

4.3 CULTURAL RESOURCES

4.3.1 Introduction

This section describes the potential for prehistoric and historical resources to be damaged as a result of development of the project, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of the proposed McKinley Village Project (proposed project).

In response to the Notice of Preparation (NOP), one commenter requested information regarding whether the proposed project site is a historical Native American site. This section addresses this commenter's request. A copy of the NOP and letters received in response to it are included in Appendix A.

The primary sources referenced to prepare this section include the Sacramento 2030 General Plan, the Sacramento 2030 General Plan Master EIR (MEIR), the Cultural Resource Assessment for the Proposed McKinley Village Project, and the A Street Bridge Historical Assessment. A copy of the Cultural Resources Assessment and the A Street Bridge Historical Assessment are included in Appendices E and F.

4.3.2 Environmental Setting

Prehistory Background

The Central Valley region was among the first in the state to attract intensive fieldwork, and research has continued to the present day. This has resulted in a substantial accumulation of data. Excavation data, in particular from the stratified Windmill site (CA-Sac-107), suggested two temporally distinct cultural traditions, the Early and Late Horizons. A third cultural tradition, the Middle Horizon, was identified through later work in the region. The three-horizon sequence, based on distinct changes in ornamental artifacts and mortuary practices, as well as on observed differences in soils within sites (Lillard, Heizer, and Fenenga 1939, as cited in Appendix E), was later refined by Beardsley (1954). An expanded definition of artifacts indicative of each time period was developed, and its application extended to parts of the central California coast. Ragir (1972, cited in Appendix E) applied the terms Windmill Culture (Early Horizon), Cosumnes Culture (Middle Horizon), and Hotchkiss Culture (Late Horizon) and provided updated descriptions.

Since the 1970s, there has been a shift in general approach to taxonomy. The term "pattern" is used rather similarly to "horizon" in the earlier system, but assignment of an archaeological entity to a pattern (now known as Windmill, Berkeley, and Augustine, from earliest to most recent) does not imply a specific timespan. A pattern is a general way of life, as reflected in material culture, found in a defined geographic area. Related archaeological assemblages in a smaller geographic area and specific time span can then be discussed as aspects, phases, or districts within the pattern.

The modern view of prehistoric cultural sequences in the Central Valley allows for a more complex approach to cultural development than the horizon system's implied "Middle Horizon evolved out of Early and Late evolved from Middle." It is also generally recognized that chronological relationships are much more complex than was realized several years ago.

Ethnology

At the time of the gold rush, the project vicinity was occupied by the Nisenan Indians, identified by the language they spoke. The Nisenan peoples occupied the drainages of the Yuba, Bear, and the American rivers from the Sacramento River on the west to the summit of the Sierra in the east. The Foothill and Hill Nisenan peoples were distinctive from the Valley Nisenan and were loosely organized into "tribelets" or districts with large central villages, surrounded by smaller villages. These central villages and their leaders seemed to have had power or control over the surrounding smaller villages and camps and specific surrounding territory (Beals 1933, Littlejohn 1928, Wilson and Towne 1978 as cited in Appendix E).

All the Nisenan depended on activities attuned to the seasonal ripening of plant foods and the seasonal movements and migration of the animals and the runs of fish. The hunting of these plentiful resources was part of the foothill life.

This same bounty was available to the river-oriented valley peoples out on the valley floor and along the natural levees of the rivers. Major north-south Indian trails along the margin of the foothills were usable year around, as well as other trails east and west along the natural levees of the stream courses. Both the valley and foothill peoples lived at the edges of rich ecotones: the rivers and the valley floor, and the valley floor and the foothills.

Gabriel Moraga led the first recorded Spanish expedition into the project vicinity between 1806 and 1808, in order to scout new mission sites, return runaway Indians, and punish Indians hostile to Spanish rule. Beaver and other fur resources were exploited in the Sacramento Valley by the Hudson Bay Company. In 1827 and 1828, Jedediah Smith led a trapping foray into the project vicinity. These and other trappers set up temporary camps in Nisenan territory and relationships were friendly. However, another result of the early contacts was the great malaria epidemic of 1833 that swept through the Sacramento Valley, killing an estimated 75% of the Valley Nisenan population.

The first permanent European settler in the Sacramento Valley was Captain John Sutter, who set up operations in the present downtown area of the City of Sacramento (City) in 1839. Sutter initially employed the Nisenan to help him in his operations, but later he imported large numbers of Plains Miwok from the Cosumnes River tribelets as laborers. Sutter's relations with these villages—both Miwok and Nisenan—were essentially feudal (Thompson and West 1880, as cited in Appendix E).

