
6.7 CULTURAL RESOURCES

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INTRODUCTION

This section of the EIR assesses potential effects to cultural resources that could result from implementation of the Sutter County General Plan (proposed General Plan). Cultural resources are defined as buildings, sites, districts, structures, or objects having historical, architectural, archaeological, or cultural significance. This section includes an historical overview of the policy area and a discussion of known cultural resources in the policy area. Applicable federal, state, and local regulations are identified, followed by analysis of potential impacts on cultural resources

One comment letter addressing cultural resources was received in response to the Notice of Preparation (NOP). The Native American Heritage Commission (NAHC) sent a letter to Sutter County that included recommendations for assessing and mitigating adverse effects to archaeological resources. The Sutter County General Plan includes proposed goals, policies, and implementation programs that are consistent with NAHC recommendations to identify and mitigate adverse effects to archaeological resources, as discussed in this section. In addition, Sutter County is in compliance with the tribal consultation requirements of Senate Bill (SB) 18, which requires cities and counties to contact and consult with California Native American tribes prior to amending or adopting a general plan or specific plan, or designating land as open space. 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 environmental setting of this section is based primarily on the Prehistoric and Historic Resources chapter of the 2008 *Sutter County General Plan Update Technical Background Report* (TBR) which is based on information from California Office of Historic Preservation, a records search at the Northeast Information Center, and a variety of cultural resources inventories, ethnographies, and archaeological surveys. Preparation of this section also included a review of the Sutter County Historical Society Draft Survey of Historic Properties, which was submitted to Sutter County in March 2009.

The TBR is available electronically on the County's website (<http://www.co.sutter.ca.us/pdf/cs/ps/gp/tbr/tbr.pdf>) and on CD at the back of this document.

ENVIRONMENTAL SETTING

The environmental setting includes a general history of the policy area (adapted from the TBR) followed by a discussion of known resources in the policy area and sensitivity for undiscovered cultural resources that could be encountered in the policy area.

The discussion of cultural resources included below is presented on a countywide basis.

History

Prehistory

Knowledge regarding prehistoric human populations in the Sacramento Valley has evolved considerably since archaeologists first proposed a sequence of cultural change in the region in the 1930s. A “sequence” is a series of distinct cultures separated by time and distinguished from each other in the archaeological record by observed physical differences between artifact types, composition of artifact assemblages, settlement practices, and mortuary practices. A “pattern” is a term used by archaeologists to describe a general way of life shared by peoples within a defined geographic area, and is characterized by the presence of similar technologies, trade networks, ceremonies, mortuary practices.

Although research has established that prehistoric groups inhabited parts of California prior to 6,000 years ago, the Windmill Pattern (roughly 3,000 B.C. – 500 B.C.) is the earliest recognized cultural pattern for the Sacramento Valley, which is the portion of the California Central Valley that lies to the north of the San Joaquin-Sacramento Delta. Archaeological deposits from this period contain a variety of flaked and ground stone artifacts, baked clay, and shell artifacts, suggesting that populations from this period exploited a diverse resource base.

The Berkeley Pattern (roughly 500 B.C. – A.D. 500) suggests a shift in subsistence practices and technology. Technological changes include the increased use of the mortar and pestle (a tool used to crush, grind, and mix solid substances), extensive use of bone tools, shifts in stone reduction technologies, and the occurrence of shell beads and pendants. The switch to mortar and pestle indicates the acorn became a diet staple. The addition of acorns, which were more time-consuming to process, implies greater diet breadth than that observed during Windmill times.

Material remnants from the Augustine Pattern (roughly A.D. 500 – A.D. 1880) indicate an intensification of resource exploitation, increased sedentism (i.e., a transition from nomadic to permanent, year-round settlement), territoriality, and social complexity. Technological innovations, such as the bow and arrow, occurred during this period. Artifacts from this period include flaked and ground stone artifacts, shell beads and pendants, and bone

tools. Bedrock milling features also are present, either in association with permanent settlements or as a component of smaller task-oriented locations.

Ethnography

Sutter County is within the ethnographic territory of three Native American groups: the Nisenan (also called the Southern Maidu), the Patwin, and the Konkow (also known as Northeastern Maidu). The Nisenan's territory included the northeastern portion of the Sacramento Valley, from the Sacramento River to the crest of the Sierra Nevada. Along the Sacramento River, Nisenan territory was bounded by Patwin territory, which continued west to Chiles Valley, near Putah Creek. The Konkow were limited to the northeastern corner of Sutter County, around the present day town of Live Oak.

Ethnographic research suggests similar behavioral patterns and social organization for the aforementioned Native American groups. Members of a "tribelet" (i.e., a small independent group of Native California people who shared a common language) lived in a village composed of clustered or dispersed family groups. Three to five villages made up a village cluster, which were small, self-sufficient communities. Villages were located on natural rises along rivers and streams, though groups did relocate during the course of seasonal gathering rounds. Houses were typically semi-subterranean, dome-shaped, and covered with earth or vegetation (tule or grasses).

