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## **3.5 CULTURAL AND PALEONTOLOGICAL RESOURCES**

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### INTRODUCTION

This section considers and evaluates the potential impacts of the proposed project on cultural and paleontological resources. Cultural resources include historic buildings and structures, historic districts, historic sites, prehistoric and historic archaeological sites, and other prehistoric and historic objects and artifacts. Paleontological resources include fossil remains, as well as fossil localities and formations, which have produced fossil material in other nearby areas.

This EIR utilizes technical information and analyses from previous studies, including reports prepared by *Archaeological Resource Management* (1995) and *Basin Research Associates* (1997), which are hereby incorporated by reference. Current archaeological and historical investigations for the project site were conducted by PMC in April, 2008 to identify any potentially changed conditions and to verify results of previous studies.

### CONCEPTS AND TERMINOLOGY FOR EVALUATION OF CULTURAL RESOURCES

The following definitions are common terms used to discuss the regulatory requirements and treatment of cultural resources:

"Cultural resource" is a term used to describe several different types of resources, including prehistoric and historical archaeological sites; architectural properties such as buildings, bridges, and infrastructure; and resources of importance to Native Americans.

"Historic properties" is a term defined by the National Historic Preservation Act (NHPA) as any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion on, the National Register of Historic Places (NRHP), including artifacts, records, and material remains related to such a property.

"Historical resource" is a CEQA term that includes buildings, sites, structures, objects, or districts, each of which may have historical, prehistoric, architectural, archaeological, cultural, or scientific importance, and is eligible for listing or is listed in the California Register of Historical Resources (CRHR).

"Paleontological resource" includes fossilized remains of vertebrate and invertebrate organisms, fossil tracks and trackways, and plant fossils. A unique paleontological site would include a known area of fossil bearing rock strata.

#### 3.5.1 ENVIRONMENTAL SETTING

##### PREHISTORY

Before the historic period began in 1770 with the coming of the Spaniards, Central California was the most densely-populated area north of Mexico. Over 10,000 people lived in the coastal area between Point Sur and San Francisco Bay. These people belonged to approximately 40 different groups and spoke eight to twelve different languages (Margolin, 1978). Archaeological work in the region dates to 1875, when Saxe tested the Sand Hill Bluff site, CA-SCR-7, just north of Santa Cruz (State of California, 2009). This site was acquired by the California State Parks system and is described as an outstanding archaeological site with a history that goes back almost 5,700 years. Kroeber (1925) completed early archaeological research in the area of the project site, and describes the area as being the home of the Costanoans. Kroeber indicates a village as having existed to the northwest of the City of Hollister, but did not identify the specific location of

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the village. The Spanish sometimes referred to the area's Native American people as Costenos – “people of the coast.” This name was mispronounced and changed into Costanoan; however, the name adopted by the descendants of the Bay Area Native people are said to generally prefer the name Ohlone (Margolin, 1978). Archaeological investigations indicate that a group of Hokan-speaking Native Americans lived in the region of San Benito County as early as 8,500 B.C. Between 1,000 B.C. and 300 A.D., the Hokans were displaced or absorbed by the Ohlone population (San Benito County, 1994).

#### ETHNOGRAPHY

The Ohlone language family consists of eight to twelve separate and distinct languages. An estimated six tribal groups were located within San Benito County and neighboring counties including the Mutsun, Pagsin, Chalon, Tamarron, Ausaima and Salinan. The Pagsin resided in the Hollister area. The Mutsun Indians were a tribal group known to inhabit the San Juan Canyon area. The Ausaima lived in the San Juan Valley and northeast of Hollister. The Tamarron lived in the Diablo Range on the eastern portion of the County and the Chalon tribal groups lived in the south central portions of the County and the Salinan in the southernmost area. A junction of regional trade routes was found in the northwestern portion of the County near the Pajaro Gap. One trade route was located along the San Benito River to Coalinga. Another route was along Pacheco Pass and on to the San Joaquin Valley. Trading routes to the Santa Clara Valley and Monterey Bay area also existed (San Benito County, 1994).

The Ohlones usually moved between several semi-permanent camps and villages to take full advantage of seasonally available resources. They lived in foothills, valleys, sloughs, and coastal areas and utilized the different resources at each location. Dwellings at these camps and villages were dome-shaped, with pole frameworks and thatch for roof and walls. The structures may have been arranged around a plaza-like clearing with an open area beyond the houses and granaries to be used as a playing or ball field (Margolin, 1978).

