

## 4.12 TRIBAL CULTURAL RESOURCES

This section of the Draft Environmental Impact Report (EIR) describes the tribal cultural resources present in the project area and discusses applicable regulations pertaining to the protection of tribal cultural resources. This section evaluates the potential effects on California Native American cultural resources associated with the development of the proposed Mitchell Farms Subdivision (project), along with appropriate measures to mitigate significant effects of the proposed project if necessary.

One letter was received from the Native American Heritage Commission (NAHC) dated August 3, 2017, in response to the Notice of Preparation for the project. The comment letter provided information regarding requirements under Senate Bill (SB 18) (Burton, 2004) and Assembly Bill (AB) 52 (Gatto, 2013) and recommendations for conducting cultural resource assessments.

This section is based on the information discussed through the City of Citrus Heights' (City's) consultation with Native American tribes and the Cultural Resources Inventory Report for Mitchell Farms prepared by ECORP Consulting Inc. in September 2016 (ECORP 2016). The results of this report are presented below. The report is confidential and cannot be released for public review to protect any sensitive information related to Native American tribes and archaeological resources; however, the non-sensitive portions are available for review from the City.

### 4.12.1 Environmental Setting

The project site is located in the City of Citrus Heights, approximately 3 miles south of the Placer County boundary within northeast Sacramento County, California. The project site is located in a developed area of the City near Greenback Lane to the south, Fair Oaks Boulevard to the east, and Sunrise Boulevard to the west. The project site is relatively flat land that has been developed with a nine-hole public golf course since the late 1970s. The site also includes a restaurant/clubhouse, a pro-shop, a portable office building, a driving range, a disc golf course, a residence, and a seasonal fruit stand. The southwestern portion of the project site along Arcadia Drive contains abandoned batting cages and an abandoned miniature golf course. The site has historically supported a variety of agricultural and farming uses. On-site elevation ranges from 150 to 220 feet above mean sea level. The South Branch of Arcade Creek traverses the central portion of the project site from east to west. Oak woodland and riparian habitat are present near the creek, although the creek corridor is highly disturbed.

#### **Ethnographic Setting**

The project area was historically occupied by the Penutian-speaking Nisenan. The Nisenans' territory extended from the area surrounding the present-day City of Oroville in the north to a few miles south of the American River in the south. The Sacramento River acted as the western boundary of the territory, and the eastern boundary was located within a few miles of Lake Tahoe.

The area surrounding the Sacramento River was home to the Valley Nisenan, who lived primarily in large villages with populations of several hundred each. The grassy plains between the Sacramento River and the foothills to the east were used as foraging ground by valley and hill groups, and were largely unsettled. Individual and extended families claimed hunting and gathering grounds. The Nisenan lived in “tribelets” consisting of a primary village and a series of smaller settlements, governed by a more-or-less hereditary chief. Depending on the location and use of the village by the larger surrounding Nisenan community, villages would include family dwellings, acorn granaries, a sweathouse, and a dance house. The Nisenan traded widely, 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 further inland, such as bows and arrows, deer skins, and sugar pine nuts. Obsidian was a non-local resource imported through exchange with other neighboring tribal communities.

### **Previously Recorded Archaeological Resources**

A Cultural Resources Inventory Report for the project site was prepared by Megan Webb, Associate Archaeologist for ECORP Consulting, Inc., and Lisa Westwood, RPA, in September 2016. The cultural resources inventory included a records search at the North Central Information Center, a search of California NAHC’s Sacred Lands database, a literature review, and a pedestrian field survey. The initial records search was performed for the property on August 26, 2016, at the North Central Information Center of the California Historical Resources Information System at California State University, Sacramento. The records search involved a review of previously recorded cultural resources, previous cultural resources investigations and their limits within the project area, historic aerial photographs and maps, and official records and maps of previously recorded archaeological sites and surveys within Sacramento County. The records search conducted during the cultural resources inventory revealed that fourteen previous cultural resources investigations had been conducted within 0.5 mile of the project site and one previous cultural resources study had been conducted within a portion of the project site. No cultural resource sites or cultural resources were identified on the project site in either report. The records search determined that there were two previously recorded cultural resources within 0.5 mile of the project site: a prehistoric lithic scatter located along Arcade Creek north of the project site and a historic-period single-family residence constructed in the 1940’s southeast of the project site. The report also indicated that as the presence of alluvium was detected on the project site, there is a moderate potential for buried prehistoric archaeological sites on the property because these sites are often located along perennial waterways where alluvium is found.

