

This section provides a discussion of the prehistoric period background, ethnographic background, historic period 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 *Cultural Resources Assessment for the West Davis Active Adult Community EIR Project* (Peak & Associates, 2017), the *City of Davis General Plan* (City of Davis, 2007), and the *Draft Program EIR for the City of Davis General Plan Update and Project EIR for Establishment of a New Junior High School* (City of Davis, 2000).

Comments were received during the public review period or scoping meeting for the Notice of Preparation regarding this topic from the following: Sharaya Souza, Native American Heritage Commission (NAHC) (April 28, 2017). The NAHC comment letter is addressed within this section.

3.5.1 ENVIRONMENTAL SETTING

PROJECT SETTING

The project site consists of approximately 74 acres located northwest and adjacent to the City of Davis within the City of Davis Sphere of Influence (SOI) of unincorporated Yolo County. Approximately 11.29 acres of off-site improvements would also occur within developed and undeveloped areas surrounding the project site (see Figure 2.0-9 in Section 2.0, Project Description). The project site is bounded by existing agricultural land within unincorporated Yolo County (within the City's SOI) to the west, mapped rural residential subdivision lots to the north, the Sutter Davis Hospital and Risling Court to the east, and West Covell Boulevard to the south. The project site can be identified by Yolo County Assessor's Parcel Number (APN) 036-060-05.

The project site is currently undeveloped and has been previously used for agricultural uses. The site is nearly level at an elevation of approximately 47 to 50 feet above mean sea level (MSL). Existing trees are located along the western and eastern project site boundaries, as well as within the southeastern corner of the site. Risling Court, an existing public access roadway to the Sutter Davis Hospital, is located along the southernmost portion of the eastern project site boundary. An existing drainage channel (known as the Covell Drain) conveys runoff from west to east north of Covell Boulevard.

The project site has developed and partially developed land uses on three sides. The land directly to the north of the project site is Binning Ranch, an improved, final mapped, but unbuilt seven lot rural residential subdivision. Further north is a single-family rural residential development known as the Binning Farms community. Public/Semi-Public land uses such as Sutter Davis Hospital, Sutter Medical Foundation, North Davis Water Tank, and the Sutter Drainage Pond are located directly adjacent to the project site to the east. Further to the east are existing developed General Commercial land uses located west of State Route (SR) 113 and east of John Jones Road. The parcels south of West Covell Boulevard are designated Residential – High Density by the City's General Plan (including the University Retirement Community and the Saratoga West Apartments). Residential – Low Density land uses also exist south of the project site (including the Evergreen and Aspen Neighborhoods). Additionally, land west of the project site consists of agricultural uses and

fallow land with a few ranchette-style single family homes and associated structures located along County Road (CR) 99.

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

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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).

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 RESOURCES

The project area is located in a featureless plain about two miles north of the North Fork of Putah Creek. Although the sediments have sufficient depth to possess buried deposits of prehistoric period material, the setting, roughly two miles north of the closest water source, would suggest otherwise. Prehistoric period settlement in this region was focused on areas with elevated terrain

closer to permanent water sources. The likelihood of encountering buried prehistoric period deposits is, therefore, low.

A review of the U.S. Geological Survey (USGS) 1915 Merritt 1:31,680 topographic quadrangle, based on a 1905 survey, shows one structure present in the southeast corner of the project site and a road that would later become West Covell Boulevard. The structure shown on the 1915 USGS topographic quadrangle corresponds to the location of the later farm/dairy complex, P-57-000138 (CA-YOL-173H). Outside of the southeast corner of the project area, there is little likelihood that buried deposits of historic period remain.

Research

A record search was conducted for the project area at the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS) on May 1, 2017 (NWIC File No. 16-1569, Appendix D). According to NWIC files, three previous cultural resource studies have been conducted within portions of the project area. The earliest of these was in 1991 with an inspection of the southeastern portion of the project area (Derr, 1991). During that study, Derr recorded a farm complex, P-57-000138 (CA-YOL-173H), within the project area and recommended further research be conducted as the proposed project at that time would have resulted in the demolition of the resource.

