

07 CULTURAL RESOURCES

INTRODUCTION

This chapter describes the regulatory and environmental setting for cultural resources in the project area, identifies and analyzes impacts related to cultural resources from implementation of the Barrett Ranch project, and, if necessary, recommends mitigation measures to reduce or eliminate significant impacts.

CULTURAL RESOURCES BACKGROUND

Under CEQA, lead agencies must consider the effects of their projects on historical resources. This chapter describes the potential impacts to cultural resources that could occur as a result of implementation of the proposed Barrett Ranch project. Cultural/historical resources may include historic buildings and structures, historic districts, historic sites, culturally sacred or significant sites, prehistoric and historic archaeological sites, and other prehistoric and historic objects and artifacts.

Overall, cultural resources that are known to exist and those that may be present on the Project site include the categories described in Table CR-1, identified pursuant to *California Code of Regulations, Title 14, Section 4852*.

Table CR-1: Categories of Cultural Resources

<u>Category</u>	<u>Description</u>	<u>Example</u>
Building	Structures created principally to shelter or assist in carrying out any form of human activity. May also refer to a historically and functionally related unit (e.g., courthouse and jail).	Houses, barns, churches, factories, and hotels
Site	A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archeological value regardless of the value of any existing building, structure, or object. A site need not be marked by physical remains if it is the location of a prehistoric event, and if no buildings, structures, or objects marked it at that time.	Trails, designed landscapes, battlefields, habitation sites, Native American ceremonial areas, petroglyphs, and pictographs
Structure	The term "structure" is used to describe a construction made for a functional purpose rather than creating human shelter.	Mines, bridges, and tunnels
Object	The term "object" is used to describe those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed, as opposed to a building or a structure. Although it may be moveable by nature or design, an object is associated with a specific setting or environment. Objects should be in a setting appropriate to their significant historic use, role, or	Fountains, monuments, maritime resources, sculptures, and boundary markers

	character. Objects that are relocated to a museum are not eligible for listing in the California Register.	
Historic District	Unified geographic entities which contain a concentration of historic buildings, structures, objects, or sites united historically, culturally, or architecturally. Historic districts are defined by precise geographic boundaries. Therefore, districts with unusual boundaries require a description of what lies immediately outside the area, in order to define the edge of the district and to explain the exclusion of adjoining areas.	---

The following analysis provides an overview of known cultural resources within the Project site and identifies any potential adverse impacts associated with the Project, as well as potential unknown resources. The analysis also recommends mitigation measures to reduce impacts to cultural resources within the Project site.

The applicant retained Peak & Associates, Inc. to conduct a cultural resources inventory of the project site (*Determination of Eligibility and Effect for the Barrett Ranch East Project, Sacramento County, California, November 2014*) who relied heavily on the recent inventory and study done by PAR Environmental Services on the project site (*Cultural Resources Inventory of the Barrett Ranch East Rezone Project, Sacramento County, California, August 2012*). The following chapter is based on and contains portions of the Peak and Associates and PAR Environmental Services reports.

CULTURAL RESOURCES SETTING

PREHISTORY

Moratto (1984) indicated Central California prehistory developed for approximately the last 5,000 years. The earliest well defined archaeological pattern is the Windmill Pattern, which is identified from components dated to between 4,000 and 5,000 Before Present (BP). Moratto suggests that Windmill people may have moved seasonally between the Valley and the Sierra Nevada foothills (Moratto 1984). Windmill assemblages typically contain numerous materials that derive from the Sierra metamorphic deposits including schist, quartz crystals and metachert. Obsidian is generally of trans-Sierran origin, while beads and ornaments of marine shell indicate connections with the coast (Moratto 1984).

The Windmill pattern is succeeded by the Meganos Aspect and Berkeley Pattern. Bennyhoff suggests that the Meganos was an aspect of the Windmill Pattern in the lower San Joaquin Valley, while other investigators have considered it an aspect of the Berkeley Pattern of the San Francisco Bay region. Moratto infers that the transition from Windmill to Berkeley Pattern may have been a lingering process, possibly protracted for as much as a thousand years (Moratto 1984). Bennyhoff and Hughes (1987) provide an alternative view of problems determining the end of the Windmill, suggesting that the Windmill lasted as late as 2,500 BP and the Berkeley - Augustine transition was as late as 1,300 to 1,000 years BP. Berkeley Pattern components in the

lower Sacramento Valley are noted for abundant bone artifacts, flexed to tightly flexed interments, mortar and pestle as the dominant milling equipment and obsidian artifacts that frequently derive from the Napa obsidian source in the North Coast Range.

