

3.5 CULTURAL AND TRIBAL CULTURAL RESOURCES

This section analyzes and evaluates the potential impacts of the future development in the Folsom Corporation Yard SOIA/annexation area on known and unknown archaeological, historical, paleontological, and tribal cultural resources. The analysis includes a description of the existing environmental conditions, the methods used for assessment, the potential direct and indirect impacts of project implementation, and mitigation measures recommended to address impacts determined to be significant or potentially significant.

Cultural resources include districts, sites, buildings, structures, or objects generally older than 50 years and considered to be important to a culture, subculture, or community for scientific, traditional, religious, or other reasons. They include pre-historic resources, historic-era resources, tribal cultural resources, and fossil deposits of paleontological importance.

Archaeological resources are locations where human activity has measurably altered the earth or left deposits of prehistoric or historic-era physical remains (e.g., stone tools, bottles, former roads, house foundations). Historical (or architectural) resources include standing buildings (e.g., houses, barns, outbuildings, cabins), intact structures (e.g., dams, bridges, roads), and districts. Tribal cultural resources were added as a resource subject to review under CEQA, effective January 1, 2015 (as defined by Assembly Bill [AB] 52, Statutes of 2014, in Public Resources Code [PRC] Section 21074). This is a new category of resources under CEQA and includes site features, places, cultural landscapes, sacred places or objects, which are of cultural value to a Tribe. Paleontological resources include mineralized, partially mineralized, or unmineralized bones and teeth, soft tissues, shells, wood, leaf impressions, footprints, burrows, and microscopic remains that are more than 5,000 years old and occur mainly in Pleistocene or older sedimentary rock units.

Comments received on the notice of preparation include a letter from the the Native American Heritage Commission requesting AB 52 and SB 18 compliance information. While SB 18 does apply to the project because there is a general plan amendment associated with the project (which is the trigger for SB 18 compliance), SB 18 is not a CEQA requirement and, therefore, is not discussed in this section. AB 52 compliance is described below.

3.5.1 Environmental Setting

The primary sources of information for this section are the *Bilby Ridge Sphere of Influence Amendment Draft EIR* prepared for Sacramento LAFCo (Ascent Environmental 2017) and the *Cultural Resources Inventory and Evaluation Report for the Proposed Folsom Corporation Yard Sphere of Influence/Annexation Area* (ECORP 2017).

PALEONTOLOGICAL SETTING

Significant nonrenewable vertebrate and invertebrate fossils and unique geologic units have been documented throughout California. The fossil yielding potential of an area is highly dependent on the geologic age and origin of the underlying rocks (refer to geologic timescale in Table 3.5-1). Paleontological potential refers to the likelihood that a rock unit will yield a unique or significant paleontological resource. All sedimentary rocks, some volcanic rocks, and some low-grade metamorphic rocks have potential to yield significant paleontological resources. Depending on location, the paleontological potential of subsurface materials generally increases with depth beneath the surface, as well as with proximity to known fossiliferous deposits.

Pleistocene or older (older than 11,000 years) continental sedimentary deposits are considered as having a high paleontological potential while Holocene-age deposits (less than 10,000 years old) are generally

considered to have a low paleontological potential because they are geologically immature and are unlikely to have fossilized the remains of organisms. Metamorphic and igneous rocks have a low paleontological potential, either because they formed beneath the surface of the earth (such as granite), or because they have been altered under high heat and pressures, chaotically mixed or severely fractured. Generally, the processes that form igneous and metamorphic rocks are too destructive to preserve identifiable fossil remains.

Table 3.5-1 Divisions of Geologic Time

Era	Period	Time in Millions of Years Ago (approximately)	Epoch
Cenozoic	Quaternary	< 0.01	Holocene
		2.6	Pleistocene
	Tertiary	5.3	Pliocene
		23	Miocene
		34	Oligocene
		56	Eocene
		65	Paleocene
Mesozoic	Cretaceous	145	–
	Jurassic	200	–
	Triassic	251	–
Paleozoic	Permian	299	–
	Carboniferous	359	–
	Devonian	416	–
	Silurian	444	–
	Ordovician	488	–
	Cambrian	542	–
Precambrian		2,500	–

Source: U.S. Geological Survey 2010

Geologically, the project site lies within the Lower Foothill Metamorphic Belt. This area is characterized by the presence of Jurassic and Paleozoic marine sedimentary and metavolcanic rocks, as well as Mesozoic granite rocks. In some places, Eocene and Pliocene basalt and andesite rocks can be found. The primary geomorphic forces in the Lower Foothill Metamorphic Belt are mass wasting and fluvial erosion (Miles and Goudey 1997 as cited in ECORP 2017).