The evaluation of P-57-000138 (CA-YOL-173H) was conducted in 1994 for the Sutter-Davis Hospital in anticipation of the Covell Boulevard realignment and relocation of an irrigation canal by Dana Supernowicz (1994). The evaluation concluded that the site was a significant resource as a Point of Historic Interest, and thought that the Point of Historic Interest might be considered for listing in the California Register of Historical Resources (CRHR).

The reviewer noted that the dairy farm complex should be preserved or restored. If that could not happen and the complex had to be demolished, the researcher recommended taking archival large format photos of the complex. The 1994 document recommended that the photographs be placed with two facilities—Yolo County Archives and University of California, Davis (UCD) Special Collections.

Peak & Associates, Inc. consulted with the Yolo County Archives and UCD Special Collections regarding the project site; neither facility had any documentation or photographs for P-57-000138 (CA-YOL-173H). Katherine Hess, Community Development Administrator for the City of Davis, reported that “the ADEIR [Administrative Draft EIR] for DIC [Davis Innovation Center] describes the record and just says ‘the buildings were demolished’.” In addition, she noted that “Far Western found a slab on the site that was likely part of the Silva Dairy Ranch.”

The Far Western report and site form for the slab were not on file with the NWIC at the time Peak & Associates, Inc. completed the record search for the project. Yolo County did not return the Peak & Associates, Inc. phone calls about the demolition of the complex.

The barn was removed by 2003, and the house removed between August 2005 and August 2006. Peak & Associates, Inc. assumes that there was no mitigation work for the significant building complex, and it was demolished for a previously proposed undertaking on the project site.

The third survey of the project area on file with NWIC was for a small cell tower site located in the west central portion of the project area (Billet, 2007). No resources were identified during the 2007 investigation.

Consultation

Peak & Associates, Inc. sent a letter by email on August 8, 2017 to the Yolo County Historical Society and to the Davis Historical Society, relating the history of the cultural resource efforts regarding the significant historical site, and requesting information on any concerns their groups might have about the project site (see Appendix D). The Yolo County Historical Society responded by email on August 9, 2017, that the Davis Historical Society has suspended operations at this time, and suggested that Peak & Associates, Inc. contact the Davis Representative of the Yolo County Historical Society directly regarding this issue. Both the Davis Historical Society and Yolo County Historical Society letters have been forwarded to the Davis Representative. To date, no responses have been received. If Peak & Associates, Inc. receives any comments from the Yolo County or Davis Historical Societies, the comments will be forwarded to the City of Davis for their consideration.

Additionally, in accordance with AB 52, the City of Davis contacted the Lone Band of Miwok Indians (May 2, 2017) and the Yocha Dehe Wintun Nation (August 11, 2017) and provided both tribes with information regarding the proposed project. The City requested that the tribes supply any information they might have concerning prehistoric sites or traditional use areas within the project site. To date, one tribe has responded to the tribal consultation letters. The Yocha Dehe Winton Nation responded on September 25, 2017 and requested a site visit. The City followed up with this request via email with a few suggested dates. To date, the Yocha Dehe Winton Nation has not responded to the City's email.

Field Assessment

Neal Neuenschwander, Peak & Associates, Inc., conducted an intensive pedestrian field survey of the entire project area on May 12, 2017, with transect spacing of fifteen meters or less. The project area was planted in hay that had just been cut and swept into rows for baling. The ground visibility was, therefore, very good. The area had also been disturbed by burrowing animals, and the mounds of turned up earth could also be inspected. Where necessary, the surveyor dug small holes to clear vegetation and to examine the sediments.

Resource Evaluations

Two historic period cultural resources are located within the project area. See Figure 3.5-1 for the location of both features.

PA-17-22

This resource, recorded as PA-17-22, is an above ground well pump, concrete standpipe, and scatter of sheet metal and concrete fragments located near the southwestern corner of the project area. The appearance of the pump, painted turquoise, implies an approximate date of manufacture of 1960. The pump was manufactured by U.S. Electrical Motors, Los Angeles, California. The pump rests on a base with a plate indicating that a former pump, manufactured by Bryon Jackson Pump Company, was present at one time prior to replacement. The resource was assigned a temporary field designation PA-17-22, and a DPR 523 series form for the resource is presented in Appendix D. The following image shows the existing resource (i.e., above ground well pump, concrete standpipe, and scatter of sheet metal and concrete fragments).



