are defined as follows:

- ▶ **Preservation** focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time.
- ▶ **Rehabilitation** acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character.
- ▶ **Restoration** depicts a property at a particular period of time in its history, while removing evidence of other periods.
- ▶ **Reconstruction** re-creates vanished or non-surviving portions of a property for interpretive purposes.

STATE

California Register of Historical Resources

All properties in California that are listed in or formally determined eligible for listing in the NRHP are also listed in the California Register of Historical Resources (CRHR). The CRHR is a listing of State of California resources that are significant in the context of California's history. It is a Statewide program with a scope and with criteria for inclusion

similar to those used for the NRHP. In addition, properties designated under municipal or county ordinances are also eligible for listing in the CRHR.

A historical resource must be significant at the local, state, or national level under one or more of the criteria defined in the California Code of Regulations Title 15, Chapter 11.5, Section 4850 to be included in the CRHR. The CRHR criteria are tied to CEQA because any resource that meets the criteria below is considered a significant historical resource under CEQA. As noted above, all resources listed in or formally determined eligible for listing in the NRHP are automatically listed in the CRHR.

The CRHR uses four evaluation criteria:

- Criterion 1. Is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.
- Criterion 2. Is associated with the lives of persons important to local, California, or national history.
- Criterion 3. Embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of a master; or possesses high artistic values.
- Criterion 4. Has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation.

Similar to the NRHP, a historical resource must meet one of the above criteria and retain integrity to be listed in the CRHR. The CRHR uses the same seven aspects of integrity used by the NRHP.

California Environmental Quality Act

CEQA requires public agencies to consider the effects of their actions on "historical resources," "unique archaeological resources," and "tribal cultural resources." Pursuant to 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 projects would have effects on unique archaeological resources. PRC Section 21084.2 establishes that "[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment."

Historical Resources

"Historical resource" is a term with a defined statutory meaning (PRC Section 21084.1; State CEQA Guidelines Sections 15064.5[a] and [b]). Under State CEQA Guidelines 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 CRHR (PRC Section 5024.1).
- 2) A resource included in a local register of historical resources, as defined in PRC Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC 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 that 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 CRHR (PRC Section 5024.1).
- 4) The fact that a resource is not listed in or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to PRC Section 5020.1[k]), or identified in a historical resources survey (meeting the criteria in PRC Section 5024.1[g]) does not preclude a lead agency from determining that the resource may be a historical resource as defined in PRC Sections 5020.1(j) or 5024.1.

Unique Archaeological Resources

CEQA also requires lead agencies to consider whether projects will affect unique archaeological resources. PRC Section 21083.2(g) states that “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 one or more 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.

Tribal Cultural Resources

CEQA also requires lead agencies to consider whether projects will affect tribal cultural resources. PRC Section 21074 states:

- a) “Tribal cultural resources” are either of the following:
 - 1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
 - 2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
- b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

Public Resources Code Section 21083.2

Treatment options under PRC Section 21083.2(b) to mitigate impacts to archaeological resources include activities that preserve such resources in place in an undisturbed state. PRC Section 21083.2 states:

- (a) As part of the determination made pursuant to Section 21080.1, the lead agency shall determine whether the project may have a significant effect on archaeological resources. If the lead agency determines that the project may have a significant effect on unique archaeological resources, the environmental impact report shall address the issue of those resources. An environmental impact report, if otherwise necessary, shall not address the issue of nonunique archaeological resources. A negative declaration shall be issued with respect to a project if, but for the issue of nonunique archaeological resources, the negative declaration would be otherwise issued.
- (b) If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to, any of the following:
 - (1) Planning construction to avoid archaeological sites.
 - (2) Deeding archaeological sites into permanent conservation easements.
 - (3) Capping or covering archaeological sites with a layer of soil before building on the sites.

- (4) Planning parks, greenspace, or other open space to incorporate archaeological sites.
- (c) To the extent that unique archaeological resources are not preserved in place or not left in an undisturbed state, mitigation measures shall be required as provided in this subdivision.
- (d) Excavation as mitigation shall be restricted to those parts of the unique archaeological resource that would be damaged or destroyed by the project.
- (e) In no event shall the amount paid by a project applicant for mitigation measures required pursuant to subdivision (c) exceed the following amounts:
- (1) An amount equal to one-half of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of a commercial or industrial project.
 - (2) An amount equal to three-fourths of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of a housing project consisting of a single unit.
 - (3) If a housing project consists of more than a single unit, an amount equal to three-fourths of 1 percent of the projected cost of the project for mitigation measures undertaken within the site boundaries of the project for the first unit plus the sum of the following:
 - (A) Two hundred dollars (\$200) per unit for any of the next 99 units.
 - (B) One hundred fifty dollars (\$150) per unit for any of the next 400 units.
 - (C) One hundred dollars (\$100) per unit in excess of 500 units.
- (f) Unless special or unusual circumstances warrant an exception, the field excavation phase of an approved mitigation plan shall be completed within 90 days after final approval necessary to implement the physical development of the project or, if a phased project, in connection with the phased portion to which the specific mitigation measures are applicable. However, the project applicant may extend that period if he or she so elects. Nothing in this section shall nullify protections for Indian cemeteries under any other provision of law.

Public Resources Code Section 21080.3

AB 52, signed by the California Governor in September of 2014, established a new class of resources under CEQA: "tribal cultural resources," defined in PRC Section 21074. Pursuant to PRC Sections 21080.3.1, 21080.3.2, and 21082.3, lead agencies undertaking CEQA review must, upon written request of a California Native American Tribe, begin consultation before the release of an EIR, negative declaration, or mitigated negative declaration. PRC Section 21080.3.2 states:

Within 14 days of determining that a project application is complete, or to undertake a project, the lead agency must provide formal notification, in writing, to the tribes that have requested notification of proposed projects in the lead agency's jurisdiction. If it wishes to engage in consultation on the project, the tribe must respond to the lead agency within 30 days of receipt of the formal notification. The lead agency must begin the consultation process with the tribes that have requested consultation within 30 days of receiving the request for consultation. Consultation concludes when either: 1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource, or 2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.

If the lead agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process, provisions under PRC Section 21084.3 (b) describe mitigation measures that may avoid or minimize the significant adverse impacts. Examples include:

- (1) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
- (2) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:

- (A) Protecting the cultural character and integrity of the resource
- (B) Protecting the traditional use of the resource
- (C) Protecting the confidentiality of the resource.
- (3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
- (4) Protecting the resource.

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act (PRC Section 5097.9) applies to both State and private lands. The act requires, upon discovery of human remains, that construction or excavation activity cease and that the county coroner be notified. If the remains are those of a Native American, the coroner must notify the NAHC, which notifies and has the authority to designate the most likely descendant (MLD) of the deceased. The act stipulates the procedures the descendants may follow for treating or disposing of the remains and associated grave goods.

Health and Safety Code, Sections 7050.5

Section 7050.5 of the Health and Safety Code requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If they are determined to be those of a Native American, the coroner must contact NAHC.

