

## 4.5 CULTURAL RESOURCES

### 4.5.1 Setting

**a. Environmental Setting.** The Project Site is within unincorporated San Benito County approximately three miles west of City of Hollister, approximately 3.5 miles southeast of the City of San Juan Bautista and approximately 1.0 mile south of State Route (SR) 156. Elevations on the Project Site range from approximately 220 feet in the relatively flat pasturelands toward the westerly edge, to a high of approximately 1,120 feet in the hills to the south. The Project Site is currently occupied by an 18-hole golf course, clubhouse, and support structures and facilities (collectively, the "Existing Golf Club"), and is also currently used for agriculture (including cultivated row crops and grazing). The Project Site is primarily surrounded by agricultural fields and rangeland, as well as industrial uses.

### **b. Historical Background.**

Prehistory. The Project Site is located in the Central Coast region of California (Jones and Klar 2007). Following Jones et al. (2007:137), the prehistoric cultural chronology for the Central Coast can be generally divided into six periods. The Paleo-Indian Period (ca. 10000–8000 B.C.) economy is characterized by a diverse mixture of hunting and gathering, with a major emphasis on aquatic resources in many coastal areas (e.g., Jones et al. 2002) and on Pleistocene lake shores in eastern California (Moratto 1984:90–92). The Millingstone Period, (8000–3500 B.C.), is characterized by an ecological adaptation to collecting suggested by the appearance and abundance of well-made milling implements (Jones et al. 2007). Early period (3500–600 B.C.) sites within the Central Coast region provide evidence for continued exploitation of inland plant and coastal marine resources. Artifacts include milling slabs and handstones, as well as mortars and pestles, which were used for processing a variety of plant resources (Jones and Waugh 1997:122). The Middle Period (600 B.C. - A.D. 1000) saw a pronounced trend toward greater adaptation to regional or local resources. Related chipped stone tools suitable for hunting were more abundant and diversified, and shell fishhooks became part of the toolkit during this period (Jones and Klar 2005; Jones et al. 2007). The Middle-Late Transition Period (A.D. 1000–A.D. 1250), is marked by relative instability and change, with major changes in diet, settlement patterns, and interregional exchange (Jones and Ferneau 2002:213, 219). Late period (A.D. 1250–contact [ca. A.D. 1769]) sites are marked by small, finely worked projectile points. The small projectile points are associated with bow and arrow technology and indicate influence from the Takic migration from the deserts into southern California. Common artifacts identified at Late Period sites include bifacial bead drills, bedrock mortars, hopper mortars, lipped and cupped *Olivella* shell beads, and steatite disk beads (Jones et al. 2007).

Ethnography. The Project Site lies within an area traditionally occupied by the Ohlone (or Costanoan) people. Ohlone territory extends from the point where the San Joaquin and Sacramento Rivers issue into the San Francisco Bay to Point Sur, with the inland boundary most likely constituted by the interior Coast Ranges (Kroeber 1925:462). The Ohlone language belongs to the Penutian family, with several distinct dialects throughout the region (Kroeber 1925: 462).

The pre-contact Ohlone were semi-sedentary, with a settlement system characterized by base camps of tule reed houses and seasonal specialized camps (Skowronek 1998). Villages were divided into small polities, each of which was governed by a chief responsible for settling



disputes, acting as a war leader (general) during times of war, and supervising economic and ceremonial activities (Skowronek 1998, Kroeber 1925:468). Social organization appeared flexible to ethnographers and any sort of social hierarchy was not apparent to mission priests (Skowronek 1998). Ohlone subsistence was based on hunting, gathering, and fishing (Kroeber 1925: 467, Skowronek 1998). Like the rest of California, the acorn was an important staple (Kroeber 1925: 467).

History. In November of 1795, Friar Danti and Lieutenant Hemenegildo Sal led a party out of Monterey into the San Benito Valley to identify locations for a new mission. The party found two suitable locations, one on the San Benito River and the other near the present town of Gilroy. After much deliberation, the site on the San Benito River was chosen and on June 24 1797, Mission San Juan Bautista was founded (Barrows and Ingersoll 1893). The site is located approximately eight miles west of the present city of Hollister, near the Mitsun Costanoan village of Popeloutchom (Pentacle Press 2013). The mission flourished and by 1820 boasted a population of about 1,000, mostly Christianized, native inhabitants, over 40,000 head of cattle, nearly 1,400 tame horses, and 70,000 head of sheep (Barrows and Ingersoll 1893). However, mission influence in the region began to wane when calls for the secularization of mission lands in California were enacted by the newly formed Mexican Republic.

The Mexican Period commenced when news of the success of the Mexican Revolution (1810-1821) against the Spanish crown reached California in 1822. This period saw the privatization and distribution of mission lands in California with the passage of the Secularization Act of 1833. More than 15 land grants (ranchos) were conferred within San Benito County during this period. One of them, San Justo, included the lands that currently make up the Project Site. The San Justo land grant was conferred to Jose Castro in 1839 by Governor Juan B. Alvarado and consisted of 34,620 acres. Castro held the land until 1850 when he sold it to Francisco Perez Pacheco for the sum of \$1,400 (San Benito County Historical Society 2013). The presence of so many ranchos in the county meant that much of the land remained rural, serving as grazing land for livestock, and would remain so until the American Period of California history.

The American Period officially began with the signing of the Treaty of Guadalupe Hidalgo in 1848, in which the United States agreed to pay Mexico \$15 million for the conquered territory (Workman 1935:26). This period saw many ranchos in California sold or otherwise acquired by Americans and the land subdivided into agricultural parcels or towns.

The San Justo rancho was no exception; in 1855, Flint-Bixby and Company, consisting of Dr. Thomas Flint, his brother Benjamin Flint, and their cousin Llewellyn Bixby, bought the rancho from Francisco Perez Pacheco for the sum of \$25,000 with the understanding that Colonel William Welles Hollister would buy one half of the interest in the rancho in 1857. The rancho was held jointly for three years until it was divided in 1861. The partnership soon dissolved, however, with Flint taking all land east of the San Benito River and Hollister taking all land to the west. Later, Hollister protested the split of assets which was resolved by swapping lands and Hollister paying Flint \$10,000. In 1868, Hollister sold his part of the rancho, approximately 20,773 acres, to the San Justo Homestead Association for the sum of \$370,000. The association promptly divided the property into 50 homestead lots of approximately 172 acres each and reserved about 100 acres for the newly formed town of Hollister. In 1870, the Southern Pacific Railroad laid track from Carnardero (three miles south of Gilroy) to Hollister and then extended to Tres Pinos in 1873 (San Benito County Historical Society 2013).



