

4.4 CULTURAL AND TRIBAL CULTURAL RESOURCES

The purpose of this section of the Environmental Impact Report (EIR) is to identify any potential cultural resources within or adjacent to the proposed project, and to assist the City of Vallejo (City) in determining whether such resources meet the official definitions of “historical resources,” as provided in the California Public Resources Code (PRC), in particular under the California Environmental Quality Act (CEQA). The analysis in this section has been prepared in accordance with §15064.5 of the State CEQA Guidelines, which considers the potential impacts on prehistoric, historic, paleontological, and Tribal Cultural resources. This section describes the potential cultural resources within the project study area, and the applicable regulations that govern those resources. The following analysis of the potential environmental impacts related to cultural and tribal cultural resources is derived from the listed sources and agencies. The cultural resources reports are contained in Appendix E of this EIR.

- Propel Vallejo 2040 General Plan.
- Peak & Associates. Determination of Eligibility and Effect for the Fairview at Northgate Project, City of Vallejo, September 2017.
- ECORP Consulting, Inc. Cultural Resources Technical Review for the Fairview at Northgate Project, City of Vallejo, Solano County, California, September 11, 2018.

As part of the cultural resources report, a review of existing records and mapping for the project site and surrounding area was conducted. The project site appeared to have had one previous survey conducted in 1973 along the extreme northern property edge. The cultural resources survey had a negative result (no resources were found) for the presence of cultural resources. Additionally, other cultural surveys have been conducted in the vicinity of the project site, in which no other cultural resource sites have been recorded within a 0.10-mile radius of the project site.

A review of archaeological records was conducted at the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS) on June 9, 2017. The review included viewing maps and records for archaeological sites in this area of the City including resource records, Office of Historic Preservation Historic Properties; an Archaeological Determination of Eligibility; California Inventory of Historic Resources (1976); and local inventories.

As part of the research conducted to prepare the cultural resources report written by Peak & Associates, the State of California Native American Heritage Commission (NAHC) was contacted for a review of their Sacred Lands file for properties on or near the project site. On May 17, 2017, the NAHC responded and indicated that there are no known sacred sites in the immediate vicinity of the project but did provide an additional list of Native American tribal contacts that could possibly provide additional information. The contacts are members of the Cortina Indian Rancheria of Wintun Indians and the Yocha Dehe Wintun Nation. Letters were sent on May 18, 2017, with a request for any information or concerns they might

have regarding the proposed project. On June 20, 2017, a representative from the Wintun Nation responded indicating that the project site was within their ancestral tribal territory and that the project could impact known archaeological/cultural sites and requested a copy of the cultural resource report for the project (Appendix E). The final report was provided to their office and no additional contact has been received.

4.4.1 ENVIRONMENTAL SETTING

The project site is located southeast of the intersection of Turner Parkway at Admiral Callaghan Lane and is approximately 51.3 acres. The project site is currently undeveloped, vacant land and there are no permanent structures on the site. Approximately 44 acres contains non-native annual grassland with some elements of mixed woodland and coyote brush scrub intermixed. Soils series on the project site consist of Dibble-Los Osos loams in the eastern half of the project area comprising approximately 50 percent of the total area; Dibble Los Osos clay loams are in the western project area, and Clear Lake clay are also in the western project area along the western margin of the site and in the center of the project areas as a band between the other two series.

A seasonal wetland traverses the site flowing from south to north and ultimately drains from two existing culverts that convey water off the property underneath Turner Parkway. Turner Parkway borders the project site on the north. The culverts are east of the Turner Parkway at Admiral Callaghan Lane intersection. A perennial stream traverses the southwestern most corner of the property and surface water flows on and off the property through existing underground culverts.

The project site is bordered by urban land uses including single-family residential uses to the east, Turner Parkway and a commercial shopping center to the north, and multi-family condominiums and apartments and a Honda auto dealership to the south. Admiral Callaghan Lane and I-80 border the project site near the western property line. The project site has a General Plan land use designation of Retail/Entertainment on the western portion of the property and Mix of Housing Types designation on the eastern portion of the property. The existing zoning classification is Pedestrian Shopping and Service District

ARCHAEOLOGICAL AND ETHNOGRAPHIC BACKGROUND

The prehistory of Solano County is thought to have experienced a human presence over the past 13,000 years. Evidence of the previous activities have allowed archeologists to divide these previous 13,000 years into periods or phases based on the kinds of subsistence behaviors practiced. Six periods have been identified with locally defined phases and regional cultures added to the mix and include:

