4.4 CULTURAL RESOURCES

4.4.1 Introduction

This section analyzes and evaluates the impacts of the proposed project on currently known and potential but unknown cultural resources. 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.

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) and intact structures (e.g., dams, bridges).

The primary source of information for this section is the *Archeological Survey Report for the Dry Creek Greenway Multi-Use Trail Project*, prepared by ECORP Consulting, Inc. (2014).

One comment letter pertaining to cultural resources was received in response the Notice of Preparation (NOP). Gene Whitehouse, the Tribal Chairman of the United Auburn Indian Community (UAIC) of the Auburn Rancheria, expressed concern about development within ancestral territory and requested the opportunity to provide Tribal representatives to monitor projects if excavation and data recovery are required for prehistoric cultural sites or in cases where ground disturbance is proposed at or near sensitive cultural resources. This issue is discussed under “Native American Consultation and Other Interested Parties” and evaluated as part of Impact 4.4-1, below. As discussed below, technical reports prepared for the project related to cultural resources have been forwarded to the UAIC.

Recognizing the NOP release precedes the effective date of Assembly Bill (AB) 52, statutes of 2014, the procedural elements of AB 52 do not apply to the project (see Regulatory Setting, below). Nonetheless, this section includes consideration of the potential for the presence of tribal cultural resources as part of the environmental analysis.

4.4.2 Environmental Setting

REGIONAL PREHISTORY

Although the Sacramento Valley may have been inhabited by humans as early as 10,000 years ago, the evidence for early human use likely is buried by deep alluvial sediments that accumulated rapidly during the late Holocene epoch (less than 10,000 years ago). Although rare, archaeological remains of this early period have been identified in and around the Central Valley. Archaeologists working at Camanche Reservoir (east of Galt and Lodi) found a number of lithic cores and a flake that are associated with Pleistocene gravels. These archaeological remains have been grouped into what is called the Farmington Complex, which is characterized by core tools and large, reworked percussion flakes. The economy of this early period generally is thought to be based on exploitation of large game. Later periods are better understood because of more abundant representation in the archaeological record.

The taxonomic framework of the Sacramento Valley has been described in terms of archaeological patterns. A pattern is a general mode of life characterized archaeologically by technology, particular artifacts, economic systems, trade, burial practices, and other aspects of culture. Three general patterns of resource use for the period between 4500 before present (B.P.) and 200 B.P. have been identified: the Windmiller, Berkeley, and Augustine Patterns.

Windmiller Pattern (4500 B.P.–3000 B.P.)

The Windmiller Pattern shows evidence of a mixed economy of game procurement and use of wild plant foods. The archaeological record contains numerous projectile points with a wide range of faunal remains. Hunting was not limited to terrestrial animals, as is evidenced by fishing hooks and spears that have been found in association with the remains of sturgeon, salmon, and other fish. Plants also were used, as indicated by ground stone artifacts and clay balls that were used for boiling acorn mush. Settlement strategies during the Windmiller period reflect seasonal adaptations: habitation sites in the valley were occupied during the winter months, but populations moved into the foothills during the summer.

Berkeley Pattern (3500 B.P.–2500 B.P.)

The Windmiller Pattern ultimately changed to a more specialized adaptation labeled the Berkeley Pattern. A reduction in the number of manos and metates (grinding and mealing stones) and an increase in mortars and pestles indicate a greater dependence on acorns. Although gathered resources gained importance during this period, the continued presence of projectile points and atlatls (spear-throwers) in the archaeological record indicates that hunting was still an important activity.

Augustine Pattern (1500 B.P.–200 B.P.)

The Berkeley Pattern was superseded by the Augustine Pattern. The Augustine Pattern reflects a change in subsistence and land use patterns to those of the ethnographically known people (Nisenan) of the historic era. This pattern exhibits a great elaboration of ceremonial and social organization, including the development of social stratification. Exchange became well developed, and an even more intensive emphasis was placed on the use of the acorn, as evidenced by the presence in the archaeological record of shaped mortars and pestles and numerous hopper mortars. Other notable elements of the artifact assemblage associated with the Augustine Pattern are flanged tubular smoking pipes, harpoons, clam shell disc beads, and an especially elaborate baked clay industry, which included figurines and pottery vessels (Cosumnes Brownware). The presence of small projectile point types, referred to as the Gunther Barbed series, suggests the use of the bow and arrow. Other traits associated with the Augustine Pattern include the introduction of preinterment burning of offerings in a grave pit during mortuary ritual, increased village sedentism, population growth, and an incipient monetary economy in which beads were used as a standard of exchange.

