

## 3.5 CULTURAL RESOURCES

This section evaluates potential impacts on cultural resources located within the Sphere of Influence Amendment (SOIA) Area. Cultural resources are defined as buildings, sites, districts, structures, burials, or objects having historical, architectural, archaeological, or cultural importance. They can be generally split into three categories: prehistoric or historic archaeological sites; built environment resources, which includes buildings, structures, objects, districts, and landscapes; and Traditional Cultural Properties or Tribal Cultural Resources, or places or artifacts with a special cultural significance to Native Americans. The section begins by describing the natural and cultural environmental setting identified through background research, Native American consultation, and field investigations, and is followed by an overview of pertinent regulations and, finally, an impact analysis.

Potential impacts related to paleontological resources are addressed in Section 3.7 of this EIR.

### 3.5.1 ENVIRONMENTAL SETTING

The SOIA Area is located adjacent to the southern boundary of the Elk Grove City limits within an unincorporated area of Sacramento County, California. Specifically, the SOIA Area is depicted on the Bruceville U.S. Geologic Survey (USGS) 7.5-minute topographic map, Township 6 North, Range 5 East, Sections 13, 14, and portions of Sections 22 and 23 and Galt USGS 7.5-minute topographic map, Township 6 North, Range 6 East, Section 18 and a portion of Section 19. This area is part of the Central Valley of California.

The SOIA Area is primarily used for extensive dry farmed and irrigated croplands and vineyard operations. The site also includes the McConnell Estates/Wackman Ranch winery and tasting room, which hosts weddings, concerts, and other events throughout the year. Elk Grove has historically been a small farming community with little urban development. Review of historical imagery and documents shows that the SOIA Area has been used for agriculture (farming and ranching) since the mid-1800s. Similarly, other adjacent parcels have historically been used for row crops, vineyards, and pasture.

According to the USGS, the landform consists of basin floor that was formed by Pliocene (approximately 5.3 to 2.6 million years ago) to Holocene alluvium deposits (11,700 years ago to present) (Jennings 1977). The soils in the SOIA Area consist predominately of San Joaquin silt loam with 0 to 1 percent slopes with an elevation of 20 to 500 feet above mean sea level (amsl). The terraced landform was formed by alluvium derived from granite (Jennings 1977).

The nearest major water source is the Cosumnes River, which is located approximately 1.3 miles south/south east of the SOIA Area.

#### 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 following discussion of the prehistoric setting is adapted from Rosenthal, et al. (Rosenthal, et al: 2007: 147-153). The prehistoric setting can be categorized as:

- ▶ **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 due to 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.

## ETHNOGRAPHIC SETTING

The SOIA Area lies within the ethnographic territory of the Plains Miwok, which are a distinct linguistic group that lived within the lower reaches of the Mokelumne, Cosumnes, and Sacramento rivers. Their fertile territory was rich with plant and animal life, which the Miwok hunted and gathered. Tule Elk, mule deer, fish, several varieties of acorn, berries, and seed-bearing annual plants were just a few of the things that the Miwok would subsist on (Levy 1978; 402).

Most settlements were situated along major water ways and elevated areas on the valley floor. Between the arrival of the Spanish missionaries and gold seekers in the late 1840s, much of the local tribes were decimated by disease and warfare. The estimated population of Miwoks declined from approximately 19,500 in 1805 to only 109 (on reservations) by 1951 (Levy 1978).

## **LOCAL HISTORIC SETTING**

The community of Elk Grove was established by 1850 as a stage stop along the Monterey Trail. By this time, the population of California was growing, rapidly resulting in an ever increasing demand for ranch and agricultural products. Many of the ranches that sprang up in the area during this time were developed on large parcels, which were divided under the Public Land Survey System, which separated parcels into townships and ranges, each encompassing one-square mile (640 acres). Dominate commodities included cattle, sheep, wheat, and barley but later diversified into row crops, fruits, nuts, and grapes. Many of these ranches maintained their original properties until the mid-20<sup>th</sup> century when they began to sell them off for residential development. The 1,400-acre Wackman Ranch, located within the proposed SOIA Area, is one of the original ranches and is still in operation today.

Wackman Ranch was originally known as the McConnell Ranch, owned by Thaddeus McConnell who moved from Vermont to California in 1850 with his two brothers Samuel and Thomas. In 1856, Thaddeus purchased a fertile piece of property in the Elk Grove area, near the Cosumnes River, along the road between Sacramento and Stockton. McConnell and his brother Thomas raised sheep. They are credited with being the first ranchers to bring sheep into Sacramento County. In 1860, Thaddeus built a house on the property, known as the McConnell House.