Public Resources Code, Section 5097

PRC Section 5097 specifies the procedures to be followed if human remains are unexpectedly discovered on nonfederal land. The disposition of Native American burial falls within the jurisdiction of NAHC. Section 5097.5 of the code states:

No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

LOCAL

City of Elk Grove General Plan

Chapter 7, "Community and Resource Protection," of the *City of Elk Grove General Plan* (City of Elk Grove 2019a) contains the following policies relevant to cultural and tribal cultural resources:

- ▶ **Policy HR-1-1:** Encourage the appropriate adaptive reuse of historic resources and buildings.
- ▶ **Policy HR-1-2:** Strive to preserve historic buildings and resources through adaptive re-use.
- ▶ **Policy HR-1-3:** Encourage efforts that prevent the misuse, disrepair, and demolition of historic resources and buildings.
- ▶ **Policy HR-2-1:** Protect and preserve prehistoric and historic archaeological resources throughout the City.
- ▶ **Policy HR 2-2:** Consult when appropriate with local Native American tribes, the California 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 3-2:** Encourage new development to be compatible with adjacent existing historic structures in terms of scale, massing, building material, and general architectural treatment.

Old Town Special Planning Area Design Standards and Guidelines

The purpose of the *Old Town Elk Grove Special Planning Area Design Standards and Guidelines* (SPA) is to provide development regulations that are tailored to preserve the historical character and small town charm. Thus, the Old Town SPA establishes:

1. A design review process which:
 - a. Preserves the historical and cultural integrity of Old Town by guiding the architectural style of new development and the redevelopment of existing structures;
 - b. Encourages high quality land planning and architecture;
 - c. Encourages development in keeping with the desired character of the City; and
 - d. Ensures that proper attention is provided to site and architectural design, thereby fostering an environment that encourages stable growth in land values.
2. A map and table of permitted and conditionally permitted land uses which:
 - a. Enhances Old Town Elk Grove's sense of community;
 - b. Unifies Old Town's main street, Elk Grove Boulevard, by focusing on pedestrian oriented uses such as retail, restaurant, office, and services; and
 - c. Ensures physical, visual, and functional compatibility between uses.

The intent of the Old Town Elk Grove SPA's design review process is to establish discretionary review of development projects within the SPA boundaries to ensure conformance not only with the minimum standards set forth in the Title 23 of the City's Municipal Code, but also with the goals, standards, guidelines, and examples provided in the Old Town SPA. The Old Town SPA was originally created by Sacramento County in 1985. A significant update was completed by the City in August 2005, with updates in 2010, 2014, 2017, 2018, 2019, and 2021.

City of Elk Grove Municipal Code

Municipal Code Chapter 7, Historic Preservation, 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."

The criteria for listing in the Elk Grove Register of Historic Resources are contained in Section 7.00.050 of the Municipal Code (or EGMC). A historical resource may be listed in the Elk Grove Register of Historic Resources if it meets any of the following four levels of significance within a given historic context:

1. Associated with events that have made a significant contribution to the broad patterns of Elk Grove's history;
2. Associated with the lives of persons significant in Elk Grove's past;
3. Embodies the distinctive characteristics of a type, period, or method of construction; or that represents the work of a master; or that possesses high artistic values; or that represents a significant and distinguishable entity whose components may lack individual distinction; and/or
4. Has yielded, or may be likely to yield, information noteworthy in prehistory or history.

To be listed in the Elk Grove Register of Historic Resources, resources must also retain four or more aspects of integrity outlined below:

1. Location: the place where a resource was constructed or the place where the historic event occurred.
2. Design: the combination of elements that create the form, plan, space, structure, and style of a resource.

3. Setting: the physical environment of a resource.
4. Materials: the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a resource.
5. Workmanship: the physical evidence of the crafts of a particular culture or people during any given period in history or prehistory.
6. Feeling: is a property's expression of the aesthetic or historic sense of a particular period of time.
7. Association: the direct link between an important historic event or person and a historic property.

EGMC Section 7.00.080 addresses the demolition and relocation of resources potentially eligible for historic designation and states that it shall not occur without review to determine the resource's eligibility for listing in the Elk Grove Register of Historic Resources. Additionally, no demolition or relocation of a historical resource shall be made by any person without a demolition/relocation certificate. Specifically, Section 7.00.080(B) states:

1. Demolition or relocation of historical resources shall be tied to a replacement project under concurrent review by the City of Elk Grove unless projects meet the provisions of EGMC Section 7.00.100 or 7.00.110.
2. Public Hearing. The Historic Preservation Committee shall hold a public hearing to review and consider the demolition/relocation certificate application.
3. Notice of Public Hearing. Notice of date, place, time, and purpose of the hearing shall be given by first (1st) class mail to the applicants, owners, and occupants of the property, and to property owners within five hundred (500' 0") feet of the property, at least ten (10) days prior to the date of the public hearing, using the name and address of such owners as shown on the latest equalized assessment rolls or in other ownership records, and shall be advertised once (1) in a daily newspaper of general circulation at least ten (10) days in advance of the public hearing. Failure to receive notice of such hearing shall in no way affect the validity of any action taken.
4. Approving Authority. The Historic Preservation Committee shall recommend approval or denial, with or without conditions, of all applications for certificates of demolition/relocation. If an entitlement other than or in addition to a certificate of demolition/relocation is necessary or sought for a proposed project, the approving authority shall be that body with jurisdiction over the other entitlement as set forth in the Elk Grove Municipal Code, including, but not limited to, the Zoning Code, as it now exists or is hereafter amended. When a proposed project requires more than one (1) land use or development entitlement from more than one (1) approving authority, all project entitlements shall be processed concurrently and final action shall be taken on any application for a certificate of demolition/relocation by the highest level designated approving authority for all such requested entitlements. The Director shall be the approving authority of all applications for certificates of demolition/relocation for which there is no other approving authority with jurisdiction over the project. Any decision of the Director on a certificate of demolition/relocation may be appealed to the Planning Commission. Any decision of the Planning Commission on a certificate of demolition/relocation may be appealed to the City Council, including matters heard on appeal from a decision by the Director. Any other decision by an approving authority not otherwise addressed herein may be appealed to the City Council. Any action or decision of the City Council shall be final and there shall be no further administrative appeal from the City Council decision. All appeals shall be in writing, shall state the basis of the appeal, shall be accompanied by any applicable filing fee, and shall be filed with the City Clerk within ten (10) days of the determination or action for which an appeal is made. Failure to file an appeal within the time frame and in the manner provided herein shall constitute a failure of a party to exhaust administrative remedies, and shall render the decision of the approving authority final and immune from further challenge.
5. Action by Approving Authority. The approving authority shall approve an application, disapprove it, or approve it subject to conditions. Wherever applicable, the approving authority can require the documentation of the historical resource proposed for demolition or relocation with such measures as archival-quality photographs and/or measured drawings prior to these actions. Notice of the decision shall be sent to the applicant, owners of the property, Code Enforcement, and the Building Department.

6. Findings. Demolition/relocation certificate applications for historical resources shall be approved if the project meets any of the following:
 - a. The provisions of EGMC Section 7.00.100 or 7.00.110 apply; or
 - b. The replacement project is consistent with and supportive of identified goals and policies of the General Plan or applicable specific area plans including the adopted historic district plan (if the historical resource is located within a historic district); or
 - c. The proposed action will not have a significant effect on the goals and purposes of this chapter or the potential effect is outweighed by significant benefits of the replacement project; or
 - d. In the case of relocating a contributing resource to a historic district, the integrity and significance of both the contributing resource and the entire historic district will not be significantly impaired.