With the discovery of gold and the subsequent influx of a large Euro-American population of miners after 1849, Nisenan numbers were further reduced by disease and genocide. Survivors who were not either sickened or murdered were ultimately forced to vacate their ancestral homes. By the 1920s, when University of California anthropologists sought Native American informants who could testify concerning aboriginal life in the areas, only two elderly individuals could be located who retained any knowledge of Sacramento's native heritage.

History

In 1839, John Sutter approached Juan Bautista Alvarado, the Mexican governor, at the capital in Monterey with a proposal to establish a community in Upper California. Alvarado, realizing the benefits of an inland community in the north, accepted the proposal, awarding Sutter a land grant for his New Helvetia colony. The project area lies on lands of the New Helvetia rancho.

Knowing that the best link to the supply center at Yerba Buena (now San Francisco) was by water, Sutter chose land at the confluence of the Sacramento and American rivers for his settlement. After Sutter established his fort, his need for supplies led to the expansion of river navigation. By the mid-1840s, the arrival of steam-powered vessels accelerated the process of inland water travel.

With the 1848 discovery of gold at his mill site in Coloma in 1848, Sutter's plans for New Helvetia as an independent state were ruined, and gold seekers overran his ranching empire.

From a handful of residents at Sutter's Fort, the population of Sacramento had grown to about 2,000 in October 1849, and to an estimated 3,500 just 2 months later. Early settlement focused on the waterfront, with businesses extending along J Street.

Sacramento became the state capital in 1854 and continues as the state's political center to the present day.

The project area lies outside the major areas of development for the City. The early development centered on the downtown central business district. The rapidity of Sacramento's growth provided the economic incentive to quickly transform this tent city to a city of wood-frame and brick buildings and structures. The more permanent buildings served to reduce the damage caused by a series of devastating fires.

Increasingly efficient flood control measures protected the town from inundation and subsequent sewage problems generated by the periodic flooding of the Sacramento and American rivers. Undertakings to prevent flooding included building and strengthening levees, re-channeling the American River, and raising streets in the main business district some 12 feet. In 1868, the "S" curve of the American River was bypassed by digging an entirely new channel which joined the Sacramento River north of the rail yards, and reduced the frequency of flooding that once occurred within the present day Richards Boulevard area.

The first transcontinental railroad, the Central Pacific, arrived in Sacramento in 1863. The bridge crossing the American River was built adjacent to the property beginning in December 1862 and finished in the fall of the next year. The bridge crossing the American River has been replaced a number of times (Hayes 2005, as cited in Appendix E).

The project site became “Muldrow’s Gardens,” with the land remaining in agricultural use until recent years. Sutter had reportedly sold a large tract of land to Muldrow by 1857. By 1908, the land was owned by George Meister.

A review of historical U.S. Geological Survey topographic maps covering the site indicates that there are no buildings present on the early 1:31,680 scale map (Brighton 1911, as cited in Appendix E). Similarly, the 1949 1:24,000 map shows no buildings present. The 1954 version of this map (Sacramento East) indicates that Highway 40 (now Business 80) had been constructed. The project area had a roadway and four buildings and an outbuilding within the southeastern portion of the project area. The 1967 Sacramento East map indicates that all buildings had been removed by this date. The 1975, 1980, and 1992 Sacramento East maps indicate that there are no buildings present on the site.

Land use remained agricultural and under cultivation until at least the late 1980s as part of Mize’s Farm. Half was reportedly an orchard with the other half regularly plowed and used for cultivation of an assortment of vegetables (Maniery 1987, as cited in Appendix E). Google Earth historical aerials show a small outbuilding on the property in the late 1990s to about 2005, possibly related to this operation. There are no structures on the project site.

The City’s 2030 General Plan MEIR (see General Plan MEIR Figure 6.4-1) does not indicate that the project site is sensitive for archaeological resources (City of Sacramento 2009a).

A Street Bridge

JRP Historical Consulting LLC (JRP) evaluated the A Street overcrossing (Bridge No. 24 0131) to identify whether it should be considered as a historical resource, as defined in CEQA. The A Street Bridge was constructed in 1954 as part of Elvas Freeway construction, 1950–1955. When the Capital City Freeway was widened from four to six lanes in 1965, the bridge was not altered. The bridge is a two-span continuous concrete T-beam bridge that carries a small paved portion of roadway over the Capital City Freeway at post mile 1.77. The structure is generally perpendicular to the freeway and is supported on concrete wingwall abutments and a single two-pier concrete bent. The bridge’s roadway is flanked by short open panel railings with stepped ends and a sidewalk on its southern side. There is a metal guardrail adjacent to the bridge’s northeast corner that likely dates to the bridge’s original construction.

This structure type, a concrete T-beam, began to be used in California in the early twentieth century and was among bridge types frequently used for freeways in the mid-twentieth century.

They were among the early bridge types that were standardized by state highway departments. Concrete T-beam (also referred to as tee beam) bridges were generally more economical than concrete arches or slabs for span lengths longer than 25 feet. They are the second most common bridge type on California roadways and highways built before 1960. Only concrete slab bridges are more common. The A Street Bridge has relatively modest span length of less than 60 feet (Appendix F).

