

4.4 CULTURAL RESOURCES

This section of Draft Environmental Impact Report (Draft EIR) for the proposed Mitchell Ranch Center considers and evaluates the potential impacts of the proposed project on cultural and paleontological resources. Cultural resources include historic buildings and structures, historic districts, historic sites, prehistoric and historic archaeological sites, and other prehistoric and historic objects and artifacts. Paleontological resources include vertebrate, invertebrate, or plant fossils.

Following publication of the Notice of Preparation/Initial Study (NOP/IS) for the proposed project, Katy Sanchez of the Native American Heritage Commission submitted a comment letter in response to the NOP/IS. This letter provided comments on the requirement to conduct a record search and an archaeological survey, if needed. Further, the letter includes comments on accidental discovery of human remains. This impact is addressed in the Impacts and Mitigation Measures subsection in this section of the Draft EIR.

Project Site Demolition

The California Environmental Quality Act (CEQA) requires an EIR to include a description of the physical environmental conditions (baseline) in the vicinity of the project site as they exist at the time the NOP is published. The analysis in this section of the Draft EIR uses the physical environmental conditions that existed on the project site on the date the NOP was issued as the baseline for environmental analysis. All site visits and surveys required for completion of this section of the Draft EIR were conducted under these conditions.

Field investigations were completed for the project, and subsequent to those investigations the project site was altered. The City of Ceres issued demolition permits (Permit Nos. BLD07 0924, 0927, 0928, and 0929) and buildings/structures and vegetation were demolished and removed from the site. CEQA does not require the analysis presented in the EIR to reflect changes which occur on the project site once baseline conditions are established. However, the alterations to the project site may affect mitigation measures. The mitigation measures in this section reflect the changes which have occurred on site, after the establishment of baseline conditions.

CONCEPTS AND TERMINOLOGY FOR EVALUATION OF CULTURAL RESOURCES

The following definitions are common terms used to discuss the regulatory requirements and treatment of cultural resources:

Cultural resource is a term used to describe several different types of properties: prehistoric and historical archaeological sites; architectural properties such as buildings, bridges, and infrastructure; and resources of importance to Native Americans.

Historic properties is a term defined by the National Historic Preservation Act (NHPA) as any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on, the National Register of Historic Places (NRHP), including artifacts, records, and material remains related to such a property.

Historical resource is a CEQA term that includes buildings, sites, structures, objects, or districts, each of which may have historical, prehistoric, architectural, archaeological, cultural, or scientific importance, and is eligible for listing or is listed in the California Register of Historical Resources (CRHR).

Paleontological resource includes fossilized remains of vertebrate and invertebrate organisms, fossil tracks and trackways, and plant fossils. A unique paleontological site would include a known area of fossil bearing rock strata.

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4.4.1 ENVIRONMENTAL SETTING

PREHISTORY

There is a long history of archaeological research in the project area. The earliest archaeological surveys in the San Joaquin Valley date to the 1920s and were accomplished by Gifford and Schenck (1926) and Schenck and Dawson (1929). This work was followed in 1941 by Hewes' survey of a 160-mile-long stretch of the central San Joaquin Valley and the adjacent foothills of the Sierra Nevada range. Subsequent research broadened both the scope and database of earlier work and also became more systematic and intensive. Some of this more recent research includes work at Little Panoche Reservoir (Olsen and Payen, 1969) and Buchanan Reservoir (Moratto, 1972).

The prehistory of the San Joaquin Valley is generally divided into three periods (Wallace, 1978; Moratto, 1984). The first period is characterized by big game hunting and is dated approximately 8,000 years ago. The second period is dated from approximately 5,000 B.P. (Before Present) to A.D. 1200 and is characterized by a shift in subsistence strategy from hunting to the collection of plant resources. This shift in economic pursuits is evidenced in typical artifact assemblages from this period that include seed-grinding implements. The third period dates from approximately A.D. 1200–1700 and represents habitation of the area by Yokuts.

