

3.4 ARCHAEOLOGICAL, HISTORICAL, AND TRIBAL CULTURAL RESOURCES

This section analyzes and evaluates the potential impacts of the Project on known and unknown cultural resources. 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 traditional, religious, scientific, 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 precontract 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.

No comment letters regarding cultural, historical, and tribal resources were received in response to the Notice of Preparation. As described later in this chapter, the City sent consultation letters to 16 tribes, identified by the Native American Heritage Commission (NAHC), in December 2022. One tribe, the Wilton Rancheria, requested consultation. No other tribes requested consultation.

3.4.1 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 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. This intangible quality is 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. In addition, 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 that would make it eligible for listing in the NRHP.

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.

California Historical Landmarks—buildings, structures, sites, or places that have been determined to have Statewide historical significance—are also automatically listed in the CRHR. California Points of Historical Interest are sites, buildings, features, or events that are of local (city or county) significance. Points of Historical Interest designated after December 1997 and recommended by the State Historical Resources Commission are also listed 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 CCR 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 listed 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 to 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 CEQA 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. CEQA 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 (CEQA 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 is considered a historical resource (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 not 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 would affect unique archaeological resources. CEQA 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 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 would affect tribal cultural resources. CEQA 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).

CEQA 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 CEQA Section 21074. Pursuant to CEQA 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. CEQA Sections 21080.3.1 and 21080.3.2 state that 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 CEQA 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.

CEQA Section 21083.2

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

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 NAHC, which notifies and has the authority to designate the most likely descendant 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 Section 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 burials 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 (2019) contains the following policies relevant to cultural and tribal cultural resources:

- ▶ **Policy HR 1-1:** Encourage the preservation and enhancement of existing historical and archaeological resources in the City.
- ▶ **Policy HR 1-2:** Strive to preserve historic buildings and resources through adaptive re-use.
- ▶ **Policy HR 1-3:** Encourage appropriate adaptive reuse of historic resources to prevent misuse, disrepair, and demolition.
- ▶ **Policy HR 2-1:** Protect and preserve prehistoric and historic archaeological resources throughout the City.
- ▶ **Policy HR 2-2:** Consult with local Native American tribes, the Native American Heritage Commission, and any other appropriate organizations and individuals to minimize potential impacts to cultural and tribal resources.
- ▶ **Policy HR 2-3:** Identify and evaluate local archaeological resources for inclusion in the National Register of Historic Places.
- ▶ **Policy HR 2-4:** Ensure that City ordinances, programs, and policies create an environment that fosters the preservation, rehabilitation, and maintenance of historic, archaeological, and tribal resources.
- ▶ **Policy HR 3-2:** Encourage new development to be compatible with adjacent existing historic structures in terms of scale, massing, building material, and general architectural treatment.

City of Elk Grove Municipal Code

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

The criteria for listing in the Elk Grove Register of Historic Resources are contained in Section 7.00.050 of the 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.

3.4.2 Environmental Setting

REGIONAL PRECONTACT HISTORY

A tripartite classification system for cultural change in the Sacramento River Valley has been standard since the 1930s. More recently, this system has been adjusted based on modern radiocarbon calibration curves for the Georgian/Julian calendar (the terms B.C.E. for Before Common Era and C.E. for Common Era will be used). Based on this new system, the following classification system has been defined for the Precontact Period: Paleo-Indian (11,500–8550 cal [calibrated] B.C.E.), Lower Archaic (8550–5550 cal B.C.E.), Middle Archaic/Windmiller Pattern (5550–550 cal B.C.E.), Upper Archaic/Berkeley Pattern (550 cal B.C.E.– 1100 cal. C.E.), and Emergent/Augustine Pattern (1100 cal C.E.– Historic era Contact) (Ascent Environmental 2023: 15).

Paleo-Indian and Lower Archaic Periods (11,500-5550 cal B.C.E.)

There is little evidence of the Paleo-Indian and Lower Archaic periods in the Central Valley. Recent geoarchaeological studies have found that large segments of the Late Pleistocene landscape throughout the California lowlands have been buried or removed by periodic episodes of deposition and erosion. Periods of climate change and associated alluvial deposition occurred at the end of the Pleistocene (approximately 9050 cal B.C.E.) and at the beginning of the early Middle Holocene (approximately 5550 cal B.C.E.). Earlier studies had also estimated that Paleo-Indian and Lower Archaic sites along the lower stretch of the Sacramento River and San Joaquin River drainage systems had been buried by Holocene alluvium up to 33 feet (10 meters) thick that was deposited during the last 5,000 to 6,000 years. The formation of the Sacramento–San Joaquin Delta began during the early Middle Holocene. After approximately 1,000 cal B.C.E. during the Late Holocene, there were renewed episodes of alluvial fan and floodplain deposition.

