

## 3.5 - Cultural Resources

### 3.5.1 - Introduction

This section describes the existing cultural resource setting and potential effects from Project implementation on the Project Site and its surrounding area. Descriptions and analysis in this section are based on, among other things, record searches at the Northwest Information Center (NWIC) and the Native American Heritage Commission (NAHC) as well as a pedestrian survey conducted within the Project Site boundaries.

### 3.5.2 - Environmental Setting

#### Overview

The term “cultural resources” encompasses historic, archaeological, and paleontological resources, and burial sites. Below is a brief summary of each component:

- **Historic Resources:** Historic resources are associated with the recent past. In California, historic resources are typically associated with the Spanish, Mexican, and American periods in the State’s history and are generally less than 200 years old.
- **Archaeological Resources:** Archaeology is the study of prehistoric human activities and cultures. Archaeological resources are generally associated with indigenous cultures.
- **Paleontological Resources:** Paleontology is the study of plant and animal fossils.
- **Burial Sites:** Burial sites are formal or informal locations where human remains, usually associated with indigenous cultures, are interred.

#### ***Paleontological Setting***

The University of California Museum of Paleontology (UCMP) specimens database lists nearly 15,000 Middle Miocene to Late Pleistocene vertebrate records for Contra Costa County. The UCMP localities database includes 29 Miocene-Pleistocene sites within the Mt. Diablo Quadrangle map (on which the Northern site is mapped) and seven Miocene sites within the Tassajara Quadrangle map (on which the Southern Site is mapped). Within approximately 1 mile of the Northern Site, four Clarendonian (Miocene) vertebrate localities were noted. Three vertebrate localities are located within approximately 1 mile of the Southern Site. The geologic unit types identified on the Project Site by geologic maps are inclusive of Pleistocene alluvium and undifferentiated Pliocene to Late Miocene sedimentary rock, which are both identified as potentially fossiliferous.

#### ***Cultural Setting***

Following is a brief overview of the prehistoric and historic background of the Tassajara area, which provides a context to understand the relevance of resources found in the general Project vicinity. This section is not intended to be a comprehensive review of the current resources available; rather, it serves as a general overview. Further details can be found in ethnographic studies, mission records, and major published sources, including Beardsley (1948), Bennyhoff (1950), Fredrickson (1973 and 1974), Kroeber (1925), Chartkoff and Chartkoff (1984), Moratto (1984) and Jones (2007).

### **Prehistoric**

Three general but distinctive cultural periods have been identified by Wallace (1978) for the prehistoric occupation of Central California. These periods generally correspond to other periods in the state based upon artifacts and burials (Elsasser 1978).

An early hunting period (9000 B.C. to 6000 B.C.) is indicated where sites are characterized by large projectile points and other stone implements (knives, scrapers, choppers) adapted to chasing and preparing big game animals. Lack of grinding tools, suggests that the inhabitants were not exploiting the plant foods to the extent that later cultures were. Archaeological sites representing this early period are not common.

A subsequent period (6000 B.C. to 2000 B.C.) yields primarily stone instruments suited to seed grinding. This indicates a shift from hunting to food gathering. This enabled the settlements to be more stable and to sustain larger populations.

A third period occurred from approximately 2000 B.C. to 1700 A.D. During this time, greater exploitation of the wetlands and lakes for food was utilized, as evidenced by even larger settlements, diverse tools, and artifacts indicating greater material wealth. The expanded diet included fish, shellfish, water birds, and other aquatic resources as well as continued utilization of plants and game.

### **Native American**

The Seunen people of the San Ramon Valley and other Costanoan-speaking Ohlonean groups, including the Chochenyo, were early inhabitants of the Tassajara Valley and surrounding areas (Samuelson, Self, and Rice 1995). These groups were organized into political groups called tribelets, consisting of one or more villages and a number of additional camps within well-defined territories. Although tribelet chiefs could be either male or female, the office was normally passed down patrilineally from father to son. The Ohlone were divided into clans which were further subdivided into large individual families consisting of 10 to 15 persons. Shelter generally took the form of domed thatched structures, and the Ohlone practiced land management, including controlled burning, to insure a steady supply of plant and animal foods (Levy 1978). Their diet consisted primarily of vegetal foods including acorns, greens, roots bulbs, and seeds that were collected by the women of the tribelet. These foods were supplemented by more protein-rich faunal resources generally hunted by men (Banks and Morris 1981).

Tassajara's prehistoric archaeological resources can include habitation sites, lithic scatters and shell middens, bedrock mortars and burial sites. The sites are typically located in valleys and near streams similar to Tassajara Creek including Tice Creek, Las Trampas Creek, San Ramon Creek, and Walnut Creek.

