

3.7 CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES

This section evaluates the potential cultural resource impacts resulting from the implementation of the proposed Plan. Cultural resources generally are the material remains of human activity identified with either the prehistoric inhabitants of the area (any time before the arrival of the Spanish in the latter half of the 18th century) or with the historic inhabitants. The historic period begins with the arrival of the Spanish.

Cultural resources in the Bay Area reflect centuries of human settlement in the region and document the changing character of economic, social, and spiritual activities. They include prehistoric resources, historic-period resources, and tribal cultural resources (the latter as defined by Assembly Bill (AB) 52, Statutes of 2014, in PRC Section 21074), as well as sensitive locations where resources are likely to be identified in the future based on our existing knowledge of historic and prehistoric settlement patterns. Archaeological resources are locations where human activity has measurably altered the earth or left deposits of prehistoric or historic-era physical remains (e.g., stone tools, bottles, former roads, house foundations). Historical (or built-environment) resources include standing buildings (e.g., houses, barns, outbuildings, cabins) and intact structures (e.g., dams, bridges, roads, districts), or landscapes. Tribal cultural resources generally are sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a tribe.

Comments received in response to the Notice of Preparation included regulation information related to the CFR 23 CFR Section 450.316 (which do not apply because there is no federal involvement with the proposed Plan to trigger those requirements), preservation of cultural features (however, the comment was related to the arts, drama, theater, movies, and restaurants, which are not cultural resources under CEQA), and tribal consultation and the requirements of AB 52. Tribal consultation under AB 52 is described below.

The CEQA Guidelines note that comments received during the NOP scoping process can be helpful in “identifying the range of actions, alternatives, mitigation measures, and significant effects to be analyzed in depth in an EIR and in eliminating from detailed study issues found not to be important” (CEQA Guidelines Section 15083). Neither the CEQA Guidelines nor Statutes require a lead agency to respond directly to comments received in response to the NOP, but they do require that they be considered. Consistent with these requirements, the comments received in response to the NOP have been carefully reviewed and considered by MTC and ABAG in the preparation of the impact analysis in this section. Appendix B includes all NOP comments received.

3.7.1 Environmental Setting

This section summarizes both historic and prehistoric resources and identifies the types of geographic areas within the Plan area that may contain cultural resources.

PREHISTORIC RESOURCES AND ETHNOGRAPHY

Prehistoric cultural resources are composed of Native American structures or sites of historical or archaeological interest. These may include districts, objects, landscape elements, sites, or features that reflect human occupations of the region, such as villages and burial grounds.

The moderate climate, combined with the abundant natural resources found throughout the nine-county region, has supported human habitation for several thousand years Before Present (BP). Some theories suggest that the prehistoric bay and river margins were inhabited as early as 10,000 years ago. Rising sea levels, the formation of the San Francisco Bay, and the resulting filling of inland valleys have covered these early sites, which were most likely located along the then existing bay shore and waterways. Existing evidence indicates the presence of many village sites from at least 5,000 years BP in the region. The arrival of Native Americans into the Bay Area is associated with documented cultural resources from circa 5,500 BP (U.S. Department of the Interior 1990).

Six different groups of Native population, identified by their language, lived within the Bay Area: Ohlone (Alameda, Contra Costa, San Francisco, San Mateo, Santa Clara, and Solano Counties), Bay Miwok (Contra Costa County), Patwin (Napa and Solano Counties), Coast Miwok (Marin and Sonoma Counties), Pomo (Sonoma County), and Wappo (Napa County). These native populations periodically increased between 5,000 BP and the arrival of the Spanish in the late 18th century. Native villages and campsites were inhabited on a temporary basis and are found in several ecological niches because of the seasonal nature of their subsistence base.

By 1,000 BP, population densities had grown to the point where less favorable environmental settings were being used for habitation. Traditional tribal territorial boundaries thus usually overlap; this is particularly the case in the South Bay. Groups competed for hunting grounds, seed and acorn gathering areas, and other areas necessary to a hunting-and-gathering culture. Remains of these early peoples indicate that main villages, seldom more than 1,000 residents, were usually established along water courses and drainages. Remains of satellite villages have been found in areas used for the procurement of food or other resources. By the late 1760s, about 300,000 Native Americans lived in California (San Francisco Estuary Partnership 2016).

Ohlone

The Ohlone languages belong to the Utian family of the Penutian language stock and were spoken in a large area extending from the San Francisco Bay Area southward along the coast to Point Sur and inland to the Diablo Range and portions of the northern San Joaquin Valley. The basic Ohlone political unit was the “tribelet,” an autonomous, self-governing, territorially defined unit over which recognized authority was given to one person, in most instances the leader or chief. Each tribelet was composed of one or more villages and a number of camps within its recognized and protected resource exploitation zone. Because of geographic barriers and distance between Ohlone tribelets, however, the integration of smaller political units into larger ones was the exception rather than the rule among the Ohlone (Pacific Legacy 2016).

The Ohlone were hunter-gatherers who occupied semipermanent camps and villages from which they could take advantage of seasonal changes in resource availability. Dwellings at these habitation sites were dome-shaped, with pole frameworks and thatch for roof and walls. Other structures that could be found in an Ohlone village included acorn granaries; sweat houses for the men, often located along streambanks; menstrual houses for women; and dance houses and assembly houses, generally located in the center of a village. The Ohlone people had a diverse diet. The single most important food item among the Ohlone was the acorn, at least four species of which were collected and processed into meal or flour. Birds and small mammals were hunted, clubbed, trapped, and snared. Fish were also hooked or caught by hand. Shellfish provided an important seasonal food resource (Pacific Legacy 2016).

Regional interaction among the Ohlone, and with neighboring cultures, such as the Salinan and Yokuts, took place through trade, ceremonies, warfare, and intermarriage. Shell beads were widely used by the

Ohlone as a form of currency in exchanges. Olivella shells, mussels, abalone shells, salt, dried abalone, woven baskets, and other items were traded for prized goods with nearby villages and with more distant villages located in dissimilar environmental zones. Among the items received by the Ohlone in such transactions were stores of the prized piñon nut and obsidian for tool-making (Pacific Legacy 2016).

The Spanish colonization of the region was accomplished through the introduction of the Hispanic mission system. Starting with Mission San Carlos and the Presidio of Monterey in 1770, several other missions were established over the next 30 years, each exerting their influence over the native people of the Plan area. The subjugation of the native people resulted in dramatic environmental changes after they could no longer influence the native landscape, while poor nutrition and repeated exposure to introduced European diseases and violence served to decimate the Ohlone. Ultimately, the people affiliated with the Plan area were dispersed among other tribesmen at Missions Santa Clara, San Juan Bautista, and Santa Cruz. Nonetheless, many survived, and their descendants continue to live in the region (Midpeninsula Regional Open Space District 2014).

Bay Miwok

The Bay Miwok are known to have occupied the interior valleys of the East Bay, perhaps extending as far as the shoreline in the vicinity of present-day East Oakland, at least since 300 A.D., though their presence may date back as far as 2500 B.C. Although mutually unintelligible, the Ohlone, Bay Miwok, and Coast Miwok languages all derive from Utian stock. Like other west-central California Native American groups, the Bay Miwok were organized into autonomous territorial political groups. Each territorial group was a community of interrelated families; the size of most tribelet populations ranged between 200 and 400 people. The small villages were generally located near sources of fresh water, such as creeks and springs, though they were also found on alluvial flats and along the first set of ridges between valleys and mountain ranges.

The Bay Miwok subsisted on the bountiful natural food resources that characterized the Bay Area. Staples of their diet included fish (principally salmon), shellfish, waterfowl, tule elk, and acorns. Acorns were pounded by mortar and pestle to form a mush that was often flavored with berries. Men contributed to the food supply by fishing and hunting for game. Larger animals were hunted with bows and obsidian-tipped arrows, and traps and snares were set for smaller mammals, such as rabbits. The Bay Miwok fished from creeks using nets and/or basket traps deployed from small rafts constructed of tule rushes, propelled by double-bladed paddles.

The Bay Miwok utilized local rock and mineral sources to manufacture cutting, scraping and other tools and local sandstone for grinding and pounding tools. Cinnabar and hematite could be used to barter with noncoastal groups for more exotic materials, such as obsidian. Animal remains were also particularly useful. In addition to the use of pelts and feathers for clothing and bedding, sinew was used for bow strings, and teeth, bones, claws, and beaks were employed as tools, including awls, pins, daggers, scrapers, and knives. Feathers, bones, and shells were used in a wide variety of personal ornamentation.

Infiltration of Europeans into the Bay Area rapidly led to the decimation of the Bay Miwok people. They were forced into servitude on the Spanish missions and large “rancherias” in northern Alameda and Contra Costa Counties. Disease and overwork, as well as conflicts with other tribal groups, led to their decline. By the beginning of the American historical period (1848), the Bay Miwok had ceased to exist as an ethnic or linguistic entity (Contra Costa County 2009:4.D-3).