3.3.2 Environmental Setting

REGIONAL PREHISTORY

Although human occupation of the Central Valley may extend back 10,000 before present (B.P.), reliable evidence of such an early human presence is lacking and may be deeply buried. The prehistoric setting can be categorized into the following periods.

The Paleo-Indian Period: The Paleo-Indian Period (12,000 to 10,500 B.P.) saw the first demonstrated entry and spread of humans into California. Characteristic artifacts recovered from archaeological sites of this time period include fluted projectile points (constructed from chipped stones that have a long groove down the center called a “flute”) and large, roughly fashioned cobble and bifacially-flaked stone tools that were used in hunting the mastodon, bison, and mammoth that roamed the land during this time.

The Lower Archaic Period: The beginning of the Lower Archaic Period (10,500 to 7500 B.P.) coincides with that of the Middle Holocene climatic change which resulted in widespread floodplain deposition. This episode resulted in most of the early archaeological deposits being buried. Most tools were manufactured of local materials, and distinctive artifact types include large dart points and the milling slab and handstone.

The Middle Archaic Period: The Middle Archaic Period (7500 to 2500 B.P.) is characterized by warm, dry conditions which brought about the drying up of pluvial lakes. Economies were more diversified and may have included the introduction of acorn processing technology, although hunting remained an important source of food. Artifacts characteristic of this period include milling stones and pestles and a continued use of a variety of implements interpreted as large dart points.

The Upper Archaic Period: The Upper Archaic Period (2500 to 850 B.P.) corresponds with a sudden turn to a cooler, wetter and more stable climate. The development of status distinctions based upon wealth is well documented in the archaeological record. The development of specialized tools, such as bone implements and stone plummets, as well as manufactured shell goods, were prolific during this time. The regional variance of economies was largely because of the seasonality of resources which were harvested and processed in large quantities.

The Emergent Period: Several technological and social changes distinguish the Emergent Period (850 B.P. to Historic) from earlier cultural manifestations. The bow and arrow were introduced, ultimately replacing the dart, and throwing spear, and territorial boundaries between groups became well established. In the latter portion of this Period (450 to 1800 B.P.), exchange relations became highly regularized and sophisticated. The clam disk bead developed as a monetary unit of exchange, and increasing quantities of goods moved greater distances. It was at the end of this Period that contact with Euroamericans became commonplace, eventually leading to intense pressures on Native American populations (Sacramento LAFCo 2017:3.5-2).

ETHNOGRAPHY

The Planning Area is located in the Plains Miwok territory. 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, the 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.

The Plains Miwok were seasonal hunter-gatherers with semipermanent settlements. Their territory included a main village and smaller satellite villages. Villages were divided into tribelets, which averaged 300–500 individuals and controlled specific lands and the natural resources in the territory. The main village included a large semisubterranean or simple circular brush structure that served as the dance or assembly house. Villages also contained dwellings, acorn granaries, conical sweathouses, and winter grinding houses. Dwellings were either aboveground conical houses made with tule-matting or semisubterranean. Winter villages were located on high ridges near watercourses. Cremation, rather than interment, was practiced by the Plains Miwok.

As it was for 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 before they were processed. 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.

The Plains Miwok used a variety of tools for hunting and collecting resources, including the bow and arrow, snares, traps, enclosures or blinds, nets, seines, hook and line, harpoons, and basketry. On navigable rivers, the principal watercraft was the tule balsa canoe. The Plains Miwok made both twined and coiled basketry and used woven burden baskets to transport seeds, roots, or nuts for processing or storage. 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 involved use of a variety of knives, leaching and boiling baskets, woven strainers and winnowers, and woven drying trays. Earth ovens were used to bake acorn bread.

Trade goods included marine shell (*olivella* and abalone) and steatite with coastal groups; basketry from various areas; and salt and obsidian from the Sierra Nevada and Great Basin.

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.

During two epidemics, in 1830 and 1837, foreign diseases decimated the populations of indigenous people in the Sacramento Valley. The discovery of gold in 1848 and the ensuing Gold Rush also contributed to substantial population declines. Between 1805 and 1856, the Miwok population declined from nearly 20,000 to approximately 3,000. Surviving Miwok labored for the growing mining, ranching, farming, and lumber industries (City of Elk Grove 2018:5.5-2, 5.5-3).

HISTORIC SETTING

Regional History

Spanish exploration of the Central Valley dates to the late 1700s, but exploration of the northern section of the Central Valley and contact with its Native American population did not begin until the early 1800s, as described above. The second quarter of the nineteenth century encompasses the Mexican Period (ca. 1821-1848) in California. This period is an outgrowth of the Mexican Revolution, and its accompanying social and political views affected the mission system across California. In 1833 the missions were secularized and their lands divided among the *Californios* as land grants called *ranchos*. These ranchos facilitated the growth of a semi-aristocratic group that controlled the larger ranchos. The work on these large tracts of land was accomplished by the forced labor of local Native

Americans. The closest ranchos to the Project area are in Sacramento County near the southern boundary of Placer County. These ranchos include the Rancho de Paso, the San Juan, and the Río de los Americanos.

Simultaneously with the exploration of the Central Valley, the flanks of the Sierra Nevada trails were being blazed across the plains and mountains facilitating the westward migration of Euroamericans. These early immigrants to California are typified by groups such as the 1841 Bartleson-Bidwell party and the 1844 Stevens-Murphy party. The commencement of the Mexican-American War in 1846 also affected the exploration and development of California, including the identification of new trails across the Sierra Nevada. The exploits of the Mormon Battalion and the establishment of the Mormon Emigrant Trail across the Sierra Nevada highlight these activities.

The discovery of gold at Sutter's Mill in Coloma in 1848 was the catalyst that caused a dramatic alteration of both Native American and Euroamerican cultural patterns in California. Once news of the discovery of gold spread, a flood of Euroamericans entered the region, and gravitated to the area of the "Mother Lode." Initially, the Euroamerican population grew slowly but soon exploded as the presence of large deposits of gold was confirmed in the Sacramento area. The population of California quickly swelled from an estimated 4,000 Euroamericans in 1848 to 500,000 in 1850. Sacramento, established in 1848 by John A. Sutter, also grew in population and was incorporated as a city in 1850 (Sacramento LAFCO 2017:3.5-4).

Elk Grove History

Elk Grove first developed as a town between 1868-1892 (Early Elk Grove Historical Period) due to the construction of the Sacramento-Stockton line of the Western Pacific Railroad (later known as the Central Pacific Railroad). The railroad provided area ranchers and farmers improved access for shipping agricultural products. It also provided a central area in which to develop a downtown business district (City of Elk Grove 2016:4-7).

Beginning in 1893, Elk Grove developed its identity and character as agricultural community with solid infrastructure to support residential, commercial, industrial, and agricultural development. Municipal facilities formed, including a water company, fire department, and free library. Three waves of construction occurred after a fire in 1892: rebuilding after the fire, beginning in 1893; municipal improvements in 1910; and redevelopment in the 1920s to replace 19th century schools and churches, and build infrastructure to accommodate automobiles. The most impressive developments during this period are associated with the growth of Elk Grove's wine industry, and the increase of fruit packing and shipping. Throughout the three-decade period of 1893 to 1926 (Middle Elk Grove Historical Period), Elk Grove remained a quiet farming community, only growing from approximately 400 to 800 persons (City of Elk Grove 2016:4-11).

