

This section provides a discussion of the prehistoric period background, ethnographic background, historic period background, known cultural resources in the region, the regulatory setting, an impact analysis, and mitigation measures. This section is based in part on the following:

- *Rancho Cordova General Plan* (City of Rancho Cordova, Adopted June 26, 2006);
- *Rancho Cordova General Plan Draft Environmental Impact Report* (City of Rancho Cordova, March 2006);
- *The Ranch Updated Cultural Resources Inventory and Evaluation, Rancho Cordova, Sacramento County, California* (Windmill Consulting, Inc., June 2018); and
- *Determination of Eligibility and Effect for the Jaeger 530 Project Area, Sacramento County, California* (Peak & Associates, Inc., 2005).

The analysis contained in this section is intended to be at a Project-level, and covers impacts associated with development of the entire site, with the exception of areas designated for protection as described in Chapter 2.0, Project Description, to an urban use.

Comments were received during the public review period or scoping meeting for the Notice of Preparation regarding this topic from the Native American Heritage Commission (NAHC, July 30, 2019). Each of the comments related to this topic are addressed within this section.

3.4.1 ENVIRONMENTAL SETTING

The environmental setting of the region and Project site is based primarily on the Determination of Eligibility and Effect for the Jaeger 530 Project Area, Sacramento County, California prepared for the Project site by Peak & Associates.

PREHISTORY

Archaeological work in the Central Valley area during the 1920s and 1930s led to the development of the first cultural chronology for Central California. The chronology identified three archaeological cultures, which were named Early, Transitional, and Late. Subsequently the three cultural groups were subsumed into three time periods, designated the Early, Middle, and Late Horizons.

The Windmill Pattern is representative of the Early Horizon in the Rancho Cordova area. The Early Horizon is highlighted by: large, heavy, stemmed and leaf-shaped projectile points made of a variety of materials; charmstones; shell beads and ornaments; trident fish spears; flat slab millstones; small numbers of mortars; and ventrally extended burials oriented toward the west. The Windmill Pattern probably emphasized hunting and fishing, with seed collecting as a supplement to the diet. The Windmill Pattern dates from 4,500-2,500 Before Present (B.P.).

The Cosumnes Culture is representative of the Middle Horizon in the Rancho Cordova area. The Middle Horizon is highlighted by: large, heavy, lanceolate concave base projectile points made of a variety of materials; charmstones; shell beads and ornaments; cobble mortars and evidence of wooden mortars; numerous bone tools and bone ornaments; and tightly flexed burials with

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variable orientation and red ochre staining. Middle Horizon cultures are generally quite different from the Windmill Pattern, but do continue to exhibit some of the characteristics of Windmill such as similar projectile point forms. The similarities in projectile point forms may be indicative of cultural continuity and/or functional and adaptational success of particular forms. The Middle Horizon dates from 2,500 B.P.-A.D. 500.

The Hotchkiss Culture is representative of the Late Horizon in the Rancho Cordova area. The Late Horizon primarily represents both local innovation and the blending of new cultural traits introduced into the Central Valley primarily from the north. It is distinguished by intensive fishing, extensive use of acorns, elaborate ceremonialism, social stratification, and cremation of the dead. The Hotchkiss Culture dates from A.D. 500-to Euroamerican contact.

ETHNOGRAPHY

A large population of Native Americans speaking more than 100 different languages and occupying a variety of ecological settings inhabited California prior to the arrival of Euroamericans. Peak and Associates identified that Rancho Cordova and the surrounding area are in Valley Nisenan territory. The *Ranch Updated Cultural Resources Inventory and Evaluation* prepared by Windmill Consulting in 2018 identifies that the Project site lies almost midway between the former homeland of the Maiduan-speaking Nisenan along the American River and the *Amuchamne* tribelet of Miwok speakers along the Cosumnes River.

The basic social and economic group of the Nisenan was the family or household unit, with the nuclear and/or extended family forming a corporate unit. Among the Nisenan these groups combined to form tribelets, which were their largest sociopolitical unit. Each tribelet had a chief or headman, and tribelet populations were as large as 500 persons living in permanent villages that were usually located on raised areas to avoid flooding.

Valley Nisenan used a variety of utilitarian stone tools, with obsidian being a highly valued material for tool manufacture. Other tools and weapons were made of bone, wood, and plant materials including stirring sticks, mush paddles, pipes, hide preparation equipment, and baskets. Fishing formed a large component of Valley Nisenan subsistence activity. Consequently, they used an extensive assemblage of fishing-related implements including: spears; cordage lines with bone fishhooks; harpoons with detachable points; dams for stream diversion; nets of cordage and basketry; weirs; and an array of fish traps. Other food processing equipment included bedrock mortars and pestles for grinding acorns, buckeyes, pine nuts, seeds, berries, and meat. Valley Nisenan also fostered trading relationships with surrounding groups for commodities such as salt, marine shells, and basketry.