The final archaeological pattern is called Augustine, which marks the emergence of the identifiable record of the ethnographic population of California. The Augustine Pattern has been traditionally considered to extend from 1,500 BP to the time of historic contact with the final phase of the Augustine representing the period immediately after historic contact. Recent work such as that of Bennyhoff and Hughes (1987) suggests that the inception of Phase I of Augustine may not have occurred until possibly as late 1,100 to 1,000 BP. Augustine Pattern components are distinguished by the introduction of the bow and arrow, the appearance of shell bead money, the acorn and fishing as important subsistence staples, tightly flexed interments without discernible orientation preferences, and evidence of complex ceremonial activities including specialized structures for ritual purposes. Structures in lower Sacramento Valley settlements were semisubterranean, round houses with earth covered superstructures and may have served multiple families. Villages are often large and there is evidence that some may have been permanently occupied by sedentary or semi-sedentary populations (Bennyhoff 1994).

ETHNOGRAPHIC CONTEXT

Ethnography is the written record of a culture. Archaeology can be combined with ethnography to identify groups more specifically. Ethnographic records (from missions and other documents) show that the groups that inhabited Sacramento County are the Nisenan, or Southern Maidu, and the Plains Miwok, a subgroup of the Eastern Miwok. The Plains Miwok traditional territory included the lower reaches of the Cosumnes and Mokelumne Rivers and extended west to the Sacramento River from Rio Vista north to Freeport (Levy 1978). Ethnographers generally agree that Nisenan territory included the drainages of the Bear, American, Yuba, and southern Feather Rivers and extended from the Sacramento River east to the crest of the Sierra Nevada (Beals 1933, Faye 1923, Gifford 1927, Kroeber 1925, Powers 1976, Wilson and Towne 1978). Thus, the proposed Project is located within the territory commonly attributed to the ethnographic Nisenan.

NISENAN

As shown, ethnographically, the Project area is in the southwestern portion of the territory occupied by the Penutian-speaking Nisenan. As a language, Nisenan (meaning “from among us” or “of our side”) has three main dialects – Northern Hill, Southern Hill, and Valley Nisenan, with three or four subdialects (Kroeber 1976, Shipley 1978, Wilson and Towne, 1978). The Valley Nisenan lived along the Sacramento River, primarily in large villages with populations of several hundred each. Between there and the foothills, the grassy plains were largely unsettled, used mainly as a foraging ground by both valley and hill groups. Individual and extended families “owned” hunting and gathering grounds, and trespassing was discouraged (Kroeber 1976, Wilson and Towne 1978). Residence was generally patrilocal, but couples actually had a choice in the matter (Wilson and Towne 1978).

Politically, the Nisenan were divided into “triblets”, made up of a primary village and a series of outlying hamlets, presided over by a more-or-less hereditary chief (Kroeber 1976, Wilson and Towne 1978). Villages typically included family dwellings, acorn granaries, a sweathouse, and a dance house, owned by the chief. The chief had little authority to act on his own or her own, but with the support of the shaman and the elders, the word of the chief became virtually the law (Wilson and Towne 1978).

Subsistence activities centered on the gathering of acorns (tan bark oak and black oak were preferred), seeds, and other plant resources, the hunting of animals such as deer and rabbits, and fishing. Large predators, such as mountain lions and wildcats were hunted for their meat and skins, and bears were hunted ceremonially. Although acorns were the staple of the Nisenan diet, they also harvested roots like wild onion and “Indian potato”, which were eaten raw, steamed, baked, or dried and processed into flour cakes to be stored for winter use (Wilson and Towne 1978). Wild garlic was used as soap/shampoo, and wild carrots were used medicinally (Littlejohn 1928). Seeds from grasses were parched, steam dried, or ground and made into a mush. Berries were collected, as were other native fruits and nuts. Game was prepared by roasting, baking, or drying. In addition, salt was obtained from a spring near modern-day Rocklin (Wilson and Towne 1978).

Hunting of deer often took the form of communal drives, involving several villages, with killing done by the best marksmen from each village. Snares, deadfalls, and decoys were used as well. Fish were caught by a variety of methods including use of hooks, harpoons, nets, weirs, traps, poisoning, and by hand (Wilson and Towne 1978).

Trade was important with goods traveling from the coast and valleys up into the Sierra Nevada mountains and beyond to the east, and vice versa. Coastal items like shell beads, salmon, salt, and foothills pine nuts were traded for resources from the mountains and farther inland, such as bows and arrows, deer skins, and sugar pine nuts. In addition, obsidian was imported from the north (Wilson and Towne 1978).