Records Search

A records search was conducted by Peak & Associates through the North Central Information Center (NCIC) of the California Historical Resources Information Center on May 16, 2013 (NCIC file number SAC-13-60). The NCIC report indicates that there have been six previous studies that covered at least a portion of the McKinley Village Project area. One of these covered all of the project area (Maniery 1987, as cited in Appendix E) and recorded no resources within the project boundary.

In 2008, AES archaeologists conducted a cursory reconnaissance of the project site to verify the results of the previous survey efforts. No resources were found in this survey. As a result of the Maniery 1987 effort and this follow-up survey, no new survey work was undertaken for the project.

Previous Research

Union Pacific Railroad/Capital City Freeway

The route of the first transcontinental railroad, still in use by Union Pacific Railroad (UPRR), has been examined in three separate projects (Jones & Stokes Associates 1999, McCarthy et al. 1987, Snyder 1997, as cited in Appendix E), the route of the Capital City Freeway was examined by Caltrans (2003) and one project followed a proposed telecommunications cable route near the railroad (Arrington et al. 2006, as cited in Appendix E). The only resource recorded in any of these projects within or adjacent to the McKinley Village Project site is the railroad. Recorded as CA-SAC-478-H in this area, it has also been recorded in Placer and Nevada counties within the NCIC area of responsibility. The route from Sacramento to the Nevada state line was nominated to the Historic American Engineering Record as survey number CA-196 (Snyder 1997, as cited in Appendix E).

2008 Records Search

The previous records search by AES in 2008 covered a wider zone, and indicated that two historic resources have been recorded adjacent to the project area (P-34-505 and P-34-637), while two additional resources have been recorded within a 0.50-mile radius (P-34-67 and P-34-509). Below is a brief summary of the previous resources identified.

P-34-505. Located on the southern and eastern margins of the project site (outside of the area of potential effects and not within the project boundaries), this historic resource consists of a 0.8-mile section of the Central Pacific's Transcontinental Railroad (Flint and Kelly 1995, as cited in Appendix E). The segment is located between the intersection of the railroad and Interstate 80 and the north bank of the American River. A 20-mile segment of the railroad was recorded by Norton and Atchley in 1999. The segment is located between the corner of B and 21st Streets to the Sacramento–Placer County line and overlaps the original 0.8-mile segment. Together the recorded segments equal 21 miles. The segments are standard gauge tracks with gravel ballasts and include a trestle crossing the American River. This is also the resource described as CA-SAC-478H in the current record search.

P-34-637. Located roughly 375 feet south of the project site, this historic resource consists of a round riveted steel water tower with a peaked metal roof (EarthTouch 2001, as cited in Appendix E). The tower, constructed between 1926 and 1928, is located in the courtyard of the American Cannery Company Business Park on the south side of the UPRR tracks and on the north side of C Street between 33rd and D streets. The tank rests on four metal legs attached to concrete footings and is accessed by a catwalk and ladders. The tank and tower are painted white with the words "Cannery Business Park" painted in black on the side of the tank. EarthTouch found the tower eligible for listing on the National Register of Historic Places (NRHP) under Criteria A and C.

P-34-67. Located north of the project site, this prehistoric resource once consisted of a mound approximately 50 yards in diameter and 4 feet high (Heizer 1924, as cited in Appendix E). The mound is located near the Elvas Railroad Bridge (overcrossing). The mound was revisited in 1995 by Flint and Beville, who could not locate the mound. The mound is most likely buried under the American River Levee and/or the City Landfill, now located at plotted location of CA-SAC-40.

P-34-509. Located roughly 0.50 mile north of the project site, this historic resource consists of a federal earthen levee located along the south bank of the American River (Flint and Bradley 1995, as cited in Appendix E). From the bridge over the American River that is located just south of the river, the levee runs approximately 500 feet west and ends at the east bank of the Sacramento River and 11.3 miles east to end just east of the Mayhew drainage canal at the Gristmill Recreation Area (AES 2008, as cited in Appendix E).

Paleontological Background

Paleontological resources include fossil remains, as well as fossil localities and rock or soil formations that have produced fossil material. Fossils are the remains or traces of prehistoric animals and plants. Fossils are important scientific and educational resources because of their use in: (1) documenting the presence and evolutionary history of particular groups of now extinct

organisms, (2) reconstructing the environments in which these organisms lived, and (3) determining the relative ages of the strata in which they occur and of the geologic events that resulted in the deposition of the sediments that formed these strata and in their subsequent deformation. The City of Sacramento and surrounding area is not highly sensitive for these types of resources although some discoveries have been made in the past (City of Sacramento 2009a).