### **Historic**

The arrival of the Spanish in the San Francisco Bay Area in 1775 and establishment of the Mission system lead to the rapid decline of native populations including the Ohlone. The consequent Mexican takeover in the 1840s forced what few native peoples remained to work on Ranchos, and their native lifestyle ceased to exist by the mid-19<sup>th</sup> century over much of California. The name

“Tassajara” is derived from the Spanish word “tasajo,” which is the name for cured or hung beef. It is believed that the name originated from Native Californians in the early 1800s who preferred hunting subsistence strategies to agriculture (Samuelson, Self, and Rice 1995). The earliest overland exploration of Contra Costa County in 1772 describes the land in the general Project vicinity as “covered with grass with the stream beds overgrown with alders, cottonwood, laurels, roses and other shrubs,” a description that matched the landscape encountered by American settlers in the 1850s that does not substantially differ from today (Cook 1957).

After California’s entrance into statehood in 1850, Contra Costa County underwent expansion and change due to the influx of new residents drawn by the prospect of gold, the available fertile land for ranching and farming, and potential business prospects. Land use changes resulted as livestock grazed some native grasses to extinction, woodlands were cut for lumber, and agricultural development took place on nearly all open arable land.

During the mid-19<sup>th</sup> century, the Tassajara Valley served as a major grain-growing region. The arrival of the Southern Pacific Railroad in 1891 changed the fortunes of the community as the connection to the rail system allowed ranchers to ship their products out of the area (Robinson 1948). This rail connection offered a variety of business and farming opportunities and the community began to develop as the 20<sup>th</sup> century began.

During the 20<sup>th</sup> century, the farming lifestyle of the area continued to attract new residents, seeking to move out of the San Francisco area, particularly after the 1906 earthquake. The area continued its steady growth during the 1930s and 1940s as new businesses began operations in the nearby City of Walnut Creek and Town of Danville, offering further services to the local population. The Contra Costa County General Plan seeks to preserve Tassajara Valley’s rural nature, and agriculture and the raising of livestock continue to be important economic activities in the area (Baker 1990). In more recent years, suburban development, including large-lot residential and equestrian facilities, have become increasingly common in the Tassajara Valley, particularly in the general vicinity of the Project Site.

### 3.5.3 - Regulatory Framework

#### Federal

##### ***National Historic Preservation Act***

The National Historic Preservation Act of 1966 established the National Register of Historic Places (NR) as the official designation of historical resources, including districts, sites, buildings, structures and objects. For a property to be eligible for listing in the NR, it must be significant in American history, architecture, archaeology, engineering, or culture, and must retain integrity in terms of location, design, setting, materials, workmanship, feeling, and association. Resources less than 50 years in age, unless of exceptional importance, are not eligible for the NR. Though a listing in the NR does not prohibit demolition or alteration of a property, CEQA requires the evaluation of Project effects on properties that are listed in the NR. In addition, listing helps to ensure recognition in the planning process for federal or federally assisted projects, eligibility for federal tax benefits, and qualifications for federal historic preservation assistance.

***American Indian Religious Freedom Act***

The American Indian Religious Freedom Act protects and preserves the traditional religious rights and cultural practices of American Indians, Eskimos, Aleuts, and Native Hawaiians. These rights include but are not limited to access to sacred sites, freedom to worship through ceremonial and traditional rights, and use and possession of objects considered sacred. The Act required policies of all government agencies to eliminate interference with the free exercise of Native American religion, based on the First Amendment, and to accommodate access to and use of religious sites to the extent that the use is practicable and is not inconsistent with an agency's essential functions.

***Native American Graves Protection and Repatriation Act***

The Native American Graves Protection and Repatriation Act describes the rights of Native American lineal descendants, Indian tribes, and Native Hawaiian organizations with respect to the treatment, repatriation, and disposition of Native American human remains, funerary objects, sacred objects, and objects of cultural patrimony. The Act establishes procedures for the inadvertent discovery or planned excavation of Native American cultural items on federal or tribal lands. While these provisions do not apply to discoveries or excavations on private or state lands, the collection provisions of the Act may apply to Native American cultural items if they come under the control of an institution that receives federal funding.

**State*****The California Environmental Quality Act (CEQA)***

Section 15064.5 of the CEQA Guidelines states that a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant impact on the environment. The CEQA Guidelines define four ways that a property can qualify as a significant historical resource for purposes of CEQA compliance:

- The resource is listed in or determined eligible for listing in the California Register of Historical Resources, as determined by the State Historical Resources Commission.
- The resource is 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 a historical resource survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
- The lead agency determines the resource to be significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California, as supported by substantial evidence in light of the whole record.
- The lead agency determines that the resource may be a historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.1 (CEQA Guidelines Section 15064.5) which means, in part, that it may be eligible for the California Register.