Olsen and Payen (1969) presented a cultural chronology for the eastern edge of the San Joaquin Valley based on their investigations at Little Panoche Reservoir. They identified the Positas Complex, 5,300-2,800 B.P.; Pacheco Complex, 2,800 B.P.-A.D. 300; Gonzaga Complex 300 A.D.-1000; and Panoche Complex, 1500-1850. Similarly, Moratto (1972) presented a cultural chronology for the eastern edge of the San Joaquin Valley and foothills of the southern Sierra Nevada based on investigations at Buchanan Reservoir. Moratto identified the Chowchilla Phase, 2,300 B.P.-A.D. 300; Raymond Phase A.D. 300-1500; and the Madera Phase 1500-1850.

The Pacheco, Gonzaga, and Panoche Complex and the Raymond and Madera Phase are generally characterized by the use of relatively small projectile points that are probably associated with the introduction of the bow and arrow and an economic shift toward increasing exploitation of plant resources including the acorn. The Panoche Complex and Madera Phase also appear to represent occupation of the area by ethnographically documented groups of Native Americans.

ETHNOGRAPHY

Prior to the arrival of Euroamericans in the region, California was inhabited by groups of Native Americans speaking more than 100 different languages and occupying a variety of ecological settings. Kroeber (1925, 1936) subdivided California into four subculture areas, Northwestern, Northeastern, Southern, and Central. The Central area encompasses the project area, which includes the territory of Northern Valley Yokuts. Northern Valley Yokuts inhabited the Central Valley surrounding the San Joaquin River from Mendota in the south to the area between the Calaveras and Mokelumne rivers in the north (Wallace, 1978). Latta (1977) is the principal ethnographic source for the Northern Valley Yokuts.

The basic social and economic group of Northern Valley Yokuts is the family or household unit, with the nuclear and/or extended family forming a corporate unit. These basic units were combined into distinct, named village or hamlet groups which functioned as headquarters of a localized patrilineage (Wallace, 1978). Lineage groups were important political and economic units that combined to form tribelets numbering between 300 and 500 persons. Each tribelet had a chief or headman who exercised political control over the villages that comprised it. The office of tribelet chief was hereditary, with the chieftainship being the property of a single patrilineage within the tribelet.

Subsistence activities of Northern Valley Yokuts included hunting, fishing, and collection of plant resources, particularly acorns. They built a variety of structures including residential dwellings, ceremonial structures, and semi-subterranean sweat lodges (Wallace, 1978). The typical dwelling was a thatched house covered by brush, grass, or tules. A variety of flaked and ground stone tools (e.g., knives, arrow and spear points, and rough cobble and shaped pestles) were common among Northern Valley Yokuts. Obsidian was a highly valued material for tool manufacture, and was generally imported. Northern Valley Yokuts also engaged in trading relationships with surrounding groups for commodities such as salt, marine shells, and basketry.

Euroamerican contact with Native American groups living in the Central Valley of California began during the last half of the eighteenth century. At that time, the attention of Spanish missionaries shifted away from the coast, and its dwindling Native American population, to the missionization of interior populations such as Northern Valley Yokuts. The efforts of the Spanish to missionize the Native American population began a history of destructive Euroamerican interactions with Native Americans that eventually led to the loss of traditional Native American culture.

HISTORIC PERIOD

Gabriel Moraga led a Spanish expedition into the project area in 1806 (Beck and Haase, 1974). Initial expeditions into the San Joaquin Valley were exploratory in nature but were soon followed by campaigns to either convert and/or relocate Native Americans to missions. Missions dominated the social, political, and economic lives of both Spanish and Native Americans across much of California during the Spanish Period (ca. 1769–1821). Many Native American groups, however, were reluctant to adapt to the mission “system” and convert to Catholicism. This factor in combination with the onset of many European diseases virtually ended the traditional lifeways of many Native American groups in California.