Patwin

The Patwin are Wintuan speakers. The Wintuan language is part of the larger Penutian language family, which also includes Miwok, Maidu, Ohlone, and Yokuts. The Patwin were organized into tribelets consisting of a primary village and several smaller associated villages. Numerous ethnographic village locations were reported for the Patwin; villages were located along the Sacramento River and all major drainages that drain the eastern and southern slopes of the Coast Ranges, including Putah, Ulatis, and Suisun Creeks. Permanent houses, typically of the semisubterranean type, usually sheltered more than one household, each occupying different sides of the dwelling. Temporary shelters were often seasonally occupied when families were away from the permanent winter village. These temporary shelters, primarily used for protection against the summer sun and infrequent rains, consisted of a brush-covered shed, four corner posts, and a flat roof.

A variety of animals were taken by the Patwin, including deer, pronghorn, elk, rabbit, and various species of fish and birds. Deer, ducks, geese, quail, and mud hen were caught in various nets. Fish species taken included chub, salmon, sturgeon, hardhead, and trout. Steelhead were also taken with nets. Decoys were used to hunt ducks and deer; deer head decoys were worn by hunters to approach or attract their prey. Other animals, including most raptors and carnivores, were hunted for their feathers or pelts, which were used for ceremonial or utilitarian purposes. Seasonal vernal pools, a common feature in the southern half of Solano County, were likely part of an early spring subsistence strategy when other food sources were scarce. Lithic debitage, manos, millingstones, pestles used with wooden mortars, hammerstones, and mortars that have been identified at prehistoric sites near vernal pools suggest Patwin resource exploitation.

In the late 18th and early 19th centuries, Spanish missionaries, and European and American trappers and explorers, entered northern California. Spanish emissaries from Missions San Francisco de Asis, San Francisco Solano, and San Jose actively proselytized the Patwin people. The earliest historic records, beginning around 1800, consist of Spanish mission registers of baptisms, marriages, and deaths of Indian neophytes. During the 1830s and 1840s, the Patwin territory was taken over by Mexicans and Americans. By the 1860s, the few Patwin who had survived almost 100 years of epidemics and conflict with the Spanish, Mexican, and Euro-Americans either worked as laborers for ranches or were placed on small reservations established by the United States government.

Mission records provided tribelet names and locations. The Malacas lived east of today's Fairfield, on the plains of the north side of Suisun Bay. They had close ties with the Suisuns, who also resided in the vicinity of Fairfield. The Malacas moved to Mission Dolores from 1810 until 1816, at the same time as the Suisuns, and the Malacas may have been assumed to be Suisuns. The Tolenas, who lived in Green Valley north of the Suisun Plain, moved to Mission Dolores from 1815 until 1820. Nineteen Tolenas also moved to Mission San Jose. The Ululato, who lived in the vicinity of today's Vacaville, moved to Mission Dolores from 1815 until 1822, then to Mission San Francisco Solano from 1824 to 1833 (Solano County 2008:4.10-4 through 4.10-6).

Coast Miwok

Before the arrival of Europeans to the San Francisco Bay Area, Coast Miwok territory included the entire Marin Peninsula and stretched as far north as Duncan's Point and as far east as Sonoma. Linguistically, Miwok is one of the Penutian languages. Precontact population estimates for the Coast Miwok suggest that population density was low, with perhaps as few as 2,000 people living in the entire area. The settlement patterns of the Coast Miwok, similar to other native groups in the region, were largely dictated by the seasonal availability of important food resources. During the warmer summer months, villages were occupied along rivers, estuaries, and the coast. Winter villages were often located further inland and contained semi-permanent structures and food storage facilities.

The Coast Miwok created a diverse array of material culture. Because pottery was not used by most native Californians, basketry was of particular importance and served a number of purposes, including cooking, serving, parching, carrying, and storage. Although baskets were primarily utilitarian in nature, some were multicolored and sported feather and shell ornaments. Lupine roots were used to make cordage for nets, and wooden objects included foot drums and paddles for use with the tule balsa, an important watercraft. Weaponry consisted of the bow and arrow, as well as the sling and a bola for hunting waterfowl. Arrow points were typically made from obsidian, although chert was used to make different types of flaked stone tools. Other types of stone were used as mortars and pestles. Shell was another important material, particularly abalone, commonly used for ornamentation.

The first contact between Coast Miwok and Europeans occurred over 400 years ago, presumably in 1579 when Sir Francis Drake made landfall somewhere in Coast Miwok territory. Drake remained in the area for 6 weeks marked by a number of amicable interactions with the local people. Sixteen years later, Sebastian Cermeño landed in what is today known as Drakes Bay. His galleon, the *San Agustin*, was wrecked by a storm, forcing Cermeño and his men to make the return trip to Acapulco by launch. Even before they left, however, the Coast Miwok began salvaging items from the larger vessel, and the Chinese porcelains and metal objects they recovered have been noted in archaeological assemblages from throughout the area (Marin County 2011:218).

Pomo

Groups speaking two closely related Pomoan languages, Southwestern Pomo and Southern Pomo, held most of the area that was to become Sonoma County. The Southwestern Pomo (Kashia/Kashaya) occupied about 30 miles of the northwestern Sonoma County coast, extending inland up to 13 miles. This territory consisted primarily of rocky coastline and unbroken redwood forest. Shellfish, sea mammals, and salmon were major resources. Village sites were situated along the coast and on inland ridges. The principle village was located near Fort Ross, where the main residences of the headmen and women were located. Other large principle villages and smaller subsidiary villages supported an estimated 1,500 people. During the summer, the communities moved to the coast, where they gathered abalone, mussels, fish, and marine mammals, as well as sea plants and sea salt. In the late fall, they journeyed back inland to sheltered village locations. Kashia basketry is a ritual art and incorporates stone, bone, shell, horn, fibers, and feathers in unique designs.

The history of the Kashia differs from that of other Pomo-speaking tribes in that their first direct contact with nonnative peoples was not with Spaniards, Mexicans, or Euro-Americans but rather with Russians. The Russian colony at Fort Ross operated from 1812 to 1842, and as a result many Kashia Pomo escaped missionization. When the Russians left, Mexican and Euro-Americans began to settle the coast and forced changes to the Kashia's traditional way of life. Beginning in the 1870s, they lived in three villages, two of which were located on property owned by Charles Haupt, who was married to a Kashia woman. In 1914, Haupt petitioned the U.S. government on behalf of the Kashia for a 40-acre parcel near Stewarts Point.

The Southern Pomo territory spanned an area from the coastal town of Gualala, east to Cloverdale, and south toward Healdsburg, Santa Rosa, and Sebastopol. Three tribal units of the Southern Pomo occupied the region: the Kataictemi, the Konhomtara, and the Bitakomtara. The Southern Pomo were hunter-gatherers who lived in rich environments that allowed for dense populations with complex social structures. They settled in large, permanent villages about which were distributed seasonal camps and task-specific sites. Primary village sites were occupied continually throughout the year, and other sites were visited to procure particular resources that were especially abundant or available only during certain seasons. Sites often were near freshwater sources and in ecotones where plant life and animal life were diverse and abundant (Sonoma County 2006:4.10-2; 2008:3.6-2; 2010:4.8-3).

Wappo

Wappo is a dialect of the Yuki language, which also includes Yuki, Coast Yuki, and Huchnom. Wappo is the name given to Wappo-speaking people by the Spanish. Wappo is derived from the Spanish word “guapo,” which may be translated as brave or handsome. The Spanish considered Wappo to be brave because of their resistance to Euro-American incursion in Napa Valley during the 18th and 19th centuries. Wappo dialects were spoken in a territory that consisted of two divisions. The smaller division existed in a 5-square-mile territory south of Clear Lake. The larger division extended from just north of Napa and Sonoma in the south to Cloverdale and Middletown in the north.

Mission records reveal that Wappo unsuccessfully battled the Spanish; Wappo from villages at Canijolmano, Caymus, Chemoco, Huiluc, Locnoma, Mayacama, and Napa were brought to the mission at Sonoma between 1823 and 1834 to be used for labor. In 1854, the Wappo of the Russian River Valley, whose population likely included Wappo from territories within Napa County, were moved to a reservation in Mendocino. The population of Wappo in Napa Valley in 1855 is estimated to be 500. By 1856, nearly half the Wappo moved to Mendocino had died. The reservation was closed in 1867.