In addition, Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines specify lead agency responsibilities to determine whether a project may have a significant effect on archaeological resources. If it can be demonstrated that a project will damage a unique archaeological resource, the lead agency may require reasonable efforts for the resources to be

preserved in place or left in an undisturbed state. Preservation in place is the preferred approach to mitigation. The Public Resources Code also details required mitigation if unique archaeological resources are not preserved in place.

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 NAHC as the authority to identify the most likely descendant and mediate any disputes regarding disposition of such remains.

### ***California Register of Historic Resources***

The California Register of Historic Resources (California Register) helps government agencies identify, evaluate, and protect California's historical resources and establishes a list of properties to be protected from substantial adverse change (Public Resources Code Section 5024.1). The State Office of Historic Preservation (OHP) has determined that buildings, structures and objects 45 years or older may be of historical value. A historical resource may be listed in the California Register if it meets any of the following criteria:

- It is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- It is associated with the lives of persons important in California's past.
- 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 value.
- It has yielded or is 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 NR, 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.

### ***California Historical Landmarks***

The State Historical Resources Commission is responsible for managing the State Historical Landmark list. To be eligible for designation as a Landmark, a resource must meet at least one of the following criteria:

The resource must be:

- The first, last, only, or most significant of its type in the state or within a large geographical region (Northern, Central, or Southern California).

- Associated with an individual or group having a profound influence on the history of California.
- A prototype of, or an outstanding example of, a period, style, architectural movement or construction, or is one of the more notable works or the best surviving work in a region of a pioneer architect, designer or master builder.

In addition, the resources must have written consent of the property owner; be recommended by the State Historical Resources Commission; and be officially designated by the Director of California State Parks. State Historical Landmarks numbered 770 and above are automatically listed in the California Register.

### ***Points of Historical Interest***

California Points of Historic Interest (CPHI) are sites, buildings, features, or events that are of local (city or county) significance and have anthropological, cultural, military, political, architectural, economic, scientific or technical, religious, experimental, or other value. Points designated after December 1997 and recommended by the State Historical Resources Commission are also listed in the California Register. No historical resource may be designated as both a Landmark and a Point. If a Point is subsequently granted status as a Landmark, the Point designation will be retired.

To be eligible for designation as a Point of Historical Interest, a resource must meet at least one of the following criteria:

Similar to California Historical Landmark (CHL) criteria, the resource must be:

- The first, last, only, or most significant of its type within the local geographic region (City or County).
- Associated with an individual or group having a profound influence on the history of the local area.
- A prototype of, or an outstanding example of, a period, style, architectural movement or construction or is one of the more notable works or the best surviving work in the local region of a pioneer architect, designer or master builder.

### ***Senate Bill 18***

Senate Bill (SB) 18 requires cities and counties to contact, and consult with California Native American tribes prior to amending or adopting any general plan or specific plan, or designating land as open space. In accordance with SB 18, letters were sent to the Native American representatives identified by the NAHC requesting further information about the Project Site and vicinity. As of the writing of this Draft EIR, no responses have been received from any of the Native American representatives.

### ***Native American Historic Resource Protection Act***

The Native American Historic Resource Protection Act (PRC Section 5097-5097.993) provides that any person who unlawfully and maliciously excavates upon, removes, destroys, injures, or defaces a

Native American historic, cultural, or sacred site that is listed or may be listed in the California Register is guilty of a misdemeanor if the act was committed with the specific intent to vandalize, deface, destroy, steal, convert, possess, collect, or sell a Native American art object, inscription, or feature, or site and the act occurs on public land or, if on private land, is committed by a person other than the landowner.

Section 5097.94 establishes specific powers and duties of the NAHC related to places of special religious or social significance to Native Americans, and known graves and cemeteries of Native Americans on private lands. Section 5097.98 requires the NAHC to notify the most likely descendants of any discovered Native American human remains.

#### ***Health and Safety Code section 7050.5-7055***

California Health and Safety Code section 7050.5-7055 requires that, in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined 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 the 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. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

#### ***Assembly Bill 52***

Assembly Bill (AB) 52, effective July 1, 2015, formally established a new requirement under CEQA requiring lead agencies to offer Native American tribes with an interest in tribal cultural resources located within their respective jurisdiction the opportunity to consult on CEQA documents and potential impacts to tribal cultural resources. However, because the Notice of Preparation for the original Draft EIR was issued prior to July 1, 2015, AB 52 does not apply to this Project. Nonetheless, the Contra Costa County Department of Conservation and Development sent out consultation letters to Native American representatives on March 3, 2016. As of the writing of this R-DEIR, no responses have been received from any of the Native American representatives.