PREHISTORIC SETTING

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

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

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

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

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

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

ETHNOGRAPHY

The SOIA/annexation area lies within the southwestern portion of the ethnographical territory occupied by the Penutian-speaking Nisenan. Nisenan inhabited the drainages of the Yuba, Bear, and American rivers, and also the lower reaches of the Feather River, extending from the east banks of the Sacramento River on the west to the mid to high elevations of the western flank of the Sierra Nevada to the east. The territory extended from the area surrounding the current City of Oroville on the north to a few miles south of the American River in the south. The Sacramento River bounded the territory on the west, and in the east, it extended to a general area located within a few miles of Lake Tahoe.

Nisenan practiced seasonal transhumance, a subsistence strategy involving moving from one area or elevation to another to harvest plants, fish, and hunt game across contrasting ecosystems that were in relatively close proximity to each other. Valley Nisenan generally did not range beyond the valley and lower foothills, while foothill and mountain groups ranged across a more extensive area that included jointly shared territory whose entry was subject to traditional understandings of priority of ownership and current relations between the groups.

Communally organized Nisenan task groups exploited a wide variety of resources. Communal hunting drives were undertaken to obtain deer, quail, rabbits, and grasshoppers. Bears were hunted in the winter when their hides were at their best condition. Runs of salmon in the spring and fall provided a regular supply of fish, while other fish such as suckers, pike, whitefish, and trout were obtained with snares, fish traps, or with various fish poisons such as soaproot. Birds were caught with nooses or large nets, and were also occasionally shot with bow and arrow. Acorns were gathered in the fall and stored in granaries for use during the rest of the year. Buckeye, pine nuts, hazelnuts, and other edible nuts further supplemented the diet.

Trade was important with goods traveling from the coast and valleys up into the Sierra Nevada Mountains and beyond to the east, and vice versa. Coastal items like shell beads, salmon, salt, and Foothill pine nuts

were traded for resources from the mountains and farther inland, such as bows and arrows, deer skins, and sugar pine nuts. In addition, obsidian was imported from the north.

Flaked and ground stone tools were common among the Nisenan and included knives, arrow and spear points, club heads, arrow straighteners, scrapers, rough cobble and shaped pestles, bedrock mortars, grinding stones (metates), pipes, charms, and short spears. Certain colored stone points were considered "lucky," and could be traded for four or five other projectile points. In addition, obsidian was highly valued and imported.

Wood was used for a variety of tools and weapons, including both simple and sinew-backed bows, arrow shafts and points, looped stirring sticks, flat-bladed mush paddles, pipes, and hide preparation tools. Cordage was made from plant material, and was used to construct fishing nets and braided and twined tumplines. Soaproot brushes were commonly used during grinding activities to collect meal or flour. Both hill and valley groups used the bedrock mortar and pestle (both rough cobble and shaped) to grind acorns, pine nuts, seeds, other plant foods, and meat. Fist-sized, heated stones were used to cook or warm liquid-based foods such as acorn gruel and pine nut meal.

Stories about world creation and human origins vary amongst different ethnographic accounts as well as amongst different groups. Some expressed the idea that the world has always existed, but in different forms; some told that everything was made by someone, and that all birds and animals were once human; others told of a flood that killed the first people because they were bad. In creation stories there was a culture hero, usually who created earth, and Coyote the trickster who introduced death and conflict to a once utopian existence. Ethnographic accounts of specific religious practices were stymied by several factors, including reluctance on behalf of Nisenan groups to discuss their religion, many variations in cultural practices, and disease epidemics during contact period. However, Nisenan religious ceremonies have been divided into three chronological strata: indigenous dances (early); northern-influenced dances of the *Kuksu* or god-impersonating cult performed in dance houses; and a *Kuksu* religious revival circa 1870 adapted to the Ghost Dance religion.

In 1833 a deadly epidemic (probably malaria) swept through the Sacramento Valley and had a devastating effect on Nisenan populations. Entire villages were lost, and surviving Nisenan retreated into the hills. An estimated 75 percent of their population was wiped out, and only a handful were left to face the gold miners and settlers who were soon to follow. Captain John Sutter settled in Nisenan territory in 1839, and through force and persuasion he coerced most of the remaining Valley Nisenan to be on peaceful terms.

A few people still practiced Nisenan customs through the turn of the twenty-first century, but the old ways have been largely lost. Despite the hardships on their people through the past few centuries, many modern Native American populations participate in pan-Indian activities and celebrations. Nisenan descendants continue to be active in social movements and organizations that seek to improve the Native American situation in the dominant America culture.

HISTORIC SETTING

Regional History

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

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

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

Project Site History

Subsequent to the discovery of gold at Coloma, immigrants began to pour into the Sierra Nevada foothills. Virtually overnight, numerous mining camps sprang up on both sides of the American River to exploit the easily accessible placer gold deposits.