In 1963, Andrew Kelly Wackman moved to the area from Ohio and purchased property adjacent to the McConnells where he raised grain, cattle, and horses. Eventually, the two men started families. Elk Grove was a small farming community and it was inevitable that the McConnells and Wackmans would meet. McConnell's son Thaddeus Jr. and Wackman's daughter, Etta May were married and later inherited the McConnell ranch. After a few years, the Wackmans sold their own land on the Cosumnes and continued to farm the ranch that they inherited from Etta May. During this time, they raised barley, wheat, corn, and sheep.

In 2003, the family decided to give the historic McConnell House a new life as the current office for Wackman Ranch and the tasting room and barrel cellar for McConnell Estates Winery (Page and Turnbull 2012).

### **3.5.2 RESEARCH METHODOLOGY**

Research included examination of data collected from earlier efforts, contact with the Native American Heritage Commission, and an archaeological and architectural examination of the SOIA Area. (See Cultural Appendix C for more details. Confidential Appendix E contains the records search results).

### **BACKGROUND RESEARCH**

AECOM conducted a records search on February 24, 2016 of pertinent cultural resources information curated by the North Central Information Center of the California Historic Resources Information System, located at California State University, Sacramento. The records search included reviews of previously-conducted studies and known cultural resources within the SOIA Area and a ¼ mile radius. Resources reviewed included the National Register of Historic Places, California Register of Historical Resources, the California Inventory of Historic Resources (1976), California Historical Landmarks (1996), California Points of Historical Interest (1992 and updates), the Historic Property Data File, and historic General Land Office and USGS maps.

The records search indicated that three investigations have been previously completed within portions of the SOIA, Area specifically covering the eastern portion of the SOIA Area (approximately 74 percent of the entire

SOIA Area), as shown in Exhibit 3.5-1. No prehistoric resources or Tribal Cultural Resources were identified within the SOIA Area. Within that portion of the SOIA Area, the records search indicated that one historic-era resource, the historic Wackman Ranch (P-34-693), has been recorded. As previously stated, the original Wackman Ranch was first established in the 1860s. Currently, the Wackman Ranch consists of 13 structures: a main house, a modular home, a construction worker's house, a modern mobile home, three barns, two shop buildings, a small shed, a carriage house with attached garage, five silos with a grain elevator, and an animal feeder (Bakic 1999). According to the evaluation (OHP 2012), Wackman Ranch was recommended as ineligible for inclusion on the National Register of Historic Places by consensus through the Section 106 process (See Cultural Appendix C for the SHPO concurrence letter). Wackman Ranch was not evaluated for the California Register of Historical Resources or local listing (OHP 2012). According to the record, although the McConnells and their relatives contributed to the agricultural development of the region, "they did not provide a unique or distinctive contribution to that growth, or themselves achieve particular notability in the community of their region" (Boghosian 1994). In addition, while the ranch as a whole conveys a historical character, its individual components lack architectural or utilitarian distinction and physical integrity (Bakic 1999). No other cultural resources were identified within the Wackman Ranch portion of the SOIA Area.