### **Local**

#### ***Contra Costa County General Plan***

The Open Space chapter of General Plan 2020 contains the following goals and policies related to the protection of cultural resources that are relevant to this analysis:

- **Goal 9-31:** Identify and preserve important archaeological and historic resources within the County.
- **Policy 9-32:** Areas which have identifiable and important archaeological or historic significance shall be preserved for such uses, preferably in public ownership.
- **Policy 9-33:** Buildings or structures that have visual merit and historic value shall be protected.
- **Policy 9-35:** Within the Southeast County area, applicants for subdivision or for land use permits to allow non-residential uses shall provide information to the County on the nature and extent of the archeological resources that exist in the area. The County Planning Agency shall be responsible for determining the balance between the multiple use of the land with the protection of resources.

### ***Contra Costa County Historic Resources Inventory***

Contra Costa County maintains a Historic Resource Inventory. The most recent version was updated in December 2010 and contains a list of historic resources organized by area. None of the listed resources are located within the Project Site. A schoolhouse located on Finley Road east of the Future Equestrian Staging Area is listed, but it is located approximately 0.5 mile to the northeast of the developable portion of the Northern Site and separated from the proposed residences by an intervening area of open space.

### **3.5.4 - Methodology**

This section describes the existing cultural resources setting and potential effects from Project implementation on the Project Site and its surrounding area. Analysis is based on, among other data and materials, information collected from record searches at the Northwest Information Center and the NAHC as well as a pedestrian survey conducted within the Project boundaries.

#### **Record Searches**

##### ***Information Center Search***

On July 2, 2014, FCS Archaeologist Carrie Wills MA, RPA conducted a record search at the NWIC in Rohnert Park that included the Project Site and a standard 0.50-mile radius beyond the Project Site boundaries.<sup>1</sup> The search radius was established in order to better understand nearby cultural resources that may be impacted by the proposed Project, as well as the potential for undiscovered resources within the Project Site. In order to identify any historic properties or other cultural resources, the current inventories of the NR, the California Register of Historic Resources (CR), the CHL list, the CPHI list, and the California State Historic Resources Inventory (HRI) for Contra Costa County were reviewed to determine the existence of previously documented local historical resources.

The results of the records search indicated that three known cultural resources (see Table 3.5-1, Table 3.5-2) have been recorded within the 0.50-mile search radius beyond the Project Site's boundaries. None of these resources are on the Project Site. In addition, sixteen area-specific survey reports (Table 3.5-3) are on file with the NWIC for the Southern Site and its 0.50-mile search radius. Of the sixteen reports, two assessed the entirety of the Southern Site, indicating it has been surveyed for cultural resources. There are also nine area-specific survey reports (Table 3.5-4) for the

<sup>1</sup> The 0.50-mile radius is a standard search radius for cultural resource record searches that can be narrowed or widened depending on the circumstances of a project. Nothing about the Project warranted changing the standard search radius.

Northern Site and its 0.50-mile search radius. Of the nine reports, three assessed the northern portion of the Northern Site, indicating that the majority of the Northern Site has been surveyed for cultural resources, but no on-site resources were recorded. In addition, there are no historic structures recorded within the Project Site or its 0.50-mile search radius for the Contra Costa County HRI, NR, CR, CHL, and/or CHPI inventories which are eligible or listed for the NR.

**Table 3.5-1: Known Cultural Resources Located within a 0.5-mile Radius of Southern Site**

Site Number	Distance from the Project	Resource Description
P-07-000018	1,720 feet north of the Southern Site	CA-CCO-000695H; Trash Scatter, Historic features (concrete piers, driveway and old road alignment, fence lines), late 1800s

Source: FCS, 2015.

**Table 3.5-2: Known Cultural Resources Located within a 0.5-Mile Radius of the Northern Site**

Site Number	Distance from the Project	Resource Description
P-07-000017	1650 feet southwest of the Northern Site	CA-CCO-000694H; Coats Ranch Complex, 1850s
P-07-000018	1600 feet southeast of the Northern Site	CA-CCO-000695H; Trash Scatter, Historic features (concrete piers, driveway and old road alignment, fence lines), late 1800s
P-07-000735	1500 feet northwest of the Northern Site	CA-CCO-000419H; McPherson Homestead Site, 1850s

Source: FCS, 2015.