The archaeological evidence that is available for the Paleo-Indian Period is primarily defined by basally thinned, fluted projectile points. These points are morphologically similar to well-dated Clovis points found elsewhere in North America. In the Central Valley, fluted points have been recovered from remnant features of the Pleistocene landscape at only three archaeological localities, the Woolfsen Mound in Merced County; Tracey Lake in San Joaquin County; and Tulare Lake basin in Kings County (Ascent Environmental 2023: 15).

Middle Archaic Period/Windmiller Pattern (5550-550 cal B.C.E.)

Archaeological sites dating to the first 3,000 years of the Middle Archaic are relatively scarce in the Sacramento River Valley, mainly due to natural geomorphic processes. On the valley floor, sites are more common after 2550 cal. B.C.E. The archaeological record in the valley and foothills indicates the subsistence system during this period included a wide range of natural resources (e.g., plants, small and large mammals, fish, and waterfowl) indicating people

followed a seasonal foraging strategy. Populations may have occupied lower elevations during the winter and moved to higher elevations in the summer.

Excavations at Windmill Pattern sites have yielded abundant remains of terrestrial fauna (deer, tule elk, pronghorn, and rabbits) and fish (sturgeon, salmon, and smaller fishes). Projectile points with triangular blades and contracting stems are common at Windmill Pattern sites. A variety of fishing implements such as angling hooks, composite bone hooks, spears, and baked clay artifacts, which may have been used as net or line sinkers, are also relatively common. The points are classified within the Sierra Contracting Stem and Houx Contracting Stem series. The presence of milling implements (grinding slabs, handstones, and mortar fragments) indicate that acorns or seeds were an important part of the Middle Archaic diet (Ascent Environmental 2023: 16).

Upper Archaic Period/Berkeley Pattern (550 cal B.C.E. - 1100 cal. C.E.)

The Upper Archaic is characterized by a shift over a 1,000-year period to the more specialized, adaptive Berkeley Pattern. Excavated archaeological sites dating to the Upper Archaic indicate an increase in mortar and pestle groundstone technology. This change is supported by dated palaeobotanical remains and a decrease in slab milling stones and handstones. Archaeologists generally agree mortars and pestles are better suited to crushing and grinding acorns, while milling slabs and handstones may have been used primarily for grinding wild grass grains and seeds. New types of shell beads, charmstones, bone tools, and ceremonial blades are additional evidence of the more specialized technology present during this period.

The artifact assemblage in Berkeley Pattern sites demonstrates that populations continued to exploit a variety plant and animal resources from different environmental zones, including grassland, riparian, and freshwater marsh settings. Deposits of this temporal period have a characteristic well-developed brown midden containing hearth features, fire-fractured rock, storage pits, and house floors. These features indicate that Upper Archaic sites were intensively occupied by large populations (Ascent Environmental 2023: 16).

Emergent Period/Augustine Pattern (1100 cal. C.E. - Historic era Contact)

The archaeological record for the Emergent or Late Precontact Period shows an increase in the number of archaeological sites associated with the Augustine Pattern in the Sacramento River Valley, as well as an increase in the number and diversity of artifacts. The Emergent Period was shaped by a number of cultural innovations, such as the bow and arrow and intricate fishing technology, as well as an elaborate social and ceremonial organization. Cultural patterns typical of the Emergent Period appear to be reflected in the cultural traditions known from historic period Native American groups.

During the Emergent Period, villages were located along major waterways with smaller settlements found in outlying areas. Settlements on natural levees and high spots in floodplains were common. House floors or other structural remains have been preserved at some sites dating to this period. The increase in sedentism and population growth led to the development of social stratification, with an elaborate social and ceremonial organization. Examples of items associated with rituals and ceremonials include flanged tubular pipes, incised patterned bird bone tubes and whistles, and baked clay effigies representing animals and humans. Mortuary practices changed to include flexed burials, cremations with grave goods and offerings, and pre-interment burning in a burial pit. Currency, in the form of clamshell disk beads, also developed during the later part of the period together with extensive exchange networks that included the Pacific Northwest and southern California (Ascent Environmental 2023: 17).