### c. Existing Conditions.

Cultural. The development footprint of the 2003 San Juan Oaks Golf Club Project and the current proposed Project are substantially similar, as shown in Figure 1-1 in Section 1.0, *Introduction*. However, an assessment of impacts regarding cultural resources on the Project Site was completed to determine whether the proposed changes have the potential to create previously unidentified impacts. A records search was conducted for the Project Site at the California Historical Information System (CHRIS), Northwestern Information Center located at Sonoma State University. The records search identified five archaeological sites within the Project Site, two of which (CA-SBN-199 and CA-SBN-200) are adjacent to the proposed Development Area:

- **CA-SBN-54H** is a historic cemetery, dating between 1942 and 1968.
- **CA-SBN-142** is a prehistoric campsite just southeast of CA-SBN-54H.
- **CA-SBN-157** is a prehistoric isolate.
- **CA-SBN-199** is a prehistoric habitation site which contains a dark midden, fire-affected rock, scattered chert flakes, shell fragments, and groundstone. CA-SBN-199 is located approximately 500 feet from the southern boundary of the Development Area.
- **CA-SBN-200** is also a prehistoric habitation site containing a dark midden with fire-affected rock, scattered lithic flakes, an obsidian biface, and one possible human bone. CA-SBN-200 is located within the Project Site directly adjacent to the southern boundary of the Development Area. CA-SBN-200 was capped and is currently covered by a portion of the existing golf course.

The records search also identified ten previously conducted cultural resource studies that have occurred within the Project Site. The following summary focuses on portions of these studies relevant to the Project Site. One of these studies, "Cultural Resource Evaluation of the San Juan Valley Golf Course," was conducted by Archaeological Resource Management (ARM) and involved archaeological testing at two sites (CA-SBN--157 and -200) within the Project Site and also discussed CA-SBN-199 (Cartier et al. 1993). Excavations at CA-SBN-157 failed to identify an archaeological deposit. Work at CA-SBN-200 identified a large prehistoric habitation site and the presence of a large habitation site and a few human remains. The study provided mitigation measures for all three archaeological sites, which included spot check monitoring for site CA-SBN-157; and archaeological monitoring within 100 yards of the site area, staking off the site boundaries, and the capping of portions of site CA-SBN-200. In addition, the study recommended staking off CA-SBN-199 and monitoring of all activity within 100 yards of CA-SBN-199 (Cartier et al. 1993). In a second study (Cartier et al. 1996), ARM reported the results of additional archaeological testing at sites CA-SBN-199 and -200. The work was conducted in 1995 to mitigate impacts to these sites associated with development of the golf course and related support structures. ARM stated that implementation of the mitigation measures described in the 1996 report reduced potential impacts to the archaeological sites to a level of insignificance (Cartier et al. 1996).

In 2013, Rincon conducted a peer review of a cultural resource report entitled, "Cultural Resource Evaluation of the Expansion of San Juan Oaks Golf Club in the County of San Benito" prepared by ARM in 2003 (Cartier 2003). Rincon's peer review of the report determined that the study was conducted consistent with applicable professional standards, and provided sufficient



information upon which to base the conclusions set forth in this SEIR. The report presented the results of a records search for the entire Project Site as well as a pedestrian survey of approximately 400 acres proposed for development as part of the proposed Project. The approximately 400 acres surveyed by ARM directly corresponds with the currently proposed Development Area within the Project Site. The ARM report did not identify any archaeological sites within the area surveyed but did identify one previously recorded archaeological site (CA-SBN-200) adjacent to the area surveyed and one site (CA-SBN-199) located approximately 500 feet south of the survey area. A third site (CA-SBN-214) was identified outside of the Project Site but within a 0.5-mile radius. The ARM report identified one historic single-family residence dating to the 1940-1950s; this residence has since been demolished. Due to the poor surface visibility during the survey and the presence of previously recorded archaeological sites nearby, ARM recommended an archaeologist monitor construction-related ground disturbance and provided mitigation measures in the event archeological resources were discovered. Rincon's peer review included analysis of ARM's previous studies within the Project Site (Cartier et al. 1993 and Cartier et al. 1996; both described above) and found the methods and findings of both studies consistent with current professional standards.

A Sacred Lands File search by the Native American Heritage Commission did not identify any sacred lands within the Project Site (Debbie Pilas-Treadway, Environmental Specialist III, Native American Heritage Commission, October 3, 2013).

Paleontological. The development footprint of the 2003 San Juan Oaks Golf Club Project and the current proposed Project are substantially similar, as shown in Figure 1-1 in Section 1.0, *Introduction*. However, an assessment of impacts regarding paleontological resources on the Project Site was completed to determine whether the proposed changes have the potential to create previously unidentified impacts. The Project Site is located in the Coast Range geomorphic province in the San Juan Valley, on the south end of the Santa Clara Valley with the Gabilan Range situated to the west. The San Juan Valley is bounded by the Santa Cruz Mountains to the west, the Hollister Valley to the east and the Sargent Hills to the north. Tectonic processes formed the San Juan and Hollister Valleys during Pleistocene time.

The predominant structural feature in the California Coast Ranges is the San Andreas fault, which is the structural boundary between two tectonic plates; the Pacific Plate to the southwest of the fault and the North American Plate northeast of the fault. The Project Site is predominantly located in an alluvial valley with the southern portion of the site located on the foothills of a northwest trending ridge situated east of the San Andreas Rift Zone.

Five sedimentary geologic units have been mapped within the Project Site (Dibblee and Minch 2006) ranging in age from Holocene to Miocene. Holocene aged alluvial sediments (Qa) are mapped at the lower elevations of the valley bottom and lower drainages in the north and west of the site. Holocene/Pleistocene(?) aged landslide rubble (Qls) and Pleistocene aged older surficial deposits (Qoa) are mapped within drainages at higher elevation in the southern portion of the site. Unnamed Pliocene aged terrestrial sediments (Tn) are mapped on the hills in the northern portion of the site, and the Pliocene/Miocene(?) aged Etchegoin Formation is mapped within the hills in the southern portion of the site (see Figure 4.5-1).

