

This section provides a background 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. There were no comments received during the public review period for the NOP related to cultural resources. Information in this section is derived primarily from the *Cultural Resource Assessment of the Proposed Cannery Project*, Peak and Associates, September 2012. This report is attached as Appendix D.

3.5.1 ENVIRONMENTAL SETTING

PROJECT SETTING

The site was annexed and previously developed by the Hunt-Wesson division for food processing and warehousing products more than fifty years ago. The cannery was constructed in 1961 and operated for 38 years before closing in 1999. The obsolete canning facilities were demolished and a few building foundations remain in the southern portion of the site. The northern portion of the site, once intended for plant expansion, remains undeveloped.

The site is generally a slanted rectangle and its boundaries are defined by East Covell Boulevard on the south, existing Union Pacific Railroad (UPRR) line and the F Street open drainage channel on the west and agricultural lands on the north and east. The California Northern Railroad operates on the tracks on the western boundary, under lease from UPRR. Residential neighborhoods are located west of the UPRR line and F Street Channel. Multi-family residential (Cranbrook Apartments) and office uses are south of East Covell Boulevard, south of the site. Adjacent lands to the north and east are currently zoned Limited Industrial (M-L) under the jurisdiction of Yolo County, and are seasonally farmed with rotating annual crops, as is the northern portion of the site that was not used as Hunt-Wesson facilities.

ARCHEOLOGICAL BACKGROUND

The Central Valley region was among the first in the state to attract intensive 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

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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.

Hotchkiss Culture (Late Horizon) -- The 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.

More recently, Bennyhoff and Hughes (1984) have presented alternative dating schemes for the Central California Archeological Sequence. The primary emphasis is a more elaborate division of the Horizons to reflect what is seen as cultural/temporal changes within the three horizons and a compression of the temporal span.

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.

Various modifications have been proposed for the dates given in the table below, but it provides a basic temporal correlation for the two main chronologies in the general project vicinity. It is important to note that this is a framework only and that the identification of regional and local variations from the pattern is a major goal of current archeological research. Nevertheless, the succession of major cultural changes at approximately the same time period is characteristic over a large part of California.

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:

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).

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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 bitter 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 4000 before their first encounter with non-Indians. Missionization, punitive military expeditions and fatal confrontations with ranchers took their toll on the populace. John Work's party of trappers from the Hudson's Bay Company came down the Sacramento River in 1832, returning up the river in 1833. They unintentionally introduced a deadly disease to native California and, in their wake, a malaria epidemic swept through the Sacramento Valley. Just four years later, in 1837, smallpox raged through the villages and, as a result of these diseases, up to 75 percent of the Patwin died (Cook 1955). Those who survived these tragedies eventually settled on small reservations or worked as ranch laborers. Throughout the 1800s and 1900s, the population decreased; in 1972, the Bureau of Indian Affairs counted only 11 Patwin in the entire territory. Three reservations--Colusa, Cortina and Rumsey--remain active in former Patwin territory; they are occupied primarily by descendants of Wintun and other groups (Bureau of Indian Affairs 1983; Johnson 1978:352).

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 8000 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 site was annexed and previously developed by the Hunt-Wesson division for food processing and warehousing products more than fifty years ago. The cannery was constructed in 1961 and operated for 38 years before closing in 1999. The obsolete canning facilities were demolished and a few building foundations remain in the southern portion of the site. Additional information regarding the site history and past site uses as a canning facility is provided in Section 3.8.

KNOWN CULTURAL RESOURCES

Research

Records of previously recorded cultural resources and cultural resource investigations were examined by the Northwest Information Center of the California Historical Resources Information System. Their report of June 20, 2012 indicates that no historic or prehistoric cultural resources have been recorded within the project area. The portion of the project area north of the former industrial site has been previously surveyed (NWIC Reports #S-18788 and #S-29706), but no resources were recorded in the immediate vicinity of the current project area. The former Hunt-Wesson area has never been systematically surveyed.

