

6.13 CULTURAL RESOURCES

6.13.1 INTRODUCTION

This section includes an evaluation of the potential impacts to cultural resources. Cultural resources may include archaeological traces such as early Native American occupation sites and artifacts, or historic-era buildings and structures. These materials can be found at many locations on the landscape along with prehistoric and historic human remains and associated grave-goods, which are protected under various state and local regulations including CEQA and the City of Sacramento General Plan.

6.13.2 EXISTING SETTING

Native American and Euro-American peoples have inhabited or at least traveled through the present-day Sacramento County region for at least 10,000 years. This long record of occupation and activities in the area has left numerous prehistoric and historic-era remains on the landscape including scattered artifacts, human interments, buildings, structures, and in some cases heavily altered landscapes. The following archaeological and historical review is presented to place this occupation and associated sites, features, and artifacts within a broader cultural setting.

PREHISTORIC CONTEXT

The Central Valley region of California was one of the most densely populated areas in North America during prehistoric times. Summaries and overviews of the prehistory of the vicinity can be found in *California Archaeology* (Moratto 1984:167–216) and *Summary of the Prehistory of the Lower Sacramento Valley and Adjacent Mountains* (Johnson 1982). A more detailed discussion of the broad cultural patterns proposed for Central California can be found in Bennyhoff and Fredrickson (1969).

Early work conducted by Sacramento Junior College and the University of California, Berkeley resulted in the development of the Central California Taxonomic System and a tripartite classification scheme (Early, Middle, and Late Periods). Although these broad temporal periods have been further sub-divided (Bennyhoff and Hughes 1987:149), they are briefly described below.

Early Horizon (Windmill Pattern, ca. 4,500–2,500 BP) sites are characterized by extended burials orientated to the west, specialized grave goods, baked clay balls, charmstones and exotic lithic materials. Year round settlements with seasonal forays into the foothills resulted in the acquisition of a varied subsistence resource base that was dominated by fish and acorn acquisition. However, archaeological evidence shows heavy exploitation of elk, deer, antelope, rabbits, waterfowl and numerous additional floral and faunal species.

Middle Horizon (Berkeley Pattern, ca. 2,500–1,500 BP) artifact assemblages show a dramatic increase in the use of mortars and pestles, possibly related to an expanded reliance on acorn as a staple food resource. Flexed burials, with various orientations are common, as well as specialized bone tools, numerous distinctive shell beads and ornaments, and stone tools unique to the period frequently occur on sites dated to this time.

Late Horizon (Augustine Pattern, ca. 1,400–200 BP) cultural manifestations are distinguished by the presence of shaped mortars and pestles, the use of bow and arrow technology and the introduction of the harpoon, particularly during early phases of this period. Bone awls are common. There is an increased usage of shell for decorative items and ground stone artifacts such as tubular pipes and charmstones are commonly encountered. Mortuary practices can be highly variable and include pre-interment pit burning, cremations, and flex burials (Bennyhoff and Fredrickson 1969).

ETHNOGRAPHIC CONTEXT

The project area is within the ethnographic territory of the Patwin, a series of linguistically and culturally related groups who occupied a portion of the lower Sacramento Valley along the Sacramento River and north of Suisun Bay. Major sources of information on these groups include the works of Bennyhoff (1977); Johnson (1978); Kroeber (1925); McKern (1922, 1923); Powers (1877); and Work (1945).

The Patwin were politically organized into tribelets that consisted of one primary and several satellite villages. Each tribelet maintained its own autonomy and sense of territory. Villages were located along rivers and major creeks, often near their junction with other waterways or in the vicinity of foothill settings (Kroeber 1932). In general, the Patwin territory was well watered which supported a wide variety of animal life including Tule elk, deer, antelope, bear, various species of duck, geese, turtles and other small animals. While hunting and fishing were clearly important subsistence activities among the Patwin, as with many Native American groups throughout the region, their primary staple food was the acorn. Two species of valley oak acorns were used, hill, and mountain oak. The oak groves themselves were considered as “owned” communally by the particular tribelet (Powers 1877, Kroeber 1932).