Restrained growth in Elk Grove between 1927 and 1945 (Late Elk Grove Historical Period) was due to the Great Depression and World War II. The two principal areas of growth during this period included industrial wine production following the repeal of Prohibition, and the development of new auto-related facilities. Modest municipal and educational facilities were also constructed. The primary historic themes and events characterizing this period include municipal and educational improvements, growth of automobile facilities, industrial wine production and wine industry consolidation, Works Progress Administration efforts, and Japanese internment and its effect on agricultural production (City of Elk Grove 2016:4-18).

Post-World War II growth (Elk Grove's Suburbanization Historical Period ([1946–1967]) in Elk Grove included construction of single-family residential subdivisions and commercial buildings. These developments catered to the dependence on automobiles in the form of sprawling subdivisions and commercial facilities ringed by parking lots. Growth was aided by the 1957 widening of Highway 99 from two to four lanes. SR 99 provided rapid access to and from Sacramento and led to sustained residential and commercial development during the 1960s and explosive growth toward the end of the 20th century. The three primary historic themes and events characterizing this period are residential suburbs and commercial growth, school development in response to the baby boom, and the decline of Elk Grove's wine production (City of Elk Grove 2016:4-23).

The Old Town Policy area encompasses the Elk Grove Historic District, which is a listed resource on the NRHP. There are 85 properties within the Elk Grove Historic District identified eligible for listing in the Elk Grove Registry as local landmark or heritage resource. Of these properties:

- ▶ 36 properties are considered individually eligible,

- ▶ 39 properties are identified as potential contributors to the Elk Grove Historic District, and
- ▶ 10 properties appear to meet criteria for local listing individually and as contributors to the Elk Grove Historic District (City of Elk Grove 2019b).

RECORDS SEARCHES AND CONSULTATION

A records search for previously recorded archaeological and historic resources was conducted at the North Central Information Center, at California State University, Sacramento, for the Existing Conditions Report for the 2016 General Plan Update. The following information was reviewed as part of the records search:

- ▶ NRHP and CRHR,
- ▶ California Office of Historic Preservation Historic Property Directory,
- ▶ California Inventory of Historic Resources,
- ▶ California State Historic Landmarks,
- ▶ California Points of Historical Interest, and
- ▶ Historic properties reference map.

Archaeological Sites

As stated in the Existing Conditions Report, 37 archeological sites were identified within the General Plan Planning Area but have not been evaluated; one archaeological site has been evaluated and determined not eligible for inclusion in the CRHR (see Table 1 in Appendix E). Because of the sensitive nature of archaeological materials, the location of these sites is not for public disclosure.

Historic-period Features

As stated in the Existing Conditions Report, 65 historic-period features within the General Plan Planning Area have been previously recorded but not evaluated for listing in the NRHP, CRHR, and/or the Elk Grove Register of Historic Resources (see Table 2 in Appendix E). An additional 188 historic-period features have been previously evaluated (see Table 3 in Appendix E); 133 of these are listed in, or recommended eligible for listing in these registers. Historic-period features that have been recommended eligible for, or listed in, any of these registers are considered "historical resources" for the purposes of CEQA.

Tribal Cultural Resources

Native American Consultation

On March 18, 2022, in compliance with AB 52 requirements, the City sent notification letters to the following 11 tribal representatives:

- ▶ Lone Band of Miwok Indians; Sara Dutschke Setshwaelo, Chairperson
- ▶ Wilton Rancheria; Jesus Tarango, Chairperson
- ▶ Wilton Rancheria; Dahlton Brown, Director of Administration
- ▶ Wilton Rancheria; Steven Hutchason, THPO
- ▶ United Auburn Indian Community of the Auburn Rancheria; Gene Whitehouse, Chairperson
- ▶ Shingle Springs Band of Miwok Indians; Regina Cuellar, Chairperson
- ▶ Buena Vista Rancheria; Rhonda Morningstar Pope, Chairperson
- ▶ Nashville Enterprise Miwok-Maidu-Nishinam Tribe; Cosme Valdez, Chairperson
- ▶ Tsi Akim Maidu; Don Ryberg, Chairperson

- ▶ Tsi Akim Maidu; Grayson Coney, Cultural Director
- ▶ Chicken Ranch Rancheria of Me-Wuk Indians; Lloyd Mathiesen, Chairperson

No responses were received during the 30-day response period for AB 52 as defined in PRC Section 21080.3.2. However, through work on other development projects, the City is aware of one previously recorded resource, P-24-005225, that has been identified as a tribal cultural resource. P-24-5225 is a tribal cultural landscape identified by contemporary Nisenan as Hoyo Sayo/Tah Sayo and contemporary Plains Miwok as Wake-ce/Waka-Ly. The resource is defined by an approximately 55-mile-long corridor of the Lower Sacramento River. According to the documentation for the resource, the tribal cultural landscape is a culturally significant natural landscape for its association with the cultural practices and beliefs of the Nisenan and Plains Miwok, maintaining the continuing cultural identity of the living descendants and contributing to the broader patterns of prehistory. The feature is described as a landscape encompassing waterways, tule habitat, fisheries, and other wildlife from approximately Knights Landing in the north to approximately Sherman Island in the south. It has been recommended that this feature be eligible for listing in the NRHP under Criterion A (InContext 2020).

3.3.3 Impacts and Mitigation Measures

METHODOLOGY

This analysis identifies the potential impacts of implementation of the Project on archaeological, historical, and tribal cultural resources within the City and its Planning Area. This analysis is based on a review of the General Plan EIR and is also informed by the provisions and requirements of federal, state, and local laws and regulations that apply to cultural resources. The impact analysis considers the known archaeological, historical, and tribal cultural resource environmental setting in the area, as well as the potential for previously undocumented resources, including human remains, and physical effects (i.e., disturbance, material alteration, demolition) to known and previously undocumented cultural resources that could result from implementation of the Project.

PRC Section 21083.2(g) defines a “unique archaeological resource” as 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 one or more of the following CRHR-related criteria: (1) that it contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; (2) that it has a special and particular quality, such as being the oldest of its type or the best available example of its type; or (3) that it is directly associated with a scientifically recognized important prehistoric or historic event or person. An impact on a resource that is not unique is not a significant environmental impact under CEQA (State CEQA Guidelines Section 15064.5[c][4]). If an archaeological resource qualifies as a resource under CRHR criteria, then the resource is treated as a unique archaeological resource for the purposes of CEQA.

PRC Section 21074 defines “tribal cultural resources” as “sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe” that are listed or determined eligible for listing in the CRHR, listed in a local register of historical resources, or otherwise determined by the lead agency to be a tribal cultural resource.

For the purposes of the impact discussion, “historical resource” is used to describe built-environment historic-period resources. Archaeological resources (both prehistoric and historic-period), which may qualify as “historical resources” pursuant to CEQA, are analyzed separately from built-environment historical resources.