The 35,000-acre Rio de los Americanos land grant is located just north of the FPASP area along the south bank of the American River. The Mexican governor of Alta California issued it to William Leidesdorff, a San Francisco merchant. Joseph L. Folsom, a former U.S. Army captain who came to San Francisco during the Gold Rush, purchased the Rio de los Americanos land grant from Leidesdorff's estate. Folsom founded the town of Granite City on the land grant. It was renamed Folsom after his death in 1855.

The town of Prairie City was located near the present State Highway 50/Prairie City Road interchange to the north. Prairie City served as a hub for the mining operations in the surrounding area, including the area along Alder Creek. The dredge tailings that cover most of the property west of Prairie City Road, to the northwest of the project site, are a result of dredge placer mining that took place in the first half of the twentieth century. Bucket-line dredging in this area, was carried out by the Natomas Company between 1905 and 1962. Mining is one of the dominant historic themes in the project vicinity.

Close to the project site, an inn was constructed in 1851 and operated until around 1900, one of many inns along the route to Placerville from Sacramento where lodging was available for the miners. Remains of this nearby hotel are still present. Many of the inns along the Placerville (White Rock) Road closed their doors soon after the Southern Pacific Railroad extended their line to Placerville in 1869, creating a faster, easier, way to travel and ship goods between Sacramento and Placerville.

Joseph and Lewis Tomlinson, brothers from West Virginia, were miners and eventually livestock farmers in the project vicinity from the 1860s through the 1880s and their families continued to live there through the early 1900s. The Tomlinson brothers separately owned several hundred acres of property along the heavily traveled Placerville Road, including the project site. The property he purchased included an abandoned inn built to house the Gold Rush-era miners and travelers along the Sacramento to Placerville Road between Sacramento and Placerville. The house no longer exists, but is marked by a depression in the ground that was once the cellar. Owners of the project site maintained a small orchard of mixed fruits, as well as used the site for livestock pasturage.

RECORDS SEARCHES, SURVEYS, AND CONSULTATION

Paleontological Resources

A search of the University of California Museum of Paleontology (UCMP) database was conducted on December 21, 2017. Records of paleontological finds maintained by the UCMP (2017) state that there are 13 localities at which fossil remains have been found in Sacramento County. These occur in the Mariposa and Riverbank geologic formations, primarily of the Pleistocene epoch.

In Sacramento County, remains of land mammals have been found at several localities in alluvial deposits referable to the Riverbank Formation; there are six different localities in Sacramento, all referable to the Riverbank Formation. For example, the Teichert Gravel Pit, approximately 2.5 miles southeast of the project site along State Route 16, yielded specimens of broad-footed mole, Harlan's ground sloth, rabbit, California ground squirrel, Botta's pocket gopher, pocket mouse, groove-toothed harvest mouse, woodrat, vole, coyote, dire wolf, mammoth, horse, western camel, deer, antique bison, fish (carps and minnows), frog, snake, Pacific pond turtle, and the family *Anatidae* (ducks, geese, and swans).

There are at least nine recorded Rancholabrean-age vertebrate fossil sites from the Riverbank Formation in Sacramento County. Most recently, Pleistocene-age mammoth remains were discovered in 2004, during excavation of a Sacramento Municipal Utility District trench in Elk Grove. Another locality in south Sacramento also contained fossilized Rancholabrean-age mammoth remains. The other sites in Sacramento contained remains of Rancholabrean-age bison, camel, coyote, horse, Harlan's ground sloth, mammoth, woodrat, fish, mole, snake, and gopher. Pleistocene-age fossils were recovered from the Riverbank Formation at the Arco Arena site; those fossils included remains of Harlan's ground sloth, bison, coyote, horse, camel, squirrel, antelope or deer, and mammoth (Sacramento Municipal Utility District 2015).

Archaeological and Historical Resources

A records search for the project site was completed at the North Central Information Center (NCIC) on September 22, 2017 (NCIC search #SAC-17-144). The search included a 0.5-mile radius. In addition to the official records and maps for archaeological sites and surveys in Sacramento County, the following historic references were also reviewed: Historic Property Data File for Sacramento County; the National Register Information System; Office of Historic Preservation's *California Historical Landmarks*; *California Points of Historical Interest*; *Directory of Properties in the Historical Resources Inventory*; *Caltrans Local Bridge Survey*; *Caltrans State Bridge Survey*; and *Historic Spots in California*.

The records search revealed that nineteen cultural resource investigations have been conducted within one-half mile of the property, covering approximately 70 percent of the total area surrounding the property within the record search radius. These studies revealed the presence of prehistoric habitation sites and historical sites, including rock walls and sites associated with historic mining activities. A 2008 study by ECORP surveyed the entire site, including the entire two parcels which include the project site (APNs 072-0060-052 and 072-0110-001).