The Plains Miwok were identified as a distinct language group as early as 1806. Lineage was the most important political and economic unit, with lineages based on the male line of descent. Miwok lineages were associated with a specific place, such as a tribelet's permanent settlement. The tribelet was the largest sociopolitical group. The permanent settlement usually included an assembly house, which was often a large, circular, semi-subterranean earth-covered lodge,

housing including pole and thatch structures, a sweathouse, and other structures. Miwok-speaking people were hunter-fisher-gatherers and the major staple, acorns, were gathered in the fall.

The *Amuchamne* tribelet was the northernmost tribelet on the Cosumnes river drainage within the Sacramento Valley and was the only organized Cosumnes River Miwok village to survive the gold rush. Sometime between 1850 and 1870, the people of Amuchamne moved their village to the outskirts of Elk Grove.

HISTORIC PERIOD

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. At this time, the attention of Spanish missionaries shifted away from the coast and its dwindling Native American population, to the conversion and missionization of interior populations. This time period also marks the beginning of the decline of Native American populations due to Euroamerican diseases and the relocation of many groups to missions, which resulted in not only the loss of life, but also the loss of Native American traditional culture.

The second quarter of the nineteenth century encompasses the Mexican Period (ca. 1821-1848) in California. This period is an outgrowth of the Mexican Revolution, and its accompanying social and political views affected the mission system across California. In 1833, the missions were secularized and their lands divided among the Californians as land grants called ranchos. These ranchos, such as the 35,000-acre Rancho Rio de los Americanos, part of which is located within the Planning Area, facilitated the growth of a semi-aristocratic group that controlled the large ranchos.

During the middle of the 19th century trails were being blazed across the plains and mountains facilitating the westward migration of Euroamericans. Groups such as the 1841 Bartleson-Bidwell party and the 1844 Stevens-Murphy party that traveled to California typify these early immigrants. 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 Rancho Rio de los Americanos was originally granted to William Leidesdorff and subsequently sold to Joseph Folsom. Neither of these individuals, however, developed the rancho, and it does not reflect patterns of rancho development and use that are typical in other parts of California. Regardless, the discovery of gold at Sutter's Mill in Coloma in 1848 caused a dramatic alteration of both Native American and Euroamerican cultural patterns in California. Once news of the discovery of gold spread, a flood of Euroamericans began to enter the region, and gravitated to the area of the "Mother Lode". Initially, the Euroamerican population grew slowly, but soon exploded as the presence of large deposits of gold was confirmed. The population of California quickly swelled from an estimated 4,000 Euroamericans in 1848 to 500,000 in 1850. This large influx of immigrants had a negative effect on Native American cultures, and marks the beginning of a relatively rapid decline of Native American populations and culture.

The Project site was purchased by George F. Jaeger in 1880 and was used by his family to raise hay and livestock.

The second half of the nineteenth century witnessed an ongoing and growing immigration of Euroamericans into the area, an influx also accompanied by regional cultural and economic changes. These changes are highlighted by the development of the Rancho Cordova area associated with expanding business opportunities related to gold mining, agriculture, and/or ranching.

PROJECT SITE

Setting

The 530-acre Project site is currently vacant and has been previously used for agricultural uses (cattle grazing). The topography of the site exhibits low relief topography with elevations ranging between 170 and 210 feet above mean sea level (MSL). The slopes throughout the site range from approximately zero to eight percent. The site is characterized by moderate rolling hills and areas of extensive flatlands, with wetlands, vernal pools, and seasonal drainage courses scattered throughout the site. A headwater tributary of Morrison Creek traverses the Project site, entering at the northeast corner and flowing generally to the southwest.

The property is traversed by a 275-foot-wide utility easement occupied by a 230-kV Pacific Gas and Electric (PG&E) transmission line, one 230-kV Sacramento Municipal Utility District (SMUD) transmission line, and one 69-kV SMUD sub-transmission line. No other public utilities (water, sewer, drainage) are located on site. The parallel 203-kV electrical transmission towers and lines were identified as a historic resource (P-34-5210) in the Updated Cultural Resources Inventory and Evaluation prepared by Windmiller Consulting.

