

## 3.6

# CULTURAL RESOURCES

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 historical 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 cultural resource evaluations of the project site prepared by Archaeological Resource Management in January 2008, April 2010, and March 2011, including archeological literature reviews, checks of the Sacred Lands files and consultation with Native American Tribal Representatives with assistance from the Native American Heritage Commission, and site reconnaissance.

### ***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 Resources” is a term used to describe several different types of resources, including prehistoric and historical archaeological sites; archaeological properties such as buildings, bridges, and infrastructure; and resources of importance in connection with Native Americans.

“Historic Properties” is a term defined by the National Historic Preservation Act (NHPA) as any prehistoric or historic district or 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 Resources” 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 Resources” includes fossilized remains of vertebrate organisms, fossil tracks and trackways, and plant fossils. A unique paleontological site would include a known area of fossil bearing rock strata.

### **3.6.1 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, with over 10,000 people living in the coastal area between Point Sur and San Francisco Bay. These people belonged to approximately 40 different groups (PMC 2008; Margolin, 1978). Kroeber (1925) describes the area as being the home of the Costanoans and indicates a village existed to the northwest of the City of Hollister, but did not identify the specific location of 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 descendents of the Bay Area native people are said to generally prefer yet another name: Ohlone (PMC 2008; 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***

Early ethnographic accounts of local Native American cultures provide a cultural context for archaeological studies. 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, Ansaima, 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 Ansaim lived in the San Juan Valley and northeast of Hollister. The Tamarron lived in the Diablo Range in the eastern portion of the county; the Chalon tribal group 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 part 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 archaeological reports prepared for the proposed project (ARM 2008, 2010, 2011) provide the following ethnographic background for the area:

“The Ohlone, or Costanoan, Indians inhabited the San Francisco Bay regions from the Golden Gate south to Monterey. Derived from a Spanish word, Costanoan means “people of the coast,” and is an older term. Descendants of these people prefer to refer to themselves as “Ohlone,” and it is now the generally accepted term. The research area is located in the Mutsun linguistic area, which shared many cultural traits with other linguistic groups in the Ohlone region. It is believed that the Ohlone Indians inhabited the area since A.D. 500, and that speakers of the Hokan language previously inhabited at least part of the region (Levy 1978). However, it is unclear when the Hokan or even earlier Paleo-Indians first came to the area. The earliest radiocarbon dates that are available for the area to which the Ohlone came to live are 12,000 B.P. (years before present) at SCR-177 (Cartier 1993), 3,200 B.P. at the University Village Site (SMA-77) (Gerow 1968:119), 6,349 B.P. at Palm Canyon (SCL-106) near Gilroy (Cartier 1980), and 6,628 B.P. at Camden Avenue (SCL-64) (Winter 1978).

The Ohlone were gatherers and hunters who utilized only the native flora and fauna with the exception of one domesticate, the dog. Yet, the abundance and high quality of natural resources allowed them to settle in semi-sedentary villages. The Ohlone were typically organized in basic political units called “tribelets” that consisted of 100 to 250 members (Kroeber 1954). The “tribelet” was an autonomous social unit consisting of one or more permanent villages with smaller villages in a relatively close proximity (Kroeber 1962). Parties went out from the major villages to locations within the tribal territory to obtain various resources.

The proximity of both mountainous and bay regions in the Central California area made a diversity of resources available during different seasons to the native inhabitants. During the winter months, the low-lying flats near the San Francisco and Monterey Bays have abundant marine and waterfowl resources, while the surrounding mountainous areas are best in the summer months for their nut, seed, and mammalian resources (King and Hickman 1973). A primary food source was acorns, abundant in autumn and easily stored for the remainder of the year.

According to Gifford, the acorn industry of California was probably the most characteristic feature of its domestic economy (Gifford 1951). An elaborate process of grinding and leaching acorns is necessary to render them palatable. The acorn industry first became a major source of food in the Middle Period as is indicated by the appearance of mortars and pestles in the archaeological record (King and Hickman 1973). Other important resources include various plant foods, land animals, and the marine resources of the San Francisco and Monterey Bays. Both large and small land mammals were typically hunted, trapped or poisoned. Many items, including shell beads and ornaments, were extensively traded with other groups as far away as the Great Basin of Nevada (Davis 1974).