THRESHOLDS OF SIGNIFICANCE

Based on Appendix G of the State CEQA Guidelines, the Project would result in a significant impact on cultural resources if it would:

- ▶ cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 of the State CEQA Guidelines;
- ▶ cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the State CEQA Guidelines;
- ▶ cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe; or
- ▶ disturb any human remains, including those interred outside of dedicated cemeteries.

ISSUES NOT DISCUSSED FURTHER

All potential archaeological, historical, and tribal cultural resources issues identified in the significance criteria are evaluated below.

The purpose of the Project is to amend the City's General Plan land use designations to support residential and commercial growth in Elk Grove, specifically in the LEA Community Plan Area, Old Town Policy Area, and West and South Study Areas. The Project would develop the framework for walkable communities with amenities, such as commercial businesses. The update to the City's VMT thresholds would not result in physical development and therefore does not have the potential to trigger cultural resource impacts and this issue is not discussed further in this SEIR.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.3-1: Cause a Substantial Adverse Change in the Significance of a Historical Resource

General Plan EIR Impact 5.5.1 determined that implementation of the General Plan could result in impacts to historical resources and identified that implementation of Mitigation Measure MM 5.5.1a and MM 5.5.1b would reduce this impact to a less-than-significant level. Future development associated with the Project could be located on properties that contain previously unevaluated historic-age buildings or structures which could result in damage to or destruction to these features. If they are found to be eligible for listing in the NRHP, CRHR, or the Elk Grove Register of Historic Resources, the impact to historical resources would be potentially significant. All projects within the City would be subject to adopted General Plan Mitigation Measure MM 5.5.1a and MM 5.5.1b. As part of the Project adopted Mitigation Measures MM 5.5.1a and MM 5.5.1b would be modified to provide additional clarity and separate the requirements and procedures for historical resources from archaeological resources. Therefore, there is no new significant effect and the impact is not more severe than the impact identified in the General Plan EIR. The Project would remain a **less-than-significant** impact to historical resources.

Proposed Changes to Adopted General Plan Mitigation Measure MM 5.5.1b

The Project includes revisions to adopted Mitigation Measure MM 5.5.1a and MM 5.5.1b to clearly separate the requirements and procedures for historical resources from archaeological resources. Proposed revisions to Mitigation Measure MM 5.5.1b addresses historical resources, and are consistent with Chapter 7 of the Elk Grove Municipal Code. All development projects within the City would be subject to adopted Mitigation Measure MM 5.5.1b, as revised, which requires that future projects complete historical resource studies to identify resources, evaluate potential effects, and develop appropriate mitigation. Proposed revisions to Mitigation Measure MM 5.5.b are shown below with added language underlined.

Mitigation Measure MM 5.5.1b

As part of the development review process for projects involving modification to existing buildings and structures, require all affected buildings and structures over 50 years of age to be evaluated for historical significance, using the significance criteria set forth for historic resources under CEQA Guidelines Section 15064.5, which are also the criteria for listing in the Elk Grove Register of Historic Resources, contained in Section 7.00.050 of the Municipal Code. For buildings or structures that do not meet the CEQA criteria for historical resource, no further mitigation is required.

If the building or structure can be preserved on site, but remodeling, renovation or other alterations are required, this work shall be conducted in compliance with the "Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings" (Weeks and Grimmer 1995).

If a significant historic building or structure is proposed for demolition, the City shall ensure that a qualified architectural historian thoroughly documents the building and associated landscaping, if applicable, and setting. Documentation shall be to the applicable level (short form, Level I, Level II, or Level III) of Historic American Building Survey or Historic American Engineering Record documentation. This is consistent with Section 7.00.080(B)(5) of the Elk Grove Municipal Code. A copy of the record shall be deposited with the City, Elk Grove Historical Society, and the North Central Information Center, at minimum. The record shall be accompanied by a report containing site-specific history and appropriate contextual information.

Subsequent projects under the General Plan would be subject to adopted Mitigation Measure MM 5.5.1b, as revised, which would avoid potential impacts to historical resources. This mitigation measure would be implemented through subsequent development application submittals to the City for design review that include buildings and structures over 50 years of age and identification of measures to mitigate significant historic resource impacts. There is no new significant effect and the impact is not more severe than the impact identified in the General Plan EIR. With implementation of General Plan revised Mitigation Measure MM 5.5.1b, the Project would result in a **less-than-significant** impact to historical resources.

LEA Community Plan Area

The majority of the LEA Community Plan Area is currently designated by the General Plan for low and high-density residential, light industrial, or park and recreation uses. Implementation of the Project would result in changes to the land use designations of the LEA Community Plan Area that would accommodate increased development densities and intensities, as described in Chapter 2, "Project Description," to support multi-family and mixed-use development along urban economic centers. Future development could be located on properties that contain previously unevaluated historic-age buildings or structures that could be eligible for listing in the NRHP, CRHR, or the Elk Grove Register of Historic Resources. However, implementation of the LEA Community Plan and the associated policies would not expand the development/disturbance footprint beyond what was addressed in the impact analysis of the General Plan EIR.

Historical resources include standing buildings (e.g., houses, barns, cabins) and intact structures (e.g., dams, bridges, water conveyance systems). Historical resources dating to Elk Grove's historic periods are important to identify and protect. Resource types from the early Elk Grove historical period (1868-1892), middle Elk Grove historical period (1893-1926), late Elk Grove historical period (1927-1945), and Elk Grove's suburbanization historical period (1946-1967) include early ranches, transportation features, cemeteries, and agricultural, residential, educational, commercial, industrial, social, and municipal properties.

Development under the Project could result in damage to or destruction of a building or structure that has not yet been evaluated for historical significance. Future development associated with the Project could be located on properties that contain previously unevaluated historic-age buildings or structures, as described above, which could result in damage to or destruction to historic features if they are found to be eligible for listing in the NRHP, CRHR, or the Elk Grove Register of Historic Resources.

Impact 5.5.1 of the General Plan EIR evaluated the potential for implementation of the General Plan to result in impacts to historical resources. This impact was determined to be potentially significant, however implementation of

Mitigation Measure 5.5.1a and General Plan Policy HR-2-1 that requires the protection and preservation of historic resources would reduce the impact to a less-than-significant level.

Portions of the LEA Community Plan Area have been previously analyzed in certified CEQA documents for the following projects: Southeast Policy Area Strategic Plan, Laguna Ridge Specific Plan, and Lent Ranch Marketplace Specific Plan. Mitigation measures from these CEQA documents, as shown in Appendix G, include requirements to preserve and protect historic resources. This included further evaluation of potential historic structures at 8533 and 8551 Poppy Ridge Road (Laguna Ridge Specific Plan adopted Mitigation Measure MM 4.10.2) as well as potential historic structures at 7809 and 8011 Kammerer Road (Southeast Policy Area Strategic Plan adopted Mitigation Measure MM 5.5.1d). These sites are located outside of the LEA Community Plan Area. As identified above, revised Mitigation Measure MM 5.5.1b contains the same performance standards and is equivalent in effectiveness as mitigation contained in the prior environmental documents. This mitigation measure is consistent with and helps to implement the requirements of Elk Grove Municipal Code Chapter 7.00, Historic Preservation. Revised Mitigation Measure MM 5.5.1b would be applied to the LEA Community Plan Area and no application of previously adopted mitigation measures for the projects identified above is required. Any existing structures within the LEA Community Plan would be subject to this Mitigation Measure prior to approval of any subsequent approvals. There is no new significant effect and the impact is not more severe than the impact identified in the General Plan EIR. With implementation of General Plan revised Mitigation Measure MM 5.5.1b, impacts to historical resources would remain **less-than-significant**.