A variety of plants and animals comprised the Native American diet. Deer, antelope, elk, rabbits, fish, quail, and waterfowl were the primary game hunted. Plant resources included acorns, pine nuts, seeds, roots, and hazel nuts. In the summer, groups would travel to the hills to hunt large game, and return to the valley to collect seeds in the spring. Such a large, abundant resource base allowed these groups to attain a high population density.

Trade with nearby and distant groups was regular and well established. Exchange networks that extended from the coast to the eastern slope of the Sierra Nevada allowed the distribution of extra-local materials, including obsidian and marine shell, across the Sacramento Valley.

Historic

The first European to see the Sutter Buttes was Gabriel Moraga, a Spaniard trying to locate mission sites in 1808. Another Spaniard, Luis Arguello, led an expedition in 1817 to explore northern California by water. He called the Buttes "Los Picachos" or "the peaks." He also named the Feather River ("El Rio de las Plumas") because he saw many feathers of wild fowl floating on the water. In 1828, hunter, trapper, explorer Jedediah Smith trapped near the Buttes. It was in 1833 that a brigade of French fur trappers from the Hudson's Bay Company first referred to these mountains as the "buttes." This contingent is believed

responsible for the introduction of the small pox virus to the Native American population. This devastating illness is attributed with killing up to 75 percent of the Maidu and resulting in the abandonment of many villages in a single year.

Sutter County derives its name from one of its first settlers, John Augustus Sutter. John Sutter received a grant from the Mexican government of approximately 50,000 acres and named it New Helvetia. In 1841, after settling at Sutter's Fort, he established Hock Farm (believed to be a corruption of the German word "hoch" or "upper") on the site of a Nisenan village originally located on the west bank of the Feather River about eight miles south of present-day Yuba City. In establishing the Hock Farm, Sutter created the first large-scale agricultural settlement in this part of the state. Sutter planted grapes, pomegranates, fig trees, grain, and the first peach orchard on his land at Hock Farm, as well as using it as a stock ranch for cattle.

With the 1848 discovery of gold at Sutter's sawmill in Coloma on the south fork of the American River and the rapid spread of mining to all foothill areas, the culture and lifestyle of the Nisenan were severely disturbed. Widespread disruption of the people and destruction of their villages and other sites occurred with the resulting influx of miners and mining activities. At the same time, farming began in the Valley, affecting native culture in the lowlands.

Sutter County itself experienced little mining activity, but was attractive for its agricultural potential and was primarily settled by former miners who became interested in agriculture after 1860. Early activities included the cutting of wild hay, herding of stock, and the harvesting of lumber along the rivers. It has been reported that when the early settlers arrived, a belt of woodland extended along all the major rivers from one-quarter to two miles in width, consisting of oaks, sycamores, cottonwoods, and willows. This growth was soon cleared to provide land for farming, lumber fuel for steamboats, and building supplies.

During the gold rush, as hundreds of thousands of new immigrants flooded into California, hostilities between these new immigrants and the Native Americans rapidly accelerated. The new immigrant miners, ranchers and farmers came to see the Native Americans as threats to their prosperity and security. In 1863, some 461 Native Americans, mostly Maidu, were force-marched 125 miles to the Round Valley Reservation during which many were killed or died.

During the 1870s and 1880s, valuable farmland in Sutter County was lost to the silting up of the rivers caused by hydraulic gold mining in the Sierra. Local farmers formed the Anti-Debris Association, and in 1884, they won a landmark suit halting the practice of hydraulic mining. After 1884, once land was cleared, river bottom land claimed and hydraulic mining stopped, agriculture developed rapidly. Several famous agricultural varieties were developed in Sutter County, including Proper Wheat in 1868, which opened up the wheat

exporting market in Sutter County; the Thompson Seedless Grape in the 1870s, which led to a thriving raisin industry; and the Phillips Cling Peach in the 1880s, which paved the way for a surge in the canning industry, with three local canneries established.

Sutter County was one of the 27 original counties of California, set up by the first Legislature on February 18, 1850. Originally, Sutter County included portions of what are now Placer and Colusa counties. The boundaries were fixed at their current location around 1856. In 1856, Yuba City became the permanent county Seat for Sutter County.

Yuba City was named after and founded upon the site of a Nisenan village in 1849 by Sam Brannan, Pierson Reading, and Henry Cheever. A year later Yuba City was nearly abandoned as neighboring Marysville on the east side of the Feather River grew rapidly, becoming a major supply point for the gold mines in the Sierras. As the Gold Rush continued and many miners became less enchanted with the goldmines, many of them began moving into Sutter County to develop the rich agricultural land, and Yuba City flourished again to eventually become a larger city. In 1908, Yuba City was incorporated.