The pedestrian field survey of the project site was conducted on August 31 and September 1, 2016. The survey was conducted according to the guidance of the *Secretary of the Interior’s Standards for Identification of Historic Properties* (NPS 1983) and utilized transects spaced at 15 meter

intervals. The ground surface was inspected for indications of surface or subsurface cultural resources. No cultural resources were discovered during the pedestrian survey of the project site.

### **AB 52 Tribal Consultation**

The City drafted contact letters to all tribes requesting notification of projects within the City under AB 52. On May 8, 2017, letters were sent via certified mail to the three Native American contacts that are traditionally and culturally affiliated with the project area to supply information regarding the project and request information or concerns regarding Native American cultural resources that could be affected by the project. The letters informed the individuals of the initiation of the environmental review process for the project, project location and details, and the opportunity for consultation regarding the project. The letter conveyed that the recipient had 30 days from the receipt of the letter to request or deny consultation in writing for the project.

The United Auburn Indian Community (UAIC) responded to this letter on May 22, 2017, via electronic mail, requesting consultation for the project. The UAIC also requested a UAIC Tribal Monitor for the project, as well as all existing cultural resource assessments and requests for and results of records searches that have been conducted for the project. The UAIC informed the City that tribal cultural resources could exist within the project area, but did not identify any known tribal cultural resources, and provided recommendations for appropriate mitigation measures. Per the mutual agreement of the City and the tribe via electronic mail, formal consultation was concluded on June 21, 2017.

### **Sacred Lands File Search**

On August 24, 2016, a sacred lands file (SLF) search request and a request for the Native American contact list for the area was sent to the NAHC. On September 7, 2016, the NAHC responded with results from the sacred lands search request. The sacred lands search found that no tribal cultural resources have been recorded within the project site. The NAHC results also noted, however, that absence of specific site information in the SLF does not imply absence of Nature American cultural resources on the site. The NAHC also provided contact information for parties who may be interested or may have information regarding tribal cultural resources in the project area.

## **4.12.2 Regulatory Setting**

### **Federal Regulations**

No federal requirements related to tribal cultural resources are applicable to the proposed project.

## State Regulations

### *Senate Bill 18*

The Traditional Tribal Cultural Places Bill of 2004 (SB 18) requires local governments to consult with Native American representatives during the Proposed Project planning process. The intent of this legislation is to encourage consultation and assist in the preservation of Native American places of prehistoric, archaeological, cultural, spiritual, and ceremonial importance. It further allows for tribal cultural places to be included in open space planning.

### *Assembly Bill 52*

AB 52 requires consultation with Native American tribes that are traditionally and culturally affiliated with the geographic area in which a project requiring California Environmental Quality Act (CEQA) review is proposed if those tribes have requested to be informed of such proposed projects. The intention of such consultation is to avoid adverse impacts to tribal cultural resources.

## Local Regulations

The project site is located within the land use planning area of the City of Citrus Heights General Plan (City of Citrus Heights 2011). This document sets forth goals, policies, and implementation measures to guide land use and development within its planning area. California planning law dictates that all land use decisions must be consistent with the implementing jurisdiction's adopted General Plan. Therefore, the proposed project must be consistent with the Citrus Heights General Plan and the Citrus Heights Zoning Ordinance.

Many of the Citrus Heights General Plan policies applicable to the proposed project were adopted with the intent to reduce the environmental impacts of ongoing development, and land use designations were adopted to provide the long-range planning necessary to minimize conflicts between adjacent land uses and provide adequate infrastructure.

### *City of Citrus Heights General Plan*

The City of Citrus Heights General Plan includes goals and policies that seek to preserve cultural resources within the City (City of Citrus Heights 2011). Applicable goals and policies are listed below.

**Goal 42:** Preserve and protect the City's Native American heritage

**Policy 42.1:** Determine early in the planning process whether archaeological resources may potentially be located on a development site.