ETHNOGRAPHY

Ethnographically, the proposed project site is in the southwestern portion of the territory occupied by the Penutian-speaking Nisenan. 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. As a language, Nisenan (meaning “from among us” or “of our side”) has three main dialects – Northern Hill, Southern Hill, and Valley Nisenan, with three or four subdialects. The Valley Nisenan lived along the Sacramento River, primarily in large villages with populations of several hundred each. Between there and the foothills, the grassy plains were largely unsettled, used mainly as a foraging ground by both valley and hill groups. Individual and extended families “owned” hunting and gathering grounds, and trespassing was discouraged. Residence was generally patrilocal, but couples actually had a choice in the matter.

Politically, the Nisenan were divided into “tribelets,” made up of a primary village and a series of outlying hamlets, presided over by a more-or-less hereditary chief. Villages typically included family dwellings, acorn granaries, a sweathouse, and a dance house, owned by the chief. The chief had little authority to act on his or her own, but with the support of the shaman and the elders, the word of the chief became virtually the law.

Subsistence activities centered around the gathering of acorns (acorns from tan bark oak and black oak were preferred), seeds, and other plant resources. The hunting of animals such as deer and rabbits and fishing were also important parts of normal subsistence activities. Large predators, such as mountain lions, were hunted for their meat and skins, and bears were hunted ceremonially. Although acorns were the staple of the Nisenan diet, they also harvested roots like wild onion and "Indian potato," which were eaten raw, steamed, baked, or dried and processed into flour cakes to be stored for winter use. Wild garlic was used as soap/shampoo, and wild carrots were used medicinally. Seeds from grasses were parched, steam dried, or ground and made into a mush. Berries were collected, as were other native fruits and nuts. Game was prepared by roasting, baking, or drying. In addition, salt was obtained from a spring near modern-day Rocklin.

Hunting of deer often took the form of communal drives, involving several villages, with killing done by the best marksmen from each village. Snares, deadfalls, and decoys were used as well. Fish were caught by a variety of methods including use of hooks, harpoons, nets, weirs, traps, poisoning, and by hand. 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.

The Spanish arrived on the central California coast in 1769 and by 1776, the Miwok territory bordering the Nisenan on the south had been explored by José Canizares. In 1808, Gabriel Moraga crossed Nisenan territory, and in 1813, a major battle was fought between the Miwok and the Spaniards near the mouth of the Cosumnes River. Though the Nisenan appear to have escaped being removed to missions by the Spanish, they were not spared the ravages of European diseases. In 1833, an epidemic—probably malaria—raged through the Sacramento Valley, killing an estimated 75 percent of the native population. When John Sutter erected his fort at the future site of Sacramento in 1839, the few Nisenan survivors settled nearby. The discovery of gold in 1848 at Sutter's Mill, near the Nisenan village of Colluma (now Coloma) on the South Fork of the American River, drew thousands of miners into the area, and led to widespread killing and the virtual destruction of traditional Nisenan culture. By the Great Depression, no Nisenan remained who could remember the days before the arrival of the Euro-Americans.

REGIONAL HISTORY

Colonization of California began with the Spanish Portolá land expedition. The expedition, led by Captain Gaspar de Portolá of the Spanish army and Father Junipero Serra, a Franciscan missionary, explored the California coast from San Diego to the Monterey Bay Area in 1769. As a result of this expedition, Spanish missions to convert the native population, presidios (forts), and pueblos (towns) were established. The Franciscan missionary friars established 21 missions in Alta California (the area north of Baja California) beginning with Mission San Diego in 1769 and ending with the mission in Sonoma established in 1823. The purpose of the missions and presidios was to establish Spanish economic, military, political, and religious control over the Alta California territory. No missions were established in the Central Valley; the nearest missions were in the vicinity of San Francisco Bay. Presidios were established at San Francisco and Monterey.

After Mexico became independent from Spain in 1821, what is now California became the Mexican province of Alta California with its capital at Monterey. In 1827, American trapper Jedediah Smith traveled along the Sacramento River and into the San Joaquin Valley to meet other trappers of his company who were camped there, but no permanent settlements were established by the fur trappers.

The Mexican government closed the missions in the 1830s and former mission lands, as well as previously unoccupied areas, were granted to retired soldiers and other Mexican citizens for use as cattle ranches. Much of the land along the coast and in the interior valleys became part of Mexican land grants or "ranchos." During the Mexican period there were small towns at San Francisco (then known

as Yerba Buena) and Monterey. The rancho owners lived in one of the towns or in an adobe house on the rancho. The Mexican Period includes the years 1821 to 1848.