The Spanish arrived on the central California coast in 1769 and by 1776 the Miwok territory bordering the Nisenan on the south had been explored by Jose Canizares. In 1808, Gabriel Moraga crossed Nisenan territory, and in 1813, a major battle was fought between the Miwok and the Spaniards near the mouth of the Cosumnes River. Though the Nisenan appear to have escaped being removed to missions by the Spanish, they were not spared the ravages of European diseases. In 1833, an epidemic – probably malaria – raged through the Sacramento valley, killing an estimated 75 percent of the native population. When John Sutter erected his fort at the future site of Sacramento in 1839, he had no problem getting the few Nisenan survivors to settle nearby. The discovery of gold in 1848 at Sutter’s Mill, near the Nisenan village of Colluma (now Coloma) on the south fork of the American River, drew thousands of miners to the area, and led to widespread killing and the virtual destruction of traditional Nisenan culture. By the Great Depression, no Nisenan remained who could remember the days before the arrival of the Euro-Americans (Wilson and Towne 1978).

HISTORICAL CONTEXT

The study area lies within the unsectioned lands of the original Rancho del Paso Land Grant. The 44,000-acre Rancho del Paso was granted to Eliab Grimes by the Mexican government in December of 1844. John Sinclair, born in Scotland, had settled here as early as 1841, building a house on the grant land two and one half miles from Sutter's Fort. For a time, this house was the first dwelling reached by the overland emigrant trains after crossing the Sierra Nevada (Hoover, Rensch and Rensch 1970:197).

Hiram Grimes acquired the land in 1848 after the death of his uncle, Eliab Grimes. Sinclair sold his interest in the grant to Hiram Grimes in February, 1849, to return to the eastern United States. Grimes subsequently sold out to Samuel Norris in August, 1849. Norris held the grant until 1862, raising wheat and cattle. The grant was formally confirmed to Norris in 1858 by the federal government.

James B. Haggin and Lloyd Tevis served as the attorneys for Grimes to clear his title and to protect his interest against the claims of Grimes family members. The extended litigation left Norris deeply in debt to Haggin and Tevis, and they were able to force the sale of the land at auction, purchasing the 44,000 acres for \$63,500 in 1862.

Some portions of the rancho lands along the American River were rented out to farmers who raised wheat, hay and hogs. The dryer lands of the northern portion of the rancho were used for pasturing sheep, cattle, and horses. Haggin raised thoroughbred horses in Kentucky, and in 1873 began raising horses on the lands of the ranch. At some times, there were as many as 600 thoroughbreds on the ranch.

Haggin began racing the thoroughbreds in 1882, and established a nationwide reputation with his racehorses. By 1886, Haggin had about one hundred horses in training. It was in this year that his horse, Ben Ali, won the Kentucky Derby. Haggin's son, manager of Rancho del Paso, died in February of 1891, and Haggin lost interest in horse racing and breeding. The progeny of his horses continued to make Rancho del Paso nationally famous. Haggin shipped horses to New York for an annual sale at Madison Square Garden until 1905.

Unlike other land grants in California, the land was held intact as a block and not subdivided until 1910. In 1905, Haggin and Tevis transferred their land to a corporation and began trying to sell the ranch for 2 million dollars. The Sacramento Valley Colonization Company, a subsidiary of the United States Farm Land Company of Chicago was the purchaser in 1910 for \$1,500,000.

The United States Farm Land Company of St. Paul and Minneapolis began the subdivision and development of the lands of the Rancho del Paso soon after their 1910 purchase. The company advertised nationwide, and described the richness of the area for the production of fruit. The advertisements drew many to the rancho lands, including a group of German Adventists who settled in what is now Rio Linda. Local realtors and developers bought portions of the rancho to subdivide into farms and home sites (Oliver 1983:2-19; McGowan 1961:183).

PROJECT SITE HISTORY

The name “Antelope” was applied to a small settlement around “Cross’s brick warehouse” in 1877 by the Antelope Business Association (Gudde, 1969:11). The post office was also established in 1877. Peak (2004) noted that the area was originally known as the Gardner Ranch. Its headquarters was established immediately west of the present project location by 1880 (Peak 2004). The ranch was acquired by the Barrett family in 1943, which continued ranching operations into the latter half of the twentieth century. When housing development in the region accelerated in the 1940s, Vernon Barrett purchased the project area. Together with his brother, they owned a tract of land totaling 383 acres. Even as new residential and commercial development was constructed across Antelope Road, the Barrett’s retained the property, growing dry-land grain and hay (Davis 1987).

