

4.5

CULTURAL RESOURCES

4.5.1 INTRODUCTION

The Cultural Resources chapter of the EIR addresses known historic and prehistoric resources in the project vicinity and the potential for unknown resources to exist. Cultural resources can be categorized into prehistoric or historic resources. Prehistoric resources are those sites, artifacts, or paleontological resources associated with indigenous, non-Euroamerican populations, generally prior to contact with people of European descent. In addition, a prehistoric resource is considered a paleontological resource if the resource constitutes a fragile and non-renewable scientific record of the history of life on earth, and so represents an important and critical component of America's natural heritage.¹ Historic resources include structures, features, artifacts, and sites that date from Euroamerican settlement of the region. The analysis summarizes the existing setting and briefly describes the potential effects to cultural resources. The analysis will both identify the thresholds of significance of possible impacts associated with the project, and develop mitigation measures that would be necessary to reduce impacts to a less-than-significant level. Information for this chapter was drawn from the *2030 Galt General Plan*² and associated Existing Conditions Report,³ and the *Preliminary Cultural Resources Investigation Report* performed for the proposed project by Cardno ENTRIX (see Appendix F).⁴

4.5.2 EXISTING ENVIRONMENTAL SETTING

The proposed project site includes a total of 504 acres with various uses, including both urban and agricultural. The 338-acre area proposed for development is known as Liberty Ranch. The remaining portion of the project site consists of non-participating properties (148 acres) and the "Future Growth Area" (17.4 acres) which are not currently proposed for development. The existing land uses on the non-participating properties, "Future Growth Area," and the Liberty Ranch site are discussed in further detail below.

Prehistoric Setting

According to the Existing Conditions Report prepared for the Galt General Plan, although little is known concerning the earliest occupants of the Central Valley, much of the Valley and the riverine environments surrounding the meandering San Joaquin and Sacramento Rivers have been occupied throughout most of the Holocene Epoch (approximately 10,000 Before Present [BP] to the present). The reconstruction and understanding of pioneering cultures during the late Paleo-Indian to early Archaic Periods (approximately 9,000 to 3,000 BP) has proven difficult given erosion and depositional patterns of the Central Valley. The aforementioned processes have re-deposited or deeply buried the evidence of much of the early cultures. Paleontological resources, or an area containing vertebrate, invertebrate, or plant fossils, may be located in the aforementioned deposits within the Central Valley.

Much of the direct, dateable evidence for the Central Valley for the Paleo-Indian to early Archaic Periods come from what has been called the Farmington Complex, placed tentatively at around 9,000 to 7,000 BP. The artifact assemblage consisted of core tools and flakes of olive-green chert, which would indicate a hunting-based diet with some gathering. Farming-type artifacts have been discovered in other locations between the Cosumnes and Stanislaus River drainages. However, given scant physical evidence, much of the knowledge of the early peoples has been drawn from environmental reconstructions of the region and through theoretical explanations for predicting human behavior in specific environmental settings.

Many investigations into Central Valley prehistory have been conducted in Sacramento and San Joaquin Counties. Much of the literature has supported the notion that Central Valley peoples maintained large populations along the banks of major waterways, wetlands, and streams. Although many sites are more obtrusive, such as shell mounds, much of the archaeological record for the region has likely been buried beneath the vast alluvial deposits by erosion and depositional processes indicative of the valley, especially over the last 9,000 years. Consequently, archaeological materials can be revealed unexpectedly during excavation throughout the Central Valley.

Historic Context

According to the Existing Conditions Report prepared for the Galt General Plan, the Galt area has been subject to near constant cultivation since the 1850s with the original Spanish land grant, Rancho San Jon del los Moquelumnes. By 1861, the entire Dry Creek Township was purchased by Dr. Obed Harvey, who is considered the founder of Galt. As of 1869, the town of Galt was established by the Western Pacific Railroad Company on an area known as Troy Place. A number of basic services and civic organizations developed in the area fairly rapidly, including several hotels, a general store, and a post office. A prominent early settler, John McFarland, named the town after his former home in Ontario, Canada, which was named after a Scottish novelist, John Galt. The combination of favorable land for agriculture and the proximity to the railroad provided Galt with the economic support to continue to grow.

