

## **4.3 CULTURAL RESOURCES**

### **4.3.1 Introduction**

This section evaluates the potential effects on cultural resources associated with development and operation of the Roberts' Ranch Specific Plan project (proposed project). The potential for prehistoric and historical resources to be damaged as a result of development of the proposed project is described and applicable federal, state, and regional regulations pertaining to the protection of cultural resources are identified and potential project-specific and cumulative impacts on cultural resources are evaluated and measures included to minimize impacts.

One comment letter was received in response to the Notice of Preparation (NOP) from the Yocha Dehe Wintun Nation Cultural Resources Department stating that the project is within the aboriginal territories of the Yocha Dehe Wintun Nation and requesting additional information on the proposed project including the most recent Cultural Resources Study. A copy of the Cultural Constraints Memorandum was sent to the representative from the Yocha Dehe Cultural Resources Department. A copy of the NOP and comments received in response to the NOP is included in Appendix A.

Resources referenced to prepare this section include the Cultural Constraints Memorandum prepared by Dudek in 2016 and the City of Vacaville General Plan (City of Vacaville 2015). A copy of the Cultural Constraints Memorandum is included in Appendix E.

### **4.3.2 Environmental Setting**

This section describes the historical and cultural background of the region, the existing conditions on the project site, and identifies the resources that could be affected by the proposed project.

#### **Prehistory Background**

The Sacramento Valley may have been inhabited by humans as early as 10,000 years ago. The archaeological remains from this period are rare but have been found in and around the Central Valley, although none have been identified in Solano County. Early remains were grouped into the Farmington Complex, which is characterized by core tools and percussion flakes, and named due to the belief that the economy at the time was based on exploitation of large game (City of Vacaville 2012).

Three general patterns of resource use have been identified for the period between 4500 years before present (B.P.) and the arrival of the European Americans in California. The Windmill Pattern (4500 B.P.-2500 B.P.) was characterized by a mixed economy that relied on game,

fishing and plant foods. Numerous projectile points, fishing hooks, spears and a wide range of animal remains are contained in the archaeological record during this period. The Augustine Pattern (1500 B.P.) persisted into the ethnographic period and exhibits further development of ceremonial and social organization, including social stratification. Subsistence patterns in the Augustine Pattern reflect those of the Patwin people and the evidence of shaped mortars and pestles indicate a stronger emphasis on the use of the acorn (City of Vacaville 2012).

### **Ethnology**

Native Californians likely settled in Vacaville between 12,000 and 6,000 years ago. The Patwin people resided in the area west of the Sacramento River to the crest of the Coast Ranges. Patwin lands include all of present-day Vacaville with the village of Ululato located in present-day downtown Vacaville along the Ulatis Creek. The Patwin people were a typical hunter-gathering group and exhibited basic social and political units. Patwin social organization was based on familial ties and divided into three main groups: the paternal family, the family social group, and the household. Generally, a tribelet headman would reside in the major village where ceremonial events were held (City of Vacaville 2012).

Patwin culture was drastically altered following the Hispanic exploration and settlement of the Bay Area in the late 18th century and the establishment of the Catholic missions. Patwin people were baptized at several missions between 1815 and 1832 and after 1834, following the secularization of the missions, native peoples were frequently moved to ranchos and worked as manual laborers (City of Vacaville 2012).

Remnants of inhabited semi-permanent villages of the Patwin have been found in the hills around Vacaville. Dozens of prehistoric archaeological resources in the Vacaville area, including habitation sites, burial sites, and isolated tools have been identified (City of Vacaville 2015).

### **History**

Manuel Vaca and Juan Felipe Pena arrived in the vicinity of the project site in 1842 and established temporary homes near the center of Lagoon Valley and Laguna Creek. Vaca's permanent adobe home was constructed within a year near present-day Cherry Road and Pena's permanent small adobe home was constructed approximately 0.33 mile southwest. Both of these homes are identified as historic resources within the City and are listed in the National Register of Historic Places (City of Vacaville 2015). In 1845, Vaca and Pena were issued a land grant for a 44,000-acre site west of the proposed project site. Beginning in 1849, parcels of this land were sold to those interested in establishing ranches in the area.