Sutter County has continued to rely on its agricultural resources as the primary economic base. The crop patterns have evolved into two predictable types. Those areas nearer the rivers with the coarser soils are extremely well suited to orchard crops while the lowlands farther from the rivers with the clayey soils are well suited to the production of rice. A variety of crops and grains are also grown in various locations. Within the Buttes area, grazing is the predominant agricultural use with only scattered grain and orchard farming.

Cultural Resources in Sutter County

Known Resources

There are two Registered Historical Landmarks located within Sutter County: (1) John Sutter's Hock Farm, and (2) the site where William Thompson settled and propagated what has come to be known as the Thompson Seedless Grape. There are also twenty-one (21) Points of Historical Interest in Sutter County, identified by the California Department of Parks and Recreation Office of Historic Preservation.

A review of the records at the Northeast Information Center of the California Historical Resources System (CHRIS) identified 330 previously recorded/recognized resources in Sutter County. Of these, 263 are historic-era resources, 52 are prehistoric sites, and 15 resources have historic and prehistoric components.

Historic-era resources include residential and commercial buildings, bridges, canals, rock walls, and levees. Many of the historic resources are clustered along Highway 99 and in Yuba City as well as the smaller towns and previous known settlement areas throughout the county such as Sutter, Meridian, Kirkville, Rio Oso, and the Nicolaus/Trowbridge area.

Of the 52 prehistoric and 15 multi-component resources, 31 sites contain darkened soil (i.e., midden) that could conceal cultural deposits. Bedrock mortars were observed at 23 sites, burials were identified at 17 locales, and earthen mounds were noted in 16 instances. These sites are generally located along water courses with a high concentration of sites in the Sutter Buttes. More information on the location of historic resources is provided on Figure 6.7-1. Specific locational information of archaeological resources and prehistoric sites is confidential and not provided in this section of the EIR or any public document.

Resource Sensitivity

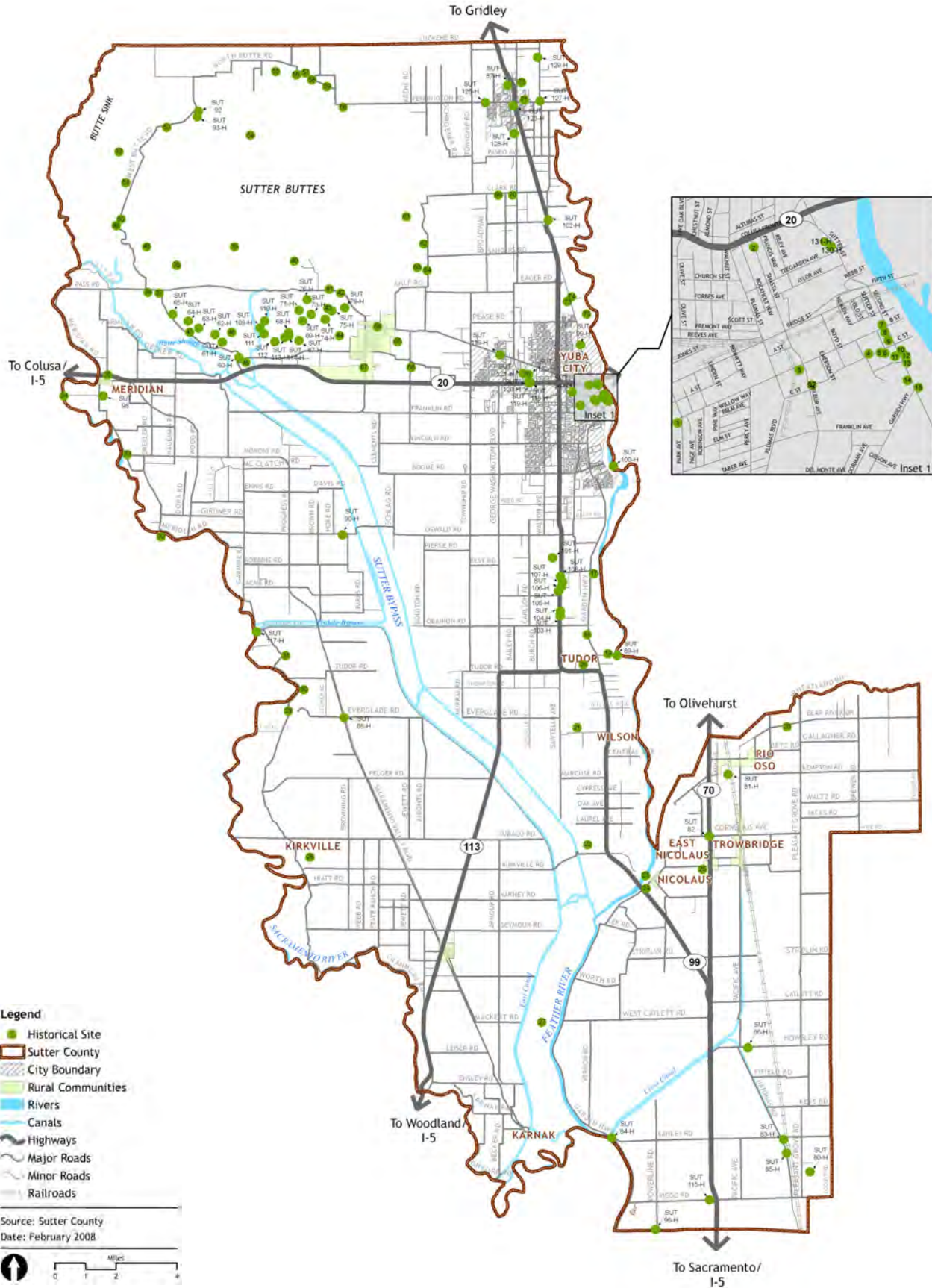
Numerous studies have suggested that many prehistoric sites in Sutter County could have intact deposits that would contribute to the archaeological record. A significant portion of Sutter County has not been systematically surveyed for prehistoric or historic resources. Although previously recorded prehistoric sites are concentrated along present-day levees along rivers or in close proximity to the Sutter Buttes, Native Americans regularly gathered grasses, seeds, and other resources from the valley floor. Before the levees were constructed, winter storms and spring run-offs regularly deposited sediments over the valley floor, covering any archaeological resources that may exist. It is possible that currently unknown archaeological sites exist in these contexts. Consequently, the potential to encounter subsurface archaeological resources exists throughout the County.