The Mexican Period (ca. 1821–1848) in California is an outgrowth of the Mexican Revolution, and its accompanying social and political views affected the mission system. In 1833 the missions were secularized and their lands divided among the *Californios* as *ranchos* in the form of land grants. The project area appears to have been part of the Rancho de Las Mariposas. The ranchos facilitated the growth of a semi-aristocratic group that controlled large ranchos or land grants. Local Native American populations, who were essentially used as forced labor, worked on these large tracts of land. This was a period of growing antagonism of Native Americans toward Euroamericans and also declines in Native American populations due to both disease and abuse.

The American Period (ca. 1848–present) in California history begins with the end of the Mexican-American War and the signing of the Treaty of Guadalupe Hidalgo in 1848. The onset of this period, however, did not initiate a change in the economic condition of most Native American populations. For example, militia groups such as the Mariposa Battalion were established to “control” Native Americans (Crampton, 1957). The Mariposa Battalion reports armed encounters with Native Americans in the upper drainage of the Kings and Kaweah rivers (Crampton, 1957).

The rancho system also generally remained intact until 1862–1864 when a drought forced many landowners to sell off or subdivide their holdings. At this time, open ranges began to be fenced and the economy began to shift from cattle ranching to dairy farming and agriculture based on new crops such as wheat. Regardless of a change of economic focus, the plight of Native American populations remained, at best, relatively unchanged (e.g., the U.S. Senate rejected treaties between the government and Native Americans in 1851 and 1852, and military reserves were established to maintain various groups) (Heizer, 1974). Subsequent conflicts regarding reservation lands and local and federal recognition continue to the present.

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With California's gold rush in 1849, a stampede of people flooded the state seeking their fortunes, initially in the gold mines and subsequently in the lucrative business of provisioning miners and the new logging industry. Wheat was the primary crop grown in the region, and the years of the Civil War kept the need for wheat, barley, and grain at a high level. In 1854, Stanislaus County was organized and had a population of less than 1,000 people. The county was named after Estanislao, a Native American who had fought battles along the rivers in the area. A statue was dedicated in the Stanislaus County Courthouse Park to honor Chief Estanislao.

Born of the need for expansion of the railroad through the great Central Valley of California, Modesto began its existence with populations from smaller towns along the Tuolumne River – Paradise City and Tuolumne City among them. Their populations not only moved all their belongings to the new town laid out by the Central Pacific Railroad, they carted their buildings along too. The newly established town of Modesto soon became the center of Stanislaus County, dethroning Knight's Ferry by becoming the county's sixth seat of government since 1854.

Ceres was founded by Daniel Whitmore who arrived in the Ceres area with his family in 1854. In 1867, he acquired 9,000 acres which later became the town site of Ceres. By 1875, Daniel's brother, R. K. Whitmore, had surveyed and laid out the town. The first home in Ceres, built in 1870, belonged to Daniel Whitmore and his family. The home still stands at 2928 Fifth Street and is on the National Register of Historic Places. After the town was laid out, Whitmore gave away lots with the stipulation that the owner build on and occupy it and uphold a temperance clause which was inserted into the deed.

Ceres continued to grow during the 1870s and 1880s after the railroad crossed the Tuolumne River into town in 1872. By the late 1880s, the construction of irrigation systems helped diversify the agricultural business in Ceres. Ceres remained a small city with an agricultural base throughout its early years. By 1950 the population was about 3,500. Construction of State Route 99 with the Pine Street overpass resulted in the destruction of much of the city's central business district. By 1970 Ceres' population had reached approximately 6,000. Over the next decade, the population doubled, reaching over 13,000 in 1980.

KNOWN CULTURAL RESOURCES IN THE MITCHELL RANCH CENTER PROJECT AREA

Previous and current archaeological and historical investigations for the project site and area surrounding it identified a private residence at 2829 Service Road that was built in 1945 within project boundaries. The Office of Historic Preservation (OHP) *Directory of Properties in the Historic Property Data File for Stanislaus County* for September 2007 identified the residence as ineligible for inclusion in the National Register of Historic Places. There are no records discussing the eligibility of the residence for inclusion in the California Register of Historical Resources. Regardless, it does not appear to meet any of the criteria for consideration as a historical resource as defined in CEQA. There are no other known cultural resources within project boundaries, but there are buildings/structures within a quarter-mile radius of the project site that appear to be over 50 years old. The City of Ceres does not have a designated historical district. The Southern Pacific San Joaquin Railroad and the Ceres Main Canal are also located within a quarter-mile radius of the project site. Regardless, both of these historic sites were determined ineligible for the NRHP (cf., JRP 1993). No determination was made for these sites eligibility for listing on the CRHP.