The records search determined that 28 previously recorded prehistoric and historic-period cultural resources are located within 0.5-mile of the project site. Of these, seven sites are believed to be associated with Native American occupation of the vicinity, and 21 are historic-period sites, associated with early Euroamerican ranching and mining activities. Twelve sites are located within the project site; all of which are historic-era. Of these, one is an isolate. Isolates are defined as one or two artifacts occurring by themselves and not associated with a site. Because they have no historical context, isolates are generally not eligible for listing in the California Register of Historical Resources (CRHR) or National Register of Historic Places (NRHP) and, therefore, were not evaluated for significance and are not discussed further in this EIR. (The CRHR and NRHP are discussed below under "Regulatory Setting.") The remaining 11 sites are:

- ▲ P-34-335 historic site - mining district,
- ▲ P-34-1555 historic site - White Rock Road,
- ▲ P-34-2186 historic-era archaeological site - prospecting pit,

- ▲ P-34-2187 historic-era archaeological site - milled lumber scatter,
- ▲ P-34-2189 historic-era archaeological site - prospecting pit,
- ▲ P-34-2189 historic-era archaeological site - prospecting mining field,
- ▲ P-34-2190 historic-era archaeological site - pit with domestic refuse,
- ▲ P-34-2191 historic-era archaeological site - prospecting mining field,
- ▲ P-34-2192 historic site - earthen dam,
- ▲ P-34-2193 historic-era archaeological site - Prairie House,
- ▲ P-34-2194 historic-era archaeological site - ditch, and
- ▲ P-34-2195 historic site - 115kV transmission lines.

P-34-2193, P-34-2195, and P-34-1555 were previously evaluated for eligibility for the NRHP and CRHR as part of an adjacent project. Sites P-34-2193 and P-34-1555 were determined individually eligible for the NRHP and site P-34-2195 was evaluated as not eligible. P-34-335 has been previously evaluated as eligible for inclusion in the NRHP and CRHR, although no features associated with it are located in the project area.

In November 2017, archaeologists conducted an updated visit of the project site. All 11 sites were relocated. Subsurface archaeological testing was performed to evaluate sites P-34-2187 and P-34-2190. Based on the results of the testing program and archival research, site P-34-2190 was determined to be a feature of previously recommended eligible site P-34-2193, and incorporated into the boundary of this resource. All other sites were evaluated as not eligible for the NRHP/CRHR.

Tribal Cultural Resources

The City of Folsom (City) received written requests to be notified of projects in which the City is the Lead Agency under CEQA from Wilton Rancheria, United Auburn Indian Community (UAIC), and the Lone Band of Miwok Indians. Therefore, on November 7, 2017, the City sent project notification letters to these tribes. The letters provided a brief description of the project and its location, the lead agency contact information, and a notification that each tribe has 30 days to request consultation. The 30-day response period concluded on December 9, 2017. No responses were received from Wilton Rancheria or the Lone Band of Miwok Indians within that timeframe. Therefore, no tribal consultation with either tribe was carried out for this project.

On November 15, 2017, UAIC replied to request consultation, copies of the technical studies, electronic boundaries of the project area, and a tribal monitor for the project. On November 16, 2017, the City formally initiated consultation with UAIC and provided the requested information. On January 11, 2018, the City met with the Tribe's representative. The meeting included a discussion of the project, type of environmental review under CEQA, alternatives under consideration, avoidance areas within the project design, and the results of technical studies to date. The City requested information about any tribal cultural resources present within the project area. UAIC's representative indicated that the Tribe has no concerns and knows of no TCRs within the project area.

3.5.2 Regulatory Setting

FEDERAL

National Historic Preservation Act

Among those statutes enacted by Congress that affect historic properties, the National Historic Preservation Act of 1966 (NHPA) is the most significant law that addresses historic preservation. One of the most important provisions of the NHPA is the establishment of the NRHP, the official designation of historical resources. Districts, sites, buildings, structures, and objects are eligible for listing in the NRHP. Nominations are listed if they are significant in American history, architecture, archeology, engineering, and culture. The NRHP is administered by the National Park Service. To be eligible, a property must be significant under criterion A (history), B (persons), or C (design/construction); possess integrity; and ordinarily be 50 years of age or more.

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

Once a heritage resource has been recorded and if it is determined to be significant, the potential impacts (or effects) of a project on a heritage property are assessed. Federal regulatory impact thresholds are contained in Section 106 of the NHPA and accompanying regulations (36 Code of Federal Regulations [CFR] Part 800). Section 106 requires that federal agencies consider the effects of their actions on significant archaeological properties before implementing a project or “undertaking.” The criteria of effect are found in 36 CFR 800.0(a) and state that:

An undertaking has an effect on a historic property when the undertaking may alter characteristics of the property that may qualify the property for inclusion in the National Register.