REGULATORY CONTEXT

Federal

Federal regulations for cultural resources are primarily governed by Section 106 of the National Historic Protection Act (NHPA) of 1966, which applies to actions taken by federal agencies. The goal of the Section 106 review process is to offer a measure of protection to sites that are determined eligible for listing on the National Register of Historic Places (NRHP). The criteria for determining NRHP eligibility are found in Title 36 Code of Federal Regulations (CFR) Part 60. Section 106 of the NHPA requires federal agencies to take into account the effects of their undertakings on historic properties and affords the federal 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 Title 36 CFR Part 800. The NRHP criteria (contained in Title 36 CFR 60.4) are used to evaluate resources when complying with NHPA Section 106. Those criteria state that eligible resources comprise districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- (a) are associated with events that have made a significant contribution to the broad patterns of our history; or
- (b) are associated with the lives of persons significant in our past; or



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- (c) embody the distinctive characteristics of a type, period, or method of construction, or that possess high artistic values, or that represent a significant distinguishable entity whose components may lack individual distinction; or
- (d) have yielded or may be likely to yield, information important to history or prehistory.

Archaeological site evaluations assess the potential of each site to meet one or more of the criteria for NRHP eligibility based upon visual surface and subsurface evidence (if available) at each site location, information gathered during the literature and records searches, and the researcher's knowledge of and familiarity with the historic or prehistoric context associated with each site.

The American Indian Religious Freedom Act, Title 42 United States Code, Section 1996, protects Native American religious practices, ethnic heritage sites, and land uses.

State

Under CEQA, public agencies must consider the effects of their actions on both "historical resources" and "unique archaeological resources." Pursuant to Public Resources Code (PRC) section 21084.1, a "project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." PRC section 21083.2 requires agencies to determine whether proposed projects would have effects on "unique archaeological resources."

"Historical resource" is a term with a defined statutory meaning as set forth in the PRC (refer to PRC section 21084.1 and State CEQA Guidelines, section 15064.5, subdivisions (a) and (b)). The term embraces any resource listed in or determined to be eligible for listing in the California Register of Historical Resources (CRHR). The CRHR includes resources listed in or formally determined eligible for listing in the NRHP, as well as some California State Landmarks and Points of Historical Interest.

Properties of local significance that have been designated under a local preservation ordinance (local landmarks or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the CRHR and are presumed to be "historical resources" for purposes of CEQA unless a preponderance of evidence indicates otherwise.¹ Unless a resource listed in a survey has been demolished, lost substantial integrity, or there is a preponderance of evidence indicating that it is otherwise not eligible for listing, a lead agency should consider the resource to be potentially eligible for the CRHR.

In addition to assessing whether historical resources potentially affected by a proposed project are listed or have been identified in a survey process, lead agencies have a

1 PRC section 5024.1 and *California Code of Regulations*, Title 14, Section 4850.

responsibility to evaluate them against the CRHR criteria prior to making a finding as to a proposed project's impact to historical resources (PRC section 21084.1 and State CEQA Guidelines section 15064.5, subdivision (a) (3)). In general, a historical resource, under this approach, is defined as any object, building, structure, site, area, place, record, or manuscript that:

- (a) Is historically or archeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political or cultural annals of California; and
- (b) Meets any of the following criteria:
 - 1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
 - 2) Is associated with the lives of persons important in our past;
 - 3) 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) Has yielded, or may be likely to yield, information important in prehistory or history.