#### HISTORIC PERIOD

The historic period in San Benito County history begins with Sebastian Vizcaino's landing at present day Monterey in 1602. This is the earliest documented contact with Native Americans in the central coast area. Following Vizcaino's landing, contact was minimal until the initial overland exploration of the area by Gaspar de Portolá in 1769 (Hoover et al. 1990). Portolá's expedition followed the coast, while subsequent exploration of the region by Pedro Fages in 1770 and 1772, Fernando Javier de Rivera in 1774, and Juan Bautista de Anza in 1776, traveled on the east side of the Santa Cruz Mountains, along a route which became known as El Camino Real (Beck and Haase, 1974).

The founding of Mission San Juan Bautista in 1797, in what would later become San Benito County, established the Spanish presence in the area. The Mission San Juan Bautista was one of several missions to be established in the greater Monterey and central coast area including the Monterey Mission, founded in 1769; Mission San Carlos de Borromeo in 1770, (later relocated to Carmel (Jones et al., 1996)); Mission San Antonio de Padua, founded in 1771; Mission Santa Cruz, founded in 1791; Mission Soledad, founded in 1791; and Mission San Miguel, founded in 1797. These missions had a dramatic effect on Native American populations. The Spanish attempted to convert the Native American population to Catholicism and incorporate them into the “mission system.” The process of missionization disrupted traditional Salinan cultural practices. The Spanish, however, were intent on implementing this system, and by 1810 most Native Americans in the area were either incorporated or relocated into local missions. This factor,

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coupled with exposure to European diseases, virtually ended the traditional life of Native Americans in the area.

The Mexican period (ca. 1821-1848) in California is an outgrowth of the Mexican Revolution, and its accompanying social and political views affected the mission system. In 1833 the missions were secularized and their lands divided among the *Californios* as land grants called *ranchos*. These *ranchos* facilitated the growth of a semi-aristocratic group that controlled the larger *ranchos*. Owners of *ranchos* used local populations, including Native Americans, essentially as forced labor to accomplish work on their large tracts of land. Consequently, Costanoans, and other Native American groups across California were forced into a marginalized existence as *peons* or *vaqueros* on the large *ranchos*.

Life during the early history of San Benito County centered on Mission San Juan Bautista. Much of the land surrounding the Mission was granted to settlers by the Mexican government. In 1839, 34,620 acres were given to Jose Castro by Governor Juan B. Alvarado. Called Rancho San Justo, the Rancho was sold by Castro to Don Francisco Perez Pacheco in 1850; the year California was admitted to the United States. In 1855, the rancho was bought by two pioneer families, the Flint family and the Hollister family. The Flint family came from Illinois with 2,000 sheep and included Dr. Thomas Flint, his brother, Benjamin Flint, and their cousin, Llewellyn Bixby. The Hollister family came from Ohio with 6,000 sheep and included William Welles Hollister, his brother, Joseph Hubbard Hollister, and their sister, Lucy A. Brown.

In 1861 the partnership between the families was dissolved and the rancho property was divided. Flint took the land east of the San Benito River, and Hollister took the land west of the river. Later, however, they exchanged these holdings. In 1868, William Hollister sold his land to the San Justo Homestead Association and moved to Santa Barbara. Twelve thousands acres of the land were divided into 50 homestead lots and 100 acres were reserved for the town of Hollister, (named after William Hollister). The remaining land was sold as farms (San Benito Historical Society, 2009).

The Southern Pacific Railroad line reached Hollister in 1870 and Tres Pinos by 1873. The railroad facilitated shipments of the area's hay, grain, cattle and ore production to markets. In 1872, the City of Hollister was incorporated and two years later, the County of San Benito was created from the inland portion of Monterey County and Hollister became the County seat. In 1887, San Benito County was enlarged with land from Merced and Fresno Counties. The County's population grew from 1,000 in 1880 to 2,300 in 1910, 2,750 in 1925, and today has a population of over 55,000. The City of Hollister continues to be the focus of commercial and social activity in the predominately agricultural county (San Benito Historical Society, 2009).