John Sutter, a European immigrant, built a fort at the confluence of the Sacramento and American Rivers in 1839 and petitioned the Mexican governor of Alta California for a land grant, which he received in 1841. Sutter built a flour mill and grew wheat near the fort. Gold was discovered in the flume of Sutter's lumber mill at Coloma on the South Fork of the American River in January 1848. The discovery of gold initiated the 1849 California Gold Rush, which brought thousands of miners and settlers to the Sierra foothills east and southeast of Sacramento.

The American period began when the Treaty of Guadalupe Hidalgo was signed between Mexico and the United States in 1848. As a result of the treaty, Alta California became part of the United States as the territory of California. Rapid population increase occasioned by the Gold Rush of 1849 allowed California to become a state in 1850. Most Mexican land grants were confirmed to the grantees by U.S. courts, but usually with more restricted boundaries, which were surveyed by the U.S. Surveyor General's office.

The proposed project site is located approximately two miles northeast of Samuel Norris' Rancho Del Paso and approximately 0.5-mile northwest of Joel P. Dedmond's Rancho San Juan. Land outside the land grants became federal public land, which was surveyed into sections, quarter-sections, and quarter-quarter sections. The federal public land could be purchased at a low fixed price per acre or could be obtained through homesteading (after 1862).

City of Roseville

Roseville had its beginnings in the aftermath of the California Gold Rush when discouraged gold seekers left the mineral regions to take up farming along rich creek bottom lands. These pioneers formed the nucleus of what was to become the "first families" of Roseville. One of the first sections of southwestern Placer County to be settled was the rich lands of the Dry Creek District.

Among the pioneer settlers of the Dry Creek District was Martin A. Schellhous who came to California with his wife and acquired a 240-acre ranch. Having brought a number of cattle with him from Michigan, Schellhous turned his attention to stock raising. Later diversifying and expanding his agricultural pursuits, he planted vineyards, orchards and fields of grain on his property.

Between 1870 and 1879, Roseville experienced slow but steady development. New construction already underway and reported in the Placer Herald of January 1, 1870 included a new hotel being erected by Daniel S. Neff, who had formerly operated the 17 Mile House. By 1890, though growth had not spiked, a movement toward a more industrial base had begun and business activity increased.

Fruit shipping became an important factor in the economy of Roseville at the beginning of the twentieth century. Figures compiled by the Roseville Board of Trade for 1901 revealed that during the year alone, more than 781,000 pounds of fresh deciduous fruits had been shipped from Roseville, along with 3,000 boxes of oranges, 22,380 pounds of pickled olives, and 8,000 pounds of olive oil. Hand in hand with the increased activity of shipping fruit was an upsurge in viticulture. Historic records indicate that a total of 1,195,436 boxes of grapes were shipped from the Roseville depot in 1901.

The new State Highway was routed through Roseville in 1912. Roads were paved commencing at the lower end of Riverside Avenue and connecting to the State Highway on the Lincoln Road. While Roseville was launching its new government and contributing its share to the war effort during World War I, the city continued to grow. In a two-and-a-half-year period (September 1911 – January 1914), more than 110 new buildings were erected. Population increased from 2,608 in 1910 to 4,477 in 1920. By 1924, Southern Pacific Railroad purchased 200 acres of land between Roseville and Antelope for relocation of Pacific Fruit Express shops and construction of 77 miles of new tracks to be used by both Southern Pacific and Pacific Fruit Express. By June 1927, the new facilities were in operation.

The considerable building and commercial development, which characterized Roseville throughout the 1920s, was curbed drastically by the Great Depression. However, municipal improvements continued to progress in spite of the Depression. Though Roseville had become a "city" in 1909, it was not until 1935 that voters, by a 443 to 194 count, permitted the community to become a "charter city" which gave residents the ability to change how their city is governed. Between 1941 and 1942, no major building activity was reported in the columns of The Press Tribune. By the latter date, however, approximately 1,000 new residents had moved into Roseville, most of whom worked in nearby defense installations or for the railroad.

The population boom, which hit southern California with sudden swiftness in the late 1940s and spread quickly to northern California in the following decades, focused on southwestern Placer County after 1960. George Buljan served as mayor during this period of rapid growth and great change. Buljan served on the City Council for 24 years. The city, among other things, named a middle school after him, which is located off Washington Boulevard, just east of the project site. The population boom of the 1960s continued throughout the 1970s.

