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CULTURAL RESOURCES

7.1 INTRODUCTION

The Cultural Resources chapter of this EIR addresses prehistoric and historic resources in the vicinity of the existing medium and large winery and farm brewery sites within the County. Prehistoric resources are those sites and artifacts associated with indigenous, non-Euroamerican populations, generally prior to contact with people of European descent. Historic resources include structures, features, artifacts, and sites that date from Euroamerican settlement of the region. In addition, the potential for paleontological resources and/or Tribal Cultural Resources to occur within existing winery and farm brewery sites is addressed in this chapter. The chapter summarizes the existing setting with respect to cultural and paleontological resources, identifies thresholds of significance, and potential impacts to such resources resulting from implementation of the Winery and Farm Brewery Ordinance.

Information presented in this chapter is drawn from the Placer County General Plan¹ and associated EIR,² as well as various other Placer County documents including the Granite Bay Community Plan.³

This chapter focuses on the ten existing medium (10- to 20-acre) and large (20-acre or greater) parcel size wineries and farm breweries that would be subject to the proposed project, which are shown in Figure 3-1 of the Project Description chapter. Such facilities are referred to as *existing study facilities* throughout this EIR. Potential effects on Cultural Resources associated with future wineries and farm breweries that would be subject to the proposed project are addressed in Chapter 12, Cumulative Impacts and Other CEQA Sections, of this EIR.

7.2 EXISTING ENVIRONMENTAL SETTING

Placer County contains a rich cultural heritage that includes archeological, historical, and paleontological sites and resources. Given the rich heritage of the area, many archeological, historical, and paleontological sites and resources remain undiscovered. A historic/cultural overview of the western portion of the County containing the existing study facility sites that would be affected by the proposed Zoning Text Amendment is provided below.

¹ Placer County. *Countywide General Plan Policy Document*. August 1994 (updated May 2013).

² Placer County. *Countywide General Plan EIR*. July 1994.

³ Placer County, Community Development Resource Agency, Planning Services Division. *Granite Bay Community Plan*. February 2012.

Historic Overview

The following discussion provides an overview of the ethnography and history of the Western Placer County region and surrounding area.

Ethnography

Indigenous people inhabited the Sacramento Valley and Sierra Nevada region for thousands of years. The oldest known evidence of prehistoric human occupation of the Central Valley area in proximity to the project region has been found in Arcade Creek, north of Sacramento, which includes grinding tools and large, stemmed projectile points that have been dated to between 6,000 to 3,000 years B.C.E.⁴

Throughout the time period before Euroamerican contact, the ethnographic cultures present within the Sierra Nevada and the Central Valley, including the area that would become Placer County, grew and changed to include advanced tools, trading, religion, and varied food sources. Early inhabitants of the foothill and Central Valley regions of Placer County include the Nisenan, also known as the Southern Maidu Tribe. The Nisenan inhabited the areas along the American, Yuba, and Bear Rivers, as well as the lower reaches of the Feather River, and tributaries thereof. To the west, the Sacramento River bounded the Nisenan's territory, while the Nisenan territory may have extended close to Lake Tahoe in the east.⁵ The western Placer County region was within the territory of the Penutian-speaking Nisenan, which is one of three Maidu-speaking tribelets that lived within the northeastern half of the Sacramento Valley and Sierra Nevada foothill region.⁶ The Nisenan's permanent settlements in the foothills and mountains were often located on hillsides or ridges in between parallel streams. Valley dwelling Nisenan tribes tended to occupy high ground near the major streams. Considering the location of Nisenan settlements in proximity to waterways, evidence of the Nisenan people is often found near waterways.

Similar to other California Native American groups, the Nisenan employed a variety of tools, implements, and enclosures for hunting and collecting natural resources. The bow and arrow, snares, traps, nets, and enclosures or blinds were used for hunting land mammals and birds. For fishing, they made canoes from tule, balsa, or logs, and used harpoons, hooks, nets, and basketry traps. To collect plant resources, the two groups used sharpened digging sticks, long poles for dislodging acorns and pinecones, and a variety of woven tools (seed beaters, burden baskets, and carrying nets).

