

This EIR section provides a discussion of the archaeological, ethnographic, and historical background, known cultural resources in the region, the regulatory setting, an impact analysis, and mitigation measures.

Information in this section is derived primarily from the following reference documents:

- Historical Effects Analysis and Study of APN. 070-244-004-000; 070-244-006-000, & 070-244-005-000, 503, 509, and 515 First Street, Davis, Yolo County, California 95616 (Historical Resource Associates, 2018);
- Historical Resources Analysis Study of 503, 509, and 515 1st Street, Davis, Yolo County, California 95616 (Historical Resource Associates, 2016);
- City of Davis General Plan (Amended through January 2007).

Comments were received during the Notice of Preparation (NOP) comment period and NOP Scoping Meeting regarding cultural and tribal cultural resources from the following: Steven Quinn, Native American Heritage Commission (NAHC) (March 6, 2019); and Laverne Bill, Yocha Dehe Wintun Nation (NOP Scoping Meeting, March 18, 2019). These comment letters are addressed within this section.

3.1.1 ENVIRONMENTAL SETTING

PROJECT SETTING

The project site consists of approximately 0.45 acres located in the central portion of the City of Davis, north of the Interstate 80 (I-80) Freeway, at 503, 509, and 515 First Street. The project site can be identified by its Yolo County Assessor's Parcel Numbers (APNs) 070-244-004, 070-244-005, and 070-244-006. The project site is located in the Davis Downtown Core Area, near what is considered the historic gateway to the City of Davis.

The project site is currently developed with three two-story adjacent Theta Xi fraternity houses, totaling 19,800 square feet (sf). The three lots are owned by the Beta Epsilon Association of Theta Xi, a non-profit California corporation, and occupied by the fraternity. The site has provided student housing dating from 1950 when Theta Xi (TX) acquired the first of the three lots. From east to west, the fraternity houses include the "TX Main House" located at 515 First Street (3,964 total sf, excluding the basement), the "Bryson House" located at 509 First Street (2,009 total sf, excluding the basement), and the "Jackson House" located at 503 First Street (2,065 total sf, excluding the basement). There is a detached garage in the northwest corner of the project site, and the side yard of the Jackson House is used for off-street parking for approximately seven vehicles. Additionally, a paved recreation/patio area is situated behind the Jackson House and Bryson House. The site currently contains approximately 28 trees, including those located along the frontages of First Street and D Street. According to the Arborist Report (Tree Associates, 2019) six trees surveyed are considered "Trees of Significance" pursuant to the City's Tree Ordinance.

The project site is bounded by Second Street and existing mixed-use development to the north, D Street to the west, First Street to the south, and E Street and the Natsoulas Gallery to the east.

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The surrounding land uses consists of a mix of retail, single family, and apartment developments along First Street, D Street, and E Street. Adjacent parcels include a funeral home on D Street and Natsoulas Art Gallery on First Street adjacent to the TX Main House. The project site faces a landscaped buffer and the back of a retail building in a shopping plaza (i.e., Davis Commons) on the south side of First Street. See Figure 3.1-1, Vicinity Map, at the end of this chapter for a map of the surrounding uses and features.

ARCHAEOLOGICAL BACKGROUND

The Central Valley region was among the first in the state to attract intensive cultural and historical fieldwork, and research has continued to the present day. This has resulted in a substantial accumulation of data. In the early decades of the 1900s, E. J. Dawson explored numerous sites near Stockton and Lodi, later collaborating with W. E. Schenck (Schenck and Dawson, 1929). By 1933, the focus of work was directed to the Cosumnes locality, where survey and exploration were conducted by the Sacramento Junior College (Lillard and Purves, 1936). Excavation data, in particular, from the stratified Windmill Site (CA-Sac-107) suggested two temporally distinct cultural traditions. Later work at other mounds by Sacramento Junior College and the University of California enabled the investigators to identify a third cultural tradition intermediate between the previously postulated early and late horizons. The three-horizon sequence was based on discrete changes in ornamental artifacts and mortuary practices as well as an observed difference in soils within sites (Lillard, Heizer and Fenenga, 1939). This sequence was later refined by Beardsley (1954), with an expanded definition of artifacts diagnostic of each time period and was extended to parts of the central California coast. Traits held in common allow the application of this system within certain limits of time and space to other areas of prehistoric central California.

The Windmill Culture (Early Horizon) is characterized by ventrally-extended burials (some dorsal extensions are known), with westerly orientation of heads, a high percentage of burials with grave goods, frequent presence of red ocher in graves, large projectile points, of which 60 percent are of materials other than obsidian; rectangular *Haliotis* beads; *Olivella* shell beads (types Ala and L); rare use of bone; some use of baked clay objects; and well-fashioned charmstones, usually perforated.

The Cosumnes Culture (Middle Horizon) displays considerable changes from the preceding cultural expression. The burial mode is predominately flexed, with variable cardinal orientation and some cremations present. There are a lower percentage of burials with grave goods, and ocher staining is common in graves. *Olivella* beads of types C1, F and G predominate, and there is abundant use of green *Haliotis* sp. rather than red *Haliotis* sp. Other characteristic artifacts include perforated canid teeth, asymmetrical and "fishtail" charmstones, usually unperforated; cobble mortars and evidence of wooden mortars; extensive use of bone for tools and ornaments; large projectile points, with considerable use of rock other than obsidian; and use of baked-clay.

The Hotchkiss Culture (Late Horizon) burial pattern retains the use of the flexed mode, and there is widespread evidence of cremation, lesser use of red ocher, heavy use of baked clay, *Olivella* beads of Types E and M, extensive use of *Haliotis* ornaments of many elaborate shapes and forms,

shaped mortars and cylindrical pestles, bird-bone tubes with elaborate geometric designs, clamshell disc beads, small projectile points indicative of the introduction of the bow and arrow, flanged tubular pipes of steatite and schist, and use of magnetite (Moratto, 1984:181-183). The characteristics noted above are not all-inclusive, but cover the more important traits.

There have been other chronologies proposed for this general region. Fredrickson (1973) has correlated his research with Bennyhoff's (1977) work, and has defined, based upon the work of Bennyhoff, patterns, phases and aspects. Fredrickson also proposed periods of time associated heavily with economic modes, which provides a temporal term for comparing contemporary cultural entities.

ETHNOGRAPHIC BACKGROUND

The Patwin occupied the southern Sacramento Valley west of the Sacramento River from the town of Princeton, north of Colusa, south to San Pablo and Suisun bays. Patwin territory extended approximately 90 miles north to south and 40 miles east to west. Distinction is made between the River Patwin, who resided in large villages near the Sacramento River, especially between Colusa and Knights Landing, and the Hill Patwin, whose villages were situated in the small valleys along the lower hills of the Vaca Mountains and Coast Range, with concentrations in Long, Indian, Bear, Capay, Cortina and Napa valleys (Johnson, 1978:350; Powers, 1877:218). The term "Patwin" refers to the people belonging to the many small contiguous independent political entities in this area who shared linguistic and cultural similarities. Hill and River Patwin dialects are grouped into a North Patwin language, separate from South Patwin, spoken by people who live near present-day Knight's Landing and Suisun. Together, these are classified as southern Wintuan and belong to the Penutian language family as do the languages of the Miwok and Costanoan peoples in the study corridor (Johnson, 1978:350, 359; Kroeber, 1925:351-354).