The Project site is bound by existing single-family residential uses and Douglas Road to the north, vacant land and Grant Line Road to the east, vacant land and Kiefer Boulevard to the south, and Rancho Cordova Parkway, single family residential, and vacant land on the west.

Historical Context

George Frederick Jaeger was born in Germany in October 1840. His family immigrated to the United States in 1845. In the 1860 Federal Census (taken in June), there are two 19-year-old men named George Jaeger born in Germany and residing in the United States with their parents – one in Missouri and one in Wisconsin. The George Jaeger who purchased the land in the study area is one of these individuals, but without extensive research, it is not possible to know which one is the correct individual.

The first record of George Jager in California is in 1875 when he married Emma Henriette Reese in El Dorado County. Emma Reese was born in California in 1857 with parent Henry and Henrietta Reese born in Prussia and Germany. Her father worked as a miner in 1870 and the family lived in the Placerville Township.

On January 1, 1879, their first daughter was born at Reservoir Hill in El Dorado County. In the 1880 Federal Census, George Jaeger is listed in El Dorado County in the Placerville Township as a 38-year-old miner, with his wife Emma, 23, and their one-year-old daughter, Etta.

In 1880, George Jaeger purchased land including the Project site, apparently deciding to switch his occupation to ranching and farming. Jaeger likely purchased the property between April and November of 1880. By 1885, Jaeger was listed as the owner of the 850-acre tract, valued at \$12,750. He had a house and fences worth \$1,250. Other property included furniture, an organ, farming tools, machinery, wagons, harnesses, four horses, four colts, ten cows, 15 head of cattle, poultry, and wheat.

In 1887, twin girls were born to the family – Maybel and Myrtle. By 1890, Jaeger had continued to prosper. In the 1891-1892 County Directory, his residence is listed as “four miles north” of Cosumne. In 1892, the Sacramento County Great Register of Voters provided a physical description of Jaeger – five-feet, nine-inches in height, light hair and complexion, and blue eyes. He was then listed at Michigan Bar, apparently the closest precinct at the time. He was reported to be a naturalized citizen by virtue of his father’s naturalization.

In 1900, the family was listed on the ranch in Lee Township. George and Emma Jaeger lived with their three daughters – Etta, a 21-year-old bookkeeper at a drugstore, and 12-year-old twins, Maybel and Myrtle. Jaeger apparently raised hay and grain on his land, as well as some livestock. He likely irrigated a portion of his lands as pasture for the livestock. Jaeger may have also had some difficulty in sustaining operations at the ranch as the involvement of his daughters in ranch activities would have been limited due to the attitudes toward the role of women at this time.

Jaeger apparently moved his family in to the City of Sacramento in about 1905 or 1906. George may have been in ill health, or may have wished to retire from farming with increasing age. He purchased a home at 1523 F Street. Jaeger died on February 14, 1907 at age 66. The family had visitation at their home on the 16th with a private funeral. No other detail on his life was provided in the obituaries.

In his will, Jaeger left three-fifths of his estate to his wife, with the remaining two-fifths to be shared by his three daughters. In early 1908, Emma Jaeger filed a final account for the estate. Jaeger owned four houses in the City of Sacramento – a 414-acre ranch in the Florin area, a 200-acre ranch, the 850-acre main ranch, and the home in Sacramento. He sold his 480-acre holdings in El Dorado County to Alex Forni. The total value of the estate was over \$37,000.

Apparently, two of the homes in Sacramento were rental properties. The ranch was apparently rented to the Little Brothers. Income was received for hay sold. Sacramento County maps continue to show the Project site as owned by George Jaeger estate through at least 1923. The 1920 Federal Census indicates that Mrs. Jaeger lived with her unmarried daughter, Myrtle, on 27th Street in the City of Sacramento. Both of their incomes were listed as “none”, suggesting they continued to receive income from the ranch property.

KNOWN CULTURAL RESOURCES

A summary of the record search, Native American consultation, and field assessment that was performed for the Project site is included below.

Research

A record search was conducted for the Project area at the North Central Information Center (NCIC) of the California Historical Resources Information System (CHRIS) in November 2004. According to NCIC files, no sites have been identified in or adjacent to the Project site. CA-SAC-308H has been used to record all of the mining tailings and features of the American River Mining District, and it is assumed that the nearby dredger tailings are considered part of that “site”.