ETHNOHISTORY

Although the Project site is located in what is ethnographically defined as predominantly Plains Miwok territory, the boundaries documented in ethnographic literature are based on conditions after the Gold Rush, when population pressures would have forced the movements of indigenous groups due to the influx of Euro-Americans. In this region specifically, labor demands by John Sutter pushed the Nisenan (northern neighbors of the Plains Miwok) into Plains Miwok areas. Areas where precontact and ethnographic boundaries are not certain are referred to as grey areas; precontact sites identified within these grey areas may offer answers to important research questions (Ascent Environmental 2023: 17).

The Plains Miwok are part of the larger Eastern Miwok group that forms one of the two major divisions of the Miwokan subgroup of the Utian speakers. The Plains Miwok lived in the Sacramento Valley along the Sacramento, Cosumnes, and Mokelumne rivers. They built their homes on high ground, with major villages concentrated along the major waterways. Conical homes were constructed with poles and thatching of brush, grass, or tule, though semisubterranean earth-covered homes were built as well. Major villages contained an assembly house, which was a semisubterranean structure with a diameter of 40 to 50 ft, as well as a sweathouse, which was a scaled-down version of the assembly house. Plains Miwok people utilized the rich resources of the delta and surrounding area for both dietary needs and material culture. Tules were woven into matting and clothing, bundled to form canoes, and used in house and granary construction. Salt, nuts, basketry, and obsidian were obtained through trade with neighboring tribes to the east for shells, basketry, and bows obtained in turn through trade from tribes located to the west.

The Plains Miwok gathered food resources as the seasons varied. As with most California tribes, they subsided heavily on the acorn, but also gathered nuts, seeds, roots, greens, berries, and mushrooms. Animal foods included tule elk, pronghorn antelope, jackrabbits, squirrels, beaver, quail, and waterfowl. Salmon was the dominant animal food resource, ranking above other river resources, such as sturgeon. Technological items of the Plains Miwok included wooden digging sticks, poles, and baskets used for gathering vegetal resources, and stone mortars, pestles, and cooking stones used for processing. Items used for obtaining animal resources included nets, snares, seines, bows, and arrows. Arrow points were made primarily of basalt and obsidian (Ascent Environmental 2023: 17).

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 ERA 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. The second quarter of the 19th 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 ranchos closest to the SAP area were in Sacramento County near the southern boundary of Placer County. These ranchos included the Rancho de Paso, the San Juan, and the Río de los Americanos (Ascent Environmental 2023: 18).

Simultaneously with the exploration of the Central Valley, trails were being blazed across Sierra Nevada plains and mountains, facilitating the westward migration of Euro-Americans. 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 Euro-American cultural patterns in California. After news of the discovery of gold spread, a flood of Euro-Americans entered the region and gravitated to the area of the "Mother Lode." Initially, the Euro-American population grew slowly, but soon it exploded as the presence of large deposits of gold was confirmed in

the Sacramento area. The Euro-American population of California quickly swelled, from an estimated 4,000 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 (Ascent Environmental 2023: 18).

Local History

During the Gold Rush, both Sacramento and Stockton served as convenient departure points for the mining camps in the Sierra Nevada foothills. The Monterey Trail, an important California transportation route which connected Sacramento to Stockton and eventually to Monterey, passed through Elk Grove. The trail, also known as the Lower Stockton and Upper Stockton Roads, increased traffic through the area and encouraged business opportunities, including a network of stage stops and hotels along Upper Stockton Road. The Elk Grove House, the first hotel and stage stop in Elk Grove, was opened in 1850 by English immigrant James Watson Hall. The hotel ultimately served as the namesake for the area and was located in the immediate vicinity of what is today Elk Grove Regional Park (Ascent Environmental 2023: 19).

Other prominent early settlers in the Elk Grove area included Albin Clark who moved to the area in 1850 and was one of the first grain farmers, and James B. Buckner who built the Buckner Hotel and was the first postmaster. By 1853, settlers in the area had established the San Joaquin School, built near the intersection of SR 99 and Grant Line Road. This school was the first public school in Sacramento County, and operated until 1928, when it was merged into the Elk Grove Grammar School. By 1855, the town boasted the original general store and one other, two hotels, a flouring mill, the railroad depot, a hardware store, a meat market, a furniture factory, two drug stores, a harness shop, a grain and hay warehouse, a dressmaking shop, two millinery shops, a boot shop, a wagon factory, and a blacksmith.

