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## 4.4 CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES

This section identifies the existing cultural and tribal cultural resources on the project site and in the surrounding area and evaluates the potential for changes to such resources that could result from project implementation.

Cultural resources are sites, buildings, structures, objects, and districts over 50 years old that may have traditional or cultural value for the historical significance they possess. According to California Public Resources Code (PRC) Section 21080.3.1 and Chapter 532, Statutes 2014 (i.e., Assembly Bill [AB] 52), “tribal cultural resources” are defined as:

1. Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either: (A) included or determined to be eligible for inclusion in the California Register of Historical Resources (California Register); or (B) included in a local register of historical resources as defined in subdivision (k) of Section 5020.1
2. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1

Information in this section is based on the following references: the *City of Fairfield General Plan*; the *City of Fairfield General Plan Environmental Impact Report*; the *Cultural Resources Study for the Business Center Apartments Project, 4840 Business Center Drive, Fairfield, Solano County, California* (provided in **Appendix D** of this EIR) <sup>1</sup>and Senate Bill (SB) 18 and AB 52 Native American consultation efforts.

### 4.4.1 Environmental Setting

#### 4.4.1.1 Prehistory

Studies and analysis of archaeological materials uncovered in the Bay Area indicate that native peoples have occupied the Bay region for over 11,000 years. At the time of Euroamerican settlement, the area that is now the City of Fairfield was within the territory occupied by the Patwin, whose aboriginal territory falls within Napa, Solano, and Yolo Counties. The Patwin obtained fish and game through individual and communal efforts, which ranged from small-scale snare trapping and the bow and arrow to more complex undertakings such as constructing fish weirs and dams or brush fences to guide deer during hunting drives. Plant resources were also an important component of the Patwin economy. The acorn, a major staple of the California culture area Indians, was gathered from valley, hill, mountain, and live oaks. Primary village sites of the Patwin were occupied continually, while temporary sites were visited to procure resources that were especially abundant or available only during certain seasons. Sites often were situated near fresh water sources and in ecotones where plant life and animal life were diverse and abundant.<sup>2</sup>

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<sup>1</sup> Alshuth, Tyler, and Tom Origer. 2022. *Cultural Resources Study for the Business Center Apartments Project, 4840 Business Center Drive, Fairfield, Solano County, California*. Prepared March 30, 2021, revised February 18, 2022.

<sup>2</sup> Ibid.

#### 4.4.1.2 History

The city of Fairfield was established by Robert H. Waterman a clipper ship captain and former warden of the Port of San Francisco. Waterman began laying out the town site of Fairfield in 1856, which he named after his hometown in Connecticut. He settled in Suisun Valley with his wife Cordelia, for whom the southwestern area of Fairfield is named. In 1858, Waterman donated 16 acres to Solano County for development as the county seat; his proposal was put to the voters, who approved his offer, and the county seat moved from Benicia.<sup>3</sup> The first county buildings, the courthouse and jail, were constructed in 1860. By the 1870s, many of the cattle operations on the ranchos in Solano County had been replaced by fruit and nut orchards. Thousands of acres in the county were also devoted to producing vegetables, grains, and seeds, as well as hay. On December 12, 1903, Fairfield formally incorporated as a city.<sup>4</sup>

In 1913, the Oakland, Antioch, and Eastern Railway, a high-speed electric interurban railway, opened its 93-mile route from San Francisco to Sacramento, through Fairfield and Solano County. In 1928, the Sacramento Northern Railway purchased the railway, but the combination of the Great Depression and the increasing popularity of the personal automobile greatly diminished the demand for passenger rail service.<sup>5,6</sup>

In 1942, the U.S. Army Air Corps (later the U.S. Air Force) built a major installation on a tract of land to the east of Fairfield, giving a tremendous boost to the local economy. Travis Air Force Base eventually became one of the major departure points for military units heading to Vietnam. The base was annexed to Fairfield on March 30, 1966.<sup>7</sup>

