

APPENDIX E
Cultural Resources Information



YOCHA DEHE
CULTURAL RESOURCES

December 14th, 2015

Fred Buderl
City of Vacaville
650 Merchant Street
Vacaville, CA 95688

RE: Roberts' Ranch Project

Dear Mr. Buderl:

Thank you for your comment request letter regarding the proposed Roberts' Ranch Project, Vacaville, Solano County, CA. We appreciate your effort to contact us.

The Cultural Resources Department has reviewed the project and concluded that it is within the aboriginal territories of the Yocha Dehe Wintun Nation. Therefore, we have cultural interest and authority in the proposed project area.

We would like more information on your project. Would you please send us the following information: the most current Cultural Resource Study?

Should you have any questions, please feel free to contact the following individual:

Mr. Anthony Flores
Cultural Resources Site Protection Manager
Yocha Dehe Wintun Nation
Office: (530) 796-3400, Email: aflores@yochadehe-nsn.gov

Please refer to identification number YD – 12032015-01 in any correspondences concerning this project.

Thank you for providing us with this notice and the opportunity to comment.

Sincerely,

James Kinter
Tribal Secretary
Tribal Historic Preservation Officer



YOCHA DEHE
CULTURAL RESOURCES

August 17, 2016

Fred Buderl
City Planner
City of Vacaville
650 Merchant Street
Vacaville, CA 95688-6908

RE: Robert's Ranch Specific Plan

Dear Mr. Buderl:

Thank you for your project notification letter dated, July 19, 2016, regarding cultural information on or near the proposed Robert's Ranch Specific Plan project, Vacaville, Solano County, CA. We appreciate your effort to contact us and wish to respond.

The Cultural Resources Department has reviewed the project and concluded that it is within the aboriginal territories of the Yocha Dehe Wintun Nation. Therefore, we have a cultural interest and authority in the proposed project area.

Based on the information provided, Yocha Dehe Wintun Nation is not aware of any known cultural resources near this project site and a Cultural Monitor is not needed. However, if any new information or cultural items are found, please contact the following individual:

Mr. James Sarmento
Cultural Resources Manager
Yocha Dehe Wintun Nation
Office: (530) 723-0452, Email: jsarmento@yochadehe-nsn.gov

Please refer to identification number YD - 12032015-01 in correspondence concerning this project.

Thank you for providing us the opportunity to comment.

Sincerely,

James Kinter
Tribal Secretary
Tribal Historic Preservation Officer

July 8, 2016

Fred Buderl
Planning Division
City of Vacaville
650 Merchant St.
Vacaville, CA 95688

Subject: Cultural Resources Constraints for the Roberts' Ranch Project, Solano County, California

Dear Mr. Buderl:

This letter summarizes the known archaeological and built-environment constraints at the Roberts' Ranch project site, located in the City of Vacaville, California (Figures 1 and 2). Current efforts include a review of information housed at the Northwestern Information Center (NWIC) for the project site and a one-mile surrounding area, a search of the Native American Heritage Commission (NAHC) Sacred Lands File, and an archeological survey of the project site. The lead agency is completing consultation with NAHC-listed tribal representatives. No known archaeological or built environment resources have been previously recorded within the project area; however, disturbed possible prehistoric material (lithic debitage) has been identified along the Southern Pacific railroad tracks in/or near the current study area. It is unclear where this material was identified, as there is no record of it having been formally recorded. It is possible that these lithic items were later determined to be non-cultural ballast. The area appears to have been substantially altered through earth-moving activities since this lithic material was initially recorded, and was not observed during the current survey. Studies in the surrounding vicinity have identified this location to have moderate archaeological sensitivity due to its proximity to Alamo Creek and suitability for containing subsurface archaeological deposits. The cultural survey completed by Dudek did not identify any onsite resources, and the area was observed to be highly disturbed through active agricultural use. Based on our review of available information, project activities conducted in the area appear to have some potential for encountering yet-identified surface and subsurface archaeological resources.