It is argued that contrary to usual conceptions of hunters and gatherers, native Californian groups, including the Ohlone, practiced a form of resource management that was close to agriculture. Bean and Lawton (1976) consider this pattern a “semi-agricultural” stage which included quasi-agricultural harvesting activity and proto-agricultural techniques. Some plants were pruned and reseeded seasonally for optimal production. Foods such as acorns were stored for many months at a time. Ethnographic accounts also report the repeated burning of woodlands grassbelt to increase animal and plant resources. It is likely to have made hunting conditions better by reducing scrubby growth and encouraging the growth of grasses and other plants that are appealing to grazers such as deer and elk. The plant growth succession after a burning is also rich in grains and legumes that were major food sources for Native Californians.

Bean and Lawton also claim that the abundance of plant and animal resources in California and the development of ingenious technological processes allowed Native Californians to develop social structures beyond the normal parameters of hunting and gathering. These include extensive political systems, controlled production and redistribution of goods, and alliances and trade with other groups...”

## ***Historic Period***

Historic period background for San Benito County was obtained from the Santana Ranch FEIR (PMC 2008).

The historic period in San Benito County history began with Sebastian Vizcain landing at present day Monterey in 1602. This was the earliest documented contact with Native Americans in the central coast area. Following Vizcain's landing, contact was minimal until the overland exploration of the area by Gaspar de Portola in 1769 (Hoover et al. 1990). Portola's expedition followed the coast, while subsequent explorations of the region by Pedro Fuges 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, PMC 2008).

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 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, coupled with exposure to European diseases, virtually ended the traditional life of Native Americans in the area (PMC 2008).

The Mexican period (ca. 1821-1848) in California was an outgrowth of the Mexican Revolution, and its accompanying social and political views affected the Mission system. In 1803, the missions were secularized and their lands divided among the Californians 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 larger tracts of land. Consequently, Costanoans, and other Native American groups across California, were forced into a regionalized existence as *peons* or *vaqueros* on the larger *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 the settlers by the Mexican government. In 1839, 34,620 acres called Rancho San Justo were given to Jose Castro by Governor Juan B. Alvarado. 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 their holdings. In 1868, William Hollister sold his land to the San Justo Homestead Association and moved to Santa Barbara. Twelve thousand acres of the land were divided into 50 homestead lots and 100 acres were reserved for the Town of Hollister. The remaining land was sold as farms (PMC 2008; 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 nearby areas. 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 predominantly agricultural county (PMC 2008; San Benito Historical Society, 2009).

### ***Known Cultural Resources in the Project Area***

A cultural resource evaluation for the proposed project site was prepared by Archaeological Resource Management in January 2008, April 2010, and March 2011. An archaeological literature review for the project site was completed to search for evidence of recorded archaeological and/or historic sites in and around the project site. Checks of the Sacred Lands files were performed in consultation with the Native American Heritage Commission and additional correspondence with Native American Tribal Representatives was initiated during the evaluation. To date, no responses have been received. No recorded archaeological sites are located within the project site boundaries. A recorded historic site (CA-SBN-151H) is located approximately one-half mile east of the project site (ARM 2008). This site is described as the Best Ranch Complex, an historic complex consisting of a residence constructed in the 1890s, a large barn, five outbuildings, and several historic trees.

A general surface reconnaissance was also completed by a field archaeologist on all open land surfaces on the project site, as well as areas that could be disturbed by construction of proposed infrastructure improvements that would be shared by the proposed project and the adjoining Gavilan College San Benito Campus. These off-site areas included the location options of proposed sewer extensions along areas of Fairview Road, Airline Highway, Enterprise Road, Cielo Vista Drive and undeveloped parcels between Cielo Vista Drive and Enterprise Road. The College District's proposed Airline Highway EVA route was also surveyed for the purposes of providing technical documentation to support the College District's encroachment permit application to Caltrans for the EVA route on Airline Highway.

A “controlled intuitive reconnaissance” was completed in places where any burrowing animals, exposed banks and inclines, and other activities may reveal subsurface indicators of cultural materials and soil contents. Traces of both prehistoric and historic cultural materials were noted on the project site and the adjoining Gavilan College San Benito Campus site during the 2008 surface reconnaissance. Historic cultural materials observed during the reconnaissance included whiteware fragments, thick aqua glass vessel fragments, large mammal bone fragments (bovine), a rusted horseshoe, a rusted metal ring, as well as concrete and asphalt fragments. Prehistoric cultural materials consisted of three fragments of fire-cracked rock, two chipped lithic flakes, and a stone artifact which indicates long-term abrasion by narrow objects which may be associated with the preparation of basketry materials. All of the surface materials were observed in isolation, without associated midden or other cultural remains (ARM 2008). A test excavation program was conducted on the project site to determine the presence or absence of buried cultural deposits within the project site and, if deposits were present, to provide information on their placement, depth, and significance. The test trenches revealed no indications of a subsurface prehistoric or historic deposit on the site.