#### KNOWN CULTURAL RESOURCES IN THE PROJECT AREA

Previous and current archaeological and historical investigations conducted for this EIR and the project site (Archaeological Resource Management 1995, Basin Research Associates 1997, and PMC 2008) did not identify any prehistoric sites, historic sites, or isolated artifacts within the project site boundaries, but did identify two residential complexes (i.e., residences and associated outbuildings) that were built in 1937 and 1953. Based on a review by PMC cultural resources staff, these residences and outbuildings are typical of residential structures of these eras, but do not constitute important or unique examples of a distinctive style. Therefore, these two residential complexes do not meet the eligibility criteria for inclusion in the National Register of Historic Places (NRHP) or the California Register of Historical Resources (CRHR). In summary, there are no known prehistoric sites, historic sites, or significant historic buildings/structures within the boundaries of the project site.

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### KNOWN PALEONTOLOGICAL RESOURCES IN THE PROJECT AREA

Paleontology is the science of life of past geological periods as known from fossil remains. Paleontological resources include fossil remains, as well as fossil localities and formations that have produced fossil material. Such locations and specimens are important resources. CEQA includes protection for these sensitive resources and requires that they be addressed during the EIR process.

A search of the University of California Museum of Paleontology (UCMP) collections database did not identify any paleontological resources within boundaries of the project site, but did identify paleontological resources near the project site. These resources are located along Tres Pinos Creek approximately one mile southwest of the project site and consist primarily of microfossils and invertebrates, but also include a small number of vertebrate fossils. Site surveys were not conducted for the paleontological investigation, because evidence of these resources is typically not apparent on the ground surface, and would only be discovered in any event during project excavation. In summary, there are no known paleontological resources within boundaries of the project site, but the project area may be sensitive for paleontological resources.

### 3.5.2 REGULATORY SETTING

#### STATE LAW

#### California Environmental Quality Act

Under CEQA, public agencies must consider the effects of their actions on both "historical resources" and "unique archaeological resources." Pursuant to Public Resources Code (PRC) Section 21084.1, a "project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment." Section 21083.2 requires agencies to determine whether proposed projects would have effects on "unique archaeological resources."

For purposes of CEQA, an historical resource is a resource listed in, or determined to be eligible for listing in, the CRHR. Historical resources included in a local register of historical resources (lists of properties officially designated or recognized as historically significant), or those deemed significant under Section 5024.1(g), and are presumed to be historically or culturally significant for purposes of CEQA, unless a preponderance of evidence indicates otherwise (PRC, Section 21084.1). Public agencies must treat any such resource identified above as significant unless a preponderance of evidence demonstrates that it is not historically or culturally significant (PRC, Section 15064.5(a)(2)).

In addition to assessing whether historical resources potentially impacted by a proposed project are listed or have been identified as listed in, or determined to be eligible to be listed in, the CRHR or included in a local Register of Historic Resources, lead agencies have a responsibility to evaluate them against the CRHR criteria prior to making a finding as to a proposed project's impacts to historical resources (PRC, Section 21084.1). According to the CEQA Guidelines, (Section 15064.5 [a][3]), in addition to those discussed above, an historical resource is defined as any object, building, structure, site, area, place, record, or manuscript that:

- a) Is historically significant or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military or cultural annals of California; and

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- b) Generally, a resource shall be considered to be "historically significant" if the resource meets the criteria for listing on the CRHR, including 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.

As noted above, CEQA also requires lead agencies to consider whether projects will impact "unique archaeological resources." PRC Section 21083.2, subdivision (g), states that "'unique archaeological resources" 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:

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

Treatment options under Section 21083.2 include activities that preserve such unique archaeological resources in place or leave them in an undisturbed state. Other acceptable methods of mitigation under Section 21083.2 include, but are not limited to:

- 1) planning construction to avoid the site;
- 2) deeding architectural sites into permanent conservation easements;
- 3) capping or covering archaeological sites with a layer of soil before building the site; and
- 4) planning parks, green space, or other space to incorporate archaeological sites.

Section 7050.5(b) of the California Health and Safety code specifies the following protocol when human remains are discovered:

In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of any death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code.