The opening of Interstate 80 through Fairfield in the 1960s and the resulting increase in commercial traffic allowed Fairfield to become the agricultural and business hub of Solano County. The first European settlers in Green Valley grew grapes for wine on the valley slopes and maintained the flats for field crops. Green Valley became well known for its grapes and many wineries prospered. Disaster struck in the 1870s when a root disease destroyed many plants and most grape growers never recovered. Fortunately, most growers had also grown cherry trees, and cherry orchards grew successfully for generations. Gold was found in the area in 1887 and mining continued into the early 20th century. Basalt was also quarried.<sup>8</sup>

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<sup>3</sup> Hoover, Mildred Brooke, Hero Eugene Rensch, Ethel Rensch, and William N. Abeloe. 2002. *Historic Spots in California*. Fourth edition, revised by Douglas E. Kyle. Stanford Univ Press, Stanford, California.

<sup>4</sup> California Association of Local Agency Formation Commissions (CALAFCO). 2014. *California Cities by Incorporation Date*. CALAFCO. Sacramento, California.

<sup>5</sup> Robertson, Donald B. 1998. *Encyclopedia of Western Railroad History: Volume 4, California*. Self-published by Donald B. Robertson and bound by The Caxton Printers, Ltd., Caldwell Idaho.

<sup>6</sup> Williams, James, C. 1997. *Energy and the Making of Modern California*. University of Akron Press, Akron, Ohio.

<sup>7</sup> City of Fairfield. 2022. "History of Downtown Fairfield | Visit Fairfield Media Resources". Website: <https://visitfairfield.com/media/destination-background/fairfield-history/> (accessed October 24, 2022).

<sup>8</sup> Solano County. 2008. *Solano County General Plan*. Adopted August 5, 2008.

#### 4.4.1.3 Project Site

The project site, which is currently undeveloped, is located adjacent to a drainage ditch that follows an old tributary of Green Valley Creek. Historical imagery shows past mixed agriculture on the project site since at least 1968, and a history of semi-regular discing.<sup>9</sup> Portions of the project site have been previously disturbed in conjunction with the placement of utilities that cross the western portion of the site, grading to create two building pads, and the construction of the access driveway that currently serves the adjacent Fairfield Business Center.<sup>10</sup> The site is routinely disced and mowed for fire fuel load reduction.

According to Alshuth and Origer, a portion of one prehistoric archaeological site has been previously recorded within the project site and nine additional cultural resources have been recorded within 0.25-mile of the project site.<sup>11</sup>

#### 4.4.2 Regulatory Setting

The following discusses applicable standards and policies related to cultural and tribal cultural resources, including those from federal, State, regional, and local agencies.

##### 4.4.2.1 Federal Laws and Regulations

**The National Historic Preservation Act of 1966 (NHPA).** The NHPA requires that the federal government list significant historic resources on the National Register of Historic Resources (National Register). Federal agencies must consult the National Register when planning to undertake or grant approval through permits for a project. Prior to the issuance of any license or implementation of any project, the federal agency must consider the effects of a project or license on any historical buildings, sites, structures, or objects that are included on, or eligible for inclusion on, the National Register (16 United States Code [USC] Section 470(f)). This typically includes consultation with the federal agency responsible for the undertaking; the State Historic Preservation Officer (SHPO); local Native American groups and individuals; local and State historical societies and organizations; and relevant archival sources, including the appropriate facility of the California Historical Resources Information System (CHRIS).

##### 4.4.2.2 State Laws and Regulations

**California Environmental Quality Act (CEQA) Requirements.** CEQA defines a “historical resource” as a resource that meets one or more of the following criteria: (1) listed in, or determined eligible for listing in, the California Register; (2) listed in a local register of historical resources as defined in Public Resources Code (PRC) Section 5020.1(k); (3) identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); or (4) determined to be a historical

<sup>9</sup> WRA Environmental Consultants (WRA). 2022. *Green Valley III Apartments Property - Biological Due Diligence Assessment*. March 22, 2022.

<sup>10</sup> Wallace-Kuhl & Associates. 2021. *Phase I Environmental Site Assessment – Business Center Apartments Property*. March 16, 2021.

