

4.13 CULTURAL RESOURCES

This section of the EIR discusses the potential impacts to cultural resources that could result from the implementation of the Rocklin 60 project. The project area and its vicinity are known to contain numerous traces of past human activity ranging from early Native American sites and artifacts to the remains of early mining, ranching, and farming activities. Such materials can be found at many locations on the landscape and along with prehistoric and historic human remains and associated grave goods, are protected under various federal, State, and local statutes, including the California Environmental Quality Act (CEQA) and the City of Rocklin General Plan (1991).

The impact analysis included in this section is based on cultural resource investigations conducted by ECORP Consulting, Inc. (ECORP 2005 and 2006). These investigations were reviewed by EDAW's archaeologists for technical adequacy, which included a site reconnaissance visit to confirm the investigation's findings in the field.

4.13.1 EXISTING CONDITIONS

The Rocklin/Roseville area and the surrounding region are known to contain numerous remains associated with early Native American occupation and historic-era activities. In order to place these resources within a broader cultural context and so their significance can be better understood, a brief outline of the archaeological, ethnographic, and historic context of the region is presented below.

PREHISTORIC ARCHAEOLOGICAL CONTEXT

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

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

Early Horizon

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

Middle Horizon

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

Late Horizon

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

ETHNOGRAPHIC CONTEXT

Ethnographically, the project area is situated within the traditional territory of the Nisenan (sometimes referred to as the Southern Maidu). Kroeber (1925) recognized three Nisenan dialects – Northern and Southern Hill, and Valley Nisenan. The Nisenan territory included the drainages of the Yuba, Bear, and American Rivers, and the lower drainages of the Feather River, extending from the crest of the Sierra Nevada to the banks of the Sacramento River. According to Bennyhoff (1961:204-209) the southern boundary with the Miwok was probably a few miles south of the American River, bordering a shared area used by both Miwok and Nisenan groups that extended to the Cosumnes River. It appears that while the foothill Nisenan had a distrust for the valley peoples, the relationship between the Nisenan and the Washoe to the east was primarily friendly. Elders recall inter-group marriage and trade primarily involving the exchange of acorns for fish procured by the Washoe (Wilson 1972:33).

According to Kroeber (1925:831), the larger villages could have had populations in excess of 500 individuals, although small settlements consisting of 15 to 25 people and extended families were common. Several village sites are depicted by Wilson and Towne (1978:Figure 1) along the North Fork American River just east of Auburn. These are the villages of ‘*Chulku, Didit, Hakaka, Wemea, Koyo, Sumyan, Soloklok*’.

As with most valley and foothill groups, the Nisenan exploited a wide variety of floral and faunal food sources. The primary staple food was acorn and gathering expeditions were organized seasonally, although hunting, fishing and the gathering of other floral foodstuffs occurred throughout the year. The seasonal harvests were often communal property and important social behaviors were intricately related to these harvests.

The acquisition of faunal species was accomplished through any number of techniques and implements including the bow and arrow, drives and decoys. Nets, traps, rodent hooks and fire were all put to use in hunting small game and fish could be caught with nets, gorges, hooks, and harpoons. One technique apparently involved using soaproot and turkey mullein to poison the water so fish could be easily gathered. Freshwater clams and mussels were also gathered in the larger water courses, such as the American River. Other aquatic food sources available to Native populations within the project area would have included fish such as salmon and sturgeon, which would have been netted or caught with the aid of weirs.

In general, the basic religious system noted throughout central California, the Kuksu cult, appeared among the Nisenan. Cult membership was restricted to those initiated in its spirit and deity-impersonating rites. The Kuksu cult, however, was only one of several levels of religious practice among the Nisenan. Various dances associated with mourning and the change of seasons was also important. One of the last major additions to Nisenan spiritual life occurred sometime shortly after 1872 with a revival of the Kuksu cult as an adaptation to the Ghost Dance religion (Wilson and Towne 1978).