- Early Holocene (Lower Archaic), 8000 - 3500 B.C;
- The Early Middle Period (Middle Archaic), 3500 B.C. - 500 B.C;
- The Lower Middle Period (Initial Upper Archaic), 500 B.C. – A.D. 430;
- Upper Middle Period (Late Upper Archaic), A.D. 430 – A.D. 1050;
- Initial Late Period (Lower Emergent), A.D. 1050 – A.D. 1550; and

- Terminal Late Period: Protohistoric Ambiguities, A.D. 1550 – 1775

Within the later periods listed above, the project site was within the ethnographic territory of the Patwin who occupied the southern Sacramento Valley west of the Sacramento River from the town of Princeton, north to Colusa, and south to San Pablo and Suisun bays. The Patwin included River Patwin who resided in large villages near the Sacramento River and Hill Patwin, whose villages were situated in the small valleys along the lower hills of the Vaca Mountains and Coast Range. Linguistically, together these groups are classified as southern Wintuan belonging to the Penutian language family. Populations varied depending on how hospitable the land was with numbers being lower in the plains due to flooding and unreliable water sources compared to larger populations in the hills and valleys near more consistent sources of water. Structures used by the people generally consisted of earth-covered semi-subterranean structures and were used for housing and ceremonial needs. Food sources were derived from hunting land animals as well as from waterfowl, salmon and other fish, and gathering vegetation and seed foods. It is thought that the Patwin generally buried their dead, although the tribelets furthest south may have cremated the deceased.

Historical Background

The first written historical accounts of the Patwin begin in the early 1800s when the first contacts with non-native persons were made. The writings are from the early mission registers of Mission Dolores and Mission San Jose and record baptisms, marriages and deaths of the native people. Pre-contact population is difficult to estimate but a survey of various sources indicates that the Patwin may have numbered 4,000 before their first encounter with non-Indians. After that time, the Patwin suffered from a succession of devastating impacts to their numbers including: missionization, punitive military expeditions, and confrontations with ranchers. For example, a party of trappers associated with John Work from the Hudson's Bay Company came down the Sacramento River in 1832, returning up the river in 1833. They unintentionally introduced a deadly disease to native California and a malaria epidemic swept through the Sacramento Valley. Four years later, in 1837, smallpox was introduced and it is estimated that up to 75 percent of the Patwin died. Those who survived these tragedies eventually settled on small reservations or worked as ranch laborers. Throughout the 1800s and 1900s, the population decreased further; and in 1972, the Bureau of Indian Affairs counted only 11 Patwin in the entire territory. Three reservations--Colusa, Cortina and Rumsey--remain active; the reservations are occupied primarily by descendants of Wintun and other groups.

More recently, in the historical context of the City and project site, the area is associated with the then community and Vallejo Township, which was generally used for agricultural production. The project site appears to be associated with this trend and the General Land Office plat for Township 3 North Range 3 West shows the project site as a portion of an 80-acre landholding. The land was owned by a person identified as "Mitchell" and appears to have been acquired by Ann Mitchell by 1863, possibly as early as 1860. The 1863 map shows two fences on the property and a home on the northwestern corner of the property. Based on the censuses from the time, it is likely the project site was owned by a widow, Ann Mitchell, who farmed the property and who had three sons and a daughter. The land was later transferred to a W.E. Cochran who lived on the property at or around 1915. Cochran subsequently sold the property

to August and Minnie Kuckuk in 1926. In 1933, a deed was recorded to allow State highway construction to split the property from north to south, leaving the residence and other structures on the west side of the current location of I-80. This location is on the west side of I-80.

Archaeological Reconnaissance

A complete inspection including a field survey of the project site was conducted on June 16, 2017. At the time of the survey, the vegetation consisted of mostly dead grasses with occasional native oaks as well as ornamental and fruit trees at various locations on the site. Due to recent discing and disturbance from rodent activity, the soil visibility was excellent. The soil was uniform in color, texture, and moisture content (a medium tan sandy loam with light gravel and sporadic cobbles of local stone). The survey used five- to ten-meter-wide parallel transects to provide complete coverage of the project site. Where necessary, small holes were dug to clear vegetation and to examine the sediments. During the survey, no evidence of prehistoric period or historic period cultural resources were located.

4.4.2 REGULATORY SETTING

FEDERAL

Section 106 of the National Historic Preservation Act (NHPA)

At the federal level, archaeological resources are protected through the National Historic Preservation Act (NHPA) of 1966, as amended (54 USC 300101 et seq.); and its implementing regulation, Protection of Historic Properties (36 CFR Part 800), the Archaeological and Historic Preservation Act of 1974, and the Archaeological Resources Protection Act of 1979. The NHPA authorized the expansion and maintenance of the National Register of Historic Places (NRHP), discussed below, established the position of State Historic Preservation Officer (SHPO), provided for the designation of State Review Boards, set up a mechanism to certify local governments to carry out the purposes of the NHPA, assisted Native American tribes to preserve their cultural heritage, and created the Advisory Council on Historic Preservation (ACHP).

