

4.4 CULTURAL RESOURCES

4.4.1 Environmental Setting

This section describes the potential for prehistoric and historical resources to be damaged as a result of development of the project, identifies associated regulatory requirements, evaluates potential impacts, and identifies mitigation measures related to implementation of The Village at Loomis (proposed project).

One comment letter received in response to the Notice of Preparation addressed cultural resources. The Native American Heritage Commission (NAHC) requested that a records search and archaeological survey (if required) be prepared for the environmental impact report (EIR). Copies of the Notice of Preparation and comments received are included in Appendix A.

This section relies on the Updated Cultural Resources Assessment Village at Loomis prepared by Ric Windmiller, consulting archaeologist, in May 2014, and the Historic Resource Analysis prepared in October 2015 by Historic Resource Associates (HRA). The reports are included in Appendix D.

Prehistory/Ethnology Background

Since the early 1950s, stone tools associated with the “Farmington Complex” have been unearthed in areas within the foothill region. The tools date between 10,000 and 5000 BC. It has been determined that marsh and grassland habitat along the eastern side of the Sierra Nevada was home to hunter-gatherers as early as 9000 BC.

The Archaic Period in California lasted from 6000 BC to AD 1000 and is divided into three subperiods: lower, middle, and upper (Fredrickson 1994, as cited in Appendix D). The Lower Archaic, between 6000 and 3000 BC, was characterized by climatic changes that resulted in the pluvial lakes in California converting to dry playas. Scholars have identified early milling stone complexes of this subperiod at a number of sites in Southern and Northern California. Stone tools that have been found associated with this period include milling stones, manos, mortars, pestles, large stemmed points, flake choppers, and hammer stones, as well as flakes and cores.

The Middle Archaic, dating between 3000 and 500 BC, marked the beginning of the florescence of aboriginal cultures in California’s Great Central Valley. Reliance on acorns as a staple is inferred from the appearance of mortars and pestles in archaeological sites dating early in the period (Frederickson 1994, as cited in Appendix D).

Between 4000 and 2000 BC, it is probable that Hokan languages were spoken in much of California. However, with increased aridity east of the Sierra, speakers of Penutian languages

apparently began moving from the deserts of the northwestern Great Basin and southern Columbia Plateau into Northern California. By 2500 BC, a Utian population of the Penutian language stock (ancestral Miwok-Costanoan) apparently entered the lower Sacramento Valley. Archaeologists recognize this intrusion as the “Windmill Pattern,” a culture adapted to river and marshland, characterized by extended burials, red ochre and quartz crystals in graves, charmstones and projectile points shared with Altithermal cultures of the Columbia Plateau (Moratto 1984, as cited in Appendix D). A fusion between this pattern and the Utian populations resulted in what archaeologists now recognize as the Berkeley Pattern.

Most Windmill sites were abandoned by 200 BC. Ancestors of the Nisenan, who occupied Placer County at the time of contact with European settlers, entered and settled the foothills region around AD 500. The Emergent Period, AD 1000–1800, was characterized by the consolidation of territories formed as a result of the immigration of native groups, including the Nisenan. The tribal territories formed during the Emergent Period probably remained in much the same location as noted by early Spanish observers. There were territories of Valley, Foothill, and Hill Nisenan that occupied the American, Feather, Bear, and Yuba River drainages from western Sacramento eastward to the Sierras.

A bedrock milling station (CA-PLA-53) with a midden and a scatter of chipped stone artifacts was located less than a mile southeast of the project site in 1957. Bedrock milling stations, some associated with cultural deposits, and prehistoric rock art have been found along Secret Ravine near Rocklin.

History

In the first 2 years of the gold rush, 10,000 immigrants poured into California. Mining characterized much of the activity and development in Smithville through the late 1800s. In 1864, the town was moved approximately 1 mile to the northwest to its current location close to the newly constructed Central Coast Railroad, and the name was changed to from Smithville to Pino. By 1890, the name was changed the last time to Loomis, after Pino’s first postmaster.

After the Gold Rush of 1849, the region became primarily known as a place to pass through on the way to the goldfields. Malaria was epidemic in the mining camps of the Sierra foothill region and remained endemic with frequent sharp local outbreaks throughout the Central Valley until about 1880. During the next few decades, cattle ranches and orchards became prominent. The commercial fruit industry expanded rapidly in western Placer County in the late 1870s and early 1880s. Japanese laborers moved into the region and eventually provided all of the orchard labor.

Increased urbanization and expansion of suburban communities occurred from Sacramento to the northeast along the Interstate 80 (I-80) corridor during the late 1950s and early 1960s. This urbanization led to the growth of the housing market in western Placer County. During the late

1980s, the lower cost of living and land attracted high technology firms and other industries to the region. Subsequently, commercial and residential development expanded throughout the communities of Roseville, Rocklin, and Loomis (Appendix D).

Previous Research

The project site's first cultural resource survey was completed in 1984 by Peak & Associates (as cited in Appendix D). This survey was limited to 5 acres on the northeast side of Horseshoe Bar Road. No findings were reported in this study.