### Actions

- A. In the event that any prehistoric, historic, or paleontological resources are discovered during construction-related earth-moving activities, all work within 50 feet of the resources shall be halted and the developer shall consult with a qualified archaeologist or paleontologist to assess the significance of the find. If any find is determined to be significant by the qualified archaeologist, then representatives from the City of Citrus Heights and the qualified archaeologist and/or paleontologist would meet to determine the appropriate course of action.
- B. In the event that human remains are discovered during the implementation of the proposed project, the local coroner must be contacted immediately. Both the Native American Heritage Commission (pursuant to NAGPRA) and any identified descendants should be notified, and recommendations received, if the remains are determined to be of Native American origin (CEQA Guidelines Section 15064.5, Health and Safety Code Section 7070.5, Public Resources Code Sections 5097.94 and 5097.98).

**Policy 42.2:** Require that any development and tentative subdivision map approvals include the condition that upon discovery of any archaeological artifacts, development activity will cease immediately and a professional archaeologist will be consulted.

**Goal 43:** Preserve and protect places that embody the City’s social, architectural and agricultural history.

**Policy 43.2:** Incorporate natural resources such as land and water into development when appropriate to understanding and appreciating the history of a site.

### **4.12.3 Impacts**

#### **Methods of Analysis**

The presence and significance of existing tribal cultural resources associated with the project site was determined using the methodologies outlined below. These methods included a records search, a cultural resources inventory, correspondence with the NAHC, and tribal consultation conducted by the City.

The SLF records search for the project site was used to determine the presence of Native American tribal cultural resources in the NAHC database on the project site or within 0.5 mile of the project site. The results of this search are used to guide the impact evaluation below.

As discussed above, AB 52 establishes a consultation process between California Native American tribal governments and lead agencies applicable to any project for which a Notice of

Preparation, Notice of Intent to Adopt a Mitigated Negative Declaration, or Notice of Intent to Adopt a Negative Declaration is filed on or after July 1, 2015. Two tribes requested notification of the proposed project. The City provided formal notification to these tribes on May 8, 2017, and stated that tribes have 30 days to request consultation. One tribe requested participation in the consultation process. The results of the consultation process were used to guide the impact evaluation below.

### **Significance Criteria**

According to the CEQA Guidelines (Section 21074):

- (a) Tribal cultural resources are either of the following:
  - (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
    - (A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
    - (B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
  - (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1
- (b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- (c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

### **Guidelines for the Determination of Significance**

Potentially significant impacts associated with tribal cultural resources have been evaluated using the following criteria. Would the project cause a significant adverse change in the physical environment by:

1. Causing a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as a site, feature, place, or cultural landscape that is

geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:

- Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or
- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

### Project Impacts

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<b>IMPACT 4.12-1:</b>	Cause a substantial adverse change in the significance of a tribal cultural resource
<b>SIGNIFICANCE:</b>	Potentially Significant
<b>MITIGATION:</b>	Mitigation Measure 4.12a
<b>RESIDUAL SIGNIFICANCE:</b>	Less Than Significant

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As noted in Section 4.12.1, there are no known tribal cultural resources, as defined in Public Resources Code Section 21074, on the project site or in its immediate vicinity. The project site has been used historically for farming and has been developed as a 9-hole golf course since the 1970s. The cultural resources assessment found that no previously recorded or newly identified tribal cultural resources are located within the area of potential effects of the project.

ECORP Consulting, Inc. contacted the NAHC to request a review of the SLF on August 24, 2016. The NAHC responded to ECORP’s request on September 7, 2016, stating that the SLF search was conducted with “negative results.”

On May 8, 2017, the City formally notified the two tribes requesting notification of the proposed project with AB 52 Consultation letters. On May 22, 2017, one tribe responded to the AB52 Consultation letter and requested consultation. Although the tribe did not identify any known tribal cultural resources that may be affected by the proposed project, the tribe did specify that there was potential for unknown tribal cultural resources to be affected during ground disturbance activities. Due to this, the tribe recommended a mitigation measure to reduce the potential for adverse effects to cultural resources that may be discovered during construction. The recommended measure, Mitigation Measure 4.12a, establishes a standard operating

procedure for the project so all possible damages caused in the event of an unanticipated discovery can be avoided.