The Section 106 review process is implemented using a five-step procedure: (1) identification and evaluation of historic properties; (2) assessment of the effects of the undertaking on properties that are eligible for the National Register; (3) consultation with the State Historic Preservation Office (SHPO) and other agencies for the development of a memorandum of agreement (MOA) that addresses the treatment of historic properties; (4) receipt of Advisory Council on Historic Preservation comments on the MOA or results of consultation; and (5) the project implementation according to the conditions of the MOA.

Prior to implementing an “undertaking” (e.g., issuing a federal permit), Section 106 of the NHPA requires federal agencies to consider the effects of the undertaking on historic properties and to afford the ACHP and the SHPO a reasonable opportunity to comment on any undertaking that would adversely affect properties eligible for listing in the NRHP. As indicated in Section 101(d)(6)(A) of the NHPA, properties of traditional religious and cultural importance to a tribe are eligible for inclusion in the NRHP. Under the

NHPA, a resource is considered significant if it meets the NRHP listing criteria at 36 Code of Federal Regulations (CFR) 60.4.

National Register of Historic Places (NRHP)

The NRHP is “an authoritative guide to be used by federal, state, and local governments, private groups and citizens to identify the nation’s cultural resources and to indicate what properties should be considered for protection from destruction or impairment.” The federal regulations explicitly provide that the National Register listing of private property, “does not prohibit under Federal law or regulation any actions which may be taken by the property owner with respect to the property.”

Cemeteries, birthplaces, or graves of historic figures; properties owned by religious institutions or used for religious purposes; structures that have been moved from their original locations; reconstructed historic buildings; and properties that are primarily commemorative in nature are not considered eligible for the NRHP unless they satisfy certain conditions. In general, a resource must be at least 50 years of age to be considered for the NRHP, unless it satisfies a standard of exceptional importance.

For a property to be eligible for listing in the NRHP it must meet one of the criteria for significance (36 CFR 60.4 [a, b, c, or d]) and retain integrity. Integrity, in terms of historical significance has seven aspects including location, design, setting, materials, workmanship, feeling, and association, and is defined as “the authenticity of a property's historic identity, evidenced by the survival of physical characteristics that existed during the property's historic or prehistoric period.”

The eligibility for inclusion in the NRHP is determined by applying the following criteria, developed by the National Park Service as per provisions of the National Preservation Act:

- The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:
- That are associated with events that have made a significant contribution to the broad patterns of our history; or
- That are associated with the lives of persons significant in our past; or
- That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- That have yielded, or may be likely to yield, information important in prehistory or history (36 CFR 60.4).

Native American Graves Protection and Repatriation Act of 1990

The Native American Graves Protection and Repatriation Act (NAGPRA) of 1990 sets provisions for the intentional removal and inadvertent discovery of human remains and other cultural items from federal and tribal lands. It clarifies the ownership of human remains and sets forth a process for repatriation of human remains and associated funerary objects and sacred religious objects to the Native American

groups claiming to be lineal descendants or culturally affiliated with the remains or objects. It requires any federally funded institution housing Native American remains or artifacts to compile an inventory of all cultural items within the museum or with its agency and to provide a summary to any Native American tribe claiming affiliation.

STATE

State historic preservation regulations affecting the proposed project include the statutes and guidelines contained in CEQA Sections 21083.2 and 21084.1 and the State CEQA Guidelines Sections 15064.5 and 15126.4 (b). A “historical resource” includes but is not limited to any object, building, structure, site, area, place, record or manuscript that is historically or archaeologically significant (Public Resources Code §5020.1). CEQA is the principal statute governing environmental review of projects occurring in the State and is codified at Public Resources Code (PRC) Section 21000 et seq. CEQA requires lead agencies to determine if a proposed project would have a significant effect on the environment, including significant effects on historical or archaeological resources.

The State CEQA Guidelines Section 15064.5 requires that lead agencies determine whether projects may have a significant effect on archaeological and historical resources. CEQA Section 21098.1 further cites: 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. More specifically, under CEQA Section 21084.1), a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment. The CEQA Guidelines (14 California Code of Regulations [CCR] 15064.4) recognizes that historical resources include:

- A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the CRHR;
- A resource included in a local register of historical resources, as defined in PRC Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC Section 5024.1(g); and
- 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 by the lead agency, provided the lead agency’s determination is supported by substantial evidence in light of the whole record.