Politically, the Patwin were organized in small tribes or tribelets, each consisting of a primary village with satellite villages. Tribelets were autonomous and differed from other such units in minor cultural variations. Dialects might encompass several tribelets. Territories were vaguely defined, but included fishing and gathering areas used by the group. In each village, a leader or chief administered subsistence ventures, such as hunting or gathering, and presided over ceremonies. Social and economic activities were divided among families within a village, with certain families responsible for different specialties such as trapping ducks, collecting salt, making foot drums, or performing particular dances or shamanistic rituals (Johnson, 1978:354-355).

Patwin territory includes the riverine environment of tule marshes, vines and brush near the Sacramento River, the flat grasslands dotted with oak groves, and the hills and small valley of the Coast Ranges. The villages situated on low bluffs near the river were often very large; in 1848, General Bidwell estimated at least 1000 residents at *Koru*, near Colusa (Powers, 1877:219). In the hills, the Patwin settled in the small valleys, particularly along Cache and Putah creeks, where large populations were reported. The plains were least hospitable; there, villages were sparse because of the seasonal flooding in winter and lack of reliable water sources during the dry months. As Powers described:

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In winter there was too much water on them, in summer none at all, and aborigines had no means of procuring an artificial supply. Besides there was no wood on them, and the overflowed portions in early summer breed millions of accursed gnats, which render human life a burden and weariness. Hence they were compelled to live beside water-sources, except during certain limited periods in the winter, when they established hunting-camps out on the plains (Powers 1877:219).

Kroeber noted that the Patwin responded to these seasonal changes by shifting their habitation sites:

The valley people evidently had their permanent villages on the river itself -- that is, in the marsh belt -- but appear to have left this during the dry half of the year to live on the adjacent plains, mostly by the side of tributaries. The upland people built their winter homes where the streams issue on these creeks, and in summer moved away from the main water courses into the hills or mountains (Kroeber 1925:354).

Within a village, the Patwin constructed earth-covered semi-subterranean structures. The Hill Patwin used a circular floor plan while the River Patwin favored an elliptical shape. Four types of building occurred in a predictable pattern: the ceremonial dance house was placed a short distance to the north or south of the village, the sudatory or sweat house was positioned to the east or west of the dance house, and the menstrual hut was built on the edge of the village, farthest from the dance house. Family dwellings could be erected anywhere within the community. Family lodges were built by one's paternal relatives while the other structures were the product of a communal effort. They used readily available materials, forming a framework of saplings, and covering the walls and roof with mud and brush (Johnson, 1978:357-358; Powers, 1877:220-221).

Natural resources flourished in Patwin territory. The Patwin gathered seeds and plant foods and hunted game animals on the plains, shot or netted ducks and other migratory water fowl in the thick tule marshes, and netted salmon and other fish in the rivers and streams. Some of these activities were conducted by groups or families assigned to particular resource areas by a village chief. Acorns were a staple in the Patwin diet. Two types of Valley oak and, rarely, live oak acorns were gathered at communally-owned groves (Johnson, 1978:355). Common practice was to store abundant quantities of acorns in tall granaries to assure against hunger in years of poor harvest. Kroeber observed a Patwin granary more than eight feet tall and three feet in diameter (Heizer and Elsasser, 1980:99). Women prepared the crop by pulverizing the acorns, then leaching out the bitter tannic acid before making bread or acorn soup. At privately-owned gathering tracts on the plains, families gathered seeds, including sunflower, alfalfa, clover, bunchgrass, wild oat and yellow-blossom. The Patwin also collected a variety of bulbs, nuts, roots and berries, including buckeye, pine nuts, juniper berries, manzanita berries, blackberries, wild grapes, brodiaea bulbs, and tule roots. To obtain salt, the Patwin scraped off rocks that were found near Cortina, burned a grass that grew on the plains or obtained it in trade from the neighboring Pomo (Johnson, 1978:355).

King salmon, silver salmon and steelhead trout that run from the ocean to fresh-water rivers and streams were an important diet item. Explorers observed Patwin fishing for salmon with a boom net in 1854 (Heizer and Elsasser, 1980: Figure 37). The Patwin also caught smaller fish and collected mussels from the river bottom. They attracted wild ducks by setting out realistic decoys, then drove the fowl into large nets stretched above the marshes. Hunters also netted mud hens, geese and quail. The Suisun tribelet pursued waterfowl in tule rafts (Powers 1877:220). The Patwin hunted large game, such as tule elk, deer, antelope and bear, and took many varieties of small animals, reptiles, insects and birds either to eat or to use for ceremonial and practical materials (Johnson, 1978:355).

The ceremonial life of the Patwin was centered on the Kuksu cult system, which features one or more secret societies, each with its own dances and rituals. The Kuksu cult occurs among several north central California tribes, but it was more elaborate among the Patwin who possessed three secret societies: the Kuksu, ghost and Hesi types, each with a slightly different purpose. The ghost society stressed initiation, the Kuksu emphasized curing the shamanistic functions, and the Hesi elaborated on ceremonial dancing (Johnson, 1978:353). In addition to ritual duties, shamans were called upon to heal the sick by applying native medicines or by sucking out the offending spiritual cause of the illness. The Patwin generally buried their dead, although the tribelets furthest south may have cremated the deceased. The Patwin near Colusa bent the body, wrapped it with strings of shell money and covered it with an animal skin secured with ropes. They interred the corpse with material goods in a grave situated within a village or within 100 yards of a dwelling or dance house (Kroeber, 1925:359-361).

Historic accounts of the Patwin include the early mission registers of baptisms, marriages and deaths of Indians taken to Mission Dolores and Mission San Jose as early as 1800. In 1823, Mission San Francisco Solano was established in nearby Sonoma and it continued the missions' work until about 1832-1836, when all the missions were secularized. During the Mexican period of the 1830s and 1840s, Mariano G. Vallejo maintained military control of the area and often negotiated with Patwin leader Chief Solano. During this time, several Mexican land grants were awarded and large ranchos were established on Putah and Cache creeks (Johnson, 1978:351).

Pre-contact population is difficult to estimate, but a survey of various sources seems to indicate that the Patwin may have numbered 4,000 before their first encounter with non-Indians. Missionization, punitive military expeditions and fatal confrontations with ranchers took their toll on the populace. John Work's party of trappers from the Hudson's Bay Company came down the Sacramento River in 1832, returning up the river in 1833. They unintentionally introduced a deadly disease to native California and, in their wake, a malaria epidemic swept through the Sacramento Valley. Just four years later, in 1837, smallpox raged through the villages and, as a result of these diseases, up to 75 percent of the Patwin died (Cook, 1955). Those who survived these tragedies eventually settled on small reservations or worked as ranch laborers. Throughout the 1800s and 1900s, the population decreased; in 1972, the Bureau of Indian Affairs counted only 11 Patwin in the entire territory. Three reservations--Colusa, Cortina and Rumsey--remain active in former Patwin territory; they are occupied primarily by descendants of Wintun and other groups (Bureau of Indian Affairs, 1983; Johnson, 1978:352).

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The City's location within the Patwin territory is shown in Figure 3.1-2 at the end of this chapter.

HISTORICAL BACKGROUND

The first settler in the Davis vicinity, Jerome Davis, settled on his land in the early 1850s. By 1856, Davis had 8000 acres of land, 1000 of which were enclosed. Davis irrigated portions of his land by pumping water from Putah Creek with a steam engine. Davis raised livestock, peaches, grapes, wheat and barley. By 1864, his ranch totaled about 13,000 acres, with 8,000 acres fenced.