REGULATORY FRAMEWORK

California Register of Historical Resources

In California, the term “historical resource” includes but is not limited to “any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.” (PRC section 5020.1(j).) In 1992, the California legislature established the CRHR “to be used by state and local agencies, private groups, and citizens to identify the state’s historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change.” (PRC section 5024.1(a).) The criteria for listing resources on the CRHR were expressly developed to be in accordance with previously established criteria developed for listing in the National Register of Historic Places (NRHP), enumerated below. According to PRC Section 5024.1(c)(1–4), a resource is considered historically significant if it (i) retains “substantial integrity,” and (ii) meets at least one 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.
4. Has yielded, or may be likely to yield, information important in prehistory or history.

In order to understand the historic importance of a resource, sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with the resource. A resource less than fifty years old may be considered for listing in the CRHR if it can be demonstrated that sufficient time has passed to understand its historical importance (see Cal. Code Regs., tit. 14, section 4852(d)(2)).

The CRHR protects cultural resources by requiring evaluations of the significance of prehistoric and historic resources. The criteria for the CRHR are nearly identical to those for the NRHP and 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.

California Environmental Quality Act

As described further below, the following CEQA statutes and CEQA Guidelines are of relevance to the analysis of archaeological, historic, and tribal cultural resources:

PRC section 21083.2(g) defines "unique archaeological resource."

PRC section 21084.1 and CEQA Guidelines section 15064.5(a) defines "historical resources." In addition, CEQA Guidelines section 15064.5(b) defines the phrase "substantial adverse change in the significance of an historical resource;" it also defines the circumstances when a project would materially impair the significance of an historical resource.

PRC section 21074(a) defines "tribal cultural resources."

PRC section 5097.98 and CEQA Guidelines section 15064.5(e): Set forth standards and steps to be employed following the accidental discovery of human remains in any location other than a dedicated ceremony.

PRC sections 21083.2(b)-(c) and CEQA Guidelines section 15126.4: Provide information regarding the mitigation framework for archaeological and historic resources, including examples of preservation-in-place mitigation measures; preservation-in-place is the preferred manner of mitigating impacts to significant archaeological sites because it maintains the relationship between artifacts and the archaeological context, and may also help avoid conflict with religious or cultural values of groups associated with the archaeological site(s).

More specifically, under CEQA, a project may have a significant effect on the environment if it may cause "a substantial adverse change in the significance of an historical resource." (PRC section 21084.1; CEQA Guidelines section 15064.5(b).) If a site is either listed or eligible for listing in the CRHR, or if it is included in a local register of historic resources, or identified as significant in a historical resources survey (meeting the requirements of PRC section 5024.1(q)), it is a "historical resource" and is presumed to be historically or culturally significant for purposes of CEQA. (PRC section 21084.1; CEQA Guidelines section 15064.5(a).) The lead agency is not precluded from determining that a resource is a historical resource even if it does not fall within this presumption. (PRC section 21084.1; CEQA Guidelines section 15064.5(a).)

A "substantial adverse change in the significance of an historical resource" reflecting a significant effect under CEQA means "physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired." (CEQA Guidelines section 15064.5(b)(1); PR Code section 5020.1(q).) In turn, the significance of an historical resource is materially impaired when a project:

- Demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register; or
- Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the PRC or its identification in an historical resources survey meeting the requirements of section 5024.1(g) of the PRC, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register as determined by a lead agency for purposes of CEQA.

(CEQA Guidelines section 15064.5(b)(2).) Pursuant to these sections, the CEQA inquiry begins with evaluating whether a project site contains any "historical resources," then evaluates whether that project will cause a substantial adverse change in the significance of a historical resource such that the resource's historical significance is materially impaired.

If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that they cannot be left undisturbed, mitigation measures are required (Section 21083.2[a], [b], and [c]).