Historical Context

In 1769 the Spanish arrived in the Central Valley. By 1776 the Spanish explorers had reached the territory of the Central Valley inhabited by the Miwok Native Americans, which bordered the

⁴ Placer County, Community Development Resource Agency, Planning Services Division. *Granite Bay Community Plan*. February 2012.

⁵ *Ibid.*

⁶ Placer County, Community Development Resource Agency, Planning Services Division. *Sheridan Community Plan*. January 6, 2015.

Nisenan territory to the south. While many nearby tribes were forced into residence at Spanish missions, the Nisenan may have remained within their territory.⁷

Following the Mexican Revolution, the Mexican government awarded land grants throughout the interior of California, seeking to increase the settler population of the territory away from the more settled coastal areas. Concurrently, American trappers began entering the State from the west and accessing the Central Valley by following the American and Cosumnes rivers. Much of the settlement of the area centered around land grants awarded to John Sutter, who established a trading and agricultural presence near the confluence of the Sacramento and American Rivers within what is today the City of Sacramento.

The spread of Mexican land grant settlers and American trappers led to increased conflict and the proliferation of diseases throughout native populations. Under such conditions, epidemics spread throughout the existing native populations with as much as 75 percent of the native population being killed by epidemics by 1833.⁸

After the signing of the Treaty of Guadalupe Hidalgo ended the Mexican-American War, California became a territory of the United States. The discovery of gold in 1848 near the Nisenan village of Colluma (present day Coloma in El Dorado County) brought further change and conflict to the Nisenan and initiated a period of widespread settlement of the area by Euroamericans. Thousands of miners poured into the area traditionally inhabited by the Nisenan, which led to widespread conflicts and the near destruction of the traditional Nisenan culture.⁹ In fact, within a year of the discovery of gold nearly 90,000 people had traveled to California's gold fields, further displacing native peoples from the Central Valley and Sierra Nevada foothill regions.

Communities such as Loomis, Rocklin, Newcastle, Penryn, and Auburn evolved from mining camps to become centers of activity by the mid-1850s. In addition to the initial rush for gold, resources such as low-grade coal and copper found near Lincoln, and high-quality granite from Penryn, Rocklin, and Lincoln contributed to the development of the local economy.¹⁰

As the initial mining boom subsided, many of the miners attracted to the area by the promise of gold began to transition into more traditional livelihoods, such as farming and ranching. By the 1850s, settlers had begun planting row crops, such as wheat, and fruit trees within the Western Placer County region. Concurrent to the settlement of the region, the County of Placer was organized from portions of neighboring Sutter and Yuba counties. In 1865, the Central Pacific Railroad completed track from Roseville to Auburn, and, in 1866, railroad track was laid to connect Lincoln and Wheatland.¹¹ The completion of the first transcontinental railroad contributed to the growth of the Placer County region, specifically in regard to the agricultural industry.

⁷ Placer County, Community Development Resource Agency, Planning Services Division. *Granite Bay Community Plan*. February 2012.

⁸ *Ibid.*

⁹ *Ibid.*

¹⁰ Placer County, Community Development Resource Agency, Planning Services Division. *Sheridan Community Plan*. January 6, 2015.

¹¹ *Ibid.*

Evidence of historic mining activities still present throughout the western Placer County include ditches, pits, mounds, and low terraces. Furthermore, the establishment of communities within Placer County following the mining period resulted in the creation of historic resources such as residential structures, agricultural related structures or landscapes, and railroad related developments.¹²

Paleontological Resources

Western Placer County contains a variety of geologic units. While many geologic units are either volcanic in origin and not fossiliferous, or alluvium deposited too recently to be considered fossiliferous, some areas of the County contain deposits of suitable age and composition to potentially contain fossils. For instance, the Turlock Lake Formation, found in some areas of the County, has been the source for approximately 221 vertebrate specimens within the Central Valley.¹³ Considering that the existing study facilities are scattered throughout portions of western Placer County, some of the existing study facilities may be located on geologic units considered fossiliferous, while other study facilities are located on geologic units considered of low sensitivity for the discovery of fossils.