4.3.3 Regulatory Setting

Cultural resources are defined as buildings, sites, structures, or objects, each of which may have historical, architectural, archaeological, cultural, and/or scientific importance. Several laws and regulations at the state level govern archaeological and historic resources deemed to have scientific, historic, or cultural value. The pertinent regulatory framework, as it applies to the proposed project, is summarized below.

Federal Regulations

National Historic Preservation Act

The National Historic Preservation Act of 1966¹ established the NRHP as the official federal list of cultural resources that have been nominated by state offices for their historical significance at the local, state, or national level. Properties listed in the NRHP, or determined eligible for listing, must meet certain criteria for historical significance and possess integrity of form, location, and setting. Under Section 106 of the act and its implementing regulations, federal agencies are required to consider the effects of their actions, or those they fund or permit, on properties that may be eligible for listing or that are listed in the NRHP. The regulations in 36 CFR 60.4 describe the criteria to evaluate cultural resources for inclusion in the NRHP. Properties may be listed in the NRHP if they possess integrity of location, design, setting, materials, workmanship, feeling, and association, and they:

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

¹ Because no federal agency approvals are required for the proposed project, the National Historic Preservation Act does not apply to the project. The information on this federal statute is provided for background purposes only.

These factors are known as “Criteria A, B, C, and D.”

In addition, the resource must be at least 50 years old, except in exceptional circumstances. Eligible properties must meet at least one of the criteria and exhibit integrity, which is measured by the degree to which the resource retains its historical properties and conveys its historical character, the degree to which the original fabric has been retained, and the reversibility of the changes to the property. Archaeological sites are evaluated under Criterion D, which concerns the potential to yield information important in prehistory or history.

The Section 106 review process, typically undertaken between the U.S. Army Corps of Engineers as part of issuing a Section 404 permit and the State Historic Preservation Officer, involves a four-step procedure:

1. Initiate the Section 106 process by establishing the undertaking, developing a plan for public involvement, and identifying other consulting parties.
2. Identify historic properties by determining the scope of efforts, identifying cultural resources, and evaluating their eligibility for inclusion in the NRHP.
3. Assess adverse effects by applying the criteria of adverse effect on historic properties (resources that are eligible for inclusion in the NRHP).
4. Resolve adverse effects by consulting with the State Historic Preservation Officer and other consulting agencies, including the Advisory Council on Historic Preservation, if necessary, to develop an agreement that addresses the treatment of historic properties.

The Department of the Interior has set forth Standards and Guidelines for Archaeology and Historic Preservation. These standards and guidelines are not regulatory and do not set or interpret agency policy. A project that follows the standards and guidelines generally shall be considered mitigated to a less-than-significant level, according to Section 15064.5(b)(3) of the California Environmental Quality Act (CEQA) Guidelines (14 CCR 15000 et seq.).

No historic properties, including the A Street Bridge, eligible for listing in the NRHP are known to exist on the project site.

State Regulations

California Register of Historical Resources

California Public Resources Code (PRC) Section 5024.1 authorizes the establishment of the California Register of Historical Resources (CRHR). Any identified cultural resources must therefore be evaluated against the CRHR criteria. In order to be determined eligible for listing in the CRHR, a property must be significant at the local, state, or national level under one or more of the four significance criteria, modeled on the NRHP. In order to be determined eligible for

listing in the CRHR, a property must be significant at the local, state, or national level under one or more of the following four criteria:

1. It is associated with events or patterns of events that have made a significant contribution to the broad patterns of the history and cultural heritage of California and the United States.
2. It is associated with the lives of persons important to the nation or to California's past.
3. It 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.
4. It has yielded, or may be likely to yield, information important to the prehistory or history of the state and the nation.

In addition to meeting one or more of the above criteria, a significant property must also retain integrity. Properties eligible for listing in the CRHR must retain enough of their historic character to convey the reason(s) for their significance. Integrity is judged in relation to location, design, setting, materials, workmanship, feeling, and association. No historic properties or resources eligible for listing in the CRHR are known to exist on the project site.

California Environmental Quality Act

Under CEQA, public agencies must consider the effects of their actions on both "historical resources" and "unique archaeological resources." Pursuant to PRC Section 21084.1, a "project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." PRC 21083.2 requires agencies to determine whether proposed projects would have effects on "unique archaeological resources."

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

Properties of local significance that have been designated under a local preservation ordinance (local landmarks or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the CRHR and are presumed to be "historical resources" for purposes of CEQA unless a preponderance of evidence indicates otherwise (PRC 5024.1 and 14 CCR 4850). Unless a resource listed in a survey has been demolished or has lost substantial integrity, or there is a preponderance of evidence indicating that it is otherwise not eligible for listing, a lead agency should consider the resource potentially eligible for the CRHR.