Advice on procedures to identify such resources, evaluate their importance, and estimate potential effects is given in several agency publications such as the series produced by the Governor’s Office of Planning and Research (OPR), CEQA and Archaeological Resources, 1994. The technical advice series produced by OPR strongly recommends that Native American concerns and the concerns of other interested persons and corporate entities, including, but not limited to, museums, historical commissions, associations and societies be solicited as part of the process of cultural resources inventory. In addition, California law

protects Native American burials, skeletal remains, and associated grave goods regardless of the antiquity and provides for the sensitive treatment and disposition of those remains (California Health and Safety Code §7050.5, California Public Resources Codes §5097.94 et al). The fact that a resource does not meet the three criteria outlined above does not preclude the lead agency from determining that the resource may be a historical resource as defined in PRC Sections 5020.1(j) or 5024.1.

If a lead agency determines that an archaeological site is a historical resource, the provisions of PRC Section 21084.1 of CEQA and 14 CCR 15064.4 of the State CEQA Guidelines apply. If a project may cause a substantial adverse change (defined as 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) in the significance of a historical resource, the lead agency must identify potentially feasible measures to mitigate these effects (14 CCR 15064.4(b)(1), 15064.4(b)(4)).

If an archaeological site does not meet the historical resource criteria contained in the State CEQA Guidelines, then the site may be treated as a unique archaeological resource in accordance with the provisions of PRC Section 21083. As defined in PRC Section 21083.2 of CEQA, a unique archaeological resource is an archaeological artifact, object, or site for 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 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; or,
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.

If an archaeological site meets the criteria for a unique archaeological resource as defined in PRC Section 21083.2, then the site is to be treated in accordance with the provisions of PRC Section 21083.2, which states that if the lead agency determines that a project would have a significant effect on unique archaeological resources, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in place (PRC S§21083.1(a)). If preservation in place is not feasible, mitigation measures shall be required.

The State CEQA Guidelines Section 15064.4(c)(4) note that if an archaeological resource is neither a unique archaeological nor a historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment.

California Register of Historic Resources (CRHR) (PRC Section 5020 et seq.)

The SHPO maintains the California Register of Historical Resources (CRHR). Properties listed, or formally designated as eligible for listing, on the NRHP are automatically listed on the CRHR, as are State Landmarks and Points of Interest. The CRHR also includes properties designated under local ordinances or identified through local historical resource surveys.

For the purposes of CEQA, an historical resource is a resource listed in, or determined eligible for listing in the CRHR. When a project will impact a site, it needs to be determined whether the site is an historical resource. The criteria are set forth in Section 15064.5(a)(3) of the State CEQA Guidelines, and are defined as any resource that does any of the following:

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.

In addition, the State CEQA Guidelines, Section 15064.5(a) (4) states:

"The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code section 5020.1(j) or 5024.1."

California Historical Landmarks (CHLs)

California Historical Landmarks (CHLs) are buildings, structures, sites, or places that have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other value and that have been determined to have statewide historical significance by meeting at least one of the criteria listed below. The resource also must be approved for designation by the city or town council in whose jurisdiction it is located; be recommended by the State Historic Resource Commission (SHRC); and be officially designated by the Director of California State Parks. The specific standards now in use were first applied in the designation of CHL #770. CHLs #770 and above are automatically listed in the CRHR.

California Points of Historical Interest

California Points of Historical Interest are sites, buildings, features, or events that are of local (city or county) significance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other value. Points of historical interest designated after December 1997 and recommended by the SHRC are also listed in the CRHR. No historic resource may be designated as both a landmark and a point. If a point is later granted status as a landmark, the point designation will be retired. In practice, the point designation program is most often used in localities that do not have a locally enacted cultural heritage or preservation ordinance.

Native American Heritage Commission (NAHC)

PRC Section 5097.91 established the NAHC, the duties of which include inventorying of places of religious or social significance to Native Americans and identifying known graves and cemeteries of Native Americans on private lands. PRC Section 5097.98 specifies a protocol to be followed when the NAHC receives notification of a discovery of Native American human remains from a county coroner.

California Public Records Act

Sections 6254(r) and 6254.10 of the California Public Records Act were enacted to protect archaeological sites from unauthorized excavation, looting, or vandalism. Section 6254(r) explicitly authorizes public agencies to withhold information from the public relating to “Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission.” Section 6254.10 specifically exempts from disclosure requests for “records that relate to archaeological site information and reports, maintained by, or in the possession of the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the NAHC, another State agency, or a local agency, including the records that the agency obtains through a consultation process between a Native American tribe and a State or local agency.”