(State CEQA Guidelines, section 15064.5 (a) (3))

Archaeological resources can sometimes qualify as "historical resources" (State CEQA Guidelines, section 15064.5 subdivision (c) (1)). In addition, PRC section 5024 requires consultation with the Office of Historic Preservation when a project may impact historical resources located on State-owned land.

For historic structures, State CEQA Guidelines section 15064.5, subdivision (b) (3), indicates that a project that follows the Secretary of the Interior's Standards for the *Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*, or the Secretary of the Interior's *Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings* shall mitigate impacts to a level of less than significant. Potential eligibility also rests upon the integrity of the resource. Integrity is defined as the retention of the resource's physical identity that existed during its period of significance. Integrity is determined through considering the setting, design, workmanship, materials, location, feeling, and association of the resource.

As noted above, under CEQA lead agencies are required to consider whether projects would adversely affect "unique archaeological resources." PRC section 21083.2, subdivision (g), states that a "'unique archaeological resource' means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- (1) Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.

- (2) Has a special and particular quality such as being the oldest of its type or the best available example of its type.
- (3) Is directly associated with a scientifically recognized important prehistoric or historic event or person.

Treatment options under PRC section 21083.2 include activities that preserve such resources in place in an undisturbed state. Other acceptable methods of mitigation include excavation and curation or study in place without excavation and curation (if the study finds that the artifacts would not meet one or more of the criteria for defining a "unique archaeological resource").

Section 7050.5(b) of the California Health and Safety Code specifies protocol when human remains are discovered. The code states:

In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of section 27492 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in section 5097.98 of the Public Resources Code.

State CEQA Guidelines section 15064.5, subdivision (e), requires that excavation activities be stopped whenever human remains are uncovered and that the county coroner be called in to assess the remains. If the county coroner determines that the remains are those of Native Americans, the NAHC must be contacted within 24 hours. At that time, the lead agency must consult with the appropriate Native Americans, if any, as timely identified by the NAHC. Section 15064.5 directs the lead agency (or applicant), under certain circumstances, to develop an agreement with the Native Americans for the treatment and disposition of the remains.

Local and Tribal Intergovernmental Consultation

SB 18 was signed into law in 2004, and requires cities and counties to contact and consult with California Native American tribes prior to amending or adopting a general plan or specific plan, or designating land as open space. 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 on cultural places. On February 9, 2010, the County sent a letter (along with information on the General Plan) to the NAHC, requesting tribal contact information. The NAHC responded with a contact list that identified the Mechoopda Indian Tribe of the Chico Rancheria, the Strawberry Valley

Rancheria, and the Enterprise Rancheria of Maidu Indians as the official SB 18 tribal contacts. On February 26, 2010, the County sent requests for consultation to the aforementioned tribes. A request for consultation with the County was made by the Mechoopda Indian Tribe of the Chico Rancheria and on April 21, 2010, County staff met with two representatives from this tribe to discuss the status of the General Plan, and provide them with the draft Cultural Resources policies. County staff also originally received a letter from the Enterprise Rancheria on March 29, 2010, requesting to consult with the County. Staff contacted the tribe and a meeting was scheduled for June 28, 2010. Prior to the meeting, however, the Enterprise Rancheria contacted County staff to request that the meeting be cancelled. The County's tribal contact indicated that he needed to consult with the tribal leadership and that he would contact the County if they desired to reschedule a future meeting. As of the date this document was prepared, no request has been received from the Enterprise Rancheria to reschedule a meeting with County staff.

Local

Sutter County 2015 General Plan

The County's current 2015 General Plan includes policies and implementation measures relevant to the preservation and protection of cultural resources. Upon approval of the proposed General Plan, all policies and implementation measures in the 2015 General Plan would be superseded. Therefore, 2015 General Plan policies are not included in this analysis. A list of the proposed general plan policies that address the preservation and protection of cultural resources is included below.

IMPACTS AND MITIGATION MEASURES

Methods of Analysis

The impact analysis for cultural resources is based primarily on information in the Prehistoric and Historic Resources chapter of the 2008 Sutter County General Plan Update TBR. The impact analysis compares the known cultural resource environment in the policy area and the potential for previously undocumented cultural resources in the policy area (as identified in the TBR) with the known physical effects that could result from implementation of the General Plan. Impacts are assessed in accordance with the County's thresholds of significance. The impact analysis also considers the mitigating effects of federal, state and local laws and regulations, and proposed Sutter County General Plan Goals and Policies that pertain to the preservation and protection of cultural resources.

The impact analysis analyzes buildout of the proposed General Plan under both the adjusted buildout scenario as well as full buildout.

Proposed Sutter County General Plan Goals and Policies

Goals, policies, and implementation programs from the proposed General Plan relevant to cultural resources within the entire policy area are listed below:

ENVIRONMENTAL RESOURCES ELEMENT (ER)

Cultural Resources

Goal ER 8 Identify, protect, and enhance Sutter County's important cultural resources to increase awareness of the County's heritage.