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State CEQA Guidelines Section 15064.5(e) requires that, in the event of accidental discovery or recognition of any human remains in any location other than a dedicated cemetery, then excavation activities of the site or any nearby area reasonably suspected to overlie adjacent remains shall be halted until the county coroner is contacted to determine whether an investigation into the cause of death is required. Also, if the coroner determines that the remains are those of Native Americans, the Native American Heritage Commission (NAHC) must be contacted within 24 hours, who shall identify the person or persons it believes to be the most likely descended from the deceased Native American, who may make recommendations regarding the treatment and/or disposal of the remains, with appropriate dignity. Section 15064.5 directs the lead agency (or applicant), under certain circumstances, to develop an agreement with the Native Americans for the treatment and disposition of the remains, and specifies how these remains and related goods should be addressed under the particular circumstances.

In addition to the mitigation provisions pertaining to the accidental discovery of human remains, the State CEQA Guidelines also require that a lead agency make provisions for the accidental discovery of historical or archaeological resources, generally. Pursuant to Section 15064.5(f), these provisions should include "an immediate evaluation of the find by a qualified archaeologist. If the find is determined to be an historical or unique archaeological resource, contingency funding and a time allotment sufficient to allow for implementation of avoidance measures or appropriate mitigation should be available. Work could continue on other parts of the building site while historical or unique archaeological resource mitigation takes place."

As of March 1, 2005, Senate Bill 18 (Gov. Code, Sections 65352.3, 65352.4) requires that, prior to the adoption of a specific plan proposed on or after March 1, 2005, a city or county must consult with Native American tribes with respect to the possible preservation of, or the mitigation of impacts to, specified Native American places, features, and objects located within that jurisdiction. The County of San Benito initiated the consultation process as required under these provisions of the Government Code in February 2008. No comments were received from the tribes and tribal bands contacted with regard to potential Native American resources on or in the immediate vicinity of the project site (San Benito County Planning Department, October 2008).

Paleontological resources are classified as scientific resources and are protected by state statute (PRC Chapter 1.7, Section 5097.5, Archeological, Paleontological, and Historical Sites and Appendix G). No state or local agencies have specific jurisdiction over paleontological resources. Further, no state or local agency requires a paleontological collecting permit to allow for the recovery of fossil remains discovered as a result of construction-related earth moving on state or private land in a project site.

#### COUNTY OF SAN BENITO GENERAL PLAN

The San Benito County General Plan contains the following policies addressing cultural resources within the County:

##### **Land Use Element**

**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**

#### **Policy 52 Native American and archaeological resources**

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 uses.

#### **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.

### **3.5.3 IMPACTS AND MITIGATION MEASURES**

#### STANDARDS OF SIGNIFICANCE

Following PRC Sections 21083.2 and 21084.1, and Section 15064.5 and Appendix G of the State CEQA Guidelines, cultural resource impacts are considered to be significant if implementation of the project considered would result in any of the following:

- Cause a substantial adverse change in the significance of an archaeological resource or an historical resource as defined in Public Resources Code Section 21083.2 and CEQA Guidelines Section 15064.5, respectively;
- Directly or indirectly destroy a unique paleontological resource or site or unique geological feature; or
- Disturb any human remains, including those interred outside of formal cemeteries.

State CEQA Guidelines Section 15064.5(b)(1) defines "substantial adverse change in the significance of an historical resource" as physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource is materially impaired.

#### METHODOLOGY

As stated in the introduction, Archaeological Resource Management (1995) and Basin Research Associates (1997) conducted archaeological investigations for the project site. These investigations included a records search conducted by the Northwest Information Center (NWIC) at Sonoma State University, a sacred lands search conducted by the Native American Heritage Commission (NAHC), Native American consultation, and pedestrian surface survey of the project site. These site investigations did not identify any prehistoric sites, historic sites, or



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isolated artifacts within project boundaries, but did identify two residential complexes (i.e., residences and associated outbuildings) that were built in 1937 and 1953. As discussed above, however, these two residential complexes do not meet the criteria for inclusion in the NRHP and the CRHR, and do not otherwise qualify as historic resources.

These kinds of previous archaeological investigations within the boundaries of the project site adequately identify cultural resources (e.g., prehistoric sites, historic sites, and isolated artifacts) that typically occur in the project area. The investigations, however, were conducted over 10 years ago. PMC therefore conducted archaeological and historical investigations for the project site that included a new records search conducted by the NWIC, additional research conducted by the County of San Benito Assessor's Office, a sacred lands search conducted by the NAHC, Native American consultation, and a pedestrian survey of the project site to identify any potentially changed conditions and to verify results of previous studies.