One of the more distinctive aspects of the Patwin culture was the Kuksu or “big-head” dances cult system, also found in other tribes throughout most of north central California. Within each cult were secret societies, each with its own series of dances and mythologies centered on animal figures such as *Sede-Tsiak* (Old Man Coyote) or *Ketit* (Peregrine Falcon). The Patwin were unique in supporting three secret societies. In the central California cult system, almost all groups possessed the Kuksu but the Patwin also had the “ghost dance” (*way saltu*) and *Hesi* societies (Kroeber 1932; 313). Each secret society engaged in specific spiritual activities. For example, the *way saltu* society stressed curing and shamanistic functions (Johnson 1978: 353–354, 364–365).

In general, Patwin life-ways remained unchanged throughout the latter prehistoric period and well into the early decades of the 19th century. However, as Euro-American traders, trappers, missionaries, and eventually miners and settlers came into more regular contact with the Patwin their culture was dramatically changed. Events such as the yellow fever epidemics of the 1833–1834 and the Gold Rush of the late 1840s and early 1850s, virtually decimated the Patwin population and heavily marginalized the people. Today, the Patwin are reinvesting in their Native culture and traditions and once again constitute a thriving community within the broader present-day political and economic landscape.

Historic Context

Within the vicinity of the project the dominant themes of historic-era development include early agriculture and transportation. The evolution of each of these economic pursuits is intricately intertwined and constitutes the basic foundations of historic settlement and industrial activity in the region.

Agriculture

The development of agriculture within the Sacramento Valley and Sacramento County was dependent upon irrigation systems. The first irrigation system was constructed in 1864 when James Moore completed a dam across Cache Creek and 9 miles of canals that supplied water to the farmers of the county. A series of droughts in the 1860s necessitated the need for increasingly larger projects, however, it was not until the 20th century and implementation of the Central Valley Project that agriculture, aided by construction of a railroad network, vastly increased its contribution to the economic and subsequent political development of the Sacramento Valley (Jones and Stokes 2000:44).

An important element of agricultural growth in the region was the establishment of the Reclamation District 1000 (RD 1000) in 1911. RD 1000 was one of the first and largest of the districts in the state and transformed over 55,000 acres of frequently inundated floodplain into productive agricultural land. RD 1000 extends roughly from

the City of Sacramento in the south to Pleasant Grove in the north and from Elverta on the east to the Sacramento River on the west, and includes the project site.

Transportation

Early transportation routes within Sacramento County (and nearby Yolo County) date to the 1850s and the earliest of these roadways was the Benicia-Cache Creek Road. This road followed a route northeast as depicted on General Land Office (GLO) plat maps (1857 and 1859).

The first railroad established in the area was the California Pacific line, which expanded their operations from Davisville (Davis) north to Marysville by way of Woodland and Knights Landing in 1870 (Fitz 1970:12, Larkey and Walters 1987:47). Because of heavy losses, California Pacific sold their routes and operating control to the Central Pacific Railroad in 1871, with the Southern Pacific Railroad gaining control of the Central Pacific in 1884. Further restructuring of the railroad industry occurred in the 1980s when the Santa Fe and Southern Pacific Railroads merged to form the Santa Fe Southern Pacific Corporation which was absorbed by the Union Pacific Railroad in 1996.

6.13.3 REGULATORY SETTING

NATIVE AMERICAN CONSULTATION REQUIREMENTS FOR CULTURAL PLACES

California Senate Bill (SB) 18 states that prior to a local (city or county) government's adoption of any general plan or specific plan, or amendment to general and specific plans, or a designation of open space land proposed on or after March 1, 2005, the city shall initiate consultation with California Native American tribes for the purpose of preserving or mitigating impacts to Cultural Places.