In 1867, William Dresbach leased the Davis home, using it as a hotel, the "Yolo House." A settlement grew up in the vicinity, and Dresbach named it Davisville. This name persisted until 1907 when the University was established and the post office name was shortened to Davis.

In 1905, the State Legislature established the University Farm and the first buildings for the University were built in 1907. In 1922, the school was officially organized as a branch of the College of Agriculture of the University of California at Berkeley. More classes were added, and a College of Letters and Science organized in 1951. In 1959, Davis was authorized as a general campus of the University of California (Kyle, 1990:537).

The rich agricultural lands surrounding Davis continued to be developed and the railroad siding at Chiles became a busy shipping point. The mainline in this area was first constructed by the Central Pacific Railroad just after the Civil War. It was acquired by the Southern Pacific in 1884 and was their mainline from the Bay Area until the Union Pacific acquired the Southern Pacific in 1996.

The 1915 Official Map for Yolo County shows Henry C. Liggett as the owner of the project site, originally 175 acres. The property changed hands several times until the site was acquired by Joseph F. Silva in 1929. Silva was a Portugese immigrant. Between 1929 and 1937, Silva built some improvements on the property. One building appears to have been built on the site before 1907, but apparently removed in the 1930s by Silva. Silva owned and operated a dairy on the property until 1951. He then sold the project to Antony Machado (Supernowicz, 1994).

Machado owned the project site, originally 175 acres, until 1958. He sold the site to Ben and Victoria Williams, who retained the property until 1985 (Derr, 1991). At the time Supernowicz visited the property to record and evaluate the resource in 1994, there were four buildings and two structures as well as farm machinery (Supernowicz, 1994).

KNOWN CULTURAL AND HISTORICAL RESOURCES

The project site is located approximately 635 feet northeast of Putah Creek. Prehistoric period settlement in the project region was focused on areas with elevated terrain closer to permanent water sources. Additionally, the project site is located within 300 feet of a Merit Resource, the Boy Scout Hut, located at 616 First Street. "Merit Resource" means buildings, structures, objects, signs, features, sites, places, areas, cultural landscapes or other improvements with scientific, aesthetic, educational, cultural, archaeological, architectural, or historical value to the citizens of the City of Davis and designated as such by the City Council pursuant to the provisions of Article 40.23. Once

designated, Merit Resources are included in the Davis Register. Merit Resources were formerly designated as “Historical Resources.”

Historical Resource Analysis Study (2016)

According to the Historical Resources Analysis Study of 503, 509, and 515 1st Street, Davis, Yolo County, California 95616 (Historical Resource Associates, 2016), all three properties were formally recorded in 1996 by Bridget Maley (Architectural Resource Group); in 2003 by Roland-Nawi Associates; and in 2015 by Rand Herbert. The properties at 503 and 509 First Street were recently assigned a National Register of Historic Places (NRHP) status code of 5D2, while 515 First Street was recently assigned a NRHP status code of 5D3. Code 5D2 indicates that a resource is a contributor to a district that is eligible for local listing or designation. Code 5D3 indicates that a resource appears to be a contributor to a district that appears eligible for local listing or designation through survey evaluation. Resources with a code that starts with “5” indicate properties that are recognized as historically significant by a local government.

The disparity between the status codes appears to reflect a difference in whether the properties “appear” to be contributors to a local historic district based upon survey evaluation, as is the case with 503 and 509 First Street, or, in the case of 515 First Street, where the property is “eligible” for local listing or designation. In either case, all three properties appear to be eligible for local listing. As such, CEQA review of the three properties is warranted.

The Historic Property Database maintained by the State Historic Preservation Office (SHPO) was intended as a record of past actions either made directly by the SHPO through a consensus determination of eligibility, by National Register nomination, or by other actions of a local government. The Historic Property Database was not intended as a legal document in that the code is a “static” finding, but rather as a “status code” applied through some form of governmental action or decision. The disparity between the status codes arises because the status codes are out of date. Local governments have the ability to change or augment their previous actions as new information is gathered or updated. Many of the old status codes for the existing buildings were provided based upon cursory surveys which were funded through SHPO grants from the 1970s and 1980s, while others are related to other previous actions from the 1990s and early 2000s.

In conclusion, a local government, such as the City of Davis, has the responsibility and actionability to augment or change findings related to historic properties based upon new information or more detailed historical analysis. The status code assigned to the existing buildings does not invalidate the historical analysis completed for the project.

Historical Effects Analysis Study (2018)

As noted above, the existing Theta Xi Fraternity currently occupies three adjacent parcels containing three dwellings located on First Street between D Street and the Natsoulas Gallery Building. The three parcels at 503, 509, and 515 First Street are owned by the Beta Epsilon Association of Theta Xi, a non-profit California corporation, and occupied by the fraternity. The site

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has provided student housing dating from 1950, when Theta Xi acquired the first of the three parcels. From west to east are the “Jackson House,” the “Bryson House,” and the “TX Main House.” There is also a detached garage structure that includes an attached laundry room in the northwest corner behind the Jackson House. Each house is discussed in detail below.

503 FIRST STREET – JACKSON HOUSE

As previously described, 503 First Street was formally recorded and evaluate in 1996 by Bridget Maley of Architectural Resource Group; in 2003 by Roland-Nawi Associates; and in 2015 by Rich Rifkin and Rand Herbert. In 1996, Maley described 503 First Street as a one and a half story, wood-frame, Craftsman style house with a long sloping gable roof running parallel to First Street. According to Roland-Nawi Associates, the house was built in 1912. Based upon historic photographs, 503 First Street appears to have originally been a single-story house with a large attic and a basement. The shed roof dormer centered on the roof facing First Street had no veranda and railing or outside access when the house was built. This feature appears to have been added by Theta Xi Fraternity in the 1970s, when the attic was converted to a living area for fraternity members. In 2003, Roland-Nawi Associates stated that the house was built for the Anderson family of Davis. This has been verified through federal census data, however, it is unclear if Anderson was the original owner. According to Maley, Anderson was an important figure during the twentieth century in Davis, associated with commercial and civic life. Anderson was among a number of successful merchants in Davis, and the Anderson family continues in business to this day in the city.

Besides the entire interior having been altered to create bathrooms and additional rooms for students, the east elevation of the house has been altered with the addition of a raised wooden deck and exterior stairway to access the second-story rooms. The northwest corner of the house was also altered when the original extended porch was enclosed and the brick fireplace was removed.

Behind the residence is a garage/shed that was built after 1921 and expanded in later years. Today, the interior of the house features five bedrooms downstairs and two upstairs, with one bathroom downstairs.

509 FIRST STREET – BRYSON HOUSE

The home at 509 First Street, which was reportedly built in 1912, resembles its neighbor to the west (the Jackson House). The two houses were undoubtedly built at the same time by the same builder and designed by the same architect. The property was initially recorded in 1996 by Bridget Maley of Architectural Resource Group; in 2003 by Roland-Nawi Associates; and in 2015 by Rich Rifkin and Rand Herbert.

Based upon historic photographs, 509 First Street, unlike 503 First Street, appears to have had a rooftop balcony accessed from the central roof-top dormer. This would suggest the home was built with a second-story living area. The current railing is a more recent addition, as is the second door to the right of the replaced front door. It should also be noted one of the truncated wood

columns is missing, and, like 503 First Street, the brick fireplace was removed from the east wall. 509 First Street also features a basement.

Today, the interior of the residence features four bedrooms downstairs, three bedrooms upstairs, one bathroom downstairs, and one bathroom upstairs.