The town of Vacaville was established in 1851 and by the end of that year had a population of 580. During the mid to late 19th century, livestock and wheat production were the principal

economic products in the county and by the 1890s fruit production was the primary economic product. The town of Vacaville was formally incorporated in 1892 (City of Vacaville 2015).

**Records Search**

A records search was conducted by Dudek through the Northwestern Information Center (NWIC) of the California Historical Resources Information Center (CHRIS). No cultural resources have been identified within the project site, but eight resources have been recorded within a 1-mile radius (Appendix E). These resources are detailed below in Table 4.3-1. Additional sources consulted at the NWIC included the National Register of Historic Places, Office of Historic Preservation (OHP) Archaeological Determinations of Eligibility (ADOE), OHP Historic Property Directory (HPD), and historical maps. No properties relating to these sources were identified within the project area. The Native American Heritage Commission (NAHC) performed a Sacred Lands File search, which failed to identify any Native American cultural resources in the area (Appendix E).

**Table 4.3-1  
Resources Identified by NWIC Records Search**

Primary Number	Trinomial	Age	Within Project Area	Description
P-48-000178	CA-SOL-383	Historic	No	Highway/Road
P-48-000149	—	Prehistoric	No	Isolated Flake
P-48-000546	—	Historic	No	Water Tower
P-48-000549	—	Historic	No	Southern Pacific Railroad
P-48-000745	—	Historic	No	Single Residence Property
P-48-000974	CA-SOL-488	Historic	No	Farmstead
P-48-001025	—	Historic	No	Vaca Valley Railroad
P-48-001026	—	Historic	No	Elmira Depot

Source: Appendix E

**Previous Research**

The NWIC report indicates that 35 cultural resource studies have been conducted within a 1-mile radius of the project area, five of which include small areas within, and larger areas immediately adjacent to the Roberts’ Ranch Specific Plan area. The majority of the project site has not been subject to previous investigation noted by studies on file at the NWIC. Studies previously conducted near the project site are S-005164 and S-004980, which are summarized in Table 4.3-2 and described in more detail below.

**Table 4.3-2**  
**Previous Cultural Resource Studies**

<b>Report ID</b>	<b>Year</b>	<b>Author</b>	<b>Title</b>
S-005164	1981	David Chavez	Vacaville Southeast Sector Environmental Impact Report (letter report)
S-044980	2013	Neal Kaptain	Cultural Resources Study for the Brighton Landing Project, Vacaville, Solano County, California

Source: Appendix E

### **S-005164**

This report, prepared by David Chavez, presents the results of an archaeological field reconnaissance survey conducted as part of the 1981 Vacaville Southeast Sector Environmental Study. The study area was composed of two components: the 275-acre David E. Bohannon Company development site and a broader 1,080-acre area affected by the proposed development. A reconnaissance-level pedestrian survey was conducted for the project site and no cultural resources were identified. However, the study noted that the Roberts' Ranch project site is of moderate archaeological sensitivity and recommended more intensive and comprehensive cultural field investigations be conducted (Appendix E).

### **S-044980**

This study was prepared by Neal Kaptain of LSA Associates and documents the results of a cultural resources survey that was conducted as part of the Brighton Landing Specific Plan project in 2013. The Brighton Landing project site is located immediately north and slightly overlaps the proposed project site. The archaeological survey for the Brighton Landing project covered a small portion of the northeast corner of the Roberts' Ranch Specific Plan area. Two possible prehistoric chert flakes and a concentration of basalt flakes were identified in disturbed sediments near the Union Pacific Railroad tracks during a site visit with Yocha Dehe Wintun National tribal representatives. It is possible that the recorded location of these flakes is near the area that could be disturbed by off-site sewer construction related to the project. However, there is no record of any lithic flakes being formally recorded and no cultural materials were noted during Dudek's pedestrian level survey and there is no record of any of the lithic flakes having been formally recorded as part of the LSA Associates survey (see Appendix E). Given the disturbed context relative to the train tracks there is a high likelihood that these flakes were mechanical fractures and were later determined to be non-cultural. The results of the study suggest that the Brighton Landing project area is located within an environment that is conducive to prehistoric habitation and use and is considered to have a high sensitivity for buried prehistoric cultural deposits. The EIR completed for the Brighton Landing project

recommended that should archaeological material be encountered during project-related disturbances, work would cease in the area and any potential resource be evaluated by a qualified archaeologist for eligibility to be listed on the California Register of Historic Resources (CRHR) and local register (Appendix E).