An archaeological survey was conducted for the project site in 1988 by Alfred Farber, Professional Archaeological Services (as cited in Appendix D). The 1988 survey identified two trash dumps dating from the 1940s to the 1960s near the southwestern portion of the survey area by the Raley's shopping center. The 1988 survey concluded that both dumps were likely destroyed by construction of the shopping center. Building foundations of a residence, commercial building, and motel dating from the 1950s and 1960s were also identified. All of these resources no longer exist and were either removed by the landowners or taken out by development. In 1988, Stephen Dietz surveyed a 3-acre parcel in the southwest corner of the project site. No resources were identified in that survey (Appendix D).

In 2007, an updated assessment was conducted for a 54-acre portion of the project site, and no new resources were identified (Windmiller 2007). Since 2007, three additional parcels were added to the project site for a total of 66 acres. In spring 2014, the additional parcels were surveyed, and no new significant resources were identified (Windmiller 2014).

Research Results

The most recent archaeological survey of the project site and a records search by the North Central Information Center (NCIC), California Historical Resources Information System, and sacred lands file search by the Native American Commission was completed in April 2014. No new historic or prehistoric archaeological resources were identified. The 2014 survey identified six historic archaeological resources. The six resources identified include a small remnant of a cherry or plum orchard; small pile of granite blocks; an isolated quartz prospect; artifacts that remain at two residential sites (the buildings were razed within the last 50 years); and two ditch remnants. In addition, the 2014 survey provided an evaluation of the six residences and associated outbuildings, as well as a small commercial building and a barn, identified on the project site. Two of the residences, 3616 Laird Street and 5901 Horseshoe Bar Road, were considered eligible for listing on the California Register of Historical Resources (CRHR) and are considered significant resources under the California Environmental Quality Act (CEQA). The barn burned to the ground several years ago. No Native American prehistoric or historic resources were identified.

A search of the sacred lands files did not identify records of any Native American cultural resources in the immediate project area. Letters were sent to all the Native American contacts provided by the NAHC, and only one response was received from the Shingle Springs Band of Miwok Indians stating that the tribe is not aware of any known cultural resources on the project site.

The Windmill 2014 report describes the cultural resources identified on the site as discussed below.

P-31-3271: Orchard Remnant and Granite Blocks

This minor historic site was originally recorded as a small cluster of broken granite “blocks” (Feature 1) and a small cluster of old cherry trees (Features 2 and 3). The site measures approximately 60 feet east to west and 30 feet north to south. No artifacts other than the granite (dioritic) blocks were found on the surface of the site. Four live cherry trees occur in a cluster at the east side of the site. A fallen, dead tree lies near the cluster of angular rock at a modern north–south fence line. The site remained in much the same condition upon revisiting it during the 2014 study.

P-31-3272 and P-31-3274: Ditches

The first ditch is categorized as a minor archaeological resource. It is a relatively short segment of a largely in-filled ditch. The ditch segment is approximately 200 feet long. Oaks of 12-inch-diameter grow sporadically from the ditch. The ditch’s route is along the west side of the riparian woodland surrounding the on-site tributary of Secret Ravine. The ditch is approximately 5 feet wide across the top, 1 foot wide across the bottom, and 1 foot deep. Approximately 75 linear feet of the ditch’s southeast portion has been heavily used as an off-highway motorcycle or bicycle trail. The southeast extent of the ditch is obscured by dense berry bushes and poison oak at the edge of the marsh.

The second ditch is also categorized as a minor archaeological resource. It is a largely in-filled ditch segment at the north perimeter of the densely wooded, partly marshy swale that bisects the project site. The ditch originates at the south edge of a hill and small natural drainage, which broadens to 15–20 feet wide and 6 feet deep immediately south of the ditch head. There may have been an earthen dam at this location. However, the eroded nature of the landscape prevents any firm conclusion regarding the origin of the ditch segment. The ditch segment is 6–7 feet wide across the top, 2 feet wide across the bottom, and 1–1.5 feet deep. The ditch can be traced for about 50 feet southeast as it parallels the north side of the swale toward Secret Ravine. The southeast extent of the ditch is hidden in dense poison oak, berry bushes, and brush. I-80 lies about 150 feet east of the segment recorded here and probably destroyed a portion of the ditch.

P-31-3273: Quartz Mine Prospect

This minor historic archaeological resource consists of two small, side-by-side shallow pits and an outcrop of white quartz. A few large chunks of quartz lie scattered about the shallow pits. The deeper of the two pits is 2 feet deep, 6 feet long, and 4 feet wide. The entire site is 20 feet east to west and 15 feet north to south, including eroded backdirt piles. Both pits are heavily eroded, with indications of having been used recently by homeless people as a campsite. The mine prospect is situated on a south-facing slope about 100 feet north of the employee parking lot at the north side of the Raley's supermarket.