<sup>11</sup> Alshuth and Origer. 2022. op. cit.

resource by a project's lead agency (PRC Section 21084.1 and *State CEQA Guidelines* Section 15064.5(a)). A historical resource consists of:

“Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California.... Generally, a resource shall be considered by the lead agency to be ‘historically significant’ if the resource meets the criteria for listing on the California Register of Historical Resources” (*State CEQA Guidelines* Section 15064.5(a)(3)).

In accordance with *State CEQA Guidelines* Section 15064.5(b), a substantial adverse change in the significance of a historical resource is a significant effect on the environment.

CEQA requires a lead agency to determine whether an archaeological cultural resource meets the definition of a historical resource, a unique archaeological resource, or neither (*State CEQA Guidelines* Section 15064.5(c)). Prior to considering potential impacts, the lead agency must determine whether an archaeological cultural resource meets the definition of a historical resource in *State CEQA Guidelines* Section 15064.5(c)(1). If the archaeological cultural resource meets the definition of a historical resource, it is treated like any other type of historical resource in accordance with *State CEQA Guidelines* Section 15126.4. If the archaeological cultural resource does not meet the definition of a historical resource, then the lead agency determines whether it meets the definition of a unique archaeological resource as defined in PRC Section 21083.2(g). In practice, however, most archaeological sites that meet the definition of a unique archaeological resource will also meet the definition of a historical resource. Should the archaeological cultural resource meet the definition of a unique archaeological resource, it must be treated in accordance with PRC Section 21083.2. If the archaeological cultural resource does not meet the definition of a historical resource or an archaeological resource, the effects to the resource are not considered significant effects on the environment (*State CEQA Guidelines* Section 15064.5(c)(4)).

**California Health and Safety Code (HSC) Section 7050.5.** California HSC Section 7050.5 states that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the Coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the Coroner's authority. If the human remains are of Native American origin, the County Coroner must notify the Native American Heritage Commission (NAHC) within 24 hours of this identification. The NAHC will identify a Native American Most Likely Descendant (MLD) to inspect the site and provide recommendations for the proper treatment of the remains and associated grave goods.

**Public Resources Code Section 5097.5.** PRC Section 5097.5 provides for the protection of cultural resources and prohibits the removal, destruction, injury, or defacement of archaeological features on any lands under the jurisdiction of State or local authorities.

**California Register of Historical Resources (PRC Section 5020 et seq.).** State law also protects cultural resources by requiring evaluations of the significance of prehistoric and historic resources in

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CEQA documents. A cultural resource is an important historical resource if it meets any of the criteria found in *State CEQA Guidelines* Section 15064.5(a). These criteria are nearly identical to those for the National Register, which are listed above.

The SHPO maintains the California Register. Properties listed, or formally designated eligible for listing, on the National Register are nominated to the California Register and then selected to be listed on the California Register, as are State Landmarks and Points of Interest.

The California Register criteria are based on National Register criteria. For a property to be eligible for inclusion in the California Register, one or more of the following criteria must be met:

1. It is associated with the events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States;
2. It is associated with the lives of persons important to local, California, or national history;
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values; and/or
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

In addition to meeting one or more of the above criteria, the California Register requires that sufficient time has passed since a resource's period of significance to "obtain a scholarly perspective on the events or individuals associated with the resource." Fifty years is used as a general estimate of time needed to develop the perspective to understand the resource's significance (California Code of Regulations [CCR] 4852[d][2]).

The California Register also requires that a resource possess integrity, which is defined as "the authenticity of an historical resource's physical identity evidenced by the survival of characteristics that existed during the resource's period of significance."<sup>12</sup> To retain integrity, a resource should have its original location, design, setting, materials, workmanship, feeling, and association. Which of these factors is most important depends on the particular criterion under which the resource is considered eligible for listing.

