

4.10 CULTURAL RESOURCES

This section includes an evaluation of the potential impacts to cultural resources. Cultural resources may include archaeological traces such as early Native American occupation sites and artifacts, sacred sites, or historic-era buildings and structures. These materials can be found at many locations on the landscape along with prehistoric and historic human remains and associated grave-goods, which are protected under various state and local regulations including, but not limited to, CEQA and the City of Elk Grove General Plan.

4.10.1 EXISTING CONDITIONS

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

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 *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 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. 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 (Bennyhoff and Fredrickson 1969).

ETHNOGRAPHIC CONTEXT

The project sites lie within the traditional territory of the Eastern Miwok. Their language is classified as one of the two major divisions of the Miwokan subgroup of the Utian linguistic stock. The Eastern Miwok peoples belonged to five separate cultural groups, each having a distinct language and culture. These different groups include the Bay Miwok, Plains Miwok, Northern Sierra Miwok, Central Sierra Miwok, and the Southern Sierra Miwok.

The Eastern Miwok occupied permanent settlements from which specific task groups set out to harvest the seasonal bounty of flora and fauna that the rich valley environment provided. Subsistence included, but was not limited to, deer, rabbit, acorn, insects, salmon, and other small animals. Their settlement locations depended primarily on elevation, exposure, and proximity to water and other resources.

The Eastern Miwok were first contacted by the Spanish who were conducting expeditions to the Sacramento-San Joaquin Valley in the latter part of the eighteenth century. The Gold Rush brought more Europeans and Americans to the area, and with them, disruptions to the native way of life (Levy 1978).

HISTORIC CONTEXT

To provide for a better understanding of the dominant historic themes and possible resource types within the local area, an historic context was developed. The subsequent overview provides a general discussion of early settlement and local agricultural pursuits.

The earliest Europeans documented in the southern Sacramento Valley were Spanish explorers. Local nomenclature gives testament to their historic presence in the region; Laguna Creek, for example, was christened by a Spanish exploration party in search of new mission sites during the early 1800s (Pinkerton 2002). With the U.S. acquisition of California, and the discovery of gold at Coloma in the mid 1800s, further Euro-American settlement in the area soon occurred.

The first settlers to inhabit the Elk Grove vicinity established themselves on nearby watercourses, such as Laguna Creek. Laguna Creek was noted at this time as being dry in the summer, however furnishing ample water during the rainy season (Thompson and West 1880). An 1855 General Land Office (GLO) plat map depicts several houses and agricultural fields on what is now Laguna Creek's western terminus in Elk Grove near the Sacramento River.

With the depopulation and relocation of the Native people during the late nineteenth and early twentieth centuries, the use of the land and other natural features changed from a hunting and gathering focus to an agricultural focus. By the late nineteenth century, much of the land adjacent to water sources was considered entirely agricultural in nature, and was used for stock watering and irrigation (Thompson and West 1880). Hops, wheat, almonds, fruit, vineyards, and later, cattle and dairy ranching, were all prominent enterprises in the region (Thompson and West 1880).

The sustained agricultural development evidenced throughout the nineteenth century paved the way for further economic and population growth in Elk Grove and its immediate vicinity during the twentieth century. Development within the community expanded westward and southward. Historic Sanborn maps (1905, 1912, and 1926) depict a growing number of services being offered, such as churches, barber shops, and automobile repair shops. In the ensuing decades, continued population increase eventually resulted in further urban and suburban development in Elk Grove, which officially became a city in 2000.

CULTURAL RESOURCE INVESTIGATION

Cultural resource investigations for the project sites consisted of a staged approach that included consultation with the local historical society, pre-field research, field survey, and resource documentation. All aspects of the cultural resource study were conducted in accordance with guidelines outlined in the Office of Historic Preservation's

(OHP) Instructions for Recording Historical Resources (OHP 1995) and the federal Secretary of the Interior’s Standards and Guidelines for the Identification of Cultural Resources (48 CFR 44720-23).

LOCAL CONSULTATION

Before conducting fieldwork, EDAW consulted with the Elk Grove Historical Society in September 2008 regarding the identity of any known important properties located within or adjacent to the project sites. No significant sites or properties were identified by the Elk Grove Historical Society in or near the project sites.

PRE-FIELD RESEARCH

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

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

According to the NCIC records search results, a segment of the Southern Pacific San Joaquin Valley Mainline is located within the local area. This resource was previously evaluated and determined ineligible for NRHP listing (Baxter 1994). The NCIC records search also indicated that a total of six cultural resource studies have been conducted within or in the immediate vicinity of the project sites. These studies are listed in Table 4.10-1.

NCIC Report #	Report Title	Author and Date	Findings
6848	Determination of Eligibility and Effort for the Proposed East Elk Grove Specific Plan Area Creek Corridor	Peak & Associates, 2005	no historic properties identified within the project sites
3853	Cultural Resources Records Search and Literature Review – Long Haul Fiber Optic Project	Ann Munns & Rhonda Turner, 1999	no newly recorded resources located within project sites
5923	Elk Grove (Kent Street) Winery / Vanguard Vaults Project, Elk Grove	Ric Windmiller, 2001	no cultural resources identified within the project sites
5940	Scherber Estates Rezone and Tentative Subdivision Map	Margaret Keefer, 2002	no cultural resources identified within the project sites
5954	Nextel Communications Wireless Telecommunications Service Facility – Sacramento County	Lorna Billat, 2000	no cultural resources identified within the project sites
3032	Riverwalk General Plan Amendment, Community Plan Amendment, Rezone, Subdivision Map, Special Development Permit	Sacramento County Department of Environmental Assessment, 1996	no cultural resources identified within the project sites
Source: North Central Information Center 2008			

FIELD RESEARCH

In September 2008, EDAW archaeologists conducted a pedestrian survey of both of the project sites. No historic-era buildings are present on either site location. The pedestrian survey included walking transects across the sites that were no greater than 25 meters apart. Ground visibility at Site 4 was heavily obscured by tall grasses, rendering visibility less than 5 percent. Rodent burrows and other disturbed patches of earth were inspected by the surveyor. No archaeological or historical resources were observed. Ground visibility at Site 2 was primarily obscured by impervious surfaces (e.g. asphalt, concrete) associated with the existing industrial activities and buildings (non-historic). The eastern portion of the site contained tall grasses which provided less than 40 percent visibility. No archaeological or historical resources were observed.