General Plan Land Use Designation Amendments

The magnitude of development and potential for damage to or destruction of historical resources anticipated from the proposed General Plan land use amendments in the Old Town Policy Area is included in the overall development associated with the Project. As discussed above under LEA Community Plan, impacts related to the damage to, or destruction of historical resources would remain **less than significant** with implementation of Mitigation Measure 5.5.1b. Additionally, the Old Town Elk Grove SPA Design Standards and Guidelines establishes a process for review of development projects within the Old Town Policy Area to preserve the historical integrity of the area. There is no new significant effect and the impact is not more severe than the impact identified in the General Plan EIR.

Grant Line Road Precise Roadway Study

The Precise Study was prepared to analyze potential geometric layouts along Grant Line Road. Buildout of roadway configurations, including all alternatives of the Precise Study, would result in the same potential to damage to or destroy historical resources as those anticipated from the build out of the LEA Community Plan as discussed above. Therefore, there would remain a **less-than-significant** impact with implementation of revised Mitigation Measure MM 5.5.1b from development of the Precise Study. There is no new significant effect and the impact is not more severe than the impact identified in the General Plan EIR.

South and West Study Areas

The magnitude of development and potential for damage to or destruction of historical resources anticipated within the South and West Study Areas is included in the overall development associated with the Project. As discussed above under LEA Community Plan, impacts related to the damage to, or destruction of historical resources would remain **less than significant** with implementation of revised Mitigation Measure MM 5.5.1b. There is no new significant effect and the impact is not more severe than the impact identified in the General Plan EIR.

Mitigation Measures

No new mitigation is required beyond compliance with General Plan Policy HR-2-1 and implementation of adopted General Plan Mitigation Measure MM 5.5.1b, as revised.

Impact 3.3-2: Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources

General Plan EIR Impact 5.5.1 determined that implementation of the General Plan could result in significant impacts to archaeological resources and identified that implementation of Mitigation Measures 5.5.1a and 5.5.1b would reduce this impact to a less-than-significant level. Future development associated with the Project could be located on properties that contain known or unknown archaeological resources and ground-disturbing activities could result in discovery or damage of yet undiscovered archaeological resources as defined in CEQA Guidelines Section 15064.5. This would be a potentially significant impact. However, all projects within the City would be subject to adopted General Plan Mitigation Measure MM 5.5.1a. As part of the Project adopted Mitigation Measure MM 5.5.1a would be modified to provide additional clarity and separate the requirements and procedures for archaeological resources from historical resources. Therefore, there is no new significant effect and the impact is not more severe than the impact identified in the General Plan EIR. The Project would remain a **less-than-significant** impact to archaeological resources.

Proposed Changes to Adopted General Plan Mitigation Measure MM 5.5.1b

The Project includes revisions to adopted Mitigation Measure MM 5.5.1a (and merging of MM 5.5.1a and 5.5.1b) to clearly separate the steps for archaeological resources from historical resources. Revised Mitigation Measure MM 5.5.1a addresses archaeological resources and outlines investigation levels and steps based on archaeological sensitivity and level of ground disturbance. All development projects within the City would be subject to adopted Mitigation Measure MM 5.5.1a, as revised.

Mitigation Measure MM 5.5.1a(1) addresses the potential for encountering undiscovered cultural resources. Mitigation Measure MM 5.5.1a(2) requires that future projects complete archaeological studies to identify cultural resources, evaluate potential effects, and develop appropriate mitigation. Mitigation Measure MM 5.5.1a(3) requires the preparation of a Worker Environmental Awareness Program. Revised Mitigation Measure MM 5.5.1a is show below with changes shown in ~~strikeout~~ and underline.

Mitigation Measure MM 5.5.1a

Prior to the approval of subsequent development projects in the Planning Area, the City shall determine the level of archaeological sensitivity based on the previously prepared confidential archaeological sensitivity map, in combination with the level of previous disturbance of the project area and anticipated level of ground disturbance, as shown below.

	<u>Developed, proposed ground disturbance less than 24"</u>	<u>Not previously developed, proposed ground disturbance less than 24"</u>	<u>Developed, proposed ground disturbance more than 24"</u>	<u>Not previously developed, proposed ground disturbance below 24"</u>
<u>low area of archaeological sensitivity</u>	<u>minimum investigation</u>	<u>minimum investigation</u>	<u>minimum investigation</u>	<u>moderate investigation</u>
<u>medium area of archaeological sensitivity</u>	<u>minimum investigation</u>	<u>moderate investigation</u>	<u>moderate investigation</u>	<u>intensive investigation</u>
<u>high area of archaeological sensitivity</u>	<u>moderate investigation</u>	<u>intensive investigation</u>	<u>intensive investigation</u>	<u>intensive investigation</u>

- ▶ Minimum Investigation: Implement Mitigation Measure 5.5-1a(1).
- ▶ Moderate Investigation: Implement Mitigation Measure 5.5-1a(1) and (2).
- ▶ Intensive Investigation: Implement Mitigation Measure 5.5-1a(1), (2), and (3).

Mitigation Measure 5.5.1b

- 1) Unless the project qualifies for part (2) below, no cultural resources study shall be required as part of the project consideration. If ~~cultural resources~~ archaeological materials or tribal cultural resources are

discovered during grading or construction activities within the project site Planning Area, work shall halt immediately within 50 feet of the discovery, the Planning Division Department shall be notified, and a qualified professional shall be retained. As related to archaeological materials, 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. As related to tribal cultural resources, a "qualified professional" consists of the geographically and culturally affiliated tribe.

If resources are determined to be potentially significant, the City shall require the preparation of a treatment plan and report of findings for cultural archaeological and tribal cultural resources by a qualified professional. 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 archaeological and tribal cultural resources.

- 2) A detailed cultural resources study of the subject property shall be conducted by either the City or the applicant and then peer reviewed by the City. The report shall include a records search of the North Central Information Center, the Native American Heritage Commission, tribal outreach, and a pedestrian field survey. The cultural resources study shall identify, evaluate, and mitigate impacts to archaeological and tribal 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.
- 3) Prior to the start of any ground disturbing activities, a qualified archaeologist meeting the United States Secretary of Interior guidelines for professional archaeologists shall be retained to develop a construction worker awareness brochure. This brochure shall be distributed to all construction personnel and supervisors who will have the potential to encounter cultural resources. The topics to be addressed in the Worker Environmental Awareness Program will include, at a minimum:
 - ▶ types of cultural resources expected in the project area;
 - ▶ what to do if a worker encounters a possible resource;
 - ▶ what to do if a worker encounters bones or possible bones; and
 - ▶ penalties for removing or intentionally disturbing cultural resources, such as those identified in the Archeological Resources Protection Act.