### **3.5.3 NATIVE AMERICAN CONSULTATION**

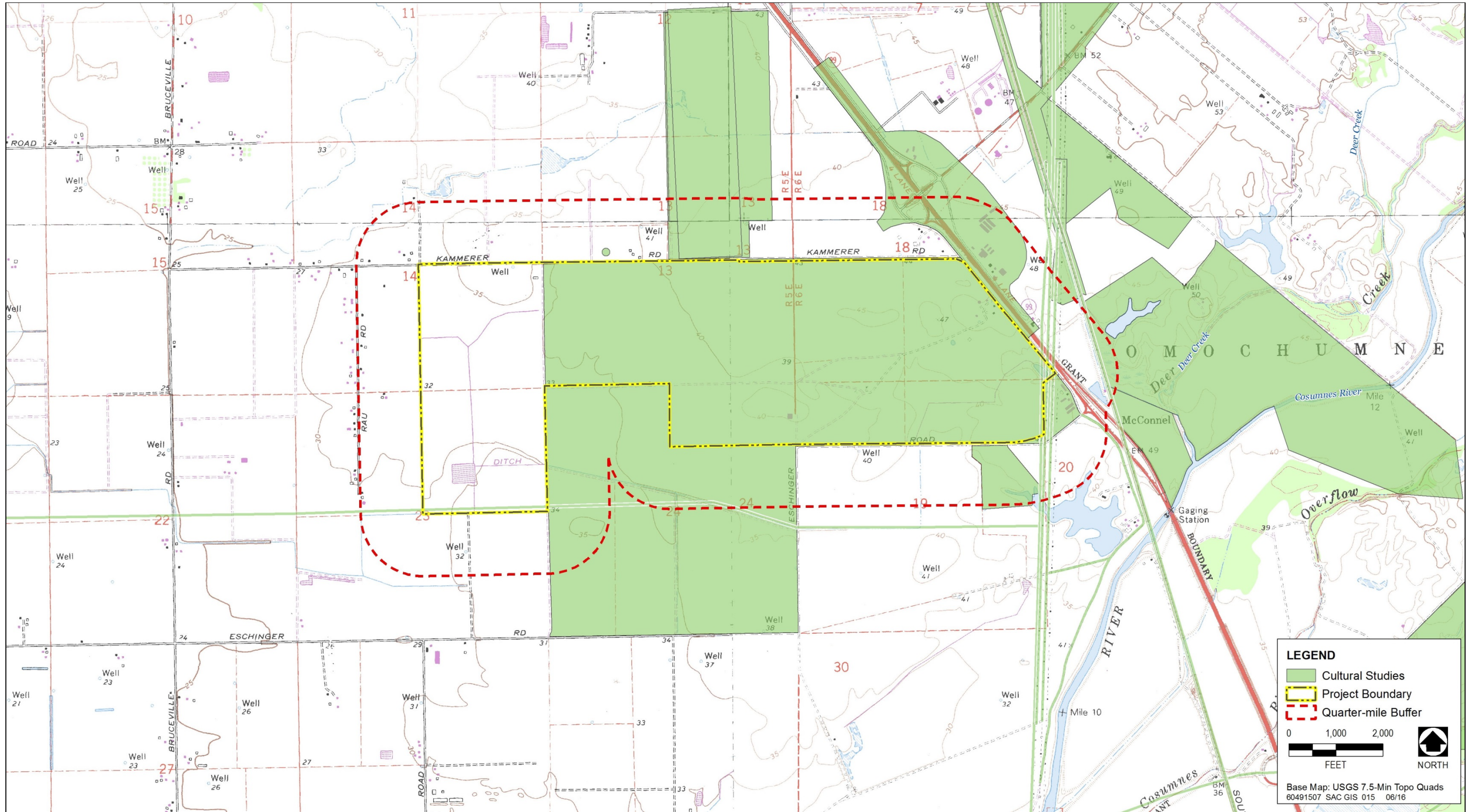
AECOM, on behalf of LAFCo, contacted the Native American Heritage Commission (NAHC) on February 23, 2016, and requested a tribal consultation list and a search of the database of sacred lands (sacred lands file). In their response dated March 23, 2016, the NAHC stated that the sacred lands database failed to indicate the presence of Native American resources in the immediate project study area. The NAHC provided a list of eight Native American organizations and individuals who might have knowledge of cultural resources in the SOIA Area. These groups and individuals were sent letters, email messages, and follow-up phone calls requesting them to participate in the local land use planning process to ensure consideration of Tribal Cultural Resources. LAFCo has invited input on multiple occasions and provided data to the following Native American Tribes:

- ▶ Buena Vista Rancheria;
- ▶ Tsi Akim Maidu
- ▶ Ione Band of Miwok Indians
- ▶ Nashville-El Dorado Miwok
- ▶ Shingle Springs Band of Miwok Indians
- ▶ Wilton Rancheria
- ▶ United Auburn Indian Community of the Auburn Rancheria

### **CULTURAL RESOURCE FIELD INVESTIGATIONS**

AECOM completed a field visit to the SOIA Area on March 2, 2016, which focused on the portion of the SOIA Area that had not been previously surveyed.

The westernmost portion of the SOIA Area is a dry farmed agricultural field planted with oats and rye. Grasses were tall and fairly dense, leaving only 1–2 percent ground visibility. The survey was conducted in 50 meter transects with closer ground examination taking place approximately every 20 meters. Soils varied from tan sandy loam to tan clay loam with occasional small pebbles, most notably quartz. No cultural materials were observed. However, due to the poor visibility, it is possible that cultural materials were obscured by vegetation.