By the mid-1850s, discouraged gold miners turned to ranching or farming to meet the agricultural demands of California's growing population. Elk Grove business pursuits shifted from the service industry to ranching and farming. The principal agricultural output of the region included cattle, sheep, wheat, and barley until the late nineteenth century. Rapid railroad transportation introduced to the area, beginning in 1868, allowed agricultural production to shift to more perishable fruit products. As a result, area farmers experimented with fruit orchards, including peaches, plums, apricots, figs, lemons, and prunes, as well as vineyards and nut orchards (Nayyar 2016: 11). Elk Grove and the surrounding communities of Florin and Galt were connected by the Central Pacific Railroad, which connected the Bay Area with Sacramento and became part of the Southern Pacific Railroad in 1889. The proximity of the railroad to Elk Grove provided rapid growth and opportunities for the community in the 1870s.

In the twentieth century, strawberries emerged as an important agricultural produce along with ranching, dairying, nut and fruit production, and wine grapes. Most ranches and farms developed between 1900 and 1945 were family-operated, and typically comprised a main residence with ancillary buildings including barns. Orchard properties may have included packing sheds, drying racks, and dairy farms include milking sheds (Nayyar 2016: 11). The town continued to grow, first as a commercial center for the farmers in the area and recently as a suburban residential zone for greater Sacramento. The City of Elk Grove was incorporated in 2000, and the City has grown to become an important economic power in the region (Ascent Environmental 2023: 19).

RECORDS SEARCHES, SURVEYS, AND CONSULTATION

On April 27, 2023, a record search for the Project site was completed at the North Central Information Center (NCIC), at the California State University, Sacramento (File No. SAC-23-90). As part of the NCIC records search, the following information was reviewed:

- ▶ 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.

One previously recorded cultural resource was identified within the Project site, P-34-005185, a public utility building that was evaluated and recommended ineligible for the CRHR and NRHP. A total of 10 resources had been previously recorded within a one-half-mile radius of the Project site. These 10 resources consist of a railroad grade and several built environment features (structures, buildings, and residencies). The records search also found that six previous investigations have occurred within portions of the Project site, covering approximately 10 percent of the Project site. In addition, 15 investigations have occurred within one-half-mile of the Project site.

Although, not submitted to NCIC, the City provided a cultural memorandum (Campbell 2022), summarizing a records search and pedestrian survey for the main portion of the Project site (APNs 132-0320-001, 132-0320-002, and 132-0320-010). No cultural resources were identified as a result of this survey effort.

The remainder of the Project site was subject to a pedestrian survey on May 16, 2023. The survey consisted of a pedestrian inspection, with the surveyors walking 10 to 15-meter-wide intervals to ensure maximum ground. Surface visibility was generally poor across the Project site; the majority of the site was vegetated with thick grasses. Areas denuded of vegetation were examined carefully. Special attention was given to bare patches of ground, exposed soils, rodent burrows, and dirt piles. No precontact or historic era archaeological sites were observed. The previously recorded resource (P-34-005185) within the Project site is no longer present as it has been demolished. The pedestrian survey resulted in the findings of two historic features (described in detail below).

NRHP and CRHR criteria were used to evaluate the significance of the historic features. The NRHP criteria for eligibility are codified in 36 CFR Part 60 and explained in guidelines published by the Keeper of the NRHP. The NRHP and CRHR are discussed in more detail above in Section 3.4.1, "Regulatory Setting." Eligibility for listing on the NRHP and the CRHR rests on twin factors of significance and integrity. A resource must have both significance and integrity to be considered eligible. Loss of integrity, if sufficiently great, will become more important than the historical significance a resource may possess and render it ineligible. Likewise, a resource can have complete integrity, but if it lacks significance, it must also be considered ineligible.

Historic Features

Kammerer Rod

Kammerer Road is an east-west arterial roadway that connects SR 99 to Bruceville Road. It is generally a two-lane rural roadway, except for the portion from SR 99 to just west of Lent Ranch Parkway, where it is a four-lane divided arterial. The segment of Kammerer Road recorded as part of the Project is approximately 1.5 miles long, between McMillan Road and Lent Ranch Parkway. Available research has failed to provide any direct association between the existing road and significant events (Criterion A/1) or people (Criterion B/2). Being reconfigured and paved with modern asphalt, it also does not retain attributes or materials of its original construction and workmanship which indicate that it embodies distinctive characteristics of a type, period, or method of construction. Research has also failed to indicate that the road was the work of a master engineer. As such, the road segment does not appear to meet the requirements for significance under NRHP/CRHR Criterion C/3. Because there are no intact portions and due to the amount of disturbance which has occurred to the dimensions and location of the alignment, it does not retain the integrity required to answer questions about the past or contain information that cannot be gained in other ways; thus, the road segment is also not significant under NRHP/CRHR Criterion D/4.