The acorn was the primary plant food, along with a variety of roots, bulbs, grasses, and other plant resources. Deer, elk, and antelope were the primary animal resources, but smaller mammals, such as rabbits, squirrels, and birds, were also important. Fish supplemented the diet but may not have been as important as terrestrial animals, which were abundant in the grassy valleys. Wappo used stone in almost every aspect of their lives. Napa Glass Mountain, a regionally important obsidian site and quarry, and other local obsidian sources are located within Wappo territory. Other major obsidian sources are near Wappo territory (i.e., Borax Lake, Mount Konocti, and Annadel). Obsidian was used for projectile points, knives, scrapers, drills, and many other tool types. It was a valuable commodity in regional trade networks and provided Wappo with a resource that could be traded for a variety of resources. Chert, found naturally throughout the north Coast Ranges, was also used for a wide range of tools, including projectile points, knives, scrapers, and cobble tools. Basalt was also used for tool manufacture, but it was not the preferred material. Bone tools were also used for awls, needles, whistles, and perforators. Wappo traded with their neighbors for a variety of goods, such as marine shells, fish, and salt (Napa County 2007:4.12-4).

HISTORICAL RESOURCES

Historical resources are standing structures of historic or aesthetic significance. Architectural sites dating from the Spanish Period (1529–1822) through the late 1960s are generally considered for protection if they are determined to be historically or architecturally significant. These may include missions, historic ranch lands, and structures from the Gold Rush and the region’s early industrial era. More recent architectural sites may also be considered for protection if they could gain historic significance in the future.

The arrival of the Spanish and the development of the mission system in the latter half of the 18th century permanently disrupted the indigenous societies flourishing in the area. Native American settlements were abandoned and replaced with agricultural land, housing, and military support for the missions. The San Francisco Mission (Mission San Francisco de Asisi or Mission Dolores) and the Presidio (Yerba Buena) were founded in 1776. Both the Mission Santa Clara and the Pueblo de San José de Guadalupe were founded in 1777 in Santa Clara County.

After the Mexican revolt against Spain in 1822, California lands came under Mexican rule, and large tracts of land, including the former missions, were granted to individual owners. It was during the

Mexican era that most of the historic ranchlands and associated living quarters and operational structures originate.

Mexico ceded control of California to the United States at the end of the Mexican-American War (1846–1848), and the discovery of gold in the late 1840s brought thousands of prospectors and settlers into California. The Bay Area became the gateway to the gold of the Sierra Nevada, with rapid growth occurring in several of the region's fledgling cities, focusing in San Francisco as a shipping and financial center. Today, the structures and sites from this Gold Rush period are often considered to be of historic significance.

An era of increased agricultural production followed the Gold Rush, with much of the region's inland valley natural grasslands plowed for wheat, orchard, and vegetable cultivation. Construction of levees in the Sacramento–San Joaquin Delta reclaimed wetland areas for field crops and orchards, and lumbering, begun during the Gold Rush to supply mining operations, continued to supply a growing population. The expansion of the Transcontinental Railroad in San Francisco in 1888 assured the Bay Area's continued prominence as an economic and population center for the West in general and for California.

In the early 1900s, the Bay Area's economic base continued to grow and diversify, with a maritime industry developing around the bay and manufacturing, trade, and the lumber industry aiding in the growth and development of the region. Urban areas continued to grow in accordance with transportation corridors. The rail lines of the early 1900s supported new development along their routes, with residential and commercial centers at their stops. The arrival of the automobile and roadway construction allowed population and economic centers to develop in more dispersed patterns throughout the region. Cultural resources from this manufacturing era include sites and structures associated with industrial development (i.e., railroad and maritime industries) and with prominent citizens of the time.

Alameda County

Spanish settlement occurred in the 18th century when Juan Bautista de Anza led an expedition of the area. Spanish settlers later constructed Mission San Jose, which is located in present-day Fremont. Mexico gained control of the area after it achieved independence from Spain. As a result of the Mexican-American War, the area became a part of the United States in 1848, and in 1853 the boundaries of Alameda County were formed. The Gold Rush and the various economic opportunities that resulted from it brought Dutch, Anglo, and Portuguese immigrants in the mid-19th century. The unincorporated areas of Alameda County remained largely rural until the post-World War II period, when the communities of Ashland, Castro Valley, Cherryland, Fairview, Hillcrest Knolls, and San Lorenzo were transformed into suburban bedroom communities to accommodate population growth arising from the “baby boom” and influx of people to the area seeking work (Alameda County 2016).

Contra Costa County

Settlement by nonnative Americans did not begin until after the Mexican government began awarding land grants to prominent Mexican citizens in the late 1820s. Contra Costa County was one of the original 27 California counties when California became a state in 1850. Its boundaries included what is now Alameda County until 1852.

Until the 1960s, Contra Costa County's population was greatest along the shorelines of San Francisco and Suisun Bays, with shipping ports and rail lines creating jobs and the need for housing. In the valleys of central Contra Costa County, farming and ranching dominated the landscape and economy.

After World War II, residential commuter suburbs began to expand. In the past 45 years, Walnut Creek, Concord, and San Ramon have become major business and retail centers called “edge cities.” The population of central and east Contra Costa County has nearly doubled since 1970 (Cerny 2007:339).

Marin County

Marin was not settled by the Spanish until 1817, when Mission San Francisco de Asis built Mission San Rafael Archangel, a hospital mission and refuge. With the exception of the areas along the coast, which were reserved for the military, today’s Marin County belonged to Mission San Rafael. Beginning in 1834, the mission lands were subdivided into 21 Mexican ranchos.

When California became a state in 1850, Marin was divided into the townships of Sausalito, Bolinas, Novato, and San Rafael. Ranching and lumber were the foundations of Marin’s early economy. John Reed built a sawmill in Mill Valley by 1834 and James Ross logged the area until his death in 1862. Logging on the west side of Mount Tamalpais began in 1851, and the Bolinas Wharf was established to provide berthing for the sloops that would carry the lumber to San Francisco.

The first railroad to operate in Marin County was the San Rafael & San Quentin Railroad in 1870; the second was the North Pacific Coast Railroad, which began operation in 1875 and ran from Sausalito to Tomales. The North Pacific Coast Railroad eventually expanded up to Duncan Mills on the Russian River, over to San Anselmo, and down to San Francisco. The railroad eventually became the Northwestern Pacific.

The Golden Gate Bridge was opened in 1937; however, the commuter suburbs did not grow until after World War II. After the filling and draining of the creeks and marshes on either side of U.S. Highway 101, the commercial developments began to appear along the highway in the 1950s, replacing the dairy ranching in the area (Cerny 2007:459–461).

Napa County

The first non-Spanish settler in the Napa Valley area was George Calvert Yount. A North Carolina native, Yount was hired in 1833 to repair the buildings at the San Rafael and Sonoma missions and to complete carpentry work for Mexican General Mariano Vallejo. Yount became a Mexican citizen and was subsequently awarded Rancho Caymus in 1836 and Rancho La Jota on Howell Mountain in 1843, comprising 11,814 and 4,454 acres, respectively, where his business enterprises included a flour mill and sawmills.

Rancho Caymus, located in central Napa Valley in Wappo territory, included the northern fringe of the town of Yountville, which was named after Yount. The 8,865-acre Mexican land grant was awarded in 1841 by Governor pro-tem Manuel Jimeno to Cayetano Juárez. Juárez was a California native and had served in the military under General Mariano Vallejo between 1828 and 1836. He was appointed mayordomo at Sonoma in 1836 and was elected alcalde of Sonoma in 1845. An adobe house built by Juárez circa 1847, now operated as a restaurant, stands today at the junction of Soscol Avenue and Silverado Trail.

Many emigrant American families settled in the Napa Valley region between 1840 and 1845. In 1847, the grid for Napa City was laid out by John Grigsby and Nathan Coombs on property they had acquired from Nicholas Higuera’s Rancho Entre Napa. Originally comprising the land between Brown Street and the Napa River and extending 600 yards from Napa Creek to the steamboat landing at Third Street, the land from several ranchos was combined to form the present-day city of Napa. In 1850, the first steamboat navigated the Napa River from San Francisco.

Napa County was established in February 1850 and is one of California's original 27 counties. The City of Napa was incorporated in 1874 and has always been the county seat. The county and the city prospered in the wake of the Gold Rush as ranching, farming, and local businesses flourished. The Napa Valley Railroad was completed in 1865 and was extended to Napa Junction (now American Canyon) in 1869. After 1905, interurban rail service linked the city to Vallejo, San Francisco, and the Bay Area.

Napa Valley's world-renowned viticulture industry began with the Spanish padres, who established the final and northernmost Spanish mission (San Francisco Solano de Sonoma) in 1823 at what is now the town of Sonoma. The industry became well established when Charles Krug started making large quantities of wine in the late 1850s and early 1860s. The Charles Krug facility remains the valley's oldest operating winery. Also located in St. Helena, the Christian Brothers vintners built one of the world's largest stone wineries in 1889. By the end of the 19th century, there were more than 140 wineries in the valley (Natural Investigations Company 2016:14–15).