The vital agricultural and dairy industries were successful in the area. With the large number of dairies in the area in need of distribution services, Fred Harvey, son of Obed Harvey, convinced the Utah Condensed Milk Company to establish a plant in Galt in 1917. In 1921, the company changed the name to the Sego Milk Products Company. After many years of prosperous service to the community, the Sego plant fell into disrepair and suffered a fire in 1992. The plant was later demolished due to the damage caused by the fire. The heritage of the dairy industry and agriculture in Galt continues to be vital to Galt's appeal and economic welfare.

On-Site Resources

The following analysis is based on the *Preliminary Cultural Resources Investigation Report* performed for the proposed project by Cardno ENTRIX.

Non-Participating Properties

The non-participating properties currently contain Liberty Ranch High School, Estrellita Continuation High School, and approximately 13 single-family agricultural residences constructed from as early as 1907 to as recent as 1987.⁵ A site-specific cultural report has not been completed for the non-participating properties, which includes the single-family residences. However, according to Cardno ENTRIX, one previously recorded historical resource exists on the non-participating properties. The resource, known as the Historic Marengo Ranch Complex, consists of a bungalow house, two barns, and a carriage house. The Historic Marengo Ranch Complex was constructed between 1928 and 1930.

Liberty Ranch Site and “Future Growth Area”

The *Preliminary Cultural Resources Investigation Report* was performed for both the Liberty Ranch site and the “Future Growth Area.” Both sites are discussed in further detail below.

Liberty Ranch Site

The Liberty Ranch site currently contains two single-family residences and agricultural land. During an archaeological survey of the Liberty Ranch site on November 05, 2013, an agricultural irrigation system was identified. The identified agricultural irrigation system is comprised of subsurface pipelines tied into groundwater wells and contiguous earthen ditches which augment the natural drainage channels of Deadman Gulch. The irrigation system appears to have been developed in the 1950s. In addition, the irrigation system appears to be associated with neighboring agricultural parcels, including 13000 Cherokee Lane and 12904 Cherokee Lane; however, both of the neighboring agricultural parcels are currently vacant and whether or not the system was operating during the site survey is unknown.

As determined by Cardno ENTRIX, the irrigation system is ineligible for the National Register of Historic Places (NRHP) and California Register of Historical Resources (CRHR) because of a lack of significance and integrity. The design and construction of such pumping and conveyance structures is well documented and studied, and the features do not offer any significant potential to yield significant informational associations. While the system is intact, the resource appears to have been continuously altered and augmented in the modern period with the addition of new piping and control features. As such, the overall integrity of the system is reflective of ongoing alteration, with a lack of physical integrity of materials, workmanship, design, feeling, setting, and association from the historic period.

On March 11, 2014, Cardno ENTRIX performed an intensive survey of the two agricultural properties within the Liberty Ranch site (APNs 148-0090-016 and -035), which completed the survey of the Liberty Ranch site.

The first property (APN 148-0090-016) is a 22-acre vacant agricultural parcel that consists of seven standing structures. Structures 1 and 2 are small residential buildings; Structures 3, 4, and 5 are wood barns; and Structures 6 and 7 are small ancillary sheds. The property was initially developed circa 1910 and was part of the Twin Cities Colony Number 2. The property appears to

have been owned by a relative of the Marengo Family who held large landholdings in the area. The property is ineligible for the NRHP and CRHR because of a lack of significance and integrity. As a modest agricultural farmstead, the property does not embody distinctive characteristics of a type, period, or method of construction. In addition, the buildings do not represent the work of a master. The associated buildings are of an exceedingly common design that is well represented in both the historic record and extant landscape of Galt and Sacramento County.

The second property (APN 148-0090-035) is a 37-acre vacant agricultural parcel containing five structures. Structure 1 is a residence that appears to date to the mid-twentieth century; Structure 2 is a garage; Structure 3 is a three-bay barn; Structures 4 and 5 are collapsed sheds. The parcel was developed circa 1950 and operated as an agricultural operation for much of the twentieth century. The property is ineligible for the NRHP and CRHR because of a lack of significance and integrity. As a modest agricultural farmstead, the property does not embody distinctive characteristics of a type, period, or method of construction. In addition, the buildings do not represent the work of a master. The associated buildings are of an exceedingly common design that is well represented in both the historic record and extant landscape of Galt and Sacramento County.