**Senate Bill 18 Tribal Consultation.** California Government Code Section 65352.3 (adopted pursuant to the requirements of SB 18) requires local governments to contact, refer plans to, and consult with tribal organizations prior to making a decision to adopt or amend a General or Specific Plan. The tribal organizations eligible to consult have traditional lands in a local government's jurisdiction and are identified, upon request, by the NAHC. As noted in the California Office of Planning and Research's Tribal Consultation Guidelines (2005), "The intent of SB 18 is to provide California Native American tribes an opportunity to participate in local land use decisions at an early planning stage,

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<sup>12</sup> California Office of Historic Preservation (OHP). 2001. California Office of Historic Preservation Technical Assistance Series #7, *How to Nominate a Resource to the California Register of Historical Resources*. Published September 4, 2001.

for the purpose of protecting, or mitigating impacts to, cultural places.”<sup>13</sup> Tribal consultation as required by SB 18 is conducted separately from the CEQA process, and any tribal input is considered by the local government as part of its decision making process related to the adoption or amendment of General Plans, Specific Plans, or open space designations.

**Assembly Bill 52 Tribal Consultation.** California PRC Section 21080.3.1 and Chapter 532, Statutes 2014 (i.e., AB 52), require that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource, as defined, is a project that may have a significant effect on the environment. The bill requires a lead agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project, if the tribe requested to the lead agency, in writing, to be informed by the lead agency of proposed projects in that geographic area and the tribe requests consultation, prior to determining whether an EIR (among other types of environmental documents) is required for a project. The bill specifies examples of mitigation measures that may be considered to avoid or minimize impacts on tribal cultural resources. The bill makes the above provisions applicable to projects that have an NOP filed on or after July 1, 2015. By requiring the lead agency to consider these effects relative to tribal cultural resources and to conduct consultation with California Native American tribes, this bill imposes a State-mandated local program.

#### 4.4.2.3 Local Plans and Regulations

**City of Fairfield General Plan.** The following policies of the *City of Fairfield General Plan* pertaining to cultural resources would be applicable to the proposed project:

**Policy OS 10.1:** Conserve valuable resources by promoting educational activities and encouraging conservation efforts by citizens, property owners, and builders.

**Policy OS 10.2:** Prior to submittal, the applicant should consult with the California Archaeological Inventory Northwest Information Center at Sonoma State University to determine if the project will have an impact on cultural resources.

**Policy OS 10.3:** Avoid impacts on cultural resources when archaeological studies reveal the presence of cultural resources at a development site. If avoidance is infeasible, require site testing by a qualified archaeologist to determine the significance of the resources, and implement recommended mitigation measures.

**Policy OS 10.4:** Halt construction at a development site if cultural resources are encountered unexpectedly during construction and require consultation with a qualified archaeologist to determine the significance of the resources.

**Policy OS 10.6:** Require archaeological studies by a qualified archaeologist (as defined by the Secretary of the Interior’s standards) in areas of archeological significance prior to approval of development projects.

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<sup>13</sup> California Office of Planning and Research (OPR). 2005. Tribal Consultation Guidelines. Published November 14, 2005.

### 4.4.3 Significance Criteria

The significance criteria for Cultural Resources and Tribal Cultural Resources impacts used in this analysis are consistent with Appendix G of the *State CEQA Guidelines*. The proposed project may be deemed to have a significant impact with respect to Cultural Resources and Tribal Cultural Resources if it would:

- **Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.**
- **Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.**
- **Disturb any human remains, including those interred outside of formal cemeteries.**
- **Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).**
- **Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

### 4.4.4 Methodology

#### 4.4.4.1 Cultural Resources

A cultural resources records search was completed on March 21, 2021, at the Northwest Information Center (NWIC) of the CHRIS in Rohnert Park. Additional research included a review of historic-period maps and aerial photographs, ethnographic literature, and a prediction of the project site's sensitivity for buried archaeological sites.<sup>14</sup> A pedestrian field survey and subsurface exploration (including auguring, wet screening, and trenching) of the project site were also conducted with negative findings for cultural resources.

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<sup>14</sup> Alshuth and Origer. 2022. op. cit.