515 FIRST STREET – TX MAIN HOUSE

As previously described, 515 First Street, which was built in 1920, was initially recorded in 1996 by Bridget Maley of Architectural Resource Group; in 2003 by Roland-Nawi Associates; and in 2015 by Rich Rifkin and Rand Herbert. Maley described the building as eclectic, with Spanish or Mediterranean character, and that it appeared to have numerous alterations. In 2003, Roland-Nawi Associates stated that it appeared to retain integrity. In 2015, Rifkin recorded the residence on a 523 Update Sheet, and Herbert evaluated the property giving it a 5D3 rating. No additional research appears to have been done on the property since its recordation and evaluation by Maley in 1996.

This residence has been altered since its construction in circa 1920. Unlike 503 and 509 First Street, 515 First Street was a much larger home, but it also was designed with a full two-stories and basement. Unlike 503 and 509 First Street, which have horizontal board exterior siding, the walls of 515 First Street are clad with stucco.

Today, the interior of the residence features no bedrooms downstairs, seven bedrooms upstairs, one upstairs bathroom, one downstairs bathroom, and includes a kitchen, dining room, living room and entry hall downstairs. Most of the windows and doors in the house appear to be original wood-sash, many having gridded or divided lights.

The most dramatic change is to the front veranda, which was altered in the 1950s following acquisition by the Theta Xi Fraternity. The alteration involved demolishing the old porch, which extended half-way across the front of the building, followed by a decorative wood pergola. Instead, the replacement design featured a full front porch or veranda having two arches of unequal size, and a closed veranda wall on the second story that masks the fenestration, namely the doors and windows.

Consultation

The City has initiated tribal consultation in accordance with Assembly Bill (AB) 52. In letters dated April 27, 2018, the City sent tribal consultation letters to the Yocha Dehe Wintun Nation. In the letter, the City provided the tribe with information regarding the proposed project and requested that the tribes supply any information they might have concerning prehistoric sites or traditional use areas within the project site. The Yocha Dehe Wintun Nation responded to the letter on March 22, 2018. The Yocha Dehe letter notes that the project site is within the aboriginal territories of the Yocha Dehe Wintun Nation. Therefore, the Tribe has cultural interest and authority in the project area. The letter further notes that the Tribe has concerns that the project would impact known archaeological and/or cultural sites. The letter concludes that the Yocha Dehe Wintun Nation

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recommends including cultural monitors during development or ground disturbance, including backhoe and trenching excavations.

3.1.2 REGULATORY SETTING

FEDERAL

National Historic Preservation Act

The National Historic Preservation Act was enacted in 1966 as a means to protect cultural resources that are eligible to be listed on the NRHP. The law sets forth criterion that is used to evaluate the eligibility of cultural resources. The NRHP is composed of districts, sites, buildings, structures, objects, architecture, archaeology, engineering, and culture that are significant to American History.

Virtually any physical evidence of past human activity can be considered a cultural resource. Although not all such resources are considered to be significant and eligible for listing, they often provide the only means of reconstructing the human history of a given site or region, particularly where there is no written history of that area or that period. Consequently, their significance is judged largely in terms of their historical or archaeological interpretive values. Along with research values, cultural resources can be significant, in part, for their aesthetic, educational, cultural and religious values.

STATE

California Register of Historic Resources

The CRHR was established in 1992 and codified in the Public Resource Code §5020, 5024 and 21085. The law creates several categories of properties that may be eligible for the CRHR. Certain properties are included in the program automatically, including: properties listed in the NRHP; properties eligible for listing in the NRHP; and certain classes of State Historical Landmarks. Determining the CRHR eligibility of historic and prehistoric properties is guided by CCR §§15064.5(b) and Public Resources Code (PRC) §§21083.2 and 21084.1. NRHP eligibility is based on similar criteria outlined in Section 106 of the National Historic Preservation Act (NHPA) (16 U.S. Code [USC] 470).

Cultural resources, under CRHR and NRHP guidelines, are defined as buildings, sites, structures, or objects that may have historical, architectural, archaeological, cultural, or scientific importance. A cultural resource may be eligible for listing on the CRHR and/or NRHP if it:

- is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- is associated with the lives of persons important in our past;
- 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

- has yielded, or may be likely to yield, information important in prehistory or history.

If a prehistoric or historic period cultural resource does not meet any of the four CRHR criteria, but does meet the definition of a “unique” site as outlined in PRC §21083.2, it may still be treated as a significant resource if it 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 meets any of the following criteria:

- it contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information,
- it has a special and particular quality such as being the oldest of its type or the best available example of its type, or
- it is directly associated with a scientifically recognized important prehistoric or historic event.

California Environmental Quality Act

CEQA Guidelines §15064.5 provides guidance for determining the significance of impacts to archaeological and historical resources. Demolition or material alteration of a historical resource, including archaeological sites, is generally considered a significant impact. Determining the CRHR eligibility of historic and prehistoric properties is guided by CCR §§15064.5(b) and PRC §§21083.2 and 21084.1. NRHP eligibility is based on similar criteria outlined in Section 106 of the NHPA (16 U.S. Code [USC] 470).

CEQA also provides for the protection of Native American human remains (CCR §15064.5[d]). Native American human remains are also protected under the Native American Graves Protection and Repatriation Act of 1990 (25 USC 3001 et seq.), which requires federal agencies and certain recipients of federal funds to document Native American human remains and cultural items within their collections, notify Native American groups of their holdings, and provide an opportunity for repatriation of these materials. This act also requires plans for dealing with potential future collections of Native American human remains and associated funerary objects, sacred objects, and objects of cultural patrimony that might be uncovered as a result of development projects overseen or funded by the federal government.

Assembly Bill 52

AB 52, approved in September 2014, creates a formal role for California Native American tribes by creating a formal consultation process and establishing that a substantial adverse change to a tribal cultural resource has a significant effect on the environment. Tribal cultural resources are defined as:

- 1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - A) Included or determined to be eligible for inclusion in the CRHR
 - B) Included in a local register of historical resources as defined in PRC §5020.1(k)

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- 2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in PRC §5024.1 (c). In applying the criteria set forth in PRC §5024.1 (c) the lead agency shall consider the significance of the resource to a California Native American tribe.

A cultural landscape that meets the criteria above is also a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. In addition, a historical resource described in PRC §21084.1, a unique archaeological resource as defined in PRC §21083.2(g), or a “non-unique archaeological resource” as defined in PRC §21083.2(h) may also be a tribal cultural resource if it conforms with above criteria.

AB 52 requires a lead agency, prior to the release of a negative declaration, mitigated negative declaration, or environmental impact report for a project, to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project if: (1) the California Native American tribe requested to the lead agency, in writing, to be informed by the lead agency through formal notification of proposed projects in the geographic area that is traditionally and culturally affiliated with the tribe, and (2) the California Native American tribe responds, in writing, within 30 days of receipt of the formal notification, and requests the consultation.

Assembly Bill 978

In 2001, AB 978 expanded the reach of Native American Graves Protection and Repatriation Act of 1990 and established a state commission with statutory powers to assure that federal and state laws regarding the repatriation of Native American human remains and items of patrimony are fully complied with. In addition, AB 978 also included non-federally recognized tribes for repatriation.

LOCAL

City of Davis General Plan

The City of Davis General Plan contains the following goals, policies, and standards that are relevant to cultural resources:

HISTORIC AND ARCHAEOLOGICAL RESOURCES

Goal HIS 1. Designate, preserve and protect the archaeological and historic resources within the Davis community.