HISTORIC CONTEXT

Aside from early Spanish explorers and probable trappers and traders from the Hudson Bay Company, the Sierra Nevada foothill region and Sacramento Valleys were virtually unsettled by Euro-Americans prior to the Gold Rush. In 1844 the Stevens-Townsend Party entered California via Donner Pass, passing along the divide just north of the North Fork American River (Egan 1977:307). This same route was traversed by John Fremont a year

later. However, this route was not the first to be used by immigrant groups which began in 1841 by the Bidwell-Bartelson Party that crossed to the south into Tuolumne County, and others who were using the Pit River route to the north.

A wave of gold seekers descended upon California and the foothill and mountain regions of the Sierra Nevada following the discovery of gold at Coloma on the South Fork American River in January of 1848. The 1850 U.S. Census put the population of Placer County at 11,417 which consisted of Whites (6,945), Chinese (3,019), Blacks (89), foreign (634) and Native American (730). During the Gold Rush period, the American River was a focal point of extensive mining activity. However, in the vicinity of the project area, little mining activity occurred as the majority of the gold-bearing deposits were located farther to the east, particularly in the Auburn area. Roseville, Rocklin, and the surrounding area served more as support areas where farms and ranches provided agricultural products, and quarries sent construction materials to the mines and towns in the Sierra foothills (Davis 1990; Motz 1980; ECORP 2006). The area granite quarries were a major local industry during the middle and latter decades of the 19th century and even supplied material for the lower sections of the State Capitol building in Sacramento (Davis 1990; Rukala 1975; ECORP 2006).

Apart from the Rocklin area's prominence as a mining support center during the middle and latter decades of the 1800s, the arrival of the Central Pacific Railroad in 1864 (part of the Transcontinental Railroad as of 1869) in Rocklin ushered in a series of historic-era developments where transportation became the dominant historic-era theme of the region. Rocklin was selected as the site of an engine terminal where larger locomotives capable of negotiating the steep Sierra grades were coupled with east-bound passenger and freight cars. The terminal's roundhouse in Rocklin burned in 1873 but it was soon replaced with a more substantial granite structure (Ruhkala 1975; ECORP 2006). In 1908, the Southern Pacific, which acquired the Central Pacific in 1884, moved the rail yard to Roseville where another new roundhouse was built.

Land in the project vicinity was originally used to grow grain crops used as feed for draft animals that hauled *supplies to the gold mining areas to the east. By the end of the nineteenth century, land was subdivided into small parcels for family farms engaged in fruit, citrus, and grape production. The project area was part of the Himes Tract which was subdivided into 10-acre lots in the 1890s. Most of the lots were sold by the 1920s. Often, they were combined into 20- to 40-acre farmsteads. Early settlers in the Rocklin area were from Finland, Ireland, and China. In the 1910's and 1920's several Japanese families bought lots in the Himes Tract. One of these was the Takuma family whose farmstead was recorded as archaeological site CB-2 within the Project APE (ECORP November 2005).*

CULTURAL RESOURCE INVESTIGATION

Cultural resource investigations were conducted for the project site by ECORP (2005 and 2006). These investigations were reviewed by EDAW's archaeologists for technical adequacy, which included a site reconnaissance visit to confirm the investigation's findings in the field.

Cultural resource investigations for the Rocklin 60 project area consisted of a phased approach that included Native American consultation, pre-field research, field surveys, and resource documentation. All aspects of the cultural resource study were conducted by ECORP in accordance with the federal *Secretary of the Interior's Standards and Guidelines for Identification of Cultural Resources* (48CFR 44720-23).

Native American Consultation

As a component of the cultural resource investigations, ECORP cultural resources specialists consulted with the Native American Heritage Commission (NAHC) concerning potential areas of Native American concern regarding the Rocklin 60 project area. The NAHC conducted a search of the Sacred Lands File and provided a list of appropriate regional Native American tribal contacts and individuals with a potential interest in the project. Contact letters were mailed to the NAHC-suggested contacts and were provided with an opportunity to comment

on the proposed project and contribute information on cultural resources or areas of concern potentially located within and in the vicinity of the project area. The City followed up with another letter inviting comments in July of 2006. No responses were received.