The proposed project contemplates construction of improvements within the right-of-way on Airline Highway/State Route 25 for the emergency access route by the College District and also includes possible sewer main extensions. Field studies and cultural evaluation of these areas were conducted in April 2010 and March 2011 by Archaeological Resource Management. Field investigation was undertaken, archival records were reviewed, a Sacred Lands file check was performed in consultation with the Native American Heritage Commission and additional consultation with Native American Tribal Representatives was conducted. The secondary report confirmed there are no records of known deposits on or near the project site other than the recorded historic Best Ranch Complex, east of the project site. The field survey found no surface indicators or evidence of historic cultural resources along the Airline Highway right-of-way in the location of the proposed EVA (ARM 2010). The field reconnaissance and archival research further found no evidence of any historic or prehistoric resources within either potential sewer line alignment.

### ***Known Paleontological Resources and Unique Geologic Features in the Project Area***

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

A search of the University of California Museum of Paleontology collection database was conducted for the nearby Santana Ranch Specific Plan project in 2008, which is about one mile north of the project site. As reported in the Santana Ranch DEIR, the only known paleontological resources in the vicinity of the Santana Ranch project site are located along Tres Pinos Creek. Tres Pinos Creek is located about one mile south of the proposed Fairview Corners project site, beyond Airline Highway and the Ridgemark Country Club. The proposed project site is within the radius of the Santana Ranch database search for paleontological resources and therefore an additional search was not performed. The paleontological features associated with the Tres Pinos Creek deposit consist primarily of micro fossils and invertebrates, but also include a small number of vertebrate fossils. Site surveys for paleontological resources were not conducted because evidence of paleontological resources is typically not apparent on the ground surface, and would only be discovered in any event during project excavation. No unique geological features are present on the site surface. In summary, there are no known paleontological resources or unique geological features within the boundaries of the project site, but the project area may be sensitive for paleontological resources.

## **3.6.2 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 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.” In addition, 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), are presumed to be historically or culturally significant for purposes of CEQA, unless a preponderance of evidence indicates otherwise (Pub. Res. Code § 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 (Pub. Res. Code § 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 the responsibility to evaluate them against the CRHR criteria prior to making a finding as to a proposed project's impacts to historical resources (Pub. Res. Code § 21084.1). According to the CEQA Guidelines (§ 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
- 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.” Public Resources Code Section 21083.2(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 Public Resources Code 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 provision of law concerning investigation of the circumstances, manner and cause of any death, and concerning investigations of 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.

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 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 descendent of 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 appropriate Native American representative 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 excavation 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 resources mitigation takes place.”

As of March 1, 2005, Senate Bill 18 (Gov. Code §§ 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 prevention of, or the mitigation of impacts to, specified Native American places, features, and objects located within that jurisdiction.

Paleontological resources are classified as scientific resources and are protected by state statute (Pub. Res. Code § 5097.5, and App. 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, erodible 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 continue 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.

### 3.6.3 STANDARDS OF SIGNIFICANCE

Following Sections 21083.2 and 21084.1 of the Public Resources Code (CEQA), and Section 15064.5 and Appendix G of the State CEQA Guidelines, cultural resource impacts are considered to be significant if implementation of the proposed project 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 § 15064.5;
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic 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 above, a cultural resource evaluation for the proposed project site was prepared by Archaeological Resource Management in January 2008, April 2010, and March 2011, which included archaeological literature reviews, Sacred Lands file checks and site reconnaissance. As noted previously, a recorded historic site (CA-SBN-151H), known as the Best Ranch Complex, is located approximately one-half mile east of the project site; however, no evidence of archaeological sites was located within the project site boundaries, or within the portions of the Caltrans right-of-way that would be disturbed by the EVA route or the proposed sewer main option alignments.

The general surface reconnaissance and the “controlled intuitive reconnaissance” completed on the project site noted traces of both prehistoric and historic cultural materials on the project site, but none in the Caltrans right-of-way, or other off-site infrastructure areas as described above. The presence of trace materials are indicators of the possible presence of intact subsurface deposits; however, these indicators are not always reliable in areas where substantial surface

disruption has occurred over time. In this case, the site has been annually disced for agricultural production and roads and other infrastructure have been constructed in other areas of proposed disturbance. Additional test excavations were conducted where indicators were present (ARM 2008) to provide further information regarding the likelihood of intact subsurface deposits on the site. The test excavation revealed no indications of a subsurface prehistoric or historic deposit.