The Advisory Council’s regulations require that the federal agency apply the criteria of adverse effect to historic properties that would be affected by a proposed undertaking (36 CFR 800.9b). An undertaking is considered to have an adverse effect when the effect on a historic property may diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association, or the quality of data suitable for scientific analysis.

STATE

California Register of Historical Resources

All properties listed in or formally determined eligible for listing in the NRHP are eligible for the CRHR. The CRHR is a listing of State of California resources that are significant within the context of California’s history. The CRHR is a statewide program of similar scope and with similar criteria for inclusion as those used for the NRHP. In addition, properties designated under municipal or county ordinances are also eligible for listing in the CRHR.

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

The CRHR uses four evaluation criteria:

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

Similar to the NRHP, a resource must meet one of the above criteria and retain integrity. The CRHR uses the same seven aspects of integrity as the NRHP.

California Environmental Quality Act

CEQA requires public agencies to 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.” Section 21083.2 requires agencies to determine whether projects would have effects on unique archaeological resources.

Historical Resources

“Historical resource” is a term with a defined statutory meaning (PRC, Section 21084.1; determining significant impacts to historical and archaeological resources is described in the State CEQA Guidelines, Sections 15064.5[a] and [b]). Under State CEQA Guidelines Section 15064.5(a), historical resources include the following:

- 1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (PRC Section 5024.1).
- 2) A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the PRC or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the PRC, will be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- 3) Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource will be considered by the lead agency to be historically significant if the resource meets the criteria for listing in the California Register of Historical Resources (PRC Section 5024.1), including the following:
 - a) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
 - b) Is associated with the lives of persons important in our past;
 - c) 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
 - d) Has yielded, or may be likely to yield, information important in prehistory or history.
- 4) The fact that a resource is not listed in or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the PRC), or identified in a historical resources survey (meeting the criteria in PRC Section 5024.1(g)) does not preclude a lead agency from determining that the resource may be an historical resource as defined in PRC Section 5020.1(j) or 5024.1.

Unique Archaeological Resources

CEQA also requires lead agencies to consider whether projects would impact unique archaeological resources. PRC Section 21083.2, subdivision (g), states that unique archaeological resource means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

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

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

Tribal Cultural Resources

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

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

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural and Sacred Sites Act applies to both State and private lands. The Act requires that upon discovery of human remains, construction or excavation activity cease and the county coroner be notified. If the remains are of a Native American, the coroner must notify the Native American Heritage Commission (NAHC). The NAHC then notifies those persons most likely to be descended from the Native American's remains. The Act stipulates the procedures the descendants may follow for treating or disposing of the remains and associated grave goods.

California Health and Safety Code

Section 7052 of the Health and Safety Code states that the disturbance of Native American cemeteries is a felony. Section 7050.5 (b) of the California Health and Safety Code specifies protocol when human remains are discovered. The code states:

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

Public Resources Code, Section 5097

PRC Section 5097 specifies the procedures to be followed in the event of the unexpected discovery of human remains on nonfederal land. The disposition of Native American burial falls within the jurisdiction of the NAHC. Section 5097.5 of the Code states the following:

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

Assembly Bill 52

AB 52, signed by the California Governor in September of 2014, establishes a new class of resources under CEQA: "tribal cultural resources" (TCRs). AB 52, as provided in PRC Sections 21080.3.1, 21080.3.2, and 21082.3, requires that lead agencies undertaking CEQA review must, upon written request of a California Native American Tribe, begin consultation once the lead agency determines that the application for the project is complete, prior to the issuance of an notice of preparation of an EIR or notice of intent to adopt a negative declaration or mitigated negative declaration. AB 52 also requires revision to CEQA Appendix G, the environmental checklist. This revision would create a new category for TCRs. As defined in PRC Section 21074, to be considered a TCR, a resource must be either:

1. listed or determined to be eligible for listing, on the national, state, or local register of historic resources; or
2. a resource that the lead agency determines, in its discretion and supported by substantial evidence, to treat as a tribal cultural resource pursuant to the criteria in PRC Section 50241(c). PRC Section 5024.1(c) provides that a resource meets criteria for listing as an historic resource in the California Register if any of the following apply:
 - (1) It is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
 - (2) It is associated with the lives of persons important in our 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 in prehistory or history.