Pre-Field Research

The research into cultural resource issues for this EIR included a records search of pertinent cultural resource information. This search was conducted at the North-Central Information Center (NCIC) of the California Historical Resources Information System. The records search included, but was not necessarily restricted to, a review of select publications, maps, and properties listed in the following sources:

- ▶ National Register of Historic Places (National Park Service 1996 and updates)
- ▶ California Register of Historical Resources (State of California 1976 and updates)
- ▶ California Points of Historical Interest (State of California 1992 and updates)
- ▶ California Historical Landmarks (State of California 1990)
- ▶ Directory of Properties in the Historical Resources Inventory (State of California)
- ▶ OHP Historic Properties Directory
- ▶ California Inventory of Historical Resources
- ▶ California Gold Camps (Gudde 1975)
- ▶ Caltrans Local Bridge Survey (1989 and updates)

The record search results indicate that a single archaeological survey had been conducted within a portion of the Rocklin 60 project area: *Cultural Resource Assessment of the Rocklin Regional Mall Project, Placer County, California* (Peak and Associates 1988). Nine prehistoric archaeological sites and one historic archaeological site were identified as a result of the 1988 survey of a larger area that includes the proposed property (Peak & Associates 1988). Seven of these sites are located within the Rocklin 60 project site (Table 4.13-1) and two isolated features consisting of two rows of granite fence posts were also noted within the bounds of the project.

A subsequent testing and evaluation program conducted by ECORP on the prehistoric sites concluded that all but one of them (CA-Pla-1220) were not eligible for listing on the CRHR (or the National Register of Historical Places [NRHP]) due to a lack of data potential (ECORP 2005). In addition, the two isolated historic-era features consisting of granite fence posts were not evaluated for significance due to their nature as isolated occurrences and are considered not eligible for listing on the CRHR. The only CRHR-eligible resource located within the project area consists of prehistoric site CA-Pla-1220, which consists of a bedrock mortar complex, and dense deposits of occupation-related soils and artifacts. According to the ECORP testing and evaluation program (ECORP 2005), this site appears to retain significant scientific data potential. This potential exists in the presence of intact prehistoric artifact-bearing deposits and midden soils. The type of artifacts and features typically found in these contexts have the potential to address a number of scientific research topics ranging from issues concerned with internal site organization, site function, local and regional subsistence patterns, cultural chronology, and regional settlement and land use patterns.

A significance evaluation was also conducted for the historic-era Takuma Farmstead (CA-Pla-1078H [SCB-2]) by Kelley (2003). Between the time the site was originally documented by LSA Associates in 2001 (Pulcheon 2003) and Kelley's 2003 assessment, the site had been impacted by the removal of most of the recorded above-ground features and surface artifacts. As a result of this loss of integrity and a lack of significant historical association, this historic-era resource was determined to be not eligible for listing on the California Register of Historical Resources (CRHR) or the National Register of Historic Places. Consequently, it is not considered a historic resource per CEQA and is not discussed further in this study.

**Table 4.13-1
Cultural Resource Sites Located Within the Rocklin 60 Project Area**

Site Nr.	Association	Type	Reference
CA-Pla-1078H SCB-2	historic	farm – Takuma Farmstead	Kelley 2003 ECORP 2005
CA-Pla-1213 PA-88-18	prehistoric	bedrock mortars	Peak & Assoc. 1988 ECORP 2006
CA-Pla-1214 PA-88-19	prehistoric	bedrock mortars	Peak & Assoc. 1988 ECORP 2006
CA-Pla-1215 PA-88-20	prehistoric	bedrock mortars, lithic scatter	Peak & Assoc. 1988 ECORP 2006
CA-Pla-1216 PA-88-21	prehistoric	bedrock mortars, lithic scatter	Peak & Assoc. 1988 ECORP 2006
CA-Pla-1220 PA-88-25	prehistoric	bedrock mortars, lithic scatter, possible midden deposits	Peak & Assoc. 1988 ECORP 2006
CA-Pla-1221 PA-88-26	prehistoric	bedrock mortars	Peak & Assoc. 1988 ECORP 2006