Well 41

Well 41 is located approximately 700 feet north of Kammerer Road and 640 feet west of Lotz Parkway within a cattle-grazing field. The well and adjacent utility poles are surrounded by overgrown blackberry bushes; there is no associated pumphouse. Two sets of brand information visible on the well pump equipment: "Johnston Pump Co" and "Fresno Valves." The property has continually been used for agricultural practices and irrigation of some type has been part of the operation. The well does not appear to be eligible for listing in the NRHP or the CRHR as the system is not associated with events that have made a significant contribution to history (Criterion A/1), does not have any direct associations with any individuals significant to history (Criterion B/2), is without noteworthy architectural qualities (Criterion C/3), and is not likely to yield any additional important information about our history (Criterion D/4).

William Land Park Historic District

William Land Park is one of the City of Sacramento's largest parks and serves city residents and the region as a destination for multiple uses. Located at 3800 South Land Park Drive, the park has dedicated recreational areas including athletic fields, a golf course, an amphitheater, the Sacramento Zoo, Fairytale Town, and Funderland, among others that attract adults and children. As a designed landscape, the park's major features create distinct views and vistas, a tree canopy that provides shade during the summer, a curvilinear system of roadways with traffic islands, and a series of constructed water features interspersed by groupings of related buildings and structures.

In 2012, William Land Park and its major park features were evaluated as a historic district (Mead & Hunt 2012) and was recommended eligible for listing in the NRHP, the CRHR, and the Sacramento Register for its association with important local trends in the following areas of significance: *Community Planning and Development, Government, Entertainment/Recreation, and Landscape Architecture*. The character-defining features of the William Land Park Historic District reflected the key design characteristics and spatial arrangements, including:

- ▶ Dedicated recreational areas such as athletic fields and golf course fairways to provide Reform Movement principles.
- ▶ Open spaces and the use of natural features such as the use of vegetation and tree plantings in clusters to provide Naturalistic Park Design principles.
- ▶ Constructed features associated with the WPA.
- ▶ Constructed water features to create distinct vistas.
- ▶ Tree plantings that create a canopy to provide shade and views within the park.
- ▶ Curvilinear system of roadways with traffic islands.
- ▶ Groupings of related buildings and structures, such as the Rock Garden, the Swanston Memorial, and Fairytale Town.

Additionally, the following two park features within William Land Park meet the NRHP, the CRHR, and Sacramento Register evaluation criteria as individual properties, independent from their association with William Land Park:

- ▶ Entryway concession buildings constructed 1961 at the Sacramento Zoo in the area of *Architecture* – Designed by the local architectural firm of Rickey and Brooks, this series of three interconnected buildings are an important, rare, and intact example of Mid-Century Modernism in Sacramento.
- ▶ Fairytale Town in the areas of *Entertainment/Recreation and Architecture* – Also designed by Rickey and Brooks and constructed from 1958-1968, this site is an important, rare, and intact example of children's fantasy theme park design in Sacramento. Appendix B2 provides a list of the major contributing resources in Fairytale Town.

The 2012 report included Appendix B1 – Inventory of Major Park Features in William Land Park Historic District, which specifically addressed the Sacramento Zoo. The appendix states that because the majority of the buildings within the zoo fall outside of the historic district's period of significance (1922-1969) the Sacramento Zoo is not a contributor to the William Land Park Historic District.

Archaeological Sensitivity

There is one geologic unit present in the Project site, the Quaternary Riverbank Formation (Qr) and the surficial soils within the Project site are the San Joaquin silt loam. Because this material formed long before the first human occupation of the area, it is very unlikely to contain or to have buried archaeological resources. The overlying soils of the San Joaquin Series are younger, dating to the Late Holocene (2,000 to 150 years ago), and so are generally more sensitive for buried cultural remains.

Landscape evolution and historic and modern development can impact the visibility of the archaeological record, but research has shown that archaeological sites tend to occur in specific geo-environmental settings (e.g., near reliable water sources and on stable land surfaces) rather than randomly throughout the landscape. For example, geoarchaeological studies have found that distance to water sources (e.g., stream, lake, spring) and landform slope

(generally <18%) are two environmental variables that help accurately predict a location's potential to contain buried archaeological deposits. The topography of the terrain in the Project site is relatively flat. An unnamed that creek traverses roughly east/west approximately in the northern portion of the Project site is now a canal. The Project site has been used for grazing and a portion has been landscaped with paved roads and household communities. Therefore, the geography, geology, soils, and topography across most of the Project site suggest that the potential for the presence of intact buried deposits of cultural resources in the Project site is low.