KNOWN PALEONTOLOGICAL RESOURCES IN THE MITCHELL RANCH CENTER PROJECT AREA

Paleontology is defined as a science dealing with the life of past geological periods as known from fossil remains. Paleontological resources include fossil remains, as well as fossil localities and formations that have produced fossil material. Such locations and specimens are important nonrenewable resources. CEQA offers protection for these sensitive resources and requires that they be addressed during the EIR process.

A search of the University of California Museum of Paleontology collections database identified 922 previously recorded paleontological resources in Stanislaus County but did not identify any paleontological resources within project boundaries. The resources in the county primarily consist of microfossils and invertebrates. The project site does not appear sensitive for paleontological resources because of its urban context and the level of disturbance across the site.

4.4.2 REGULATORY FRAMEWORK

FEDERAL

National Historic Preservation Act

Section 106 of the National Historic Preservation Act (NHPA) is the primary source of federal regulation governing cultural resources. Section 106 requires federal agencies to take into account the effects of their undertakings on historic properties and afford the State Historic Preservation Officer, and, if appropriate, the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings. The Council's implementing regulations, "Protection of Historic Properties" can be found in 36 Code of Federal Regulations (CFR) Part 800. The goal of the Section 106 review process is to offer a measure of protection to sites, which are determined eligible for listing on the National Register of Historic Places. The criteria for determining National Register eligibility are found in 36 CFR Part 60. Recent amendments to the Act (1986, 1992, and 2001), including revisions to the implementing regulations have strengthened the provisions for Native American consultation and participation in the Section 106 review process. While federal agencies must follow federal regulations, most projects by private developers and landowners do not require this level of compliance. Federal regulations only come into play in the private sector if the Project requires a federal permit (e.g., permitting by the US Army Corps of Engineers under Section 404 of the Clean Water Act) or if it uses federal money.

National Register of Historic Places

The National Register of Historic Places (NRHP) is the nation's master inventory of known historic resources. The NRHP is administered by the National Park Service and includes listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level.

Structures, sites, buildings, districts, and objects over 50 years of age can be listed in the NRHP as significant historic resources. However, properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the NRHP. The criteria for listing in the NRHP include resources that:

- a) are associated with events that have made a significant contribution to the broad patterns of history;

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- b) are associated with the lives of persons significant in our past;
- c) embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- d) have yielded or may likely yield information important in prehistory or history.

STATE

California Environmental Quality Act

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

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

Properties of local significance that have been designated under a local preservation ordinance (local landmarks or landmark districts) or that have been identified in a local historical resources inventory may be eligible for listing in the CRHR and are presumed to be historical resources for purposes of CEQA unless a preponderance of evidence indicates otherwise (PRC, Section 5024.1 and California Code of Regulations, Title 14, Section 4850). Unless a resource listed in a survey has been demolished, lost substantial integrity, or there is a preponderance of evidence indicating that it is otherwise not eligible for listing, a lead agency should consider the resource to be potentially eligible for the CRHR.

In addition to assessing whether historical resources potentially impacted by a proposed project are listed or have been identified in a survey process (PRC 5024.1[g]), lead agencies have a responsibility to evaluate them against the CRHR criteria prior to making a finding as to a proposed project’s impacts to historical resources (PRC, Section 21084.1 and CEQA Guidelines, Section 15064.5[a][3]). Following CEQA Guidelines Section 15064.5(a) and (b), a historical resource is defined as any object, building, structure, site, area, place, record, or manuscript that:

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

- 3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- 4) Has yielded, or may be likely to yield, information important in prehistory or history.