Section 21083.2(g) defines a unique archaeological resource as 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:

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

Impacts to non-unique archaeological resources are generally not considered a significant environmental impact (PRC section 21083.2(a); CEQA Guidelines section 15064.5(c)(4).) However, if a non-unique archaeological resource qualifies as tribal cultural resource (PRC 21074(c); 21083.2(h)), further consideration of significant impacts is required.

CEQA Guidelines section 15064.5 assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. As described below, these procedures are detailed in PRC section 5097.98.

California Health and Safety Code

California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. 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 (section 7050.5b). 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 (section 7050.5c). 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.

NWIC RECORDS SEARCH RESULTS SUMMARY

The following section summarizes the results of the records search conducted by the NWIC for the proposed project site and a surrounding one-mile area.

Previously Recorded Cultural Resources

No cultural resources have been recorded within the boundaries of the project site, but eight resources have been recorded within a mile radius (Table 1). Additional sources of information that were 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 present within the project area.

Table 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-48-000419		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

One cultural resource (P-48-000419) identified through the NWIC records search is an isolate (consisting of two artifacts or less). The remaining seven resources are historic in age. P-48-000178 is the North Gate Road, which dates back to ca. 1850. P-48-000546 consists of a water tower on the Southern Pacific Railway. P-48-000549 is the Southern Pacific Railroad line segment between Davis and Cordelia, which falls just southeast of the project site. P-48-000745 is a single residence property constructed in 1920 located at 579 Leisure Town Road, California. P-48-000974 is comprised of a historical-era farmstead. P-48-001025 consists of the 5.23-mile Vaca Valley Railroad, beginning in Elmira and ending in Rumsey. Lastly, P-48-001026 is the Elmira Railroad Depot. A study completed by Neal Kaptain in 2013, did identify possible lithic debitage in the eastern portion of the study area near the railroad tracks and an irrigation ditch. Information for this possible resource is not on file at the NWIC; it is quite possible that the lithic flakes were determined to be railroad ballast.

Previous Cultural Resources Studies

NWIC records indicate that thirty-five cultural resources studies have been conducted within a one-mile radius of the project area. Five of these studies (S-005156, S-005164, S-022736, S-033061, and S-044980) have included small areas within, and larger areas immediately adjacent to the current project area. The majority of the project site itself, however, has not been subject to previous investigation by studies on file at the NWIC. Reports S-005156, S-005164, and S-044980 are the most pertinent and have been summarized below (Table 2). The remaining studies are listed in Appendix A.

Table 2. Previous technical studies

Report ID	Year	Author	Title
S-005156	1965	Adan E. Treganza, Robert L. Edwards, and Thomas F. King	<i>Archaeological Survey and Excavation Along the Tehama-Colusa Canal, Central California</i>
S-005164	1981	David Chavez	<i>Vacaville Southeast Sector Environmental Impact Report (letter report)</i>
S-044980	2013	Neal Kaptain	Cultural Resources Study for the Brighton Landing Project, Vacaville, Solano County, California

S-005156

This notable study, completed between 1963-1965 by Treganza, Edwards, and King, documents the findings of a cultural resources survey for the Tehama-Colusa Canal, on the western margin of the Sacramento Valley. Nineteen archaeological sites were located during the survey. This study did not identify any cultural resources within, or adjacent, to the current project site.

S-005164

This report, prepared by David Chavez, presents the results of the archaeological field reconnaissance survey conducted as part of the 1981 Vacaville Southeast Sector Environmental Study. The study area consisted of two components: the 275 acre David E. Bohannon Company development site, and a broader 1,080-acre area affected by proposed development. While a reconnaissance-level pedestrian survey was conducted for the proposed project site, no intensive-level survey (i.e, pedestrian transects spaced 15-meters or less) was completed. No cultural resources were identified during the site survey. The 1981 study noted the area now planned for the Roberts' Ranch project site to be of moderate archaeological sensitivity, and recommended more intensive and comprehensive cultural field investigations to be conducted.