No other tribes have responded with a request for consultation. As previously stated, the proposed project site has been previously disturbed and no information regarding the presence of known tribal cultural resources has been provided to the City from the contacted tribes or from cultural resource surveys or records. However, there is moderate potential for subsurface unknown tribal cultural resources to be encountered during project ground disturbing activities. As no known tribal cultural resources occur at the project site or would be affected by the proposed project, and implementation of Mitigation Measure 4.12a would reduce impacts to unknown tribal cultural resources during excavation activities, impacts would be **less than significant**.

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<b>IMPACT 4.12-2:</b>	Contribute to cumulative impacts associated with tribal cultural resources
<b>SIGNIFICANCE:</b>	No Impact
<b>MITIGATION:</b>	None
<b>RESIDUAL SIGNIFICANCE:</b>	No Impact

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The geographic range for assessing cumulative impacts associated with tribal cultural resources is the City of Citrus Heights. Other past, present, and reasonably foreseeable projects within the City are described in Section 4.1, Land Use. The City’s General Plan provides overarching guidance for development within the City. Cumulative projects located in the region would have the potential to result in a cumulative impact associated with the loss of tribal resources through development activities that could cause a substantial adverse change in the significance of a tribal resource. Any cumulative projects that involve ground-disturbing activities, including the development of land uses as designated under surrounding jurisdictions’ general plans, would have the potential to result in significant impacts to tribal resources. The General Plan EIR states that approximately 98% of the City is developed (City of Citrus Heights 2011), and development of the remaining vacant land could result in an increase of approximately 149 acres of residential development and 46 acres of commercial development. The recently approved and currently proposed projects within the City are identified in Table 4.1-2. Many of these cumulative projects involve remodeling of existing buildings or reuse of a previously developed site. As shown in Table 4.1-2, the projects in the cumulative scenario would affect approximately 43.85 acres of vacant land within the City and would redevelop approximately 25.18 acres.

These projects would be regulated by applicable federal, state, and local regulations; however, the loss of tribal resources on a regional level may not be adequately mitigated through the data recovery and collection methods specified in these regulations, because the potential to discover

previously unknown tribal cultural resources exists. Therefore, the cumulative destruction of significant tribal resources from planned construction and development projects within the region would be cumulatively **significant**. Additionally, past projects involving development and construction have already impacted tribal resources within the region. The proposed project could contribute to this significant cumulative impact if any cultural resources are uncovered during construction and are adversely affected by construction activities. Implementation of Mitigation Measure 4.12a would reduce the project's contribution to the significant cumulative impact to a **less-than-significant** level by ensuring that any cultural resources that may be discovered on site are not subject to adverse effects.

#### **4.12.4 Mitigation Measures**

**Mitigation Measure 4.12a** If potential archaeological resources, cultural resources, or articulated or disarticulated human remains are discovered by Native American representatives from interested Native American tribes, qualified cultural resources specialists, or other project personnel during construction activities, then work will cease in the immediate vicinity of the find (based on the apparent distribution of cultural resources), whether or not a Native American monitor from an interested Native American tribe is present. A qualified cultural resources specialist and Native American representatives and monitors from culturally affiliated Native American tribes will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. These recommendations will be documented in the project record. For any recommendations made by interested Native American tribes that are not implemented, a justification for why the recommendation was not followed will be provided in the project record. This shall include consultation with the United Auburn Indian Community regarding mitigation for any potential adverse impacts to tribal cultural resources, unique archaeology, or other cultural resources occur. Such consultation shall be consistent with the requirements of California Public Resources Code Sections 21084.3(a) and (b) and CEQA Guidelines Section 15370 and shall include consideration of requiring compensation for the impact by replacing or providing substitute resources or environments.

#### **4.12.5 References**

City of Citrus Heights. 2011. *Citrus Heights General Plan*. Adopted August 11, 2011.

ECORP (ECORP Consulting Inc.). 2016. *Cultural Resources Inventory Report: Mitchell Farms*. Prepared by ECORP Consulting Inc. September 2016.

NPS (National Park Service). 1983. *Secretary of the Interior's Standards for Identification of Historic Properties*. [https://www.nps.gov/history/local-law/arch\\_stnds\\_2.htm](https://www.nps.gov/history/local-law/arch_stnds_2.htm).