REGULATORY SETTING

FEDERAL

Cultural resources are considered during federal undertakings chiefly under Section 106 of the National Historic Preservation Act (NHPA) of 1966 (as amended) through one of its implementing regulations, 36 CFR 800 (Protection of Historic Properties), as well as the National Environmental Policy Act (NEPA). Properties of traditional religious and cultural importance to Native Americans are considered under Section 101(d)(6)(A) of NHPA. Other federal laws pertinent to cultural resources include the Archaeological Data Preservation Act of 1974, the American Indian Religious Freedom Act (AIRFA) of 1978, the Archaeological Resources Protection Act (ARPA) of 1979, the Native American Graves Protection and Repatriation Act (NAGPRA) of 1989, among others. Below is a more detailed description of applicable federal regulations.

ANTIQUITIES ACT

The federal Antiquities Act of 1906 was created with the intent to protect cultural resources in the United States. The Act prohibits appropriation, excavation, injury, and destruction of “any historic or prehistoric ruin or monument, or any object of antiquity” located on lands owned or controlled by the federal government, without permission of the secretary of the federal department with jurisdiction. Accordingly, the Act provided early framework to protect cultural resources within the United States.

NATIONAL ENVIRONMENTAL POLICY ACT

NEPA requires that federal agencies assess whether federal actions would result in significant effects on the human environment. The Council on Environmental Quality’s (CEQ’s) NEPA regulations further stipulate that identification of significant effects should incorporate “the degree to which the action may adversely affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register for Historic Places or may cause loss or destruction of significant scientific, cultural, or historic resources” (40 CFR 1508.27[b][8]).

NATIONAL HISTORIC PRESERVATION ACT

Section 106 of NHPA (16 USC 470f) requires federal agencies to take into account the effects of their undertakings on any district, site, building, structure or object that is included in or eligible for inclusion in the NRHP and to afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on such undertakings (36 CFR 800.1). Under Section 106, the significance of any adversely affected cultural resource is assessed and mitigation measures are proposed to reduce any impacts to an acceptable level. Significant cultural resources are those resources that are listed, or are eligible for listing, on the NRHP per the criteria listed at 36 CFR 60.4 (Advisory Council on Historic Preservation 2000) below.

The quality of *significance* in American history, architecture, archaeology, engineering and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association and that:

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

STATE

CALIFORNIA ENVIRONMENTAL QUALITY ACT

CEQA requires a lead agency to determine whether a project may have a significant effect on historical resources. 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. To the extent that they cannot be left undisturbed, mitigation measures are required (Section 21083.2 (a), (b), and (c)). Section 21083.2(g) describes 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 any of the following criteria:

- (1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.

- (2) Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- (3) Is directly associated with a scientifically recognized important prehistoric or historic event or person.

A *historical resource* is a resource listed, or determined to be eligible for listing, in the California Register of Historical Resources (CRHR) (Section 21084.1); a resource included in a local register of historical resources (Section 15064.5(a)(2)); or any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant (Section 15064.5 (a)(3)). Sacramento County does not currently have a local register.

Public Resources Code (PRC) Section 5024.1, Section 15064.5 of the Guidelines, and Sections 21083.2 and 21084.1 of the Statutes of CEQA were used as the basic guidelines for the cultural resources study. PRC Section 5024.1 requires evaluation of historical resources to determine their eligibility for listing on the CRHR. The purpose of the register is to maintain listings of the State's historical resources and to indicate which properties are to be protected from substantial adverse change. The criteria for listing resources on the California Register were expressly developed to be in accordance with previously established criteria developed for listing on the National Register of Historic Places (NRHP).

NATIVE AMERICAN BURIALS AND ACCIDENTAL DISCOVERIES

California law protects Native American burials, skeletal remains and associated grave goods regardless of their antiquity and provides for the sensitive treatment and disposition of those remains (Section 7050.5 of the Health and Safety Code and Public Resources Code 5097.9).

When human remains are discovered, the protocol to be followed is specified in California Health and Safety Code, which states:

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

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

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

AB-52

The legislature added the new requirements regarding tribal cultural resources in Assembly Bill 52 (Gatto, 2014). By including tribal cultural resources early in the CEQA process, the legislature intended to ensure that local and Tribal governments, public agencies, and project proponents would have information available, early in the project planning process, to identify and address potential adverse impacts to tribal cultural resources. By taking this proactive approach, the legislature also intended to reduce the potential for delay and conflicts in the environmental review process. ((AB 52 § 1 (b)(7).)1

The Public Resources Code now 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.” (Pub. Resources Code, § 21084.2.). To help determine whether a project may have such an effect, the Public Resources Code requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project. That consultation must take place prior to the determination of whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project. (Pub. Resources Code, § 21080.3.1.) One of the procedural prerequisites for whether consultation as outlined by AB-52 is required for a project is the date of which a Notice of Preparation is filed. Accordingly, requirements of AB-52 only apply to any project that had a Notice of Preparation, Notice of Mitigated Negative Declaration or Notice of Negative Declaration filed on or after July 1, 2015 (Stats. 2114, ch.532, §11(c)). The Notice of Preparation for the Barrett Ranch East project was filed on August 25, 2014; therefore, the project is not subject to the requirements of AB-52.