LOCAL

The project site lies within the jurisdictional boundaries of Sacramento County; therefore, the County's policies, as well as the Sacramento LAFCo's policies, would apply. Furthermore, if the SOIA is approved, the project site would be in the jurisdiction of the City of Folsom. Thus, applicable policies of the City of Folsom's General Plan are described below.

Sacramento County General Plan

The following policies of the *Sacramento County 2030 General Plan* (Sacramento County 2011) are applicable to the project:

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

- ▲ **Policy CO-155:** Native American burial sites encountered during preapproved survey or during construction shall, whenever possible, remain in situ. Excavation and reburial shall occur when in situ preservation is not possible or when the archeological significance of the site merits excavation and recording procedure. On-site reinternment shall have priority. The project developer shall provide the burden of proof that off-site reinternment is the only feasible alternative. Reinternment shall be the responsibility of local tribal representatives.
- ▲ **Policy CO-156:** The cost of all excavation conducted prior to completion of the project shall be the responsibility of the project developer.
- ▲ **Policy CO-157:** Monitor projects during construction to ensure crews follow proper reporting, safeguards, and procedures.
- ▲ **Policy CO-159:** Request a Native American Statement as part of the environmental review process on development projects with identified cultural resources.
- ▲ **Policy CO-161:** As a condition of approval for discretionary projects, require appropriate mitigation to reduce potential impacts where development could adversely affect paleontological resources.
- ▲ **Policy CO-162:** Projects located within areas known to be sensitive for paleontological resources, should be monitored to ensure proper treatment of resources and to ensure crews follow proper reporting, safeguards and procedures.
- ▲ **Policy CO-163:** Require that a certified geologist or paleoresources consultant determine appropriate protection measures when resources are discovered during the course of development and land altering activities.
- ▲ **Policy CO-165:** Refer projects involving structures or within districts having historical or architectural importance to the Cultural Resources Committee to recommend appropriate means of protection and mitigation.

City of Folsom General Plan

The *City of Folsom General Plan* (1993), Open Space & Conservation Element identifies the following cultural resources as requiring preservation, management, and/or enhancement: “Historic and cultural resources. Including the Folsom Historic District, Coloma Road/Pony Express route, Old Folsom Power House, Folsom Gold Mining District, Prairie City, Cohn House, Folsom Depot, First California Passenger Railroad (Sacramento Valley-Placerville), and other sites as identified by the California Archaeological Inventory dated June 1, 1987.”

3.5.3 Impacts and Mitigation Measures

METHODOLOGY

While approval of the SOIA and annexation, along with changes to land use and zoning designations, would not result in physical changes to the site, approval of the SOIA/annexation would remove barriers to the development of a future corporation yard at this site. Therefore, this analysis considers the potential environmental impacts of the development of a future corporation yard.

The analysis is informed by the provisions and requirements of federal, state, and local laws and regulations that apply to cultural resources. In determining the level of significance, the analysis assumes that the project would comply with relevant, federal, state, and local laws, regulations, and ordinances. While no development is proposed on the Folsom Corporation Yard SOIA/annexation site, approval of the SOIA/annexation would remove an obstacle to future development of the site for a City of Folsom

corporation yard. Therefore, the impact analysis evaluates impacts from development of the site. The impact analysis for historic archaeological resources is based on the findings and recommendations of the *Cultural Resources Inventory and Evaluation Report for the Proposed Folsom Corporation Yard Sphere of Influence/Annexation Area* (ECORP 2017).

THRESHOLDS OF SIGNIFICANCE

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

- ▲ cause a substantial adverse change in the significance of an historical resource as defined in Section 15064.5;
- ▲ cause a substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5;
- ▲ disturb any human remains, including those interred outside of dedicated cemeteries;
- ▲ directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- ▲ cause a substantial adverse change in the significance of a tribal cultural resource as defined in PRC Section 21074.

ISSUES NOT DISCUSSED FURTHER

All issues applicable to paleontological, cultural, and tribal cultural resources listed under the significance criteria above are addressed in this section.

As described in Chapter 2, *Project Description*, the project has three potential access options. The evaluation of paleontological, cultural, and tribal cultural resources would not be affected by these options. Therefore, this is not discussed further in this section.

ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

Impact 3.5-1: Cause substantial adverse change to a historical resource.

The cultural resources inventory revealed one, non-archaeological historical resource on the project site, P-34-1555. Minor alterations to the road would not affect its NRHP-eligibility; therefore, the impact to non-archaeological historic resources would be **less than significant**.

Historic (or architectural) resources include non-archaeological standing buildings (e.g., houses, barns, cabins) intact structures (e.g., dams, bridges, roads), and districts that have been evaluated as being eligible for the NRHP or CRHR. The cultural resources report evaluated three non-archaeological historic sites in the project site. Only one, P-34-1555 (White Rock Road), has been evaluated as eligible. If the SOIA/annexation is approved, future development of the SOIA/annexation area could result in damage to or destruction to this historical resource.