Native American Consultation

Placer County distributed notification letters pursuant to Assembly Bill (AB) 52 on August 21, 2017. Notification letters were distributed to the Ione Band of Miwok Indians, the Wilton Rancheria of Wilton California, the Shingle Springs Band of Miwok Indians, the T'Si-Akim Maidu, the United Auburn Indian Community of the Auburn Rancheria, and the Washoe Tribe of Nevada and California. Responses to the County's request for consultation were not received from any of the contacted tribes during the AB 52 consultation period.

7.3 REGULATORY CONTEXT

Federal, State, and local governments have developed laws and regulations designed to protect significant cultural resources that may be affected by actions that they undertake or regulate. The National Historic Preservation Act (NHPA) and the California Environmental Quality Act (CEQA) are the basic federal and State laws governing preservation of historic and archaeological resources of national, regional, State, and local significance.

Federal Regulations

The following are the federal environmental laws and policies relevant to cultural resources.

¹² Placer County, Community Development Resource Agency, Planning Services Division. *Granite Bay Community Plan*. February 2012.

¹³ Kenneth L. Finger. *Paleontological Records Search for the Placer Greens Project (PLN15-00053)*. October 6, 2015.

Section 106 for the National Historical Preservation Act (NHPA) of 1966

Federal regulations for cultural resources are governed primarily by Section 106 of the NHPA of 1966. Section 106 of NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and affords the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings. The Council's implementing regulations, "Protection of Historic Properties," are found in 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 (NRHP). The criteria for determining NRHP eligibility are found in 36 CFR Part 60. Amendments to the Act (1986 and 1992) and subsequent revisions to the implementing regulations have, among other things, 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 a project requires a federal permit or if it uses federal funding.

National Register of Historic Places

NRHP is the nation's master inventory of known historic resources. The NRHP includes listings of resources, including: buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, State, or local level. Resources over 50 years of age can be listed on the NRHP. However, properties under 50 years of age that are of exceptional significance or are contributors to a district can also be included on the NRHP. Four criteria are used to determine if a potential resource may be considered significant and eligible for listing on the NRHP. The criteria include resources that:

- A. Are associated with events that have made a significant contribution to the broad patterns of history; or
- B. Are associated with the lives of persons significant in our past; or
- 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.

A resource can be individually eligible for listing on the NRHP under any of the above four criteria, or it can be listed as contributing to a group of resources that are listed on the NRHP.

A resource can be considered significant in American history, architecture, archaeology, engineering, or culture. Once a resource has been identified as significant and potentially eligible for the NRHP, the resource's historic integrity must be evaluated. Integrity is a function of seven factors: location, design, setting, materials, workmanship, feeling, and association. The factors closely relate to the resource's significance and must be intact for NRHP eligibility.

State Regulations

The following are the State environmental laws and policies relevant to cultural resources.

California Environmental Quality Act

State historic preservation regulations affecting the project include the statutes and guidelines contained in CEQA (Public Resources Code [PRC] Sections 21083.2 and 21084.1 and Sections 15064.5 and 15126.4 (b) of the CEQA Guidelines). CEQA requires lead agencies to consider the potential effects of a project on historic resources and unique archaeological resources. An “historic resource” includes, but is not limited to, any object, building, structure, site, area, place, record or manuscript that is historically or archaeologically significant (PRC Section 5020.1). Under Section 15064.5 of the CEQA Guidelines, a resource is considered “historically significant” if it meets one or more of the following California Register of Historic Resources (CRHR) criteria:

1. The resource is associated with events that have made a significant contribution to the broad patterns of California history; or
2. The resource is associated with the lives of important persons from our past; or
3. The resource 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. The resource has yielded, or may be likely to yield, important information in prehistory or history.

