

3.5 CULTURAL RESOURCES

3.5.1 SETTING

In Monterey and Santa Cruz counties, Native American archaeological sites are found on the coastal terrace, on terraces adjacent to seasonal wetlands, on valley terraces and midslope terraces, frequently adjacent to or between seasonal and perennial watercourses, on ridgelines and associated spurs and midslope terraces, and in areas associated with rock outcrops. Many of these areas were intensively used by Native Americans. In San Benito County, Native American prehistoric archaeological sites are situated in large valleys on terraces adjacent to major watercourses, frequently at a confluence to a seasonal watercourse and at the base of hills adjacent to a watercourse, in small valleys on terraces adjacent to seasonal watercourses and springs, on midslope terraces adjacent to seasonal watercourses and springs, on ridgelines and spurs, and in areas associated with outcroppings of rock. Native American archaeological sites expected for these three counties would include shell middens along the coast where shellfish and marine mammals were processed, residential areas, temporary camps, cemeteries/burial grounds, and the areas used for special activities such as hunting and seed/plant processing.

The Spanish, Mexican and American Periods are represented in all three counties. The Monterey Bay area included several missions and many land grants, many of the towns in the three counties were established by the mid-1850s. It is anticipated that numerous historic buildings, structures, objects and historic archaeological deposits such as building foundations and debris deposits associated with residential, commercial, industrial and recreational activities reflecting various forms and stages of settlement are located within the three counties.

Monterey County contains 43 sites that have been listed on the National Register of Historic Places. In addition to those sites, the County has identified approximately 220 sites on the Monterey County Historic Inventory. To date, over 1,700 archaeological sites have been identified in Monterey County.

San Benito County has just over 200 archaeological sites that have been recorded with the State of California. There are 10 structures or places within the County that have been listed on the National register of Historic Places.

Over 300 archaeological and historic sites have been formally documented within Santa Cruz County. Hundreds of other sites probably exist throughout the County. There are 39 structures or places in the County that have been listed in the National Register of Historic Places.

3.5.2 IMPACTS AND MITIGATION MEASURES

THRESHOLDS OF SIGNIFICANCE

Implementation of the three plans could have a significant environmental impact if it were to result in:

- The physical demolition, destruction, relocation or alteration of a historical resource or its immediate surroundings to the extent that those physical characteristics which convey the historical significance and justify the identification of the historic resource (or the eligibility for such identification) would be materially altered;
- The physical demolition, destruction, relocation or alteration of a unique archaeological resource;
- The direct or indirect destruction of a unique paleontological resource;
- The direct or indirect destruction of a unique geological feature; or
- The disturbance of any human remains, including those interred outside of formal cemeteries.

Although adoption of the three plans would not, in and of itself, have any effect on cultural resources within the region, construction of several of the projects identified in the financially constrained Action Elements might be expected to entail adverse effects. Transportation system improvement projects have the potential to result in disturbance of, or damage to, prehistoric or historic cultural resources when they are located within an area of known cultural resources or in areas identified as high or moderate archaeological sensitivity zones where surveys have not been completed.

Disturbance of Cultural Resources

IMPACT 3.5.1: Disturbance of Cultural Resources. Construction of some projects identified in the financially constrained Action Elements of the three plans could result in the disturbance of, or in damage to, prehistoric or historic cultural resources. Examples of projects which might involve such impacts may include (but are not necessarily limited to) bridge improvements and construction new roadways or rail improvements on rail lines that are not currently used by trains. This could represent a **potentially significant environmental impact** associated with these types of projects.

RECOMMENDED MITIGATION MEASURE

MITIGATION MEASURE 3.5.1: Cultural Resource Surveys/Modifications

A. The implementing agency for a project involving substantial earth disturbance, the removal or disturbance of existing buildings, or the construction of permanent above-ground structures or roadways shall ensure that the following elements are included in the project's environmental review:

B. A map defining the Area of Potential Effects (APE) shall, where appropriate, be prepared for transportation system improvements that involve substantial earth disturbance, the removal or disturbance of existing buildings, or construction of permanent above-ground structures. This map will indicate the areas of primary and secondary disturbance associated with construction and operation of the facility and will help in determining whether known cultural resources are located within the impact zone.