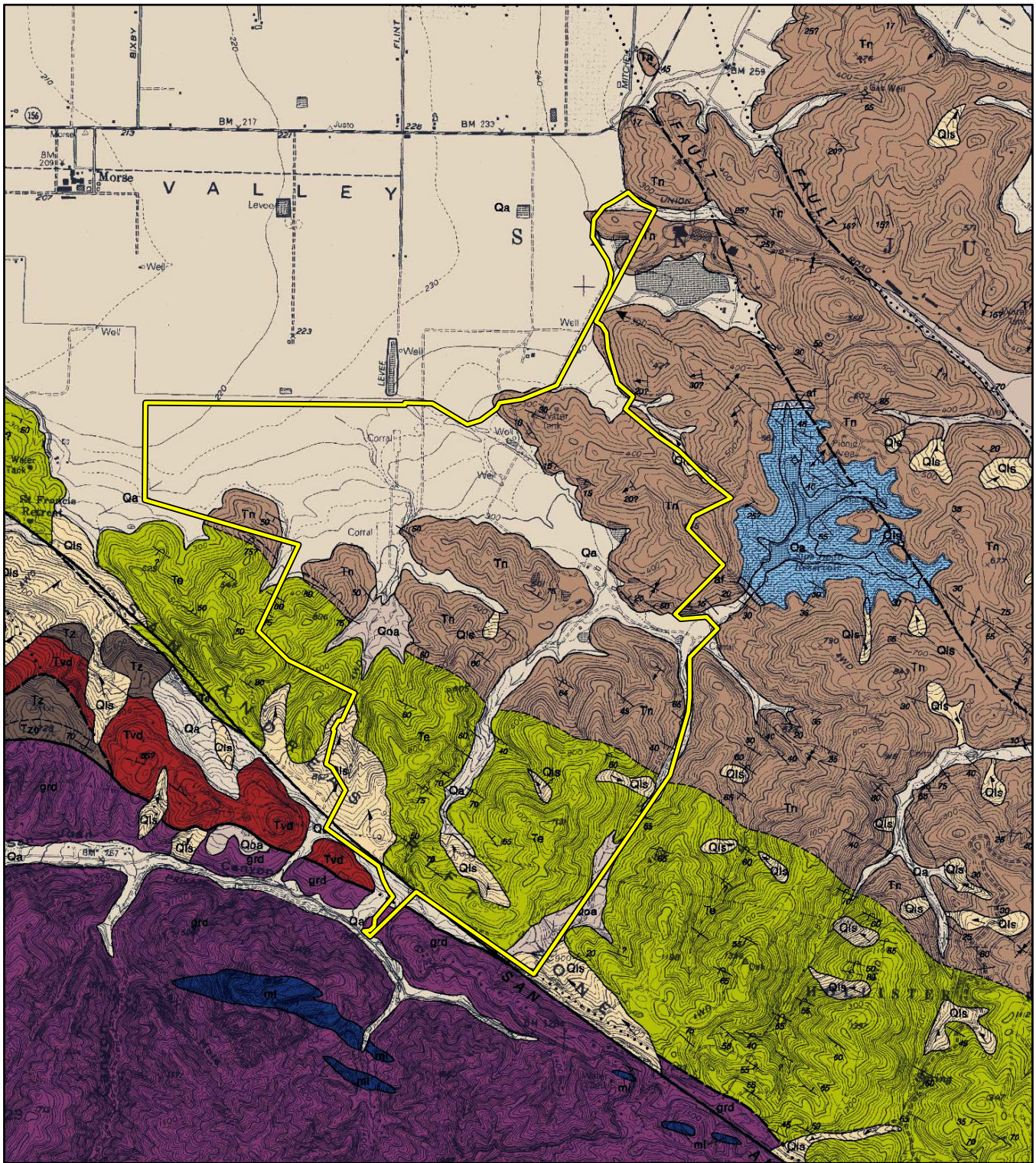
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<sup>1</sup> A question mark (?) at the end of a geologic epoch (time period) denotes scientific uncertainty in the specific age of the sediments, or where, vertically in the unit the sediments transition from one epoch to the next. In this specific example, Quaternary landslide rubble deposits are Holocene in age, and possibly Pleistocene in age in some geographic areas or at some depths below the surface.

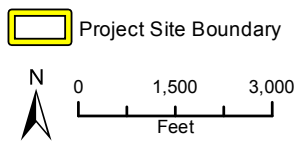




Del Webb at San Juan Oaks Specific Plan Subsequent EIR  
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Geologic data provided by Dibblee and Associates © 2013.



**Geologic Key**  
 Qa: Holocene aged alluvial sediments  
 Qls: Holocene/Pleistocene aged landslide rubble  
 Qoa: Pleistocene aged older surficial deposits  
 Tn: Unnamed Pliocene aged terrestrial sediments  
 Te: Etchegoin Formation

Geologic Map

Figure 4.5-1



*Quaternary Geologic Units.* The Quaternary units mapped within the Project Site include the Holocene aged alluvial valley sediments, the Holocene/Pleistocene(?) aged landslide rubble and the Pleistocene aged older surficial deposits. The Holocene sediments are generally considered to be too young to contain fossils, and therefore disturbance of these sediments have a low potential to impact significant paleontological resources; however, these sediments are likely underlain by Pleistocene and Pliocene aged deposits at unknown depths. Pleistocene aged sediments are mapped at the surface higher in the washes within the Project Site, and the depth of overlying Holocene sediments would be expected to be comparatively shallow here at the valley margins as compared with central valley deposits. Fieldwork conducted in support of the Geotechnical Investigation report for this Project (ENGEO Inc. 2013) documented bedrock depth in 17 test pits ranging from 1.5 to 12 feet below ground surface. Pleistocene aged sediments have the potential to contain scientifically significant paleontological resources. The University of California Museum of Paleontology (UCMP) collections database includes only eight Pleistocene records within San Benito County, and all of those are from the San Benito Gravels deposits; however, Pleistocene aged alluvial deposits have yielded numerous scientifically significant fossils from throughout California and Pleistocene aged alluvial sediments are generally considered to have high paleontological sensitivity.

*Tertiary Geologic Units.* Tertiary aged units mapped within the Project Site include the unnamed Pliocene aged sediments and the Pliocene/Miocene(?) aged Etchegoin Formation. The unnamed Pliocene aged sediments are terrestrial and possibly lacustrine in origin and consist of mostly claystone that is gray with locally greenish to reddish layers and includes gray to whitish thin layers of fine grained sands. Dibblee and Mich (2006) consider the unnamed sediments to be roughly equivalent to the Oro Loma formation in to the east. There are no records of the unnamed Pliocene aged sediments producing fossils, and the UCMP contains no records of fossils from Oro Loma Formation from any location within California. However, because other Pliocene formations and other deposits of Pliocene age throughout California have produced scientifically significant fossils, the potential for fossils occurrence cannot be completely excluded. Therefore, this unit is considered to have a low potential to contain significant paleontological resources. The Etchegoin Formation is a Marine clastic deposit that consists of light gray to light brown fine to medium coarse grained sandstone that is locally pebbly and includes thin partings of clay, shale and siltstone. The formation is known for its significant invertebrate fauna including bivalves and echinoderms, but also includes a marine and terrestrial vertebrate fauna (Miller et al. 1971; Woodring et al. 1940; UCMP unpublished fossil data). Fossil occurrences from the Etchegoin occur predominantly along the western margin of the San Joaquin Valley especially in the Kettleman Hills areas; however, the UCMP database includes 4 fossil records from the Etchegoin Formation in San Benito County including three mammals and one invertebrate.

*Paleontological Sensitivity.* Paleontological sensitivity refers to the potential for a geologic unit to produce scientifically significant fossils. Direct impacts to paleontological resources occur when earthwork activities, such as grading or trenching, cut into the geologic deposits (formations) within which fossils are buried and physically destroy the fossils. Since fossils are the remains of prehistoric animal and plant life, they are considered to be nonrenewable. Such impacts have the potential to be significant. Sensitivity is determined by rock type, past history of the geologic unit in producing significant fossils, and fossil localities recorded from that unit.