Subsequent projects under the General Plan would be subject to adopted General Plan Mitigation Measure MM 5.5.1a, as revised, which would avoid potential impacts to archaeological resources. This mitigation measure would be implemented through subsequent development application submittals to the City for design review that include archaeological evaluations and identification of measures to address archaeological resource impacts. As identified above, these changes to the mitigation measure would retain and expand the performance standards of the previous mitigation measure to protect archaeological resources. There is no new significant effect and the impact is not more severe than the impact identified in the General Plan EIR. With implementation of General Plan revised Mitigation Measure MM 5.5.1a, the Project would result in a **less-than-significant** impact to archaeological resources.

LEA Community Plan Area

The majority of the LEA Community Plan Area is currently designated under the General Plan for low and high-density residential, office, light industrial, and retail uses. Implementation of the Project would result in changes to the

land use designations of the LEA Community Plan Area that would accommodate increased development densities and intensities, as described in Chapter 2, "Project Description," to support multi-family and mixed-use development along urban economic centers. Construction of these uses would include ground-disturbing construction activities that could damage archaeological resources. However, implementation of the LEA Community Plan and the associated policies would not expand the development/disturbance footprint beyond what was addressed in the impact analysis of the General Plan EIR.

The Project is located in a region where prehistoric and historic-period archaeological resources have been recorded and there remains a potential that undocumented resources could be unearthed or otherwise discovered during ground-disturbing and construction activities. Prehistoric or ethnohistoric materials might include flaked stone tools, tool-making debris, stone milling tools, shell or bone items, and fire-affected rock or soil darkened by cultural activities (midden); examples of significant discoveries would include villages and cemeteries. Historic-period materials might include metal, glass, or ceramic artifacts; examples of significant discoveries might include former privies or refuse pits. Development under the Project would result in soil disturbance and because of the possible presence of undocumented archaeological resources within the Project site, which could destroy or damage resources.

Impact 5.5.1 of the General Plan EIR evaluated the potential for implementation of the General Plan to result in impacts to archaeological resources. This impact was determined to be potentially significant, however implementation of Mitigation Measures MM 5.5.1a and MM 5.5.1b would reduce the impact to a less-than-significant level.

Portions of the LEA Community Plan Area have been previously analyzed in certified CEQA documents for the following projects: Southeast Policy Area Strategic Plan, Laguna Ridge Specific Plan, and Lent Ranch Marketplace Specific Plan. Mitigation measures from these CEQA documents, as shown in Appendix G, include requirements to preserve and protect archaeological resources. Mitigation Measure MM 5.5.1a contains the same performance standards and is equivalent in effectiveness as mitigation contained in the prior environmental documents. Mitigation Measure MM 5.5.1a would be applied to the LEA Community Plan Area and no application of previously adopted mitigation measures for the projects identified above is required. There is no new significant effect and the impact is not more severe than the impact identified in the General Plan EIR. With implementation of adopted General Plan Mitigation Measure MM 5.5.1a, as revised, the Project would remain a **less-than-significant** impact to archaeological resources.

General Plan Land Use Designation Amendments

The magnitude of ground disturbance and potential to disturb archaeological resources anticipated from the proposed General Plan land use amendments in the Old Town Policy Area is included in the overall development associated with the Project. As discussed above under LEA Community Plan, impacts related to the disturbance of archaeological resources would remain **less than significant** with implementation of revised Mitigation Measure MM 5.5.1a. There is no new significant effect and the impact is not more severe than the impact identified in the General Plan EIR.

Grant Line Road Precise Study

The Precise Plan was prepared to analyze potential geometric layouts along Grant Line Road. Buildout of roadway configurations, including all alternatives of the Precise Plan, would result in the same potential to disturb archaeological resources as those anticipated from the build out of the LEA Community Plan as discussed above. Therefore, there would remain a **less-than-significant** impact from development of the Precise Plan with implementation of revised Mitigation Measure MM 5.5.1a. There is no new significant effect and the impact is not more severe than the impact identified in the General Plan EIR.

South and West Study Areas

The magnitude of ground disturbance and potential to disturb archaeological resources anticipated within the South and West Study Areas is included in the overall development associated with the Project. As discussed above under LEA Community Plan, impacts to the disturbance of archaeological resources would remain **less than significant** with implementation of revised Mitigation Measure MM 5.5.1a. There is no new significant effect and the impact is not more severe than the impact identified in the General Plan EIR.

Mitigation Measures

No new mitigation is required beyond implementation of adopted General Plan EIR Mitigation Measure MM 5.5.1a, as revised.

Impact 3.3-3: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource

No California Native American tribes responded to AB 52 notification letters, however, one tribal cultural resource is known to exist in the Planning Area. It is possible that additional tribal cultural resources could be identified during analysis of subsequent projects associated with the Project. General Plan EIR Impact 5.5.1 determined that implementation of the General Plan could result in impacts to tribal cultural resources and identified that implementation of Mitigation Measures 5.5.1a and 5.5.1b would be required. However, compliance with PRC Section 21080.3.2 and Section 21084.3 (a) would reduce this impact to less than significant. Therefore, there is no new significant effect and the impact is not more severe than the impact identified in the General Plan EIR. The Project would continue to result in a **less-than-significant** impact to tribal cultural resources.

LEA Community Plan Area

The majority of the LEA Community Plan Area is currently designated by the General Plan for low and high-density residential, light industrial, office, and retail uses. Implementation of the Project would result in changes to the land use designations of the LEA Community Plan Area that would accommodate increased development densities and intensities, as described in Chapter 2, "Project Description," to support multi-family and mixed-use development along urban economic centers. Construction of these uses would include ground-disturbing construction activities that could damage tribal cultural resources. However, implementation of the LEA Community Plan and the associated policies would not expand the development/disturbance footprint beyond what was addressed in the impact analysis of the General Plan EIR.

Impact 5.5.1 of the General Plan EIR evaluated the potential for implementation of the General Plan to result in impacts to tribal cultural resources. During the General Plan EIR process, the City also developed a sensitivity map in coordination with consulting tribes. This confidential map identifies areas of low, medium, and high areas of archaeological sensitivity throughout the Planning Area. The impact was determined to be potentially significant and required the implementation of Mitigation Measures 5.5.1a and 5.5.1b. However, this mitigation is not required because compliance with PRC Section 21080.3.2 and Section 21084.3 (a) would provide the same level of protection for tribal cultural resources as proposed mitigation.

As detailed above, the City of Elk Grove sent letters to 11 tribal representatives in compliance with AB 52. No response was received during the 30-day response period for AB 52 as defined in PRC Section 21080.3.2. This attempt at consultation resulted in the identification of no resources in the General Plan Planning Area considered to be tribal cultural resources as described under AB 52 and defined in PRC Section 21074. However, as described above, P-24-005225 was identified during previous development projects. The setting (landscape) has been heavily altered over the past century, but it still retains enough of the character-defining elements (waterways, tule, fisheries, and other wildlife) to convey the significance of this resource (InContext 2020). It should be noted that within the developed areas of the General Plan Planning Area, the primary attributes of this tribal cultural resources landscape (i.e., waterways, tule habitat, fisheries, and other wildlife) do not occur. The LEA Community Plan Area is also located outside of the boundaries of the P-24-005225.

Nevertheless, it is possible that subsequent discretionary projects upon annexation to the City of Elk Grove may be required to prepare site-specific project-level analysis to fulfill CEQA requirements, which may include additional AB 52 consultation that could lead to the identification of tribal cultural resources.