Source: North Central Information Center 2016 adapted by AECOM in 2016

Exhibit 3.5-1

Previously Completed Studies

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A survey was conducted within the previously-surveyed areas also, and consisted of 50-75 meter transects. This area consisted of vineyards, where ground visibility was 70 percent, and a plowed field sparsely vegetated with alfalfa, where visibility was 99 percent. Soils varied from tan sandy loam to clay loam with occasional gravels and cobbles. No archaeological materials were observed.

The AECOM cultural resources team also briefly visited Wackman Ranch and did not observe any major changes since it was recorded and formally evaluated in 1994 (Boghosian 1994). In addition to the buildings associated with Wackman Ranch, there are two modern manufactured homes within the SOIA Area.

### **3.5.4 REGULATORY FRAMEWORK**

#### **FEDERAL PLANS, POLICIES, REGULATIONS, AND LAWS**

No federal plans, policies, regulations, or laws related to cultural resources apply to the proposed project.

#### **STATE PLANS, POLICIES, REGULATIONS, AND LAWS**

##### **California Environmental Quality Act**

California Environmental Quality Act (CEQA) includes procedures for identifying, analyzing, and disclosing potential substantial adverse changes to cultural resources. Under CEQA, a historical resource (including built environment resources and historic and prehistoric archeological resources) is considered significant if it meets the criteria for listing in the National Register of Historic Places or California Register of Historical Resources. Historical resources included in a local register of historical resources, as defined in subdivision (k) of Section 5020.1 of the Public Resource Code, or deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1 of the Public Resource Code, are presumed to be historically or culturally significant for purposes of this section, unless the preponderance of the evidence demonstrates that the resource is not historically or culturally significant. The fact that a resource is not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historical resources, or not deemed significant pursuant to criteria set forth in subdivision (g) of Section 5024.1 of the Public Resource Code shall not preclude a lead agency from determining whether the resource may be an historical resource for purposes of CEQA compliance.

In addition to assessing impacts to historical resources, impacts to unique archaeological resources are also considered under CEQA, as described in Section 15064.5, as well as under California Public Resource Code Section 21083.2. If an archaeological site does not meet the criteria for inclusion on the California Register of Historical Resources or National Register of Historic Places, but does meet the definition of a unique archaeological resource as outlined in Public Resources Code 21083.2, it is entitled to special protection or attention under CEQA. A unique archaeological resource 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 one of the following criteria:

- ▶ The archaeological artifact, object, or site contains information needed to answer important scientific questions, and there is a demonstrable public interest in that information;
- ▶ The archaeological artifact, object, or site has a special and particular quality, such as being the oldest of its type or the best available example of its type; or

- ▶ The archaeological artifact, object, or site is directly associated with a scientifically recognized important prehistoric or historic event or person.

A non-unique archaeological resource indicates an archaeological artifact, object, or site that does not meet the above listed criteria. According to CEQA Guidelines Section 15064.5(c)(4), if a resource is not a historical resource or a unique archaeological resource, the effect on the resource is not considered significant.

The CEQA Guidelines also provides standards for determining what constitutes a “substantial adverse change” to archaeological or historical resources, including physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be materially impaired (CEQA Guidelines Section 15064.5[b][1]). The significance of a historical resource is considered to be materially impaired when a project demolishes or materially alters in an adverse manner those characteristics that convey its historical significance and that justify its inclusion on a historical resource list (CEQA Guidelines 15064.5[b][2]).

### **Health and Safety Code**

Human remains are protected under California Health and Safety Code Sections 7050.5 and 7052. If human remains are uncovered in a location other than a dedicated cemetery, no excavation or disturbance is permitted until the county coroner has determined that:

1. the remains are not subject to any investigation as to the circumstances, manner, and cause of any death and
2. recommendations for the treatment and disposition of the human remains have been made to the person responsible.

If the coroner has reason to believe that the remains are those of a Native American, he or she must contact the Native American Heritage Commission (NAHC) within 24 hours.

### **Public Resources Code**

Per Public Resources Code Section 5097.9, if the NAHC receives notification of a discovery of Native American human remains from a county coroner, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American (Most Likely Descendant). The Most Likely Descendant will have 48 hours to complete a site inspection and make recommendations after being granted access to the site. California Public Resources Code 5097.9 suggests that the concerned parties may extend discussions beyond the initial 48 hours to allow for the discovery of additional remains.