Additionally, an updated record search was conducted for the Project area at the NCIC in June 2017. According to NCIC files, no sites have been identified in or adjacent to the Project site. The June 2017 search did, however, identify two previously recorded cultural resources outside of the Project area but within one-quarter mile radius of the Project site. The records search identified six previous cultural resources within the radius, which may have included cultural resources inventories immediately adjacent to the Project site, though only one previous survey encompassed the site according to the map accompanying the record search. That survey was designated S-5843 by the NCIC and was conducted by Peak & Associates, Inc. in 2005. No cultural resources were identified in the NCIC’s file for report S-5843.

The NCIC records search identified the Wietsma Dairy (P-34-533) and the George Jaeger (home) ranch (P-34-1065) located within one-quarter mile of the Project site radius. The 1916 USGS Buffalo Creek 7.5 minute quadrangle included within the records search did not illustrate any man-made buildings or structures within the Project site. However, two buildings were illustrated within one-quarter mile north of the Project site in the same section. Also, a north-south road (Jaeger Road) is illustrated adjacent to the west side of the Project site. An east-west road (Douglas Road) is illustrated within one-quarter mile north and east of the Project site.

The 1954 USGS Buffalo creek 7.5 minute quadrangle also does not illustrate any man-made buildings or structures within the Project site. However, three small reservoirs are illustrated within one-quarter mile north of the Project site and Jaeger Road is illustrated adjacent the west of the Project site.

As no previously recorded cultural resources were on file with the NCIC for the Project site, the Office of Historic Preservation’s (OHP’s) Archaeological Determinations of Eligibility was not searched for sites with relevant designations. For the same reason, OHP’s Directory of Properties in the Historic Property Data File for Sacramento County was not searched.

NCIC staff reported nothing listed in local inventories. No bridges were located within the Project site. Therefore, a search of the Caltrans Bridge Survey was not conducted.

Consultation

PEAK & ASSOCIATES

Peak & Associates, Inc. sent a letter to the Native American Heritage Commission (NAHC) requesting a check of the Sacred Lands files. The check failed to reveal any properties listed as Sacred Lands on the Project site. The NAHC did provide a list of individuals and groups to contact regarding the site. Letters were sent to: Leland Daniels; Glenn Villa Sr. and Pamela Baumgartner of the Lone Band of Miwok Indians; Clifford McKean of the Miwok Indian Community of the Wilton Rancheria; Dwight Dutschke of the Sierra Native American Council; and Mary Daniels-Tarango of the Wilton Rancheria. No replies were received in response to the Peak & Associates outreach.

DE NOVO PLANNING GROUP

De Novo Planning Group, on behalf of the City, sent a letter to the NAHC requesting the Senate Bill (SB) 18 Tribal Consultation List. The NAHC did provide a list of individuals and groups to contact regarding the site. Letters were sent to: Rhonda Morningstar Pope, Buena Vista Rancheria of Me-Wuk Indians; Pamela Cubbler, Colfax-Todds Valley Consolidated Tribe; Clyde Prout, Colfax-Todds Valley Consolidated Tribe; Sara Dutschke Setchwaelo, Lone Band of Miwok Indians; Cosme A. Valdez, Nashville Enterprise Miwok-Maidu-Nishinam Tribe; Regina Cuellar; Shingle Springs Band of Miwok Indians; Grayson Coney, Tsi Akim Maidu; Gene Whitehouse, United Auburn Indian Community of the Auburn Rancheria (UAIC); and Raymond Hitchcock, Wilton Rancheria. One tribe, the Shingle Springs Band of Miwok Indians responded to the De Novo Planning Group/City outreach. The response letter notes that the Shingle Springs Band of Miwok Indians is not aware of any known cultural resources on the Project site. However, the Shingle Springs Band of Miwok Indians requested to have continued consultation through updates as the Project progresses. Additionally, the Shingle Springs Band of Miwok Indians requested any and all completed record searches and/or surveys that were done in or around the Project area up to and including environmental, archaeological, and cultural reports. Further, the Shingle Springs Band of Miwok Indians requested that, if during the progress of the Project new information or human remains are found, they would like to go over their process with the City to protect such important and sacred artifacts (especially near rivers and streams).

CITY OF RANCHO CORDOVA

Pursuant to Assembly Bill (AB) 52, the City sent letters to the following tribal representatives: Antonio Ruiz Jr. of Wilton Rancheria; Gene Whitehouse of UAIC; Jason Camp of UAIC; Marcos Guerrero of UAIC; and Randy Yonemura of Lone Band of Miwok Indians. One tribe, the UAIC responded to the City outreach. The response letter notes that the UAIC does not wish to initiate consultation under AB 52. However, the UAIC requested that the Tribe be informed of any changes to the Project. The UAIC also requested any and all completed record searches and/or surveys that were done in or around the Project area up to and including environmental, archaeological, and cultural reports. The Tribe also requested to be contacted if any tribal cultural resources are discovered in the Project area. The City sent a response to the UAIC which included the *Determination of Eligibility and Effect for the Jaeger 530 Project Area, Sacramento County*,

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California (Peak & Associates, 2005). The City's response further notes that the Tribe is on the City's list to receive notification when the environmental document is available for public review and comment. The City's response letter concludes by noting that the City will notify the Tribe if the Project changes or if tribal cultural resources are identified within the Project area.