SB 18 CONSULTATION

On September 29, 2004, Governor Arnold Schwarzenegger signed Senate Bill 18-Tribal Consultations Guidelines into law (Title 7, Chapter 3, Article 6, Section 65352). SB 18 requires cities and counties to notify and consult with California Native American Tribes about proposed local land use planning decisions pertaining to any general plan or specific plan proposed on or after March 1, 2005.

LOCAL

2030 SACRAMENTO COUNTY GENERAL PLAN

The Sacramento County General Plan Conservation Element, states under Section VI, Cultural Resources, the following goal and six objectives:

Promote the inventory, protection and interpretation of the cultural heritage of Sacramento County, including historical and archaeological settings, sites, buildings, features, artifacts and/or areas of ethnic historical, religious or socio-economical importance.

1. Comprehensive knowledge of archeological and historic site locations.
2. Attention and care during project review and construction to ensure that cultural resource sites, either previously known or discovered on the project site, are properly protected with sensitivity to Native American values.
3. Structures with architectural or historical importance preserved to maintain contributing design elements.
4. Known cultural resources protected from vandalism unauthorized excavation, or accidental destruction.
5. Properly stored and classified artifacts for ongoing study.
6. Public awareness and appreciation of both visible and intangible historic and cultural resources.

To implement the primary goal and the objectives, the Conservation Element contains the following policies:

CO-150. Utilize local, state and national resources, such as the NCIC, to assist in determining the need for a cultural resources survey during project review.

CO-151. Projects involving an adoption or amendment of a General Plan or Specific Plan or the designation of open space shall be noticed to all appropriate Native American tribes in order to aid in the protection of traditional tribal cultural places.

- CO-153. Refer projects with identified archeological and cultural resources to the Cultural Resources Committee to determine significance of resource and recommend appropriate means of protection and mitigation. The Committee shall coordinate with the Native American Heritage Commission in developing recommendations.
- CO-154. Protection of significant prehistoric, ethnohistoric and historic sites within open space easements to ensure that these resources are preserved in situ for perpetuity.
- CO-155. Native American burial sites encountered during preapproved survey or during construction shall, whenever possible, remain in situ. Excavation and reburial shall occur when in situ preservation is not possible or when the archeological significance of the site merits excavation and recording procedure. On-site reinterment shall have priority. The project developer shall provide the burden of proof that off site reinterment is the only feasible alternative. Reinterment shall be the responsibility of local tribal representatives.
- CO-157. Monitor projects during construction to ensure crews follow proper reporting, safeguards, and procedures.
- CO-158. As a condition of approval of discretionary permits, a procedure shall be included to cover the potential discovery of archaeological resources during development or construction.
- CO-159. Request a Native American Statement as part of the environmental review process on development projects with identified cultural resources.
- CO-161. As a condition of approval for discretionary projects, require appropriate mitigation to reduce potential impacts where development could adversely affect paleontological resources.
- CO-162. Projects located within areas known to be sensitive for paleontological resources, should be monitored to ensure proper treatment of resources and to ensure crews follow proper reporting, safeguards and procedures.
- CO-163. Require that a certified geologist or paleoresources consultant determine appropriate protection measures when resources are discovered during the course of development and land altering activities.
- CO-166. Development surrounding areas of historic significance shall have compatible design in order to protect and enhance the historic quality of the areas.
- CO-169. Restrict the circulation of cultural resource location information to prevent potential site vandalism. This information is exempt from the "Freedom of Information Act".

DISCLOSURE OF CULTURAL RESOURCES INFORMATION

Public disclosure of site specific cultural resources information is expressly exempt from the California Public Records Act, Government Code Sections 6250-6270.

Furthermore, information obtained during Native American consultation or through consultation with local and state agencies, including the North Central Information Center (NCIC), should remain confidential and is exempt from public disclosure. Additionally Sacramento County staff has signed an "Agreement to Confidentiality" with the NCIC that states that site specific information will not be distributed or released to the public or unauthorized individuals. An "authorized individual" is a professional archaeologist or historian that qualifies under the Secretary of Interior's standards to view confidential cultural resources materials.

METHODOLOGY

Archival research, Native American consultation, and fieldwork were conducted to establish what cultural resources may be present within the Project area and, furthermore, may be impacted as a result of implementation of the proposed Project.