Policies

- ER 8.1 **Identification.** Identify cultural resources, which include prehistoric, historic, and archeological resources, throughout the County to provide adequate protection of these resources.
- ER 8.2 **Preservation.** Ensure the preservation of significant cultural resources, including those recognized at the national, state, and local levels.
- ER 8.3 **Sutter Buttes.** Preserve the Sutter Buttes as an important cultural resource.
- ER 8.4 **Inclusion on Historic Registers and District.** Promote the registration of historic resources under the National and State registers and within the County's Historic Preservation Combining District.
- ER 8.5 **Consultation.** Consult with the appropriate organizations and individuals early in the development process (e.g., Information Centers of the California Historical Resources Information System, Native American Heritage Commission, and Native American groups and individuals) to minimize potential impacts to cultural resources.
- ER 8.6 **Compatible New Development.** Review proposed new development, rehabilitation efforts, and remodels for compatibility with the surrounding historic context.
- ER 8.7 **Adaptive Reuse.** Encourage the adaptive reuse of historic resources when the original use of the resource is no longer feasible.
- ER 8.8 **Financial Incentives.** Consider providing financial incentives to private owners and development in order to maintain, rehabilitate, and preserve cultural resources.
- ER 8.9 **Public Awareness.** Educate the public on the County's important cultural resources to increase awareness for protection.

Implementation Programs

- ER 8-A For projects subject to discretionary approval involving the demolition, relocation, or alteration of a building or structure over 45 years old or that would result in a

change to the building or structure's immediate setting, the County shall require an assessment by a professional historic resource consultant to determine if the action would cause a substantial adverse change in the significance of an historical resource pursuant to CEQA Guidelines section 15064.5. (New) (EIR MM)

ER 8-B If the historical resource assessment determines that the proposed action would cause a substantial adverse change in the significance of an historical resource, the County shall require as a condition of project approval the implementation of appropriate and feasible measures to reduce the potential impact, including the appropriate level of written and photographic documentation of significant historical resources that would be demolished.

ER 8-C For projects subject to discretionary approval, which involve grading, excavation, or construction, require the applicant to hire a professional that meets the Secretary of Interior's professional qualifications standards for archaeology to conduct an archaeological resource investigation. As determined necessary by the archaeologist and the County, the investigation may include, but not be limited to, an updated records search, pre-construction field surveys, research, and testing, and/or other methods that identify whether a substantial adverse impact on significant archaeological resource would occur. If cultural resources are discovered, the resource shall be examined by a qualified archaeologist to determine its significance and develop appropriate protection and preservation measures.

ER 8-D Require that when any subsurface cultural resources, paleontological resources, or human remains are encountered, all work within 100 feet of the discovery be stopped and the area protected from further disturbance until the discovery is evaluated. The appropriate County personnel shall be notified immediately. The resources shall be examined by qualified personnel to determine their significance and develop appropriate protection and preservation measures.

If human remains are discovered, they shall be treated in compliance with applicable State and federal laws, including notifying the County Coroner and consulting with the California Native American Heritage Commission, as appropriate.

ER 8-E Update Zoning Code to allow for adaptive reuse of historic resources.

ER 8-F Maintain, rehabilitate, and preserve cultural resources by implementing the County's Historic Preservation Combining District.

ER 8-G Pursue local, State, and federal funding opportunities to rehabilitate, support, or provide incentives to maintain cultural resources.

Standards of Significance

For the purposes of this EIR, impacts to cultural resources are considered significant if implementation of the proposed General Plan would:

- cause a substantial adverse change in the significance of a historical or archeological resource, as defined in section 15064.5 of the State CEQA Guidelines; or
- disturb any human remains, including those interred outside of formal cemeteries.

Impacts and Mitigation Measures

6.7-1 Implementation of the proposed General Plan could cause a substantial adverse change in the significance of a historical resource.

As discussed above in the environmental setting, there are two Registered Historical Landmarks located within Sutter County: John Sutter's Hock Farm and the site where William Thompson settled and propagated what has come to be known as the Thompson Seedless Grape. There are also 21 Points of Historical Interest in Sutter County as identified by the California Department of Parks and Recreation Office of Historic Preservation.

A review of the records at the Northeast Information Center identified 330 previously recorded/recognized resources in Sutter County. Of these, 263 are historic-era resources, and 15 resources have historic and prehistoric components. Historic-era resources include residential and commercial buildings, bridges, canals, rock walls, levees, and other significant historic-age (i.e., 45 years old or older) built-environment resources. Many of the historic resources are clustered along Highway 99 and in Yuba City as well as the smaller towns and previous known settlement areas throughout the county such as Sutter, Meridian, Kirkville, Rio Oso, and the Nicolaus/Trowbridge area. A significant portion of Sutter County has not been systematically surveyed for historical resources. Therefore, because the County has not been comprehensively surveyed, buildings or structures of historic age which may qualify as historical resources pursuant to CEQA, may also exist within the County.