**Table 3.5-3: Cultural Resources Reports Conducted within 0.5 Mile of the Southern Site**

Report Number	Additional Details
S-001539	Milliken; 1979—Did not assess Project Site
S-001936	Banks; 1980—Did not assess Project Site
S-002695	Banks and Morris; 1981—Did not assess Project Site
S-005849	Chavez; 1983—Did not assess Project Site
S-011834	Baker; 1990—Did not assess Project Site
<b>S-017369</b>	<b>Samuelson, Self, and Rice; 1995—Assessed the entirety of Southern Site</b>
S-017701	Guedon; 1995—Did not assess Project Site
S-027172	Holman; 2003—Did not assess Project Site
S-028391	DeGeorgey, Huetter, and Brodie; 2003—Did not assess Project Site
S-030865	Billat; 2005—Did not assess Project Site

**Table 3.5-3 (cont.): Cultural Resources Reports Conducted within 0.5 Mile of the Southern Site**

Report Number	Additional Details
S-031547	Steckling; 2006—Did not assess Project Site
S-032522	Billat; 2006—Did not assess Project Site
S-033145	Beard; 2007—Did not assess Project Site
S-034153	Holman; 1992—Did not assess Project Site
<b>S-034184</b>	<b>Holman; 2006—Assessed the northern portion of the Southern Site</b>
S-039606	Wohlgemuth, Costello, and Kellawan; 2012—Did not assess Project Site
Note: Reports shown in <b>bold</b> included assessment of the Project Site. Source: FCS, 2015.	

**Table 3.5-4: Cultural Resources Reports Conducted within 0.5-Mile of the Northern Site**

Report Number	Additional Details
<b>S-001289</b>	<b>Banks and Clark; 1978—Assessed the western edge of the Northern Site</b>
S-001936	Banks; 1980—Did not assess Project Site
S-014598	Busby, Garaventa, and Yelding-Sloan; 1992—Did not assess Project Site
S-017369	Samuelson, Self, and Rice; 1995—Did not assess Project Site
S-022696	Psota and McKeman; 2000—Did not assess Project Site
S-029743	Ananian; 2005—Did not assess Project Site
S-030445	Billat; 2005—Did not assess Project Site
<b>S-034184</b>	<b>Holman; 2006—Assessed the entirety of the Northern Site</b>
<b>S-039606</b>	<b>Wohlgemuth, Costello, and Kellawan; 2012—Assessed the southern edge of the Northern Site</b>
Note: Reports shown in <b>bold</b> included assessment of the Project Site. Source: FCS, 2015.	

**Native American Heritage Commission Record Search**

On August 7, 2014, FCS sent a letter to the NAHC in an effort to determine whether any sacred sites are listed in its Sacred Lands File for the Project Site. The response from the NAHC was received August 18, 2014 noting that the record search of the Sacred Lands File failed to indicate the presence of Native American cultural resources on the Project Site or in the immediate Project vicinity. A list of nine Native American representatives who may have additional information about the Project Site were sent the results. On September 14, 2014, letters were sent to each of the nine representatives requesting further information about the Project Site and vicinity. As of the writing of this R-DEIR, no

responses have been received from any of the Native American representatives. The NAHC response letter and an example representative letter are provided in Appendix D.

### ***Paleontological Record Search***

In response to FCS's request, Kenneth L. Finger, PhD, conducted a search of the UCMP database for the Project Site. The response, dated August 2, 2015, noted that the geologic units on which the Project Site is located are potentially fossiliferous and, as previously discussed, provided information on noted localities of fossils within Contra Costa County and in the Project Vicinity.

### ***Pedestrian Surveys***

On April 2, 2015, FCS archaeologist Dana DePietro, PhD completed a pedestrian survey in both the Northern Site and the Southern Site, focusing primarily on the Ground Disturbance Areas. On the Northern Site, the 30-acre Residential Development Area, as well as the adjacent Non-Urban Development Area, inclusive of proposed staging areas and trail, were surveyed. On the Southern Site, only the 7 acres of Dedication Area were surveyed using standard 15-meter transects.

Beginning in the southwest corner of the Northern Site, the survey moved from east to west, gradually making its way to the north in order to cover the Residential Development Area and Non-Urban Development Area (Appendix D, photographs 1–4). The Northern Site was almost entirely covered with dense foliage leaving less than 10 percent surface visibility. Visible soils were silty grey-brown containing small rocks and pebbles (Appendix D, photograph 5). As the survey progressed along the northern edge of Camino Tassajara, drainages from the roadway provided swaths of unobstructed soil. These areas were inspected closely, and no signs of paleontological resources, habitation, or material culture were observed (Appendix D, photograph 6).