VIEW OF RESOURCE PA-17-22.

The current above ground irrigation pump, concrete standpipe, and scattering of sheet metal and concrete are most likely associated with the post-1958 ownership and use of the property by Ben and Victoria Williams. The couple were reported to have raised row crops in the southern portion of the project area near where the pump and standpipe are located (Derr, 1991:3). The above ground pump and standpipe are not associated with important events or people, nor is it distinctive in any way. This feature is not eligible for the CRHR.

3.5 CULTURAL AND TRIBAL RESOURCES

P-57-000138 (CA-YOL-173H)

This resource, a building complex recorded as P-57-000138 (CA-YOL-173H), originally contained a residence, barn, and several outbuildings. This resource is no longer present except for two rows of introduced cypress and Italian cypress trees. The former ranch/dairy complex is now mostly covered with gravel and is currently used as a parking and equipment staging area. A small portion has exposed sediment, but other than some very small concrete fragments, nothing else associated with the buildings remain. A supplemental Department of Parks and Recreation (DPR) 523 series form is presented in Appendix D. The following image shows the existing resource (i.e., two rows of introduced cypress and Italian cypress trees).



VIEW OF RESOURCE PA-57-000138 (CA-YOL-173H).

The resource no longer retains any integrity as the buildings have been removed. The only physical remains are the introduced landscaping of cypress and Italian cypress trees that border the former complex. The introduced row of cypress and Italian cypress do, however, denote a remnant historic period landscape and have survived the demolition of the associated farm/dairy complex. They do not in themselves have national or statewide significance, but may be locally significant to the City of Davis.

3.5.2 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 National Register of Historic Places (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 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 Public Resources Code (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

Assembly Bill (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 Section 5020.1(k)
- 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 Section 5024.1 (c). In

applying the criteria set forth in PRC Section 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 Section 21084.1, a unique archaeological resource as defined in PRC Section 21083.2(g), or a “non-unique archaeological resource” as defined in PRC Section 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.

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.*

City of Davis Tree Ordinance

The City of Davis acknowledges the importance of trees to the community's health, safety, welfare, and tranquility. Trees increase property values, provide visual continuity, provide shade and cooling, decrease wind velocities, control erosion, conserve energy, reduce stormwater runoff, filter airborne pollutants, reduce noise, provide privacy, provide habitat and food value, and release oxygen. On December 4, 2002, the City Council adopted the Tree Ordinance, Chapter 37 of the Municipal Code, to ensure that the community forest would be prudently protected and managed so as to ensure these multiple civic benefits. The Tree Ordinance protects the following trees:

- **Landmark Trees:** Any tree which has been determined by resolution of the City Council to be of high value because of its species, size, age, form, historical significance, or some other professional criterion. The Landmark Tree List, available from the Public Works Department, lists and identifies these trees.
- **Trees of Significance:** Any tree which measures 5 inches or more in Diameter at Breast Height (4'-6" above ground height).
- **Street Trees:** Any tree planted and/or maintained by the City, or recorded as a street tree, adjacent to a street or within a city easement or right-of-way, on private property, within the street tree easement. The Public Works Department maintains a master list of street trees.

3.5 CULTURAL AND TRIBAL RESOURCES

- **City Trees:** Any tree, other than a street tree, planted or maintained by the City within a City easement, right-of-way, park, greenbelt, public place or property owned or leased by the City.
- **Private Tree:** Any tree privately owned and growing on private property, which may include a tree designated as a landmark tree and/or tree of significance, as defined within the definitions section of the Tree Ordinance, Chapter 37.

3.5.3 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 section 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 section 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 section 5024.1 (c), and considering the significance of the resource to a California Native American tribe.