CEQA requires preparation of an EIR if a proposed project would cause a “substantial adverse change” in the significance of a historical resource. A “substantial adverse change” would occur if a proposed project would result in physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired (CEQA Guidelines Section 15064.5(b)(1)).

In addition to historically significant resources, which can include archeological resources that meet the criteria listed above, CEQA also requires consideration of “unique archaeological resources.” If a site meets the definition of a unique archaeological resource, it must be treated in accordance with the provisions of PRC Section 21083.2. Under PRC Section 20183.2(g), an archaeological resource is considered “unique” if it:

1. Contains information needed to answer important scientific research questions and 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; or
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person (PRC 21083.2(g)).

CEQA also includes specific guidance regarding the accidental discovery of human remains. Specifically, CEQA Guidelines Section 15064.5(e) requires that if human remains are uncovered, excavation activities must be stopped and the county coroner contacted. If the county coroner

determines that the remains are Native American, the coroner must contact the NAHC within 24 hours. The NAHC identifies the most likely descendent, and that individual or individuals can make recommendations for treatment of the human remains under the procedures set forth in Section 15064.5 of the CEQA Guidelines.

California Register of Historic Places

The State Historic Preservation Office (SHPO) maintains the CRHR. Properties that are listed on the NRHP are automatically listed on the CRHR, along with State Landmarks and Points of Interest. The CRHR can also include properties designated under local ordinances or identified through local historical resource surveys.

Assembly Bill 52

Assembly Bill (AB) 52 adds Tribal Cultural Resources to the categories of cultural resources in CEQA, which had formerly been limited to historic, archaeological, and paleontological resources. “Tribal Cultural Resources” are defined as either:

- (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 California Register of Historical Resources (CRHR).
 - (B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
- (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 subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

Under AB 52, a project that may cause a substantial adverse change in the significance of a Tribal Cultural Resource is defined as a project that may have a significant effect on the environment. Where a project may have a significant impact on a Tribal Cultural Resource, the lead agency’s environmental document must discuss the impact and whether feasible alternatives or mitigation measures could avoid or substantially lessen the impact. AB 52 (PRC 21080.3.1) requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the geographic area of a proposed project if they have requested notice of projects proposed within that area. If the tribe(s) requests consultation within 30 days upon receipt of the notice, the lead agency must consult with the tribe(s). Consultation may include discussing the type of environmental review necessary, the significance of Tribal Cultural Resources, the significance of the project’s impacts on the Tribal Cultural Resources, and alternatives and mitigation measures recommended by the tribe(s).

Local Regulations

Relevant goals and policies from the Placer County General Plan are discussed below.

Placer County General Plan

The following policies from the Placer County General Plan related to cultural resources are applicable to the proposed project.

- Policy 5.D.3 The County shall solicit the views of the Native American Heritage Commission, State Office of Historic Preservation, North Central Information Center, and/or the local Native American community in cases where development may result in disturbance to sites containing evidence of Native American activity and/or to sites of cultural importance.
- Policy 5.D.4 The County shall coordinate with the cities and municipal advisory councils in the County to promote the preservation and maintenance of Placer County's paleontological and archaeological resources.
- Policy 5.D.6 The County shall require that discretionary development projects identify and protect from damage, destruction, and abuse, important historical, archaeological, paleontological, and cultural sites and their contributing environment. Such assessments shall be incorporated into a countywide cultural resource data base, to be maintained by the Department of Museums.
- Policy 5.D.7 The County shall require that discretionary development projects are designed to avoid potential impacts to significant paleontological or cultural resources whenever possible. Unavoidable impacts, whenever possible, shall be reduced to a less than significant level and/or shall be mitigated by extracting maximum recoverable data. Determinations of impacts, significance, and mitigation shall be made by qualified archaeological (in consultation with recognized local Native American groups), historical, or paleontological consultants, depending on the type of resource in question.
- Policy 5.D.9 The County shall use the State Historic Building Code to encourage the preservation of historic structures.
- Policy 5.D.11. The County shall support the registration of cultural resources in appropriate landmark designations (i.e., National Register of Historic Places, California Historical Landmarks, Points of Historical Interest, or Local Landmark). The County shall assist private citizens seeking these designations for their property.
- Policy 5.D.12 The County shall consider acquisition programs (i.e. Placer Legacy Open Space and Agricultural Conservation Program) as a means of preserving significant cultural resources that are not suitable for private development. Organizations that could provide assistance in this area include, but are not limited to, the