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

- A. Is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, or cultural annals of California; and
- B. Meets any of the following criteria:
 1. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
 2. Is associated with the lives of persons important in our past;
 3. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
 4. Has yielded, or may be likely to yield, information important in prehistory or history (CEQA Guidelines, Section 15064.5(a)(3)).

These factors are known as "Criteria 1, 2, 3, and 4" and parallel Criteria A, B, C, and D under the National Historic Preservation Act. The fact that a resource is not listed or determined to be eligible for listing does not preclude a lead agency from determining that it may be a historical resource (PRC 21084.1 and CEQA Guidelines, Section 15064.5(a)(4)).

CEQA also distinguishes between two classes of archaeological resources: archaeological sites that meet the definition of a historical resource, as described above, and "unique archaeological resources." Under CEQA, an archaeological resource is considered "unique" if it:

- Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information;
- Has a special and particular quality such as being the oldest of its type or the best available example of its type; or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person (PRC 21083.2(g)).

CEQA states that if a proposed project would result in an impact that might cause a substantial adverse change in the significance of a historical resource, then an EIR must be prepared and

mitigation measures and alternatives must be considered. A “substantial adverse change” in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired (CEQA Guidelines Section 15064.5(b)(1)).

The CEQA Guidelines (Section 15064.5(c)) also provide specific guidance on the treatment of archaeological resources, depending on whether they meet the definition of a historical resource or a unique archaeological resource. If the site meets the definition of a unique archaeological resource, it must be treated in accordance with the provisions of PRC 21083.2.

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

Senate Bill 18

Senate Bill 18 (SB 18; Government Code sections 65352.3, 65352.4) requires that, prior to the adoption or amendment of a general plan proposed on or after March 1, 2005, a city or county must consult with Native American tribes with respect to the possible preservation of, or the mitigation of impacts to, specified Native American places, features, and objects located within that jurisdiction.

In compliance with SB 18, the City sent a letter to the Native American Heritage Commission on May 3, 2013 and is awaiting a response.

Senate Bill 297

This law addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction; and establishes the Native American Heritage Commission to resolve disputes regarding the disposition of such remains (SB 297). It has been incorporated into Section 15064.5(e) of the CEQA Guidelines.

Paleontological Resources

Consideration of paleontological resources is required by CEQA (see Appendix G). Other state requirements for paleontological resource management are found in PRC Chapter 1.7, Section 5097.5, Archaeological, Paleontological, and Historical Sites. This statute specifies that state

agencies may undertake surveys, excavations, or other operations as necessary on state lands to preserve or record paleontological resources. This statute does not apply to the project because none of the property is state owned.

No state or local agencies have specific jurisdiction over paleontological resources. No state or local agency requires a paleontological collecting permit to allow for the recovery of fossil remains discovered as a result of construction-related earth moving on state or private land in a project site.

Local Regulations

City of Sacramento 2030 General Plan

The following City of Sacramento 2030 General Plan, Historic and Cultural Resources (HRC) Element, goals and policies are applicable to cultural resources.

Goal HCR 2.1 Identification and Preservation of Historic and Cultural Resources. Identify and preserve the city's historic and cultural resources to enrich our sense of place and our understanding of the city's prehistory and history.

Policy HCR 2.1.1 Identification. The City shall identify historic and cultural resources including individual properties, districts, and sites (e.g., archaeological sites) to provide adequate protection of these resources.

Policy HCR 2.1.2 Applicable Laws and Regulations. The City shall ensure that City, State, and Federal historic preservation laws, regulations, and codes are implemented, including the California Historical Building Code and State laws related to archaeological resources, to ensure the adequate protection of these resources.

Policy HCR 2.1.3 Consultation. The City shall consult with the appropriate organizations and individuals (e.g., Information Centers of the California Historical Resources Information System (CHRIS), the Native American Heritage Commission (NAHC), and Native American groups and individuals) to minimize potential impacts to historic and cultural resources.

Policy HCR 2.1.10 Early Consultation. The City shall minimize potential impacts to historic and cultural resources by consulting with property owners, land developers, and the building industry early in the development review process.

Policy HCR 2.1.11 Compatibility with Historic Context. The City shall review proposed new development, alterations, and rehabilitation/remodels for compatibility with the surrounding historic context. The City shall pay special attention to the scale, massing, and relationship of proposed new development to surrounding historic resources.

Policy HCR 2.1.15 Archaeological Resources. The City shall develop or ensure compliance with protocols that protect or mitigate impacts to archaeological, historic, and cultural resources including prehistoric resources.

Historic Preservation Zoning Ordinance

The City of Sacramento's historic preservation program began in 1975 with the enactment of the City's first Historic Preservation Ordinance. The current Historic Preservation Ordinance (No. 2006-063) was enacted in October 2006. The purpose of the Historic Preservation Ordinance is to do the following: identify, protect, and encourage the preservation of significant resources; maintain an inventory and ensure the preservation of these resources; encourage maintenance and rehabilitation of the resources; encourage retention, preservation, and re-use of the resources; safeguard city resources; provide consistency with state and federal regulations; protect and enhance the city's attraction to tourists; foster civic pride in the city's resources; and encourage new development to be aesthetically compatible.