Paleontological sensitivity is derived from the known fossil data collected from the entire geologic unit, not just from a specific survey.



Currently, two generally accepted paleontological sensitivity classifications are used: the Society of Vertebrate Paleontology (SVP) system outlined in the SVP Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontological Resources (SVP, 2010) and the Bureau of Land Management (BLM) Potential Fossil Yield Classification (PFYC) system outlined in the BLM Instruction Memorandum (IM) No. 2008-009 (BLM, 2009). The BLM system is in general more robust and allows for a finer level of classification than the more general SVP system. The BLM system is designed for highly variable geologic units that can potentially be subdivided into ten or more sensitivity categories and sub-categories. This level of detail is not warranted to establish a reasonable evaluation of paleontological sensitivity in all cases. Neither the existing County of San Benito General Plan (1992) nor the proposed (and not yet adopted) 2035 General Plan Update, provide any specific guidance on paleontological sensitivity. However, based on the relative simplicity of the paleontological potential of the geologic units present within the Project Site, the SVP classification system provides a sufficient level of detail for assessing paleontological sensitivity in the Project Site, and further subdivision of paleontological sensitivity at the BLM classification level is not feasible or necessary for purposes of this SEIR analysis. Under the SVP system, affected geologic formations are classified based on the relative abundance of vertebrate fossils and significant non-vertebrate fossils using a scale of high, undetermined, low and no paleontological sensitivity depending upon the resource sensitivity of the impacted geologic formations. The specific criteria applied for each sensitivity category are presented below and extracted directly from the SVP Guidelines (SVP, 2010):

**High Potential:** Rock units from which vertebrate or significant invertebrate, plant, or trace fossils have been recovered are considered to have a high potential for containing additional significant paleontological resources. Rocks units classified as having high potential for producing paleontological resources include, but are not limited to, sedimentary formations and some volcanoclastic formations (e. g., ashes or tephtras), and some low-grade metamorphic rocks which contain significant paleontological resources anywhere within their geographical extent, and sedimentary rock units temporally or lithologically suitable for the preservation of fossils (e. g., middle Holocene and older, fine-grained fluvial sandstones, argillaceous and carbonate-rich paleosols, cross-bedded point bar sandstones, fine-grained marine sandstones, etc.). Paleontological potential consists of both (a) the potential for yielding abundant or significant vertebrate fossils or for yielding a few significant fossils, large or small, vertebrate, invertebrate, plant, or trace fossils and (b) the importance of recovered evidence for new and significant taxonomic, phylogenetic, paleoecologic, taphonomic, biochronologic, or stratigraphic data. Rock units which contain potentially datable organic remains older than late Holocene, including deposits associated with animal nests or middens, and rock units which may contain new vertebrate deposits, traces, or trackways are also classified as having high potential.

- **Undetermined Potential:** Rock units for which little information is available concerning their paleontological content, geologic age, and depositional environment are considered to have undetermined potential. Further study is necessary to determine if these rock units have high or low potential to contain



significant paleontological resources. A field survey by a qualified professional paleontologist to specifically determine the paleontological resource potential of these rock units is required before a paleontological resource impact mitigation program can be developed. In cases where no subsurface data are available, paleontological potential can sometimes be determined by strategically located excavations into subsurface stratigraphy.

- **Low Potential:** Reports in the paleontological literature or field surveys by a qualified professional paleontologist may allow determination that some rock units have low potential for yielding significant fossils. Such rock units will be poorly represented by fossil specimens in institutional collections, or based on general scientific consensus only preserve fossils in rare circumstances and the presence of fossils is the exception not the rule, e.g. basalt flows or recent colluvium. Rock units with low potential typically will not require mitigation measures to protect fossils.
- **No Potential:** Some rock units have no potential to contain significant paleontological resources; for instance high-grade metamorphic rocks (such as gneisses and schists) and plutonic igneous rocks (such as granites and diorites). Rock units with no potential require no protection or mitigation measures relative to paleontological resources.

In general terms, for geologic units with high sensitivity, full-time monitoring typically is recommended during any project-related ground disturbance. For geologic units with low sensitivity, protection or salvage efforts typically are not required for geologic units with undetermined sensitivity; rather, field surveys by a qualified paleontologist are usually recommended to specifically determine the paleontological potential of the rock units present within the study area and to identify appropriate measures based on this determination. For geologic units with no sensitivity, a paleontological monitor is not required. Table 4.5-1 shows the mapped geologic units within the Project Site, their age and paleontological sensitivity (refer to Figure 4.5-1 for the location of these geologic units within the Project Site).

**Table 4.5-1  
 Geologic Units within Project Site**

<b>Geologic Unit*</b>	<b>Age*</b>	<b>Notes</b>	<b>Paleontological Sensitivity (SVP)</b>
Alluvial valley sediments (Qa)	Holocene	Generally consider too young to contain fossils.	Low
Landslide deposits (Qls)	Holocene/ Pleistocene(?)	No known fossil records, low potential for fossils in Pleistocene aged sediments.	Low
Older surficial deposits (Qos)	Pleistocene	Fossils known from Pleistocene aged alluvial sediments throughout California.	High
Unnamed sediments	Pliocene	Roughly equivalent to Oro Loma Fm., no available information on fossil occurrences or paleontological sensitivity of this unit.	Undetermined





**Table 4.5-1  
 Geologic Units within Project Site**

Geologic Unit*	Age*	Notes	Paleontological Sensitivity (SVP)
Etchegoin Formation	Pliocene/ Miocene (?)	Scientifically significant fossils known from this formation throughout its distribution including within San Benito County.	High

\* Source: Dibblee and Minch (2006)

**d. Regulatory Setting.** There are a number of federal, state and local laws and regulations applicable to historical, paleontological and archaeological resources within the Project Site, which are briefly discussed below.

Federal.

*National Historic Preservation Act.* The federal law which governs the treatment of cultural resources is Section 106 of the National Historic Preservation Act (NHPA). Under Section 106, when a federal agency is involved in an undertaking, it must take into account the effects of the undertaking on historic properties, which are defined as those properties that meet criteria for inclusion on the National Register of Historic Places (National Register). Properties are not required to be listed on the National Register to be considered historic properties, however. The National Register is administered by the National Park Service (NPS).

Properties eligible for listing in the National Register possess integrity of location, design, setting, materials, workmanship, feeling and association, and:

- are associated with important historical events (Criterion A); or
- are associated with the lives of significant persons in our past (Criterion B); or
- embody the distinct characteristics of a type, period, or method of construction (Criterion C); or
- may yield information important in prehistory or history (Criterion D).

Listing in the NRHP does not guarantee specific protection or assistance for a property, but it helps to ensure its recognition in the planning process for federal or federally-assisted projects (see Section 106), eligibility for federal tax benefits, and qualification for federal historic preservation assistance. In addition, the NRHP also is designed to achieve uniform standards of documentation and evaluation for historic properties. A project's effects on properties listed in the NRHP must be evaluated under CEQA.