California Health and Safety Code Sections 7050.5, 7051, and 7054

These sections collectively address the illegality of interference with human burial remains, as well as the disposition of Native American burials in archaeological sites. The law protects such remains from disturbance, vandalism, or inadvertent destruction, and establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project, including the treatment of remains prior to, during, and after evaluation, and reburial procedures.

California Public Resources Code Section 15064.5(e)

This law addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction. The section establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project and establishes the Native American Heritage Commission as the entity responsible to resolve disputes regarding the disposition of such remains.

Assembly Bill 52

Assembly Bill (AB) 52 establishes a formal consultation process for California tribes as part of CEQA and equates significant impacts on tribal cultural resources with significant environmental impacts. AB 52 defines a “California Native American Tribe” as a Native American tribe located in California that is on the contact list maintained by the Native American Heritage Commission. AB 52 requires formal consultation with California Native American tribes prior to determining the level of environmental document if a tribe has requested to be informed by the lead agency of proposed projects. AB 52 also requires that consultation address project alternatives, mitigation measures for significant effects, if requested by the California Native American tribe, and that consultation be considered concluded when either the parties

agree to measures to mitigate or avoid a significant effect, or the agency concludes that mutual agreement cannot be reached. Under AB 52, such measures shall be recommended for inclusion in the environmental document and adopted mitigation monitoring program if determined to avoid or lessen a significant impact on a tribal cultural resource.

LOCAL

Propel Vallejo 2040 General Plan

The City of Vallejo General Plan describes cultural resources as buildings, objects, features, structures, or locations with historic or cultural value. Within the City, cultural resources typically include buildings or structures that are associated with an event or person that have contributed to the shaping or development of the city; but also include unknown or buried objects, such as Native American artifacts discovered at a particular location or area of the city; or an archaeological, geological, or paleontological artifact, such as fossils. Within the City, early indigenous inhabitants of the region around Vallejo, include the Patwin and Carquin peoples. The General Plan recognizes that due to their previous settlements and presence with the area, there is a potential for artifacts from these locations. Of particular note are locations near freshwater sources where plant and animal life were abundant and could provide needed resources to the inhabitants.

In addition to the past Native American presence, more modern buildings and locations can qualify as historic or historical sites or structures. Downtown Vallejo has seven buildings listed as local landmarks, including one building on the NRHP and two on the CRHR.

To help protect both known and unknown resources, the General Plan identifies goals, policies and action items to preserve sites as well as artifacts that may remain buried. Those that would be applicable to the proposed project include the following:

Policy NBE-1.9	Cultural Resources. Protect and preserve archaeological, historic, and other cultural resources.
Action NBE-1.9A	Continue to require that land use activities comply with State requirements and follow best practices to ensure that cultural resources are not impacted, and that appropriate agencies and technical experts are involved in the evaluation and protection of resources and sites.
Action NBE-1.9B	Maintain a dialogue with local Native American groups regarding sensitive cultural resources in Vallejo.
Action NBE-1.10B	Require the identification and protection of all on-site historic resources in conjunction with any proposed development, in compliance with all applicable City provisions (including the Downtown Specific Plan Historical Resource Assessment) and State and federal guidelines for the treatment of historic properties.

Policy NBE-1.12

Historic Preservation. Promote community awareness of the benefits of historic preservation.

4.4.3 STANDARDS OF SIGNIFICANCE

SIGNIFICANCE CRITERIA AND THRESHOLDS

In accordance with the State CEQA Guidelines, the effects of a project are evaluated to determine whether they would result in a significant adverse impact on the environment. An EIR is required to focus on these effects and offer mitigation measures to reduce or avoid any significant impacts that are identified. The criteria used to determine the significance of impacts may vary depending on the nature of the project. According to Appendix G of the State CEQA Guidelines, the proposed project would have a significant impact related to cultural and tribal cultural resources, if it would:

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5.
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5.?
- c) Disturb any human remains, including those interred outside of dedicated cemeteries.
- d) 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:
 - i. 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), or
 - ii. 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, the lead agency shall consider the significance of the resource to a California Native American Tribe.

Methodology

This analysis is based on the regional and site-specific information that is publicly available and relevant to the proposed project. The evaluation of the project's potential effects on cultural or tribal cultural resources that may be present or associated with the project site stems from the prehistoric and historic context of the region and project site, the historical integrity the site exhibits, and association to significant people and or events.

Pertaining to tribal cultural resources, the NOP/IS was sent to the appropriate groups (refer to Appendix E of this EIR) and letters accordance with AB 52 were sent to tribal contacts that have requested

consultation with respect to the proposed project's potential impacts on Native American places, features, and objects. In addition, based on responses from these individual, additional letters were sent to other parties who were thought to potentially have relevant information pertaining to the proposed project. As mentioned above, one comment letter has been received with respect to the proposed project's potential impacts on Native American places, features, and objects. All of this information has been evaluated against the thresholds of significance to determine the potential for environmental impacts.