#### 4.4.4.2 Tribal Cultural Resources

**Senate Bill 18.** Pursuant to SB 18, the City of Fairfield requested an SB 18 consultation list from the NAHC and sent letters to 10 tribes dated April 8, 2022, to notify them of the proposed project and invite them to consult under SB 18 (**Appendix E**). Two tribes responded to project notification letters associated with SB 18 consultation. On April 18, 2022, the Cachil Dehe Band of Wintun Indians of the Colusa Indian Community responded via letter and deferred to Yocha Dehe Wintun Nation. On April 27, 2022, the Confederated Villages of Lisjan Nation responded via email and deferred to Yocha Dehe Wintun Nation. No other responses were received in response to SB 18 notification letters and consultation invitations.

**Assembly Bill 52.** Pursuant to AB 52, the City of Fairfield notified Yocha Dehe Wintun Nation of the proposed project and invited the tribe to consult on the project on March 24, 2022 (**Appendix E**). On April 21, 2022, Yocha Dehe Wintun Nation responded via letter, stating that the project is within the aboriginal territory of Yocha Dehe Wintun Nation and requested that the tribe's Treatment Protocol be incorporated into mitigation measures for the project and that the tribe be consulted prior to all testing and wet screening on the project site in the future.

#### 4.4.5 Project Impacts

The following describes the potential impacts to cultural and tribal cultural resources that could result from implementation of the proposed project. As applicable, mitigation measures are presented to reduce potential impacts, as applicable.

##### 4.4.5.1 Historical Resource Impacts

**Impact CUL-1: The proposed project would not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.**

As noted above, the project site is undeveloped and does not contain any structures. The NWIC records search indicated that a portion of one prehistoric archaeological site is recorded within the project site. However, no remnants of the archaeological site were identified within the project site as a result of the archaeological field survey, auguring, wet screening, and trenching.<sup>15</sup> As such, there are no known historical resources, as defined in Section 15064.5 of the *State CEQA Guidelines*, located within the project site. The project would not cause a substantial adverse change in the significance of a historical resource. There would be no impact to a known historical resource.

**Level of Significance prior to Mitigation:** No Impact

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance after Mitigation:** Not Applicable

<sup>15</sup> Alshuth and Origer. 2022. op. cit.

#### 4.4.5.2 Archaeological Resource Impacts

**Impact CUL-2: The proposed project could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.**

The NWIC records search included the project site and a 0.25-mile search radius. A portion of one prehistoric archaeological site is recorded within the project site and nine additional cultural resources are recorded within 0.25 mile of the project site. While no evidence of the previously recorded archaeological site was observed within the project site during the cultural resources study, due to the number of cultural resources recorded within 0.25 mile of the project site, there is potential that ground-disturbing construction activities on the project site could impact previously unidentified archaeological resources. **Mitigation Measure CUL-1** requires archaeological monitoring of all ground-disturbing work on the project site. If archaeological resources are encountered during ground-disturbing work, construction activities in the area of the find would be required to stop and the resource would be evaluated for significance. Pre-established procedures would be in place to address any significant finds. Provided archaeological resources are assessed and/or protected as they are discovered, impacts to these resources would be less than significant.

**Level of Significance prior to Mitigation:** Potentially Significant

**Mitigation Measures:** The following mitigation measure would be implemented to reduce archaeological resources impacts associated with the implementation of the proposed project.