IMPACTS AND MITIGATION MEASURES

Impact 3.5-1: Project implementation has the potential to cause a substantial adverse change to a significant historical resource, as defined in CEQA Guidelines §15064.5, or a significant tribal cultural resource, as defined in Public Resources Code §21074 (Less than Significant with Mitigation)

The project site is located in an area known to have historical resources. As discussed previously, two historic period cultural resources are located within the project area: PA-17-22 and P-57-000138 (CA-YOL-173H). PA-17-22 is an above ground well pump, concrete standpipe, and scatter of sheet metal and concrete fragments located near the southwestern corner of the project area.

The above ground pump and standpipe are not associated with important events or people, nor is it distinctive in any way. This feature is not eligible for the CRHR.

P-57-000138 (CA-YOL-173H) is no longer present except for two rows of introduced cypress and Italian cypress trees. The original complex had a residence, barn, and several outbuildings. The former ranch/dairy complex is now mostly covered with gravel and is currently used as a parking and equipment staging area. A small portion has exposed sediment, but other than some very small concrete fragments, nothing else associated with the buildings remain.

The resource no longer retains any integrity as the buildings have been removed. The only physical remains are the introduced landscaping of cypress and Italian cypress trees that border the former complex. The introduced row of cypress and Italian cypress do, however, denote a remnant historic period landscape and have survived the demolition of the associated farm/dairy complex. These cypress and Italian cypress trees are not listed on the City's Landmark Tree list. Removal of any on-site trees on the project site is subject to the City's Tree Ordinance and would be addressed by a standard City condition of approval which requires preparation of a Tree Protection Plan for trees being preserved and approval of Tree Modification Permit for trees being removed with standard measures for tree replacement or payment for the appraised value of the trees. For more information regarding compliance with the City's Tree Ordinance, see Section 3.4, Biological Resources.

As with most projects in the region that involve ground-disturbing activities, there is the potential for discovery of a previously unknown historical resource or tribal cultural resource. Implementation of the following mitigation measure would ensure that this potential impact is reduced to a **less than significant** level.

MITIGATION MEASURE(S)

Mitigation Measure 3.5-1: *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.

3.5 CULTURAL AND TRIBAL RESOURCES

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.

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

SIGNIFICANCE AFTER MITIGATION

Implementation of Mitigation Measure 3.5-1 would require construction to halt in the event that a buried and previously undiscovered cultural or historical 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 3.5-2: 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 field surveys did not reveal a significant archeological resource or site on the project site. However, as with most projects in the region that involve ground-disturbing activities, there is the potential for discovery of previously unknown significant archeological resources. Implementation of the following mitigation measure would ensure that this potential impact is *less than significant*.

MITIGATION MEASURE(S)

Implement Mitigation Measure 3.5-1.

SIGNIFICANCE AFTER MITIGATION

Implementation of Mitigation Measure 3.5-1 would require construction to halt in the event that a buried and previously undiscovered cultural or historical 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 3.5-3: Project implementation has the potential to directly or indirectly destroy a unique paleontological resource (Less than Significant with Mitigation)

The field surveys conducted for the proposed project did not reveal any surface evidence of paleontological resources on the project 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. Implementation of the following mitigation measure would ensure steps would be taken to reduce impacts to paleontological resources in the event that they are discovered during construction. This mitigation measure would reduce this impact to a *less-than-significant* level.

MITIGATION MEASURE(S)

Implement Mitigation Measure 3.5-1.

SIGNIFICANCE AFTER MITIGATION

Implementation of Mitigation Measure 3.5-1 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 3.5-4: 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, Public Resources Code Section 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.