In addition, the Information Center consulted historic maps of the area, the OHP Historic Properties Directory and the CA Inventory of Historic Places. None of this research produced indications of resources that might be located within the project area (Appendix D).

Native American Consultation

The Native American Heritage Commission was contacted on June 1, 2012 for a check of the Sacred Lands file and to identify sources for further information. There are no properties listed on the Sacred Lands file near the project area. The following contacts were provided in their reply:

Cortina Band of Indians	Charles Wright, Chairperson
Yocha Dehe Wintun Nation	Marshall McKay, Chairperson
	Leland Kinter, Native Cultural Renewal Committee
	Cynthia Clarke, Native Cultural Renewal Committee
	Reno Franklin, Cultural Resources Director
[individual]	Kesner Flores

All of these individuals were contacted by letter on June 25, 2012. No replies had been received as of September 11, 2012. Copies of this communication may be found in Appendix 3 of the Cultural Resources Assessment.

Field Survey

The project area was inspected on June 26, 2012, by a team of Robert Gerry of Peak & Associates assisted by Michael Lawson (resumes, Appendix 1 of the Cultural Resources Assessment). In the northern, previously undeveloped, portion of the project area linear transects were walked with a spacing of no more than 15 meters between transects, to insure adequate ground coverage. Ground visibility was excellent as the land had been recently plowed and little vegetation had grown back. The rest of the project area was dominated by two vast concrete slabs representing the processing plant to the north and the warehouse to the south. These were separated and surrounded by equally large paved parking areas. There were very few areas where the ground surface was visible. Though these were closely inspected, no indication of prehistoric resources was observed.

The building sites have been thoroughly razed. Other than the large slabs, there were few features visible. The loading dock and railroad siding were present in the warehouse area. There are numerous concrete curbing, tank bases and smaller features visible in the processing area. The only structural feature that is still standing was a large water tank located at the western edge of the processing plant. This is elevated on a girder framework.

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

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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 California Register of Historical Resources (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 978

In 2001, Assembly Bill (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 and policies that are relevant to cultural or historical aspects of the proposed project:

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.

Standards 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

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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.

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.

IMPACTS AND MITIGATION MEASURES

Impact 3.5-1: Project implementation may cause a substantial adverse change to a significant historical or archaeological resource, or directly or indirectly destroy or disturb a unique paleontological resource or human remains (Less than Significant with Mitigation)

As described above, there are no known cultural, historical, archaeological or paleontological resources on The Cannery Project site. A field survey was completed by a qualified archeologist, and no cultural or other historical resources were discovered on the project site. Based on consultation with the Native American Heritage Commission and a comprehensive review of available cultural and historical resources, including a review of literature maintained by the Northwest Information Center of the California Historical Resources Information System, it is not anticipated that site grading and preparation activities would result in impacts to cultural, historical, archaeological or paleontological resources.

However, as with most projects in California that involve ground disturbing activities, there is the potential for discovery of a previously unknown cultural and historical resource. The implementation of the following mitigation measure would ensure that this potential impact is **less than significant**.

MITIGATION MEASURES

Mitigation Measure 3.5-1: *If any prehistoric or historic artifacts, or other indications of archaeological resources are found during grading and construction activities, an archaeologist meeting the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology, as appropriate, shall be consulted to evaluate the finds and recommend appropriate mitigation measures.*

- *If cultural resources or Native American resources are identified, every effort shall be made to avoid significant cultural resources, with preservation an important goal. If significant sites cannot feasibly be avoided, appropriate mitigation measures, such as data recovery excavations or photographic documentation of buildings, shall be undertaken consistent with applicable state and federal regulations.*
 - *If human remains are discovered, all work shall be halted immediately within 50 meters (165 feet) of the discovery, the County Coroner must be notified, according to Section 5097.98 of the State Public Resources Code 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.*
 - *If any fossils are encountered, there shall be no further disturbance of the area surrounding this find until the materials have been evaluated by a qualified paleontologist, and appropriate treatment measures have been identified.*

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