Archaeological resources may also qualify as historical resources, and PRC 5024 requires consultation with the Office of Historic Preservation (OHP) when a project may impact historical resources located on State-owned land.

For historic structures, CEQA Guidelines Section 15064.5, subdivision (b)(3), indicates that a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995) shall mitigate impacts to a level of less than significant. Potential eligibility also rests upon the integrity of the resource. Integrity is defined as the retention of the resource's physical identity that existed during its period of significance. Integrity is determined through considering the setting, design, workmanship, materials, location, feeling, and association of the resource.

As noted above, CEQA also requires lead agencies to consider whether projects will impact unique archaeological resources. PRC Section 21083.2, subdivision (g), states that "unique archaeological resources means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

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

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

Advice on procedures to identify cultural resources, evaluate their importance, and estimate potential effects is given in several agency publications such as the series produced by the Governor's Office of Planning and Research (OPR). The technical advice series produced by OPR strongly recommends that Native American concerns and the concerns of other interested persons and corporate entities, including but not limited to museums, historical commissions, associations and societies, be solicited as part of the process of cultural resources inventory. In addition, California law protects Native American burials, skeletal remains, and associated grave goods regardless of their antiquity and provides for the sensitive treatment and disposition of those remains.

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

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

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

In addition to the mitigation provisions pertaining to the accidental discovery of human remains, the CEQA Guidelines also require that a lead agency make provisions for the accidental discovery of historical or archaeological resources, generally. Pursuant to Section 15064.5, subdivision (f), these provisions should include "an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place."

As of March 1, 2005, Senate Bill 18 (Gov. Code, Sections 65352.3, 65352.4) requires that, prior to the adoption of a specific plan proposed on or after March 1, 2005, a city or county must consult with Native American tribes with respect to the possible preservation of, or the mitigation of impacts to, specified Native American places, features, and objects located within that jurisdiction. The provisions of Senate Bill 18 do not apply to the proposed Mitchell Ranch Center project.

Paleontological resources are classified as nonrenewable scientific resources and are protected by state statute (PRC Chapter 1.7, Section 5097.5, Archeological, Paleontological, and Historical Sites, and Appendix G). No state or local agencies have specific jurisdiction over paleontological resources. No state or local agency requires a paleontological collecting permit to allow for the recovery of paleontological fossil remains discovered as a result of construction-related earth moving on state or private land in a project site.

LOCAL

City of Ceres General Plan

The Ceres General Plan includes goals and policies that encourage the identification and preservation of archaeological and historical resources. Goal 5.B seeks to preserve and maintain sites, structures, and landscapes that serve as significant, visible reminders of the City's social, architectural, and agricultural history. Goal 5.C relates specifically to prehistoric archaeological sites and serves to protect Ceres' Native American heritage. While this Draft EIR identifies and analyzes

the consistency of the proposed Mitchell Ranch Center project with the General Plan policies, the City will make the final determination as to whether or not the project is consistent with the goals and intentions of the City of Ceres General Plan pursuant to CEQA Guidelines Section 15125(d). **Table 4.4-1** analyzes the proposed project’s consistency with the City of Ceres General Plan.