### **Archaeological Survey**

A pedestrian level survey of the entire 248-acre project site was conducted by Dudek on March 10, 2016. The survey included examination of ground surfaces for prehistoric artifacts (e.g., flaked stone tools, tool-making debris, stone milling tools, ceramics, fire-affected rock), soil discoloration that might indicate the presence of a cultural midden, soil depressions, features indicative of the current or former presence of structures or buildings (e.g., standing exterior walls, post holes, foundations) and historic artifacts (e.g., metal, glass, ceramics, building materials). Ground disturbances such as burrows, cut banks, and drainages were also visually inspected for exposed subsurface materials. There are no buildings present on the project site.

All fieldwork was documented using field notes, digital photography, a Global Positioning System (GPS) receiver with sub-meter accuracy, iPad technology with close-scale field maps, and aerial photographs. Location-specific photographs were taking using an Apple 3rd Generation iPad equipped with 8 MP resolution and georeferenced PDF maps of the project site. Accuracy of this device ranged between 3 and 10 meters.

The pedestrian level cultural survey did not identify any cultural resources on the project site. The project site is located within disturbed and undeveloped agricultural lands. Most of the project site consists of plowed, agricultural fields. There are several dirt roads that run west-east along the southern boundary of the project area and a dirt road that bisects the project area (north-south). Ground visibility was good (80%–100%) and all surface soils within the project site appear to have been disturbed by continuous agricultural activities.

### **Paleontological Background**

Paleontological resources include fossil remains, as well as fossil localities and rock or soil formations that have produced fossil material. Fossils are the remains or traces of prehistoric animals and plants. Fossils are important scientific and educational resources because of their use in: (1) documenting the presence and evolutionary history of particular groups of now extinct organisms, (2) reconstructing the environments in which these organisms lived, and (3) determining the relative ages of the strata in which they occur and of the geologic events that resulted in the deposition of the sediments that formed these strata and in their subsequent deformation.

The City lies within a transition zone between the Sacramento Valley to the east and the Coast Range to the west and is comprised of a variety of rock types dating from various geologic periods. Certain formations in these rock types may contain fossils that are paleontologically significant (City of Vacaville 2015). The project site is underlain by Holocene and Pliestocene Alluvium soils (Solano County 2008, Figure 4.7-1). Holocene alluvial deposits generally contain vertebrate and invertebrate fossils of extant modern taxa, which are generally not considered paleontologically significant. Pleistocene alluvial deposits generally contain fossils from the Rancholabrean land mammal age from which many taxa are now extinct and these deposits are considered highly sensitive for paleontological resources (Solano County 2008). However, according to a study completed for the CPV Vaca Station project, the project site does not contain any rock formations and is not located in an area of the County known to contain paleontological resources (CPV Vacaville LLC 2008, Figure 5.8-1).

### **4.3.3 Regulatory Setting**

Cultural resources are defined as buildings, sites, structures, or objects each of which may have historical, architectural, archaeological, cultural, and/or scientific importance. Several laws and regulations at the state level govern archaeological and historic resources deemed to have scientific, historic, or cultural value. The pertinent regulatory framework, as it applies to the proposed project, is summarized below.

#### **Federal Regulations**

##### ***National Historical Preservation Act***

The National Historic Preservation Act of 1996 established the National Register of Historic Places (NRHP) as the official federal list of cultural resources that have been nominated by state offices for their historical significance at the local, state, or national level. Properties listed or eligible for listing in the NRHP must meet certain criteria for historical significance and possess integrity of form, location, and setting. Under Section 106, federal agencies are required to consider the effects of their actions, or those they fund or permit, on properties that are listed or may be eligible for listing. The regulations in 36 CFR 60.4 describe the criteria to evaluate cultural resources for inclusion in the NRHP. Properties may be listed in the NRHP if they possess integrity of location, design, setting, materials, workmanship, feeling, and association. No historic properties, buildings or resources eligible for listing in the NRHP are known to exist on the project site.

The Department of the Interior has set for Standards and Guidelines for Archaeology and Historic Preservation. These standards and guidelines are not regulatory and do not set or interpret agency policy. A project that follows the standards and guidelines generally shall be

considered mitigated to a less-than-significant level, according to Section 15064.5(b)(3) of the California Environmental Quality Act (CEQA) Guidelines (14 CCR 15000 et seq.).