Archaeological Conservancy, the Native American community, and local land trusts.

7.4 IMPACTS AND MITIGATION MEASURES

This section describes the standards of significance and methodology used to analyze and determine the proposed project's potential impacts related to cultural resources. In addition, a discussion of the project's impacts is also presented.

Standards of Significance

Consistent with Appendix G of the CEQA Guidelines, the County's General Plan and Initial Study Checklist, and professional judgment, a significant impact would occur if the proposed project would result in the following:

- Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5;
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5;
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature;
- Have the potential to cause a physical change, which could affect unique ethnic cultural values;
- Restrict existing religious or sacred uses within the potential impact area;
- Disturb any human remains, including those interred outside formal cemeteries; and/or
- Cause a substantial change in the significance of a Tribal Cultural Resource as defined in Public Resources Code, Section 21074.

Method of Analysis

Cultural resources within the County were analyzed through review of various County documents including the County's General Plan, Community Plans for areas within Western Placer County where existing study facilities are located, and recently adopted EIRs for projects within the County. In addition, local tribes were contacted pursuant to AB 52 requirements. As part of AB 52 requirements, the County sent project notification letters to the Ione Band of Miwok Indians, the Wilton Rancheria of Wilton California, the Shingle Springs Band of Miwok Indians, the T'Si-Akim Maidu, the United Auburn Indian Community of the Auburn Rancheria, and the Washoe Tribe of Nevada and California on August 21, 2017. Responses to the County's request for consultation were not received from any of the contacted tribes during the AB 52 consultation period.

Project-Specific Impacts and Mitigation Measures

The following discussion of impacts is based on implementation of the proposed project in comparison with the standards of significance identified above.

7-1 Cause a substantial adverse change in the significance of a historical or unique archeological resource as defined in CEQA Guidelines, Section 15064.5, and/or a Tribal Cultural Resource as defined in Public Resources Code, Section 21074. Based on the analysis below and with implementation of mitigation, the impact is *less than significant*.

Section 15064.5 of the CEQA Guidelines provides instructions for a lead agency to consider the effects of projects on historical resources and cultural resources. Furthermore, Public Resources Code, Section 21074 defines Tribal Cultural Resources. As discussed in the Existing Environmental Setting section above, the western portion of Placer County has a long history of human habitation dating back thousands of years. The existence of historical, archaeological, cultural, and/or tribal cultural resources within each study facility is currently unknown.

The proposed Zoning Text Amendment would allow for greater flexibility in the number of events being held at existing study facilities. Such events would be anticipated to occur within the existing event spaces at each existing study facility, and, thus, would not result in direct physical alterations to any existing study facility sites. Considering the lack of direct physical changes to the existing study facilities, the proposed Zoning Text Amendment would not be anticipated to lead to direct physical impacts to cultural resources within existing study facilities. The remainder of this impact discussion will focus on whether the additional events allowable under the proposed Zoning Text Amendment would result in the use of overflow parking, or creation of more permanent parking, the indirect effects of which could include disturbance of cultural resources. This discussion is provided in response to public concerns expressed during the Notice of Preparation (NOP) comment period for the proposed project.