The landowner, upon any discovery of Native American remains, must ensure that the immediate vicinity is not damaged or disturbed by further development activity until consultation with the Most Likely Descendant has taken place, as prescribed by the Public Resources Code. A range of possible treatments for the remains, including nondestructive removal and analysis, preservation in place, relinquishment of the remains and associated items to the descendants, or other culturally appropriate treatment may be discussed.



## **Public Resources Code Section 21084.2, Assembly Bill 52**

Assembly Bill 52, which was approved in September 2014 and went into effect on July 1, 2015, requires that State lead agencies consult with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project, if so requested by the tribe. The bill, chaptered in Section 21084.2 of the Public Resources Code, also specifies that a project with an effect that may cause a substantial adverse change in the significance of a Tribal Cultural Resource is a project that may have a significant effect on the environment.

Defined in Section 21074 (a, b, and c) of the Public Resources Code, Tribal Cultural Resources are:

- (A.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; or
  - b. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
- (A.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 [Public Resources Code] 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; and
- (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 to the criteria of subdivision (a).

Mitigation measures for Tribal Cultural Resources must be developed in consultation with the affected California Native American tribe pursuant to Section 21080.3.2, or according to Section 21084.3. Section 21084.3 identifies mitigation measures that include avoidance and preservation of Tribal Cultural Resources and treating Tribal Cultural Resources with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource.

## REGIONAL AND LOCAL PLANS, POLICIES, REGULATIONS, AND ORDINANCES

### City of Elk Grove General Plan

The City of Elk Grove General Plan contains policies and actions relevant to the inventory, protection, and enhancement of significant archaeological and historical resources within the SOIA Area. Relevant policies and actions include:

- ▶ **HR-1** Encourage the preservation and enhancement of existing historical and archaeological resources in the City.
- ▶ **HR-3** Encourage restoration, renovation, and/or rehabilitation of all historic structures.
- ▶ **HR-6** Protect and preserve prehistoric and historic archaeological resources throughout the City.
- ▶ **HR-6-Action 1** In areas identified in the Background Report as having a significant potential for containing archaeological or paleontological artifacts, require completion of a detailed on-site study as part of the environmental review process. Implement all recommended mitigation measures.
- ▶ **HR-6-Action 2** Impose the following conditions on all discretionary projects in areas which do not have a significant potential for containing archaeological or paleontological resources:
  - “The Planning Division shall be notified immediately if any prehistoric, archaeological, or paleontologic artifact is uncovered during construction. All construction must stop and an archaeologist that meets the Secretary of the Interior’s Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to evaluate the finds and recommend appropriate action.”
  - “All construction must stop if any human remains are uncovered, and the County Coroner must be notified according to Section 7050.5 of California’s Health and Safety Code. If the remains are determined to be Native American, the procedures outlined in CEQA [Guidelines] Section 15064.5 (d) and (e) shall be followed.”

### 3.5.5 ENVIRONMENTAL IMPACTS AND MITIGATION MEASURES

#### THRESHOLDS OF SIGNIFICANCE

In accordance with Appendix G of the CEQA Guidelines and Public Resources Code Section 21074, impacts to cultural resources would be considered significant if the project would:

- ▶ Cause a substantial adverse change in the significance of a historical resource as defined in Public Resources Code Section 15064.5;
- ▶ Cause a substantial adverse change in the significance of a unique archeological resource pursuant to Public Resources Code Section 15064.5;
- ▶ Disturb any human remains, including those interred outside formal cemeteries; or
- ▶ Cause a substantial adverse change in the significance of a Tribal Cultural Resource.

As noted previously, potential impacts related to paleontological resources are addressed in Section 3.7 of this EIR.

## METHODOLOGY

Potential impacts on cultural resources are assessed by identifying the activities that could affect both known and currently unknown resources within the SOIA Area and potential off-site improvements such as roads, sewer lines, drainage facilities, and water lines. This analysis considers activities would cause substantial adverse changes to both known cultural resources and those that may be present. As described in Section 3.5.4. “Regulatory Framework,” substantial adverse changes include physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the resource would be materially impaired.