VL-5 and VL-6: Residence Sites

The first residence site is categorized as a historic archaeological site. The residence is no longer standing, but this site includes an oval-shaped cellar pit, a partly asphalt paved driveway, and a partly collapsed wooden rail fence. Non-native plants and trees also occur on the site. The fence borders the sidewalk along Horseshoe Bar Road. The cellar pit is set back from the road approximately 110 feet. Non-native plants include two varieties of palm, rose bushes, periwinkle, and other unidentified trees and shrubs. An electric power pole stands at the rear (east end) of the site. Two wire nails and several small fragments of bottle glass and white earthenware were noted at the site.

The single prominent feature of the second residence site is a partly asphalt paved driveway adjacent to the south side of the other residence site. The driveway could be traced for approximately 120 feet. Non-native plants on the site include an unidentified species of mature pine and various shrubs. Other than mortared brick and cobble pile, no evidence of a residence or outbuildings was identified.

3616 Laird Street

The property, which is sited on a large lot about 40 feet from the curb, consists of a single-story, Queen Anne Victorian that fronts Laird Street. The house features a steep roof with dual gables facing Laird Street, clad with fish-scale wood shingles and arched louvered wood vents. The forward-most gable (closed gable) includes a short wood shingle roof below the gable vent, and the upper or rear gable features a large sheet metal or metal panel roof that terminates beyond the front porch.

The 1913 and 1926 Sanborn Fire Insurance Maps depict a large carriage house in the rear of the lot. A similar, but slightly different, configured two-car, wood-frame gabled garage is located in the rear of the lot today. The design of the building, and the fact that the garage doors are sliders, suggest it dates to at least the 1930s. The garage has stucco exterior cladding and several windows on its north elevation.

5901 Horseshoe Bar Road

The property consists of a 1.5-story, wood-frame Victorian Queen Anne row house. The house faces Horseshoe Bar Road, formerly Pine Street, and is sited approximately 30 feet from the curb. Architectural features of the house include its steep gable-and-hip roofs sheeted with corrugated metal panels and wood shingles; a side bay window (left side), and, above it, a closed gable clad with fish-scale shingles; an inset front porch supported by two turned wood columns; and a right-side shed roof sunporch addition. The residence appears to retain most of its original double-hung wood-sash vertically oriented windows; paneled wood front door and screen; brackets below the plain architraves framing the windows; and horizontal shiplap wood siding. The west side elevation features three double-hung wood-sash windows. The east side of the house features the original wraparound porch, which has been partially enclosed, forming a sunporch. The residence appears to be built atop a partial concrete perimeter foundation and perhaps a partial post-and-pier foundation, which is disguised by a horizontal shiplap skirt that runs the length of the building. Contemporary wood railing and stairs provide access and safety to the raised porch. The driveway is positioned on the left side of the residence. The front lot includes two large street trees, a front lawn, and shrubs. A contemporary dog-eared fence divides the east side of the lot from the front yard.

Additional Resources Evaluated***3621 Laird Street***

This property, which is located at the western end of the project site, consists of a simple one-story, rectangular, wood-frame, front-gabled Craftsman-style residence. The house faces Laird Street and is sited approximately 30 feet from the curb. Architectural features of the house include its front gable, gently sloping roof line, exterior horizontal V-groove wood siding, gabled front porch, and concrete perimeter foundation. Other architectural features include two rectangular-oriented, one-over-one light, wood-sash windows on the front elevation facing Laird Street, flanking the front entry door, which is covered by contemporary screen. The right and left side elevation include two similar wood-sash windows, and below the peak of the roof facing Laird Street is a small louvered vent.

The residence has a composition-shingle roof and closed eaves. A vent pipe penetrates the roof below the peak. The front of the lot includes several mature locust trees, and the back and sides of the lot have dense shrubs and trees. This residence is on the same parcel as and immediately south of the residence located at 3616 Laird Street, as described previously. The residence at 3621 Laird Street was determined not eligible for listing as a historic resource.

3661 Library Drive

This property, which is sited on an approximately 28-acre parcel, lies within the project site on the north side of Library Drive, immediately east of its intersection with Horseshoe Bar Road. The property consists of a single-story, wood-frame residence and several outbuildings. The wood-frame house has several intersecting hip-and-gable roofs and is clad with a contemporary V-groove horizontal wood siding. Most of the original windows in the house appear to have been replaced with modern metal slider windows. The north elevation of the house features a front-gable addition that forms a partial porch. A large brick chimney penetrates the roof below its peak on the east side of the house. The original house was likely a square-hipped roof design, which can still be seen in aerial view or looking at the house from its south and east elevations. North of the residence are several wood-frame gabled garage/sheds with contemporary wood siding and metal roofs. The shed closest to the residence has a centrally located fixed wood-sash window, flanked by two wood-panel doors that provide access into its interior from the south. A single-car plywood garage door provides access to the shed along its west elevation. This residence was determined not eligible for listing as a historic resource.