4.4.4 PROJECT IMPACTS AND MITIGATION

In accordance with CEQA, the effects of a project are evaluated to determine if they would result in a significant adverse impact on the environment. Cultural resources impacts are analyzed below according to topic. Mitigation measures directly correspond with an identified impact.

IMPACT CUL-1	CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A HISTORICAL RESOURCE PURSUANT TO § 15064.5? (LESS THAN SIGNIFICANT IMPACT)
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Cultural resources that are significant under Section 106 are evaluated in terms of eligibility for listing in the NRHP. NRHP significance criteria applied to evaluate the cultural resources are defined in 36 CFR 60.4 as described in the Regulatory Settings above. The CRHR includes buildings, sites, structures, objects, and districts significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California. To qualify for inclusion in the CRHR, a historical resource must meet the criteria previously described. If no eligible resources are identified within a project's area of potential effect (APE), then the project is not considered to have a significant impact on cultural resources.

To determine if the project site or any of its known constituents would qualify for listing under Section 106, the project site was evaluated for the presence of potential historical resources. The results of archival research, comment solicitation, previous surveys proximate to the project site, and the environmental context all contributed to the assessment of the sensitivity level for the project site. Based on information from these sources as compiled in the cultural resources report (Peak & Associates, 2017), there are no historic properties present in the study area or adjacent area. Therefore, no historic properties would be affected, and impacts would be less than significant.

IMPACT CUL-2	CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF AN ARCHAEOLOGICAL RESOURCE PURSUANT TO § 15064.5? (LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED)
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The project site was also evaluated for the presence of significant archaeological resources. As part of the cultural resource report a field assessment was conducted. At the time of the assessment, the soils on

the project site were highly visible due to limited vegetative cover and had been highly disturbed from recent discing. The site survey found no evidence of prehistoric period or historic period cultural resources. Based on these efforts, there are no known archaeological resources occurring within the project site.

Although no historical or archaeological resources were located on the project site, the region in which the project site is located is known to have been occupied by native peoples. This region includes the ethnographic territory of the Patwin who occupied the southern Sacramento Valley west of the Sacramento River from the town of Princeton, north to Colusa, south to San Pablo and Suisun bays. Additionally, the project site is known to have been occupied in the 1800s and 1900s by people who used the site for agricultural purposes and unknown and buried resources from these prior times and activities could have been left after occupation ended and may be located within the project site. Impact CUL-2 discusses the Native American consultation efforts by the City to determine if the site may contain known resources requiring protection or have other value to any tribes.

Implementation of the proposed project would result in ground disturbance including grading and excavation. To account for existing land contours, the excavation depth for the proposed project would be approximately 5 to 10 feet on the eastern side of the project site and as much as 20 feet on the western side. Ground disturbance and grading is required to create the finished elevations for the site and enable setting footings and creating building pads for the commercial sites, residences, and reach roadway grades. The site disturbance could result in impacts by damaging or destroying unknown buried historic and archaeological resources should they exist below the ground surface. The incorporation of mitigation measures for project-specific impacts would address the potential risk from direct impacts, as well as secondary or accidental impacts to cultural resources. Without mitigation, impacts resulting from the proposed project could be significant. Mitigation Measure CUL-1, requires the implementation of a Cultural Awareness Training Program; Mitigation Measures CUL-2 and CUL-3, address procedures for monitoring and inadvertent discovery. Implementation of these mitigation measures would reduce this impact to a less than significant level.

The purpose of the Cultural Awareness Training Program is to inform construction personnel of the types of cultural resources that may be encountered during construction, and to bring awareness to personnel of actions that need to be taken in the event of a discovery of a cultural resource. Training may include: a discussion of applicable cultural resources statues, regulations and related enforcement provisions; an overview of the prehistoric and historic environmental setting and context, as well as current cultural information regarding local tribal groups; samples or visuals of artifacts that might be found in the project area; and a discussion of what prehistoric and historic archaeological deposits look like at the surface and when exposed during construction. The process for protecting unearthed resources is described in detail in Mitigation Measure CUL-2, below.