4.3.4 Impacts and Mitigation Measures

Methods of Analysis

A formal records search was conducted for the project area by Peak & Associates (see Appendix E). In addition, research consisted of reviewing a number of published sources, as well as online and corporate file topographic maps, county maps, and aerial photographs. This research established the historic context and derived locations of other resources that may exist or have existed within the project area.

Development of the project site would require off-site infrastructure improvements including construction of the extension of A Street, the extension of 40th Street, two underpasses through the UPRR embankment, and extension of water and wastewater infrastructure. The records search prepared for the project also captured proposed development outside of the project boundaries. No prior resources were identified in these areas. A historic evaluation of the A Street Bridge was conducted by JRP Historical Consulting to determine if it met the requirements to be considered a historic resource under CEQA. A copy of the report is included in Appendix F.

There are no structures on the project site; therefore, impacts associated with removal of historically significant properties and/or the loss of historic integrity of such resources are not addressed. The project site does not contain geologic formations likely to contain paleontological resources (i.e., meherthen) and is not located in an area of the City known for paleontological resources; therefore, the likelihood of finding any resources is extremely low. Therefore, this issue is not addressed further.

Thresholds of Significance

The significance criteria used to evaluate the project impacts to cultural resources are based on Appendix G of the CEQA Guidelines, thresholds of significance adopted by the City in applicable general plans and previous environmental documents, and professional judgment. A significant impact related to cultural resources would occur if the project would:

- cause a substantial adverse change in the significance of a historical or archaeological resource as defined in CEQA Guidelines Section 15064.5; or
- directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Project-Specific Impacts and Mitigation Measures

4.3-1: Project construction could disturb, damage or destroy unidentified subsurface archaeological or historical resources as defined in CEQA Guidelines Section 15064.5. Based on the analysis below and with implementation of mitigation the impact is *less than significant*.

As previously discussed, formal records searches prepared for the proposed project site have not identified any recorded resources on the site (see Appendix E). In addition, no prehistoric resources have been located in previous archaeological surveys of the site (Maniery 1987, AES 2008, as cited in Appendix E). There are no resources present from the historical use of the land, but historic resources have been identified in areas adjacent to the project area (see Appendix E). The site is described as somewhat low-lying, and likely not suitable for Native American occupancy. Since the late 1800s, the project site has been used primarily for agriculture since its acquisition from John Sutter. Buildings were present on the project site in the 1940s–1960s, but subsequently removed. A building may have existed in the orchard area in the 1990s–2005, but that building would be less than 45 years in age, and no trace of the structure was found by the AES team in their 2008 survey of the project area (see Appendix E).

The City's 2030 General Plan includes policies to reduce impacts to cultural resources. For example, General Plan Policy HCR 2.1.2 requires the City to ensure that local, state, and federal preservation laws, regulations, and codes related to archaeological resources are implemented (City of Sacramento 2009b). Policy HCR 2.1.3 requires the City to consult with the appropriate organizations and individuals (e.g., CHRIS, NAHC, and Native American groups and individuals) to minimize potential impacts to historic and cultural resources. Finally, Policy HCR 2.1.15 requires compliance with City protocols to protect or mitigate impacts to archaeological, historic, and cultural resources and prehistoric resources. Compliance with these policies would help to minimize potential impacts to any known or unknown prehistoric or historic resources.

However, the possibility exists that ground disturbance activities associated with construction of the proposed project could disturb previously unknown historical or archaeological resources or human remains, resulting in a **potentially significant impact**.

Mitigation Measures

Implementation of Mitigation Measures 4.3-1(a) through (c) would require the project applicant to comply with specific procedures in the event of an inadvertent discovery during project construction. The procedures require work to stop in the event a resource or human bones are discovered and an archaeologist and/or Native American representative contacted to determine the appropriate course of action depending on the resource. Compliance with these measures would ensure that the project's potential impacts to previously unidentified subsurface resources are mitigated to a **less-than-significant level**.

4.3-1(a) If any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains are encountered during any construction activities, the Contractor shall implement measures deemed necessary and feasible to avoid or minimize significant effects to the cultural resources including the following:

- Suspend work within 100 feet of the find; and,
- Immediately notify the City's Community Development Director and coordinate any necessary investigation of the site with a qualified archaeologist as needed to assess the resources (i.e., whether it is a "historical resource" or a "unique archaeological resource"); and,
- Provide management recommendations should potential impacts to the resources be found to be significant;
 - Possible management recommendations for historical or unique archaeological resources could include resource avoidance or data recovery excavations, where avoidance is infeasible in light of project design or layout, or is unnecessary to avoid significant effects.
- In addition, the Contractor in consultation with the Preservation Director, State Historic Preservation Officer, and if applicable, Tribal representatives, may include preparation of reports for resources identified as potentially eligible for listing in the California Register of Historical Resources.