5885 Horseshoe Bar Road

This property is located within the project site, near the intersection of Horseshoe Bar Road and Library Drive. The one-story, wood-frame Craftsman-style residence faces Horseshoe Bar Road, formerly Pine Street, and is sited approximately 25 feet from the curb. Architectural features of the house include its front gable massing, moderately steep gable roof clad with sheet metal, horizontal contemporary V-groove exterior wood siding, double-hung wood-sash windows with one-over-one lights, a perimeter concrete foundation, square gable louvered vents, and an offset porch with a gable roof supported by two square-shaped columns. Access to the front entrance is via four stairs to the landing. The front façade of the house facing Horseshoe Bar Road features two wide one-over-one light Craftsman-style windows that flank the main entry door, and the west elevation of the residence includes one large and two small Craftsman-style windows. In the left rear of the parcel is a single-car, wood-frame garage. The garage may be contemporaneous with the existing house, perhaps when it was remodeled or moved to its present location. The front yard to the house includes a lawn and concrete walkway, and the rear of the house is landscaped with large mature trees. This residence was determined not eligible for listing as a historic resource.

5907 Horseshoe Bar Road

This property is located adjacent to the southwest corner of the project site, at the corner of Horseshoe Bar Road and Library Drive. The home is located on the same parcel as the commercial building at this corner, on APN 044-094-004. It consists of a single-story, wood-

frame, rectangular residence facing Horseshoe Bar Road, formerly Pine Street. Architectural features of the residence include its hipped roof, front-facing gable porch, horizontal contemporary V-groove wood exterior siding, contemporary metal-sash slider windows, contemporary panel front door and screen, perimeter concrete foundation (appears to be contemporary), and a slab concrete foundation supporting five simple vertical columns below the gable roof of the porch. A contemporary railing surrounds part of the porch attached to the vertical columns. The residence, which is sited about 25 feet from the street shoulder, appears to have undergone extensive remodeling in the past 20 years. The front yard facing Horseshoe Bar Road includes a partial lawn and a larger mature street tree. This residence appears to have undergone extensive remodeling in the last 20 years and was determined not eligible for listing as a historic resource.

5913 Horseshoe Bar Road

This property is located within the project site, facing the intersection of Horseshoe Bar Road and Library Drive. It consists of a narrow, trapezoidal-shaped, wood-frame commercial building with a flat hipped roof clad with clay tiles. Other architectural character-defining features of the building include the T1-11 exterior plywood siding; contemporary metal-sash windows; contemporary steel-panel entrance door; bracketed partial porch above the main entrance; three tall, rectangular, vertically oriented side lights on the left front of the building, and one tall, vertically oriented sidelight on the right side of the main entrance. A large air conditioning unit is mounted to the rear top of the roof. The left rear of the building has a slightly stepped out parapet wall. Parking is in front of the building and to the side of the building. Besides a planting bed against the buildings' south and east elevations, the lot is largely paved over. This commercial building was determined not eligible for listing as a historic resource.

Laird Street Barn

In 2007, a remnant of a small farm or “ranchette” was recorded as a corrugated metal-sided, wood-frame, gabled barn. The barn was accessed through a large sliding door on its south elevation, with open feed stalls on its north elevation. The barn was stick-framed with king posts and relatively modern framing techniques. Based on historic maps and other information, the barn likely dated back to the 1930s. The barn burned to the ground in or around 2012.

4.4.2 Regulatory Setting

Cultural resources are defined as buildings, sites, structures, or objects, each of which may have historical, architectural, archaeological, cultural, and/or scientific importance. Several laws and regulations at the federal and state level govern archaeological and historic resources deemed to have scientific, historic, or cultural value. The pertinent regulatory framework, as it applies to the proposed project, is summarized in the following text.

Federal Regulations

National Historic Preservation Act

The National Historic Preservation Act of 1966 established the National Register of Historic Places (NRHP) as the official federal list of cultural resources that have been nominated by state offices for their historical significance at the local, state, or national level. Properties listed in the NRHP, or determined eligible for listing, must meet certain criteria for historical significance and possess integrity of form, location, and setting. Under Section 106 of the act and its implementing regulations, federal agencies are required to consider the effects of their actions, or those they fund or permit, on properties that may be eligible for listing or that are listed in the NRHP. The regulations in 36 CFR 60.4 describe the criteria to evaluate cultural resources for inclusion in the NRHP. Properties may be listed in the NRHP if they possess integrity of location, design, setting, materials, workmanship, feeling, and association, and they:

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

These factors are known as Criteria A, B, C, and D.

In addition, the resource must be at least 50 years old, except in exceptional circumstances. Eligible properties must meet at least one of the criteria and exhibit integrity, which is measured by the degree to which the resource retains its historical properties and conveys its historical character, the degree to which the original fabric has been retained, and the reversibility of the changes to the property. Archaeological sites are evaluated under Criterion D, which concerns the potential to yield information important in prehistory or history.