A Cultural Place is defined in the PRC sections 5097.9 and 5097.995 as:

- ▶ Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine Public Resources Code [PRC] Section 5097.9), or;
- ▶ Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the California Register of Historic Resources pursuant to Section 5024.1, including any historic or prehistoric ruins, any burial ground, or any archaeological or historic site (PRC Section 5097.995).

The intent of SB 18 is to establish meaningful consultation between tribal governments and local governments ("government-to-government") at the earliest possible point in the planning process so that cultural places can be identified and preserved and to determine necessary levels of confidentiality regarding Cultural Place locations and uses. According to the Government Code (GC) Section 65352.4, "consultation" is defined as:

- ▶ The meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement. Consultation between government agencies and Native American Tribes shall be conducted in a way that is mutually respectful of each party's sovereignty. Consultation shall also recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural significance.

While consultation is required to take place on a government-to-government level, the SB 18 process begins with a letter from the local government to the Native American Heritage Commission requesting a list of tribal organizations appropriate to the plan or plan amendment area or proposed open space designation. Once contacted by the local government, the tribes have up to 90 days to respond and request consultation regarding the preservation and treatment of known cultural place(s) if any have been identified by the tribe.

CEQA

Cultural resources in California are protected by a number of federal, state, and local regulations and ordinances. The most frequently applied legislation consists of the provisions of CEQA that provide for the documentation and protection of significant prehistoric and historic resources. Before the approval of discretionary projects and the commencement of agency undertakings, the potential impacts of the project on archaeological and historical resources must be considered (Public Resources Code Sections 21083.2 and 21084.1 and the CEQA Guidelines [California Code of Regulations Title 14, Section 15064.5]).

The significance of an archaeological or historic resource as per the CEQA Guidelines is an important consideration in terms of their management. Listing, or eligibility for listing, on the California Register of Historic Resources (CRHR) is the primary consideration in whether or not a resource is subjected to further research and documentation. As a matter of policy, public agencies should avoid damaging effects to historic and archaeological resources, particularly those that are CRHR-eligible. When impacts cannot be avoided, their affects can be mitigated through:

- ▶ avoidance during construction phases,
- ▶ incorporation of sites into open space,
- ▶ capping resources with chemically stable fill,
- ▶ deeding a site into a permanent conservation easement, and
- ▶ data recovery (testing and excavation).

In addition, the State CEQA Guidelines require consideration of unique archaeological sites (Section 15064.5). If an archaeological site does not meet the criteria for inclusion on the CRHR but does meet the definition of a unique archeological resource as outlined in the Public Resource Code (Section 21083.2), it may be treated as a significant historical resource. Treatment options under Section 21083.2 of CEQA include a project that preserves such resources in place in an undisturbed state. Other acceptable methods of mitigation under Section 21083.2 include excavation and curation, or study in place without excavation and curation (if the study finds that the artifacts would not meet one or more of the criteria for defining a “unique archaeological resource”).

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

CITY OF SACRAMENTO GENERAL PLAN

The Preservation Element of the City of Sacramento General Plan outlines a series of goals under a Comprehensive Citywide Preservation Program. These goals include:

- ▶ **Goal A:** To Maintain a Comprehensive Citywide Preservation Program
- ▶ **Goal B:** To Protect and Preserve Important Historic and Cultural Resources that Serve as Significant, Visible Reminders of the City’s Social and Architectural History
- ▶ **Goal C:** To Maintain and Expand an Inventory of Important Historic and Cultural Resources and their Settings and Retain Information Important to their Understanding

- ▶ **Goal D:** To Foster Public Awareness and Appreciation of the City’s Heritage and its Historic and Cultural resources
- ▶ **Goal E:** To Identify and Protect Archaeological Resources that Enrich our Understanding of the Early Sacramento Area
- ▶ **Goal F:** To Provide Incentives to Encourage Owners of Historic Properties to Preserve and Rehabilitate Their Properties.