RECORDS SEARCH

NCIC Records Search

A confidential records search for the project site and a surrounding half-mile radius (project area) was conducted by employees at the North Central Information Center (NCIC) on March 20, 2014 (NCIC Records Search Number PLA-14-32). The search included a review of the NRHP, the California Register of Historical Resources (CRHR), *California Inventory of Historic Resources* (1976), *California Points of Historical Interest* (May 1992 and updates), Directory of Properties in the Historic Property Data File, Archaeological Determinations of Eligibility (State Office of Historic Preservation computer lists dated 2012), records of previously recorded cultural resources, records of previous field studies, and other historic maps and documents.

Approximately 80 percent of the project site has been included in previous investigations. The previous studies were conducted between 1963 and 2007 and vary in size from less than one acre to 18 linear miles. The records search identified 12 previously recorded cultural resources located within 0.5 miles of the project site. Of 12 previously recorded cultural resources, six are prehistoric archaeological sites, five are historic-period buildings, structures, and refuse deposits, and one is a mixed deposit of prehistoric and historic material. Only one of the previously recorded resources, a historic-period concrete building foundation with associated refuse deposits (P-31-788), is located within the project site. No historic landmarks, historic markers, or properties listed in the California Register of Historical Resources were identified within the project area.

Native American Consultation and Other Interested Parties

The California Native American Heritage Commission (NAHC) was contacted on July 25, 2014, to request a search of their Sacred Lands database and a list of contact information for local Native American representatives in the project area. A response was received from the NAHC on July 31, 2014 stating that there are no known Sacred Lands within the project area and providing a list of eight Native American groups and individuals who may have additional information about the proposed project. On August 6, 2014, letters were sent letters to all persons or organizations on the NAHC list. Follow-up phone calls were conducted for every individual or group on the NAHC list on August 18 and 19, 2014, except for Grayson Coney, Cultural Director of the T'si-Akim Maidu. No phone number was available for Mr. Coney, so a follow-up email was sent on August 18, 2014.

On October 10, 2014, a response from the UAIC was received in which UAIC requested an opportunity to be present during field survey and a copy of all technical reports when completed. Because the field survey had already been completed by this time, this request could not be accommodated; however,

the City arranged for UAIC to monitor during Extended Phase 1 (XP1) fieldwork (described below). On July 19, 2016, a copy of all technical reports was sent to the UAIC.

A letter was sent to the Placer County Historical Society on July 29, 2014 to request information on any historical resources located in or near the Project. No response has been received.

Archaeological Survey

On July 23 and 24, 2014, archaeologists conducted a field survey of the entire project site. The survey consisted of walking systematic parallel transects spaced 15 meters apart. The ground surface was examined for indications of surface or subsurface cultural resources. The general morphological characteristics of the ground surface were inspected for indications of subsurface deposits that may be manifested on the surface, such as circular depressions or ditches. Whenever possible, the locations of subsurface exposures caused by factors such as rodent activity, water or soil erosion, or vegetation disturbances were examined for artifacts or for indications of buried deposits.

The one previously recorded resource, the historic-period concrete building foundation (P-31-788), was not able to be located during the survey; based on recent and extensive road construction it appears that the resource was removed or demolished at some point. One feature was encountered during the survey (Dry-001), a concrete-encased sewer line; however this feature was determined not to meet the minimum requirements, as outlined in Attachment 4 of the Caltrans FHWA Section 106 Programmatic Agreement, and therefore the feature was not recorded or evaluated.

Following the field survey and preparation of an archaeological survey report, an XP1 study was conducted to better understand the potential for buried subsurface archaeological deposits along Dry Creek. Field work for the XP1 was performed by qualified archaeologists in March 2016 within the project site. Testing was focused on portions of the project site where deep excavation would occur (within constructed project facilities such as bridge abutments, culverts, and gabion basket walls). Subsurface testing was initiated by placing spiral manual auger holes at 20 locations where deep excavations would occur to install project facilities. The auger holes were excavated to investigate the presence or absence of archaeological deposits. Each auger hole consisted of a circular hole approximately 10 cm (4 inches) in diameter and was excavated in arbitrary 10- to 20-cm levels to depths of at least 40 to 60 cm, where feasible. Soil was then processed through 1/8-inch hardware mesh screens. A total of 53 spiral manual auger holes were excavated.

No buried cultural materials were found in any of the auger holes, which indicates that there is a low potential for archaeological sites present beneath the areas where deep ground disturbance would occur. The uniformity of soil type throughout the XP1 study area also indicates that there is a low potential for buried deposits throughout the project site as no midden or cultural material was observed in any of the auger holes. Furthermore, sites recorded within the vicinity of the project site exhibit surface manifestations, and therefore, any sites within the project site would be expected to be visible on the surface. Because no indications of buried archaeological sites were observed within the XP1 study area, there is a low potential for subsurface deposits throughout the project site.