The Section 106 review process, typically undertaken between the U.S. Army Corps of Engineers as part of issuing a Section 404 permit and the State Historic Preservation Officer, involves a four-step procedure:

1. Initiate the Section 106 process by establishing the undertaking, developing a plan for public involvement, and identifying other consulting parties.
2. Identify historic properties by determining the scope of efforts, identifying cultural resources, and evaluating their eligibility for inclusion in the NRHP.

3. Assess adverse effects by applying the criteria of adverse effect on historic properties (resources that are eligible for inclusion in the NRHP).
4. Resolve adverse effects by consulting with the State Historic Preservation Officer and other consulting agencies, including the Advisory Council on Historic Preservation, if necessary, to develop an agreement that addresses the treatment of historic properties.

The Department of the Interior has set forth Standards and Guidelines for Archaeology and Historic Preservation. These standards and guidelines are not regulatory and do not set or interpret agency policy. A project that follows the standards and guidelines generally shall be considered mitigated to a less than significant level, according to Section 15064.5(b)(3) of the CEQA Guidelines (14 CCR 15000 et seq.).

The residences at 3616 Laird and 5901 Horseshoe Bar Road were determined potentially eligible for listing on the CRHR, which indicates that they are also potentially eligible for listing in the NRHP.

State Regulations

California Register of Historical Resources

California Public Resources Code, Section 5024.1, authorizes the establishment of the CRHR. Any identified cultural resources must therefore be evaluated against the CRHR criteria. To be eligible for listing in the CRHR, a property must be significant at the local, state, or national level under one or more of the four significance criteria, modeled on the NRHP. To be eligible for listing in the CRHR, a property must be significant at the national, state, or local level under one or more of the following four criteria:

1. It is associated with events or patterns of events that have made a significant contribution to the broad patterns of the history and cultural heritage of California and the United States.
2. It is associated with the lives of persons important to the nation or to California's past.
3. It 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.
4. It has yielded, or may be likely to yield, information important to the prehistory or history of the state and the nation.

In addition to meeting one or more of the above criteria, a significant property must also retain integrity. Properties eligible for listing in the CRHR must retain enough of their historic character to convey the reason(s) for their significance. Integrity is judged in relation to location, design, setting, materials, workmanship, feeling, and association. Two of the properties on the

project site, 3616 Laird Street and 5901 Horseshoe Bar Road, were determined to be potentially eligible for listing on the CRHR.

California Environmental Quality Act

Under CEQA (California Public Resources Code, Section 21000 et seq.), public agencies must consider the effects of their actions on both historical resources and unique archaeological resources. Pursuant to CEQA 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.” Section 21083.2 requires agencies to determine whether proposed projects would have effects on “unique archaeological resources.”

“Historical resource” is a term of art with a defined statutory meaning (see California Public Resources Code, Section 21084.1, and 14 CCR 15064.5(a) and 15064.5(b)). The term embraces any resource listed in or determined to be eligible for listing in the 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 (California Public Resources Code, Section 5024.1, and 14 CCR 4850). Unless a resource listed in a survey has been demolished or has 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 potentially eligible for the CRHR.

In addition to assessing whether historical resources potentially impacted by a proposed project are listed or have been identified in a survey process, lead agencies have a responsibility to evaluate them against the CRHR criteria as discussed previously, prior to making a finding as to a proposed project’s impacts to historical resources (California Public Resources Code, Section 21084.1, and 14 CCR 15064.5(a)(3)). The fact that a resource is not listed or determined to be eligible for listing does not preclude a lead agency from determining that it may be a historical resource (California Public Resources Code, Section 21084.1, and 14 CCR 15064.5(a)(4)).

CEQA also distinguishes between two classes of archaeological resources: archaeological sites that meet the definition of a historical resource, as described previously, and unique archaeological resources. Under CEQA, an archaeological resource is considered “unique” if it:

- Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information;

- Has a special and particular quality such as being the oldest of its type or the best available example of its type; or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person (California Public Resources Code, Section 21083.2(g)).

CEQA states that if a proposed project would result in an impact that might cause a substantial adverse change in the significance of a historical resource, then an EIR must be prepared and mitigation measures and alternatives must be considered. A “substantial adverse change” in the significance of a historical resource means 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 (14 CCR 15064.5(b)(1)).

The CEQA Guidelines (Section 15064.5(c)) also provide specific guidance on the treatment of archaeological resources, depending on whether they meet the definition of a historical resource or a unique archaeological resource. If the site meets the definition of a unique archaeological resource, it must be treated in accordance with the provisions of California Public Resources Code, Section 21083.2.

CEQA Guidelines, Section 15064.5(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 identified in a timely manner by the NAHC. Section 15064.5 of the CEQA Guidelines 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.

Senate Bill 18

Senate Bill (SB) 18 (Government Code, Sections 65352.3, 65352.4) requires that, prior to the adoption or amendment of a general plan proposed on or after March 1, 2005, a city or county must consult with Native American tribes with respect to the possible preservation of, or the mitigation of impacts to, specified Native American places, features, and objects located within that jurisdiction.