San Francisco County

Nonnative explorers, settlers, and colonists began to arrive on the San Francisco Peninsula in the late 18th century. The government of Spain established a military outpost, or *presidio*, at the northern tip of the peninsula near the mouth of San Francisco Bay in 1776. Concurrently, Catholic missionaries of the Franciscan order established the sixth *misión* in a chain that would eventually number 21 along the California coast. The permanent chapel of the Mission San Francisco de Asis (Mission Dolores) was completed in 1791 near present-day 16th and Dolores Streets. When Mexico won independence from Spain in 1821, Mexico secularized the missions and conferred vast, private rancho tracts across the entire San Francisco Peninsula and beyond. By 1835, a small civilian commercial port settlement, the Pueblo of Yerba Buena, was established in the area of California and Montgomery Streets, initially supported by the export of California hides and tallow and the import of goods from the eastern United States and Europe.

In 1839, the pueblo's first survey platted the area and established a rectangular grid of blocks aligned to the cardinal directions. In 1847, Market Street was laid out on a diagonal to the earlier street grid, with much of its route along an old path to the mission. Soon thereafter, a survey platted the area south of Market Street on a street grid aligned diagonally with Market, and with quadruple-sized lots, conflicting with the grid to the north. This unconventional mismatch of surveys, platted at the birth of the city, is apparent today in the enduring street-and-block patterns north and south of Market Street.

In 1847, during the Mexican-American War, the United States changed the name of the settlement from Yerba Buena to San Francisco. The settlement changed dramatically with the discovery of gold in the Sierra Nevada foothills. San Francisco was the harbor closest to the strike, and by 1849 the city was growing exponentially. The population grew from 400 in 1848 to approximately 35,000 in 1852. The City boundary line was sequentially expanded southward and westward, ultimately reaching its current location (and merger with the county line) in 1856.

On April 18, 1906, a massive earthquake struck San Francisco. Although the quake itself did relatively little damage, the many ruptured gas lines, overturned furnaces, and toppled brick chimneys soon produced scores of fires that quickly spread unchecked throughout the city, while damaged water mains made firefighting extraordinarily difficult. The physical rebuilding of the city began within months, and even days, of the 1906 disaster. The city's reconstruction, despite occurring without central planning or leadership, resulted in modernization of the financial and industrial bases,

densification and expansion of residential neighborhoods, wholesale social and economic reorganization of the city, and ultimately a new San Francisco.

A nationwide economic surge during the 1920s correlated with another building boom in San Francisco, as well as the enacting of the city's first planning code in 1921, mandating the geographic separation of land uses. The opening of streetcar tunnels in 1918 and 1928, and the adoption of mass automobile use beginning in the 1920s, spurred residential development in outlying areas of the city. During the 1930s and the economic downturn of the Great Depression, the city was provided with some of its finest public works projects. Major structures, such as the San Francisco–Oakland Bay Bridge, the Golden Gate Bridge, Coit Tower, Rincon Annex, Aquatic Park, and numerous firehouses, libraries, police stations, and schools, were constructed with the aid of New Deal federal funds.

After World War II, many military personnel and wartime workers stayed in San Francisco, swelling the population and prompting more residential construction in outlying areas where land was still available. The 1950s and 1960s brought federally funded, locally implemented urban renewal to San Francisco. Urban renewal projects cleared large sites in the city's core and redeveloped them with highly programmed landscapes. The downtown area experienced dramatic growth in the 1970s and 1980s, driven by booming markets for office and commercial space. Mass transit was improved by completion of the Bay Area Rapid Transit regional rail system under Market and Mission Streets, and by a parallel Market Street subway for the city's local streetcar lines.

As the 20th century drew to a close, San Francisco's vast postindustrial districts located south of the downtown core, long underutilized and subject to deterioration, became the focus of physical redevelopment. New demands for housing, commercial, and institutional space initiated transformations of former warehouses and factories, railyards, and shipping facilities into high-density urban neighborhoods replete with public services and amenities (San Francisco Planning Department 2009).

San Mateo County

After the mission lands were secularized in 1835, 17 land grants were carved out of what would become San Mateo County. The southern hill country between Woodside and Redwood City became a significant area for logging operations after gold was discovered in 1848, and early San Mateo industries focused on providing San Francisco with resources: agriculture, lumbering, oyster cultivation, shrimp fishing, whaling, and waterworks. After the completion of the San Francisco/San Jose Railroad in 1864, San Mateo County became the first railroad suburb west of the Mississippi where the elite of San Francisco's industrial and commercial circles established country estates. Large suburban estates, not subdivided until the first third of the 20th century, retarded growth and gave San Mateo County a distinctive character.

The 20th century brought considerable growth to San Mateo County. After the 1906 earthquake, there was a large migration to the peninsula. A newly constructed streetcar system from San Francisco all the way to San Mateo allowed the hamlets along the line to become home to a new middle-class suburbanite. The affordability and popularity of the automobile through the 1920s added to this growth. However, it was World War II that had the greatest impact on the built environment. San Francisco International Airport, termed a "mud hole" before the war, was improved to such an extent by the U.S. Army that it was handling one-tenth of all air traffic in the United States by 1946. Supporting businesses sprang up nearby. Partially because of the growth of the airport, a wartime electronics industry exploded onto the scene (Cerny 2007:117–119).

Santa Clara County

For 75 years, the mission, pueblo, and an evolving rancho system developed under Spanish and then Mexican rule, transforming the fertile Santa Clara Valley into a frontier agricultural region that exported beef and hides to world markets. After California's admission to the United States, Santa Clara County gained a worldwide reputation as an important agricultural region known as the "Valley of Heart's Delight." During the Gold Rush, the city of San Jose served as one of the supply centers for hopeful miners. Sawmills established in the Santa Cruz Mountains utilized an abundance of old-growth redwood that fueled construction in the valley until the beginning of the 20th century.

A railroad was completed from San Francisco to San Jose in 1864, and distribution of Santa Clara County's agricultural products was further facilitated with a regional connection to the Transcontinental Railroad in 1869. By the late 1880s, fruit orchards supplanted grain as land was subdivided into smaller parcels. During the early 20th century, large canneries and packing plants were built to process the abundant production of fruit.

World War II also had a major effect on Santa Clara County. The large naval air station at Moffett Field became a gateway to military activity in the Pacific, with thousands of personnel brought to the area for training and processing. Soon after the war, the local business community launched an active campaign to attract new nonagricultural-related industries. Cold War industries began to locate near Moffett Field in the Sunnyvale and Mountain View areas. When IBM settled in downtown San Jose in the early 1940s, the invention of the Winchester Disk Drive set the stage for the eventual creation of the place now known as Silicon Valley.

Between 1945 and 1964, orchards were subdivided further into residential tracts, industrial parks, shopping centers, and schools at an average rate of 17,000 acres per year. Within cities and their environs that constitute the urban topology of the county, some of the rural character that was once the "Valley of Heart's Delight" continues to exist, side by side with the modern constructions that house high-tech factories and think tanks (Cerny 2007:165–167).

Solano County

Solano County contained five confirmed Mexican land grants. The first of the land grants was Rancho Suisun. Rancho Tolenas, adjacent to Rancho Suisun, included part of Fairfield and extended north into Napa County. The patent was issued in 1840 to Jose Francisco and Antonio Armijo. Juan Felipe Peña and Juan Manuel Vaca were granted Rancho de los Putos in the 1840s. Rancho de los Putos comprised almost 18,000 acres, including Lagoon Valley, Vaca Valley, and Vacaville. Rancho Rio de Los Putos, adjacent to Puta Creek in the northwestern portion of the county, was granted to William Wolfskill in 1842. Also called the Wolfskill Grant, Rancho Rio de los Putos was developed by four Wolfskill brothers, who planted extensive orchards, including a stand of olive trees that still remains today. Rancho Los Ulpinos was granted to John Bidwell in 1844. Bidwell's rancho was adjacent to the Sacramento River. Also in 1844, General Mariano Vallejo established a settlement named Eureka in a portion of his unconfirmed Rancho Suscol; later, this settlement was renamed Vallejo in his honor. Benicia and Cordelia were also within Rancho Suscol. Rancho Sobrante, another unconfirmed rancho, included today's towns of Montezuma, Birds Landing, Collinsville, and Denverton.

The primary economy during the Rancho Period was the hide and tallow trade. Large herds of cattle were raised and slaughtered for their hides, which were traded for goods and services. Each hide was worth \$1 in trade and referred to as a "California dollar." The hides were shipped to New England and used in the shoe and boot industry. Tallow was derived from the fat and used to make candles and soap. There was little value to the meat, so dead carcasses littered fields and ports.