Field Survey

An intensive archaeological survey of the Rocklin 60 project area was conducted by ECORP archaeologists utilizing the NCIC record search and the Peak and Associates 1988 report as a baseline. Resources previously documented by Peak and Associates were revisited and their records were updated. The ECORP survey resulted in the documentation of an additional prehistoric resource; EC-04-07. This site is situated adjacent to a seasonal drainage north of Secret Ravine and consists of 11 mortar cups on three granite boulders. This site was tested and its eligibility for listing on the CRHR was evaluated by ECORP in 2005. Testing at this site demonstrated that there were no existing intact subsurface contexts and that no further scientific data could be provided through additional investigations. As a result this site was determined to be not eligible to the CRHR. Following the field survey and testing, it was later determined that this resource is not located within the Area of Potential Effect (APE) of the Rocklin 60 site.

4.13.2 REGULATORY SETTING

In California, prehistoric and historic-era cultural resources are protected under State and local, as well as federal regulations. Although the main goal of these laws is to protect the physical integrity of potentially significant sites, buildings, structures, and artifacts or provide for their documentation, sensitive Native American properties are considered as well. Traditional Cultural Properties, human interments, and culturally sensitive areas, though not always constituting archaeological resources in a strict sense, are also protected under CEQA.

NATIVE AMERICAN CONSULTATION REQUIREMENTS

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

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

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

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

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

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

CEQA

Under CEQA, historical resources and “unique archaeological resources” are recognized as a part of the environment (Public Resources Code Sections 21001(b), 21083.2, 21084(e), 21084.1). In 1992, the Public Resources Code was amended as it affects historical resources. The amendments included creation of the California Register of Historical Resources (Public Resources Code Sections 5020.4, 5024.1 and 5024.6). While the amendments became effective in 1993, it was not until January 1, 1998, that the implementing regulations for the California Register were officially adopted (Public Resources Code Section 4850 *et seq.*).

The California Register is an authoritative listing and guide for state and local agencies and private groups and citizens in identifying historical resources. This listing and guide indicates which resources should be protected from substantial adverse change. The California Register includes historical resources that are listed automatically by virtue of their appearance on or eligibility for certain other lists of important resources. The Register includes historical resources that have been nominated by application and listed after public hearing. Also included are historical resources listed as a result of an evaluation by specific criteria and procedures adopted by the State Historical Resource Commission.

The criteria used for determining the eligibility of a cultural resource for the California Register are similar to those developed by the National Park Service for the National Register of Historic Places. However, criteria of eligibility for the California Register were reworded to better reflect California history.

Any building, site, structure, object or historic district meeting one or more of the following criteria may be eligible for listing in the California Register:

- ▶ It is associated with 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;
- ▶ It is associated with the lives of persons important to local, California, or national history;
- ▶ It 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; or
- ▶ It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

Eligibility for the California Register also depends on the integrity, or the survival of characteristics of the resource that existed during its period of significance. Eligible historic resources must not only meet one of the above criteria, but also they must retain enough of their historic character or appearance to convey the reasons for their importance, or retain the potential to yield significant scientific or historical information or specific data.

Like the process of evaluating historical resources for National Register eligibility, California Register evaluations include the consideration of seven aspects of integrity: location, design, setting, materials, workmanship, feeling and association. The evaluation of integrity must be judged with reference to the particular criterion or criteria under which a resource may be eligible for the California Register. However, the implementing regulations specifically caution that alterations of a historic resource over time may themselves have historical, cultural or architectural significance.

Most often, historical resources eligible for the California Register will be 50 years old or older. However, the new implementing regulations stipulate that “a resource less than fifty years old may be considered for listing in the California Register if it can be demonstrated that sufficient time has passed to understand its historical importance.”