In compliance with SB 18, the Town sent a letter to the NAHC on April 27, 2015, requesting a list of Native American contacts. The Town then sent letters to the individuals recommended by the NAHC on July 3, 2015. The Shingle Springs Band of Miwok Indians responded that they are not aware of cultural resources on site; they did not request consultation but did request to be kept apprised of the proposed project.

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. The provisions of SB 297 have been incorporated into Section 15064.5(e) of the CEQA Guidelines.

Assembly Bill 52

Assembly Bill (AB) 52 requires consultation with Native American tribes traditionally and culturally affiliated with the geographic area in which a project requiring CEQA review is proposed if those tribes have requested to be informed of such proposed projects. The intention of such consultation is to avoid adverse impacts to tribal cultural resources. This law is in addition to existing legislature protecting archaeological resources associated with California Native American tribes. AB 52 applies to all projects initiating environmental review in or after July 2015. For the purposes of this bill, “initiating environmental review” means when a project application is complete. Because the application was completed before the effective date of AB 52 and because proposed project began the environmental review process in November 2014 (prior to July 2015), AB 52 does not apply. However, the consultation required under AB 52 was offered to Native American tribes through SB 18, as discussed previously.

California Health and Safety Code

Section 7050.5(b) of the California Health and Safety Code specifies protocols to address any human remains that may be 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.

Local Regulations

Town of Loomis General Plan

The Town's General Plan (2001) contains goals and policies related to the treatment and preservation of historic structures. The project site contains two potentially historic buildings that would be removed to accommodate the project. The policies applicable to subsurface prehistoric, historic, or archaeological resources are included below. An analysis of the project's consistency with applicable General Plan policies is provided in Appendix B to this Draft EIR.

Cultural Resources Policies

1. Loomis shall encourage the reuse and revitalization of historic buildings. Whenever possible, flexibility in development standards allowed by the Historic Building Code shall be offered to developers working with historic properties.
2. The demolition of buildings deemed by the Town to be historically or aesthetically valuable shall be prohibited in cases where alternatives for reuse are found to be feasible.
5. As part of the environmental review process, the Town shall review all development proposals for their potential to disturb cultural resources. In areas where cultural resources are known to occur, give special consideration to development of facilities that enhance the operation, enjoyment, and maintenance of these areas.

The analysis required by Cultural Resources Policy 5 is provided in Section 4.4.3, below.

4.4.3 Impacts

Methods of Analysis

A records search along with a pedestrian survey of the site was conducted in April and May 2014 by Windmillier. An additional pedestrian survey and supplemental report was prepared in October 2015 by HRA. Both reports are included in Appendix D. The survey also included consultation with the NAHC and a sacred lands file search. No Native American cultural resources were identified within the survey area. This research established the historic context and derived locations of other resources that may exist or have existed within the project area.

Although the project-specific impact analysis for cultural resources necessarily includes separate analyses for prehistoric resources, historic-period resources, and 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.

Significance Criteria

Potential impacts associated with cultural resources have been evaluated using the following criteria, based on Appendix G of the CEQA Guidelines (14 CCR 15000 et seq.). The proposed project would have a potentially significant impact related to cultural resources if it would:

- Cause a substantial adverse change in the significance of a historical or archaeological resource as defined in CEQA Guidelines, Section 15064.5.
- Disturb any human remains, including those interred outside of formal cemeteries.

An adverse change in the significance of a historical or archaeological resource is one that would disturb, damage, or destroy the resource, and the disturbance or damage would reduce or eliminate the potential for the resource to yield important information and context regarding history.

Impact Discussion

IMPACT 4.4-1: Project construction could cause a substantial adverse change in historical resources.

SIGNIFICANCE: Potentially Significant

MITIGATION: Mitigation Measure 4.4a

RESIDUAL SIGNIFICANCE: Significant and Unavoidable

As discussed in Section 4.4.1, Environmental Setting, the most recent cultural resources survey prepared for the project site identified six minor historic-archaeological features identified as Orchard Remnant and Granite Blocks (P-31-3271), Ditch Segments (P-31-3272 and P-31-3274), Quartz Mine Prospect (P-31-3273), and two Residence Sites (VL-5 and VL-6). None of these resources meets eligibility for the CRHR, and none are considered unique archaeological resources as defined under CEQA.

The survey also evaluated six on-site residences and associated outbuildings, a small commercial building, and two off-site (adjacent) residences. Two of the on-site residences were determined potentially eligible for listing on the CRHR: 3616 Laird Street and 5901 Horseshoe Bar Road. Both of these residences would be demolished to accommodate the project. The cultural report found that these two residences are potentially eligible for the CRHR because they are associated with the early settlement and residential development of the Town and because they exemplify the Late Victorian Queen Anne architectural style. The Historic Resource Analysis by HRA provided additional details regarding these homes, their historic significance, and likely

significance of other similar properties within the Town. The two homes are considered eligible for listing on the CRHR under Criteria 1 and 3 because of their fair to good integrity. Criterion 1 is the association with the early settlement and residential development of Loomis at the turn of the century. Criterion 3 is an example of modest, yet elegant, Late Victorian Queen Anne architecture. HRA concludes that neither of the properties meets the criteria for listing on the National Register of Historic Places (Appendix D).