In the late 1840s and 1850s, former gold seekers and pioneers began settling in Solano County, where they raised livestock and cultivated fruit orchards, vineyards, wheat, barley, and oats. Produce and livestock were transported overland by wagons to the many sloughs throughout the county and then shipped by water to waiting markets. Twelve townships were established in Solano County between 1850 and 1871. Although the largest towns were adjacent to San Pablo and Suisun Bays, the majority of towns were situated at the ends of sloughs or channels that primarily ran through the eastern portion of the county. In 1868, the completion of the California Pacific Railroad through Solano County allowed the shipment of goods to East Coast markets, significantly bolstering economic development, agricultural production, and population growth. In 1913, the Oakland, Antioch, and Eastern Railway opened its 93-mile route from San Francisco to Sacramento, through largely unpopulated parts of Solano County. In 1928, the Sacramento Northern Railway purchased the railway, but the Depression and the popularity of the automobile contributed to the end of passenger service in 1940; by 1987 the railway had been abandoned (Solano County 2008:4.10-7).

Sonoma County

European settlement of Sonoma County began on the coast at Fort Ross (1812–1841). With concern over the Russian presence, the Sonoma Mission was founded in 1823. After secularization, General Mariano Guadalupe Vallejo established the Pueblo de Sonoma in 1835, the first town in the county. For his services, Vallejo received a land grant that extended from Petaluma to Solano County.

The San Francisco & North Pacific Railroad, the first Sonoma County railroad began operating in 1870, meeting ferries from San Francisco, just south of Petaluma. In 1875, the North Pacific Coast Railroad linked Sausalito to the coastal communities along Tomales Bay. Further east, the Sonoma Valley Railroad began operation in 1879. These lines merged in 1914 to form the Northwestern Pacific Railroad, which operated from Sausalito to Eureka, until the 1990s.

After statehood, logging along the coastal hills, cattle and dairy ranching, and potato farming supported the county. During the first half of the 20th century, the poultry industry, fruit and fruit processing, and hops production were briefly profitable. Today, wineries have replaced many of the ranches, most of which relocated to California's Central Valley (Cerny 2007:415–417).

RECORDED REGIONAL RESOURCES

Historical and Archeological Resources

The interpretations and designations of historical and archaeological resources in the Bay Area are documented at the Northwest Information Center (NWIC) at Sonoma State University.

As shown in **Table 3.7-1**, previous records searches in the Bay Area showed that as of 2013, approximately 8,118 prehistoric and historic period sites were recorded in the Bay Area and are listed with the California Historical Resources Information System, maintained at the NWIC. If one counts all historic period and prehistoric recorded sites, buildings, and structures, there are over 33,000 such features in the Bay Area.

Of the 8,118 sites previously recorded in the nine-county Bay Area, as of 2013, 1,006 cultural resources were listed in the California Register of Historic Resources (CRHR), meaning that they are significant at the local, State, or national level as specified under a set of established criteria (see details in the "Regulatory Setting" section, below); of those, 744 are also listed in the National Register of Historic Places (NRHP). From this list, 249 resources are listed as California Historic Landmarks. The greatest concentration of resources listed on both the NRHP and the CRHR in the Bay Area occurs in San

Francisco, with 181 resources. Alameda County has the second highest number of NRHP- and CRHR-listed resources, with 147.

Table 3.7-1: Recorded Archaeological and Historical Sites in the Bay Area

Source of Record	Alameda County	Contra Costa County	Marin County	Napa County	San Francisco County	San Mateo County	Santa Clara County	Solano County	Sonoma County
Total Recorded Resources (including buildings) ¹	11,242	3,060	2,775	1,517	4,873	2,252	2,599	747	4,304
Individually Listed Resources on both the NRHP and the CRHR ²	147 BSO	39 BSO	41 BSO	78 BSO	181 BSO	51 BSO	104 BSO	22 BSO	64 BSO
	0 AS	0 AS	5 AS	0 AS	5 AS	1 AS	2 AS	0 AS	4 AS
Individually Listed Resources Only on the CRHR	302 BSO	18 BSO	25 BSO	18 BSO	242 BSO	32 BSO	121 BSO	66 BSO	59 BSO
	12 AS	41 AS	4 AS	11 AS	2 AS	0 AS	31 AS	5 AS	17 AS
California Historical Landmarks ³	37	15	14	17	48	34	43	14	27
Historic Bridges Listed on the Caltrans Local Bridge Survey ⁴	175	187	123	93	78	120	239	115	223

Notes: BSO = Building, Site, or Object; AS = Archaeological Site; CRHR = California Register of Historical Resources; NRHP = National Register of Historic Places; Caltrans = California Department of Transportation.

¹ Number of all recorded sites, including prehistoric and historic archaeological sites with and without trinomial, as well as recorded historic-period buildings and structures.

² Not included here are resources that have been listed as *contributors* to an Archaeological or Historic District, or resources that have been determined to be *eligible* for listing (but not listed) on the NRHP or the CRHR.

³ State Office of Historic Preservation's California Landmarks By County, July 5, 2016, http://ohp.parks.ca.gov/?page_id=21387. BSO and AS are reported together.

⁴ California Department of Transportation Local Bridge Survey, Update 2005, computer database, query only pre-1960 bridges. Please note, a previous "Category 3" used to compile prior RTP EIR listings no longer exists in this survey, with the result that this update may show lower totals compared to previous surveys reported in other EIRs.

Source: MTC and ABAG 2013

Tribal Cultural Resources and Native American Coordination

On August 28, 2020 MTC sent project-notification letters to tribes that have requested notification, and those that have been identified by the Native American Heritage Commission (NAHC), to learn about any tribal cultural resources in the Plan area (tribal cultural resources, as defined in PRC Section 21074, are described under "Tribal Cultural Resources," below). Correspondence in compliance with AB 52 is summarized in **Table 3.7-2**, below.

Table 3.7-2: Summary of AB 52 Consultation

Native American Contact Name	Native American Contact Group	Date of Initial Letter	Date(s) Reply Received	Comment
Ms. Pamela Baumgartner	Ione Band of Miwok Indians	August 28, 2020	No reply received	
The Honorable Darin Beltran	Koi Nation of Northern California	August 28, 2020	No reply received	
Mr. Dino Beltran	Koi Nation of Northern California	August 28, 2020	No reply received	
Ms. Thelma Brafford	Cortina Rancheria	August 28, 2020	No reply received	
The Honorable Rosemary Cambra	Muwekma Ohlone Indian Tribe of the SF Bay Area	August 28, 2020	No reply received	

Native American Contact Name	Native American Contact Group	Date of Initial Letter	Date(s) Reply Received	Comment
Ms. Mary Camp	Redwood Valley Rancheria	August 28, 2020	No reply received	
Ms. Nina Campbell	Scotts Valley Band of Pomo Indians	August 28, 2020	No reply received	
The Honorable Tony Cerda	Coastanoan Rumsen Carmel Tribe	August 28, 2020	No reply received	
Louie Cerda	Coastanoan Rumsen Carmel Tribe	August 28, 2020	No reply received	
The Honorable E.J. Crandell	Robinson Rancheria of Pomo Indians	August 28, 2020	No reply received	
Mr. David DeLira	Dry Creek Rancheria Band of Pomo Indians	August 28, 2020	No reply received	
Mr. Michael Derry	Guidiville Rancheria	August 28, 2020	No reply received	
Mr. Anthony Duncan	Robinson Rancheria of Pomo Indians	August 28, 2020	No reply received	
The Honorable Sara Dutschke Setschwaelo	Ione Band of Miwok Indians	August 28, 2020	No reply received	
The Honorable John Feliz	Coyote Valley Band of Pomo Indians	August 28, 2020	No reply received	
Mr. David Fendrick	River Rock Casino	August 28, 2020	No reply received	
Mary Figueroa	Lytton Rancheria Band of Pomo Indians	August 28, 2020	No reply received	
Mr. Shannon Ford	Scotts Valley Band of Pomo Indians	August 28, 2020	No reply received	
The Honorable Dino Franklin	Kashia Band of Pomo Indians of the Stewarts Point Rancheria	August 28, 2020	No reply received	
The Honorable Silver Galleto	Cloverdale Rancheria of Pomo Indians of California	August 28, 2020	No reply received	
Mr. Andrew Galvan	The Ohlone Indian Tribe	August 28, 2020	No reply received	
The Honorable Philip Gomez	Big Valley Rancheria/Big Valley Band of Pomo Indians	August 28, 2020	No reply received	
The Honorable Michael Gomez	Big Valley Rancheria/Big Valley Band of Pomo Indians	August 28, 2020	No reply received	
Mr. Walter Grey	Guidiville Rancheria	August 28, 2020	No reply received	
Ms. Nina Hapner	Kashia Band of Pomo Indians of the Stewarts Point Rancheria	August 28, 2020	No reply received	
The Honorable Patricia Hermosillo	Cloverdale Rancheria of Pomo Indians of California	August 28, 2020	No reply received	
Ms. Christina Hermosillo	Cloverdale Rancheria of Pomo Indians of California	August 28, 2020	No reply received	