LAFCo

The LAFCo Policies, Procedures, and Guidelines document does not contain any policies related to cultural resources.

6.13.5 IMPACTS AND MITIGATION MEASURES

METHOD OF ANALYSIS

Cultural resource investigations for the project area consisted of a staged approach that included Native American consultation, pre-field research, field survey, and resource documentation. All aspects of the cultural resource study were conducted in accordance with guidelines outlined in the Office of Historic Preservation’s (OHP) Instructions for Recording Historical Resources (OHP 1995) and the federal Secretary of the Interior’s Standards and Guidelines for the Identification of Cultural Resources (48 CFR 44720-23).

Native American Consultation

Before conducting fieldwork, EDAW consulted with the Native American Heritage Commission (NAHC) regarding the potential for important cultural resources and properties to be within or adjacent to the project site. A response from the NAHC indicated that a search of the sacred land files failed to indicate the presence of Native American cultural resources or traditional cultural places in or near the project site. Input from local Native American groups was also solicited but to date no response has been received from these groups.

Pre-Field Research

To determine whether any previously documented or unrecorded cultural resources were present within and immediately adjacent to the project study area, background research on the project study area was conducted. Pre-field research consisted of a record search conducted by an EDAW historian at the North Central Information Center (NCIC) of the California Historical Resources Information System. Records curated by the NCIC include California Department of Parks and Recreation (DPR) Series 523 archaeological site records, site location maps, maps of previous study coverage, National Register of Historic Places (NRHP) Nomination Forms, and relevant historical documentation and maps. The NCIC research also consisted of, but was not necessarily limited to, a review of the following sources:

- ▶ National Register of Historic Places (National Park Service 1996, and Computer updates 1966 through 2000);
- ▶ California Register of Historical Resources (State of California 2004);
- ▶ California Points of Historical Interest (State of California 1992 and updates);
- ▶ Historic Spots in California (State of California 1966); and
- ▶ Directory of Properties in the Historical Resources Inventory (State of California 1976 and updates).

Field Research

Guided by the results of the NCIC record search, EDAW archeologists conducted an intensive inventory of the entire project area including the proposed location of the Meister Way overpass and off-site infrastructure connection points and alignments (i.e., water, wastewater, storm drainage) during January of 2005. No structures are present on-site. Pedestrian transects of no more than 25 meters were used and ground visibility in most areas was in excess of approximately 65%. However, some areas, the northwestern ¼ of the project area in particular, were heavily overgrown with grasses and the only ground surface that was visible was in rodent burrows and disturbed patches in the vicinity of former stable, barn, and racetrack locations.

Previous Archaeological Investigations

According to the NCIC record search results, a total of six cultural resource studies and evaluations have been conducted within or in the immediate vicinity of the current project area as described in Table 6.13-1.

NCIC Report #	Report Title	Date	Author	Findings
357	Cultural Resources inventory and Evaluation of Systems Integrators, Inc. Project, Sacramento County, California	n.d.	Public Anthropological Research	no cultural resources documented
70	Negative Archeological Survey Report for the Expansion of State Route 99 Between Interstate 5 and Striplin Road, Sacramento and Sutter Counties.	1983	Henry O. Bass	no cultural resources documented
4194	Cultural Resources Evaluations for the North Natomas Community Plan Study Area, Sacramento, California	1985	David Chavez	cultural resources recorded outside Greenbriar project
5777	Historic Property Treatment Plan for RD 1000 Rural Historic Landscape District for the Cultural Resources Inventory and Evaluations for the American River Watershed Investigation, Sacramento and Sutter Counties, California	1996	Dames & Moore	n/a
3469a	Historic American Engineering Record: RD 1000. HAER No. CA-187	1997	Melinda A. Peak	n/a
4195	Cultural Resources Report: North Natomas Comprehensive Drainage Plan; Levee Improvements, Canal Widening and Additional Pumping Capacity	1998	Derr and Boghosian	P-34-886H and P-34-883H identified

Cultural Resources Located in the Project Area

Based on previous cultural resource investigations and EDAW documentary and field research, a total of three cultural resources were identified within and adjacent to the project area (Table 6.13-2).