The existing Winery Ordinance restricts the number of promotional events at each facility to six per year, subject to first securing an Administrative Review Permit. The proposed project would redefine “event” to distinguish between Agricultural Promotional Events and Special Events. Agricultural Promotional Events would include events with 50 attendees or less at one time and would be directly related to the education and marketing of wine and craft beer to consumers. Special Events would include events with greater than 50 attendees at one time where the agricultural-related component is subordinate to the primary purpose of the event. The proposed Zoning Text Amendment would allow the existing study facilities to hold an unlimited number of Agricultural Promotional Events, whereas the eight existing, medium parcel-sized study facilities could hold up to six Special Events per year, and the two existing, large parcel-sized study facilities could hold up to 12 Special Events per year.

Overflow Parking

Public concerns have been raised during the NOP review period regarding the potential for the proposed increase in the number of allowable events to result in indirect effects due to overflow parking within the existing study facilities. Specifically, commenters have suggested that an increase in the number of allowable events would increase the number of people driving to the existing study facilities, which could result in event organizers choosing to allow overflow parking in order to accommodate the additional vehicles, which

may result in ground disturbance. The existing Winery Ordinance allows for temporary overflow parking to be used in conjunction with Temporary Outdoor Events (TOE), as described in Section 17.56.300(B)(1)(b). The proposed Zoning Text Amendment would continue to allow overflow parking for TOEs but would also allow temporary overflow parking for Special Events. Overflow parking for Agricultural Promotional Events would not be allowed; rather, the Ordinance would continue to require at least one parking space for every 2.5 event attendees, and event size would be limited to the number of available on-site parking spaces (see Table 4, Minimum Parking Requirements, of the Draft Winery Ordinance). Any attempt to allow overflow parking for Agricultural Promotional Events would be a violation of the Placer County Code and would result in code enforcement.¹⁴

In summary, the proposed Zoning Text Amendment would give facility owners the ability to use temporary overflow parking for Special Events, which are limited to six per year for medium parcel-sized facilities and 12 per year for large parcel-sized facilities. Thus, on a yearly basis, the demand for overflow parking will be relatively minimal.

The Zoning Text Amendment requires overflow parking to occur in designated areas. Because overflow parking is used to meet temporary parking demand it is reasonable to expect that facility owners would use those portions of their property that are already disturbed, in order to accommodate overflow parking needs. Given the agricultural nature of existing wineries and farm breweries, it is common for operators to use agricultural fields to temporarily accommodate overflow parking. In general, the process of vehicle parking does not result in substantial amounts of ground-disturbance. While some surficial soil particles may be disturbed by vehicle tires during parking activity, parking would not result in substantial amounts of ground-disturbance, and would not be considered likely to impact subsurface cultural resources.

Permanent Parking

Under the current Winery Ordinance and following the proposed Zoning Text Amendment, existing study facilities would have the ability to expand permanent parking spaces within their sites in order to accommodate tasting room guests, agricultural activities, and event attendees. Should such expansions of parking areas be undertaken to support events, the expansion of parking areas would be subject to all relevant County, State, and federal regulations. For instance, Article 15.48 of the Placer County Code regulates all grading activity within the County, which includes grading activity associated with the establishment of parking spaces, unless such activity meets the exemptions specified in Section 15.48.070.

As shown in Section 15.48.070, grading activity related to the establishment of new parking could be exempt from County review if such activity is determined to represent a minor project or meets other specific exemption requirements. Only the exemptions related to minor projects would apply to grading related to the provision of permanent parking

¹⁴ Overflow parking could be allowed with a TOE, two of which can be obtained per year; however, this is currently allowed under the existing Winery Ordinance, and thus is not required to be addressed in this EIR.