Native American Contact Name	Native American Contact Group	Date of Initial Letter	Date(s) Reply Received	Comment
The Honorable Raymond Hitchcock	Wilton Rancheria	August 28, 2020	September 30, 2020	Ms. Mariah Mayberry requested to initiate consultation via email received on September 30, 2020. MTC-ABAG staff responded via email sent to Ms. Mayberry on October 6, 2020, with proposed dates for consultation. No response was received, and MTC-ABAG staff followed up via email sent to Ms. Mayberry on October 20, 2020. An additional follow up email was sent on May 17, 2021 to inform of the upcoming release of the Draft EIR for public review and comment. No response received to date.
The Honorable Harvey Hopkins	Dry Creek Rancheria Band of Pomo Indians	August 28, 2020	No reply received	
Mr. Zach Ippoliti	Coastanoan Rumsen Carmel Tribe	August 28, 2020	No reply received	
Ms. Sharon James-Tiger	Scotts Valley Band of Pomo Indians	August 28, 2020	No reply received	
Mr. Tom Keagan	Dry Creek Rancheria Band of Pomo Indians	August 28, 2020	No reply received	
The Honorable Leland Kinter	Yocha Dehe Wintun Nation	August 28, 2020	No reply received	
Mr. James Kinter	Yocha Dehe Wintun Nation	August 28, 2020	No reply received	
Ms. Angelique Lane	Kashia Band of Pomo Indians of the Stewarts Point Rancheria	August 28, 2020	No reply received	
Ms. Lisa Linder	Guidiville Rancheria	August 28, 2020	No reply received	
The Honorable Valentin Lopez	Amah Mutsun Tribal Band	August 28, 2020	September 3, 2020	Chair Lopez requested via email received on September 3, 2020, to be contacted to discuss the Formal Notice of Consultation Opportunity letter sent by MTC-ABAG. MTC-ABAG staff contacted Chair Lopez via phone on October 1, 2020. MTC-ABAG staff sent an email to schedule consultation with Chair Lopez on October 6, 2020. No response was received, and MTC-ABAG staff followed up via email sent to Chair Lopez on October 20, 2020 with a proposed date for consultation. An additional follow up email was sent on May 17, 2021 to inform of the upcoming release of the Draft EIR for public review and

Native American Contact Name	Native American Contact Group	Date of Initial Letter	Date(s) Reply Received	Comment
				comment. No response received to date.
The Honorable Cathy Lopez	Lytton Rancheria Band of Pomo Indians	August 28, 2020	No reply received	
Ms. Vickey Macias	Cloverdale Rancheria of Pomo Indians of California	August 28, 2020	No reply received	
Ms. Darlene Marsh	Cloverdale Rancheria of Pomo Indians of California	August 28, 2020	No reply received	
Ms. Elayne May-Muro	Kashia Band of Pomo Indians of the Stewarts Point Rancheria	August 28, 2020	No reply received	
Mr. Chris McCloud	Big Valley Rancheria/Big Valley Band of Pomo Indians	August 28, 2020	No reply received	
Ms. Vivian McCloud	Big Valley Rancheria/Big Valley Band of Pomo Indians	August 28, 2020	No reply received	
Mr. Brad McDonald	Coyote Valley Band of Pomo Indians	August 28, 2020	No reply received	
The Honorable Marshall McKay	Yocha Dehe Wintun Nation	August 28, 2020	No reply received	
The Honorable Marjorie Mejia	Lytton Rancheria Band of Pomo Indians	August 28, 2020	No reply received	
Ms. Lisa Miller	Lytton Rancheria Band of Pomo Indians	August 28, 2020	No reply received	
Commissioner Laura Miranda	Native American Heritage Commission	August 28, 2020	No reply received	
Mr. Michael Mirelez	Torres Martinez Desert Cahuilla Indians	August 28, 2020	No reply received	
Ms. Brenda Muñoz	Coastanoan Rumsen Carmel Tribe	August 28, 2020	No reply received	
Mr. Joseph Myers	National Indian Justice Center	August 28, 2020	No reply received	
Ms. Raquelle Myers	National Indian Justice Center	August 28, 2020	No reply received	
Mr. Gabe Nevarez	Dry Creek Rancheria Band of Pomo Indians	August 28, 2020	No reply received	
Ms. Salvina Norris	Dry Creek Rancheria Band of Pomo Indians	August 28, 2020	No reply received	
Danny Ocampo	Lytton Rancheria Band of Pomo Indians	August 28, 2020	No reply received	
Mr. Kurt O'Regan	Scotts Valley Band of Pomo Indians	August 28, 2020	No reply received	
Mr. Vaughn Pena	Kashia Band of Pomo Indians of the Stewarts Point Rancheria	August 28, 2020	No reply received	

Native American Contact Name	Native American Contact Group	Date of Initial Letter	Date(s) Reply Received	Comment
The Honorable Katherine Perez	North Valley Yokuts Tribe	August 28, 2020	No reply received	
Ms. Gina Perrine	Kashia Band of Pomo Indians of the Stewarts Point Rancheria	August 28, 2020	No reply received	
Mr. Gus Pina	Dry Creek Rancheria Band of Pomo Indians	August 28, 2020	No reply received	
The Honorable Sandy Pinola	Kashia Band of Pomo Indians of the Stewarts Point Rancheria	August 28, 2020	No reply received	
Rosemary Rahmaoui	Potter Valley Rancheria	August 28, 2020	No reply received	
The Honorable Debra Ramirez	Redwood Valley Rancheria	August 28, 2020	No reply received	
Mr. Gabriel Ray	Scotts Valley Band of Pomo Indians	August 28, 2020	No reply received	
Mr. Ben Ray, III	Big Valley Rancheria/Big Valley Band of Pomo Indians	August 28, 2020	No reply received	
Ms. Patricia Ray-Franklin	Scotts Valley Band of Pomo Indians	August 28, 2020	No reply received	
Sam Rodriguez	Coastanoan Rumsen Carmel Tribe	August 28, 2020	No reply received	
Ms. Sandra Roope	Cloverdale Rancheria of Pomo Indians of California	August 28, 2020	No reply received	
The Honorable Salvador Rosales	Potter Valley Rancheria	August 28, 2020	No reply received	
Ms. Linda Rosas	Redwood Valley Rancheria	August 28, 2020	No reply received	
Ms. Sarah Ryan	Big Valley Rancheria/Big Valley Band of Pomo Indians	August 28, 2020	No reply received	
The Honorable Marlene Sanchez	Guidiville Rancheria	August 28, 2020	No reply received	
Mr. James Sarmiento	Yocha Dehe Wintun Nation	August 28, 2020	No reply received	
The Honorable Greg Sarris	Federated Indians of Graton Rancheria	August 28, 2020	September 1, 2020	Ms. Buffy McQuillen, Tribal Heritage Preservation Officer, Federated Indians of Graton Rancheria, requested formal consultation in a letter sent via email received on September 1, 2020. MTC-ABAG staff met for consultation with Ms. McQuillen and Mr. Gene Buvelot, Tribal Administrator, on November 18, 2020. A follow up email was sent on May 17, 2021 to inform of the

Native American Contact Name	Native American Contact Group	Date of Initial Letter	Date(s) Reply Received	Comment
				upcoming release of the Draft EIR for public review and comment.
The Honorable Ann Sayers	Indian Canyon Mutsun Band of Costanoan	August 28, 2020	No reply received	
Ms. Dianne Seidner	Lytton Rancheria Band of Pomo Indians	August 28, 2020	No reply received	
Mr. Leonard Sheard	Kashia Band of Pomo Indians of the Stewarts Point Rancheria	August 28, 2020	No reply received	
The Honorable Jose Simon	Middletown Rancheria of Pomo Indians	August 28, 2020	No reply received	
Burt Steele	Lytton Rancheria Band of Pomo Indians	August 28, 2020	No reply received	
Carol Steele	Lytton Rancheria Band of Pomo Indians	August 28, 2020	No reply received	
Daniel Steele, Jr.	Lytton Rancheria Band of Pomo Indians	August 28, 2020	No reply received	
Mr. Lawrence Stra	Cloverdale Rancheria of Pomo Indians of California	August 28, 2020	No reply received	
The Honorable Carol Tapia	Koi Nation of Northern California	August 28, 2020	No reply received	
The Honorable Tracy Tripp	Ione Band of Miwok Indians	August 28, 2020	No reply received	
Mr. Glen Villa	Ione Band of Miwok Indians	August 28, 2020	No reply received	
Ms. Violet Wilder	Kashia Band of Pomo Indians of the Stewarts Point Rancheria	August 28, 2020	No reply received	
Ms. Elaine Willits	Cloverdale Rancheria of Pomo Indians of California	August 28, 2020	No reply received	
The Honorable Chris Wright	Dry Creek Rancheria Band of Pomo Indians	August 28, 2020	No reply received	
The Honorable Charlie Wright	Cortina Rancheria	August 28, 2020	No reply received	
Mr. Randy Yonemura	Ione Band of Miwok Indians	August 28, 2020	No reply received	
The Honorable Irene Zwierlein	Amah Mutsun Tribal Band of Mission San Juan Bautista	August 28, 2020	No reply received	