White Rock Road (P-34-1555) could experience impacts due to minor roadway improvements such as ingress/egress and turn lanes. Because this road was determined to be eligible under NRHP Criterion A (history) for its association with intercontinental rural automobile travel in the United States and the west, and not Criterion C (method of construction), these minor improvements would not constitute a significant impact to the resource. As part of a separate and larger road improvement project to widen White Rock Road, impacts were anticipated by two adjacent projects (Southeast Connector and the FPASP), and the

mitigation for said impacts has already been completed to the satisfaction of the City of Folsom, US Army Corps of Engineers, and the California State Historic Preservation Office. Therefore, this would be a **less-than-significant** impact.

Mitigation Measures

No mitigation is required.

Impact 3.5-2: Cause substantial adverse change to a unique archaeological resource.

Based on the results of the cultural resources report, there are two archaeological resources within the project site that have been evaluated as eligible for the NRHP, P-34-2190/2193 and P-34-335. There are no known prehistoric-era archaeological sites within the SOIA/annexation area. Future development of the site could impact known archaeological resources and ground-disturbing activities from future corporation yard development could also result in discovery or damage of as yet undiscovered archaeological resources as defined in CEQA Guidelines Section 15064.5. This would be a **potentially significant** impact.

The cultural resources report analyzed ten known historic-era archaeological sites. Only two, P-34-2193/P-34-2190 (Prairie House and refuse pit) and P-34-335 (mining district) are historical resources under CEQA. P-2193/2190 was evaluated as eligible under NRHP Criterion A/CRHR Criterion 1 for its association with overland travel and agricultural and farming properties prior to the introduction of the railroad and NRHP Criterion D/CRHR Criterion 4 for its potential to contain information important to history. It retains sufficient integrity as an archaeological site to its period of significance, which is the 1840s to 1860s. This resource could be adversely affected by grading if the project is approved and future development is built in this area.

P-34-355 was evaluated as eligible for the NRHP and CRHR for its association with the gold rush, economic development of the Folsom region, exemplary mining-related features, and data potential. The mining district boundaries are arbitrarily set, encompassing an area approximately 15 miles long by 11 miles wide. The project site lies within the arbitrary boundaries of the mining district. However, archival research and field survey has determined that no features of the mining district exist within the project site. Therefore, the project would not remove any of the character defining features of the mining district and would not change its NRHP- or CRHR-eligibility. There would be no impact to P-34-335.

Within one-half mile of the project site, there are seven known prehistoric resources believed to be associated with Native American occupation. Although the site does not currently contain any known unique archaeological resources, the project is in a region where prehistoric and historic-era cultural resources have been recorded and there remains a potential that undocumented cultural resources could be unearthed or otherwise discovered during ground-disturbing and construction activities. Prehistoric or ethnohistoric materials might include flaked stone tools, tool-making debris, stone milling tools, shell or bone items, and fire-affected rock or soil darkened by cultural activities (midden); examples of significant discoveries would include villages and cemeteries. Historic materials might include metal, glass, or ceramic artifacts; examples of significant discoveries might include former privies or refuse pits.

While the SOIA/annexation would not include development, approval of the SOIA/annexation would remove an obstacle to future development of the site for a City of Folsom corporation yard. Development of the SOIA/annexation area would result in soil disturbance and because of the possible presence of undocumented cultural resources within the project site, construction-related impacts on cultural resources would be **potentially significant**.

Mitigation Measure 3.5-2a. Minimize impacts to the Prairie House and refuse pit.

The potentially significant impact to the Prairie House and refuse pit site may be mitigated in several ways.

- ▲ During future project planning, the site shall be avoided entirely. While the site has been partially excavated, additional surveys would be needed to ensure proper site boundaries so that future grading and development would not affect the site.

- ▲ If the site cannot be avoided, then the site may be capped. The site shall be covered with layer(s) of chemically compatible soil prior to construction of any physical structures or other improvements.
- ▲ If avoidance, including capping, is not feasible, then the site shall be mitigated through data recovery excavation. Much of the known area in which the Prairie House and Refuse Pit site is located is within the right-of-way for the future SouthEast Connector. Depending on whether the future corporation yard is built before the SouthEast Connector, either the SouthEast Connector JPA or the City of Folsom may be required to mitigate the site. The two entities shall negotiate appropriate cost-sharing for the mitigation if the site cannot be avoided or capped.

Mitigation Measure 3.5-2b. Impacts to previously unknown archaeological materials.