WINDMILLER CONSULTING

In 2017, Windmiller Consulting contacted NAHC to request an updated Sacred Land Files search and Native American contacts. The NAHC responded on May 30, 2017 and noted that the Sacred Land Files search was negative. No Native American cultural resources were identified by NAHC staff in the Project area. NAHC staff recommended contacting other sources for information on known and documented sites. The staff included a list of Native American contacts with the response letter:

- Mr. Randy Yonemura, Ione Band of Miwok Indians;
- Ms. Rhonda Morningstar Pope, Chairperson, Buena Vista Rancheria, Sacramento;
- Mr. Cosme Valdez, interim Chief Executive Officer, Nashville-Eldorado Miwok;
- Ms. Crystal Martinez, Chairperson, Ione Band of Miwok Indians;
- Mr. Grayson Coney, Cultural Director, Tsi Akim Maidu;
- Mr. Nicholas Fonseca, Chairperson, Shingle Springs Band of Miwok Indians, Shingle Springs;
- Mr. Don Ryberg, Chairperson, Tsi Akim Maidu;
- Mr. Raymond Hitchcock, Chairperson, Wilton Rancheria;
- Mr. Gene Whitehouse, Chairperson, UAIC.

A letter dated April 26, 2018 along with a location map was mailed to each of the above contacts describing the Project and asking for volunteered information on the location of any sacred or other sites of importance to Native American tribal groups. A follow-up telephone call was made to each contact on May 8, 2018.

In a letter dated May 10, 2018 that appeared to be a standard response, Mr. Gene Whitehouse, Chairman, UAIC stated that the UAIC is concerned about development within its aboriginal territory including potential impact on the lifeways, cultural sites, and landscapes that may be of sacred or ceremonial importance. To ascertain if the Project could affect cultural resources of importance to the UAIC, the UAIC would like to consult on the Project. In addition, the UAIC would like to receive copies of any archaeological reports, environmental documents and the opportunity to comment on the identification, assessment and mitigation related to cultural resources. The UAIC also recommends that UAIC tribal representatives observe and participate in all cultural resource surveys. The letter ended with the statement that the UAIC Preservation Committee requests a meeting or site visit and for further contact, address Mr. Marcos Guerrero, Cultural Resource Manager at UAIC. Mr. Whitehouse's letter did not identify any specific sites of Native American importance within or near the Project site. No other responses from tribal contacts were received as of the date of the Windmiller Consulting report.

Earlier, on May 22, 2017, an email was sent to the Sacramento County Historical Society and to the Elk Grove Historical Society. The email described the Project, its location and requested

information on potential historic sites that may be impacted by the Project. There was one response received. Mr. Jim Entrican, Elk Grove Historical Society responded on several occasions with a discussion of pioneer families in the region, but did not specify any historic sites located at the Project location.

There was no response from the Sacramento Historical Society. A second email was sent to the Sacramento Historical Society on May 8, 2018. However, no response was received as of the date of the Windmill Consulting report.

Field Assessment

PEAK & ASSOCIATES - 2004

Ann Peak, Peak & Associates, Inc., assisted by Sue Merritt (graduate student in Anthropology, CSU Sacramento) and Leland Daniels (archaeological technician of Miwok descent), completed a complete field survey and inspection of the Project site in December 2004. Ground visibility was fair to good. No historic, archaeological, or tribal cultural resources were found on the site during the survey. Based on the results of the inspection, there are no prehistoric nor historic period resources located within the Project site.

WINDMILLER CONSULTING - 2018

In April 2018, Ric Windmiller, M.A., conducted a pedestrian reconnaissance of the Project site was conducted along widely spaced transects. Ground visibility was fair to good; grass was cropped close to the ground by grazing cattle. One person day was expended on the reconnaissance. Expectations of finding prehistoric or historic archaeological resources were low. None were identified. However, a double row of parallel high voltage electric transmission lines crosses the Project site from northeast to southwest. The towers (P-34-5210, SMUD Electrical Transmission Towers and Lines) were recorded on DPR 523 series forms by architectural historian Dana Supernowicz, M.A.