C. A preliminary study of each project area, as defined in the APE, shall, where appropriate, be completed to determine whether or not the project area has been studied under an earlier investigation, and to determine the impacts of the previous project.

D. If the results of the preliminary studies indicate additional studies are necessary, development of field studies and/or other documentary research shall, where appropriate, be completed (Phase I studies). Negative results would result in no additional studies for the project area.

E. Based on positive results of the Phase I studies, an evaluation of identified resources shall, where appropriate, be completed to determine the potential eligibility/significance of the resources (Phase II studies).

F. Phase III mitigation studies shall, where appropriate, be coordinated with the Office of Historic Preservation, as the research design will require review and approval from OHP. In the case of prehistoric or Native American related resources, the Native American Heritage Commission and/or local representatives of the Native American population shall, where appropriate, be contacted and permitted to respond to the testing/mitigation programs.

G. If development of a specific project requires the presence of an archaeological monitor, the implementing agency shall, where appropriate, ensure that a certified archaeologist/paleontologist monitors the grading and/or other ground altering activities. The schedule and extent of monitoring will depend on the grading schedule and/or extent of the ground alterations. This requirement can be accomplished through placement of conditions on the project by the local jurisdiction during individual environmental review.

H. The implementing agency shall, where appropriate, ensure that materials recovered over the course of any given improvement are adequately cleaned, labeled and curated at a recognized

repository. This requirement can be accomplished through placement of conditions on the project by the local jurisdiction during individual environmental review.

J. Implementing agencies shall, where appropriate, ensure that mitigation for potential impacts to significant cultural resources includes on or more of the following:

- Realignment of the project right-of-way (avoidance - the most preferable method);
- Capping of the site and leaving it undisturbed;
- Addressing structural remains with respect to NRHP guidelines (Phase III studies);
- Relocating structures per NRHP guidelines;
- Creation of interpretive facilities; and/or
- Development of measures to prevent vandalism.

K. A qualified archaeologist shall, where appropriate, monitor all earth moving activities within native soil. In the event that archaeological and historic artifacts are encountered during project construction, all work in the vicinity of the find will be halted until such time as the find is evaluated by a qualified archaeologist and appropriate mitigation (if necessary) is implemented.

L. As required under CEQA Guidelines Section 15064.5, to prepare for the possibility of an accidental discovery of significant buried cultural resources during transportation system improvement project construction, the following measures shall, where appropriate, be taken:

- Due to the possibility that significant buried cultural resources might be found during construction, the following language shall, where appropriate, be included in any permits issued for the project site, including (but not limited to) building permits for future development, subject to the review and approval of the implementing agency: “If archaeological resources or human remains are discovered during construction, work shall be halted at a minimum of 200 feet from the find and the area shall be staked off. The project developer shall notify a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented.”
- Due to the possibility that an accidental discovery or recognition of human remains in a location other than a dedicated cemetery may occur, the implementing agency shall, where appropriate, ensure that this language is included in all permits in accordance with CEQA Guidelines Section 15064.5(e): “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 County Coroner 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 of the deceased Native American. The most likely descendent may then make recommendations to the landowner or the person responsible for the excavation work, for means of treating and 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 most likely descendent or the most likely descendent 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.”

RESULTING LEVEL OF SIGNIFICANCE

These measures could reduce the potential impact to a level of less than significant.

Unique Paleontological Resources/Unique Geologic Features

Implementation of the transportation system improvement projects identified in the financially constrained Action Elements of the three plans would not be expected to result in the direct or indirect destruction of any unique paleontological resource or unique geological feature.