A 10-foot by 15-foot area containing large broken pieces of cement was found in the far southwest corner of the Northern Site (Appendix D, photograph 7). This appears to be the remnant of a foundation or platform that was used in conjunction with a small walnut orchard that occupied the southwest corner of the Northern Site. A series of dirt mounds that once formed the boundaries of the orchard are still visible, as are 12 trees (Appendix D, photographs 8 and 9). The orchard is present in archival aerial photos from 1946, which also show there were no associated buildings or structures in the area. The only piece of possible prehistoric material culture discovered during the course of the Northern Site survey was a flint blade core, found just north of the trees in the far southwest corner of the Northern Site (Appendix D, photograph 10). An intensive search in the immediate vicinity revealed no additional material culture, so the core is regarded as an isolate and not a significant cultural resource under CEQA.

It should be noted, however, that the large hill in the northern portion of the Northern Site creates two drainages in the northwest and northeast portions of the Northern Site. These drainages, which would have provided seasonal water flow to the area, were inspected closely for signs of prehistoric habitation. Aside from the isolated core, no indication of habitation or material culture was found; however, these drainages should be regarded as potentially sensitive, especially given the poor surface visibility in the Project vicinity.

The area where the proposed trail would be located was also surveyed. The trail would run north-northeast approximately 2,900 feet before turning sharply to the southeast and continuing another 2,000 feet before terminating near Finley Road (Appendix D, photographs 11–14). This trail area has limited ground surface visibility ranging from approximately 10 to 30 percent, and appears to have been used primarily by livestock (Appendix D photograph 15). The trail area was surveyed in its entirety, using 5-meter parallel transects. No paleontological resources, or prehistoric or historic material culture was observed along the trail area nor in the vicinity of the proposed staging areas.

Although no urban development is proposed for the Southern Site as part of the Project, a small portion of the Southern Site, the 7-acre Dedication Area, was surveyed (Appendix D, photographs 16 and 17). The survey and survey results are provided for informational purposes only. Like the Northern Site, soil visibility in the Southern Site was very poor because of thick ground cover and foliage, with less than 10 percent visibility over the entire area (Appendix D, photograph 18). Observable soils were loamy, medium-brown in color, and contained pebbles and small stones. This 12-acre area of the Southern Site was surveyed using 15-meter north-south transects beginning in the northeast corner (Appendix D, photograph 19). No signs of paleontological resources, or prehistoric or historic material culture were observed during the survey and the area's cultural sensitivity appears to be low. Given the low visibility of surface soils, however, there is a possibility that culturally significant resources may be present.

Outside of the 7-acre survey area, the Southern Site contains one vacant, single-family residence with associated support structures (barns, outbuildings) located along Camino Tassajara in the southeastern corner and a barn located just south of the Potential Future Fire District Parcel. Based on a review of historical aerial photographs, the on-site residence dates back to the 1950s. The barns and other structures appear to both predate and postdate the residence. Note that as part of the Project, structures on the Southern Site would not be disturbed.

The Northern Site is predominantly undeveloped, although two barns, approximately 12 portable horse stables, related portable fencing, and several horse trailers are located in a small area on the northeastern portion of the site near Finley Road. Based on a review of historical aerial photographs, the portable horse stables, related portable fencing, and several horse trailers all appear on-site sometime during the 1990s or 2000s. The two barns appear to pre-date the 1950s. These portable features would be removed, with the exception of the two wood-construction barns, which would not be altered or removed.

Following the initial survey, it was determined that an additional 10.3 acres to the north of the Residential Development Area would require landslide mitigation grading. In addition, three areas were also identified as possible locations for wetlands creation in the Southern Site. As these areas were not covered in the initial survey, FCS archaeologist Dana DePietro returned to the site on January 12, 2016 and surveyed them in their entirety using 15 meter east-west transects. Recent rains resulted in ground cover that limited soil visibility to 20 to 30 percent; however, observed soils were consistent with previous descriptions in the Northern and Southern Sites (Appendix D, Photographs 20–23). No additional indications of paleontological or cultural resources were observed in these areas during the course of the survey.

### 3.5.5 - Thresholds of Significance

According to Appendix, G Environmental Checklist of the CEQA Guidelines, cultural resource impacts resulting from the implementation of the Project would be considered significant if the Project would:

- a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5.
- b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.
- c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.
- d) Disturb any human remains, including those interred outside of formal cemeteries.