PALEONTOLOGICAL RESOURCES

Paleontology is defined as the science dealing with the life of past geological periods as known from fossil remains. Paleontological resources include fossil remains, as well as fossil localities and formations that have produced fossil material. Such locations and specimens are important nonrenewable resources. CEQA offers protection for these sensitive resources and requires that they be addressed during the EIR process (City of Elk Grove 2008).

A search of the University of California Museum of Paleontology (UCMP) collections database identified paleontological resources in southern Sacramento County and the City of Elk Grove. These paleontological resources primarily consist of vertebrates that are associated with the geological formation known as the Riverbank Formation (City of Elk Grove 2008). No previously recorded paleontological resources are located within the boundaries of the project sites but the City of Elk Grove is in an area sensitive for paleontological resources.

4.10.2 REGULATORY SETTING

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).

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 an 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 an 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)].

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.

CITY OF ELK GROVE GENERAL PLAN

The Historic Resources element of the City of Elk Grove General Plan outlines a series of goals related to the preservation and enhancement of the City's historical and archaeological resources. These goals include:

- ▶ **Goal 1:** *A pattern of land use which enhances the community character of Elk Grove, and protects Elk Grove's unique historical and natural features.*
- ▶ **Goal 2:** *Development which recognizes environmental constraints and is designed and operated to minimize impacts on the environment.*
- ▶ **Goal 3:** *Preservation and enhancement of Elk Grove's historic structures and districts.*

4.10.3 IMPACTS AND MITIGATION MEASURES

METHOD OF ANALYSIS

The impact analysis included in this section is based on cultural resource investigations conducted for the project sites by EDAW archaeologists and described in detail above. These investigations included a pedestrian survey of the study area to support the prefield research.

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 adverse 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 5020.1(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 purposes of CEQA. (CEQA Guidelines, Section 15064.6, subd.(b)(2).).

IMPACT 4.10-1 **Historical or Unique Archaeological Resources.** *No historical or unique archaeological resources have been identified within or immediately adjacent to the project sites and the project would have **no impacts** on historical or unique archaeological resources.*

Based on previous studies, as well as EDAW records searches and field investigations, no prehistoric or historic-era cultural site, features or artifacts have been identified within or immediately adjacent to the project sites. One previously recorded resource (segment of the Southern Pacific San Joaquin Valley Mainline) was evaluated and determine ineligible for NRHP listing. Therefore, no significant historical or unique archaeological resources would be affected by project implementation and **no impacts** on cultural resources would occur with development of the project.

Mitigation Measure 4.10-1: Damage or Destruction of Significant Documented Cultural Resources

No mitigation is necessary.

IMPACT 4.10-2 **Potential Impacts to Undocumented Cultural Resources.** *There is the possibility that previously undiscovered and undocumented resources could be adversely affected or otherwise altered by ground disturbing activities during construction of the project. Disturbance of undocumented resources would be a **potentially significant impact**.*

Both of the potential project sites have been subjected to a pedestrian survey for cultural resources. However, surface visibility was limited in certain areas and it is possible that significant (as defined by CEQA) historical or unique archaeological resources that could not be observed during the course of the surface pedestrian survey may be buried on the proposed project sites. The disturbance of these resources during site excavation activities would be considered a **potentially significant impact**.

Mitigation Measure 4.10-2 Potential 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 or a unique archaeological 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 historical and unique archaeological resources.

Level of Significance after Mitigation

With the implementation of the identified mitigation measure, potential impacts to previously undocumented cultural resources would be reduced to a less-than-significant level.

IMPACT 4.10-3 **Potential to Disturbance of 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 burials was found on the ground surfaces of the project sites, 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 were 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 4.10-3 Potential to Uncover Human Remains

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

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.

IMPACT 4.10-4 **Potential Destruction or Damage to Undiscovered Paleontological Resources.** *Subsurface disturbances associated with construction activities could potentially damage or destroy paleontological resources (i.e., fossils and fossil formations). This would be a **potentially significant** impact.*

The City is sensitive for paleontological resources and there is a possibility of the unanticipated discovery of paleontological resources during ground-disturbing activities associated with project implementation. Therefore, implementation of the project could impact significant paleontological resources. This impact is considered **potentially significant**.

Mitigation Measure 4.10-4 Potential Destruction or Damage to Undiscovered Paleontological Resources

If, during the course of ground-disturbing activities associated with project implementation, any paleontological resources (fossils) are discovered, work shall be halted immediately within 50 feet of the discovery, and the City Planning Department shall be immediately notified. At that time, the City will coordinate any necessary investigation of the discovery with a qualified paleontologist.

The City shall consider the mitigation recommendations of the qualified paleontologist for any unanticipated discoveries of paleontological resources. The City shall consult with the paleontologist and agree upon

implementation of a measure or measures that are deemed feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures.

Level of Significance after Mitigation

With the implementation of the identified mitigation measure, potential disturbance of paleontological resources would be reduced to a less-than-significant level.