areas. Section 15.48.070(A) of the Placer County Code defines minor projects as grading projects that involve cut and fills that do not exceed four feet in vertical depth, and that meet nine additional criteria. The additional criteria include, but are not limited to, requirements related to the maximum amount of material to be moved, the maximum amount of vegetation to be removed, and prohibitions against grading within certain areas. In particular, minor projects deemed exempt from further regulation by the County may not include grading activity that would obstruct any watercourse, disturb, or negatively impact any drainage way, wetland, stream environment zone or water body. As discussed in the Existing Environmental Setting section of this chapter, evidence of the Nisenan people is typically found in proximity to drainage ways and water courses. Thus, grading activity occurring in areas most likely to include tribal cultural resources, such as areas in proximity to watercourses, streams, or drainage ways, would not be considered minor projects and would be required to obtain a grading permit from the County. Grading activity subject to the permitting requirements of Chapter 15.48 would undergo County review prior to initiation.

Non-exempt grading activity subject to Article 15.48 is required to obtain proper permitting prior to initiation of grading activity, which includes general County review of the parking design being proposed. Permitting for such grading activity enables the County to impose conditions on the permit that would address protection of cultural resources. As stated in Code Section 15.48.240, in granting a permit, the Community Development Resource Agency may impose any condition deemed necessary to protect the health, safety and welfare of the public, to prevent the creation of a hazard to public or private property, prevent erosion and to assure proper completion of the grading. In addition, depending upon the size and scope of the grading activity, the County has the ability to require further environmental review prior to issuing a grading permit (Code Section 15.48.210).

Nevertheless, the following mitigation measures are included to ensure that appropriate conditions are placed on grading permits issued for purposes of creating additional parking. This would ensure that the proposed project would not result in a *significant* impact.

Mitigation Measure(s)

As noted above, Article 15.48 of the Placer County Code regulates all grading activity within the County, which includes grading activity associated with the establishment of parking spaces, unless such activities meet the exemptions specified in Section 15.48.070. For grading activities at existing and future study facilities that are not exempt from Article 15.48, the mitigation measures below clarify the conditions of approval to be attached to any grading permits issued. Implementation of the following mitigation measures would reduce the above potential impact to a *less-than-significant* level.

- 7-1(a) *All grading activity within existing and future wineries and farm breweries not meeting the exemptions within Section 15.48.070 of the Placer County Code shall obtain a grading permit from the County prior to initiation of grading activity. Prior to approval and issuance of any grading permits for existing and future wineries and farm breweries, the County shall impose cultural resource protection measures as conditions of the grading permit.*

Such protection measures shall include, but are not limited to the following measures:

- 1. If potential archaeological resources, cultural resources, articulated, or disarticulated human remains are discovered during ground-disturbing activities associated with the proposed project, all work within 100 feet of the find shall cease, the Placer County Community Development Resource Agency 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 finds. Native American Representatives from culturally affiliated Native American Tribes shall also be notified. If the resource is determined to be eligible for inclusion in the California Register Historical Resources and project impacts cannot be avoided, data recovery shall be undertaken. Data recovery efforts could 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 shall be sufficient to recover data considered important to the area's history and/or prehistory. The language of this mitigation measure shall be included on any future grading plans approved by the Placer County Engineering and Surveying Division for the proposed project; and*
- 2. During construction activities, if any vertebrate bones or teeth are found, all work shall be halted in the immediate vicinity of the discovery, and the owner/operator shall notify the Placer County Community Development Resource Agency and retain a qualified paleontologist to inspect the discovery. If deemed significant with respect to authenticity, completeness, preservation, and identification, the resource(s) shall then be salvaged and deposited in an accredited and permanent scientific institution (e.g., University of California Museum of Paleontology (UCMP) or Sierra College), where the discovery would be properly curated and preserved for the benefit of current and future generations. The language of this mitigation measure shall be included on any future grading plans approved by the Placer County Engineering and Surveying Division for future grading within existing or future wineries and farm breweries in the County, where excavation work would be required.*
- 3. If any bones, teeth, or other remains found during construction activity are determined to be human in origin, such remains on non-federal lands must be handled in compliance with all relevant State regulations. As mandated by Health and Safety Code §7050.5, PRC §5097.98 and the California Code of Regulations (CCR) §15064.5(e) (CEQA), should human remains be encountered,*