The remaining cultural resource evaluations, performed in April 2010 and March 2011 by Archaeological Resource Management, assessed areas off the site in the locations of the proposed sewer line alignment options 1 and 2 (refer to Figure 20, Wastewater Options) and an area within the Caltrans right-of-way on Airline Highway/SR 25 where the Gavilan College District intends to construct an EVA route to its property which would also serve the project site (Refer to Figure 24). As noted in Section 2.0, Project Description, this Draft EIR includes evaluation of the results of technical reports prepared for the College District's EVA, which are supporting materials for an encroachment permit required by Caltrans. The reports confirmed there are no records of known deposits on or near the project site other than the recorded historic Best Ranch Complex east of the project site. The field surveys found no surface indicators or evidence of historic cultural resources in these areas (ARM 2011).

As noted previously, the relevant database search of the University of California Museum of Paleontology collections databases, which was conducted during the preparation of the Santana Ranch Specific Plan DEIR, determined that there are no known paleontological features on the site.

### 3.6.4 PROJECT IMPACTS AND MITIGATION MEASURES

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

Impact CULT-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 Archaeological Resource Management staff, archaeological and historical investigations of the project site are adequate to identify prehistoric and historic resources that would likely occur in the area. The archaeological and historical investigations did not identify any cultural resources that meet the eligibility criteria for inclusion in the National Register of Historic Places (NRHP) and the California Register of Historical Resources (CRHR) or

otherwise qualify as historic resources. To date, no comments have been received from Native American Tribal Representatives regarding sacred sites or human remains within the boundaries of the project site. Trace materials were observed on the site surface and test excavations were conducted to determine the likelihood that intact cultural features might be present underground. The test excavations revealed no indicators of intact subsurface features. However, the reports conclude that since known cultural resources have been discovered in the County of San Benito associated with Native American and Euro-American use and occupation of the area, there is always a possibility of inadvertent discovery of subsurface cultural resources during ground disturbing activities associated with implementation of the project. Therefore, development of the project could impact significant cultural resources and/or human remains, which would be **potentially** significant.

The proposed project includes the following Specific Plan Policy RM-7.1, which are designed to reduce the project's impacts on cultural resources.

**Policy RM-7.1.** Protect archaeological resources.

1. If midden soil, cultural features or potentially significant cultural resources, or human remains are discovered during construction, work shall be halted within 50 meters (165 feet) of the find until a qualified professional archaeologist can evaluate the find. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.
2. If cultural resources are located, mitigation shall include, at a minimum, recovery of significant cultural materials and professional analysis based on the types and quantities of those materials recovered, which might include analysis of lithic artifacts and materials, radiocarbon dating of shell fragments, bead analysis, faunal analysis, etc. Cultural materials recovered during monitoring and/or mitigation, other than those directly associated with Native American burials, should be curated in the public domain at a suitable research facility.
3. If human remains are found during construction there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the coroner of San Benito County is contacted to determine that no investigation of the cause of death is required. If the coroner determines the remains to be Native American the coroner shall contact the Native American Heritage Commission within 24 hours.

The Native American Heritage Commission shall identify the person or persons it believes to be the Most Likely Descendent (MLD) from the deceased Native American. The MLD may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and associated grave goods as provided in Public Resources Code Section 5097.98. The landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further disturbance if: a) the Native American Heritage Commission is unable to identify a MLD or the MLD failed to make a recommendation within 24 hours after being notified by the commission; b) the descendent identified fails to make a recommendation; or c) the landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner, consistent with Section 5097.98 of the Public Resources Code.

To ensure that proposed ground disturbing activities are conducted in accordance with the applicable policies found within the Specific Plan, and consistent with County of San Benito policy and other applicable laws and regulations, the following mitigation measures are recommended:

MM CULT-1a: All ground disturbing activities shall be conducted in accordance with Policy RM-7.1 of Article 5.0 of the Specific Plan (Resource Management).

MM CULT-1b: In the event that cultural resources are discovered, all work within a 50-meter radius (165 feet) of the find shall be stopped, the County Planning Department notified, and a qualified archaeologist (who meets the Secretary of the Interior's Professional Qualifications Standards in archaeology and/or history) shall be retained to examine the find and make appropriate recommendations, including, if necessary, feasible mitigation measures to reduce impacts to a less than significant level as set forth in Policy RM-7.1 of the Specific Plan, or as otherwise required by law. Such measures may include avoidance, preservation in place, or other appropriate measures consistent with Public Resources Code Section 21083.2. The project developer shall be required to implement the identified measures for the protection of cultural resources.