4.4.3 Regulatory Setting

Cultural resources are protected and/or regulated by a variety of federal, state, and local laws and policies. Key regulatory and conservation planning issues applicable to the proposed project are discussed below.

FEDERAL

Section 106 of the National Historic Preservation Act

Federal protection of cultural resources is legislated by (a) the National Historic Preservation Act of 1966 as amended by 16 U.S. Code 470, (b) the Archaeological Resource Protection Act of 1979, and (c) the Advisory Council on Historical Preservation. These laws and organizations maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP).

Section 106 of the National Historic Preservation Act and accompanying regulations (36 Code of Federal Regulations [CFR] Part 800) constitute the main federal regulatory framework guiding cultural resources investigations and requires consideration of effects on properties that are listed in, or may be eligible for listing in the NRHP. The NRHP is the nation's master inventory of known historic resources. It is administered by the National Park Service and includes listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, and cultural value.

The formal criteria (36 CFR 60.4) for determining NRHP eligibility are as follows:

1. The property is at least 50 years old (however, properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the NRHP);

2. It retains integrity of location, design, setting, materials, workmanship, feeling, and associations; and

3. It possesses at least one of the following characteristics:

    a. Association with events that have made a significant contribution to the broad patterns of history (events).

    b. Association with the lives of persons significant in the past (persons).

    c. Distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant, distinguishable entity whose components may lack individual distinction (architecture).

    d. Has yielded, or may be likely to yield, information important to prehistory or history (information potential).

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 (CCR) 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 for listing eligibility of a resource to the CRHR:

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 Public Resources Code (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 proposed 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 (Public Resources Code, Section 5024.1).

2. A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the Public Resources Code or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, 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 (Public Resources Code, 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 California Register of Historical Resources, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the Public Resources Code), or identified in a historical resources survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code) 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 will impact unique archaeological resources. Public Resources Code 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.

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 NAHC. The NAHC then notifies those persons most likely to be descended from the Native American's remains. This 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 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If determined to be Native American, the coroner must contact the California NAHC. 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 Section 5097.98 of the Public Resources Code.

Public Resource 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

Assembly Bill (AB) 52, signed by Governor Edmund G. Brown, Jr., in September of 2014, establishes a new class of resources under CEQA: "tribal cultural resources." It 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 NOP 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 "tribal cultural resources."

The procedural requirements for tribal consultation in AB 52 applies to those projects for which a lead agency has issued an NOP of an EIR or notice of intent to adopt a negative declaration or mitigated negative declaration on or after July 1, 2015. Because the NOP for the proposed project was issued on November 18, 2013, the consultation requirements of AB 52 do not apply. Nonetheless, as described previously in this section (see Native American Consultation and Other Interested Parties, above), the City of Roseville reached out to tribes and attempted communication with the T'si-Akim Maidu, who had requested to participate in project construction monitoring. The analysis addresses known and potential unknown cultural resources, including potential tribal cultural resources, which include as qualifying criteria listing on the state register or a local register, or a determination by the lead agency that an unlisted resource would be eligible for listing. None of the cultural resources identified in the EIR analysis meet these criteria, so no known tribal cultural resources are present in the project site. However, this requirement will apply to future projects where CEQA review is necessary.

LOCAL

City of Roseville General Plan

The Open Space and Conservation Element contains the following goal related to archaeological, historic, and cultural resources.

GOAL 1: Strengthen Roseville's unique identify through the protection of its archaeological, historic and cultural resources.

- **Policy 1:** When items of historical, cultural or archaeological significance are discovered within the City, a qualified archaeologist or historian shall be called to evaluate the find and to recommend proper action.
- **Policy 2:** When feasible, incorporate significant archaeological sites into open space areas.
- **Policy 3:** Subject to approval by the appropriate federal, state, local agencies, and Native American Most Likely Descendant (MLD), artifacts that are discovered and subsequently determined to be "removable" should be offered for dedication to the Maidu Interpretive Center.

4.4.4 Impacts

METHODS OF ANALYSIS

The impact analysis for prehistoric and historic-period archaeological resources is based on the findings and recommendations of the report titled *Archeological Survey Report for the Dry Creek Greenway Multi-Use Trail Project*, prepared by ECORP Consulting, Inc. (2014), and the *Dry Creek Greenway Multi-Use Trail Project Extended Phase I Report*, prepared by ECORP Consulting, Inc. (2016). The analysis is also informed by the provisions and requirements of federal, state, and local laws and regulations that apply to cultural resources. See the discussion above under "Archaeological Survey" for a description of the field surveys conducted for the proposed project.