State CEQA Guidelines section 15064.5(b) states that "a project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." Development activities associated with implementation of the proposed General Plan would include construction of new residential, commercial and industrial uses, new infrastructure, and could result in the demolition or alteration of a historical resource's physical characteristics that convey its historical significance, resulting in a significant impact pursuant to CEQA.

The proposed General Plan goals, policies and implementation programs would ensure that future development activities within the county would undergo rigorous review to determine impacts on historical resources in accordance with CEQA and would encourage the avoidance of significant impacts through explicitly defined actions and development incentives. Specifically, policy ER 8.1 requires the identification of cultural resources, which include prehistoric, historic, and archeological resources, throughout the County to provide adequate protection of these resources. Policy ER 8.2 ensures the preservation of significant cultural resources, including those recognized at the national, state, and local levels. Implementation Program ER 8-C for policy ER 8.2 requires an assessment by a professional historic resource consultant to determine if projects subject to discretionary approval involving the demolition, relocation, or alteration of a building or structure over 45 years old or that would cause a substantial adverse change in the significance of an historical resource pursuant to CEQA. Implementation Program ER 8-B for policy ER 8.2 requires the implementation of appropriate and feasible measures (e.g., adaptive reuse, written and photo documentation) to reduce potential impacts on historical resources if the aforementioned historical resource assessment determines that the proposed action would cause a substantial adverse change in the significance of an historical resource.

With the policy framework discussed above, the probability of demolition of historic buildings and structures would be greatly reduced. However, the policies would not ultimately prevent the demolition of a historic building or structure. In addition, some structures that are not currently considered for historical value (as they must generally be at least 45 years old or older) could become eligible as historic resources during the life of the General Plan. As stated previously, the proposed General Plan contains policies that would help to identify and protect historic resources along with other federal and state regulations, which could result in the preservation of historically significant buildings. However, because the General Plan does not propose policies that would prevent the demolition of any historic building that could eventually be eligible (when it meets the 50-year mark) for state or federal listing, this impact is considered *potentially significant*.

Full Buildout Analysis

Under the full buildout scenario, the same effects would occur as discussed above under the adjusted buildout scenario. Any future development would be subject to rigorous review to determine impacts to historical resources in accordance with CEQA. The additional growth that could occur under full buildout would go beyond 2030 and future planning efforts and environmental analysis would address this additional growth and the potential implications of this growth.

Mitigation Measure

There are no mitigation measures that could reduce impacts resulting from demolition or inappropriate alteration of significant historical resources, as these actions would materially impair their significance. Therefore, the impact would remain *significant and unavoidable*.

6.7-2 Implementation of the proposed General Plan could cause a change in the significance of an archeological resource, or disturb human remains, including those interred outside of formal cemeteries.

A review of the records at the Northeast Information Center of the CHRIS identified 330 previously recorded/recognized resources in Sutter County. Of these, 52 are prehistoric archaeological sites, and 15 resources have historic and prehistoric components. Of the 52 prehistoric and 15 multi-component resources, 31 sites contain darkened soil (i.e., midden) that could conceal cultural deposits. Bedrock mortars were observed at 23 sites, burials were identified at 17 locales, and earthen mounds were noted in 16 instances. These sites are generally located along watercourses with a high concentration of sites in the Sutter Buttes.

Numerous studies have suggested that many prehistoric sites in Sutter County could have intact deposits that would contribute to the archaeological record. A significant portion of Sutter County has not been systematically surveyed for archaeological resources. Although previously recorded prehistoric sites are concentrated along present-day levees along rivers or in close proximity to the Sutter Buttes, Native Americans regularly gathered grasses, seeds, and other resources from the valley floor. Before the levees were constructed, winter storms and spring run-offs regularly deposited sediments over the valley floor, covering any archaeological resources that may exist. It is possible that currently unknown archaeological sites exist in these contexts. Earth-disturbing development activities such as the construction of new infrastructure and new residential and commercial uses associated with implementation of the proposed General Plan could inadvertently damage or destroy known and previously undocumented unique archaeological resources and human remains.

Under CEQA, public agencies must consider the effects of their actions on “unique archaeological resources.” The Public Resources Code section 21083.2 requires agencies to determine whether proposed projects would have effects on unique archaeological resources. Section 21083.2, subdivision (g), states that, a “‘unique archaeological resource’ is 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 contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; or has a special and particular quality such as being the oldest of its type or the best available example of its

type; or is directly associated with a scientifically recognized important prehistoric or historic event or person.”