P-34-5210, SMUD Electrical Transmission Towers and Lines, consists of two parallel rows of 230kV electrical transmission towers with attached transmission lines. The towers are over 100 feet high and made of riveted steel with lattice bracing. The double row of towers traverses the Project site from northeast to southwest along a utility easement owned by SMUD. Each tower has three horizontal arms or masts mounted to the upper half of the tower. The rectangular, truncated-shaped lattice transmission towers rest on four concrete piers. A form of "X" bracing with radiating steel lattice braces is used on opposing sides of the towers for support. The three steel arms on each tower, also containing lattice bracing, connect to twisted or elongated insulators attached to high lead cables that transmit electricity from tower to tower. The double line of towers cuts through a large swath of agricultural open-space land, terminating to the west at the West Hedge Substation at Elder Creek. The subject transmission towers were reportedly constructed between 1961 and 1968, which is based on a review of historic topographic maps and aerial photographs. P-34-5210, SMUD Electrical Transmission Towers and Lines, are not individually eligible or collectively eligible as a National Register historic district.

3.4.2 REGULATORY SETTING

FEDERAL

National Historic Preservation Act

The National Historic Preservation Act was enacted in 1966 as a means to protect cultural resources that are eligible to be listed on the National Register of Historic Places (NRHP). The law sets forth criterion that is used to evaluate the eligibility of cultural resources. The NRHP is composed of districts, sites, buildings, structures, objects, architecture, archaeology, engineering, and culture that are significant to American History.

Virtually any physical evidence of past human activity can be considered a cultural resource. Although not all such resources are considered to be significant and eligible for listing, they often provide the only means of reconstructing the human history of a given site or region, particularly where there is no written history of that area or that period. Consequently, their significance is judged largely in terms of their historical or archaeological interpretive values. Along with research values, cultural resources can be significant, in part, for their aesthetic, educational, cultural and religious values.

STATE

California Register of Historic Resources

The CRHR was established in 1992 and codified in the Public Resource Code §5020, 5024 and 21085. The law creates several categories of properties that may be eligible for the CRHR. Certain properties are included in the program automatically, including: properties listed in the NRHP; properties eligible for listing in the NRHP; and certain classes of State Historical Landmarks. Determining the CRHR eligibility of historic and prehistoric properties is guided by CCR §§15064.5(b) and Public Resources Code (PRC) §§21083.2 and 21084.1. NRHP eligibility is based on similar criteria outlined in Section 106 of the NHPA (16 U.S. Code [USC] 470).

Cultural resources, under CRHR and NRHP guidelines, are defined as buildings, sites, structures, or objects that may have historical, architectural, archaeological, cultural, or scientific importance. A cultural resource may be eligible for listing on the CRHR and/or NRHP if it:

- is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- is associated with the lives of persons important in our past;
- embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual or possesses high artistic values; or
- has yielded, or may be likely to yield, information important in prehistory or history.

If a prehistoric or historic period cultural resource does not meet any of the four CRHR criteria, but does meet the definition of a "unique" site as outlined in PRC §21083.2, it may still be treated as a

significant resource if it is: 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:

- it contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information,
- it has a special and particular quality such as being the oldest of its type or the best available example of its type, or
- it is directly associated with a scientifically recognized important prehistoric or historic event.

California Environmental Quality Act

The California Environmental Quality Act (CEQA) Guidelines §15064.5 provides guidance for determining the significance of impacts to archaeological and historical resources. Demolition or material alteration of a historical resource, including archaeological sites, is generally considered a significant impact. Determining the CRHR eligibility of historic and prehistoric properties is guided by CCR §§15064.5(b) and Public Resources Code (PRC) §§21083.2 and 21084.1. NRHP eligibility is based on similar criteria outlined in Section 106 of the NHPA (16 U.S. Code [USC] 470).

CEQA also provides for the protection of Native American human remains (CCR §15064.5[d]). Native American human remains are also protected under the Native American Graves Protection and Repatriation Act of 1990 (25 USC 3001 et seq.), which requires federal agencies and certain recipients of federal funds to document Native American human remains and cultural items within their collections, notify Native American groups of their holdings, and provide an opportunity for repatriation of these materials. This act also requires plans for dealing with potential future collections of Native American human remains and associated funerary objects, sacred objects, and objects of cultural patrimony that might be uncovered as a result of development projects overseen or funded by the federal government.