THRESHOLDS OF SIGNIFICANCE

Based on Appendix G of the CEQA Guidelines, the proposed project was determined to result in a significant impact to cultural resources if it would:

- cause a substantial adverse change in the significance of an historical resource as defined in Section 15064.5 of the CEQA Guidelines;
- cause a substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5 of the CEQA Guidelines;
- disturb any human remains, including those interred outside of formal cemeteries; or
- cause a substantial adverse change in the significance of a tribal cultural resource as defined in PRC Section 21074.

ISSUES OR POTENTIAL IMPACTS NOT DISCUSSED FURTHER

No historic architectural resources were identified on the project site because no buildings of historic-age were identified on the project site. Therefore, project construction and use would have no impact on historical resources, and this issue is not discussed further in this EIR.

IMPACT ANALYSIS

Impact 4.4-1	Disturb archaeological resources, including tribal cultural resources.
Applicable Policies and Regulations	Section 106 of the National Historic Preservation Act CEQA pursuant to PRC 21083.2 California Register of Historical Resources California Native American Historical, Cultural, and Sacred Sites Act City of Roseville General Plan Open Space and Conservation Element
Significance with Policies and Regulations	Proposed Project: Potentially significant Alignment Option 1A: Potentially significant Alignment Option 1C: Potentially significant Alignment Option 5A: Potentially significant
Mitigation Measures	Mitigation Measure 4.4-1 (Proposed Project, Option 1A, Option 1C, Option 5A)
Significance after Mitigation	Less than significant (Proposed Project, Option 1A, Option 1C, Option 5A)

Proposed Trail Alignment

Construction Impacts

The project is a 4.25-mile multi-use trail that would follow creek corridors along portions of Dry, Cirby, and Linda Creeks. The multi-use trail would generally consist of a 10-foot wide paved trail with two-foot wide shoulders. The project would also include the construction of up to eight bridges to provide creek crossings along with areas of bank stabilization.

No new cultural resources were recorded during the field survey of the project site. One feature was encountered during the survey (Dry-001), a concrete-encased sewer line; however, this feature was determined not to meet Caltrans' minimum requirements; therefore, the feature is not considered to be an historical or unique archaeological resource. Disturbing it would not be significant for the purposes of CEQA. Previously recorded site P-31-788 was not relocated during the survey.

Following the field survey and preparation of an archaeological survey report, an XP1 was performed to better understand the potential for buried subsurface archaeological deposits along Dry Creek within the project site. Excavation was focused on portions of the project site where deep excavation will occur (within constructed project facilities such as bridge abutments, culverts, and gabion basket walls), and a total of 53 spiral manual auger holes were excavated. As a result of the study, no buried cultural material was found in the auger holes and the uniformity of soil type throughout the study area also indicates that there is a low potential for buried deposits throughout the project site. Furthermore, sites recorded within the vicinity of the study area exhibit surface manifestations, and therefore, any sites within the project site would be expected to be visible on the surface. Because no indications of buried archaeological sites were observed within the study area, there is a low potential for subsurface deposits throughout the project site.

Based on the findings of the background research, records searches, and the results of the XP1 study, the project site has low sensitivity for prehistoric and historic-era archaeological resources. No evidence of a potential tribal cultural resources was found. Nonetheless, project construction could encounter previously undiscovered or unrecorded archaeological sites and materials during project-related preconstruction or construction-related ground disturbing activities, such as removing existing vegetation from the project site (i.e., trail footprint and construction zone), excavation and contouring to establish the trail bed, or excavation for retaining wall footings and bridge abutments. These activities could damage or destroy previously undiscovered archaeological resources.

Use-related Impacts

The proposed project is a multi-use bike trail and use of the project would consist primarily of pedestrian and bicycle users, although occasional utility access or emergency vehicle use is also expected. Uses would generally be confined to the paved trail and would not include grading, excavation, or other earth-moving activities.

Conclusion

The XP1 study focused the 53 auger tests throughout the project site where deep excavation would occur and found no buried cultural material and, therefore, concluded there is a low potential for subsurface deposits throughout the project site. While the depth, type, and location of project construction activities would have no impact on the likelihood of such a discovery, because the XP1 found no cultural material to indicate locational probability, it is possible that project construction could result in the disturbance or discovery of previously undiscovered or unrecorded archaeological sites and materials. If such resources were to represent "unique archaeological resources" or "tribal cultural resources" as defined by CEQA, any substantial change to, or destruction of, these resources would be a potentially significant impact. For these reasons, the project could result in the damage or destruction of an as yet undiscovered archaeological resource; therefore, this would be a **potentially significant** impact.