Future Growth Area

The “Future Growth Area” includes the UPRR right-of-way and the two triangle parcels south of the UPRR tracks. Both of the triangle parcels currently contain agricultural fields adjacent to the UPRR tracks. Buildings or other structures do not exist on the “Future Growth Area.” Cultural or historic resources were not identified in the “Future Growth Area.”

4.5.3 REGULATORY CONTEXT

Many agencies have developed laws and regulations designed to protect significant cultural resources. The following discussion contains a summary review of regulatory controls pertaining to cultural resources, including federal, State, and local laws and ordinances.

Federal Regulations

The following are the federal environmental laws and policies relevant to cultural resources.

Section 106 for the National Historic Preservation Act of 1966 (NHPA)

Federal regulations for cultural resources are governed primarily by Section 106 of the NHPA of 1966. Section 106 of NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and affords the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings. The Council’s implementing regulations, “Protection of Historic Properties,” are found in 36 Code of Federal Regulations (CFR) Part 800. The goal of the Section 106 review process is to offer a measure of protection to sites, which are determined eligible for listing on the NRHP. The criteria for determining NRHP eligibility are found in 36 CFR Part 60. Amendments to the Act (1986 and 1992) and subsequent

revisions to the implementing regulations have, among other things, strengthened the provisions for Native American consultation and participation in the Section 106 review process. While federal agencies must follow federal regulations, most projects by private developers and landowners do not require this level of compliance. Federal regulations only come into play in the private sector if a project requires a federal permit or if it uses federal funding.

National Register of Historic Places

NRHP is the nation's master inventory of known historic resources. The NRHP includes listings of resources, including: buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, State, or local level. Resources over 50 years of age can be listed on the NRHP. However, properties under 50 years of age that are of exceptional significance or are contributors to a district can also be included on the NRHP. Four criteria are used to determine if a potential resource may be considered significant and eligible for listing on the NRHP. The criteria include resources that:

- A. Are associated with events that have made a significant contribution to the broad patterns of history; or
- B. Are associated with the lives of persons significant in our past; or
- C. Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. Have yielded or may likely yield information important in prehistory or history.

A resource can be individually eligible for listing on the NRHP under any of the above four criteria, or it can be listed as contributing to a group of resources that are listed on the NRHP.

A resource can be considered significant in American history, architecture, archaeology, engineering, or culture. Once a resource has been identified as significant and potentially eligible for the NRHP, the resource's historic integrity must be evaluated. Integrity is a function of seven factors: location, design, setting, materials, workmanship, feeling, and association. The factors closely relate to the resource's significance and must be intact for NRHP eligibility.

Paleontological Resources

Paleontological resources are classified as non-renewable scientific resources and are protected by several federal and state statutes, most notably by the 1906 Federal Antiquities Act (PL 59-209; 16 U.S.C. 431 et seq.; 34 Stat. 225), which calls for protection of historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest on federal lands. Because the proposed project does not include any federal lands, this statute does not apply.

American Indian Religious Freedom Act and Native American Graves and Repatriation Act

The American Indian Religious Freedom Act recognizes that Native American religious practices, sacred sites, and sacred objects have not been properly protected under other statutes. The Act establishes as national policy that traditional practices and beliefs, sites (including right of access), and the use of sacred objects shall be protected and preserved. Additionally, Native American remains on federal lands are protected by the Native American Graves and Repatriation Act of 1990.

State Regulations

The following are the State environmental laws and policies relevant to cultural resources.

California Environmental Quality Act

State historic preservation regulations affecting the project include the statutes and guidelines contained in CEQA (Public Resources Code [PRC] sections 21083.2 and 21084.1 and sections 15064.5 and 15126.4 (b) of the CEQA Guidelines). CEQA requires lead agencies to consider the potential effects of a project on historic resources and unique archaeological resources. An “historic resource” includes, but is not limited to, any object, building, structure, site, area, place, record or manuscript that is historically or archaeologically significant (PRC Section 5020.1). Under Section 15064.5 of the CEQA Guidelines, a resource is considered “historically significant” if it meets one or more of the following CRHR criteria:

1. The resource is associated with events that have made a significant contribution to the broad patterns of California history; or
2. The resource is associated with the lives of important persons from our past; or
3. The resource embodies the distinctive characteristics of a type, period, region or method of construction, or represents the work of an important creative individual or possesses high artistic values; or
4. The resource has yielded, or may be likely to yield, important information in prehistory or history.