Assembly Bill 52

AB 52, approved in September 2014, creates a formal role for California Native American tribes by creating a formal consultation process and establishing that a substantial adverse change to a tribal cultural resource has a significant effect on the environment. Tribal cultural resources are defined as:

- 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 CRHR
 - B) Included in a local register of historical resources as defined in PRC Section 5020.1(k)
- 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 PRC Section 5024.1 (c). In applying the criteria set forth in PRC Section 5024.1 (c) the lead agency shall consider the significance of the resource to a California Native American tribe.

A cultural landscape that meets the criteria above is also a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. In addition, a historical resource described in PRC Section 21084.1, a unique archaeological resource as defined in PRC Section 21083.2(g), or a “non-unique archaeological resource” as defined in PRC Section 21083.2(h) may also be a tribal cultural resource if it conforms with above criteria.

AB 52 requires a lead agency, prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report for a project, to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project if: (1) the California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and (2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation.

Assembly Bill 978

In 2001, AB 978 expanded the reach of Native American Graves Protection and Repatriation Act of 1990 and established a state commission with statutory powers to assure that federal and state laws regarding the repatriation of Native American human remains and items of patrimony are fully complied with. In addition, AB 978 also included non-federally recognized tribes for repatriation.

LOCAL

Rancho Cordova General Plan

The Rancho Cordova General Plan contains the following goals and policies that are relevant to cultural and tribal resources:

CULTURAL AND HISTORIC RESOURCES ELEMENT

Goal CHR.1: Identify and preserve the history of Rancho Cordova for future generations.

Policy CHR.1.1: Establish, support, and fund programs that enhance Rancho Cordova’s sense of community and identity, such as the collection of oral histories; genealogical research; and the acquisition of collections of historic artifacts, photographs, memorabilia, or other information relevant to the history of the City.

Policy CHR.1.2: Establish and promote programs that identify, maintain, and protect buildings, sites, or other features of the landscape possessing historic or cultural significance.

Policy CHR.1.3: Establish review procedures for development projects that recognize the history of the area in conjunction with State and federal laws.

3.4.3 IMPACTS AND MITIGATION MEASURES

THRESHOLDS OF SIGNIFICANCE

Consistent with Appendix G of the CEQA Guidelines, the Project is considered to have a significant impact on cultural and tribal cultural resources if it will:

- Cause a substantial adverse change in the significance of a historical resource pursuant to CEQA Guidelines §15064.5;
- Cause a substantial adverse change in the significance of archaeological resource pursuant to CEQA Guidelines §15064.5;
- Disturb any human remains, including those interred outside of formal cemeteries;
- Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code 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:
 - 1) listed or eligible for listing on the California Register of Historical Resources, or on a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
 - 2) a resource determined by a lead agency, in its discretion and supported by substantial evidence, to be significant according to the historical register criteria in Public Resources Code section 5024.1 (c), and considering the significance of the resource to a California Native American tribe.

IMPACTS AND MITIGATION MEASURES

Impact 3.4-1: Project implementation has the potential to cause a substantial adverse change to a significant historical or archaeological resource, as defined in CEQA Guidelines §15064.5, or a significant tribal cultural resource, as defined in Public Resources Code §21074 (Less than Significant with Mitigation)

The Project site is located in an area known to have historical, archaeological, and tribal cultural resources. The field surveys did not reveal a significant historical, archaeological, or tribal cultural resources or sites on the Project site. The field surveys did identify a historical resource; however, it was determined to not be historically significant (Windmiller Consulting, 2018).

As described under the Consultation heading above, the City of Rancho Cordova sent outreach letters to five tribal representatives pursuant to AB 52; De Novo Planning Group contacted nine tribal representatives pursuant to AB 52, and Windmiller Consulting contacted nine tribal representatives as part of their outreach efforts. None of the tribes that were contacted identified any tribal cultural resources on the Project site.

The UAIC responded in writing to both the City and Windmiller Consulting and requested to be notified of any changes to the Project, provided with any additional surveys, record searches or

3.4 CULTURAL AND TRIBAL RESOURCES

reports, and recommended that the UAIC participate in or observe any surveys. The Shingle Springs Band of Miwok Indians responded in writing to De Novo Planning Group and requested to be notified of any changes to the Project, provided with any additional surveys, record searches or reports, and requested to be contacted if any tribal cultural resources are discovered in the Project area. The UAIC's request to observe cultural surveys is addressed by Mitigation Measure 3.4-1 which provides for the tribe's monitoring of ground-disturbing activities and provides the tribe with an opportunity to make recommendations regarding any tribal cultural resources if inadvertently discovered. Mitigation Measure 3.4-1 provides the tribe with an opportunity to make recommendations regarding tribal cultural resources or Native American remains, if inadvertently discovered. The request by the Shingle Springs Band of Miwok Indians to be notified if human remains are found is addressed by Mitigation Measure 3.4-2 which requires the tribe to be consulted if human remains that are Native American in origin are inadvertently discovered.