*Executive Order 11593 (May 13, 1971), 36 Code of Federal Regulations, Section 8921 as incorporated into Title 7, United States Code.* Executive Order 11593, Protection of the Cultural Environment, orders the protection and enhancement of the cultural environment through providing leadership, establishing State offices of historic preservation, and developing criteria for assessing resource values.



*American Indian Religious Freedom Act, Title 42, United States Code, Section 1996.* The American Indian Religious Freedom Act protects Native American religious practices, ethnic heritage sites, and land uses.

*Native American Graves Protection and Repatriation Act (NAGPRA) (1990), Title 25, United States Code.* Native American Graves Protection and Repatriation Act (NAGPRA) defines “cultural items,” “sacred objects,” and “objects of cultural patrimony”; establishes an ownership hierarchy; provides for review; allows excavation of remains under certain conditions, but stipulates return of the remains according to ownership; sets penalties for violations; calls for inventories; and provides for return of specified cultural items.

#### State.

*California Register of Historical Resources.* California Code of Regulations Title 14, Chapter 11.5, Section 4850 creates the California Register of Historical Resources (California Register). The California Register establishes a list of properties to be protected from substantial adverse change (Pub. Res. Code § 5024.1(a)), and it is a guide to cultural resources that must be considered when a government agency undertakes a discretionary action subject to CEQA. The California Register helps government agencies identify, evaluate, and protect California’s historical resources, and indicates which properties are to be protected from substantial adverse change. The California Register is administered through the State Office of Historic Preservation (SHPO) that is part of the California State Parks system.

Under the Public Resources Code, a historical resource may be listed in the California Register if it meets any of the following criteria:

- 1) *It is associated with events that have made a significant contribution to the broad pattern of California’s history and cultural heritage;*
- 2) *It is associated with the lives of persons important in our past;*
- 3) *It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or*
- 4) *It has yielded, or may be likely to yield, information important in prehistory or history.*

The California Register includes properties that are listed or have been formally determined eligible for listing in the National Register, State Historical Landmarks, and eligible Points of Historical Interest. Other resources that may be eligible for the California Register, and which require nomination and approval for listing by the State Historic Resources Commission, include resources contributing to the significance of a local historic district, individual historical resources, historical resources identified in historic surveys conducted in accordance with OHP procedures, historic resources or districts designated under a local ordinance consistent with the procedures of the State Historic Resources Commission, and local landmarks or historic properties designated under local ordinance.

In addition to meeting one or more of the above criteria, the California Register requires that sufficient time must have passed to allow a “scholarly perspective on the events or individuals associated with the resource.” Fifty years is used as a general estimate of the time needed to understand the historical importance of a resource according to SHPO publications. The



California Register also requires a resource to possess integrity, which is defined as “the authenticity of a historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance. Integrity is evaluated with regard to the retention of location, design, setting, materials, workmanship, feeling, and association.” In addition, Public Resources Code Section 5024 requires consultation with SHPO when a project may impact historical resources located on State-owned land.

Two other above-referenced programs are administered by the state: California Historical Landmarks and California “Points of Interest.” California Historical Landmarks are buildings, sites, features, or events that are of statewide significance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other historical value. California Points of Interest are buildings, sites, 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 historical value.

*Native American Consultation.* Prior to the adoption or amendment of a general plan proposed on or after March 1, 2005, Government Code Sections 65352.3 and 65352.4 (commonly referred to as Senate Bill (SB) 18) require a city or county to consult with local Native American tribes that are on the contact list maintained by the Native American Heritage Commission. The purpose is to preserve or mitigate impacts to places, features, and objects described in Public Resources Code Sections 5097.9 and 5097.993 (Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property) that are located within a city or county’s jurisdiction. As the proposed project requires a General Plan amendment, SB 18 consultation has been initiated for this project. SB 18 also states that a city or county shall protect the confidentiality of information concerning the specific identity, location, character, and use of those places, features, and objects identified by said Native American consultation. The consultation required under the law has been commenced as part of this SEIR process. The NAHC provided a list of Native American groups to be contacted for SB18 consultation on October 22, 2013. The County has used this list to initiate government to government consultation for the proposed project.

*Native American Historic Resource Protection Act; Archaeological, Paleontological, and Historical Sites; Native American Historical, Cultural, and Sacred Sites (Pub. Res. Code § 5097-5097.994).* Public Resources Code Section 5097 specifies the procedures to be followed in the event of the unexpected discovery of Native American human remains on non-federal public lands. California Public Resources Code Section 5097.9 states that no public agency or private party on public property shall “interfere with the free expression or exercise of Native American Religion.” The Code further states that:

*“No such agency or party [shall] cause severe or irreparable damage to any Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine...except on a clear and convincing showing that the public interest and necessity so require.”*

*Human Remains.* Section 7050.5 of the California Health and Safety Code 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 find 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 coroner must notify the Native American Heritage Commission within 24 hours of this identification. The Native American Heritage Commission 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.* California Public Resources Code Section 5097.5 prohibits excavation or removal of any "vertebrate paleontological site...or any other archaeological, paleontological or historical feature, situated on public lands, except with express permission of the public agency having jurisdiction over such lands." Public lands are defined to include lands owned by or under the jurisdiction of the state or any city, county, district, authority or public corporation, or any agency thereof. Section 5097.5 states that any unauthorized disturbance or removal of archaeological, historical, or paleontological materials or sites located on public lands is a misdemeanor.

*Title 14, Penal Code, Section 622.5.* According to Penal Code Section 622.5, anyone (except the owner of the item at issue) who willfully damages or destroys an item of archaeological or historic interest or value is guilty of a misdemeanor.

*California Historical Building Code, California Code of Regulations, Title 24, Part 8.* The California Historical Building Code, defined in Sections 18950 to 18961 of Division 13, Part 2.7 of the Health and Safety Code, provides regulations and standards for the rehabilitation, preservation, restoration (including related reconstruction) or relocation of historical buildings or structures deemed by any level of government as having importance to the history, architecture, or culture of an area.

*California Environmental Quality Act (CEQA).* The *State CEQA Guidelines* Section 15064.5 states that a project may have a significant impact on the environment if it causes a substantial adverse change in the significance of a historical resource. The CEQA Guidelines' definition of a "historical resource" is presented in Section 4.5.3(a) (Methodology and Significance Thresholds) below. CEQA requires that historical resources and unique archaeological resources be taken into consideration during the CEQA review process (Public Resources Code, Section 21083.2). Any significant adverse effects to historical resources must be avoided or mitigated to the extent feasible [*CEQA Guidelines* Section 15064.5(b)(4)].