Under CEQA Guidelines Section 15064.5, an “historical resource” includes: (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; (2) a resource listed in a local register of historical resources or identified in a historical resource survey meeting the requirements in Section 5024.1(g) of the Public Resources Code; and (3) any object, building, structure, site, area, place, record, or manuscript that a lead agency determines is historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, provided the determination is supported by substantial evidence in light of the whole record; or a resource determined by a lead agency to be “historical,” as defined in Public Resources Code Sections 5020.1(j) or 5024.1.

While alteration of the setting of an archaeological site that is eligible only for its information potential may not affect the site’s significant characteristics, alteration of a property’s location (viz., removing or damaging all or part of the site) may have a significant adverse effect. CEQA Guidelines Section 15126.4(b)(3) states, “Public agencies should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature.” The Guidelines further state that preservation in place is the preferred manner of mitigating impacts, and that preservation “. . . may be accomplished by, but is not limited to, the following”:

- ▶ Planning construction to avoid archaeological sites;
- ▶ Incorporation of sites within parks, greenspace, or other open space;
- ▶ Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site; and
- ▶ Deeding the site into a permanent conservation easement [CEQA Guidelines, Title 14, Section 15126.4(b)(3)(B)].

The CEQA Guidelines state, “when data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken” [CEQA Guidelines, Title 14, Section 15126.4(b)(3)(C)]. However, “data recovery shall not be required for an historical resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archaeological or historical resource ...” [CEQA Guidelines, Title 14, Section 15126.4(b)(3)(D)].

As noted above, CEQA is also concerned with effects of a project on “unique archaeological resources.” If an archaeological site meets the definition of a unique archaeological resource (Public Resources Code Section 21083.2), then the site must be treated in accordance with the special provisions for such resources, which include time and cost limitations for implementing mitigation. “Unique archaeological resource” is defined as “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 the following criteria:

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

If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment are described in the code. To the extent that unique archaeological resources are not preserved in place or left in an undisturbed state, mitigation measures shall be required as provided in the code. The code also places limitations on the extent, cost and timing of mitigation measures that can be required by the lead agency.

Finally, California law also protects Native American burials, skeletal remains and associated grave goods regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains (California Health and Safety Code Section 7050.5, California Public Resources Code Sections 5097.94 *et seq.*).

Section 15064.5(e)(1) and (2) of the CEQA Guidelines provides the following guidance with regard to the accidental discovery of human remains:

- ▶ In the event of the accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, the following steps should be taken:
 1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:
 - A. The coroner of the County must be contacted to determine that no investigation of the cause of death is required, and
 - B. If the coroner determines the remains to be Native American:
 - (1). The coroner shall contact the Native American Heritage Commission within 24 hours.
 - (2). The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased native american.

- (3). The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or
2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.
 - A. The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 24 hours after being notified by the commission.
 - B. The descendant identified fails to make a recommendation; or
 - C. The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

As of January 1, 2007, Assembly Bill (AB) 2641 (Stats. 2006, ch. 863) has altered the follow-up process slightly from what was done in the past. (See Public Resources Code sections 5097.91 and 5097.98.)

Under AB 2641, the most likely descendant (MLD) will have 48 hours to complete a site inspection and make recommendations after being granted access to the site. In addition, the updated version of PRC 5097.98(b) states that, upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity (according to generally accepted cultural or archaeological standards or practices) is not damaged or disturbed by further development activity until consultation with the MLD has taken place. That consultation would preferably include discussing the possibility of additional interments.

AB 2641 goes on to suggest 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. AB 2641 suggests that the concerned parties may extend discussions beyond the initial 48 hours to allow for the discovery of additional remains. AB 2641(e) includes a list of site protection measures and states that the landowner shall comply with one or more of the following:

- ▶ Record the site with the NAHC or the appropriate Information Center;
- ▶ Utilize an open-space or conservation zoning designation or easement; and/or
- ▶ Record a document with the county in which the property is located.