during ground disturbing activity in any existing or future wineries or farm breweries within the County, all work in the immediate vicinity of the burial must cease, and any necessary steps to ensure the integrity of the immediate area must be taken. The Placer County Coroner shall be immediately notified. If the Coroner determines the remains are of Native American origin, the Coroner has 24 hours to notify the NAHC, which shall determine and notify a Most Likely Descendent (MLD). Further actions shall be determined, in part, by the desires of the MLD. The MLD has 48 hours to make recommendations regarding the disposition of the remains following notification from the NAHC of the discovery. If the MLD does not make recommendations within 48 hours, the owner of the winery or farm brewery where such remains are discovered shall, with appropriate dignity, reinter the remains in an area of the property secure from further disturbance. Alternatively, if the owner of the winery or farm brewery where such remains are discovered does not accept the MLD's recommendations, the owner of the winery or farm brewery where such remains are discovered or the descendent may request mediation by the NAHC.

7-1(b) *The County shall prepare a notice containing information that summarizes the proper methodology for identifying and protecting historic, paleontological, archeological, cultural, and tribal cultural resources. Furthermore, the notice shall inform the reader of the reader's responsibility to protect such resources and notify the Placer County Community Development Resource Agency of the existence of such resources. Once prepared, the notice shall be distributed to the owners of all existing wineries and farm breweries within the County. In addition to the distribution of such notices to the owners of existing facilities, the County shall also distribute such notices to owners of any future wineries or farm breweries receiving approvals from the County.*

7-2 Disturb any human remains, including those interred outside dedicated cemeteries. Based on the analysis below and with implementation of mitigation, the impact is less than significant.

As discussed above, the proposed Zoning Text Amendment would not result in direct physical alterations to existing study facilities. Nevertheless, changes in the regulation of the size and frequency of potential future events at existing study facilities could result in the provision of additional permanent parking areas within existing study facilities. The provision of additional permanent parking areas may require grading activity that would involve land-disturbing activity, which would have the potential to disturb previously unknown human remains, if such remains exist within any of the existing study facilities.

Procedures of conduct following the discovery of human remains on non-federal lands in California have been mandated by Health and Safety Code §7050.5, PRC §5097.98 and the California Code of Regulations (CCR) §15064.5(e) (CEQA). According to the foregoing regulations, should human remains be encountered during ground disturbing activity in any of the existing study facilities, all work in the immediate vicinity of the burial must cease, and necessary steps to ensure the integrity of the immediate area must be taken. Following discovery of the burial, the Placer County Coroner must be immediately notified. Should the Coroner determine that the remains are of Native American origin, the Coroner has 24 hours to notify the NAHC, which will determine and notify a MLD. The MLD would have 48 hours to make recommendations regarding the disposition of the remains following notification of the discovery from the NAHC. Further actions related to the disposition of the burial would be determined, in part, based on the desires of the MLD. If the MLD does not make recommendations within 48 hours, the owner/operator of the existing study facility where such remains are discovered is required to reinter the remains, with appropriate dignity, in an area of the property secure from further disturbance. Alternatively, if the owner/operator of the existing study facility does not accept the MLD's recommendations, the owner/operator of the existing study facility may request mediation by the NAHC.

Application of the regulations discussed above would ensure that should future provision of additional permanent parking areas within existing study facilities result in the disturbance of previously unknown human remains, interred outside of dedicated cemeteries, such remains must be handled in compliance with all relevant state regulations. However, should grading activity proceed within existing facilities following implementation of the proposed Zoning Text Amendment, without the proper implementation of the regulations discussed above, such grading activity could result in disturbance of human remains, including remains interred outside of dedicated cemeteries, and a *significant* impact could occur.

Mitigation Measure(s)

Implementation of the following mitigation measure would reduce the above potential impact to a *less-than-significant* level.

7-2 *Implement Mitigation Measure 7-1(a).*