PRE-FIELD RESEARCH

INFORMATION CENTER RECORD SEARCH

A search of data maintained by the North Central Information Center (NCIC) of the California Historical Resources Information System (CSU-Sacramento) including State and federal listings of significant cultural resources was conducted by Peak & Associates, Inc. on July 22, 2014. Standard references and lists consulted include the following:

- National Register of Historic Places (United States Department of the Interior [USD] 1979, and computerized updates);
- California Register of Historic Resources (California Department of Parks and Recreation [DPR] 1998, and computerized updates);
- California Historical Landmarks (California DPR 1996, and computerized updates);
- California Inventory of Historic Resources (California DPR 1976, obsolete);
- Historic Properties Directory (California DPR, and computerized updates);
- California Points of Historical Interest (California DPR 1992, computerized updates through September 2009);
- Archaeological Site Records;
- NCIC, California Historic Resource Information System historic resource records and maps;

- Historic GLO plat maps and historic USGS Buffalo Creek Quadrangle maps;
- Gold Districts of California (1979);
- California Gold Camps (1975);
- California Place Names (1969);
- Survey of Surveys (Historic and Architectural Resources) (1989);
- Caltrans Local Bridge Survey (1989);
- Caltrans State Bridge Survey (1987), and;
- Historic Spots in California (1990).

The record search at the NCIC indicated that there were no previously recorded or listed cultural resources within ¼-mile of the Project site; however, two objects (intact pieces of farm equipment) were recorded on the Project site. Additionally, two previous cultural surveys were conducted within the ¼-mile search radius of the Project site; one of the studies was directly adjacent to the project site and one was a survey of the existing project site (by Peak & Associates in 2004 and PAR Environmental Services in 2012, respectively).

CONSULTATION

Peak & Associates sent a letter to the Native American Heritage Commission (NAHC) requesting a Sacred Lands File check on July 15, 2014. Their reply indicated that the check failed to show the presence of any Sacred Lands within the project area. The NAHC also provided a list of individuals and groups that could be contacted to obtain any available information about the project area. The list included 11 individuals or collective groups. According to Peak & Associates, letters were sent to all of the contacts provided by the NAHC to inform these agencies and individuals about the proposed project and to request any information about the site that may provide cultural insight. To date, a reply was received by Peak & Associates from the Shingle Springs Rancheria expressing interest in the project.

SB 18 CONSULTATION

Although SB 18 is not a part of the of CEQA process, given that the proposed project includes a General Plan Amendment, SB 18 consultation was undertaken and completed for the proposed project in 2013. The project proponent enlisted Davis-King & Associates (DKA) to assist them with this consultation. Sacramento County initiated the SB 18 process by contacting the NAHC in December 2011 to get a list of Tribes with whom to consult. The NAHC responded in January 2012 and identified three tribes (and four representatives) to contact. Sacramento County staff wrote letters to the four identified representatives asking for consultation. All three tribes responded that they wished to consult. The three tribes were: Shingle Springs Band of Miwok Indians, Tsi Akim Maidu, and the United Auburn Indian Community Maidu.

DKA met with each of the tribes and conducted site visits, as requested. A complete inventory of all consultation along with statements from field investigations prepared by

DKA indicate that the three tribes did not identify significant issues and that consultation on the project is adequate and complete under SB 18. A letter affirming this was only received from the United Auburn Indian Community. In addition, County staff provided the Cultural Resources Inventory prepared in 2012, as requested, and no additional correspondence was received. Staff, with the three tribes, has thereby concluded SB18 consultation.

FIELD ASSESSMENT

PEDESTRIAN SURVEY

An intensive pedestrian survey of the Project area was conducted utilizing the transect approach. The surveys were undertaken by PAR Environmental Services in 2006 and 2012. For the archaeological survey, transects were walked with no more than 20-meter intervals between each transect. During the transects, the ground surface was carefully inspected for evidence of historical use such as fragments of ceramics, metal, and glass, and for indications of prehistoric use such as chipped stone artifacts and debitage, ground stone artifacts, bone fragments, and soil color changes. Exposures of subsurface soil were carefully examined. The survey was conducted to the standards set by the Secretary of Interior (National Park Service 1990, 1983).

When prehistoric or historic-era resources were encountered, they were documented on State of California Department of Parks and Recreation (DPR) Series 523 Primary, Archaeological Site, and other DPR forms, as necessary. Each site, feature, or isolated artifact was photographed and mapped as a point, line, or polygon as appropriate on appropriate USGS topographic quadrangle maps. In 2014, Peak & Associates reaffirmed the findings of the 2012 PAR report.