The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance if the NAHC is unable to identify a MLD or the MLD fails to make a recommendation within 48 hours after gaining access to the site or if the landowner or his authorized representative rejects the recommendation of the MLD, and mediation by the NAHC fails to provide measures acceptable to the landowner.

ROCKLIN GENERAL PLAN

The 1991 City of Rocklin General Plan includes the following policy that addresses historic resources:

Open Space, Conservation and Recreation Element Policy 3 - To encourage the protection of historically significant and geologically unique areas and encourage their preservation.

In addition, the Open Space/Conservation Action Plan included in the Open Space, Conservation and Recreation Element requires that projects be conditioned when unknown archaeological resources are discovered during the course of construction to require the developer to stop work immediately around the site and to also notify appropriate federal, State, and local agencies.

4.13.3 IMPACTS AND MITIGATION MEASURES

METHODOLOGY

The impact analysis included in this section is based on cultural resource investigations conducted by ECORP (2005 and 2006). These investigations were reviewed by EDAW's archaeologists for technical adequacy, which included a site reconnaissance visit to confirm the investigation's findings in the field.

THRESHOLDS OF SIGNIFICANCE

Under criteria based on the State CEQA Guidelines, the project would be considered to have a significant impact on cultural resources if it would result in any of the following:

- ▶ A substantial adverse change in the significance of an historical resource;
- ▶ A substantial adverse change in the significance of a unique archaeological resource;
- ▶ Disturbance or destruction of unique paleontological resource or site or unique geologic feature;
- ▶ Disturbance of any human remains, including those interred outside of formal cemeteries; or
- ▶ Elimination of important examples of the major periods of California history or prehistory.

CEQA provides that a project may cause a significant environmental effect where the project "may cause a *substantial change in the significance of an historical resource*" (Pub. Resources Code, Section 21084.1 [emphasis added]). CEQA Guidelines Section 15064.5 defines a "substantial adverse change in the significance of an historical resource" to mean "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be *materially impaired*" (CEQA Guidelines, Section 15064.5, subd. (b)(1) [emphasis added]).

CEQA Guidelines, Section 15064.5, subdivision (b)(2), defines "materially impaired" for purposes of the definition of "substantial adverse change ..." as follows:

The significance of an historical resource is materially impaired when a project:

- (A) Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or
- (B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to Section 5020.(k) of the Public Resources Code or its identification in an historical resources survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- (C) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for the purposes of CEQA (CEQA Guidelines, Section 15064.6, subd.(b)(2)).

IMPACTS AND MITIGATION MEASURES

IMPACT 4.13-1 **Impacts to Significant Documented Cultural Resources.** *One significant cultural resource site could be adversely impacted by implementation of the project. This is a **significant** impact.*

One significant site (per CRHR and NRHP criteria) has been documented within the Rocklin 60 project area. This site may retain important scientific information that can be utilized to address a number of research issues related to early Native American activities and CA-Pla-1220 site function, internal site organization and chronology, and temporal patterning. Due to the data potential possessed by CA-Pla-1220, it has been determined eligible for listing on the CRHR and the NRHP. Consequently, project-related impacts to this site would constitute a **significant** impact.

Mitigation Measure 4.13-1: Impacts to Significant Documented Cultural Resources.

- ▶ Two main options for mitigating the project's impacts on cultural resource CA-Pla-1220 are available: (1) resource avoidance or (2) data recovery. Resource avoidance includes specifically defining the non-disturbance area, redesigning the project to avoid all ground disturbances within this non-disturbance area and establishing long-term access restrictions (e.g., fencing, deed restrictions) that will preclude disturbance and maintain the site's integrity and data potential.
- ▶ The second option, data recovery, involves the recovery and documentation of data from the site, extensive contiguous block unit excavations, the analysis of recovered archaeological materials, and documentation of the data recovery program according to State of California and federal guidelines. If implemented, this option shall include a detailed data recovery program that results in the documentation of the important scientific information contained in the site and provides this data in a format available for review and use by the cultural resources management and academic archaeological fields. The recovery program shall include contiguous block excavations designed to uncover traces of prehistoric activity at the site. These specific activities and traces could include human interments, fire hearths, sustenance resource processing and storage facilities and implements, food remains, and debitage from stone tool production. The recovery of materials suitable for absolute dating techniques such as obsidian appropriate for hydration analysis, or charcoal or other faunal materials for radio-carbon dating shall also be a primary focus of a data recovery program.