**MM CUL-1** Prior to issuance of a grading permit for the project, a qualified archaeologist (one who meets the Secretary of the Interior’s standards) shall be retained by the project applicant to provide professional archaeological services. The qualified archaeologist (or an archaeologist supervised by the qualified archaeologist) shall be present at the pre-grade conference to establish procedures for archaeological resource monitoring. Those procedures shall include provisions for temporarily halting or redirecting work to permit sampling, identification, and evaluation of resources deemed by the archaeologist to potentially be historical resources or unique archaeological resources under the California Environmental Quality Act. The qualified archaeologist (or an archaeologist supervised by the qualified archaeologist) also shall conduct on-site archaeological monitoring during all ground-disturbing work within native sediments associated with the project. Ground-disturbing work requiring archaeological monitoring shall include clearing and grubbing (vegetation removal), initial rough grading, and any trenching that occurs below the depth of initial rough grading. After material has been initially disturbed on the project site, no additional monitoring for that material shall be required (i.e., if utility trenching occurs within rough graded sediments that were previously monitored, this utility trenching shall not be subject to archaeological monitoring). The qualified archaeologist shall be available on an on-call basis for the duration of the project construction. Should archaeological resources be discovered during the ground-disturbing work, ground-disturbing construction activities shall be halted in the immediate vicinity of the find and redirected to unaffected areas on site to allow for the proper evaluation for significance and treatment of the

resources. Additional cultural resources work, if determined necessary, may include, but is not limited to, collection and documentation of artifacts, documentation of the cultural resources on State of California Department of Parks and Recreation (DPR) Series 523 forms, or subsurface testing. Upon completion of any cultural resources work for the project, the archaeologist shall prepare a report to document the methods and results of the work. This report shall be submitted to any descendant community involved in the investigation(s) and the Northwest Information Center (NWIC).

**Level of Significance after Mitigation:** Less than Significant

#### 4.4.5.3 Buried Human Remains

**Impact CUL-3: The proposed project could disturb any human remains, including those interred outside of formal cemeteries.**

No previously identified human remains exist on the project site; however, undiscovered human remains may be present below the ground surface on any property. Disturbing human remains could violate the State's HSC Section 7050.5 as well as destroy the resource. However, with implementation of **Mitigation Measure CUL-2**, which requires compliance with HSC Section 7050.5 for the treatment of human remains, the impact to human remains would be less than significant.

**Level of Significance prior to Mitigation:** Potentially Significant

**Mitigation Measures:** The following mitigation measure would be implemented to reduce buried human remains impacts associated with the implementation of the proposed project.

**MM CUL-2** In the event that human remains are encountered on the project site, work within 50 feet of the discovery shall be redirected to unaffected areas on site and the County Coroner notified immediately consistent with the requirements of California Code of Regulations (CCR) Section 15064.5(e). State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code (PRC) Section 5097.98. If the remains are determined to be Native American, the County Coroner shall notify the Native American Heritage Commission (NAHC) within 24 hours, which shall determine and notify a Most Likely Descendant (MLD). With the permission of the project applicant, the MLD may inspect the site of the discovery. The MLD shall complete the inspection within 48 hours of being granted access to the project site. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

**Level of Significance after Mitigation:** Less than Significant

#### 4.4.5.4 Tribal Cultural Resources

**Impact TCR-1: The project would not cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).**

No specific tribal cultural resources that might be impacted by the project were identified as a result of AB 52 consultation efforts. As such, there are no tribal cultural resources listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources that would be impacted by the project. The project would not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources or in a local register of historical resources. There would be no impact.

**Level of Significance prior to Mitigation:** No Impact

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance after Mitigation:** Not Applicable

**Impact TCR-2: The project could cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.**

No specific tribal cultural resources were identified as a result of AB 52 consultation efforts or on-site surveys. Yocha Dehe Wintun Nation stated that the project is within the aboriginal territory of Yocha Dehe Wintun Nation and requested that the tribe's Treatment Protocol be incorporated into mitigation measures for the project and that the tribe be consulted prior to all testing and wet screening on the project site in the future.

As lead agency, the City of Fairfield has determined that while no tribal cultural resource have been identified on site either through AB 52 consultations or on-site surveys, the project may cause a substantial adverse change in the significance of a tribal cultural resource if a previously unknown resource is later discovered during ground-disturbing activities. As a precautionary measure and in response to AB 52 consultation comments from Yocha Dehe Wintun Nation, the City of Fairfield is including implementation of **Mitigation Measure TCR-1**, which requires notification of Yocha Dehe Wintun Nation prior to any subsurface ground-disturbing activities so that the Nation can have a tribal monitor present during those activities. The project applicant shall implement Yocha Dehe

Wintun Nation treatment protocols, included in **Appendix E**, in the event that Native American human remains are identified and Yocha Dehe Wintun Nation is determined to be the Most Likely Descendant.