4.3-1(b) If a Native American site is discovered, the evaluation process required by Mitigation Measure 4.3-1(a) shall include consultation with the appropriate Native American representatives. If Native American archaeological, ethnographic, or spiritual resources are discovered, all identification and treatment shall be

conducted by a qualified archaeologist, who is certified by the Society of Professional Archaeologists (SOPA) and/or meets the federal standards as stated in the Code of Federal Regulations (36 CFR 61), and by Native American representatives, who are approved by the local Native American community as scholars of the cultural traditions.

In the event that no such Native American representative is available, persons who represent tribal governments and/or organizations in the locale in which resources could be affected shall be consulted. If historic archaeological sites are involved, all identified treatment (e.g., conduct additional archaeological surveys and provide measures to preserve the integrity or minimize damage or destruction of significant resources) is to be carried out by qualified historical archaeologists, who shall meet either Register of Professional Archaeologists (RPA) or 36 CFR 61 requirements.

4.3-1(c) If a human bone or bone of unknown origin is found during earth-moving activities, all work shall stop within 100 feet of the find, and the County Coroner shall be contacted immediately, pursuant to Section 5097.98 of the State Public Resources Code and Section 7050.5 of the State Health and Safety Code. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission, who shall notify the person most likely believed to be a descendant. The most likely descendant shall work with the contractor to develop a program for re-interment of the human remains and any associated artifacts. No additional work is to take place within the immediate vicinity of the find until the identified appropriate actions have taken place.

4.3-2: Project construction could directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. Based on the analysis below the impact is *less than significant*.

As discussed in the Environmental Setting, no significant paleontological resources have been discovered in the area and the City is not considered sensitive for paleontological resources. In addition, there are no unique geologic formations (e.g., Mehrten rock) on the site. In areas where the geological formations are not exposed, paleontological resources would typically not be visible where the ground has not been disturbed and the formations exposed. Unknown paleontological resources could be damaged or destroyed during site preparation, similar to archaeological resources. However, the potential for discovery and disturbance of paleontological resources is considered very low.

There is no evidence that the soils underlying the project site contain any geologic formations that could contain fossilized resources. Compliance with the City's General Plan Policy HCR 2.1.15

requires that the City ensures compliance with protocols that protect or mitigate potential impacts to these unique resources. Therefore, this would be considered a **less-than-significant impact**.

Mitigation Measures

None required.

4.3-3: Construction of off-site infrastructure could damage or destroy previously undiscovered prehistoric or historic-period archaeological resources or human remains. Based on the analysis below and with implementation of mitigation the impact is *less than significant*.

Many of the project improvements would take place within existing disturbed roadway rights-of-way (ROWs), or within previously developed areas, so construction activities would involve only minimal disturbance. Construction of these improvements would be similar to construction impacts discussed above. The extension of water and sewer lines would be within existing roadways and roadway ROWs, or within the ROW for the proposed 40th Street extension. The proposed extension of A Street from 28th Street to the A Street Bridge would take place in a previously disturbed area. The extension of 40th Street would take place within the Cannery Business Park in a previously disturbed area. Construction of the underpasses under the UPRR embankment would also occur within disturbed areas. Based on the records search and a review of the area and given the highly disturbed nature of the area, it is unlikely that any subsurface archaeological or historic-period resources are present. As noted above under Impact 4.3-1, the City's General Plan includes policies to help reduce potential impacts to cultural resources. However, because there could be subsurface resources or even human remains in some of these areas, impacts associated with off-site construction are considered **potentially significant**.

Mitigation Measures

Implementation of Mitigation Measures 4.3-1(a) through 4.3-1 (c) provide specific procedures to follow in the event a resource is identified. The procedures require work to stop in the event a resource or human bones are discovered and an archaeologist and/or Native American representative contacted to determine the appropriate course of action depending on the resource. Compliance with these measures would ensure that potential impacts to previously unidentified subsurface resources are mitigated to a **less-than-significant level**.

4.3-3 Implement Mitigation Measures 4.3-1(a) through 4.3-1(c).

4.3-4: Modifications to the A Street Bridge could disturb, damage, or destroy an unidentified historical resource as defined in CEQA Guidelines Section 15064.5. Based on the analysis below the impact is *less than significant*.