S-044980

This study prepared by Neal Kaptain of LSA Associates documents the results of a cultural resources survey that was conducted as part of the Brighton Landing Specific Plan project in 2013 (Kaptain 2013). The Brighton Landing project is located adjacent to (north), and slightly

overlapping, the proposed project area. The Brighton Landing archeological survey covered a small portion of the northeast corner of the currently proposed project area. Two possible prehistoric chert flakes and a concentration of basalt flakes were identified in disturbed sediments near the Southern Pacific railroad tracks during a site visit with Yocha Dehe Wintun Nation tribal representatives. It is possible that the recorded location of these flakes is in/near the current study area, however no cultural material was noted during the Dudek survey. There is no record of any of the lithic flakes having been formally recorded. It is possible that these items were later determined to be non-cultural; given their disturbed context relative to the train tracks there is a high likelihood that these were mechanically fractured. The study suggests that the Brighton Landing project area is located within an environment that is conducive to prehistoric habitation and use, and that the area is of high sensitivity for buried prehistoric cultural deposits. The approved EIR completed for this 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 CRHR and local register prior to any impacts.

NAHC Sacred Lands File Search

Dudek contacted the Native American Heritage Commission to request a review of the Sacred Lands File. The NAHC provided results on April 27, 2016. This search failed to identify any Native American cultural resources in the area (Appendix B).

Tribal Representative Contact

The City as lead agency has been conducting active consultation with NAHC-listed tribes. In consideration of already ongoing tribal communication, no additional outreach will be completed by Dudek.

Archaeological Survey

Dudek conducted a pedestrian archaeological survey of the entire 248-acre project site on March 10, 2016. The ground surface was examined 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. 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 taken 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 meters and 10 meters. All field notes, photographs, and records related to the current study are on file at Dudek's Auburn, California office.

No cultural resources were identified during the pedestrian cultural survey. 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%). All surface soils within the project site appear to have been disturbed by continuous agricultural activities.

Recommendations

As a result of the pedestrian cultural survey and archival review, all native surface soils within the project site appear to have been previously disturbed through years of agricultural activities. However, topographic suitability, proximity to Alamo Creek, and the results of previous technical studies identifying cultural resources in the vicinity do suggest that there is some potential for project construction activities to encounter yet-identified subsurface archaeological resources. Recommendations provided here are consistent with the approved EIR completed in 2013 for the adjacent Brighton Landing Specific Plan

Prior to construction, workers should be made aware of the potential to encounter archaeological resources. In the event that archaeological resources are encountered during project-related earthmoving activities, ground-disturbing work must immediately cease in the area and this resource must be evaluated by a qualified archaeologist for eligibility to be listed on the CRHR, and local register prior to any impacts. The City should be immediately notified of any encountered archaeological resources.

If human remains of prehistoric origin are discovered, California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. California 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 can occur until the County Coroner has examined the remains (Section 7050.5b). PRC Section 5097.98 also outlines the process to be followed in the event that remains are discovered. If the County Coroner determines or has reason to believe the remains are those of a Native American, the coroner must contact the California NAHC within 24 hours (Section

Subject: Cultural Resources Constraints for the Roberts' Ranch Project, Solano County, California

7050.5c). 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.

If you have any questions concerning this information, please contact me directly by email or phone.