Policy HIS 1.2. Incorporate measures to protect and preserve historic and archaeological resources into all planning and development.

Standard HIS 1.2(b). A cultural resources survey shall be required for development sites where cultural resource conditions are not known (as required by the Planning and Building Department). Resources within a project site that cannot be avoided should be evaluated. Additional research and test excavations, where

appropriate, should be undertaken to determine whether the resource(s) meets CEQA and/or NRHP significance criteria. Impacts to significant resources that cannot be avoided will be mitigated in consultation with the lead agency for the project. Possible mitigation measures include:

- a data recovery program consisting of archaeological excavation to retrieve the important data from archaeological sites;
- development and implementation of public interpretation plans for both prehistoric and historic sites;
- preservation, rehabilitation, restoration, or reconstruction of historic structures according to Secretary of Interior Standards for Treatment of Historic Properties;
- construction of new structures in a manner consistent with the historic character of the region; and
- treatment of historic landscapes according to the Secretary of Interior Standards for Treatment of Historic Landscapes.

Policy HIS 1.3. Assist and encourage property owners and tenants to maintain the integrity and character of historic resources, and to restore and reuse historic resources in a manner compatible with their historic character.

City of Davis Municipal Code

The City of Davis Demolition Ordinance establishes requirements and procedures for the demolition of structures for the public safety and to ensure that potentially significant historical properties are not demolished without being identified. On March 11, 2014, The City Council adopted Ordinance 2433 which updated the Demolition Ordinance. The Demolition Ordinance requires the following:

- For demolitions in general subject to the Ordinance, preparation of a site management plan prior to issuance of a demolition permit with details such as a material recycling plan, tree identification and protection/preservation consistent with the City Tree Preservation Ordinance, site grading, sidewalk protection and pedestrian access around the site, runoff control, weed control, details of any proposed fencing or screening, and the site appearance control.
- For demolition of structures within the adopted conservation district (Article 40.13A) or historic district, all necessary discretionary entitlements, including, but not limited to, design review, conditional use permits, map applications, public hearings, CEQA clearance, and any other discretionary entitlements that may be necessary for the construction of a replacement project shall be completed prior to issuance of a demolition permit.
- For demolition of structures that are fifty or more years old, review of the demolition shall occur in accordance with the City's Historic Resources Management Ordinance (Municipal Code Article 40.23) which includes a determination if the structure meets the criteria for potential historic designation.

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Additionally, Article 40.23, Historical Resources Management, of the City’s Municipal Code aims to promote the general welfare by providing for the identification, designation, protection, enhancement, perpetuation, and use of historical resources including improvements, buildings, structures, objects, signs, features, sites, cultural landscapes, places, and areas within the city that reflect special elements of the city’s historical, architectural, archaeological, cultural, or aesthetic heritage. Section 40.23.040 of the Code establishes the City’s Historical Resources Management Commission, which has several powers and duties. Section 40.23.060 of the Code establishes the designation criteria required in order to be designated as a “Landmark” or a “Historic District.” The following summarizes the criteria required to be designated as a “Landmark”:

Upon the recommendation of the historical resources management commission and approval of the city council a historical resource may be designated a landmark if the resource meets any of the following four criteria at the local, state, or national level of significance and retains a high level of historic integrity as defined by this article.

- 1) Associated with events that have made a significant contribution to the broad patterns in the history of Davis, California, or the nation; or
- 2) Associated with the lives of significant persons in the history of Davis, California, or the nation; or
- 3) Embodies the distinctive characteristics of a type, period, architectural style or method of construction; or that represents the work of a master designer; or that possesses high artistic values; or that represents a significant and distinguishable entity whose components may lack individual distinction; or
- 4) Has yielded or may likely yield archaeological or anthropological information important in the study of history, prehistory, or human culture.

3.1.3 IMPACTS AND MITIGATION MEASURES

THRESHOLDS OF SIGNIFICANCE

Consistent with Appendix G of the CEQA Guidelines, the proposed project is considered to have a significant impact on cultural resources if it will:

- Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines §15064.5;
- Cause a substantial adverse change in the significance of archaeological resource pursuant to CEQA Guidelines §15064.5;
- Directly or indirectly destroy a unique paleontological resource;
- Disturb any human remains, including those interred outside of formal cemeteries;
- Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code §21074 as either:
 - 1) a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, that is listed or eligible for listing on the California Register of Historical Resources, or on a local register of historical resources as defined in Public Resources Code §5020.1(k), or

- 2) a resource determined by a lead agency, in its discretion and supported by substantial evidence, to be significant according to the historical register criteria in Public Resources Code §5024.1 (c), and considering the significance of the resource to a California Native American tribe.

IMPACTS AND MITIGATION MEASURES

Impact 3.1-1: Project implementation has the potential to cause a substantial adverse change to a significant historical resource, as defined in CEQA Guidelines §15064.5 (Significant and Unavoidable)

The project site is located in an area known to have historical resources. As discussed previously, three locally-historic resources are located on the project site: the Jackson House (503 First Street), the Bryson House (509 First Street), and the TX Main House (515 First Street). As previously described, all three locally-historic resources were formally recorded and evaluate in 1996 by Bridget Maley of Architectural Resource Group; in 2003 by Roland-Nawi Associates; and in 2015 by Rich Rifkin and Rand Herbert. Each resource is discussed in detail below.

503 FIRST STREET – JACKSON HOUSE

This residence was recently assigned a NRHP status code of 5D2. Code 5D2 indicates that a resource is a contributor to a district that is eligible for local listing or designation. Resources with a code that starts with “5” indicate properties that are recognized as historically significant by a local government. This property is currently listed as significant historical resources under CEQA, having been determined to be eligible for the CRHR. During the NOP Scoping Meeting for the project, which was held by the City’s Historical Resources Management Commission, evidence was presented that suggests that this NRHP status code of 5D2 was erroneously applied to the building. According to Commissioner Miltenberger of the City’s Historical Resources Management Commission, this residence was first assigned a 5D3 status code during a 2003 survey. Commissioner Hickman asserts that subsequent evaluations have simply carried that code forward. The carrying forward appears to have been an error that failed to take into account a revision of status codes that was undertaken by the California State Office of Historic Preservation in August 2003. The revision was published in the California State Office of Historic Preservation’s Technical Assistance Bulletin No. 8. Prior to the revision, the 5D3 status code indicated that a resource had been determined ineligible for local listing but that it was part of a district that was eligible “for special consideration in local planning” (i.e., a conservation overlay district). Following the revision, the 5D3 status code for this residence was converted to 6L, retaining the same meaning that it was found ineligible for local listing but might warrant special consideration in local planning. In the State’s roster of historic resources (the California Historical Resources Information System [CHRIS] inventory), this residence was in fact converted to a 6L status. A structure with a 6L status code is not considered a historic resource for the purposes of CEQA. It is noted that this position is not shared by Historic Resource Associates, the historical consultant who prepared the Historical Resource Analysis Study and the Historical Effects Analysis Study for the proposed

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project. The NRHP status code is one of the many considerations a local government may use when determining if a structure is historically significant. Other considerations could include historical significance of a structure and historical analysis completed by historians. In conclusion, this property is currently listed as significant historical resources under CEQA, as determined by Historic Resource Associates.