CEQA requires preparation of an EIR if a proposed project would cause a “substantial adverse change” in the significance of a historical resource. A “substantial adverse change” would occur if a proposed project would result in physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired (CEQA Guidelines Section 15064.5(b)(1)).

In addition to historically significant resources, which can include archeological resources that meet the criteria listed above, CEQA also requires consideration of “unique archaeological resources.” If a site meets the definition of a unique archaeological resource, it must be treated in accordance with the provisions of PRC section 21083.2. Under PRC Section 20183.2(g), an archaeological resource is considered “unique” if it:

1. Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information;
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type; or
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person (PRC 21083.2(g)).

CEQA also includes specific guidance regarding the accidental discovery of human remains. Specifically, CEQA Guidelines Section 15064.5(e) requires that if human remains are uncovered, excavation activities must be stopped and that the county coroner be contacted. If the county coroner determines that the remains are Native American, the coroner must contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC identifies the most likely descendent, and that individual or individuals can make recommendations for treatment of the human remains under the procedures set forth in Section 15064.5 of the CEQA Guidelines.

California Register of Historic Places

The State Historic Preservation Office (SHPO) also maintains the CRHR. Properties that are listed on the NRHP are automatically listed on the CRHR, along with State Landmarks and Points of Interest. The CRHR can also include properties designated under local ordinances or identified through local historical resource surveys.

Senate Bill 297

SB 297 addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction; and establishes the NAHC to resolve disputes regarding the disposition of such remains. SB 297 has been incorporated into Section 15064.5(e) of the CEQA Guidelines.

Tribal Consultation Guidelines (SB 18)

SB 18, signed into law in September 2004, requires local (city and county) governments to consult with California Native American tribes, when amending or adopting a general plan or specific plan, or designating land as open space, in order to aid in the protection of traditional tribal cultural places (“cultural places”). SB 18 also requires the Governor’s Office of Planning and Research (OPR) to include in the General Plan Guidelines advice to local governments for how to conduct these consultations. The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, cultural places. The consultation and notice requirements apply to adoption and amendment of both general plans (defined in Government Code §65300 et seq.) and specific plans (defined in Government Code §65450 et seq.).

Cardno ENTRIX contacted the NAHC on February 06, 2014. On February 13, 2014, a response was received from the NAHC failing to indicate the presence of cultural resources within the

project area. A list of individuals was provided who may have knowledge of Native American cultural resources in the immediate project area. The City mailed Senate Bill (SB) 18 tribal consultation letters on February 11, 2015 to the six Native American tribes and individuals who had notified the NAHC of their desire to consult under SB 18 in the vicinity of the project area. Only one comment letter was received.

Paleontological Resources

Consideration of paleontological resources is required by Appendix G of the CEQA Guidelines. Other State requirements for paleontological resource management are found in PRC Chapter 1.7, Section 5097.5, Archaeological, Paleontological, and Historical Sites, and specify that State agencies may undertake surveys, excavations, or other operations as necessary on state lands to preserve or record paleontological resources. PRC Chapter 1.7, Section 5097.5, Archaeological, Paleontological, and Historical Sites, does not apply to the project because none of the property is State owned.

State or local agencies do not have specific jurisdiction over paleontological resources. State or local agencies do not require a paleontological collecting permit to allow for the recovery of fossil remains discovered as a result of construction-related earth moving on State or private land in a project site.

California Health and Safety Code

Section 7050.5 of the California Health and Safety Code contains the following provisions related to human remains or cemeteries:

- (a) Every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor, except as provided in Section 5097.99 of the Public Resources Code. The provisions of this subdivision shall not apply to any person carrying out an agreement developed pursuant to subdivision (1) of Section 5097.94 of the Public Resources Code or to any person authorized to implement Section 5097.98 of the Public Resources Code.
- (b) In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains.