### 3.5.6 - Project Impacts and Mitigation Measures

This section discusses potential environmental impacts associated with the development and operation of the Project and provides feasible mitigation measures where appropriate. As described in Section 2 of this R-DEIR, a Memorandum of Understanding (MOU) is currently being considered to preserve certain land in the county for agriculture and open space, wetlands, or parks. The effect of the MOU would be to continue existing policy, and the MOU would not result in a substantial adverse change to existing conditions with respect to cultural resources. The range of actions to be considered pursuant to the MOU were it to be adopted would include promoting agriculture through the purchase of land or easements from willing sellers, through continuing the Williamson Act program and its related tax benefits, as well as through technical support to better manage weeds and water. To the extent that any specific projects that could be considered for funding pursuant to the MOU—such as land conservation, weed management, or groundwater improvements—could have adverse environmental effects, such projects would be subject to separate project-level CEQA review as proposed actions are defined and funding for them is identified. As the precise location and scope of such projects is not known at this time, further consideration of potential impacts would be speculative.

#### Historic Resources

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**Impact CUL-1:**      **The Project may result in substantial adverse change in the significance of previously undiscovered historical resources as defined in Section 15064.5.**

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#### *Impact Analysis*

A total of three known cultural resources have been previously recorded within a 0.50-mile radius of the Project Site. They are the Coats Ranch complex to the southwest of the Northern Site (P-07-000017), the McPherson Homestead Site to the northwest (P-07-000735) of the Northern Site, and a trash scatter containing historic features to the southeast (P-07-000018) of the Northern Site. However, none of the previously recorded sites are within the boundaries of the Project Site (see Table 3.5-1 and Table 3.5-2). In addition, no on-site resources were encountered during the field surveys.

The twelve remaining trees, formerly a part of a walnut orchard on the Northern Site, would not qualify as a historic resource as they are not listed in, nor could they be determined to be eligible for, listing in the California Register of Historical Resources or a local register of historic resources. This is because there is no evidence that the trees are associated with events that have made a significant contribution to the broad patterns of California's history and cultural change; are associated with the lives of persons important in our past; embody the distinctive characteristics of a type, period, region, or method of construction, or represent the work of an important creative individual, or possess high artistic value; and yield, or are likely to yield information important in prehistory or history.

Urban development resulting from the Project would be limited to 125 single-family homes on a semi-flat, 30-acre portion of the Northern Site, along with related adjacent improvements such as the water detention basin, sewer pump station, grading, and staging areas and trail. In addition, approximately 1.18 acres would be used for wetland creation on the Southern Site. Total grading disturbance area would be approximately 58.47 acres. Because no known historical resources are recorded within the Residential Development Area, Non-Urban Development Area, or anywhere else within the Northern or Southern Sites, no impacts to known historical resources would occur during Project development. Additionally, the one-room school house on Finley Road is identified on the Contra Costa County Historic Resources Inventory is located approximately 0.5 mile to the northeast of the developable portion of the Northern Site and separated from the proposed residences by an intervening area of open space. As such, it would not be affected by development and operation of the Project. While unlikely subsurface construction activities associated with the Project, such as trenching and grading, could potentially damage or destroy previously undiscovered historic resources. Note that such an occurrence is unlikely, as indicated by the record search, pedestrian survey, and other research methods employed. Nonetheless, this is considered a potentially significant impact. Mitigation is proposed to reduce this potentially significant impact to a level of less than significant.

### ***Level of Significance Before Mitigation***

Potentially significant impact.

### ***Mitigation Measures***

**MM CUL-1** If a potentially significant cultural resource is encountered during Project construction or related activities, all activities within a 50-foot radius of the find shall cease until a qualified archaeologist evaluates the find for its significance in terms of CEQA criteria. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. The archaeologist shall make recommendations concerning appropriate measures that will be implemented to protect the resource, including but not limited to excavation and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Cultural resources could consist of, but are not limited to, stone, wood, or shell artifacts, structural remains, privies, or historic dumpsites. Any previously undiscovered resources found during construction within the Project Site shall be recorded on appropriate Department of Parks and Recreation (DPR) 523 forms.

### ***Level of Significance After Mitigation***

Less than significant impact.

### **Archaeological Resource**

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**Impact CUL-2:**      **The Project may result in substantial adverse change in the significance of a previously undiscovered archaeological resource pursuant to Section 15064.5.**

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#### ***Impact Analysis***

No archaeological resources have been previously recorded within the Project Site or a 0.50-mile radius, and only a single archeological artifact (flint blade core, Appendix D, photograph 10) was encountered in the southwestern corner of the Northern Site during the field survey. This artifact was an isolate removed from context and does not represent a significant cultural resource under CEQA.