No land use change or development is proposed as part of this SOIA application. However, in order to facilitate environmental analysis for this SOIA request, the applicant has developed a conceptual land use scenario. If the SOIA is approved and if future annexation is proposed and approved, there could be future development in the SOIA Area. Future development could involve a variety of ground disturbing activities, including excavation and grading for construction of access roads, staging areas, buildings and foundations, parking lots, and utilities. Surface preparation may also require temporary removal and stockpiling of surface soils. It is possible that development of the SOIA Area could also require off-site infrastructure improvements. Potential impacts associated with possible future off-site improvement areas are characterized generally since there is no annexation, land use change, development, or infrastructure associated with the project and since the location of nonexistent off-site improvement areas is unknown.

Since, the location and type of possible future development is not known, this analysis assumes and evaluates a broad range of potential uses, in order to address potential impacts and provide mitigation needed to reduce or avoid potentially significant impacts.

## IMPACT ANALYSIS

**IMPACT 3.5-1** Substantial adverse change in the significance of known historical resources. *No historical or unique archaeological resources have been identified within the SOIA Area. **No impact** would occur.*

As of 2016, there are no known historical resources or unique archaeological resources have identified with the SOIA Area. Historical resources include any properties listed in or found eligible for inclusion in the National Register of Historic Places, California Register of Historical Resources, or those included in a local register of historical resources, as well as unique archaeological resources. The fact that a resource is not listed in, or determined to be eligible for listing in, National Register of Historic Places, the California Register of Historical Resources, or not included in a local register of historical resources shall not preclude a lead agency from determining whether the resource may be an historical resource for purposes of CEQA. 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 California Register criteria prior to making a finding as to a proposed project’s impacts to historical resources (Public Resources Code Section 21084.1, CEQA Guidelines Section 15064.5[3]).

According to CEQA Guidelines, if the lead agency finds that a resource is neither an historical resource nor a unique archaeological resource, the effects of the project on the resource shall not be considered significant. In addition, the project does not include any ground disturbing activities or physical alteration. Any subsequent application for development would be required to undergo environmental review, identify any substantial adverse changes on historical resources, and implement all feasible mitigation measures to reduce impacts.

As no historical or unique archaeological resources have been identified, **no impact** would occur.

## Mitigation Measures

No mitigation measures are required.

**IMPACT**      **Substantial adverse change to undiscovered historical resources or unique archeological resources.**  
3.5-2      *Although no significant historical resource or unique archaeological resource is known to exist within the SOIA Area, it is possible that, during implementation of potential future projects within the SOIA Area or off-site improvements required to serve the SOIA Area, previously undiscovered cultural resources could be inadvertently exposed. Unless properly evaluated and managed, this could result in significant impact to one or more historical resource(s) or unique archaeological resource(s). This impact is considered **potentially significant**.*

The project does not propose any development or land use change. However, if the SOIA is approved and if future annexation is proposed and approved, there could be future development in the SOIA Area. Although specific project proposal details are not available at this time, future development including off-site area improvements such as roads, sewer lines, drainage facilities, and water lines could result in the disturbance, alteration, or destruction of previously unidentified historical resources.

Due to the disturbed nature of the SOIA Area and its historical and continued use for agricultural production, it is unlikely that continued agricultural use would unearth any previously undiscovered cultural resources. If the SOIA Area, or a portion of it, is annexed, that area would be under City of Elk Grove's jurisdiction and the City would need to make General Plan consistency findings for discretionary actions related to the SOIA Area. Discretionary actions also generally require environmental review, which would normally include a study determining if the site has cultural resources.

As discussed above, the fact that a resource is not listed in, or determined to be eligible for listing in, National Register of Historic Places, the California Register of Historical Resources, or not included in a local register of historical resources shall not preclude a lead agency from determining whether the resource may be an historical resource for purposes of CEQA. 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 California Register criteria prior to making a finding as to a proposed project's impacts to historical resources (Public Resources Code Section 21084.1, CEQA Guidelines Section 15064.5[3]).

The Wackman Ranch (P-34-693), as discussed above, has been previously recorded within the SOIA Area. According to the 1994 evaluation (OHP 2012), the Wackman Ranch property was evaluated in 1994 and determined ineligible for inclusion in the National Register of Historic Places by SHPO consensus through the Section 106 process in 2006 (See Cultural Appendix C for the SHPO concurrence letter). Wackman Ranch was not evaluated for the California Register of Historical Resources or under the City of Elk Grove Historic

Preservation Ordinance Landmark Designation Criteria (Chapter 7.00.050) at that time (OHP 2012). As of 2016, the property is not listed on any local historical register or described in the Elk Grove or Sacramento County General Plan as a historical resource; thus, absent additional information provided to LAFCo that the property is significant, this property is not considered an historical resource for the purposes of CEQA at this time.