- (c) If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

California Public Resources Code

Section 50967.98 of the California Public Resources Code contains the following provisions related to Native American human remains and artifacts:

- (a) Whenever the commission receives notification of a discovery of Native American human remains from a county coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall immediately notify those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.
- (b) 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, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section, with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.
 - (1) The descendants' preferences for treatment may include the following:
 - (A) The nondestructive removal and analysis of human remains and items associated with Native American human remains.
 - (B) Preservation of Native American human remains and associated items in place.
 - (C) Relinquishment of Native American human remains and associated items to the descendants for treatment.
 - (D) Other culturally appropriate treatment.
 - (2) The parties may also mutually agree to extend discussions, taking into account the possibility that additional or multiple Native American human remains, as defined in this section, are located in the project area, providing a basis for additional treatment measures.
- (c) For the purposes of this section, "conferral" or "discuss and confer" means the meaningful and timely discussion and careful consideration of the views of each party, in a manner that is cognizant of all parties' cultural values, and where feasible, seeking agreement. Each party shall recognize the other's needs and concerns for confidentiality of information provided to the other.
- (d)
 - (1) Human remains of a Native American may be an inhumation or cremation, and in any state of decomposition or skeletal completeness.

- (2) Any items associated with the human remains that are placed or buried with the Native American human remains are to be treated in the same manner as the remains, but do not by themselves constitute human remains.
- (e) Whenever the commission is unable to identify a descendant, or the descendants identified fail to make a recommendation, or the landowner or his or her authorized representative rejects the recommendation of the descendants and the mediation provided for in subdivision (k) of Section 5097.94, if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance. To protect these sites, the landowner shall do one or more of the following:
 - (1) Record the site with the commission or the appropriate Information Center.
 - (2) Utilize an open-space or conservation zoning designation or easement.
 - (3) Record a document with the county in which the property is located. The document shall be titled "Notice of Reinterment of Native American Remains" and shall include a legal description of the property, the name of the owner of the property, and the owner's acknowledged signature, in addition to any other information required by this section. The document shall be indexed as a notice under the name of the owner.
- (f) Upon the discovery of multiple Native American human remains during a ground disturbing land development activity, the landowner may agree that additional conferral with the descendants is necessary to consider culturally appropriate treatment of multiple Native American human remains. Culturally appropriate treatment of the discovery may be ascertained from a review of the site utilizing cultural and archaeological standards. Where the parties are unable to agree on the appropriate treatment measures the human remains and items associated and buried with Native American human remains shall be reinterred with appropriate dignity, pursuant to subdivision (e).
- (g) Notwithstanding Section 5097.9, this section, including those actions taken by the landowner or his or her authorized representative to implement this section and any action taken to implement an agreement developed pursuant to subdivision (l) of Section 5097.94, shall be exempt from the requirements of the California Environmental Quality Act (Division 13 (commencing with Section 21000)).
- (h) Notwithstanding Section 30244, this section, including those actions taken by the landowner or his or her authorized representative to implement this section and any action taken to implement an agreement developed pursuant to subdivision (l) of Section 5097.94, shall be exempt from the requirements of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000)). 5097.99. (a) No person shall obtain or possess any Native American artifacts or human remains which are taken from a Native American grave or cairn on or after January 1, 1984, except as otherwise provided by law or in accordance with an agreement reached pursuant to subdivision (l) of Section 5097.94 or pursuant to Section 5097.98.
- (b) Any person who knowingly or willfully obtains or possesses any Native American artifacts or human remains which are taken from a Native American grave or cairn after January 1, 1988, except as otherwise provided by law or in accordance with an agreement reached pursuant to subdivision (l) of Section 5097.94 or pursuant to Section 5097.98, is guilty of a felony which is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code.
- (c) Any person who removes, without authority of law, any Native American artifacts or human remains from a Native American grave or cairn with an intent to sell or dissect or with malice or wantonness is guilty of a felony which is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code.

Local Regulations

The following are the local environmental laws and policies relevant to cultural resources.

2030 Galt General Plan

The following applicable goals and policies are taken from the Historic Resources Element of the *2030 Galt General Plan*.

Goal HRE-1 To preserve and maintain sites and structures that serve as significant, visible connections to Galt's social, cultural, economic, and architectural history.

Policy HRE-1.1 The City should designate natural or human-made features as cultural resources or historic preservation districts if they meet one or more of the following criteria:

- It exemplifies or reflects special elements of the city's cultural, architectural, aesthetic, social, economic, political, artistic, and/or engineering heritage;
- It is identified with persons, businesses, or events significant to local, State, or National history;
- It embodies distinctive characteristics of style, type, period, or method of construction or is a valuable example of the use of indigenous materials or craftsmanship;
- It is representative of the notable work of a builder, designer, engineer, or architect;
- Its unique location or singular physical characteristic represents an established and familiar visual feature of a neighborhood, community, or the city; and/or
- It is a geographically definable area possessing a concentration or continuity of sites, buildings, structures, or objects as unified by past events or aesthetically by plan or physical development.