**Table 6.13-2
Cultural Resources in the Project Area**

CHRIS Resource #	Resource Name	Temporal Association	Recorded	CRHR/NRHP Significance
n/a	RD 1000	historic	Melinda A. Peak (1997)	eligible – on NRHP
P-34-883H	El Centro Road	historic	Derr and Boghosian (1998)	not eligible
P-34-886H	Elkhorn Boulevard	historic	Derr and Boghosian (1998)	not eligible

EDAW archeologists revisited two of the previously documented cultural resources (P-34-883H and P-34-886H) and found that they had not changed in terms of condition and overall integrity since their initial recording in 1998. Specific elements of RD 1000 facilities (e.g., ditches, canals) within and near the project area have been identified as cultural resources. These ditches and canals are currently in use and were not further recorded by EDAW. No previously undocumented prehistoric or historic-era archaeological sites, features, or artifacts were noted during the 2005 EDAW survey. No potential resources were noted in the area as a result of the NCIC research and a GLO plat map from the period of 1851–1870 shows no historic-era landscape features, buildings, or structures within the bounds of the present project. The GLO map notes the area as consisting of “Overflowed Land,” indicating the area was an active floodplain, suggesting it was not considered usable land during much of the 19th century.

THRESHOLDS OF SIGNIFICANCE

The significance of cultural resources within the project area is measured against the criteria outlined in the CRHR. CEQA requires that resources eligible for listing on the CRHR be afforded degrees of protection ranging from preservation to the mitigation of adverse impacts. Determining the CRHR eligibility of historic and prehistoric sites located within the study area is guided by the specific legal context of the site’s significance as outlined in sections 21083.2 and 21084.1 of the Public Resources Code (PRC), and the CEQA Guidelines (California Code of Regulations Title 14) Section 15064.5. In the CRHR cultural resources are defined as buildings, sites, structures or objects that may have historical, architectural, archaeological, cultural or scientific importance. A cultural resource may be eligible for listing on the CRHR if it:

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

In California, if a prehistoric or historic resource does not necessarily meet any of the four CRHR criteria, but does meet the definition of a “unique” site as outlined in the PRC (Section 21083.2), it may still be treated as a significant resource. This is the case if it is “... an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- ▶ it contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.

- ▶ it has a special and particular quality such as being the oldest of its type or the best available example of its type.
- ▶ it is directly associated with a scientifically recognized important prehistoric or historic event.

These two sets of criteria operate independently to ensure that significant potential effects on archaeological and historic resources are considered a part of a project’s environmental analysis. PRC guidelines also recommend provisions be made for the accidental discovery of archaeological sites, historical resources or Native American human remains during construction (PRC Section 5097.98).

IMPACTS AND MITIGATION MEASURES

IMPACT 6.13-1

Damage or Destruction of Significant Documented Cultural Resources. *No significant cultural resources have been identified within or immediately adjacent to the project site. Therefore, the proposed project would result in **no impacts** to CRHR-listed or eligible resources.*

Previous studies as well as EDAW archival and field investigations did not identify any significant or non-significant prehistoric or historic-era cultural sites, features, or artifacts within the project site or in areas where connections to off-site infrastructure (e.g., water and wastewater) would occur. The project site is situated within RD 1000, which is currently listed on the NRHP as a historic rural landscape and specifically as a Historic Vernacular Landscape. According to the NRHP, a Historic Vernacular Landscape is defined as a landscape that has been “... shaped by human activities or occupancy and reflect the physical circumstances and cultural character of daily lives. They generally contain large acreage and a proportionally small number of buildings and structures.” However, some individual elements of the District, such as associated ditches and canals located within the project site, are not considered NRHP or CRHR eligible. This non-eligibility is because of their loss of historical integrity and their continuing use and maintenance. In addition, such ditches and canals are ubiquitous in agricultural settings and do not possess the ability to provide information important to the historical development of irrigation and water conveyance systems in California. Therefore, **no impacts** would occur with development of the project.