MM CULT-1c: In the event that human remains are discovered, all work within a 50-meter radius (165 feet) of the find shall be stopped, the County Planning Department shall be

notified, and the County Sheriff-Coroner shall be notified according to Public Resources Code Section 5097.98, as set forth in Policy RM-7.1, Health and Safety Code Section 7050.5, and as otherwise required by law. Subject to any applicable legal process, duly authorized representatives of the Coroner and the Planning Department shall be permitted to enter onto the project site and take all actions consistent with County Code Chapter 19.05, Health and Safety Code Section 7050.5, 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 Guidelines Section 15064.5(d), (e) shall be followed.

Implementation of Mitigation Measures CULT-1a through CULT-1c adequately address the unanticipated discovery of cultural resources and human remains. Therefore, the project's impacts in this regard would be **less than significant with mitigation incorporated**.

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

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

As discussed above, the database search did not identify any paleontological resources within the boundaries of the project site, but did identify paleontological resources along Tres Pinos Creek. The paleontological features associated with the known resource consist primarily of micro fossils and invertebrates, but also include a small number of vertebrate fossils. Tres Pinos Creek is located south of the proposed project site, beyond Airline Highway and the Ridgemark Country Club. Site surveys for paleontological resources were not conducted, because evidence of paleontological resources is typically not apparent on the ground surface, and would only be discovered in any event during project excavation. No unique geological features are present on the site surface. In summary, there are no known paleontological resources or unique geological features within the boundaries of the project site. However, due to the proximity to the location of nearby paleontological resources, this analysis assumes that the project site may be 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 impact, however, can be minimized or avoided with implementation of the following mitigation measure:



MM CULT-2: In the event that any previously undiscovered paleontological resources are discovered, all work within a 50-meter radius (165 feet) of the finding shall be stopped, the County Planning Department notified, and a qualified paleontologist retained to examine the find and make appropriate recommendations, including, if necessary, feasible mitigation measures to reduce impacts to a less than significant level. The project developer shall be required to implement the identified mitigation measures for the protection of paleontological resources.

Implementation of Mitigation Measure CULT-2 addresses the impact related to unanticipated discovery of paleontological resources. Therefore, the project's impacts in this regard would be **less than significant with mitigation incorporated**.

### 3.6.5 CUMULATIVE IMPACTS AND MITIGATION MEASURES

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

Impact CULT-3: 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 cultural resources (i.e., prehistoric sites, historic buildings and isolated artifacts and features) and human remains. This would be a **potentially significant cumulative** impact.

The cumulative resource setting associated with the project site includes past, present and reasonably foreseeable, probable future projects within the County. These projects include those listed in Section 3.0. These projects could impact known and unknown cultural resources as well as human remains. These projects could include archaeological sites associated with Native American use and occupation of the area and historic resources associated with Euro-American settlement, farming and economic development.

As discussed above, archaeological and historical investigations did not identify any cultural resources that meet the eligibility criteria for inclusion in the National Register of Historical Places and the California Register of Historic Resources or otherwise qualify as historic resources.

Nevertheless, development of the project could impact undiscovered cultural resources or 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. This impact is considered **potentially significant**. This impact would be minimized or avoided with implementation of the following mitigation measure:

MM CULT-3: Implement Mitigation Measures CULT-1a through CULT-1c.

Implementation of Mitigation Measures CULT-1a through CULT-1c and MM CULT-3 would address the project's contribution to cumulative impacts to cultural resources and human remains. Therefore, with mitigation incorporated, the project's contribution to cumulative impacts in this regard **would not be cumulatively considerable**.

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

Impact CULT-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. This would be a **potentially significant cumulative** impact.

As discussed above, a search of the relevant database did not identify any paleontological resources within the project site, but did identify paleontological resources near the site (Tres Pinos Creek) and elsewhere throughout the County. 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. This impact is considered **potentially significant**, which would be minimized or avoided in the implementation of the following mitigation measure:

MM CULT-4: Implement Mitigation Measure CULT-1 above.

Implementation of Mitigation Measure CULT-2 would mitigate the project's contribution to cumulative impacts to undiscovered paleontological resources. Therefore, the project's contribution to cumulative impacts in this regard would **not be cumulatively considerable**.