Policy HRE-1.2 The City shall encourage the preservation of varied architectural styles that reflect Galt's cultural, social, economic, political, and architectural past. For structures listed on the City's cultural resources list or on the NRHP or CRHR, preservation efforts shall conform to the current Secretary of the Interior's Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Building.

- Policy HRE-1.5 The City shall continue to update the Historic Resources Inventory to include all historically or architecturally significant buildings, sites, landscapes, signs, and features within the city limits.
- Policy HRE-1.6 The City shall consult with property owners early in the process of designating properties or buildings as historically and/or architecturally significant.
- Policy HRE-1.7 The City shall require that environmental review consistent with the California Environmental Quality Act (CEQA) be conducted on demolition permit applications for buildings designated as, or potentially eligible for designation as, historic structures and shall continue to implement the requirement for a Certificate of Appropriateness as set forth in Appendix A of the Downtown Revitalization and Historic Preservation Specific Plan.
- Goal HRE-3 To promote community awareness and appreciation of Galt’s history and architecture.
- Policy HRE-3.2 The City should coordinate historic preservation efforts with other agencies and organizations, including the Galt Historical Society, Chamber of Commerce, and other historical organizations.
- Goal HRE-4 To encourage the identification, protection, and enhancement of Galt’s archeological resources for their cultural values.
- Policy HRE-4.1 For future development projects on previously un-surveyed lands, the City shall require a project applicant to have a qualified archeologist conduct the following activities: (1) conduct a record search at the North Central Information Center located at California State University, Sacramento and other appropriate historical repositories, (2) conduct field surveys where appropriate, and (3) prepare technical reports, where appropriate, meeting California Office of Historic Preservation Standards (Archeological Resource Management Reports). These requirements shall be completed prior to the approval of the specific project.
- Policy HRE-4.2 The City shall consult with Native American representatives regarding cultural resources to identify locations of importance to Native Americans, including archeological sites and traditional cultural properties. Consistent with State requirements, consultation shall occur

at the onset of an amendment to the City's General Plan or a specific plan.

Policy HRE-4.3 In the event that archaeological/paleontological resources are discovered during site excavation, the City shall require that grading and construction work on the project site be suspended until the significance of the features can be determined by a qualified archaeologist/paleontologist. The City will require that a qualified archeologist/paleontologist make recommendations for measures necessary to protect a site or to undertake data recovery, excavation, analysis, and curation of archaeological/paleontological materials.

Policy HRE-4.4 Consistent with CEQA Guidelines (Section 15064.5), if human remains of Native American origin are discovered during development project construction, it is necessary to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (Public Resources Code Sec. 5097). If any human remains are discovered or recognized in any location on the project site, 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 Sacramento County Coroner/Sheriff has been informed and has determined that no investigation of the cause of death is required; and
- b. If the remains are of Native American origin:
 1. The descendants of the deceased Native Americans have made a timely recommendation 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. The Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission.

4.5.4 IMPACTS AND MITIGATION MEASURES

This section describes the standards of significance and methodology utilized to analyze and determine the proposed project's potential impacts related to cultural resources.

Standards of Significance

Consistent with Appendix G of the CEQA Guidelines and the City's General Plan, a significant impact would occur if the proposed project would result in the following:

- Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5;
- Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5;
- Directly or indirectly destroy a unique paleontological resource on site or unique geologic features; or
- Disturb any human remains, including those interred outside of formal cemeteries.

Method of Analysis

The *Preliminary Cultural Resources Investigation Report* included a California Historical Resources Information System (CHRIS) records search of the archives at the North Central California Information Center (NCIC) at California State University, Sacramento (CSUS) on November 5, 2013 and again on December 19, 2014 to determine whether historic or prehistoric sites have been identified in the project area. In addition, Cardno ENTRIX contacted the NAHC on February 06, 2014 to determine whether Native American resources have been identified or are known to exist in the project area. As noted in the Regulatory Context section of this chapter, tribal letters were sent out by the City to the list of individuals provided by the NAHC who may have knowledge of Native American cultural resources in the immediate project area. Furthermore, the entire Liberty Ranch site and "Future Growth Area" was surveyed in November 2013 and again on March 2014 by a staff scientist at Cardno ENTRIX.