PMC's current investigations for the project site did not identify any prehistoric sites, historic sites, or isolated artifacts within project site boundaries and confirmed that the two residential complexes within project site boundaries built in 1937 and 1953 do not meet the eligibility criteria for inclusion in the NRHP and CRHR or otherwise qualify as historic resources. Consultation with Mr. Lopez of the Amah Mutsun Tribal Band did not identify any sensitive Native American cultural resources within project site boundaries. In summary, there are no known prehistoric sites, historic sites, or significant historic buildings/structures within boundaries of the project site.

PMC also conducted a search of the University of California Museum of Paleontology collections database. The database search did not identify any known paleontological resources within boundaries of the project site, but did identify paleontological resources along Tres Pinos Creek approximately a mile southwest of the project site that primarily consist of microfossils and invertebrates and a small number of vertebrate fossils.

#### PROJECT IMPACTS AND MITIGATION MEASURES

#### **Potential Destruction or Damage to Undiscovered Prehistoric Resources, Historic Resources, and Human Remains**

**Impact 3.5-1** Development of the project could result in the potential destruction or damage of cultural resources (i.e., prehistoric sites, historic sites, and isolated artifacts) and human remains. This is a **potentially significant** impact.

Based on review by PMC's archaeological staff, archaeological and historical investigations for the project site are adequate to identify prehistoric and historic resources that would likely occur in the area. These investigations did not identify any cultural resources or human remains within boundaries of the project site. Regardless, there are known cultural resources in the County of San Benito associated with Native American and Euroamerican use and occupation of the area and there is a possibility of the unanticipated discovery of cultural resources and/or human remains during ground-disturbing activities associated with implementation of the project. Therefore, development of the project could impact significant cultural resources and/or human remains. This potentially significant impact can be minimized or avoided with implementation of the following mitigation measures:

**MM 3.5.1a** If, during the course of project development, cultural resources (i.e., prehistoric sites, historic sites, and isolated artifacts) are discovered, work shall be halted immediately within 200 feet of the discovery and in any nearby area reasonably suspected to overlie adjacent remains. The area of

discovery shall be completely staked by visible stakes no more than ten feet apart, forming a circle having a radius no less than 100 feet from the point of discovery; provided, however, that such staking need not take place on adjoining property unless the owner of the adjoining property authorizes staking. Said staking shall not include flags or other devices which may attract vandals. The County Planning Department shall be notified, and a professional archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards in archaeology and/or history shall be retained to determine the significance of the discovery, and shall recommend feasible mitigation measures to reduce impacts to less than significant levels. Cessation of work and notification of the County is the responsibility of the developer.

The County shall consider mitigation recommendations prepared by a professional archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards in archaeology and/or history for any unanticipated discoveries, who shall identify feasible and appropriate mitigation measures. Such measures may include avoidance, preservation in place, or other appropriate measures, as outlined in Public Resources Code Section 21083.2. The project developer shall be required to implement the identified measures for the protection of cultural resources.

#### **MM 3.5-1b**

If, during the course of project development, human remains are discovered, all work shall be halted immediately within 50 feet of the discovery, the County Planning Department shall be notified, and the County Sheriff-Coroner shall be notified according to Section 5097.98 of the State PRC and Section 7050.5 of California's Health and Safety Code. Subject to the legal process, duly authorized representatives of the Coroner and Planning Department Director shall be permitted to enter onto the property and take all actions consistent with Chapter 19.05 of the San Benito County Code, Section 7050.5 of the Health and Safety Code and Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code. If the remains are determined to be Native American, the coroner shall notify the Native American Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.

Mitigation Measures **MM 3.5-1a** and **b** address the unanticipated discovery of cultural resources and human remains. Implementation of these mitigation measures would reduce impacts to undiscovered cultural resources and human remains to a **less than significant** level.

#### **Potential Destruction or Damage to Undiscovered Paleontological Resources**

**Impact 3.5-2** Development of the project could result in the potential destruction or damage of paleontological resources (i.e., fossils and fossil formations). This would be a **potentially significant** impact.