In addition to AB 52 consultation, MTC sent a copy of the Notice of Preparation to the following tribes and agencies on September 24, 2020:

- ▲ Amah Mutsun Tribal Band
- ▲ Amah Mutsun Tribal Band of Mission San Juan Bautista
- ▲ Big Valley Rancheria/Big Valley Band of Pomo Indians
- ▲ Bureau of Indian Affairs
- ▲ Cachil Dehe Band of Wintun Indians of the Colusa Indian Community
- ▲ Cloverdale Rancheria of Pomo Indians of California
- ▲ Coastanoan Rumsen Carmel Tribe
- ▲ Coyote Valley Band of Pomo Indians
- ▲ Dry Creek Rancheria Band of Pomo Indians
- ▲ Federated Indians of Graton Rancheria
- ▲ Guidiville Rancheria
- ▲ Indian Canyon Mutsun Band of Costanoan
- ▲ Ione Band of Miwok Indians
- ▲ Kashia Band of Pomo Indians of the Stewarts Point Rancheria
- ▲ Kletsel Dehe Band of Wintun Indians
- ▲ Koi Nation of Northern California
- ▲ Lytton Rancheria Band of Pomo Indians
- ▲ Middletown Rancheria of Pomo Indians
- ▲ Mishewal-Wappo Tribe of Alexander Valley
- ▲ Muwekma Ohlone Indian Tribe of the SF Bay Area
- ▲ Native American Heritage Commission
- ▲ North Valley Yokuts Tribe
- ▲ Pinoleville Pomo Nation
- ▲ Potter Valley Rancheria
- ▲ Redwood Valley Rancheria
- ▲ River Rock Casino
- ▲ Robinson Rancheria of Pomo Indians
- ▲ Scotts Valley Band of Pomo Indians
- ▲ The Confederated Villages of Lisjan
- ▲ The Ohlone Indian Tribe
- ▲ Torres Martinez Desert Cahuilla Indians
- ▲ United Auburn Indian Community of the Auburn Rancheria
- ▲ Wilton Rancheria
- ▲ Yocha Dehe Wintun Nation

Locations of Sensitivity

Dense concentrations of Native American archaeological sites occur along the historic margins of San Francisco and San Pablo Bays. In addition, archaeological sites have also been identified in the following environmental settings in all Bay Area counties: near sources of water, such as vernal pools and springs; along ridgetops and on midslope terraces; and at the base of hills and on alluvial flats.

Native American archaeological sites have also been identified in the inland valleys of all Bay Area counties. Remains associated with a Native American archaeological site may include chert or obsidian flakes, projective points, mortars and pestles, and dark friable soil containing shell and bone dietary debris, heat-affected rock, or human burials.

Dense concentrations of historical resources are often found in large urban areas and smaller cities that experienced growth and development during the historic period. Historic resources are also found in rural settings where homesteads, ranches, or farms were once present. Historic period archaeological remains may include stone or adobe foundations or walls, structures and remains with square nails, and refuse deposits often in old wells and privies.

3.7.2 Regulatory Setting

FEDERAL REGULATIONS

National Historic Preservation Act

Among those statutes enacted by Congress that affect historic properties, the National Historic Preservation Act of 1966 (NHPA) is the most significant law that addresses historic preservation. One of the most important provisions of the NHPA is the establishment of the NRHP, the official designation of historical resources. Districts, sites, buildings, structures, and objects are eligible for listing in the NRHP. Nominations are listed if they are significant in American history, architecture, archaeology, engineering, and culture. The NRHP is administered by the National Park Service. To be eligible, a property must be significant under Criteria A through D (described below); and ordinarily be 50 years of age or more:

- A. Are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. Are associated with the lives of persons significant in our past; or
- C. Embody the distinctive characteristics of a type, period, or method of installation, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. Have yielded, or may be likely to yield, information important in prehistory or history.

Listing in the NRHP does not entail specific protection or assistance for a property, but it does guarantee recognition in planning for federal or federally assisted projects, eligibility for federal tax benefits, and qualification for federal historic preservation assistance. Additionally, project effects on properties listed in the NRHP must be evaluated under CEQA.

Once a resource has been recorded and if it is determined to be significant, the potential impacts (or effects) of a project on a heritage property are assessed. Federal regulatory impact thresholds are contained in Section 106 of the NHPA and accompanying regulations (36 CFR Part 800). Section 106 requires that federal agencies consider the effects of their actions on significant archaeological properties before implementing a project or “undertaking.” The criteria of effect are found in 36 CFR 800.0(a) and state that:

[a]n undertaking has an effect on a historic property when the undertaking may alter characteristics of the property that may qualify the property for inclusion in the National Register.

The Advisory Council on Historic Preservation’s regulations require that the federal agency apply the criteria of adverse effect on historic properties that would be affected by a proposed undertaking (36 CFR 800.9b). An undertaking is considered to have an adverse effect when the effect on a historic property may diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association, or the quality of data suitable for scientific analysis. These seven aspects of integrity are described as follows:

- ▲ **Location:** “Integrity of location” refers to whether a property remains where it was originally constructed or was relocated.

- ▲ **Design:** “Integrity of design” refers to whether a property has maintained its original configuration of elements and style that characterize its plan, massing, and structure. Changes made after original construction can acquire significance in their own right.
- ▲ **Setting:** “Integrity of setting” refers to the physical environment surrounding a property that informs the characterization of the place.
- ▲ **Materials:** “Integrity of materials” refers to the physical components of a property, their arrangement or pattern, and their authentic expression of a particular time period.
- ▲ **Workmanship:** “Integrity of workmanship” refers to whether the physical elements of a structure express the original craftsmanship, technology, and aesthetic principles of a particular people, place, or culture at a particular time period.
- ▲ **Feeling:** “Integrity of feeling” refers to the property’s ability to convey the historical sense of a particular time period.
- ▲ **Association:** “Integrity of association” refers to the property’s significance defined by a connection to a particular important event, person, or design.

Secretary of the Interior’s Standards for the Treatment of Historic Properties

The Secretary of the Interior’s Standards for the Treatment of Historic Properties (Weeks and Grimmer 2017) are intended to promote responsible preservation practices for treatment of historic properties (buildings, structures, objects, districts, and landscapes). The advisory, not regulatory, standards do not, in and of themselves, prescribe decisions about which features of a historic property should be saved and which can be changed. But once a treatment is selected, the standards provide philosophical consistency and guidance to the work. The four treatment approaches, in order of priority, are as follows:

- ▲ Preservation, which places a high premium on the retention of all historic fabric through conservation, maintenance, and repair. It reflects a property’s continuum over time, through successive occupancies, and the respectful changes and alterations that are made.
- ▲ Rehabilitation, which emphasizes the retention and repair of historic materials, but more latitude is provided for replacement because it is assumed the property is more deteriorated before work. (Both preservation and rehabilitation standards focus attention on the preservation of those materials, features, finishes, spaces, and spatial relationships that, together, give a property its historic character.)
- ▲ Restoration, which focuses on the retention of materials from the most significant time in a property’s history, while permitting the removal of materials from other periods.
- ▲ Reconstruction, which establishes limited opportunities to recreate a nonsurviving site, landscape, building, structure, or object in all new materials.

The standards are an important reference under CEQA because CEQA Guidelines Sections 15064.5(b)(3) and 15126.4(b) specify that a project that may cause a substantial adverse change in the significance of a historical built environment resource that generally follows the Secretary of the Interior’s Standards shall be considered as mitigated to a level of less than significant on the historical resource.

U.S. Department of Transportation Act of 1966

Section 4(f) of the U.S. Department of Transportation Act, as amended and recodified in 1983 (49 U.S. Code Section 303), is triggered by projects funded or approved by a U.S. Department of Transportation agency, including the Federal Highway Administration, Federal Transit Administration, Federal Railroad Administration, and Federal Aviation Administration. Section 4(f) requires a comprehensive evaluation of all environmental impacts resulting from projects that involve the use, or interference with use, of the following types of land:

- ▲ publicly owned park lands that are open to the public;
- ▲ publicly owned recreation areas that are open to the public;
- ▲ publicly owned wildlife and waterfowl refuges that are open to the public; and
- ▲ publicly or privately owned historic sites of federal, state, or local significance that are eligible for listing in or are listed in the NRHP.