Tribal Cultural Resources

Native American Heritage Commission

A search of the NAHC Sacred Lands File database was requested, to identify tribally sensitive properties on file in or near the Project site. On May 30, 2023, Ascent received the negative results of the SLF search (Ascent Environmental 2023).

Native American Consultation

Pursuant to AB 52 the City mailed notification letters to these tribal representatives on December 12, 2022.

- ▶ Buena Vista Rancheria of Me-Wuk Indians; Rhonda Morningstar Pope, Chairperson
- ▶ Cachil Dehe Band of Wintun Indians of the Colusa Indian Community; Clifford Mota, Tribal Preservation Liaison
- ▶ Chicken Ranch Rancheria of Me-Wuk Indians; Lloyd Mathiesen, Chairperson
- ▶ Colfax-Todds Valley Consolidated; Clyde Prout, Chairperson
- ▶ Colfax-Todds Valley Consolidated; Pamela Cubbler, Treasurer
- ▶ Guidiville Indian Rancheria; Donald Duncan, Chairperson
- ▶ Lone Band of Miwok Indians; Sara Dutschke, Chairperson
- ▶ Nashville Enterprise Miwok-Maidu-Nishinam; Cosme Valdez, Chairperson
- ▶ North Valley Yokuts Tribe; Katherin Erolinda Perez, Chairperson
- ▶ Muwekma Ohlone Indian Tribe of the SF Bay Area; Monica Arellano, Vice Chairwoman
- ▶ Shingle Springs Band of Miwok Indians; Regina Cuellar, Chairperson
- ▶ The Confederated Villages of Lisjan; Corrina Gould, Chairperson
- ▶ Tsi Akim Maidu; Don Ryberg, Chairperson
- ▶ Tsi Akim Maidu; Grayson Coney, Cultural Director
- ▶ Tule River Indian Tribe; Neil Peyron, Chairperson
- ▶ United Auburn Indian Community of the Auburn Rancheria; Gene Whitehouse, Chairperson
- ▶ Wilton Rancheria; Dahlton Brown, Director of Administration
- ▶ Wilton Rancheria; Jesus Tarango, Chairperson
- ▶ Wilton Rancheria; Steven Hutchason, THPO
- ▶ Yocha Dehe Wintun Nation; Anthony Roberts, Chairperson
- ▶ Yocha Dehe Wintun Nation; Leland Kinter, THPO

The specific details of the consultations are confidential pursuant to California law; however, a summary of events related to communication between the tribes and the Board is provided here. Venesa Kremer, Wilton Rancheria, responded on December 16, 2022, that the tribe would like to engage in consultation with the City about the Project. On December 21, 2022, Wilton Rancheria and the City had a virtual meeting in which they discussed Project specifics

and tribal involvement in the Project. On December 15, 2023 the City met with Wilton Rancheria to discuss the EIR findings and potential mitigation for tribal cultural resources. Consultation has since been concluded.

No responses from the other tribes were received as a result of this notification.

3.4.3 Impacts and Mitigation Measures

METHODOLOGY

The impact analysis for archaeological and historical resources is based on the findings and recommendations of the *Cultural Resources Technical Report for the Elk Grove Zoo Project* (Ascent Environmental 2023). The analysis is also informed by the provisions and requirements of federal, State, and local laws and regulations that apply to cultural resources.

CEQA 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) it contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information; (2) 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) it is directly associated with a scientifically recognized important precontact 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.

CEQA 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 precontact and historic-period), which may qualify as “historical resources” pursuant to CEQA, are analyzed separately from built-environment historical resources.

THRESHOLDS OF SIGNIFICANCE

An impact on cultural resources would be significant if implementation of the Project 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 CEQA 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, and that is (i) listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or (ii) a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth Public Resources Code Section 5024.1(c); or
- ▶ disturb any human remains, including those interred outside of dedicated cemeteries.

IMPACTS NOT DISCUSSED FURTHER

Historical Resources

As described above, no historical resources were identified on the Project site. The historic features discovered during the pedestrian survey (Kammerer Road and Well 41) were evaluated and recommended not eligible for listing in the CRHR or NRHP. As a result, none of these features are considered significant for the purposes of CEQA. In addition, the items to be removed from the Sacramento Zoo and relocated to the New Zoo—the carousel and okapi barn—are not individually eligible or contributors to the William Land Park Historic District (Mead & Hunt 2012). Therefore, Project construction and operation would have no impact on historical resources. This issue is not analyzed further.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.4-1: Cause a Substantial Adverse Change in the Significance of Unique Archaeological Resources

Results of the records search and pedestrian survey did not result in the identification of archaeological resources within the Project site. However, Project-related ground-disturbing activities, including off-site roadway and utility improvements, could result in discovery of or damage to yet undiscovered archaeological resources as defined in State CEQA Guidelines Section 15064.5 or CEQA Section 21083.2(g). If unanticipated archaeological resources are discovered during ground-disturbing activities, implementation of Mitigation Measure 3.4-1 would require that construction be halted and the find evaluated. This impact would be **less than significant**.