The proposed General Plan goals, policies, and implementation programs would ensure that development activities resulting from implementation of the General Plan would undergo rigorous review to determine impacts on archaeological resources in accordance with CEQA and would encourage the avoidance of significant impacts through explicitly defined actions. Specifically, policy ER 8.1 requires the identification of cultural resources, which include prehistoric, historic, and archeological resources, throughout the county to provide adequate protection of these resources. Policy ER 8.2 ensures the preservation of significant cultural resources, including those recognized at the national, state, and local levels. Implementation Program ER 8-C for policy ER 8.2 requires project applicants to hire a professional who meets the Secretary of Interior’s professional qualifications standards for archaeology to conduct an archaeological resource investigation for projects subject to discretionary approval, which involve grading, excavation, or construction. If cultural resources are discovered, the resource shall be examined by a qualified archaeologist to determine its significance and develop appropriate protection and preservation measures. Implementation Program ER 8-D for policy ER 8.2 requires that when any subsurface cultural resources, paleontological resources, or human remains are encountered, all work within 100 feet of the discovery shall be stopped and the area protected from further disturbance until the discovery is evaluated. The appropriate County personnel shall be notified immediately. The resources shall be examined by qualified personnel to determine their significance, and to develop appropriate protection and preservation measures. If human remains are discovered, they shall be treated in compliance with applicable state and federal laws, including notifying the County Coroner and consulting with the California NAHC, as appropriate. Implementation of the proposed General Plan policies and Implementation Programs along with existing state law would ensure that potential impacts to archeological resources and human remains would be *less than significant*.

Full Buildout Analysis

Under the full buildout scenario, the same effects would occur as discussed above under the adjusted buildout scenario. The additional growth that could occur under full buildout would go beyond 2030 and future planning efforts and environmental analysis would address this additional growth and the potential implications of this growth.

Mitigation Measure

None required.

Growth Areas

There are several specific growth areas called out in the proposed General Plan. Please see Chapter 3, Project Description, for a description of these growth areas and their locations. Impacts to cultural resources in the growth areas would be the same the countywide impacts, discussed above under both the adjusted buildout as well as full buildout. A discussion of the Sutter Pointe Specific Plan is included to provide the reader with a summary of the EIR findings specific to the plan area.

Sutter Pointe Specific Plan Area

The Sutter Pointe Specific Plan (SPSP) EIR determined that implementation of the SPSP would result in potentially significant cultural resources impacts related to known and unknown prehistoric resources and human remains, which would be reduced to less-than-significant levels after implementation of mitigation measures included in the EIR. However, the impact related to potential damage or destruction of historic-era resources was determined potentially significant and unavoidable.²

Cumulative Impacts and Mitigation Measures

The cumulative analysis for impacts to cultural resources considers a broad cultural and regional system of which the resources are a part. While the project-specific impact analysis for cultural resources necessarily includes separate analyses for historical and archaeological resources (including human remains), the cumulative analysis combines these resources into a single, non-renewable resource base and considers the additive effect of project-specific impacts to significant regional impacts on cultural resources. The cumulative context for the cultural resources analysis for the proposed project includes Sutter County and the greater Sacramento Valley, which is the portion of the California Central Valley that lies to the north of the San Joaquin-Sacramento Delta.

6.7-3 Implementation of the proposed General Plan could contribute to cumulative losses of cultural resources in Sutter County and the greater Sacramento Valley.

Urban development that has occurred over the past several decades in Sutter County and the Sacramento Valley has resulted in adverse impacts on innumerable significant cultural resources, as well of the loss of many significant resources, and it is reasonable to assume that present and future development activities would continue to result in adverse effects on significant cultural resources, including historical and archaeological resources and human remains. Federal, state, and local laws protect cultural resources in most instances, but are not always feasible to protect cultural resources, particularly when in-place

2 County of Sutter. 2008. *Sutter Pointe Specific Plan Draft Environmental Impact Report*. Prepared by EDAW. December, pp. 3.9-48 – 3.9-49.

preservation would frustrate implementation of development projects. For this reason, the cumulative effects of development in Sutter County and the Sacramento Valley and the loss of cultural resources is considered significant.

As discussed above, Sutter County includes numerous resources of historic and cultural value. In addition, undocumented cultural resources, including archaeological and historical resources, also exist within the County. The General Plan includes goals, policies, and implementation programs aimed at the protection and preservation of significant cultural resources. Implementation and adherence to these goals, policies, and implementation programs would ensure that future development activities resulting from implementation of the General Plan would undergo rigorous review to determine impacts to cultural resources in accordance with CEQA and would encourage the avoidance of significant impacts through explicitly defined actions. Nonetheless, because existing and proposed county policies do not explicitly prohibit demolition or inappropriate alteration of historic-period buildings or structures, it is possible that development activities resulting from implementation of the General Plan could cause a substantial adverse change in the significance of a historical resource. While it is possible that a small number of historical resources could be lost with implementation of the General Plan, the proposed goals, policies, and implementation programs aimed at the protection and preservation of significant cultural resources would ensure that the project's contribution to the cumulative impact would be less than considerable. Therefore, the cumulative impact would be *less than significant*.

Mitigation Measure

None required.