In the event that evidence of any prehistoric or historic-era subsurface archaeological features or deposits are discovered during construction-related earth-moving activities (e.g., ceramic shard, trash scatters, lithic scatters), all ground-disturbing activity in the area of the discovery shall be halted until a qualified archaeologist can access the significance of the find. If a prehistoric archaeological site, the appropriate Native American group shall be notified. If the archaeologist determines that the find does not meet the CRHR standards of significance for cultural resources, construction may proceed. If the archaeologist determines that further information is needed to evaluate significance, and a data recovery plan shall be prepared. If the find is determined to be significant by the qualified archaeologist (i.e., because the find is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall work with the project applicant to avoid disturbance to the resources and, if completed avoidance is not possible, follow accepted professional standards in recording any find including submittal of the standard DPR Primary Record forms (Form DPR 523) and location information to the appropriate California Historical Resources Information System office for the project site (the NCIC).

Significance after Mitigation

Mitigation Measure 3.5-1a would require the avoidance or mitigation for the historical resource. Mitigation Measure 3.5-1b would reduce potentially significant impacts to archaeological resources because mitigation would be developed in coordination with the appropriate federal, state, and/or local agency(ies) and tribes to avoid, move, record, or otherwise treat discovered resources appropriately, in accordance with pertinent laws and regulations. By providing an opportunity to avoid disturbance, disruption, or destruction of archaeological resources, this impact would be reduced to a **less-than-significant** level.

Impact 3.5-3: Accidental discovery of human remains.

Although unlikely, construction and excavation activities associated with future development of the SOIA/annexation area could unearth previously undiscovered or unrecorded human remains, if they are present. Compliance with California Health and Safety Code Sections 7050.5 and 7052 and PRC Section 5097 in the event that human remains are found would make this impact **less than significant**.

Based on documentary research, no evidence suggests that any prehistoric or historic-era marked or unmarked human interments are present within the SOIA/annexation area. The location of grave sites and Native American remains can occur outside of dedicated cemeteries or burial sites. Ground-disturbing construction activities could uncover previously unknown human remains, which could be archaeologically or culturally significant. While the SOIA/annexation would not include development, approval of the SOIA/annexation would remove an obstacle to future development of the site for a City of Folsom corporation yard. Development of the SOIA/annexation area would result in soil disturbance; therefore, the potential exists for previously undiscovered human remains to be discovered.

California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code Sections 7050.5 and 7052 and PRC Section 5097. If human remains are discovered during any construction activities, potentially damaging ground-disturbing activities near the remains would be halted immediately,

and the project applicant would notify the Sacramento County coroner and the NAHC immediately, according to PRC Section 5097.98 and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the NAHC to be Native American, the guidelines of the NAHC would be adhered to in the treatment and disposition of the remains. Following the coroner's findings, the archaeologist and the NAHC-designated most likely descendent would determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in PRC Section 5097.94.

Compliance with California Health and Safety Code Sections 7050.5 and 7052 and PRC Section 5097 would provide an opportunity to avoid or minimize the disturbance of human remains, and to appropriately treat any remains that are discovered. Therefore, this impact would be **less than significant**.

Mitigation Measures

No mitigation is required.

Impact 3.5-4: Disturb a unique paleontological resource.

The project site is underlain with metamorphic rock and Mesozoic granite, which have a low paleontological potential. No paleontological resources are known to occur within the project site or a one-mile radius of the site. Therefore, this impact would be **less than significant**.

As described previously, the SOIA/annexation area is located within the Lower Foothill Metamorphic Belt. This area is characterized by the presence of Jurassic and Paleozoic marine sedimentary and metavolcanic rocks (a type of metamorphic rock first produced by a volcano), as well as Mesozoic granite rocks. Metamorphic and igneous rocks have a low paleontological potential, either because they formed beneath the surface of the earth (such as granite), or because they have been altered under high heat and pressures, chaotically mixed or severely fractured. Generally, the processes that form igneous and metamorphic rocks are too destructive to preserve identifiable fossil remains. Therefore, the project site is considered to have a low paleontological sensitivity.

In addition, a search of the UCMP database state that there are 13 localities at which fossil remains have been found in Sacramento County. These occur in the Mariposa and Riverbank geologic formations.

Because of the types of soil formations that underlay the project site are not considered sensitive for paleontological resources, project impacts on paleontological resources are considered **less than significant**.

Mitigation Measures

No mitigation is required.

Impact 3.5-6: Cause substantial adverse change to a tribal cultural resource.

Tribal consultation pursuant to AB 52 did not identify TCRs within the project area. Therefore, there would be **no impact**.

As described above, consultation with the UAIC concluded that the Tribe had no concerns and knows of no TCRs within the project area. Because no resources meet the criteria for a TCR under PRC Section 21074, there would be **no impact** to tribal cultural resources.

Mitigation Measures

No mitigation is required.