If the cultural resource in question is an archaeological resource, CEQA Guidelines Section 15064.5(c)(1) requires that the lead agency first determine if the resource is a historical resource as defined in Section 15064.5(a). If the resource qualifies as a historical resource, potential adverse impacts must be considered in the same manner as a historical resource (California Office of Historic Preservation 2001a:5). If the archaeological resource does not qualify as a historical resource but does qualify as a "unique archaeological resource," then the archaeological resource is treated in accordance with Public Resources Code Section 21083.2 [see also *CEQA Guidelines* Section 15069.5(c)(3)]. "Unique archaeological resource" means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:





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

In practice, most archaeological sites that meet the definition of a unique archaeological resource will also meet the definition of a historical resource (Bass, Herson, and Bogdan, 1999).

Treatment options under Public Resources Code Section 21083.2 include activities that preserve such resources in place in an undisturbed state. Other acceptable methods of mitigation may include excavation and curation or study in place without excavation and curation (if the study finds that the artifacts would not meet one or more of the criteria for defining a “unique archaeological resource”).

Section 15064.5 of the CEQA Guidelines specifies procedures to be used in the event of an unexpected discovery of Native American human remains on non-federal land. These codes protect such remains from disturbance, vandalism, and inadvertent destruction; establish procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and establish the Native American Heritage Commission (NAHC) as the authority to identify the most likely descendant and mediate any disputes regarding disposition of such remains.

#### Local.

*Current Adopted San Benito County General Plan.* The Land Use Element and the Open Space and Conservation Element of the San Benito County General Plan (1995) includes goals and policies to protect Native American, archaeological, paleontological, and historical resources. The goals and policies applicable to this Project are discussed below.

#### *Land Use Element:*

*Policy 32*      *Specific development sites shall be free from the hazards identified within the Open Space and Conservation Element Maps (e.g. faults, landslides, hillsides over 30% slope, flood plains). The site shall also be on soil suitable for building and maintaining well and septic systems (i.e. avoid impervious soils, high percolation or high groundwater areas, set back from creeks). Absent adequate mitigation, development shall not be located on environmentally sensitive lands (wetlands, erodable soil, archaeological resources, important plant and animal communities).*

*Policy 33*      *Specific development sites shall avoid, when possible, locating in an environmentally sensitive area (wetlands, erodable soils, important plant and animal communities, archaeological resources).*



*Open Space and Conservation Element:*

- Goal 9*      *A well-balanced system of recreation recognizing the natural, recreational, cultural, and historical attributes inherent to San Benito County within existing Federal, State, and County Parks and on private and Bureau of Land Management lands.*
- Policy 52*      *It is the policy of the County to recognize the value of Native American, archaeological, and paleontological resources.*
- Policy 53*      *Mitigation for development. Mitigation for development proposals where Native American, archaeological, or paleontological resources exist shall be guided by the need to provide equitable resolution for rights of the free exercise of religion, the rights of individual property owners, and the rights of the State, and counties to regulate land use.*
- Policy 54*      *Prohibit unauthorized grading of resources. It is the policy of the County to prohibit unauthorized grading, collection, or degradation of Native American, archaeological, or paleontological resources.*

*San Benito County Code, Title 19 (Land Use and Environmental Regulations), Chapter 19.05 (Architectural Site Review Ordinance).*

*Section 19.05.01 protects and preserves archaeological, paleontological, cultural and historic resources. Specifically, Section 19.05.01 states as follows:*

*The intent of this chapter is to protect, preserve and show respect for Native American, Spanish, Mexican, Euroamerican and other archaeological sites and resources within the county of San Benito. There exist in the county areas known and yet to be discovered which contain significant cultural and archaeological sites which contain unique, irreplaceable, or religious resources significant to the history of the county and for the cultural heritage of the citizens of the county and state. This archaeological resource is fast disappearing as a result of public and private land development. It is the policy of San Benito County to preserve the county's historic identity and integrity (Goal #7 Objective of a Land Use Element 1980). This chapter establishes regulations for the protection, enhancement, and perpetuation of archaeological sites in order to promote the public welfare, and to implement General Plan policy and state law.*

*Draft 2035 General Plan Update.* The proposed (but not yet adopted) 2035 General Plan Update Natural and Cultural Resources Element provide the following goals, policies and objectives pertaining to cultural resources. Because the 2035 General Plan Update has not yet been adopted by the Board of Supervisors, these policies are included for informational purposes only.

*Land Use Element:*

- LU-1.10*      *Development Site Suitability. The County shall encourage specific development sites to avoid natural and manmade hazards, including, but not limited to, active seismic faults, landslides, slopes greater than 30 percent, and floodplains. Development sites shall also be on soil suitable for building and maintaining well*



*and septic systems (i.e., avoid impervious soils, high percolation or high groundwater areas, and provide setbacks from creeks). The County shall require adequate mitigation for any development located on environmentally sensitive lands (e.g., wetlands, erodible soil, archaeological resources, important plant and animal communities).*

*Natural and Cultural Resources Element:*

- Goal NCR-7 *To protect, preserve, and enhance the unique cultural and historic resources in the county.*
- NCR-7.9 *Tribal Consultation. The County shall consult with Native American tribes regarding proposed development projects and land use policy changes consistent with the State's Local and Tribal Intergovernmental Consultation requirements.*
- NCR-7.11 *Prohibit Unauthorized Grading. The County shall prohibit unauthorized grading, collection, or degradation of Native American, archaeological, or paleontological resources.*
- NCR-7.12 *Archaeological Artifacts. The County shall require an archaeological report prior to the issuance of any project permit or approval in areas determined to contain significant historic or prehistoric archaeological artifacts and when the development of the project may result in the disturbance of the site. The report shall be written by a qualified cultural resource specialist and shall include information as set forth in the county's archaeological report guidelines available at the County Planning Department.*

The consistency of the Project with applicable County General Plan and Draft 2035 General Plan Update goals, policies and objectives pertaining to cultural resources, including key policies listed above, is evaluated in Section 4.10, *Land Use*. However, with respect to the Draft 2035 General Plan Update, because it has not been adopted by the Board of Supervisors as of the writing of this SEIR, the consistency analysis is provided for informational purposes only.

#### **4.5.2 Previous Environmental Review**

The 2003 *San Juan Oaks Golf Club General Plan Amendment/Zone Change/Vesting Tentative Subdivision Map EIR* (2003 EIR) examined the cultural resource setting of the Project Site and the potential impacts resulting from development under the San Juan Oaks Golf Club General Plan Amendment/Zone Change/Vesting Tentative Subdivision Map Project. The 2003 EIR concluded that impacts related to unidentified buried archeological deposits and/or human remains were potentially significant. Mitigation measures included archaeological resource construction monitoring during initial earth moving activity and issuance of a halt work order if remains are unearthed. With mitigation measures identified in the 2003 EIR, impacts were reduced to a less than significant level. Substantial changes to the previously approved 2003 San Juan Oaks Golf Club project are proposed as part of Del Webb at San Juan Oaks Specific Plan project. The 2003 San Juan Oaks Golf Club project included a General Plan Amendment/Zone Change/Vesting Tentative Tract Map. This previously approved project allowed for the development of 186 market rate residential units, 30 affordable units, a resort hotel, a village



commercial site, a park, a permanent wildlife habitat/open space, an additional 18-hole golf course, and an additional nine-hole golf course. None of the previously approved uses have been constructed.