Further, HRA identified that the two properties were most likely built by the same architect due to the extreme similarity in the design. The home at 5901 Horseshoe Bar Road has undergone remodeling that reduces its significance, and the home at 3616 Laird Street is truer to its original construction, with only a few porch columns replaced. However, HRA also recognized that “the importance or significance of the subject properties is only at the local level. The subject properties represent an extremely common architectural style found throughout the Sierra foothills down through the Sacramento Valley. Neither of the subject properties is in above average or exceptional condition or integrity, either for the time period or architectural style. Furthermore, there are 12 other properties in the immediate vicinity in Loomis that would likely meet Criterion 1 and/or 3 which are equal or superior to the subject properties as examples of the referenced criteria.” The 12 properties, which were identified through a vehicle survey of old town Loomis, were all of Late Victorian or transitional Victorian and have been maintained better than the two properties on the project site (HRA report in Appendix D).

Based on the buildings’ potential eligibility for listing on the CRHR, these two residences are considered historic resources. Demolition of these buildings would destroy the physical characteristics that convey their historical significance. Therefore, the proposed project would cause a **significant** impact to a historic resource. Although **Mitigation Measure 4.4a** is provided to reduce the impact by requiring photographic recordation of the buildings, the project would result in demolition of two buildings that have been determined potentially eligible for listing on the CRHR. The loss of the resources cannot be reduced to a less than significant level through mitigation; therefore, the impact would remain **significant and unavoidable**.

IMPACT 4.4-2:	Project construction could cause a substantial adverse change in unidentified subsurface archaeological resources.
SIGNIFICANCE:	Potentially Significant
MITIGATION:	Mitigation Measure 4.4b
RESIDUAL SIGNIFICANCE:	Less Than Significant

No prehistoric archaeological resources were identified during the current or prior evaluations of the project site and surrounding areas. The project site has been evaluated in two other cultural resources surveys dating back to 1984. The updated Cultural Resources Assessment prepared in 2014 did not identify any prehistoric archaeological resources (see Appendix D). Six minor historic archaeological resources were identified, including a small remnant of a cherry or plum orchard, a small pile of granite blocks, an isolated quartz prospect, two residential sites that were razed within the last 50 years, and two ditch remnants. It is not anticipated that any subsurface prehistoric or historic resources would be uncovered during project construction. However, the possibility exists that ground-disturbing activities could disturb previously unknown historical or archaeological resources, resulting in a **potentially significant** impact. If such a resource were discovered, **Mitigation Measure 4.4b** would require earth-disturbing activities to be halted within 100 feet of the potential resource until a qualified archaeologist completes a significance evaluation. Implementation of **Mitigation Measure 4.4b** would ensure that potential impacts to archaeological resources would be reduced to **less than significant**.

IMPACT 4.4-3:	Project construction could disturb human remains, including those interred outside of formal cemeteries.
SIGNIFICANCE:	Potentially Significant
MITIGATION:	Mitigation Measure 4.4c
RESIDUAL SIGNIFICANCE:	Less Than Significant

Because of the prevalence of informal burials in prehistoric and historic periods in the Loomis area, there is a potential for earth-moving activities to disturb human remains. No burial sites or cemeteries were identified within the project site during the 1984, 1988, 2007, or 2014 archaeological surveys. However, the field surveys conducted rely on ground-level observations and do not include excavation. Therefore, it is possible that earth-moving construction activities, such as grading and excavation, could disturb human remains, if any informal burials occurred on site. In the event any human remains are discovered, the project contractor is required to comply with Section 7050.5(b) of the California Health and Safety Code, which specifies the following protocol when human remains are discovered:

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 ... 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.

Discovery of human remains is a **potentially significant** impact. Implementation of **Mitigation Measure 4.4c** would reduce this impact to **less than significant** by ensuring that the proper protocols set forth by the California Health and Safety Code and Public Resources Code are followed in the event human remains are discovered.

IMPACT 4.4-4:	Project construction could contribute to a cumulative loss of cultural resources.
SIGNIFICANCE:	No impact
MITIGATION:	None required
RESIDUAL SIGNIFICANCE:	No impact

Archaeological Resources

Because all significant archaeological resources and human remains are unique and non-renewable members of finite classes, all adverse effects or negative impacts erode a dwindling resource base. The loss of any one archaeological site affects all others in a region, because the cultural setting context for a given region is a reflection of all the cultural resources in that region and these resources are best understood in the context of the entirety of the cultural system of which they are a part. Cultural resources could therefore be a cumulatively considerable impact to archaeological resources if any cultural resources (including subsurface and surface archaeological resources) are disturbed and/or destroyed.