### **State Regulations**

#### ***California Register of Historical Resources***

The California Register of Historical Resources (CRHR) is established through California Public Resources Code (PRC) Section 5042.1. Any identified cultural resources must therefore be evaluated against the CRHR criteria. The criteria for listing resources on the CRHR were expressly developed to be in accordance with previously established criteria developed for listing in the NRHP. In order to be determined eligible for listing in the CRHR, a property must be significant at the local, state, or national level under one or more of the following four significance criteria:

1. It is associated with events or patterns of events that have made a significant contribution to the broad patterns of the history and cultural heritage of California and the United States.
2. It is associated with the lives of persons important to the nation or to California's past.
3. It 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 value.
4. It has yielded, or may be likely to yield, information important to prehistory or history of the state and the nation.

In addition to meeting one or more of the above criteria, a significant property must also retain integrity. Properties eligible for listing in the CRHR must retain enough of their historic character to convey the reason(s) for their significance. Integrity is judged in relation to location, design, setting, materials, workmanship, feeling, and association. Properties listed or formally designated as eligible for listing in the NRHP are automatically listed in the CRHR, as are the state landmarks and points of interest. The CRHR also includes properties designated under local ordinances or identified through local historical resource surveys.

No historic properties or resources eligible for listing in the CRHR are known to exist on the project site.

#### ***California Environmental Quality Act***

CEQA requires public agencies to consider the effects of their actions on both "historical resources" and "unique archaeological resources." Pursuant to 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.” PRC 21083.2 requires agencies to determine whether proposed projects would have effects on “unique archaeological resources.”

“Historical resource” is a term of art with a defined statutory meaning (see PRC 21084.1 and CEQA Guidelines, Sections 15064.5(a) and 15064.5(b)). The term embraces any resource listed in or determined to be eligible for listing in the 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 5024.1 and 14 CCR 4850). Unless a resource listed in a survey has been demolished or has 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 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, 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 21084.1 and CEQA Guidelines, Section 15064.5(a)(3)). In general, a historical resource, under this approach, is defined as any object, building, structure, site, area, place, record, or manuscript that:

- A. Is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, education, 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 (CEQA Guidelines, Section 15064.5(a)(3)).



These factors are known as “Criteria 1, 2, 3, and 4” and parallel Criteria A, B, C, and D under the National Historic Preservation Act. The fact that a resource is not listed or determined to be eligible for listing does not preclude a lead agency from determining that it may be a historical resource (PRC 21084.1 and CEQA Guidelines, Section 15064.5(a)(4)).

CEQA also distinguishes between two classes of archaeological resources: archaeological sites that meet the definition of a historical resource, as described above, and “unique archaeological resources.” Under CEQA, an archaeological resource is considered “unique” if it:

- Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information;
- Has a special or particular quality such as being the oldest of its type or the best available example of its type; or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person (PRC 21083.2(g)).

CEQA states that if a proposed project would result in an impact that might cause a substantial adverse change in the significance of a historical resource, then an EIR must be prepared and mitigation measures and alternatives must be considered. A “substantial adverse change” in the significance of a historical resource means 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)).

The CEQA Guidelines (Section 15064.5(c)) also provide specific guidance on the treatment of archaeological resources, depending on whether they meet the definition of a historical resource or a unique archaeological resource. If the site meets the definition of a unique archaeological resource, it must be treated in accordance with the provisions of PRC 21083.2.

CEQA Guidelines, Section 15064.5(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 must be contacted within 24 hours. At that time, the lead agency must consult with the appropriate Native Americans, if any, as identified in a timely manner by the Native American Heritage Commission. Section 15064.5 of the CEQA Guidelines 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.

##### ***Senate Bill 18***

Senate Bill 18 (SB 18; Government Code sections 65352.3, 65352.4) requires that, prior to the adoption or amendment of a general 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 project does not require an amendment to the City's General Plan.

##### ***Assembly Bill 52***

Assembly Bill 52 (AB 52) went into effect July 1, 2015, and requires lead agencies to consult with all California Native American tribes that have requested formal consultation at the onset of a project, or when a NOP is released. AB 52 also establishes a new class of resources to be evaluated – Tribal Cultural Resources.