Although the 2003 EIR addressed cultural resource impacts, substantial changes to the previously approved 2003 San Juan Oaks Golf Club project are proposed as part of the Del Webb at San Juan Oaks Specific Plan project.

The development footprint of the 2003 San Juan Oaks Golf Club Project and the current proposed Project are substantially similar, as shown in Figure 1-1 in Section 1.0, *Introduction*. However, substantial changes to the previously approved 2003 San Juan Oaks Golf Club project are proposed as part of Del Webb at San Juan Oaks Specific Plan Project. Specifically, the Del Webb at San Juan Oaks Specific Plan project proposes to increase the previously approved overall impervious building area from 193 acres to 323 acres, increase the total number of residential dwellings from 186 single-family residential dwellings to 1,084 single-family residential dwellings, increase the neighborhood commercial area from seven acres to 14 acres, increase roadway areas from 44 acres to 88 acres, increase the permanent wildlife habitat/open space from approximately 1,163 acres to approximately 1,243 acres, permanently preserve approximately 153 acres of off-site prime agricultural land, and develop an approximately ten-acre amenity center. These proposed changes have the potential to substantially increase the severity of the previously identified impacts on cultural resources. Therefore, the following impact analysis has been prepared pursuant to Public Resources Code Section 21166 and CEQA Guidelines Section 15162 (a).

### **4.5.3 Impact Analysis**

a. Methodology and Significance Thresholds. According to Appendix G of the *State CEQA Guidelines*, impacts related to cultural resources from the proposed project would be significant if the project would:

- 1) *Cause a substantial adverse change in the significance of an historical resource as defined in Section 15064.5;*
- 2) *Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5;*
- 3) *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature of paleontological or cultural value;*
- 4) *Disturb any human remains, including those interred outside of formal cemeteries*

The cultural resource study conducted in 2003 identified one historic building within the Project Site; however this building has since been demolished (Cartier 2003). Therefore, historic built environment resources are not considered in this analysis [Threshold 1] and will not be discussed below in the Impact Analysis (Section 4.5.3) section and instead is discussed in Section 4.15, *Effects Found Not to be Significant*.

To the extent any cultural resource is identified as relevant to the analysis contained in this SEIR, its significance as a cultural resource deposit and subsequently the significance of any impact is determined, in part, by whether or not that deposit can increase our knowledge of the past. Key determining factors, among others, are site content and degree of preservation. A





finding of archaeological significance follows the criteria established in the *State CEQA Guidelines*.

The CEQA Guidelines define four ways that a property can qualify as a significant historical resource for purposes of CEQA compliance. The following measures are taken from Section 15064.5 of the CEQA:

- (1) *A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code §5024.1, Title 14 CCR, Section 4850 et seq.).*
- (2) *A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.*
- (3) *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 may be considered to be an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. 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 (Pub. Res. Code §5024.1, Title 14 CCR, Section 4852) including the following:*
  - (A) *Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;*
  - (B) *Is associated with the lives of persons important in our past;*
  - (C) *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*
  - (D) *Has yielded, or may be likely to yield, information important in prehistory or history.*
- (4) *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 sections 5020.1(j) or 5024.1.*

Historical resources are "significantly" affected if there is demolition, destruction, relocation, or alteration of the resource or its surroundings. Preservation in place is typically viewed as the preferred form of mitigation for a "historical resource of an archaeological nature" as it retains the relationship between artifact and context, and may avoid conflicts with groups associated



with the site [PRC 15126.4 (b)(3)(A)]. In general, historical resources of an archaeological nature and “unique archaeological resources” typically can be mitigated to below a level of significance by:

- *Relocating construction areas such that the site is avoided;*
- *Incorporation of sites within parks, greenspace, or other open space;*
- *“Capping” or covering the site with a layer of chemically stable soil before building;*  
*or*
- *Deeding the site into a permanent conservation easement. [PRC 15126.4 (b)(3)(B)]*

If an archaeological resource does not meet either the historical resource or the more specific “unique archaeological resource” definition, impacts to such a resource would not be considered significant for purposes of CEQA and therefore would not require mitigation under CEQA [13 PRC 15064.5 (e)]. Where the significance of a site is unknown, it may be presumed to be significant for the purpose of the SEIR investigation with appropriate mitigation identified.

#### **b. Project Impacts and Mitigation Measures.**

**Impact CUL-1 Construction of the proposed Project would involve surface excavation, which has the potential to unearth or adversely impact known and previously unidentified cultural resources and human remains. Impacts would be Class II, significant but mitigable. [Thresholds numbers 2 and 4]**

The Project Site is located in an area of high archaeological sensitivity due to its proximity to several on- and off-site drainage features and known archaeological sites. Two previously recorded cultural resource sites (CA-SBN-199 and -200) are located within or immediately adjacent to the proposed development footprint of the Project Site. Construction within areas of previously identified, known archaeological resources could have a significant, adverse impact on these known resources. In addition, construction in areas not known to contain archaeological resources may nevertheless affect previously unidentified resources, given the cultural sensitivity of portions of the Project Site.

If human remains are unearthed, State Health and Safety Code Section 7050.5 requires that no further disturbance of the find or its vicinity shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the NAHC. The NAHC would then identify the person(s) thought to be the Most Likely Descendent (MLD) of the deceased Native American, who would then help determine what course of action should be taken in dealing with the remains.

Adverse impacts would occur if the implementation of the proposed Project would result in grading and construction activities that could damage known or unknown cultural resources. Impacts to such resources would be potentially significant.

Mitigation Measures. The following mitigation measures would reduce impacts related to previously unidentified cultural resources to a less than significant level.



**CUL-1(a) Archaeological Resource Construction Monitoring.** Prior to the commencement of any grading or construction within the Project Site, an orientation meeting shall be conducted by an archaeologist for construction workers associated with earth disturbing procedures. The orientation meeting shall describe the possibility of exposing unexpected archaeological resources and directions as to what steps are to be taken if such a find is encountered.

A qualified archaeologist shall be present during ground disturbing activities requiring “cut” and/or excavation within previously undisturbed native soil. A qualified archaeologist shall only be present during ground disturbing activities requiring the placement of fill material within areas of previously identified, known archaeological resources. In the event that unearthed prehistoric or archaeological cultural resources or human remains are encountered during Project construction, mitigation measure CUL-1(b) shall take effect.

A qualified archaeologist and Ohlone/Costanoan representative shall monitor ground disturbing activities requiring “cut” and/or excavation within previously undisturbed native soil or within areas of previously identified, known cultural resources to the extent determined necessary by a qualified archaeologist and the County of San Benito. After the initial ground disturbance phase of grading, the project applicant may request that monitoring activities be reduced or curtailed subject to review and approval by the County of San Benito and a qualified archaeologist. In the event that archaeological or historic artifacts are encountered during Project grading or construction, all work in the vicinity of the find shall be halted until such time as the find is evaluated for its significance by a qualified archaeologist and appropriate mitigation (e.g., curation, preservation in place, etc.), if necessary, is identified and implemented.