The City's General Plan HR-6-Action 1 requires a detailed study of potential archaeological resources impacts for projects in locations that have a significant potential for containing archaeological artifacts and HR-6-Action 2 requires conditions for projects that do not have elevated potential for impacts to stop work and take appropriate actions if resources are uncovered during construction. Elk Grove would impose standard conditions, per City of Elk Grove General Plan HR-6-Action 2, to require that if any artifact is uncovered during construction, all construction must stop and a qualified professional archaeologist must be retained to evaluate the finds and recommend appropriate actions. Potential treatment methods for significant and potentially significant resources may include, but would not be limited to, no action (i.e., resources determined not to be significant), avoidance of the resource through changes in construction methods or project design, or implementation of a program of testing and data recovery, in accordance with applicable State requirements and/or in consultation with affiliated Native American tribes.

Wackman Ranch has not been evaluated against California Register of Historical Resources or under the City of Elk Grove Historic Preservation Ordinance Landmark Designation Criteria (Chapter 7.00.050) and could potentially be identified as a historical resource upon further evaluation. Although no unique archaeological resource is known to exist within the SOIA Area, it is possible that during implementation of potential future projects within the SOIA Area or off-site improvements required to serve the SOIA Area that previously undiscovered cultural resources could be inadvertently exposed. Unless properly evaluated and managed, this could result in significant impact to one or more historical resource(s) or unique archaeological resource(s). This impact is considered **potentially significant**.

## **Mitigation Measures**

### **Mitigation Measure 3.5-2: Avoid Potential Effects on Cultural Resources**

At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall impose a condition on all discretionary projects to protect cultural resources, using the following language or language deemed to be equally effective:

- Should any archaeological cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities on- or off-site, work shall be suspended and the City of Elk Grove Planning Department shall be immediately notified, consistent with City General Plan HR-6-Action 2. At that time, the City of Elk Grove Planning Department will coordinate any necessary investigation of the site with appropriate specialists, as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of archaeological resources.
- The City of Elk Grove Planning Department shall be notified immediately if any prehistoric or archaeological artifact is uncovered during construction. All construction must stop, and an archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards in

prehistoric or historical archaeology shall be retained to evaluate the finds and recommend appropriate action.

- In the event of future ground disturbance or off-site project infrastructure improvements that have the potential to directly or indirectly effect the Wackman Ranch property, LAFCo shall require the City of Elk Grove to require the future proponent to evaluate the property for eligibility for the California Register of Historical Resources and City of Elk Grove Historic Preservation Ordinance Landmark Designation Criteria (Chapter 7.00.050) as a potential historical resource, as the property was not evaluated against these criteria under the previous evaluation of the property. If the property is found to be an historical resource, the project proponent shall be required to implement any mitigation if the proposed project has a substantial adverse change to a historical resource, including physical damage, destruction, relocation, or alteration of the property that materially alters in an adverse manner those physical characteristics of the property that conveys its significant for inclusion in or eligibility for the California Register of Historical Resources or local register.

### Significance after Mitigation

Implementation of this mitigation measure would reduce the potential impacts on cultural resources. LAFCo would condition future annexation on compliance with Mitigation Measure 3.5-2. With enforcement of the above mitigation measure, existing cultural resources regulations, and City of Elk Grove policies as conditions of approval, future development in the SOIA Area and any off-site infrastructure improvements required to serve the development would be designed to identify unknown historical resources and minimize potential impacts. However, the timing and extent of off-site improvements is not known at this time and it is possible that no feasible mitigation measures would exist in the future when development in the SOIA Area and possible off-site infrastructure improvement areas are proposed. Thus, impacts are **significant and unavoidable**.

**IMPACT 3.5-3** Substantial adverse change to a tribal cultural resource. *To date, no Tribal Cultural Resources have been identified within or adjacent to the SOIA Area. Therefore, no impact would occur.*

AECOM requested the NAHC to conduct a sacred lands file search to determine the presence of known Tribal Cultural Resources within the immediate vicinity of the SOIA Area. The sacred lands file search failed to indicate the presence of any known Tribal Cultural Resources in or near the SOIA Area.