A comment letter was received from the Yocha Dehe Wintun Nation on December 14, 2015, in response to the City's inquiry regarding consultation under AB 52. The letter identified that the project site was within the aboriginal territories of the Yocha Dehe Wintun Nation and requested a copy of the most current Cultural Resources Study for the project site. The City provided a copy of the requested Cultural Resources Study to the Yocha Dehe Wintun Nation in July 2016. The City received a response on August 17, 2016 stating that, based on the provided information, Yocha Dehe Wintun Nation is not aware of any known cultural resources near the project site and a cultural monitor would not be needed.

##### ***Health and Safety Code Section 7050.5***

Health and Safety Code section 7050.5 requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area reasonably suspected to contain human remains shall occur until the County coroner has examined the remains. PRC Section 5097.98 also outlines the process to be followed in the event that remains are discovered. If the coroner determines or has reason to believe the remains are those of a Native American, the coroner must contact the California Native American Heritage Commission (NAHC) within 24 hours. The NAHC will notify the Most Likely Descendant. With the permission of the landowner, the Most Likely Descendant may inspect the site of discovery. The inspection must be completed within 48 hours of notification of the Most Likely Descendant by the NAHC. The Most Likely Descendant may recommend means of treating or disposing of, with appropriate dignity, the human remains and items associated with Native Americans.

### ***Paleontological Resources***

Consideration of paleontological resources is required by CEQA. Other state requirements for paleontological resource management are found in PRC Chapter 1.7, Section 5097.5, Archaeological, Paleontological, and Historical Sites. This statute specifies that state agencies may undertake surveys, excavations, or other operations as necessary on state lands to preserve or record paleontological resources. This statute does not apply to the proposed project because none of the property includes public lands.

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 fossil remains discovered as a result of construction-related earth moving on state or private land in a project site.

### **Local Regulations**

#### ***Vacaville General Plan***

The City of Vacaville General Plan Conservation and Open Space (COS) Element provides guidance for new development and focuses on the protection and enhancement of historic, archaeological, and paleontological resources. The following policies from the City's COS Element are applicable to the proposed project:

- Policy COS P6.2** Require that a records search of California Historical Resources Information System be conducted and reviewed by a cultural resources professional for proposed development areas to determine whether the site contains known prehistoric or historical cultural resources and the potential for as-yet-undiscovered cultural resources.
- Policy COS P6.3** Require that areas found to contain significant historic or prehistoric artifacts be examined by a qualified consulting archaeologist or historian for appropriate protection and preservation.
- Policy COS P6.4** Require that if cultural resources, including archaeological or paleontological resources, are uncovered during grading or other on-site excavation activities, construction shall stop until appropriate mitigation is implemented.
- Policy COS P6.5** Require that any archaeological or paleontological resources on a development project site be either preserved in their sites or adequately documented as a condition of removal. When a development project has

sufficient flexibility, avoidance and preservation of the resource shall be the primary mitigation measure, unless the City identifies superior mitigation. If resources are documented, coordinate with descendants and/or stakeholder groups, as warranted.

**Policy COS P6.6** Treat human remains discovered during implementation of public and private projects within the city with respect and dignity.

### 4.3.4 Impacts

#### Methods of Analysis

A formal records search was conducted for the project site by Dudek through the NWIC (see Appendix E). In addition, research consisted of a literature search of the following databases: NAHC Sacred Lands File, NRHP, OHP, ADOE, and OHP HPD. In addition, historical maps were reviewed and an archaeological survey of the project site was conducted. This research was used to identify locations of other resources that may exist or have existed within the project area. The records search prepared for the proposed project included a 1-mile radius around the project site.

#### Issues Addressed in the Modified Initial Study

As discussed in the Modified Initial Study (see Appendix B), there are no structures located on the project site; therefore, impacts associated with removal of historically significant properties and/or the loss of historic integrity of such resources are not addressed further in this EIR. The project site does not contain any rock formations and is not located in an area of the City designated as sensitive for paleontological resources. The Modified Initial Study determined that with implementation of General Plan policies and compliance with federal and state regulations regarding paleontological resource this impact would be less than significant. Therefore, it is not evaluated further in this EIR.

#### Thresholds of Significance

Consistent with Appendix G of the CEQA Guidelines, the County's General Plan, and professional judgment, a significant impact would occur if development of the proposed project would do any of the following:

- Cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.5; or
- Disturb any human remains, including those interred outside of formal cemeteries.