PEDESTRIAN SURVEY RESULTS

No significant resources were discovered during any of the pedestrian surveys conducted on the project site; however, in 2006, PAR noted a number of pieces of farming equipment and vehicles parked within the project area. PAR did record two locations that contained such farm equipment and assigned temporary numbers. These locations and resources are described briefly below; it should be noted that it is unclear whether these resources were on site when Peak & Associates did their study in 2014 but staff has confirmed that the site is void of all of these items at present date.

PAR-BR-1

This resource consisted of a large 14-disk plough or harrow. An engine head is wired to the piece possibly to act as a weight. The manufacturer was uncertain. PAR noted that the piece was probably at least 70 years old.

PAR-BR-2

This resource consisted of 15 or more pieces of agricultural equipment including disk harrows, moldboard ploughs, seeders, and mowers. Some of the older pieces may have dated to the 1930s, based on the use of steel-tired wheels.

SIGNIFICANCE CRITERIA

In order for a cultural resource to be considered a “historic property” under NRHP criteria (i.e., eligible for inclusion on the NRHP), it must be demonstrated that the resource possesses *integrity* of location, design, setting, materials, workmanship, feeling and association, and must meet at least one of the following four criteria delineated by Section 106 (Advisory Council on Historic Preservation 2000), as listed in 36 CFR 60.4:

- (a) That are associated with events that have made a significant contribution to the broad patterns of our history; or
- (b) That are associated with the lives of persons significant in our past; or
- (c) That embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- (d) That have yielded, or may be likely to yield, information important in prehistory or history.

The criteria for listing resources on the CRHR were expressly developed to be in accordance with previously established criteria developed for listing on the NRHP, enumerated above, and require similar protection to what NHPA Section 106 mandates for historic properties. According to PRC Section 5024.1(c)(1-4), a resource is considered *historically significant* if it meets at least one of the following criteria:

- (1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- (2) Is associated with the lives of persons important in our past;
- (3) Embodies the distinctive characteristics of a type, period, region or method of installation, or represents the work of an important creative individual, or possesses high artistic values; or
- (4) Has yielded, or may be likely to yield, information important in prehistory or history.

Under CEQA, if an archeological site is not a significant “historical resource” but meets the definition of a “unique archeological resource” as defined in PRC Section 21083.2, then it should be treated in accordance with the provisions of that section. A unique archaeological resource is defined as follows:

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

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

Resources that neither meet any of these criteria for listing on the NRHP or CRHR nor qualify as a “unique archaeological resource” under CEQA PRC Section 21083.2 are viewed as not significant. Under CEQA, “A non-unique archaeological resource need be given no further consideration, other than the simple recording of its existence by the lead agency if it so elects” (PRC Section 21083.2(h)).

Impacts to *significant* cultural resources (“historic properties” under NHPA and “historical resources” under CEQA) that affect the characteristics of any resource that qualify it for the NRHP or adversely alter the significance of a resource listed on or eligible for listing on the CRHR are considered a significant effect on the environment (CEQA guidelines 15065(a)(1)). Impacts to *significant* cultural resources from a proposed Project are thus considered significant if a project physically destroys or damages all or part of a resource, changes the character of the use of the resource or physical feature within the setting of the resource which contribute to its significance or introduces visual, atmospheric, or audible elements that diminish the integrity of significant features of the resource.

IMPACTS AND ANALYSIS

IMPACT: HISTORICAL BUILT-ENVIRONMENT RESOURCES

LEVEL OF IMPACT: LESS THAN SIGNIFICANT WITH MITIGATION

As noted previously, PAR-BR-1 and PAR-BR-2, have been removed from the site. However, according to the 2012 PAR study, both resources did not meet criteria 1, 2, 3, or 4 for listing on the CRHR and furthermore were not considered a “unique archaeological resource.” Therefore, the Barrett Ranch Project is not expected to impact any known historical resource.

With implementation of the Barrett Ranch Project, there remains a potential to encounter buried or as yet undiscovered resources during land clearing and construction work. Buried resources may consist of historic remains such as structural features (foundations, cellars, etc.) or buried trash deposits containing glass, ceramics

and metal, or the resources may be of prehistoric origin containing chipped stone, shell, bone and other remains. If such subsurface resources are encountered, work should halt in the vicinity of the discovery until its significance can be evaluated by a professional archaeologist. If during land clearing further surface resources such as additional mining, historic trash scatters, or prehistoric resources are encountered, work should halt in the vicinity of the find until the discovery can be evaluated by a professional archaeologist. Mitigation is recommended below to reduce impacts to *less than significant* levels.