As with most projects in the region that involve ground-disturbing activities, there is the potential for discovery of a previously unknown historical, archaeological, or tribal cultural resource. Implementation of the following mitigation measure would ensure that any finds are appropriately evaluated, documented, and addressed and would reduce this potential impact to a **less than significant** level.

MITIGATION MEASURE(S)

Mitigation Measure 3.4-1: *Prior to any ground-disturbing activities on the Project site, a qualified archaeologist shall conduct pre-construction worker cultural resources sensitivity training. The training session shall focus on the recognition of the types of historical and cultural, including Native American, resources that could be encountered, procedures to be followed if resources are found, and pertinent laws protecting these resources. Representatives from the Shingle Springs Band of Miwok Indians and the United Auburn Indian Community shall be invited to attend the training.*

If any cultural resources, including prehistoric or historic artifacts, or other indications of archaeological resources or tribal cultural resources are found during grading and construction activities, all work shall be halted immediately within a 100-foot radius of the discovery until an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, has evaluated the find(s) and until the Shingle Springs Band of Miwok Indians and the United Auburn Indian Community have been contacted and invited to review and document the find.

Work shall not continue at the discovery site until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially significant or eligible for listing on the NRHP or CRHR; or 3) not a significant Public Trust Resource.

If a significant finding is made, a plan must be developed for this inadvertent finding. Measures to potentially address a subsurface finding could include one or more of the following depending upon the nature of the find: recordation of the finding; further efforts to define the extent and nature of

the resource; preservation in place, and re-design to ensure long-term preservation of the resource; and/or data recovery excavations.

If Native American resources are identified, a Native American monitor, following the Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites established by the Native American Heritage Commission, may also be required and, if required, shall be retained at the Applicant's expense. Additionally, if any of these resources are identified, the Shingle Springs Band of Miwok Indian shall be notified and provided the opportunity to comment on the process to protect any potentially important or sacred resources, particularly if located along the on-site aquatic resources.

Impact 3.4-2: Project implementation has the potential to disturb human remains, including those interred outside of formal cemeteries (Less than Significant with Mitigation)

Indications suggest that humans have occupied Sacramento County for over 10,000 years and it is not always possible to predict where human remains may occur outside of formal burials. Therefore, excavation and construction activities, regardless of depth, may yield human remains that may not be interred in marked, formal burials.

Under CEQA, human remains are protected under the definition of archaeological materials as being "any evidence of human activity." Additionally, Public Resources Code Section 5097 has specific stop-work and notification procedures to follow in the event that human remains are inadvertently discovered during Project implementation.

While no human remains were found during field surveys of the Project site, implementation of the following mitigation measure would ensure that all construction activities which inadvertently discover human remains implement state-required consultation methods to determine the disposition and historical significance of any discovered human remains. The following mitigation measure would ensure that any discovered human remains are evaluated and addressed in compliance with State law and would reduce this impact to a **less-than-significant** level.

MITIGATION MEASURE(S)

Mitigation Measure 3.4-2: *If human remains are discovered during the course of construction during any phase of the Project, work shall be halted at the site and at any nearby area reasonably suspected to overlie adjacent human remains until the Sacramento County Coroner has been informed and has determined that no investigation of the cause of death is required. If the remains are of Native American origin, either of the following steps will be taken:*

- *The coroner shall contact the Native American Heritage Commission in order to ascertain the proper descendants from the deceased individual. The coroner shall make a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods, which may include obtaining a qualified archaeologist or team of archaeologists to properly excavate the human remains.*

3.4 CULTURAL AND TRIBAL RESOURCES

- *The Shingle Springs Band of Miwok Indian shall be consulted to go over the process to protect any human remains, particularly if located along the on-site aquatic resources.*
- *The landowner shall retain a Native American monitor, and an archaeologist, if recommended by the Native American monitor, and rebury the Native American human remains and any associated grave goods, with appropriate dignity, on the property and in a location that is not subject to further subsurface disturbance when any of the following conditions occurs:*
 - *The Native American Heritage Commission is unable to identify a descendent.*
 - *The descendant identified fails to make a recommendation.*
 - *The City of Rancho Cordova or its authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.*