No mitigation measures are required.

IMPACT 6.13-2

Potential Impacts to Undocumented Cultural Resources. *There is the possibility that previously undiscovered and undocumented resources could be adversely affected or otherwise altered by ground disturbing activities during construction of the project. Disturbance of undocumented resources would be a **potentially significant impact**.*

The entire project site has been subjected to an intensive surface pedestrian cultural resources inventory. However, surface visibility was limited in certain portions of the site and potentially significant cultural resources (as per CEQA) could be present in subsurface contexts that could not be examined during the survey. Although no identified archaeological sites are present within the project site, the potential exists to encounter and damage or otherwise alter previously undiscovered cultural material during ground-disturbing activities associated with construction of the project. Disturbance of these resources would be a **potentially significant impact**.

Mitigation Measure 6.13-2: (City of Sacramento and LAFCo)

If an inadvertent discovery of cultural materials (e.g., unusual amounts of shell, charcoal, animal bone, bottle glass, ceramics, burned soil, structure/building remains) is made during project-related construction activities,

ground disturbances in the area of the find shall be halted and a qualified professional archaeologist shall be notified regarding the discovery. The archaeologist shall determine whether the resource is potentially significant as per CEQA and develop specific measures to ensure preservation of the resource. Specific measures for significant or potentially significant resources could include, but not necessarily be limited to in-field documentation, archival research, subsurface testing, and excavation. The specific type of measure necessary would be determined according to evidence indicating degrees of resource integrity, spatial and temporal extent, and cultural associations and would be conducted in a manner consistent with CEQA and the City's guidelines for preserving archaeological and cultural artifacts.

Significance After Mitigation

Implementation of the above mitigation measure would ensure that any resources that are inadvertently discovered during project construction activities are properly handled and preserved. Therefore, Mitigation Measures 6.13-2 would reduce potentially significant impacts resulting from inadvertent damage or destruction of unknown cultural resources during construction to a *less-than-significant* level.

IMPACT 6.13-3

Potential to Uncover Human Remains. *Subsurface disturbances associated with construction activities at the project site could potentially uncover unmarked historic-era and prehistoric Native American burials, resulting in their alteration or damage. This would be a **potentially significant** impact.*

While no evidence for prehistoric or early historic interments was found on the project site in surface contexts, this does not preclude the existence of buried subsurface human remains. California law recognizes the need to protect historic era and Native American human burials, skeletal remains, and items associated with Native American interments from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code Section 7050.5 and Section 7052 and California Public Resources Code Section 5097. If any human remains were unearthed during construction of the project, particularly those that were determined to be Native American in origin, a *potentially significant* impact would occur.

Mitigation Measure 6.13-3 (City of Sacramento and LAFCo)

In accordance with the California Health and Safety Code, if human remains are uncovered during ground disturbing activities all such activities in the vicinity of the find shall be halted immediately and the City or the City's designated representative shall be notified. The City shall immediately notify the county coroner and a qualified professional archaeologist. The coroner is required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the Native American Heritage Commission by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). The responsibilities of the Agency for acting upon notification of a discovery of Native American human remains are identified in detail in the California Public Resources Code Section 5097.9. The City or their appointed representative and the professional archaeologist shall consult with a Most Likely Descendant (MLD) determined by the NAHC regarding the removal or preservation and avoidance of the remains and determine if additional burials could be present in the vicinity.

Significance After Mitigation

Assuming an agreement can be reached between the MLD and the City or their representative with the assistance of the archaeologist, implementation of Mitigation Measure 6.13-3 would ensure that any human remains that are inadvertently discovered during construction activities are properly preserved or avoided. Therefore, implementation of this mitigation would reduce the impact to a *less-than-significant* level.