**CUL-1(b) Avoidance of CA-SBN-199 and CA-SBN-200.** Site CA-SBN-199, and CA-SBN-200, shall be fenced off and avoided. Ground disturbance activities involving “cut” and excavation shall be monitored by a qualified archaeologist within 100 feet of the locations of CA-SBN-199 and CA-SBN-200.

Significance After Mitigation. Through the monitoring of ground disturbance and construction, evaluation of any previously unidentified cultural resources that are discovered and implementation of the required mitigation measures, and avoiding sites CA-SBN-199 and CA-SBN-200, implementation of mitigation measures CUL-1(a), and CUL-1(b) would reduce impacts to known and previously unidentified archaeological resources to a less than significant level.



**Impact CUL-2 Construction of the Project would involve surface excavation. Although unlikely, these activities have the potential to unearth and/or adversely impact paleontological resources. Impacts would be Class II, significant but mitigable. [Threshold number 3]**

Grading and construction within the Project Site would occur primarily in areas mapped as Holocene aged alluvial valley deposits of low paleontological sensitivity (Qa, see Figure 4.5-1). However, construction is proposed in limited areas mapped as having high paleontological sensitivity at the surface (e.g., Qoa, Pleistocene older alluvium and Etchegoin Formation (Te) during Phase 5 construction) and unknown paleontological sensitivity (Tn, unnamed terrestrial clastics, valley, and lacustrine clays, silts, and sands).

Grading and construction of the Project would occur primarily in areas mapped as Holocene aged alluvial valley deposits of low paleontological sensitivity (see Figure 4.5-1); limited construction is proposed in areas mapped with high paleontological sensitivity at the surface (i.e. Etchegoin Formation and older surficial deposits). Therefore, excavations exceeding 3 to 5 feet in depth in areas mapped as Holocene-aged alluvial deposits (Qa) have the potential to impact underlying Pleistocene aged sediments with high paleontological sensitivity. Additionally, construction of the proposed resort hotel would directly impact Pliocene aged unnamed sediments of undetermined paleontological sensitivity, and development along the southern margins of portions of the age-restricted residential uses have the potential to impact these same units. Therefore, ground disturbance consisting of cut and/or excavation of Pliocene and Pleistocene aged sediments has the potential to destroy scientifically significant paleontological resources. Impacts to those resources would be significant.

Typically, Holocene-aged sediments in California are relatively thin, owing to their short depositional time span (i.e., since ca. 11,700 years ago). Because these sediments are young, they do not produce fossils of any kind; fossilization usually occurs over longer time intervals. Excavations within Holocene-aged sediments pose no threat to scientifically significant paleontological resources. However, excavations exceeding three to five feet in depth in areas that are mapped as Holocene-aged alluvial deposits (Qa) at the surface have the potential to impact underlying Pleistocene or older sediments that are known to have high paleontological sensitivity.

Phase 5 construction would potentially impact Pleistocene-aged sediments and the Etchegoin Formation. In addition, construction of the proposed resort hotel would potentially impact Pliocene aged unnamed sediments (Tn) of undetermined paleontological sensitivity. Development along the southern margins of portions of the age-restricted residential areas (Phases 1, 2, 3, and 4) have the potential to impact these same sediments. Overall, ground disturbance of any Pliocene- or Pleistocene-aged sediments within the Project Site has the potential to destroy scientifically significant paleontological resources. Impacts to those resources would be significant unless properly mitigated.

Mitigation Measures. The following mitigation measures are required.

- CUL-2(a) Paleontological Resource Construction Monitoring.** Any excavations within areas of high paleontological sensitivity (i.e.,





Pleistocene- or Pliocene-aged deposits) and those areas potentially underlain by Pliocene- or Pleistocene-aged deposits (i.e., Holocene-aged alluvial valley sediments) that exceed three feet in depth shall be monitored as necessary by a qualified paleontological monitor. If no fossils are observed during the first 50 percent of excavations in Holocene-aged sediments exceeding three feet in depth, or if the qualified paleontologists can determine that excavations below three to five feet are not disturbing fossils within Pliocene or Pleistocene (or other potentially fossil-containing) sediments, then paleontological monitoring shall be reduced to weekly spot-checking under the discretion of the qualified paleontologist. Ground disturbing activity in areas of low paleontological sensitivity shall not require paleontological monitoring.

**CUL-2(b) Paleontological Resource Construction Monitoring in Areas of Undetermined Paleontological Sensitivity.** Any excavations within areas of undetermined paleontological sensitivity (i.e., in areas mapped as unnamed terrestrial clastics or Tn) shall be monitored by a qualified paleontological monitor. If no fossils are observed during the first 50 percent of excavations by area within these sediments, then paleontological monitoring may be reduced to weekly spot-checking under the discretion of the qualified paleontologist.

**CUL-2(c) Fossil Salvage.** If fossils are discovered during grading or construction, the qualified paleontologist (or paleontological monitor) shall temporarily halt work and establish a work-exclusion buffer of 50 feet. The paleontologist or contractor shall immediately notify the County and the qualified paleontologist (or paleontological monitor) shall immediately examine the discovery. The paleontologist shall document the discovery as necessary in accordance with the Society of Vertebrate Paleontology standards (SVP 2010), evaluate the potential resource or resources, and assess the significance of the find. In this case, the paleontologist shall have the authority to temporarily direct, divert or halt construction activity to ensure that the fossil(s) can be removed in a safe and timely manner. Once salvaged, the fossils shall be identified to the lowest possible taxonomic level, prepared to a curation-ready condition and curated in a scientific institution with a permanent paleontological collection, along with all pertinent field notes, photos, data, and maps.

Significance After Mitigation. By monitoring ground disturbance and salvaging any identified resources, implementation of the above mitigation measures would reduce impacts to a less than significant level.



**c. Cumulative Impacts.** Cumulative development based on long-range general plan buildout of San Benito County and the cities of Hollister and San Juan Bautista, including approximately 32,300 residents, 10,217 housing units, and approximately 4,320 employees, would continue to disturb areas with the potential to contain cultural resources, including archaeological resources and paleontological resources. With the proposed mitigation measures identified herein, such impacts to cultural resources would be less than significant. Moreover, each individual development proposal within the County undergoes is reviewed by City or County representatives and undergoes a comprehensive environmental review when it is determined that a potential for significant cultural resource impacts exist. In the event that other cumulative development would result in impacts to known or unknown historical resources, impacts to such resources would be addressed on a case-by-case basis in accordance with the requirements of the County or City's General Plan and CEQA. The implementation of mitigation measures CUL-1(a), CUL-1(b) and CUL-2(a) through CUL-2(c) would reduce the Project's contribution to cumulative impacts to cultural resources (e.g. prehistoric sites, human remains, and paleontological deposits) to a less than cumulatively considerable level.