Alignment Option 1A
Construction activities under Alignment Option 1A would be the same type and magnitude of physical activities and ground disturbance that would occur under the Proposed Trail Alignment. Alignment Option 1A would begin north of Darling Way and would travel on the west side of Dry Creek. At the confluence of Dry Creek and Cirby Creek, this option would cross to the south side of Dry Creek and travel along the south side of Cirby Creek as the trail heads upstream.

As discussed above under the Proposed Trail Alignment, excavation and other ground-disturbing activities could damage or destroy as yet undiscovered archaeological resources. If such resources were to represent or "unique archaeological resources" or "tribal cultural resources" as defined by CEQA, this would be a **potentially significant** impact.

Alignment Option 1C
Construction activities under Alignment Option 1C would be the same type and magnitude of physical activities and ground disturbance that would occur under the Proposed Trail Alignment. Alignment Option 1C would begin north of Darling Way and would travel on the east side of Dry Creek before crossing to the south side of Cirby Creek upstream of the confluence with Cirby Creek.

As discussed above under the Proposed Trail Alignment, excavation and other ground-disturbing activities could damage or destroy as yet undiscovered archaeological resources. If such resources were to represent or "unique archaeological resources" or "tribal cultural resources" as defined by CEQA, this would be a **potentially significant** impact.

Alignment Option 5A
Construction activities under Alignment Option 5A would be the same type and magnitude of physical activities and ground disturbance that would occur under the Proposed Trail Alignment. East of Eastwood Park, Alignment Option 5A would remain on the south side of Linda Creek until east of Sunrise Avenue before crossing to the north side of the creek.

As discussed above under the Proposed Trail Alignment, excavation and other ground-disturbing activities could damage or destroy as yet undiscovered archaeological resources. If such resources were to represent or "unique archaeological resources" or "tribal cultural resources" as defined by CEQA, this would be a **potentially significant** impact.

Mitigation Measures

Mitigation Measure 4.4-1: Proper Handling of Archaeological Resources.
This mitigation would apply for the Proposed Trail Alignment, Alignment Options 1A, 1C, and 5A.

A minimum of seven days prior to beginning earthwork or other soil disturbance activities, the City shall notify UAIC of the proposed earthwork start-date. As part of this notification, a UAIC tribal representative shall be invited to inspect the project site, including any soil piles, trenches, or other disturbed areas, within the first five days of groundbreaking activity. During this inspection, a site meeting of construction personnel shall also be held to afford the tribal representative the opportunity to provide cultural resources awareness information. If any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains are encountered during this initial inspection or during any subsequent construction activities, work shall be suspended within 100 feet of the find, and the City's Project Manager shall immediately notify the City of Roseville Development Services Director. The City's Project Manager, in consultation with the City's Environmental Coordinator, shall coordinate any necessary investigation of the site with a qualified archaeologist approved by the City, and as part of the site investigation and resource assessment the archeologist shall consult with the UAIC and provide proper management recommendations should potential impacts to the resources be found by the City to be significant. A written report detailing the site assessment, coordination activities, and management recommendations shall be provided to the City by the qualified archaeologist. Possible management

recommendations for unique archaeological resources could include resource avoidance or, where avoidance is infeasible in light of project design or layout or is unnecessary to avoid significant effects, preservation in place or other measures. The contractor shall implement any measures deemed by City staff to be necessary and feasible to avoid or minimize significant effects to the cultural resources.

Significance after Mitigation
Implementation of Mitigation Measure 4.4-1 would reduce impacts associated with archaeological resources to a **less-than-significant** level because it would require the performance of professionally accepted and legally compliant procedures for the discovery of previously undocumented significant archaeological resources.

Impact 4.4-2	Accidental discovery of human remains.
Applicable Policies and Regulations	California Health and Safety Code Sections 7050.5 and 7052 California Public Resources Code Section 5097 California Native American Historical, Cultural and Sacred Sites Act City of Roseville General Plan Open Space and Conservation Element
Significance with Policies and Regulations	Proposed Project: Potentially significant Alignment Option 1A: Potentially significant Alignment Option 1C: Potentially significant Alignment Option 5A: Potentially significant
Mitigation Measures	Mitigation Measure 4.4-2 (Proposed Project, Option 1A, Option 1C, Option 5A)
Significance after Mitigation	Less than significant (Proposed Project, Option 1A, Option 1C, Option 5A)

Proposed Trail Alignment

Construction Impacts
The project is a 4.25-mile multi-use trail that would follow creek corridors along portions of Dry, Cirby, and Linda Creeks. The multi-use trail would consist of a 10-foot wide paved trail with two-foot wide shoulders. The project would also include the construction of up to eight bridges to provide creek crossings along with areas of bank stabilization.