If unearthed cultural resources are discovered, per State CEQA Guidelines Section 15126.4(b)(3), project redesign and preservation in place shall be the preferred means to avoid impacts to significant historical resources. Consistent with State CEQA Guidelines Section 15126.4(b)(3)(C), if resources cannot be

avoided, additional treatment measures shall be developed (as required by Mitigation Measure CUL-2 below) in consultation with the City of Vallejo Planning & Development Services Department. The City of Vallejo shall consult with appropriate Native American representatives in determining appropriate treatment for unearthened cultural resources if the resources are prehistoric or Native American in nature. The qualified archaeologist shall prepare a report documenting evaluation and/or additional treatment of the resource. A copy of the report shall be provided to the City of Vallejo Planning & Development Services Department and to the Northwest Information Center. The mitigation measures listed below explain the process of resource protection should resource(s) be discovered.

Mitigation Measures:

MM CUL-1: Cultural Awareness Training Program. Prior to the issuance of grading permits, a Cultural Awareness Training Program shall be provided to all construction managers and construction personnel prior to commencing ground disturbance work at the project site. The training shall be prepared and conducted by a qualified archaeologist to the satisfaction of the City of Vallejo Planning & Development Services Department. The training shall be a length of time adequate to explain applicable statutes, regulations, enforcement provisions; the prehistoric and historic environmental setting and context, local tribal groups; show sample artifacts; and what prehistoric and historic archaeological deposits look like at the surface and when exposed during construction. The training may be discontinued to new workers to the site when ground disturbance is completed. Construction personnel shall not be permitted to operate equipment within the construction area unless they have attended the training. A list of the names of all personnel who attended the training and copies of the signed acknowledgement forms shall be submitted to the City Planning & Development Services Department for their review and approval.

MM CUL-2: Cultural Resources Construction Monitoring. During mass grading activities, a qualified archaeologist shall be continuously present onsite, and on-call during trenching activities, to observe disturbance areas. The qualified archaeologist or contractor shall halt work in the immediate vicinity if artifacts, exotic rock, shell or bone are uncovered during the construction. In the event such cultural resources are unearthened during ground-disturbing activities, and the qualified archaeologist is not in that location, the project operator shall cease all ground-disturbing activities within 50 feet of the find and immediately contact the qualified archaeologist. Work shall not resume until the potential resource can be evaluated by the qualified archaeologist. The qualified archaeologist shall be empowered to halt or redirect ground-disturbing activities away from the vicinity of the find until the qualified archaeologist has evaluated the find, determined whether the find is culturally sensitive, and designed an appropriate short-term and long-term treatment plan. The significance of the find shall be determined by the archaeologist. If determined to be significant the archaeologist shall prepare a treatment plan in consultation with local experts, Native American Representatives, and the City Planning & Development Services Department.

MM CUL-3: Discovery of Unknown Resources. The project applicant shall continuously comply with the following requirement: In the event that unanticipated cultural or tribal cultural resources are encountered during the course of grading or construction, the project operator/contractor shall cease any ground-disturbing activities within 50 feet of the find. Cultural and/or tribal cultural resources may include prehistoric archaeological materials such as flaked and ground stone tools and debris, shell, bone, ceramics, and fire-affected rock, as well as historic materials such as glass, metal, wood, brick, or structural remnants. A qualified archaeologist shall evaluate the resource and recommend treatment measures, as appropriate.

Per State CEQA Guidelines Section 15126.4(b)(3), project redesign and preservation in place shall be the preferred means to avoid impacts to significant historical resources, if discovered. Consistent with State CEQA Guidelines Section 15126.4(b)(3)(C), if resources cannot be avoided, additional treatment measures shall be developed in consultation with the City of Vallejo Planning & Development Services Department and may include testing and evaluation or data recovery excavation. The City of Vallejo shall consult with appropriate Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are prehistoric or Native American in nature. By law, the qualified archaeologist shall prepare a report documenting evaluation and/or additional treatment of the resource. A copy of the report shall be provided to the City of Vallejo Planning & Development Services Department and to the Northwest Information Center.

IMPACT
CUL-3

DISTURB ANY HUMAN REMAINS, INCLUDING THOSE INTERRED OUTSIDE OF DEDICATED CEMETERIES?

(LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED)

Future ground-disturbing activities during grading and construction activities could encounter buried human remains that were not identified during the cultural resource report conducted for the proposed project. This could result in damage to unknown, buried human remains and mitigation would be required. Mitigation Measure CUL-4 identifies procedures for recording and treating any human remains should they be discovered during project construction. The measure requires that these items be protected, preserved and treated in accordance with applicable laws, regulations and guidelines. With the implementation of mitigation, potential impacts would be less than significant.