This residence would be demolished as part of the proposed project. The previous studies of the residence have concluded that the residence has a status code of 5D2, meaning that the residence is a contributor to a district that is eligible for local listing or designation. According to the Historical Resources Analysis Study (Historical Resource Associates, 2016) and the Historical Effects Analysis Study (Historical Resource Associates, 2018), this property is currently listed as significant historical resources under CEQA, having been determined to be eligible for the CRHR. Because this residence would be demolished, a potentially significant impact would result to this resource.

509 FIRST STREET – BRYSON HOUSE

This residence was also recently assigned a NRHP status code of 5D2. As noted above, code 5D2 indicates that a resource is a contributor to a district that is eligible for local listing or designation. Resources with a code that starts with “5” indicate properties that are recognized as historically significant by a local government. This property is currently listed as significant historical resources under CEQA, having been determined to be eligible for the CRHR.

This residence would also be demolished as part of the proposed project. The previous studies of the residence have concluded that the residence has a status code of 5D2, meaning that the residence is a contributor to a district that is eligible for local listing or designation. As noted above, according to the Historical Resources Analysis Study (Historical Resource Associates, 2016) and the Historical Effects Analysis Study (Historical Resource Associates, 2018), this property is currently listed as significant historical resources under CEQA, having been determined to be eligible for the CRHR. Because this residence would be demolished, a potentially significant impact would result to this resource.

515 FIRST STREET – TX MAIN HOUSE

This residence was recently assigned a NRHP status code of 5D3. Code 5D3 indicates that a resource appears to be a contributor to a district that appears eligible for local listing or designation through survey evaluation. Resources with a code that starts with “5” indicate properties that are recognized as historically significant by a local government. This property is currently listed as significant historical resources under CEQA, having been determined to be eligible for the CRHR.

This residence would not be demolished as part of the proposed project. During construction of the project, the TX Main House would continue to serve the fraternity's housing and study needs. Once the proposed three-story fraternity building is completed, the fraternity would consolidate all of its activities onto the new western parcel. Once the fraternity is consolidated into the

western parcel and associated three-story building, the TX Main House, along with its expanded lot, would be vacated and placed for sale or lease to a third party on the open market. As such, the TX Main House would not be retained for TX Fraternity uses.

Because the project does not include demolition of this residence, a less-than-significant impact would result to this resource.

CONCLUSION

Because the Jackson House (503 First Street) and Bryson House (509 First Street) buildings are significant resources or historic properties, demolition of the buildings is a significant impact under CEQA. This is a potentially significant impact.

MITIGATION MEASURE(S)

Mitigation Measure 3.1-1: *The project applicant shall fund and implement the following measures:*

- 1. A qualified architectural historian, as approved by the City of Davis Community Development and Sustainability Department, shall be retained to prepare a "Historic Documentation Report." The report shall include current photographs of each building displaying each elevation, architectural details or features, and overview of the buildings, together with a textual description of the building along with additional history of the building, its principal architect or architects, and its original occupants to the extent that information about those occupants can be obtained. The photo-documentation shall be done prior to demolition of the Jackson House (503 First Street) and Bryson House (509 First Street) buildings. The photo-documentation shall also be done in accordance to Historic American Building Survey/Historic Engineering Record (HABS/HAER) guidelines, which shall include archival quality negatives and prints. The final Report shall be deposited with the City of Davis Community Development and Sustainability Department, the Hattie Weber Museum, the State Office of Historic Preservation, and other appropriate organizations and agencies as identified by the Planning Department, prior to issuance of the building permit for the proposed new structure.*
- 2. A publicly accessible space for a memorial or interpretive plaque/display shall be placed and maintained on or near the former location of the subject properties, identifying the former location of the building, its original owner, and its historic significance. The memorial or interpretive plaque/display shall be provided prior to issuance of the certificate of occupancy.*

These requirements shall be included as a note on the project's Improvement Plans, subject to review and approval by the City of Davis Community Development and Sustainability Department.

SIGNIFICANCE AFTER MITIGATION

Implementation of Mitigation Measure 3.1-1 would require preparation of a Historic Documentation Report which includes current photographs of each building displaying each

3.1 CULTURAL AND TRIBAL RESOURCES

elevation, architectural details or features, and overview of the buildings, together with a textual description of the building along with additional history of the building, its principal architect or architects, and its original occupants to the extent that information about those occupants can be obtained. The Report would be deposited with the City of Davis Community Development and Sustainability Department, the Hattie Weber Museum, the State Office of Historic Preservation, and other appropriate organizations and agencies as identified by the Planning Department. Mitigation Measure 3.1-1 also requires that a publicly-accessible memorial or interpretive plaque/display, which identifies the former location of the building, its original owner, and its historic significance, be maintained on the project site.

The Jackson House and Bryson House, both proposed for demolition, are currently listed as significant historical resources under CEQA, having been determined to be eligible for the CRHR. Based on the statements and conclusions shown in the *Historical Effects Analysis and Study* (Historical Resource Associates, 2018) and the *Historical Resources Analysis Study* (Historical Resource Associates, 2016), the project's impacts to historical resources would be **significant and unavoidable**.

Impact 3.1-2: Project implementation has the potential to cause a substantial adverse change to a significant tribal cultural resource, as defined in Public Resources Code §21074 (Less than Significant with Mitigation)

The Yocha Dehe Wintun Nation responded to the City's AB 52 letter for the proposed project on March 22, 2018. The Yocha Dehe letter notes that the project site is within the aboriginal territories of the Yocha Dehe Wintun Nation. Therefore, the Tribe has cultural interest and authority in the project area. The letter further notes that the Tribe has concerns that the project would impact archaeological and/or cultural sites. The letter concludes that the Yocha Dehe Wintun Nation recommends including cultural monitors during development or ground disturbance, including backhoe and trenching excavations.

While there are no known tribal resources known to exist on the project site, as with most projects in the region that involve ground-disturbing activities, there is the potential for discovery of a previously unknown cultural resource or tribal cultural resource. This is a potentially significant impact.

MITIGATION MEASURE(S)

Mitigation Measure 3.1-2: *All construction workers shall receive a sensitivity training session before they begin site work. The sensitivity training shall inform the workers of their responsibility to identify and protect any cultural resources, including prehistoric or historic artifacts, or other indications of archaeological resources, within the project site. The sensitivity training shall cover laws pertaining to cultural resources, examples of cultural resources that may be discovered in the project site, and what to do if a cultural resource, or anything that may be a cultural resource, is discovered.*

If any subsurface historic remains, prehistoric or historic artifacts, paleontological resources, other indications of archaeological resources, or cultural and/or tribal resources are found during grading and construction activities, all work within 100 feet of the find shall cease, the City of Davis Department of Community Development and Sustainability shall be notified, and the applicant shall retain an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, to evaluate the find(s). If tribal resources are found during grading and construction activities, the applicant shall notify the Yocha Dehe Wintun Nation. If paleontological resources are found during grading and construction activities, a qualified paleontologist shall be retained to determine the significance of the discovery.

The archaeologist and/or paleontologist shall define the physical extent and the nature of any built features or artifact-bearing deposits. The investigation shall proceed immediately into a formal evaluation to determine the eligibility of the feature(s) for inclusion in the California Register of Historical Resources. The formal evaluation shall include, at a minimum, additional exposure of the feature(s), photo-documentation and recordation, and analysis of the artifact assemblage(s). If the evaluation determines that the feature(s) and artifact(s) do not have sufficient data potential to be eligible for the California Register, additional work shall not be required. However, if data potential exists (e.g., an intact feature is identified with a large and varied artifact assemblage), further mitigation would be necessary, which might include avoidance of further disturbance to the resource(s) through project redesign. If avoidance is determined to be infeasible, additional data recovery excavations shall be conducted for the resource(s), to collect enough information to exhaust the data potential of those resources.