**TABLE 4.4-1
PROJECT CONSISTENCY WITH THE CITY OF CERES GENERAL PLAN POLICIES: CULTURAL RESOURCES**

General Plan Policy	Consistency with General Plan	Analysis
Policy 5.B.1: The City shall assist property owners seeking registration of historic structures and sites as State Historic Landmarks or listing on the National Register of Historic Places.	Yes	There are no significant historic buildings/ structures or sites within project boundaries or properties that are eligible for listing as State Historic Landmarks or in the National Register of Historic Places.
Policy 5.B.2: The City shall encourage the preservation, maintenance, and adaptive reuse of existing historic buildings in the Redevelopment Areas and other areas of the Planning Area in order to prevent demolition and disrepair.	Yes	At the time of the issuance of the Notice of Preparation, four of the project site parcels had residential structures, all of which were abandoned. During preparation of this Draft EIR, three of the four structures were demolished, in accordance with demolition permits issued by the City. The remaining structure, at 2829 Service Road was built in 1945 and is vacant. However, it is not eligible for inclusion in the NRHP and does not appear eligible for inclusion in the CRHR. It does not possess sufficient integrity or uniqueness to be considered for adaptive reuse or preservation. Therefore, the project is consistent with this policy.
Policy 5.B.4: The City shall encourage relocation of reusable historic buildings as a means of historic preservation.	Yes	There are no buildings/structures within project boundaries that are eligible for listing in the National Register of Historic Places, the California Register of Historical Resources, or a local register of historic resources. Therefore, there are no buildings/structures within project boundaries that should be considered for relocation and the project is consistent with this policy.
Policy 5.B.5: The City shall continue to implement the Historic Building Code for historic properties.	Yes	There are no historic properties located within the project boundaries.
Policy 5.C.1: The City shall refer development proposals that may adversely affect archaeological sites to the California Archaeological Inventory at California State University, Stanislaus.	Yes	Archaeological and historical investigations were completed for the project that included a records search conducted by the Central California Information Center at California State University, Stanislaus. These investigations did not identify any archaeological sites within project boundaries. Therefore, the project is consistent with this policy.
Policy 5.C.2: The City shall not knowingly approve any public or private project that may adversely affect an archaeological site without first consulting the California Archaeological Inventory, conducting a site evaluation as may be indicated, and attempting to mitigate any adverse impacts according to the recommendations of a qualified archaeologist. City implementation of this policy shall be	Yes	Archaeological and historical investigations were completed for the project that included a records search conducted by the Central California Information Center at California State University, Stanislaus and pedestrian surface survey of the project site. These investigations did not identify any archaeological sites within project boundaries. Therefore, the project is consistent with this policy.

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General Plan Policy	Consistency with General Plan	Analysis
guided by Appendix K of the CEQA Guidelines.		

Mitchell Road Corridor Specific Plan

The proposed Mitchell Ranch Center project is located within the Mitchell Road Corridor Specific Plan, which establishes guidelines and regulations for the development of approximately 450 acres located along a 2.5-mile stretch of Mitchell Road. The Specific Plan, however, has no relevant cultural resource policies that are applicable to the proposed project.

4.4.3 PROJECT IMPACT ANALYSIS

STANDARDS OF SIGNIFICANCE

Following PRC Sections 21083.2 and 21084.1, and Section 15064.5 and Appendix G of the CEQA Guidelines, cultural resource impacts are considered to be significant if implementation of the project considered would result in any of the following:

- Cause a substantial adverse change in the significance of an archaeological resource or an historical resource as defined in Public Resources Code Section 21083.2 and CEQA Guidelines Section 15064.5, respectively.
- Directly or indirectly destroy a unique paleontological resource or site or unique geological feature.
- Disturb any human remains, including those interred outside of formal cemeteries.

CEQA Guidelines Section 15064.5 defines “substantial adverse change” as physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource is materially impaired.

METHODOLOGY

PMC cultural resources staff performed all current archaeological and historical investigations for the proposed Mitchell Ranch Center project. These investigations included a records search conducted by the Central California Information Center at California State University, Stanislaus on November 7, 2007; a sacred lands search conducted by the Native American Heritage Commission (NAHC) on November 13, 2007 (**Appendix 4.4-1**); consultation with the Native American community in November 2007; and pedestrian surface survey of the project site in November 2007.