JRP Historical Consulting conducted an assessment of the A Street Bridge to determine whether it should be considered as a historical resource, as defined in CEQA Guidelines Section 15064.5(a)(2)-(3) (see Appendix F). The bridge was constructed by Caltrans in 1954 as part of the Elvas Freeway (Capital City Freeway) construction, 1950–1955. The A Street Bridge is listed as a Category 5 bridge (not eligible for the NRHP) in the Caltrans Historic Bridge Inventory. This conclusion is based on the department’s state-wide historic bridge inventory update conducted in the early 2000s. Based on JRP’s analysis, it was determined that the A Street Bridge is not significant for its association with the development of Sacramento’s freeways, nor the development of its vicinity within the City. The bridge’s construction was a minor component of the Elvas Freeway, which was an incremental project in the development of Sacramento’s freeway system. The A Street Bridge was planned, in part, to allow for future development on the east side of the structure (freeway), which to date has not occurred. The structure is also not associated with any persons of historic significance. Thus, the bridge is not significant under NRHP Criteria A and B, nor under CRHR Criteria 1 and 2. Furthermore, it is not significant under Sacramento Register Criteria i and ii. The bridge also does not meet the criteria for listing in the CRHR or the Sacramento Register of Historic and Cultural Resources. Thus, the A Street Bridge is not a historical resource for the purposes of CEQA, per CEQA Guidelines Section 15064.5(a)(2)-(3). Therefore, any modifications to the bridge would be considered **less than significant** from a historical standpoint.

Mitigation Measures

None required.

Cumulative Impacts

This cumulative impact analyses does not rely on any list of specific pending, reasonably foreseeable development proposals in the general vicinity of the proposed project.

The geographic scope or cumulative context for the evaluation of potential cumulative impacts on cultural resources is the greater Sacramento region (which includes El Dorado, Placer, Sacramento, Sutter, Yolo, and Yuba counties). While the project-specific impact analysis for cultural resources necessarily includes separate analyses for prehistoric resources, historic-period resources, and human remains, the cumulative analysis combines these resources into a single, non-renewable resource base and considers the additive effect of project-specific impacts to significant regional impacts on cultural resources.

4.3-5: The proposed project could contribute to cumulative losses of historic and prehistoric resources in the greater Sacramento region. Based on the analysis below and with implementation of mitigation the impact is *less than significant*.

According to previous cultural resource surveys and research, the greater Sacramento region has been inhabited by prehistoric and historic-period peoples for thousands of years. Urban development that has occurred over the past several decades in the greater Sacramento region has resulted in the demolition and alteration of innumerable significant historical resources, and it is reasonable to assume that present and future development activities would continue to damage and/or destroy significant cultural resources, which would be a significant cumulative impact. The proposed project, combined with development of other cumulative projects, could contribute to this loss of significant cultural resources and the impact is considered cumulatively significant. Because all significant cultural resources and human remains are unique and non-renewable members of finite classes, all adverse effects or negative impacts erode a dwindling resource base. For example, the loss of any one archaeological site affects all others in a region because these resources are best understood in the context of the entirety of the cultural system of which they are a part. Proper planning and appropriate mitigation can help to capture and preserve knowledge of such resources and can provide opportunities for increasing our understanding of the past environmental conditions and cultures by recording data about sites discovered and preserving artifacts found. Federal, state, and local laws are also in place, as discussed above, that protect these resources in most instances.

Disturbance, movement, and destruction of such resources would remove or preclude the analysis of the resource within the original context and therefore adversely affect the understanding of the development of human cultural history. Increased population and intensified land use patterns associated with cumulative growth could also increase the potential for vandalism and/or inadvertent destruction of such resources. Consequently, the Sacramento 2030 General Plan MEIR found that cumulative development would create a potentially significant impact to cultural resources that could be mitigated to a less-than-significant level with implementation of general plan policies.

Although unlikely, there is the potential the proposed project could adversely affect significant cultural resources that are unique and non-renewable members of finite classes; therefore, the project's incremental contribution to these cumulative effects would be potentially cumulatively considerable, and thus **potentially cumulatively significant**.

Mitigation Measures

Compliance with Mitigation Measures 4.3-1 (a) through 4.3-1 (c) as well as the City's general plan policies would limit the project's contribution to this cumulative impact by requiring that qualified cultural resource professionals implement appropriate treatment of any resources that

are discovered (e.g., conduct additional archaeological surveys and provide measures to preserve the integrity or minimize damage or destruction of significant resources) in the project site. Therefore, the project's cumulative contribution would be reduced to **less than significant**.

4.3-5 Implement Mitigation Measures 4.3-1 (a) through (c).

4.3.5 Sources Cited

City of Sacramento. 2009a. *City of Sacramento 2030 General Plan Master EIR*. Prepared by PBS&J. March 2009.

City of Sacramento. 2009b. *City of Sacramento 2030 General Plan*. March 2009.

JRP Historical Consulting. 2013. Historical Resources Letter Report. From C. McMorris (JRP Historical Consulting) to C. Kronenberg (Dudek). September 4, 2013.