MITIGATION MEASURE(S)

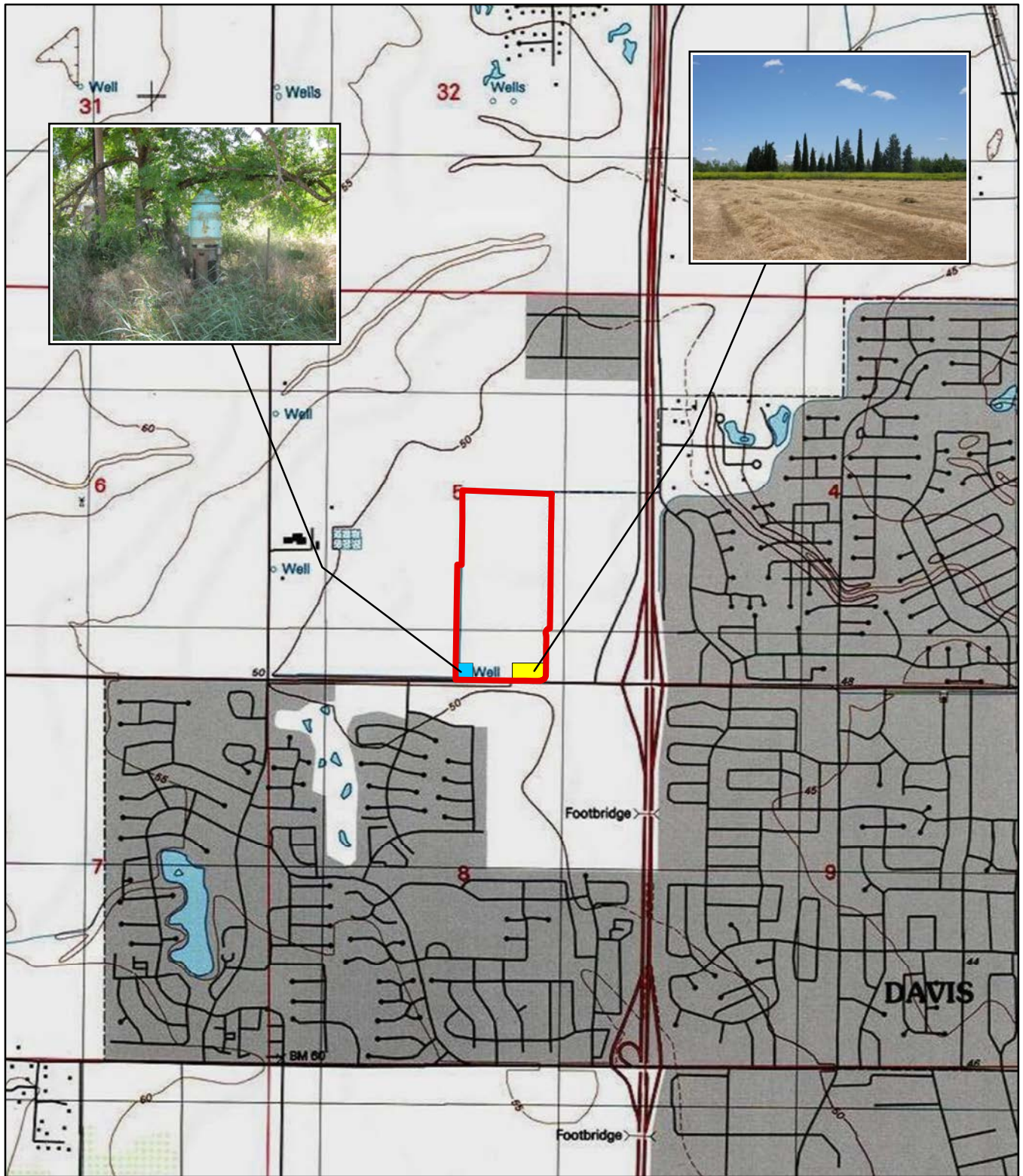
Mitigation Measure 3.5-2: *If human remains are discovered during the course of construction during any phase of the project, work shall be halted at the site and at any nearby area reasonably suspected to overlie adjacent human remains until the Yolo County Coroner has been informed and has determined 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 3.5-2 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.

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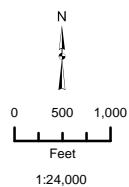
Legend

 Project Location

Cultural Resource ID

 PA-17-22

 P-57-000138



**CITY OF DAVIS
WEST DAVIS ACTIVE ADULT COMMUNITY**

Figure 3.5-1: Known Historic Period Cultural Resources

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