**Level of Significance prior to Mitigation:** Potentially Significant

**Mitigation Measures:** The following mitigation measure would be implemented to reduce tribal cultural resources impacts associated with the implementation of the proposed project.

**MM TCR-1** Prior to commencement of ground-disturbing activities for the project (as described in **Mitigation Measure CUL-1**), the project applicant shall contact Yocha Dehe Wintun Nation to provide a Native American tribal monitor during ground-disturbing activities. The project applicant shall provide 72-hour advance written notice of commencement of ground-disturbing activities to Yocha Dehe Wintun Nation so that the Nation can have a Native American tribal monitor present at the project site. The tribal monitor shall be provided an estimated construction schedule and invited to attend the pre-construction conference.

In the event that tribal cultural resources are encountered during ground-disturbing activities on the project site, appropriate treatment of tribal cultural resources that are also archaeological resources shall be determined in consultation with a qualified archaeologist and with Yocha Dehe Wintun Nation, and as reviewed and approved by the City of Fairfield in accordance with **Mitigation Measure CUL-1**. This could include, but would not be limited to, recordation of the resource on California Department of Parks and Recreation (DPR) Series 523 forms. Appropriate treatment of tribal cultural resources that are not also archaeological resources shall be determined in consultation with a qualified cultural resources specialist and with Yocha Dehe Wintun Nation, and as reviewed and approved by the City of Fairfield. This could include, but would not be limited to, recordation of the resource on DPR Series 523 forms.

In the event that human remains are encountered on the project site, **Mitigation Measure CUL-2** shall be implemented. If any human remains are identified as Native American and Yocha Dehe Wintun Nation is determined to be the Most Likely Descendant by the Native American Heritage Commission, treatment protocols consistent with *Treatment Protocol for Handling Human Remains and Cultural Items Affiliated with Yocha Dehe Wintun Nation* (Appendix E) shall be finalized in consultation with a qualified archeologist and with Yocha Dehe Wintun Nation, and as reviewed and approved by the City of Fairfield. These treatment protocols may include avoidance of the human remains, reburial on the project site, or reburial on tribal or other lands that will not be disturbed in the future.

**Level of Significance after Mitigation:** Less than Significant

#### 4.4.5.5 Cumulative Impacts

**Cumulative Impact C-CUL-1: Cumulative development, including the proposed project, would not cause a substantial change in the significance of a historical resource or unique archaeological resource pursuant to Section 15064.5 or impact human remains or tribal cultural resources.**

Potential impacts of the proposed project to unknown cultural resources, when combined with the impacts of past, present, and probably future projects in the City of Fairfield, could contribute to a cumulatively significant impact due to the overall loss of historical and archaeological artifacts unique to the region. Archaeological resources are recorded throughout the City of Fairfield, and it is possible that previously unknown archaeological resources also exist within the City of Fairfield. However, each discretionary development proposal received by the City is required to comply with the requirements of CEQA, including an environmental review if applicable. If there were any potential for significant impacts to archaeological resources or human remains as a result of present or reasonably foreseeable projects in Fairfield, an investigation would be required to determine the nature and extent of the resources and identify appropriate mitigation measures. When archaeological resources and human remains are assessed and/or protected as they are discovered, impacts to these resources are less than significant. Similarly, implementation of **Mitigation Measures CUL-1** and **CUL-2** would ensure that the proposed project would not make a cumulatively considerable contribution to any cumulative impact on cultural resources and implementation of **Mitigation Measure TCR-1** would ensure that the proposed project would not make a cumulatively considerable contribution to any cumulative impact on tribal cultural resources. The cumulative impacts of the project would be less than significant.

**Level of Significance prior to Mitigation:** Less than Significant

**Mitigation Measures:** No mitigation measures are required.

**Level of Significance after Mitigation:** Not Applicable

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