The section below evaluates the proposed project's potential to impact cultural resources. Determinations of impacts to cultural resources were based on information from the *2030 Galt General Plan* and the *Preliminary Cultural Resources Investigation Report* prepared by Cardno ENTRIX (see Appendix F). Mitigation measures are identified, as necessary.

Project-Specific Impacts and Mitigation Measures

The following discussion of air quality impacts is based on implementation of the proposed project in comparison to existing conditions and the standards of significance presented above. The discussions and mitigation measures presented below apply to Liberty Ranch, "Future Growth Area," and non-participating properties unless otherwise stated.

4.5-1 Loss of prehistoric and/or historic cultural resources, unique archeological or paleontological resource, or human remains. Based on the analysis below and with the implementation of mitigation, the impact is *less than significant*.

Non-Participating Properties

A CHRIS records search of the archives at the NCIC at CSUS determined that the Historic Marengo Ranch Complex is located on the non-participating properties portion of the project site. Because a site-specific cultural report has not been completed for the non-participating properties, a determination regarding the condition of the historic resource cannot be made at this time.

The non-participating properties have been subject to disturbance from agricultural operations as well as urban development that could have obscured cultural deposits that might have otherwise been present. However, excavation and grading during project construction could unearth previously unknown prehistoric, historic, archaeological, or paleontological resources on the non-participating properties.

Future Growth Area

As noted previously, the “Future Growth Area” does not contain any structures or other buildings and known cultural or historic resources are not located on the properties. Similar to the non-participating properties and much of the Liberty Ranch site, the “Future Growth Area” has been subject to disturbance from agricultural operations that could have obscured cultural deposits that might have otherwise been present. However, excavation and grading during project construction could unearth previously unknown prehistoric, historic, archaeological, or paleontological resources on the “Future Growth Area.”

Liberty Ranch Site

As noted previously, the agricultural irrigation system identified on the Liberty Ranch property appears to have been continuously altered and augmented in the modern period with the addition of new piping and control features. The overall integrity of the system is reflective of ongoing alteration, with a lack of physical integrity of materials, workmanship, design, feeling, setting, and association from the historic period. As such, the resource is ineligible for the NRHP and CRHR.

In addition, the two agricultural properties located on the Liberty Ranch property (APNs 148-0090-016 and -035) were determined to be ineligible for the NRHP and CRHR after a site survey performed by Cardno ENTRIX was completed on March 11, 2014. The properties do not embody distinctive characteristics of a type, period, or method of construction, and the buildings do not represent the work of a master. Therefore, prehistoric and/or historic cultural resources, unique archeological or paleontological resource, or human remains are not known to occur within the Liberty Ranch site.

The Liberty Ranch site has been subject to disturbance from agricultural operations that could have obscured cultural deposits that might have otherwise been present. However, excavation and grading during project construction could unearth previously unknown prehistoric, historic, archaeological, or paleontological resources on the Liberty Ranch site.

Conclusion

Future development on the non-participating properties, “Future Growth Area,” and the Liberty Ranch site could disturb or unearth previously unknown resources. Therefore, the possibility exists for resources to be discovered during construction and the potential for damage to or destruction of previously unknown prehistoric and/or historic cultural resources or human remains during ground disturbing activities is considered *potentially significant*.

Mitigation Measures(s)

Implementation of the following mitigation measures would reduce potentially significant impacts related to damaging or destroying previously unknown prehistoric and/or historic cultural resources, unique archeological or paleontological resource, or human remains during ground disturbing activities to a *less-than-significant* level by ensuring the proper procedures are followed in the event of resource discovery and that a cultural report is completed for the non-participating properties.