Based on documentary research, no evidence suggests that any prehistoric or historic-era marked or un-marked human interments are present within or in the immediate vicinity of the project site. However, there is a possibility that unmarked, previously unknown Native American or other graves could be present within the project site and could be uncovered by project-related construction activities. The location of grave sites and Native American remains can occur outside of identified cemeteries or burial sites. Construction of the proposed multi-use trail would require removal of vegetation and existing features, grading, construction of five roadway undercrossings, and construction or modification of up to eight bridges. These construction activities would create ground disturbance that could uncover previously unknown human remains.

Use-related Impacts
The proposed project is a multi-use bike trail and use of the project would occur primarily by pedestrians and bicyclists, although occasional utility access or emergency vehicle use is also expected. Uses would be generally confined to the paved trail and would not include grading, excavation, or other earth-moving activities.

Conclusion

Although there are no known prehistoric or early historic interments on the project site, project-related construction activities could uncover or otherwise disturb previously undiscovered or unrecorded human remains. Disturbance of human remains would be a **potentially significant** impact.

Alignment Option 1A

Construction activities under Alignment Option 1A would be the same type and magnitude of physical activities and ground disturbance that would occur under the Proposed Trail Alignment. Alignment Option 1A would begin north of Darling Way and would travel on the west side of Dry Creek. At the confluence of Dry Creek and Cirby Creek, this option would cross to the south side of Dry Creek and travel along the south side of Cirby Creek as the trail heads upstream.

As discussed above under the Proposed Trail Alignment, although there are no known prehistoric or early historic interments on the project site, project-related construction activities could uncover or otherwise disturb previously undiscovered or unrecorded human remains. Disturbance of human remains would be a **potentially significant** impact.

Alignment Option 1C

Construction activities under Alignment Option 1C would be the same type and magnitude of physical activities and ground disturbance that would occur under the Proposed Trail Alignment. Alignment Option 1C would begin north of Darling Way and would travel on the east side of Dry Creek before crossing to the south side of Cirby Creek upstream of the confluence with Cirby Creek.

As discussed above under the Proposed Trail Alignment, although there are no known prehistoric or early historic interments on the project site, project-related construction activities could uncover or otherwise disturb previously undiscovered or unrecorded human remains. Disturbance of human remains would be a **potentially significant** impact.

Alignment Option 5A

Construction activities under Alignment Option 5A would be the same type and magnitude of physical activities and ground disturbance that would occur under the Proposed Trail Alignment. East of Eastwood Park, Option 5A would remain on the south side of Linda Creek until east of Sunrise Avenue before crossing to the north side of the creek.

As discussed above under the Proposed Trail Alignment, although there are no known prehistoric or early historic interments on the project site, project-related construction activities could uncover or otherwise disturb previously undiscovered or unrecorded human remains. Disturbance of human remains would be a **potentially significant** impact.

Mitigation Measures

Mitigation Measure 4.4-2: Stop work if human remains are discovered.

This mitigation would apply for the Proposed Trail Alignment, Alignment Options 1A, 1C, and 5A.

If human remains are discovered during any construction activities, potentially damaging ground-disturbing activities in the area of the remains shall be halted immediately, and the project applicant shall notify the Placer County coroner and the NAHC immediately, according to Section 5097.98 of the State Public Resources Code 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 shall be adhered to in the treatment and disposition of the remains. The City shall also retain a professional archaeologist with Native American burial experience to conduct a field investigation of the specific site and consult with the MLD, if any, identified by the NAHC. Following the coroner's and NAHC's findings, the archaeologist, and the NAHC-designated MLD shall 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 California Public Resources Code Section 5097.94.

Significance after Mitigation

Implementation of Mitigation Measure 4.4-2 would reduce potentially significant impacts related to disturbance of human remains, because actions would be implemented to avoid, move, record, or otherwise treat the remains appropriately, in accordance with pertinent laws and regulations. By providing an opportunity to avoid or minimize the disturbance of human remains, and to appropriately treat any remains that are discovered, this impact would be reduced to a **less-than-significant** level.