It should be noted, however, that the large hill in the northern portion of the Northern Site creates two drainages in the northwest and northeast of the Northern Site. These drainages, which would have provided seasonal water flow to the area, should be regarded as potentially sensitive, especially given the poor surface visibility in the Project vicinity. Drainage areas on the Southern Site would be similarly potentially sensitive. The likelihood that previously undiscovered archaeological resources are present within the Project Site is considered to be moderate.

There is also the possibility that ground-disturbing activities during Project development could potentially impact previously undiscovered prehistoric or archaeological resources. Such resources can include flaked-stone tools (e.g., projectile points, knives, and choppers) or obsidian, chert, or quartzite tool-making debris; culturally darkened soil (such as midden soil containing heat-affected rock, ash, and charcoal, shellfish remains, and animal bones); and stone milling equipment (e.g., mortars, pestles, handstones). Accordingly, this is a potentially significant impact. With the implementation of mitigation, this impact would be reduced to less than significant.

### ***Level of Significance Before Mitigation***

Potentially significant impact.

### ***Mitigation Measures***

Implement Mitigation Measure CUL-1.

### ***Level of Significance After Mitigation***

Less than significant impact.

### **Paleontological Resource or Geologic Feature**

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**Impact CUL-3:**      **The Project may result directly or indirectly in the destruction of a unique paleontological resource or site or unique geologic feature.**

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#### ***Impact Analysis***

The Project Site is located in an area that is considered likely to have paleontological resources present. However, fossils of plants, animals, or other organisms of paleontological significance have not been discovered on the Project Site. As noted by the UCMP specimens database search, fossils

have been discovered in the Project vicinity, including within approximately 1 mile of both the Northern and Southern Sites. The geologic unit types identified on the Project Site by geologic maps are inclusive of Pleistocene alluvium and undifferentiated Pliocene to Late Miocene sedimentary rock, which are both identified as potentially fossiliferous. Surficial evidence of paleontological resources was not identified during the pedestrian survey. Nonetheless, to be conservative, the Project Site is determined to be paleontologically sensitive. As indicated by Dr. Kenneth L. Finger, excavations anywhere within the Project Site would disturb paleontologically sensitive geologic units. Inadvertent disturbance of a paleontological resource would result in potentially significant impacts. As such, mitigation is proposed requiring a qualified cultural resource monitor on-site during all grading and excavation activities. In addition, the mitigation requires standard inadvertent discovery procedures to be implemented in the event that subsurface paleontological resources are encountered during construction. With the implementation of mitigation, impacts would be reduced to a less than significant level.

### ***Level of Significance Before Mitigation***

Potentially significant impact.

### ***Mitigation Measures***

**MM CUL-3** A qualified paleontological resource monitor shall be on-site during all grading and excavation activities. In the event that fossils or fossil-bearing deposits are discovered during grading or construction of the Project, excavations within 50 feet of the find shall be temporarily halted until the discovery is examined by a qualified paleontologist, in accordance with the applicable Society of Vertebrate Paleontology standards (Standard Procedures for the Assessment and Mitigation of adverse Impacts to Paleontological Resources, Society of Vertebrate Paleontology, 2010), and assessed for significance under CEQA. The applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find is determined to be significant and if avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards.

### ***Level of Significance After Mitigation***

Less than significant impact.

### **Human Remains**

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**Impact CUL-4:**        **The Project may result in the disturbance of human remains, including those interred outside of formal cemeteries.**

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### ***Impact Analysis***

There are no known burial sites or human remains within the Project Site. The field survey did not find any evidence of human remains or burial goods within the Project Site. In addition, none of the previous surveys within a 0.50-mile radius reported finding any human remains or burial sites. Nonetheless, the possibility exists that subsurface construction activities may encounter previously undiscovered human remains. Accordingly, this is a potentially significant impact. Mitigation is proposed, which would reduce this impact to less than significant.

### ***Level of Significance Before Mitigation***

Potentially significant impact.

### ***Mitigation Measures***

**MM CUL-4** In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5; Health and Safety Code Section 7050.5; Public Resources Code Section 5097.94 and Section 5097.98 must be followed. In addition, if during the course of grading or construction there is an inadvertent discovery of any human remains, the following steps shall be taken:

1. There shall be no further excavation or disturbance within 50 feet of the find until the County Coroner is contacted to determine if the remains are Native American and if an 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 (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the “most likely descendant” (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98.
2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the Project Site in a location not subject to further subsurface disturbance:
  - The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission.
  - The descendant identified fails to make a recommendation.
  - The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.

### ***Level of Significance After Mitigation***

Less than significant impact.

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