The records search did not identify any previously recorded cultural resources within the project boundaries, but the Office of Historic Preservation Directory of Properties in the Historic Property Data File for Stanislaus County for September 2007 identified that a residence at 2829 Service Road

was built in 1945; however it is not eligible for inclusion in the NRHP. The information center does not have any records discussing the eligibility of the residence for inclusion in the CRHR, but the one-story, rectangular cinder block building does not appear to meet any of the criteria for consideration as a historical resource as defined in CEQA. There are no other known cultural resources within project boundaries, but there are buildings/structures within a quarter-mile radius of the project site that appear to be over 50 years old. The Southern Pacific San Joaquin Railroad and the Ceres Main Canal are also located within a quarter-mile radius of the project site. Regardless, both of these historic sites were determined ineligible for the NRHP (cf., JRP 1993).

The records search indicated that less than 10 percent of the project site is previously surveyed (cf., Peak 2006); consequently PMC cultural resources staff conducted a pedestrian surface survey across the entire project site on November 9, 2007. The pedestrian surface survey identified the residence at 2829 Service Road but did not identify any other significant cultural resources (e.g., prehistoric sites, historic sites, historic buildings/structures, or isolated artifacts) within project boundaries.

The sacred lands search did not identify any sensitive Native American cultural resources either within or near the project site. All Native American groups identified by the NAHC were contacted by letter regarding the project.

A search of the University of California Museum of Paleontology collections database did not identify any paleontological resources within project boundaries but did identify paleontological resources within Stanislaus County that primarily consist of microfossils and invertebrates. The project site, however, does not appear sensitive for paleontological resources because of its urban context and the level of disturbance across the site. In addition, ground-disturbing activities associated with the proposed project would not likely reach any geological formations that could contain significant paleontological resources.

IMPACTS AND MITIGATION MEASURES

Loss of Unknown Prehistoric and Historic Resources and Human Remains

Impact 4.4.1 Implementation of the proposed Mitchell Ranch Center project could result in impacts to previously undiscovered prehistoric resources, historic resources, and human remains. This is considered a **potentially significant** impact.

Archaeological and historical investigations did not identify any prehistoric sites, historic sites, significant historic buildings/structures, isolated artifacts, or human remains within project boundaries. There is a possibility, however, of unanticipated and accidental archaeological discoveries during ground-disturbing project-related activities because of previous Native American, Euroamerican, and subsequent development of the City of Ceres.

Mitigation Measures

MM 4.4.1a If, during the course of implementing the project, cultural resources (i.e., prehistoric sites, historic sites, and/or isolated artifacts) are discovered, work shall be halted immediately within 50 feet of the discovery, the City of Ceres Planning Division shall be notified, and a professional archaeologist that meets the Secretary of the Interior's Standards and Guidelines for Professional Qualifications in archaeology and/or history shall be retained to determine the significance of the discovery.

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The City shall consider mitigation recommendations presented by a professional archaeologist that meets the Secretary of the Interior's Standards and Guidelines for Professional Qualifications in archaeology and/or history for any unanticipated discoveries. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The project applicant shall be required to implement any mitigation necessary for the protection of cultural resources.

Timing/Implementation: As a condition of project approval, and implemented during ground-disturbing construction activities

Enforcement/Monitoring: City of Ceres Development Services Department – Planning Division

MM 4.4.1b

If, during the course of implementing the project, human remains are discovered, all work shall be halted immediately within 50 feet of the discovery, the City of Ceres Planning Division shall be notified, and the County Coroner must be notified according to Section 5097.98 of the PRC and Section 7050.5 of California's Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.

Timing/Implementation: As a condition of project approval, and implemented during ground-disturbing construction activities

Enforcement/Monitoring: City of Ceres Development Services Department – Planning Division

Mitigation measures **MM 4.4.1a** and **MM 4.4.1b** address the unanticipated discovery of cultural resources and human remains. Implementation of these mitigation measures would reduce impacts to undiscovered cultural resources and human remains to a **less than significant** level.

Loss of Unknown Paleontological Resources

Impact 4.4.2 Implementation of the proposed project could result in the potential damage or destruction of undiscovered paleontological resources. This is considered a **potentially significant** impact.