### Impacts and Mitigation Measures

#### **4.3-1: Implementation of the proposed project may cause a substantial adverse change in the significance of an archaeological resource. This would be a potentially significant impact.**

As discussed in the Environmental Setting above, the formal records search prepared for the project did not identify any recorded archaeological resources on the project site. Previous cultural resource studies have identified eight cultural resources within 1-mile of the project site, with three previous studies that included portions of the project site. One study noted that while no cultural resources were identified on the project site, the site was designated as an area of moderate archaeological sensitivity (Appendix E). The cultural resources study prepared for the Brighton Landing Specific Plan project identified two potential prehistoric chert flakes and a concentration of basalt flakes in the disturbed sediments near the Southern Pacific Railroad tracks in the northeast corner of the Brighton Landing project site. However, there is no record of any lithic flakes being formally recorded and no cultural material was noted during Dudek's pedestrian survey (see Appendix E). The project site's topographic suitability, proximity to Alamo Creek, and the results of the previous technical studies identifying cultural resources in the vicinity suggest that there is some potential for project construction to encounter yet-identified subsurface archaeological resources.

The City's General Plan contains policies to reduce impacts to cultural resources. For example, General Plan Policy COS P6.4 requires in the event grading or excavation of a project site reveals cultural resources, including archaeological or paleontological resources, construction activities stop immediately and implementation of appropriate mitigation occur. General Plan Policy COS P6.5 requires preservation or adequate documentation of archaeological or paleontological resources and identifies avoidance and preservation as the primary mitigation measure when previously unidentified subsurface resources are discovered on a project site. This measure also requires consultation with appropriate organizations and individuals (i.e., descendants and/or stakeholder groups) as warranted if any resources are present on the project site. Compliance with these policies would help to minimize potential impacts to any known or unknown archaeological or paleontological resources.

However, since ground-disturbing activities associated with construction of the proposed project have the potential to encounter or disturb previously unidentified subsurface archaeological resources, this impact would be **potentially significant**.

### Mitigation Measures

Implementation of Mitigation Measure CUL-1 would require the project applicant comply with specific procedures in the event of an inadvertent discovery of a resource during project

construction. The procedures require work to stop in the event a resource is discovered, consultation be initiated with an archaeologist to determine the appropriate course of action, and Native American representatives be consulted for their input and concerns. Compliance with these measures would ensure that the project's potential impacts to previously unidentified subsurface resources are mitigated to a less-than-significant level.

**CUL-1** If deposits of prehistoric or historical archaeological materials are encountered during construction activities, all work within 25 feet of the discovery shall be redirected until an archaeologist is contracted to assess the finds, consult with agencies and descendant communities (as appropriate), and make recommendations for the treatment of the discovery. If preservation in place is not feasible, the archaeologist shall evaluate the deposit for its eligibility for listing in the California Register of Historical Resources. If the deposit is not eligible, mitigation is not necessary. If the deposit is eligible, mitigation shall include excavation of the archaeological deposit in accordance with a data recovery plan (see *CEQA Guidelines* Section 15126.4(b)(3)(C)). The City of Vacaville shall ensure that descendant communities are consulted for their input and concerns during the development and implementation of any mitigation plan.

Upon completion of the evaluation and/or mitigation, the report shall be submitted to the City of Vacaville, the applicant, the Northwest Information Center at Sonoma State University, and descendant communities.

**4.3-2: Implementation of the proposed project may disturb human remains, including those interred outside of formal cemeteries. This would be a potentially significant impact.**

One previous archaeological study, completed for the Brighton Landing Specific Plan project, identified two potential prehistoric resources near the Southern Pacific Railroad tracks in the northeast corner of the project site. No resources were formally recorded as part of that project and no archaeological deposits were identified during the cultural resources survey of the project site. Additionally, the Native American Heritage Commission Sacred Lands File failed to identify any Native American cultural resources in the area (see Appendix E). The project site was listed as being moderately sensitive for archaeological resources in the *Archaeological Survey and Excavation Along the Tehama-Colusa Canal, Central California* study (see Appendix E), and often human remains are associated with archaeological sites.