Regards,



Adam Giacinto, M.A., RPA
Archaeologist

DUDEK

Office: (760) 479-4252

Email: agiacinto@dudek.com

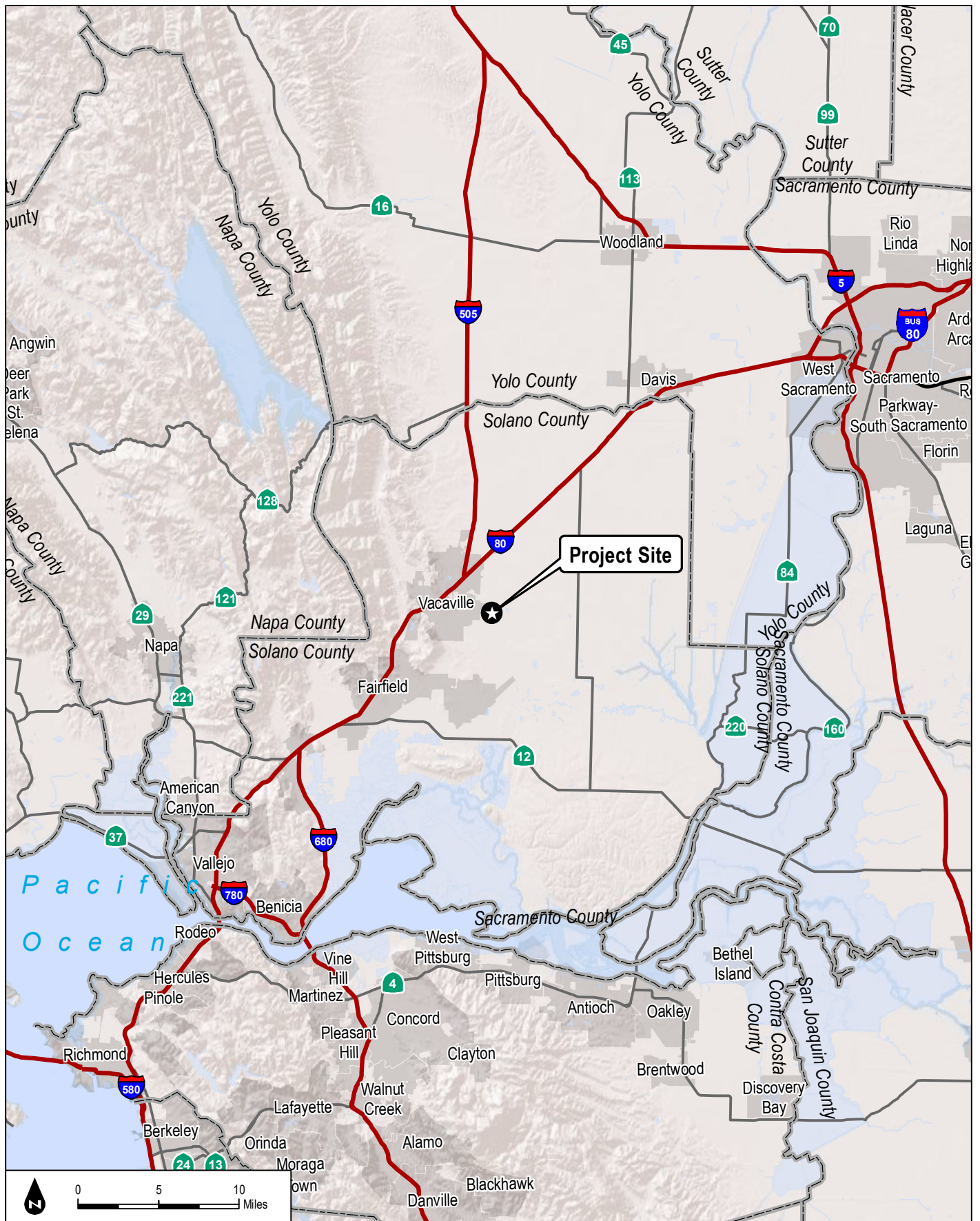


FIGURE 1
Regional Location Map



- Project Boundary
- + California Pacific Railroad

FIGURE 2
Project Location

0 500 1,000
Feet

SOURCE: Bing Maps 2016

DUDEK

Roberts' Ranch Specific Plan EIR

APPENDIX A (CONFIDENTIAL)
Records Search Results

APPENDIX B
NAHC Sacred Lands
File Search Results