Pursuant to CEQA Guidelines Section 15126.4(b)(3)(C), a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Data recovery efforts can range from rapid photographic documentation to extensive excavation depending upon the physical nature of the resource. The degree of effort shall be determined at the discretion of a qualified archaeologist and should be sufficient to recover data considered important to the area's history and/or prehistory. Significance determinations for tribal cultural resources shall be measured in terms of criteria for inclusion on the California Register of Historical Resources (Title 14 CCR, §4852[a]), and the definition of tribal cultural resources set forth in Public Resources Code Section 21074 and 5020.1 (k). The evaluation of the tribal cultural resource(s) shall include culturally appropriate temporary and permanent treatment, which may include avoidance of tribal cultural resources, in-place preservation, and/or re-burial on project property so the resource(s) are not subject to further disturbance in perpetuity. Any re-burial shall occur at a location predetermined between the landowner and the Yocha Dehe Wintun Nation. The landowner shall relinquish ownership of all sacred items, burial goods, and all archaeological artifacts that are found on the project area to the Yocha Dehe Wintun Nation for proper treatment and disposition. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.

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The language of this mitigation measure shall be included on any future grading plans, utility plans, and improvement drawings approved by the City for the development of the project.

SIGNIFICANCE AFTER MITIGATION

Implementation of Mitigation Measure 3.1-2 would require construction to halt in the event that a buried and previously undiscovered cultural or tribal cultural resource is encountered during construction activities so that it can be appropriately evaluated by a qualified professional. Subsequently, this mitigation measure would ensure that any potential impact to unknown resources is reduced to a ***less than significant*** level.

Impact 3.1-3: Project implementation has the potential to cause a substantial adverse change to a significant archaeological resource, as defined in CEQA Guidelines §15064.5 (Less than Significant with Mitigation)

The project site is located in an area known to have cultural resources. The project site is located approximately 635 feet northeast of Putah Creek. Prehistoric period settlement in the project region was focused on areas with elevated terrain closer to permanent water sources. As such, archaeological resources may be found on the site, although none have been found or are known to exist on the site.

The project site was previously disturbed when the three buildings were constructed in 1912 and 1920. Because all of the buildings have basements, the site has been subject to underground excavations. There are no known archaeological resources that have been found or are known to exist on the site.

As with most projects in the region that involve ground-disturbing activities, there is the potential for discovery of previously unknown significant archeological resources. This is a potentially significant impact.

MITIGATION MEASURE(S)

*Implement **Mitigation Measure 3.1-2.***

SIGNIFICANCE AFTER MITIGATION

Implementation of Mitigation Measure 3.1-2 would require construction to halt in the event that a buried and previously undiscovered archaeological resource is encountered during construction activities so that it can be appropriately evaluated by a qualified professional. Subsequently, this mitigation measure would ensure that any potential impact to unknown resources is reduced to a ***less than significant*** level.

Impact 3.1-4: Project implementation has the potential to directly or indirectly destroy a unique paleontological resource (Less than Significant with Mitigation)

The project site was previously disturbed when the three buildings were constructed in 1912 and 1920. Because all of the buildings have basements, the site has been subject to underground excavations. There are no known paleontological resources that have been found or are known to exist on the site.

The project site is not expected to contain subsurface paleontological resources, although it is possible. Damage to or destruction of a paleontological resource would be considered a potentially significant impact under local, state, or federal criteria. This is a potentially significant impact.

MITIGATION MEASURE(S)

Implement Mitigation Measure 3.1-2.

SIGNIFICANCE AFTER MITIGATION

Implementation of Mitigation Measure 3.1-2 would require construction to halt in the event that a paleontological resource is encountered during construction activities so that it can be appropriately evaluated by a qualified professional. Subsequently, this mitigation measure would ensure that any potential impact to unknown resources is reduced to a *less than significant* level.

Impact 3.1-5: Project implementation has the potential to disturb human remains, including those interred outside of formal cemeteries (Less than Significant with Mitigation)

Indications suggest that humans have occupied Yolo County for over 10,000 years and it is not always possible to predict where human remains may occur outside of formal burials. Therefore, excavation and construction activities, regardless of depth, may yield human remains that may not be interred in marked, formal burials.

Under CEQA, human remains are protected under the definition of archaeological materials as being “any evidence of human activity.” Additionally, PRC §5097 has specific stop-work and notification procedures to follow in the event that human remains are inadvertently discovered during project implementation.

While no human remains were found during field surveys of the project site, implementation of the following mitigation measure would ensure that all construction activities which inadvertently discover human remains implement state-required consultation methods to determine the disposition and historical significance of any discovered human remains. The following mitigation measure would reduce this impact to a *less-than-significant* level.

3.1 CULTURAL AND TRIBAL RESOURCES

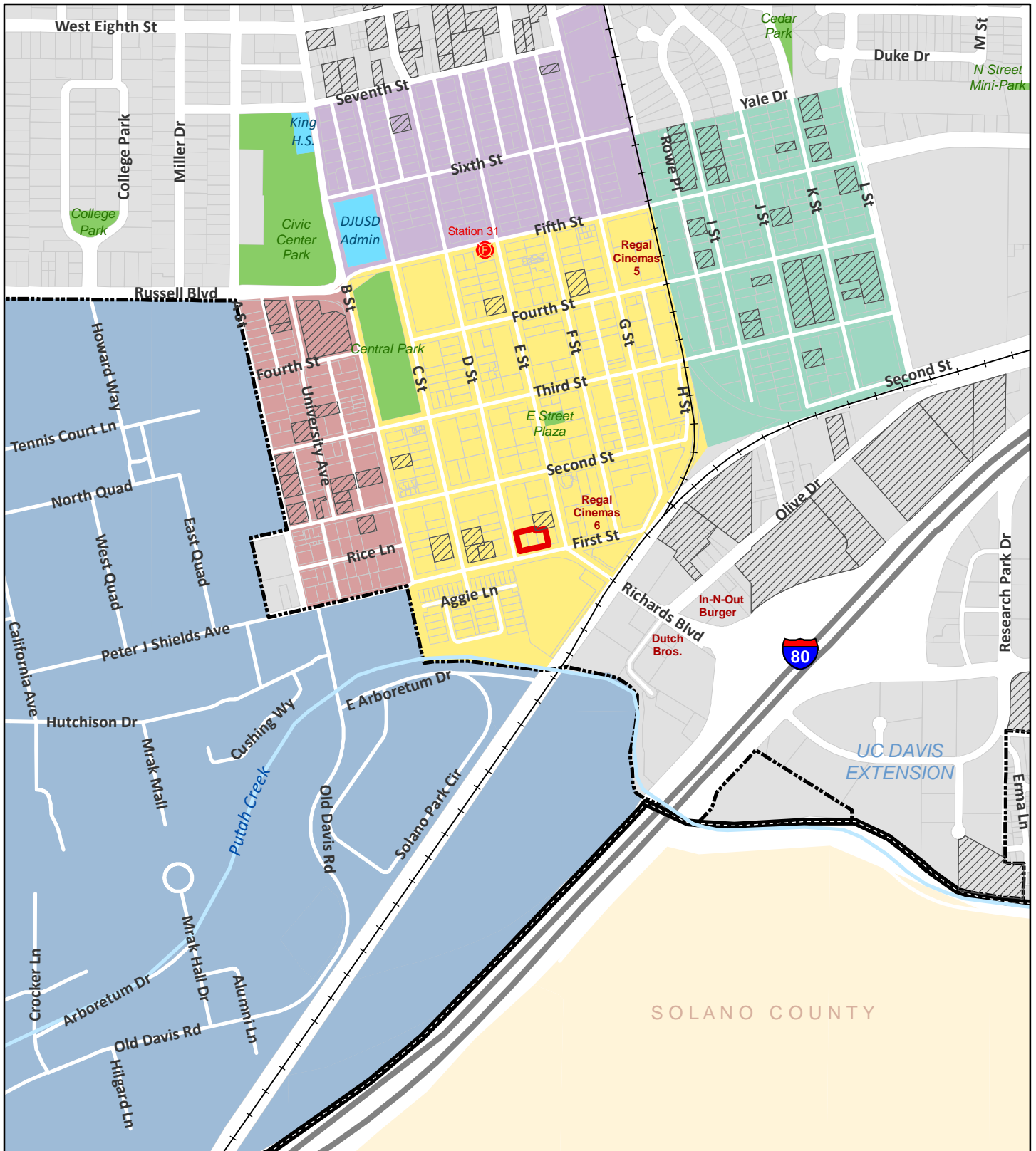
MITIGATION MEASURE(S)