California law recognizes the need to identify and protect tribal cultural resources; the procedures for the treatment of Native American resources are contained in California PRC 21081.3.1.

- ▶ Within 14 days of determining that a project application is complete, or to undertake a project, the lead agency must provide formal notification, in writing, to the tribes that have requested notification of proposed projects in the lead agency's jurisdiction. If it wishes to engage in consultation on the project, the tribe must respond to the lead agency within 30 days of receipt of the formal notification. The lead agency must begin the consultation

process with the tribes that have requested consultation within 30 days of receiving the request for consultation. Consultation concludes when either: 1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource, or 2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.

- ▶ Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource (PRC Section 21084.3 (a)). If the lead agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process, new provisions in the PRC describe mitigation measures that, if determined by the lead agency to be feasible, may avoid or minimize the significant adverse impacts (PRC Section 21084.3 (b)). Examples include:
 1. Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 2. Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - (A) Protecting the cultural character and integrity of the resource
 - (B) Protecting the traditional use of the resource
 - (C) Protecting the confidentiality of the resource.
 3. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 4. Protecting the resource.

Compliance with California PRC 21080.3.1 would provide an opportunity to avoid or minimize the disturbance of previously unknown tribal cultural resources, and to appropriately treat any that are discovered. Therefore, there is no new significant effect and the impact is not more severe than the impact identified in the General Plan EIR. This impact would remain **less than significant**.

General Plan Land Use Designation Amendments

The magnitude of ground disturbance and potential to disturb tribal cultural resources anticipated from the proposed General Plan land use amendments in the Old Town Policy Area is included in the overall development associated with the Project. As discussed above under LEA Community Plan, impacts related to the disturbance of tribal cultural resources would remain **less than significant**. There is no new significant effect and the impact is not more severe than the impact identified in the General Plan EIR.

Grant Line Road Precise Roadway Study

The Precise Study was prepared to analyze potential geometric layouts along Grant Line Road. Buildout of roadway configurations, including all alternatives of the Precise Plan, would result in the same potential to disturb tribal cultural resources as those anticipated from the build out of the LEA Community Plan as discussed above. Therefore, the impact from development of the Precise Study would remain **less-than-significant**. There is no new significant effect and the impact is not more severe than the impact identified in the General Plan EIR.

South and West Study Areas

The magnitude of ground disturbance and potential to disturb tribal cultural resources anticipated within the South and West Study Areas is included in the overall development associated with the Project. As discussed above under LEA Community Plan, impacts to the disturbance of tribal cultural resources would remain **less than significant**. There is no new significant effect and the impact is not more severe than the impact identified in the General Plan EIR.

Mitigation Measures

No additional mitigation is required beyond compliance with California PRC 21081.3.

Impact 3.3-4: Disturb Human Remains

It is possible that ground-disturbing construction activities associated with the Project could uncover previously unknown human remains. General Plan EIR Impact 5.5.1 determined that implementation of the General Plan could result in impacts to the disturbance of human remains and identified that implementation of Mitigation Measure MM 5.5.1b would be required. However, compliance with California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097 would reduce this impact less than significant. Therefore, there is no new significant effect and the impact is not more severe than the impact identified in the General Plan EIR. The Project would continue to result in a **less-than-significant** impact to human remains.

LEA Community Plan Area

The majority of the LEA Community Plan Area is currently designated by the General Plan for low and high-density residential, light industrial, office, and retail uses. Implementation of the Project would result in changes to the land use designations of the LEA Community Plan Area that would accommodate increased development densities and intensities, as described in Chapter 2, "Project Description," to support multi-family and mixed-use development along urban economic centers. Construction of development proposed in the LEA Community Plan Area would include ground-disturbing construction activities that could uncover previously unknown human remains. However, implementation of the LEA Community Plan and the associated policies would not expand the development/disturbance footprint beyond what was addressed in the impact analysis of the General Plan EIR.

The Plains Miwok have historically occupied the lands of the General Plan Planning Area. Because the location of grave sites and Native American remains can occur outside of identified cemeteries or burial sites, there is a possibility that unmarked, previously unknown Native American or other graves could be present within the LEA Community Plan Area and could be uncovered by Project-related construction activities.

Impact 5.5.1 of the General Plan EIR evaluated the potential for implementation of the General Plan to result in impacts to human remains. This impact was determined to be potentially significant and required the implementation of Mitigation Measure MM 5.5.1b. However, this mitigation is no longer required because compliance with California Health and Safety Code Section 7050.5 and California PRC Section 5097 would provide the same level of protection for human remains. Implementation of proposed revisions to General Plan Mitigation Measure 5.5.1a would also address discovery of human remains that would trigger actions under Health and Safety Code Section 7050.5 and California PRC Section 5097.

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

These statutes require that, if human remains are discovered, potentially damaging ground-disturbing activities in the area of the remains shall be halted immediately, and the appropriate County coroner shall be notified immediately. If the remains are determined by the coroner to be Native American, NAHC shall be notified within 24 hours and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. Following the coroner's findings and recommendations of the NAHC-designated Most Likely Descendant, the landowner shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments, if present, are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in PRC Section 5097.94.

Portions of the LEA Community Plan Area have been previously analyzed in certified CEQA documents for the following projects: Southeast Policy Area Strategic Plan, Laguna Ridge Specific Plan, and Lent Ranch Marketplace Specific Plan. Mitigation measures from these CEQA documents, as shown in Appendix G, include requirements to address and protect discovered human remains. These mitigation measures use and refer to the standards set forth

in Health and Safety Code Section 7050.5 and California PRC Section 5097. Compliance with California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097 as well as implementation of revised General Plan Mitigation Measure 3.5.1a would avoid or minimize the disturbance of human remains, and to appropriately treat any remains that are discovered. No application of previously adopted mitigation measures for the projects identified above is required. There is no new significant effect and the impact is not more severe than the impact identified in the General Plan EIR. Impacts would remain **less than significant**.

General Plan Land Use Designation Amendments

The magnitude of ground disturbance and potential to disturb human remains anticipated from the proposed General Plan land use amendments in the Old Town Policy Area is included in the overall development associated with the Project. As discussed above under LEA Community Plan, impacts related to the disturbance of human remains would remain **less than significant**. There is no new significant effect and the impact is not more severe than the impact identified in the General Plan EIR.

Grant Line Road Precise Roadway Study

The Precise Study was prepared to analyze potential geometric layouts along Grant Line Road. Buildout of roadway configurations, including all alternatives of the Precise Study, would result in the same potential to disturb human remains as those anticipated from the build out of the LEA Community Plan as discussed above. Therefore, there would be remain **less-than-significant** impact from development of the Precise Plan. There is no new significant effect and the impact is not more severe than the impact identified in the General Plan EIR.

South and West Study Areas

The magnitude of ground disturbance and potential to disturb human remains anticipated within the South and West Study Areas is included in the overall development associated with the Project. As discussed above under LEA Community Plan, impacts related to the disturbance of human remains would remain **less than significant**. There is no new significant effect and the impact is not more severe than the impact identified in the General Plan EIR.

Mitigation Measures

No additional mitigation is required beyond compliance with California Health and Safety Code Section 7050.5 and California PRC Section 5097.

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