The results of the NCIC records search revealed that no precontact or historic-period archaeological sites have been previously documented within the Project site. The pedestrian survey found no anthropogenic soils (i.e., midden), aboveground features, or concentrations of shell, bone, or lithic materials that indicated the presence of a precontact indigenous archaeological deposit. In addition, no unique archaeological resources as defined in CEQA Section 21083.2(g) or archaeological resources as defined in State CEQA Guidelines Section 15064.5 were identified during the survey.

As described previously, the Project site's geologic unit is the Quaternary Riverbank Formation, which formed long before the first human occupation of the area and is generally unlikely to contain buried archaeological resources. In addition, the overlying soils are of the San Joaquin series; these soils are much younger (2,000 to 150 years ago) and are generally more sensitive for buried cultural remains. However, the Project site has been used for grazing, and a portion has been landscaped with paved roads and household communities, which can reduce the visibility of archaeological resources. Nonetheless, Project construction could encounter previously undiscovered or unrecorded archaeological sites and materials during preconstruction or construction-related ground-disturbing activities. These activities could damage or destroy previously undiscovered unique archaeological resources. Damage to or destruction of any archaeological materials, sites, or features would result in a substantial adverse change to the significance of the resource. Implementation of Mitigation Measure 3.4-1 would reduce the impact associated with archaeological resources to a **less-than-significant** level because it would require the performance of professionally accepted and legally compliant procedures for the discovery and protection of previously undocumented significant archaeological resources. These include halting work within 100 feet of the find if unanticipated archaeological resources are discovered, due to the overall size and scale of the Project and working with a qualified archaeologist to evaluate the significance of the find. This would be consistent with General Plan Policy HR-2-1.

Mitigation Measures

Mitigation Measure 3.4-1: Halt Ground Disturbance Upon Discovery of Subsurface Archaeological Features during All Ground-Disturbing Construction Activities

If any precontact or historic-era subsurface archaeological features or deposits (e.g., ceramic shard, trash scatters), including locally darkened soil ("midden"), which may conceal cultural deposits, are discovered during construction,

all ground-disturbing activity within 100 feet of the resources shall be halted, and a qualified professional archaeologist (one who meets the Secretary of the Interior's Professional Qualification Standards for archaeology) shall be retained to assess the significance of the find.

If the qualified archaeologist determines the archaeological material to be Native American in nature, the City shall contact the appropriate California Native American tribe, with the Wilton Rancheria tribe being initially contacted. A tribal representative from the Wilton Rancheria, or other appropriate California Native American tribe that is traditionally and culturally affiliated with the Project site, may make recommendations for further evaluation and treatment as necessary and provide input on the preferred treatment of the find. If the find is determined to be significant by the archaeologist or the tribal representative (i.e., because it is determined to constitute a unique archaeological resource or a tribal cultural resource, as appropriate), the archaeologist and tribal representative, as appropriate, shall develop, and the City shall implement, appropriate procedures to protect the integrity of the resource and ensure that no additional resources are affected. Procedures may include but would not necessarily be limited to processing materials for reburial, minimizing handling of cultural objects, leaving objects in place within the landscape, construction monitoring of any further activities by a tribal representative, and or returning the objects to a location within the project area where they will not be subject to future impacts. Wilton Rancheria does not consider curation of TCRs to be appropriate or respectful and requests that materials not be permanently curated, unless specifically requested by the Tribe, archival research, subsurface testing, or contiguous block unit excavation and data recovery (pursuant to a data recovery plan). No work at the discovery location shall resume until all necessary investigation and evaluation of the resource has been satisfied. This requirement shall be placed on Project improvement plans and will be verified by the City's Public Works Department.

Significance after Mitigation

Less than significant.

Impact 3.4-2: Cause a Substantial Adverse Change in the Significance of a Tribal Cultural Resource

Tribal consultation under AB 52 has not resulted in the identification of tribal cultural resources on the Project site. However, excavation activities associated with Project construction may disturb or destroy previously undiscovered significant subsurface tribal cultural resources. If these activities disturb or destroy previously undiscovered significant subsurface tribal cultural resources, implementation of Mitigation Measure 3.4-2a would require that construction be halted and the resources evaluated, Mitigation Measure 3.4-2b would require cultural awareness training, and Mitigation Measure 3.4-2c would require tribal monitoring. With implementation of these mitigation measures, this impact would be **less than significant**.