Mitigation Measure 3.1-3: *If human remains are discovered during the course of construction during any phase of the project, work shall be halted at the site and at any nearby area reasonably suspected to overlie adjacent human remains until the Yolo County Coroner has been informed and has determined that no investigation of the cause of death is required. If the remains are of Native American origin, either of the following steps will be taken:*

- *The coroner shall contact the Native American Heritage Commission in order to ascertain the proper descendants from the deceased individual. The coroner shall make a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods, which may include obtaining a qualified archaeologist or team of archaeologists to properly excavate the human remains.*
- *The landowner shall retain a Native American monitor, and an archaeologist, if recommended by the Native American monitor, and rebury the Native American human remains and any associated grave goods, with appropriate dignity, on the property and in a location that is not subject to further subsurface disturbance when any of the following conditions occurs:*
 - *The Native American Heritage Commission is unable to identify a descendent.*
 - *The descendant identified fails to make a recommendation.*
 - *The City of Davis or its authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.*

SIGNIFICANCE AFTER MITIGATION

Implementation of Mitigation Measure 3.1-3 would require construction to halt in the event that human remains are encountered during construction activities. Subsequently, this mitigation measure would ensure that any potential impact to unknown resources is reduced to a ***less than significant*** level.

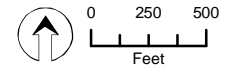


Legend

- | | | |
|---|---|---|
|  Project Boundary |  Fire Station | Neighborhood Districts |
|  Davis City Boundary |  City Park |  Downtown Davis |
|  Yolo County Boundary |  Public School |  Old East Davis |
|  UC Davis |  Apartments |  Old North Davis |
| | |  University Avenue |

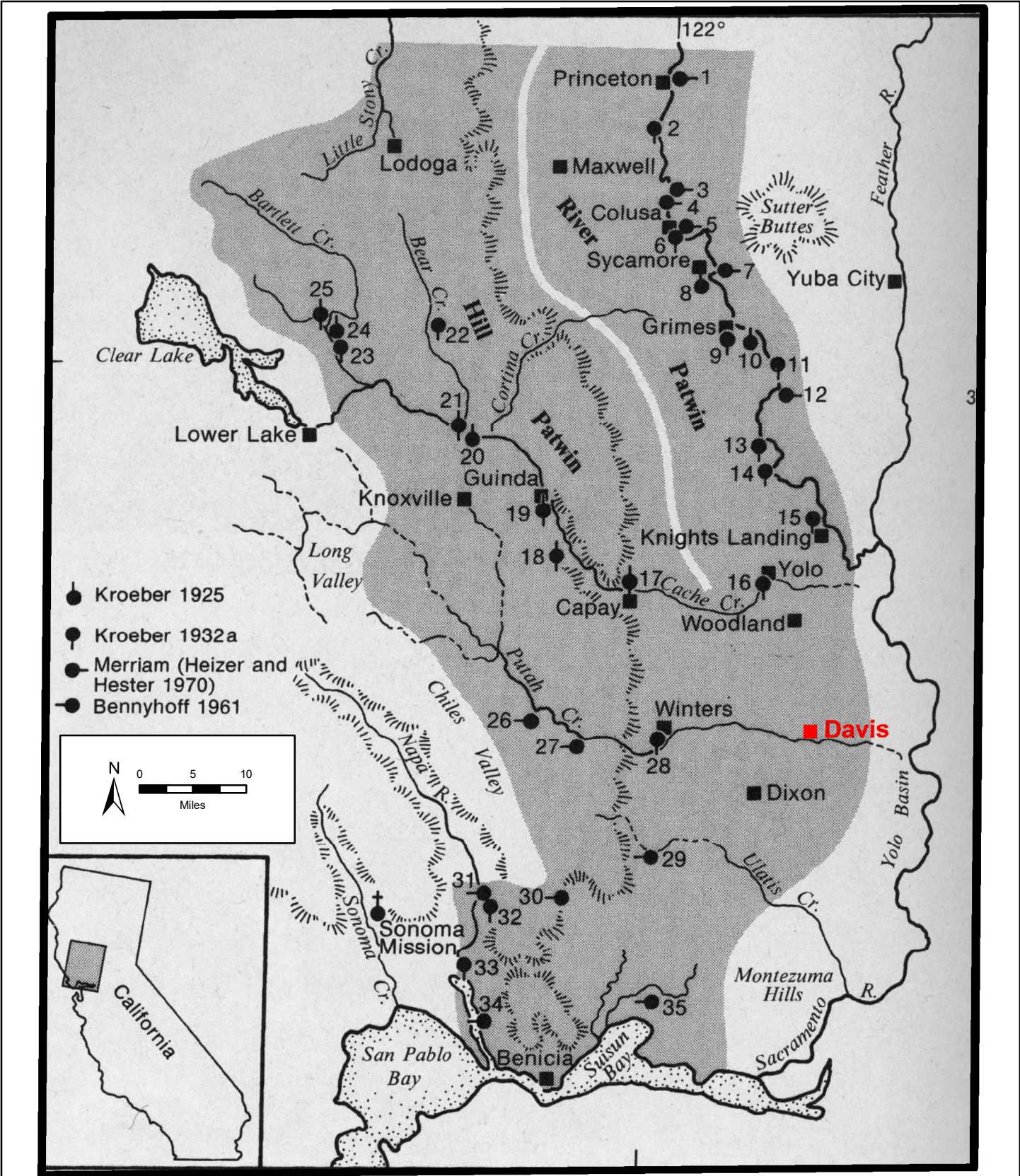
CITY OF DAVIS - THETA XI PROJECT

Figure 3.1-1. Vicinity Map



Sources: Yolo County; City of Davis; CalTrans. Map date: January 16, 2019.

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Source: Johnson, Patti J., 1978, Patwin. In California, edited by Robert F. Heizer, pp. 350-360. Handbook of North American Indians, Volume 8, William G. Sturtevant, general editor. Smithsonian Institution, Washington, D.C.

De Novo map date: June 14, 2019.

CITY OF DAVIS - THETA XI PROJECT
Figure 3.1-2. Patwin Territory

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