For the analysis of cumulative impacts to archaeological resources, the geographic area is the project region, which includes the Town of Loomis and adjacent areas within the City of Rocklin and Placer County. Development under the cumulative scenario in this area is expected to include buildout of the Town of Loomis General Plan and the individual projects described in Section 4.1, Land Use, of this EIR; buildout of the City of Rocklin General Plan, including the Clover Valley development of 622 acres immediately west of Loomis; and buildout of the Granite Bay Community Plan and Horseshoe Bar/Penryn Community Plan in Placer County.

A 2008 survey of data by the NCIC found that there had been 72 archaeological sites recorded within the project area (City of Rocklin 2011). The Clover Valley area is known to support at least 33 cultural resources, several of which would be directly affected by the planned

development (Raney Planning and Management 2006). The Placer County General Plan EIR noted that as of 1991, surveys covering 18% of the county identified over 1,200 archaeological sites (including historical sites), as found in a data survey conducted by the NCIC. The Placer County General Plan EIR also notes that although archaeological resources can be found throughout the county, most archaeological sites “have been found on gentle to moderately-sloping sites below 1,500 feet within 500 feet of surface water sources” (Placer County 1994).

The general plans of each jurisdiction in the area, as well as state and federal law, require that archaeological resources be preserved in place whenever feasible, and require resources that cannot be preserved be properly recorded, evaluated, and curated. Therefore, although development is anticipated in the region and could occur in proximity to known archaeological resource sites, compliance with the applicable state and federal regulations and general plan policies would ensure that no loss of archaeological resources and research potential would occur in the cumulative scenario. As the cumulative impact would remain less than significant, there is no cumulative impact to which the project could contribute.

As discussed for Impacts 4.4-2 and 4.4-3, **Mitigation Measures 4.4b** and **4.4c** would prevent disturbance of subsurface archaeological resources, including human remains. This would ensure that the project would comply with the Town of Loomis General Plan and applicable state and federal regulations.

Historic Resources

For the analysis of cumulative impacts to historic resources, the geographic area is the Town of Loomis. No property in the Town is listed on the NRHP. The Town does not possess a Historic Resource Inventory or other official record of historic properties. There are other examples of Late Victorian Queen Anne architectural style in the vicinity of the project site, but they are not included on a local inventory or register. There are no reasonably foreseeable projects that would physically alter or otherwise impact other Late Victorian Queen Anne residences. Therefore, impacts to historic resources in the cumulative scenario would remain less than significant and there is no cumulative impact to which the project could contribute.

4.4.4 Mitigation Measures

4.4a Prior to issuance of a demolition permit, the Town of Loomis shall verify that the project applicant has documented the existing residences at 3616 Laird Street and 5901 Horseshoe Bar Road and their setting and has provided this documentation to applicable repositories as identified herein. Generally, this documentation shall be in accordance with Historic American Building Survey Level II, which includes the following:

1. **Drawings:** Select existing drawings, where available; should be photographed with large-format negatives or photographically reproduced on Mylar.

2. **Photographs:** Photographs with large-format negatives of exterior and interior views, or historic views, where available.
3. **Written data:** History and description in narrative or outline format.

Historic American Building Survey material standards regarding reproducibility, durability, and size shall be met. Copies of the photographs and report shall be presented to repositories such as the North Central Information Center of the California Historical Resources Information System at California State University, Sacramento, and/or the California State Library.

4.4b

Prior to issuance of any grading permits, the Town of Loomis shall verify that project construction documents include the following note: “If any cultural resources, such as structural features, unusual amounts of bone or shell artifacts, or architectural remains are encountered during any construction activities, the contractor shall implement measures deemed necessary and feasible to avoid or minimize significant effects to the cultural resources including the following:

- Suspend work within 100 feet of the find;
- Immediately notify the Town’s Planning Department Director and coordinate any necessary investigation of the site with a qualified archaeologist as needed to assess the resources (i.e., whether it is a “historical resource” or a “unique archaeological resource”);
- Provide management recommendations should potential impacts to the resources be found to be significant (possible management recommendations for historical or unique archaeological resources could include resource avoidance or data recovery excavations, where avoidance is infeasible in light of project design or layout, or is unnecessary to avoid significant effects); and
- As warranted by any cultural resources found on site, prepare reports for resources identified as potentially eligible for listing in the California Register of Historical Resources in consultation with the State Historic Preservation Officer, and if applicable, tribal representatives.

4.4c

Prior to issuance of any grading permits, the Town of Loomis shall verify that project construction documents include the following note: “If human remains are discovered during any phase of construction, all ground-disturbing activity within 100 feet of the remains shall be halted immediately, and the Town’s Planning Department and the county coroner shall be notified immediately. If the remains are determined by the county coroner to be Native American, the Native American Heritage Commission shall be notified within 24 hours of the

determination that the remains are Native American, and the guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains. The Planning Department staff shall be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of state law, as set forth in California Environmental Quality Act Guidelines, Section 15064.5(e), and Public Resources Code, Section 5097.98. The project applicant shall implement approved mitigation, to be verified by the Planning Department, before resuming ground-disturbing activities within 100 feet of where the remains were discovered.”

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