The City's General Plan contains policies regarding the accidental discovery of human remains during construction of a project. Specifically, General Plan Policy P6.4 requires work stop immediately in the event cultural resources or human remains are uncovered during grading or

other on-site excavation activities until appropriate mitigation is implemented. Additionally, General Plan Policy P6.6 requires that human remains discovered during implementation of public and private projects be treated with respect and dignity. The project is also required to comply with Health and Safety Code Section 7050.5, which states no further disturbance or excavation of the site or nearby areas is allowed if remains are discovered until the remains have been examined by the County coroner. Compliance with General Plan policies and Health and Safety Code Section 7050.5 would help reduce the potential impact to human remains.

However, since ground-disturbing construction activities on the project site have the potential to uncover and potentially impact previously unrecorded human remains, this impact would be considered **potentially significant**.

### **Mitigation Measures**

Implementation of Mitigation Measure CUL-2 would require the project applicant to stop construction work on the project site and initiate consultation with the City's Community Development Department, County Coroner, and a qualified archaeologist to determine the appropriate course of action in the event human remains are unearthed. Compliance with these measures would ensure that the project's potential impact to previously unrecorded human remains are mitigated to a less-than-significant level.

- CUL-2** In the event that human remains are encountered, the on-site construction foreman shall stop all work within 25 feet of the discovery and shall immediately contact the City's Community Development Department and the County Coroner. At the same time, a qualified archaeologist shall be contacted to assess the situation and consult with agencies as appropriate. On-site construction workers shall not collect or move any human remains and associated materials. If the human remains are of Native American origin, the coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission shall identify a Most Likely Descendant to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods. Upon completion of the assessment, the archaeologist shall prepare a report documenting the methods and results, and provide recommendations for the treatment of the human remains and any associated cultural materials, as appropriate, and in coordination with the recommendations of the Most Likely Descendant. The report shall be submitted to the City of Vacaville Community Development Department and the Northwest Information Center, and descendant communities.

### 4.3.5 Cumulative Impacts

The cumulative impact analysis for cultural resources does not rely on a list of specific pending or reasonably foreseeable development proposals in the general vicinity of the project.

The geographic scope or cumulative context for evaluation of potential cumulative impacts on cultural resources is Solano County, which includes the cities of Vacaville, Fairfield, Suisun City, Vallejo, Dixon, Benicia and Rio Vista. While project specific impact analysis for cultural resources necessarily includes separate analyses for historical, archaeological and paleontological resources and human remains, the cumulative analysis combines these resources into a single, non-renewable resource base and considers the additive effect of project-specific impacts to significant regional impacts on cultural resources.

**4.3-3: The proposed project could contribute to cumulative impacts to historical, archaeological and paleontological resources in the area. This would be a less-than-significant impact.**

Archaeological evidence suggests that Solano County has been inhabited between 10,000 and 6,000 years B.P. Background research has identified a number of historical archaeological sites, prehistoric archaeological sites, and historic buildings and structures throughout the city and county. Urban development throughout the County has likely impacted a number of known and unknown historic, prehistoric and paleontological sites. It is reasonable to assume that present and future development would continue to have an impact on known and unknown cultural, historical, archaeological, and paleontological resources in the County. All significant and cultural resources and human remains are unique and non-renewable, all adverse effects or negative impacts erode a dwindling resource base. For example, the loss of any one archaeological site affects all others in a region because these resources are best understood in the context of the entirety of the cultural system of which they are a part. Proper planning and appropriate mitigation can help to capture and preserve knowledge of such resources and can provide opportunities for increasing our understanding of the past environmental conditions and cultures by recording data about sites discovered and preserving artifacts found. Federal, state, and local laws are also in place, as discussed above, that protect these resources in most instances. However, the cumulative loss of cultural, historic, archaeological, and paleontological resources from present and future development within the County would be considered a potentially significant cumulative impact.

The project site does not contain any known cultural, historic, archaeological or paleontological resources, and construction on the project site is not likely to impact these resources. Compliance with General Plan policies related to the preservation of cultural resources and the Health and Safety Code related to unearthing human remains in addition to implementation of



Mitigation Measures CUL-1 and CUL-2 would ensure that the project's contribution to the cumulative loss of cultural resources would be **less than significant**.

### **Mitigation Measures**

None required.

### **4.3.6 References**

City of Vacaville. 2012. *Brighton Landing Specific Plan Environmental Impact Report*. July 9, 2012.

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