Early consultation with culturally and traditionally geographically affiliated Native American tribes identified by the NAHC was initiated on March 28, 2016. These groups and individuals were sent letters, emails, and follow-up phone calls inviting consultation and information about any cultural resources in the vicinity of the SOIA Area, including Tribal Cultural Resources. No Tribal Cultural Resources have been identified within or adjacent to the SOIA Area. Therefore, **no impact** to known Tribal Cultural Resources would occur.

### Mitigation Measures

No mitigation measures are required.

**IMPACT**     **Disturbance of human remains.** *Although there is no evidence of human remains, if there are future ground-disturbing activities in the SOIA Area or in off-site infrastructure improvement areas, this could adversely affect presently unknown burials. This impact is considered **potentially significant**.*

3.5-4

While no evidence for prehistoric or early historic interments was found in the SOIA Area through background research and field surveys, this does not preclude the existence of buried subsurface human remains. Prehistoric archaeological sites including some that contain human remains have been identified in other areas of Sacramento County. The likelihood of inadvertently exposing currently unknown archaeological resources, including those containing human remains during future development of the SOIA Area cannot be dismissed. In addition, the timing and location of any off-site improvements required to serve the new development is not currently known. The inadvertent exposure of previously unidentified human remains, including those interred outside of formal cemeteries, during future development would be a **potentially significant** impact.

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 an application for development is approved (for the entire SOIA Area or for a portion), development would be required to comply with City of Elk Grove General Plan HR-6-Action 2, which requires that, in compliance with the California Health and Safety Code, if any human remains are uncovered, all construction must stop and the County Coroner must be notified. If the remains are determined to be Native American, California law dictates appropriate follow-on actions.

#### **Mitigation Measure 3.5-4: Halt Construction if Human Remains are Discovered and Implement Appropriate Actions**

At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall impose a condition on all discretionary projects to protect previously undiscovered human remains. In accordance with California law and local policies described above, if human remains are uncovered during future ground-disturbing activities, future applicants within the SOIA Area and/or their contractors would be required to halt potentially damaging excavation in the area of the burial and notify the County Coroner and a professional archaeologist to determine the nature of the remains. The coroner would be required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or State lands (California 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 NAHC by phone within 24 hours of making that determination (California Health and Safety Code Section 7050[c]). The responsibilities for acting upon notification of a discovery of Native American human remains are identified in California Public Resources Code 5097.9. Following the coroner's findings, the property owner, contractor or project proponent, an archaeologist, and the NAHC-designated Most Likely Descendant will determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed.

Upon the discovery of Native American remains, future applicants within the SOIA Area and/or their contractors would be required to ensure that the immediate vicinity (according to generally accepted

cultural or archaeological standards and practices) is not damaged or disturbed by further development activity until consultation with the Most Likely Descendant has taken place. The Most Likely Descendant would have 48 hours to complete a site inspection and make recommendations after being granted access to the site. A range of possible treatments for the remains, including nondestructive removal and analysis, preservation in place, relinquishment of the remains and associated items to the descendants, or other culturally appropriate treatment may be discussed. California Public Resources Code 5097.9 suggests that the concerned parties may extend discussions beyond the initial 48 hours to allow for the discovery of additional remains. The following is a list of site protection measures that could be employed:

1. record the site with the NAHC or the appropriate Information Center,
2. use an open-space or conservation zoning designation or easement, and
3. record a document with the county in which the property is located.

If the NAHC is unable to identify a Most Likely Descendant or the Most Likely Descendant fails to make a recommendation within 48 hours after being granted access to the site, the Native American human remains and associated grave goods would be reburied with appropriate dignity on the subject property in a location not subject to further subsurface disturbance.

### **Significance after Mitigation**

Compliance with California Health and Safety Code, California Public Resources Code, and the applicable City General Plan policies and actions would reduce potential impacts on previously undiscovered human remains. LAFCo would condition future annexation on compliance with Mitigation Measure 3.5-4. Implementing Mitigation Measure 3.5-4 ensures that any cultural resources, including archaeological features or potential human remains, encountered during construction would be treated in an appropriate manner under CEQA and other applicable laws and regulations. If the discovery could potentially be human remains, compliance with Health and Safety Code Section 7050 et seq. and Public Resources Code Section 5097.9 et seq. would be required. However, because the extent of potential construction-related impacts associated with damage or destruction of presently undocumented cultural resources is not known since any such cultural resources are undiscovered, this impact is considered **significant and unavoidable**.