Mitigation Measure:

MM CUL-4: Discovery of Human Remains. The project applicant shall continuously comply with the following: If human remains are uncovered during ground disturbing activities, the project proponent shall immediately halt work and contact the Solano County Coroner to evaluate the remains, and follow the procedures and protocols set forth in Section 15064.5 (e)(1) of the CEQA Guidelines. The City of Vallejo Police Department and City of Vallejo Planning & Development Services Department shall be contacted immediately after contact or attempted contact with the County Coroner. All excavation activities on

the project site shall cease. If the County Coroner determines that the remains are Native American, the Native American Heritage Commission shall be notified, in accordance with Health and Safety Code Section 7050.5, subdivision (c), and Public Resources Code 5097.98 (as amended by AB 2641). No further excavation activity shall occur on the site or any nearby area reasonably suspected to overlie adjacent human remains until consultation is complete with the most likely descendant, the Coroner and the City Planning & Development Services Department staff. Authorization to resume construction shall only be given by the City after consultation with the most likely descendent and shall include implementation of all appropriate measures to protect any possible burial sites or human remains.

WOULD THE PROJECT 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:

**IMPACT
CUL-4**

I. 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), OR

II. 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, THE LEAD AGENCY SHALL CONSIDER THE SIGNIFICANCE OF THE RESOURCE TO A CALIFORNIA NATIVE AMERICAN TRIBE.

(LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED)

The NAHC was contacted for a check of their Sacred Lands file for properties near the project site; they indicated there were no known sacred sites in the immediate vicinity of the project site. Additional Native American representatives were contacted from four Tribes, Bands, or Nations that had requested contact related to this and other projects in the area. Formal letters inviting consultation for the project pursuant to PRC § 21080.3.1(b) were sent. One response to the letters was received in August 2019 and indicated that the project site was within the ancestral tribal territory of the Yocha Dehe Wintun Nation and that the proposed project could impact known archaeological/cultural sites. The letter requested that the project include cultural monitors during development and ground disturbance. It should be noted that the cultural resources report did not locate any archaeological or tribal cultural resources on the project site. Mitigation Measure CUL-2 requires the project archaeologist to consult with local experts and Native

American Representatives for the preparation of a treatment plan if significant unknown cultural resources are discovered during construction mass grading and trenching activities.

As discussed above, implementation of the proposed project could result in disturbance or destruction of unknown buried tribal cultural resources that were not located during previous study and site evaluation. Mitigation Measure CUL-1 requires a Cultural Awareness Training Program for all project workers and Mitigation Measures CUL-2 through CUL-4 require mitigation to protect inadvertently discovered archaeological resources and human remains, respectively. In addition, all such finds would be required to be treated in accordance with all CEQA requirements and all other applicable laws and regulations. With implementation of these measures, impacts in this regard would be less than significant.

4.4.5 CONCLUSION

Based on the absence of known existing archaeological, cultural, and tribal cultural resources within the project site, and incorporation of mitigation measures CUL-1 through CUL-4 to reduce impacts to unknown resources should they be discovered during site disturbance activities, impacts to these resources would be less than significant.

4.4.6 CUMULATIVE IMPACTS

The geographic scope for cumulative impacts is defined in Section 3.7, Cumulative Projects. With respect to cultural and tribal cultural resources, the geographic scope of analysis is the City of Vallejo and Solano County. This area provides a reasonable context wherein cumulative actions could affect these resources.

For these resources, impacts are site-specific and not generally subject to cumulative impacts unless multiple projects impact a common resource, or an affected resource extends off-site, such as a historic townsite or district. The cumulative analyses for historical, archaeological, and tribal cultural resources considers whether the proposed project, in combination with the past, present, and reasonably foreseeable projects, could cumulatively affect any common cultural or paleontological resources.

The proposed project could result in potential site-specific impacts to currently unknown archaeological, cultural, and tribal cultural resources discovered during grading and trenching activities during construction. Other projects within the cumulative study area also have the potential to result in damage and/or loss to these resources. The combination of the proposed project as well as past, present, and reasonably foreseeable projects in the City and Solano County would be required to comply with all applicable State, federal, and County and local regulations concerning preservation, salvage, or handling of cultural and paleontological resources, including compliance with required mitigation. Similar to the proposed project, these projects also would be required to implement and conform to mitigation measures, which would be likely to reduce impacts to less than significant. Although in the process of development, some known or unknown resources may be lost, it is not anticipated that these impacts would be cumulatively considerable. In addition, implementation of Mitigation Measures CUL-1 through CUL-4 would reduce project-specific impacts to a less than significant level. Therefore, the project's contribution to cumulative impacts would be less than significant.

4.4.7 REFERENCES

Peak & Associates, 2017. Determination of Eligibility and Effect for the Fairview at Northgate Project, City of Vallejo, Solano County – California.

ECORP Consulting Inc., 2018. Cultural Resources Technical Review for the Fairview at Northgate Project, City of Vallejo, Solano County, California.