Non-Participating Properties

4.5-1(a) *In conjunction with the submittal of development plans for the non-participating properties, the future applicant for development of the non-participating properties shall fund a site-specific cultural report to be completed by a qualified archaeologist, who is certified by the Society of Professional Archeologists (SOPA) and/or meets the federal standards as stated in the Code of Federal Regulations (36 CFR 61). The cultural report shall be submitted to the City’s Community Development Department for review and approval. Any recommendations resulting from the cultural report for the non-participating properties shall be reflected in the site and grading plans. In addition, once the cultural report is complete and the construction activities are better defined, a site-specific cultural resource monitoring plan shall be developed by the applicant, prior to construction. The monitoring plan shall include, but not be limited to, construction worker training, archaeological monitoring during ground-disturbing activities, procedures should cultural resources be encountered during construction, and method of curation or protection of any resources.*

Non-Participating Properties, Future Growth Area, Liberty Ranch Site

4.5-1(b) *If buried archeological resources, such as chipped or ground stone, historic debris, building foundations, or human bone, are discovered during ground-disturbing activities, work shall stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the City and other appropriate agencies. Possible management recommendations for historical or unique archaeological resources could include resource avoidance (i.e., preservation in place) or data recovery excavations where avoidance is infeasible in light of project design or layout, or is unnecessary to avoid significant effects.*

4.5-1(c) *If human remains of Native American origin are discovered during project construction, the State laws relating to the disposition of Native American remains in coordination with the NAHC (PRC 5097.98) must be complied with. If any human remains are discovered or recognized in any location other than a dedicated cemetery, work shall stop in that area and within 100 feet of the find until:*

- The County coroner has been informed and has determined that investigation of the cause of death is not required; and*
- If the remains are of Native American origin, the descendants of the deceased Native Americans have made a recommendation 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 PRC 5097.98;*

Or

- The NAHC was unable to identify a descendant, or the descendant failed to make a recommendation within 24 hours after being notified by the Commission.*

4.5-1(d) *If buried paleontological resources, are discovered during ground-disturbing activities, work shall stop in that area and within 100 feet of the find until a qualified paleontologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with the City and other appropriate agencies. Possible management recommendations for unique paleontologist resources could include resource avoidance (i.e., preservation in place) or data recovery excavations where avoidance is infeasible in light of project design or layout, or is unnecessary to avoid significant effects.*

Cumulative Impacts and Mitigation Measures

The following discussion of impacts is based on the implementation of the proposed project in combination with other proposed and pending projects in the region. Other proposed and pending projects in the region under the cumulative context would include buildout of the City's General Plan, as well as development of the most recent planned land uses within the vicinity of the project area.

4.5-2 Cumulative loss of cultural resources. Based on the analysis below and with the implementation of mitigation, the project's incremental contribution to a cumulative impact is *less than cumulatively considerable*.

Prehistoric and historic cultural resources are unique and non-renewable resources. Development activities continue to damage and destroy both prehistoric and historic sites and features, in many cases, before the information inherent in them could be reviewed, recorded, and interpreted.

As noted previously, the potential exists for unknown subsurface prehistoric and historic cultural resources to be unearthed during site excavation and grading. The proposed project, along with other development in the City of Galt, could damage or destroy cultural resources particular to that area. The archaeology of prehistoric and historic resources in their original context is crucial in developing an understanding of the social, economic, and technological character.

The NCIC records search revealed the presence of a historic resource, the Historic Marengo Ranch Complex, on the non-participating properties. Due to the size of the proposed project site, buildout of the proposed project could contribute to cumulative impacts related to the regional loss of cultural resources if previously unidentified cultural resources are discovered during construction and proper techniques are not employed. Therefore, cumulative impacts to regional cultural resources associated with implementation of past, present, and reasonably foreseeable future projects, as well as the proposed project, could be *potentially significant*.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the proposed project's contribution to potentially significant impacts related to the cumulative regional loss of cultural resources to a *less-than-cumulatively considerable* level.

Non-Participating Properties, Future Growth Area, Liberty Ranch Site

4.5-2 *Implement Mitigation Measures 4.5-1(a) through 4.5-1(d).*

Endnotes

- ¹ Bureau of Land Management. *Paleontological Resources*. Available at: <http://www.blm.gov/ca/st/en/fo/hollister/paleo.html>.
- ² City of Galt. *2030 Galt General Plan Policy Document*. April 2009.
- ³ City of Galt. *2030 Galt General Plan Existing Conditions Report*. November 2005.
- ⁴ Cardno ENTRIX. *Eastview-Liberty Ranch Preliminary Cultural Resources Investigation Report, Sacramento County, California*. March 20, 2014.
- ⁵ Sacramento County. *Assessor's Parcel Viewer Application*. 2015. Available at: <http://assessorparcelviewer.saccounty.net/jsviewer/assessor.html>. Accessed February 10, 2015.