A search of the University of California, Berkeley Museum of Paleontology collections database did not identify any evidence of paleontological resources within project boundaries. Paleontological resources have been identified in Stanislaus County, but the project site does not appear sensitive for paleontological resources because of its urban context and the level of disturbance across the site. Though it is not likely that ground-disturbing activities associated with the proposed project would reach any geological formations that could contain significant paleontological resources, there is a possibility of unanticipated and accidental paleontological discoveries during ground-disturbing project-related activities.

Mitigation Measures

MM 4.4.2 If, during the course of implementing the project, any paleontological resources (fossils) are discovered, work shall be halted immediately within 50 feet of the discovery and the City of Ceres Planning Division shall be immediately notified. At that time, the City will coordinate any necessary investigation of the discovery with a qualified paleontologist.

The City shall consider the mitigation recommendations of the qualified paleontologist for any unanticipated discoveries of paleontological resources. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The project applicant shall be required to implement any mitigation necessary for the protection of paleontological resources.

Timing/Implementation: As a condition of project approval, and implemented during ground-disturbing construction activities

Enforcement/Monitoring: City of Ceres Development Services Department – Planning Division

Mitigation measure **MM 4.4.2** addresses the inadvertent discovery of significant paleontological resources. Implementation of this mitigation measure would limit impacts on paleontological resources to **less than significant**.

4.4.4 CUMULATIVE SETTING, IMPACTS, AND MITIGATION MEASURES

CUMULATIVE SETTING

The cumulative setting associated with the proposed Mitchell Ranch Center project includes proposed, planned, reasonably foreseeable, and approved projects and development in the City of Ceres and in Stanislaus County in the vicinity of the City as described in Section 4.0, Environmental Settings and Assumptions Used, of this Draft EIR (refer to **Table 4.0-1** for a specific list of projects considered in the cumulative analysis of this Draft EIR). Developments and planned land uses in the vicinity would contribute to potential conflicts with cultural and paleontological resources. Proposed and approved development projects in the City, including the proposed Mitchell Ranch Center project, could impact unknown cultural resources and paleontological resources. These resources include archaeological sites associated with Native American use and occupation of the area and historic resources associated with Euroamerican settlement, farming, and economic development.

CUMULATIVE IMPACTS AND MITIGATION MEASURES

Loss of Prehistoric Resources, Historic Resources, and Human Remains

Impact 4.4.3 Implementation of the proposed Mitchell Ranch Center project, along with foreseeable development in the City of Ceres and Stanislaus County, could result in disturbance of cultural resources (i.e., prehistoric sites, historic sites, and isolated artifacts and features) and human remains. This contribution is considered potentially **cumulatively considerable** and **significant**.

4.4 CULTURAL RESOURCES

Implementation of the proposed project may contribute to the cumulative loss of prehistoric resources, historic resources, and human remains in Ceres and Stanislaus County through the inadvertent discovery of these resources. This contribution could be considerable when combined with other past, present, and foreseeable development in the City and Stanislaus County.

Mitigation Measures

Implement mitigation measures **MM 4.4.1a** and **MM 4.4.1b**.

Mitigation measures **MM 4.4.1a** and **MM 4.4.1b** address the identification and protection of significant prehistoric and historic resources and human remains. Implementation of these mitigation measures would reduce impacts to these resources and human remains to a **less than cumulatively significant** level.

Paleontological Resources

Impact 4.4.4 Implementation of the proposed project, along with foreseeable development in the City of Ceres and Stanislaus County, could result in disturbance of paleontological resources (i.e., fossils and fossil formations). This contribution is considered potentially **cumulatively considerable**.

Implementation of the proposed project may contribute to the cumulative loss of paleontological resources in the Ceres and Stanislaus County through the inadvertent discovery of these resources. This contribution could be considerable when combined with other past, present, and foreseeable development in the City and Stanislaus County.

Mitigation Measures

Implement mitigation measure **MM 4.4.2**.

Mitigation measure **MM 4.4.2** addresses the inadvertent discovery of significant paleontological resources. Implementation of this mitigation measure would reduce impacts to undiscovered paleontological resources to **less than cumulatively significant**.

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4.4 CULTURAL RESOURCES

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