MITIGATION MEASURE

CR-1:

1. Pursuant to Sections 5097.97 and 5097.98 of the State Public Resources Code, and Section 7050.5 of the State Health and Safety Code, if a human bone or bone of unknown origin is found during construction, all work is to stop and the County Coroner and Planning and Environmental Review Division shall be immediately notified. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission within 24 hours, and the Native American Heritage Commission shall identify the person or persons it believes to be the most likely descendent from the deceased Native American. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposition of, with appropriate dignity, the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.
2. In the event of an inadvertent discovery of cultural resources (excluding human remains) during construction, all work must halt within a 200-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology, shall be retained at the Applicant's expense to evaluate the significance of the find. If it is determined due to the types of deposits discovered that a Native American monitor is required, the Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites as established by the Native American Heritage Commission shall be followed, and the monitor shall be retained at the Applicant's expense.
 - a. Work cannot continue within the 200-foot radius of the discovery site until the archaeologist and/or tribal monitor conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially eligible for listing on the National Register of Historic Places or California Register of Historical Resources.

- b. If a potentially-eligible resource is encountered, then the archaeologist and/or tribal monitor, Planning and Environmental Review Division staff, and project proponent shall arrange for either 1) total avoidance of the resource, if possible; or 2) test excavations or total data recovery as mitigation. The determination shall be formally documented in writing and submitted to the County Environmental Coordinator as verification that the provisions of CEQA for managing unanticipated discoveries have been met.

IMPACT: PREHISTORIC OR HISTORIC ARCHAEOLOGICAL RESOURCES

LEVEL OF IMPACT: LESS THAN SIGNIFICANT WITH MITIGATION

The surveys conducted for the project site did not indicate any prehistoric or historic archaeological resources. However there remains potential for the existence of buried prehistoric or historic archaeological materials or previously undiscovered surface resources within the Project area. CEQA requires that lead agencies protect both known and unknown cultural resources; therefore, mitigation is recommended to ensure that in the event that cultural resources are discovered during implementation phases that all work shall be halted until a qualified archaeologist may evaluate the resource encountered. With mitigation (see Mitigation Measure CR-1, above), environmental impacts to potentially sensitive archaeological resources are considered *less than significant*.

MITIGATION MEASURE

See Mitigation Measure CR-1, above.

IMPACT: HUMAN REMAINS

LEVEL OF IMPACT: LESS THAN SIGNIFICANT WITH MITIGATION

Section 5097.94 of the Public Resources Code and Section 7050 of the California Health and Safety Code protect Native American burials, skeletal remains and grave goods, regardless of age and provide method and means for the appropriate handling of such remains. If human remains are encountered, work should halt in that vicinity and the County coroner should be notified immediately. At the same time, an archaeologist should be contacted to evaluate the situation. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of such identification. In the event that a burial is discovered during implementation of the Barrett Ranch Project, strict adherence to mitigation as outlined in Mitigation Measure CR-1 (see above) would reduce this impact to *less than significant* levels.

MITIGATION MEASURE

See Mitigation Measure CR-1, above.

COMMERCIAL PROJECT ALTERNATIVE

IMPACT: HISTORICAL BUILT-ENVIRONMENT RESOURCES

LEVEL OF IMPACT: LESS THAN SIGNIFICANT WITH MITIGATION

Because this alternative results in construction within the same area as in the preferred project scenario; the commercial project alternative would result in the same impacts to historical built-environment resources as described in the preferred project scenario. The mitigation measure as described for the preferred project is applicable to the commercial project alternative and will ensure that impacts to historical built-environment resources are less than significant.

MITIGATION MEASURE

See Mitigation Measure CR-1, above.

IMPACT: PREHISTORIC OR HISTORIC ARCHAEOLOGICAL RESOURCES

LEVEL OF IMPACT: LESS THAN SIGNIFICANT WITH MITIGATION

Because this alternative results in construction within the same area as in the preferred project scenario; the commercial project alternative would result in the same impacts to prehistoric or historic archaeological resources as described in the preferred project scenario. The mitigation measure as described for the preferred project is applicable to the commercial project alternative and will ensure that impacts to prehistoric or historic archaeological resources are less than significant.

MITIGATION MEASURE

See Mitigation Measure CR-1, above.

IMPACT: HUMAN REMAINS

LEVEL OF IMPACT: LESS THAN SIGNIFICANT WITH MITIGATION

Because this alternative results in construction within the same area as in the preferred project scenario; the commercial project alternative would result in the same impacts to any potential human remains as described in the preferred project scenario. The mitigation measure as described for the preferred project is applicable to the commercial project alternative and will ensure that impacts to any potential, currently unknown, human remains are less than significant.

MITIGATION MEASURE

See Mitigation Measure CR-1, above.