As described under "Native American Consultation," above, the City mailed notification letters to all tribes identified by the NAHC for the Project. A representative from Wilton Rancheria responded that the tribe would like to formally initiate the consultation process. The AB 52 consultation did not result in the identification of tribal cultural resources within the Project site. However, the tribe has expressed concern over the sensitivity of the area.

On May 30, 2023, negative SLF results were received from the NAHC. In addition, neither the NCIC records search nor the pedestrian survey revealed any indigenous materials within the Project site. Nevertheless, the potential for unidentified subsurface resources to be present that could qualify as a tribal cultural resource remains, and Project-related ground-disturbing activities could damage or destroy tribal cultural resources. Implementation of Mitigation Measures 3.4-2a, 3.4-2b, and 3.4-2c would reduce the impact associated with tribal cultural resources to a **less-than-significant** level by requiring that construction be halted and the resources be evaluated if ground-disturbing activities disturb or destroy previously undiscovered significant subsurface tribal cultural resources and by requiring Native American monitoring during ground disturbing activities and appropriate treatment and proper care of significant tribal cultural resources, in accordance with the wishes of the geographically and culturally affiliated tribe, in the case of a discovery. Additionally, mitigation would require cultural awareness training to provide information regarding sensitive tribal cultural resources.

Mitigation Measures

Mitigation Measure 3.4-2a: Implement Mitigation Measure 3.4-1

Mitigation Measure 3.4-2b: Implement Cultural Awareness Training

Prior to the start of any grading, utility-related excavation, and other ground disturbing phases of construction, individuals participating in work, on-site lead, foreman, City and Sacramento Zoological Society (SZS) staff members, and any other key personnel, shall receive the relevant information regarding sensitive tribal cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The Cultural Awareness Training shall describe appropriate avoidance and minimization measures for resources that have the potential to be located on the Project site and shall outline what to do and whom to contact if any potential archaeological resources or artifacts are encountered. The Cultural Awareness Training shall also underscore the requirement for confidentiality and culturally appropriate treatment of any kind of significance to Native Americans and behaviors, consistent with Native American Tribal values. Upon completion of the Worker Cultural Awareness Program individuals participating in work, on-site lead, foreman, and City and SZS staff members and any other key personnel shall sign a form that acknowledges receipt and understanding of the training. The training may be done in coordination with the Project Archaeologist. The New Zoo shall engage with the Wilton Rancheria Tribe to provide this training.

Mitigation Measure 3.4-2c: Implement Native American Monitoring

For grading, utility-related excavation, and other ground disturbing phases of construction, the New Zoo shall notify Wilton Rancheria and provide access to the Project site for a tribal monitor. The City Public Works Department shall contact the tribal representative a minimum of 7 days before beginning earthwork or other ground-disturbing activities. The tribal monitor will be invited to be present on-site during the construction phases that involve ground-disturbing activities, including tree removal, boring, excavation, drilling, and trenching.

Should the tribal monitor be present the City would request copies of complete daily monitoring logs that provide details on each day's activities, including construction activities, locations, soil, and any cultural materials identified. Should a tribal monitor not elect to participate the City's Construction Manager will monitor for potential discoveries. The on-site monitoring shall end when the site grading and excavation activities are completed or when the tribal representatives and monitor have indicated that the site has a low potential for affecting tribal cultural resources.

Significance after Mitigation

Less than significant.

Impact 3.4-3: Disturb Human Remains

Based on documentary research, no evidence suggests that any precontact or historic-era marked or unmarked human interments are present within or in the immediate vicinity of the Project site. However, ground-disturbing construction activities could uncover previously unknown human remains. With compliance with California Health and Safety Code Section 7050.5 and PRC Section 5097, this impact would be **less than significant**.

Based on documentary research, no evidence suggests that any precontact or historic-era marked or unmarked human interments are present within or in the immediate vicinity of the Project site. However, grave sites and Native American remains can be located outside of identified cemeteries or burial sites. Therefore, there is a possibility that unmarked, previously unknown Native American or other graves could be present within the Project site and could be uncovered by Project-related construction activities.

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 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, the NAHC-designated most likely descendant and 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.

Compliance with California Health and Safety Code Section 7050.5 and PRC Section 5097 would provide an opportunity to avoid or minimize the disturbance of human remains and to appropriately treat any remains that are discovered. Therefore, this impact would be **less than significant**.

Mitigation Measures

No mitigation is required.