Level of Significance after Mitigation

Implementation of either of these mitigation options would reduce impacts related to significant documented cultural resources to a **less-than-significant** level because either site disturbance would be avoided or information associated with affected resources would be recovered.

IMPACT 4.13-2 **Impacts to Undocumented Cultural Resources.** *The possibility exists that previously undiscovered and undocumented resources could be adversely affected or otherwise altered by ground disturbing activities during project construction. Disturbance of undocumented resources would be considered a **potentially significant** impact.*

The entire Rocklin 60 project area has been subjected to an intensive archaeological inventory and all known cultural resources have been documented and evaluated. However, it is theoretically possible, though improbable, that buried traces of significant (as defined by CEQA) historic-era activity and early Native American occupation that could not be documented during the course of the surface pedestrian survey may be present within and in the vicinity of the proposed project. Project-related destruction of or disturbances to these resources would be considered a **potentially significant** impact.

Mitigation Measure 4.13-2: Impacts to Undocumented Cultural Resources.

If an inadvertent discovery of cultural materials (e.g., unusual amounts of shell, charcoal, animal bone, bottle glass, ceramics, burned soil, structure/building remains) is made during project-related construction activities, ground disturbances in the area of the find shall be halted and a qualified professional archaeologist shall be notified regarding the discovery. The archaeologist shall determine whether the resource is potentially significant as per CEQA (i.e., whether it is an historical resource, a unique archaeological resource, or a unique paleontological resource) and shall develop specific measures to ensure preservation of the resource or to mitigate impacts to the resource if it cannot feasibly be preserved in light of costs, logistics, technological considerations, the location of the find, and the extent to which avoidance and/or preservation of the find is consistent or inconsistent with the design and objectives of the project. Specific measures for significant or potentially significant resources could include, but are not necessarily limited to, preservation in place, in-field documentation, archival research, subsurface testing, and excavation. The specific type of measure necessary would be determined according to evidence indicating degrees of resource integrity, spatial and temporal extent, and cultural associations, and would be developed in a manner consistent with CEQA guidelines for preserving or otherwise mitigating impacts to archaeological and cultural artifacts.

Level of Significance after Mitigation

Implementation of this measure would reduce impacts related to undocumented cultural resources to a **less-than-significant** level.

IMPACT 4.13-3 Potential to Uncover Human Remains. *Subsurface disturbances associated with construction activities could potentially uncover unmarked historic-era and prehistoric Native American burials, resulting in their alteration or damage. This would be a potentially significant impact.*

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

Mitigation Measure 4.13-3 Potential to Uncover Human Remains.

- ▶ In the event of the accidental discovery or recognition of any human remains, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains, until compliance with the provisions of Section 15064.5 (e)(1) and (2) of the CEQA Guidelines, as well as Public Resources Code Section 5097.98, has occurred.
- ▶ If any human remains are discovered, all work shall stop in the immediate vicinity of the find and the County Coroner shall be notified, according to Section 7050.5 of the California Health and Safety Code. The City's Community Development Director shall also be notified. If the remains are Native American, the Coroner will notify the Native American Heritage Commission, which in turn will inform a most likely descendant. The descendant will then recommend to the landowner appropriate disposition of the remains and any grave goods, and the landowner shall comply with the requirements of AB 2641.

Level of Significance after Mitigation

With the implementation of the identified mitigation measure, potential disturbance of any human remains would be reduced to a **less-than-significant** level.