A search of the University of California, Berkeley Museum of Paleontology collections database did not identify any paleontological resources within the boundaries of the project site, but did identify paleontological resources along Tres Pinos Creek approximately one mile southwest of the project site. The project site has not been surveyed for paleontological resources given that evidence of any such resources is not typically apparent on the ground surface. However, because of the location of nearby resources, this analysis assumes that the project site may be

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sensitive for these resources. There is a possibility of the unanticipated discovery of paleontological resources during ground-disturbing activities associated with construction. Therefore, development of the project could impact significant paleontological resources. This impact is considered **potentially significant**. This potentially significant impact can be minimized or avoided with implementation of the following mitigation measure:

**MM 3.5-2** If, during the course of project development, any paleontological resources (fossils and fossil formations) are discovered, work shall be halted immediately within 50 feet of the discovery, and the County Planning Department shall be immediately notified. At that time, the County shall coordinate any necessary investigation of the discovery with a qualified paleontologist.

The County shall consider the mitigation recommendations of the qualified paleontologist for any unanticipated discoveries of paleontological resources, and identify feasible and appropriate mitigation measures. Such measures may include avoidance, preservation in place, or other appropriate measures, as outlined in Public Resources Code Section 21083.2. The project applicant shall be required to implement any identified mitigation necessary for the protection of paleontological resources.

Mitigation measure **MM 3.5-2** addresses the unanticipated discovery of paleontological resources and would therefore reduce impacts to potential paleontological resources to a **less than significant** level.

#### CUMULATIVE IMPACTS AND MITIGATION MEASURES

#### Potential Destruction or Damage to Undiscovered Prehistoric Resources, Historic Resources, and Human Remains

**Impact 3.5-3** Development of the project combined with other past, present and probable future development in the County of San Benito could result in the potential disturbance of cultural resources (i.e., prehistoric sites, historic sites, historic buildings, and isolated artifacts and features) and human remains. This would be a **potentially significant cumulative** impact.

The cumulative cultural resource setting associated with the project site includes past, present, and reasonably foreseeable, probable future projects within the County. These projects include those listed within **Chapter 5.0, Cumulative Impacts Summary**, as well as any future development not yet proposed, but allowable under the applicable general plans of the County and incorporated cities within the County. These projects could impact known and unknown cultural resources and paleontological resources. These resources include archaeological sites associated with Native American use and occupation of the area and historic resources associated with Euroamerican settlement, farming, and economic development.

Previous and current archaeological and historical investigations did not identify any cultural resources or human remains within the boundaries of the project site. Regardless, there are known cultural resources in the County of San Benito. Development of the project could impact undiscovered cultural resources and human remains and could contribute to their cumulative or incremental loss within the County. This contribution could be considerable, when combined with other past, present and reasonably foreseeable, probable future development in the County.

Therefore, approval of the project could cumulatively impact significant cultural resources and/or human remains. This impact is considered **potentially significant**. This potentially significant impact can be minimized or avoided with implementation of the following mitigation measure:

**MM 3.5-3** Implement mitigation measures **MM 3.5-1a** and **3.5-1b**.

Implementation of **MM 3.5-1a** and **MM 3.5-1b** would reduce the project's contribution to cumulative impacts to cultural resources (i.e., prehistoric sites, historic sites, and isolated artifacts and features) and human remains to a **less than cumulatively significant** level.

#### **Potential Destruction or Damage to Undiscovered Paleontological Resources**

**Impact 3.5-4** Development of the project combined with other past, present and probable future development in the County of San Benito could result in the disturbance of paleontological resources (i.e., fossils and fossil formations). This would be a potentially significant **cumulative** impact.

A search of the University of California, Berkeley Museum of Paleontology collections database did not identify any paleontological resources within the boundaries of the project site, but did identify paleontological resources along Tres Pinos Creek approximately one mile southwest of the project site, as well as within other locations in the County of San Benito. Development of the project could impact undiscovered paleontological resources and could therefore contribute to the cumulative loss of paleontological resources in the County. This contribution could be incrementally considerable, as well as when combined with other past, present and foreseeable development in the County. This impact is considered **potentially significant**. This potentially significant impact can be minimized or avoided with implementation of the following mitigation measure:

**MM 3.5-4** Implement mitigation measures **MM 3.5-2**.

Implementation of **MM 3.5-2** would reduce the project's contribution to cumulative impacts to paleontological resources to a **less than cumulatively significant** level.

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