This evaluation, called the Section 4(f) statement, must be sufficiently detailed to permit the U.S. Secretary of Transportation to determine whether:

- ▲ there is no feasible and prudent alternative to the use of such land; or
- ▲ the program includes all possible planning to minimize harm to any park, recreation area, wildlife and waterfowl refuge, or historic site that would result from the use of such lands.

If a feasible and prudent alternative is available, a proposed project using Section 4(f) lands cannot be approved by the Secretary. If no feasible and prudent alternative is available, the proposed project must include all possible planning to minimize harm to the affected lands.

Detailed inventories of the locations and likely impacts on resources that fall into the Section 4(f) category are required in project-level environmental assessments.

In August 2005, Section 4(f) was amended under the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to simplify the process and approval of projects that have only de minimis impacts on lands protected by Section 4(f). Under these provisions, the U.S. Secretary of Transportation may find such a de minimis impact if consultation with the State Historic Preservation Officer (SHPO) under Section 106 of the NHPA results in a determination that a transportation project would have no adverse effect on the historic site or that there would be no historic sites (i.e., historic properties) affected by the proposed action. In this instance, analysis of avoidance alternatives of Section 4(f) protected properties is not required and the Section 4(f) evaluation process is complete.

American Indian Religious Freedom Act of 1978

The American Indian Religious Freedom Act of 1978 (AIRFA) (42 U.S. Code Section 1996) pledges to protect and preserve the traditional religious rights of American Indians, Aleuts, Eskimos, and Native Hawaiians. It establishes a national policy that traditional Native American practices and beliefs, sites (and right of access to those sites), and the use of sacred objects shall be protected and preserved. If a place of religious importance to American Indians could be affected by a federal undertaking, AIRFA promotes consultation with Indian religious practitioners, which could be coordinated with Section 106 consultation. Amendments to Section 106 of the NHPA in 1992 strengthened the interface between AIRFA and the NHPA by clarifying the following: (1) properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization could be determined to be

eligible for inclusion in the NRHP; and (2) in carrying out its responsibilities under Section 106, a federal agency shall consult with any Indian tribe or Native Hawaiian organization that attaches religious and cultural significance to properties described under (1).

Archeological Resources Protection Act of 1979

The Archeological Resources Protection Act of 1979 (ARPA) (43 CFR Section 7) establishes uniform definitions, standards, and procedures to be followed by all federal land managers in providing protection for archaeological resources located on public lands and Native American lands. Under ARPA, additional requirements could apply to agency action if federal or Indian lands are involved. ARPA (1) prohibits unauthorized excavation on federal and Indian lands, (2) establishes standards for permissible excavation, (3) prescribes civil and criminal penalties, (4) requires agencies to identify archeological sites, and (5) encourages cooperation between federal agencies and private individuals.

Native American Graves Protection and Repatriation Act of 1990

The intent of the Native American Graves Protection and Repatriation Act of 1990 (25 U.S. Code Section 3001) is to identify Native American affiliation or lineal descent and ensure the rightful disposition, or repatriation, of Native American human remains, funerary objects, sacred objects, and items of cultural patrimony that are in federal possession or control. The regulations implementing the requirements of Native American Graves Protection and Repatriation Act relating to the inadvertent discovery of human remains and objects of cultural patrimony of Native American origin on federal or tribal lands are described in 43 CFR Section 10.4.

STATE REGULATIONS

California Register of Historic Resources

Historic properties listed, or formally designated for eligibility to be listed, on the NRHP are automatically listed on the CRHR (PRC Section 5024.1). State Landmarks and Points of Interest are also automatically listed. The CRHR can also include properties designated under local preservation ordinances or identified through local historic resource surveys.

For a historic resource to be eligible for listing on the CRHR, it must be significant at the local, State, or national level under one or more of the following four criteria:

1. It is associated with events that have made a significant contribution to the broad patterns of local or regional history, or the cultural heritage of California or the United States.
2. It is associated with the lives of persons important to local, California, or national history.
3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master or possesses high artistic values.
4. It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California, or the nation.

California Environmental Quality Act

CEQA requires public agencies to consider the effects of their actions on “historical resources,” “unique archaeological resources,” and “tribal cultural resources.” Pursuant to PRC Section 21084.1, a “project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” Section 21083.2 requires agencies to determine whether proposed projects would have effects on unique archaeological resources. PRC

Section 21084.2 establishes that “[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.”

Archaeological Resources

CEQA also requires lead agencies to consider whether projects would affect unique archaeological resources. PRC Section 21083.2(g) states that “unique archaeological resource” means an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. contains information needed to answer important scientific research questions, and 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; and
3. is directly associated with a scientifically recognized important prehistoric or historic event or person.

Historical Resources

CEQA establishes that an adverse effect on a historical resource qualifies as a significant effect on the environment. “Historical resource” is a term with a defined statutory meaning (PRC Section 21084.1; State CEQA Guidelines Sections 15064.5[a] and [b]). Under State CEQA Guidelines Section 15064.5(a), historical resources include the following:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission for listing in, the CRHR (PRC Section 5024.1) will be presumed to be historically significant.
2. A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the PRC or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the PRC, will be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically significant.
3. Any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource will be considered by the lead agency to be historically significant if the resource meets the criteria for listing in the CRHR (PRC Section 5024.1), including the following:
 - a) is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
 - b) is associated with the lives of persons important in our past;
 - c) embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or

- d) has yielded, or may be likely to yield, information important in prehistory or history.
4. The fact that a resource is not listed in or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to Section 5020.1[k] of the PRC), or not identified in a historical resources survey (meeting the criteria in Section 5024.1[g] of the PRC) does not preclude a lead agency from determining that the resource may be a historical resource as defined in PRC Section 5020.1(j) or Section 5024.1.

Tribal Cultural Resources

CEQA also requires lead agencies to consider whether projects will affect tribal cultural resources. PRC Section 21074 states:

- a) "Tribal cultural resources" are either of the following:
- 1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
 - 2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
- b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- c) A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a "nonunique archaeological resource" as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

Mitigation of Cultural Resources Impacts

CEQA Guidelines Section 15126.4 states that "public agencies should, whenever feasible, seek to avoid damaging effects on any historical resources of an archaeological nature." The guidelines further state that preservation in place is the preferred approach to mitigate archaeological resource impacts. However, according to Section 15126.4, if data recovery through excavation is "the only feasible mitigation," then a "data recovery plan, which makes provision for adequately recovering the scientifically consequential information from and about the historical resources, shall be prepared and adopted before any excavation being undertaken." Data recovery is *not* required for a resource of an archaeological nature if "the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the archaeological or historical resource." The section further states that its provisions apply to those archaeological resources that also qualify as historic resources.

California Public Resources Code Section 5024 and State-Owned Lands

Historical resources on State-owned lands are subject to the requirements of PRC Section 5024. PRC Section 5024.5(f) requires State agencies to submit to SHPO for comment documentation for any project having the potential to affect historical resources under its jurisdiction listed in or potentially eligible for inclusion in the NRHP or registered or eligible for registration as California Historical Landmarks. The SHPO has 30 days after receipt of the notice for review and comment. If the SHPO determines that a proposed action would have an adverse effect on a listed historical resource, the relevant State agency shall adopt prudent and feasible measures that will eliminate or mitigate the adverse effects.

Native American Heritage Act

The Native American Heritage Act of 1976 established the NAHC and protects Native American religious values on State property (see PRC Section 5097.9).

California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural, and Sacred Sites Act (PRC Section 5097.9) applies to both State and private lands. The act requires, upon discovery of human remains, that construction or excavation activity cease and that the county coroner be notified. If the remains are those of a Native American, the coroner must notify the NAHC, which notifies and has the authority to designate the most likely descendant (MLD) of the deceased. The act stipulates the procedures that the descendants may follow for treating or disposing of the remains and associated grave goods.

Public Notice to California Native American Indian Tribes

Government Code Section 65092 includes California Native American tribes that are on the contact list maintained by the NAHC in the definition of “person” to whom notice of public hearings shall be sent by local governments.

Health and Safety Code Section 7050.5

Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If they are determined to be Native American, the coroner must contact the NAHC.

Public Resources Code Section 5097

PRC Section 5097 specifies the procedures to be followed in the event of the unexpected discovery of human remains on nonfederal land. The disposition of Native American burial falls within the jurisdiction of the NAHC. Section 5097.5 of the PRC states the following:

No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

Native American Graves Protection and Repatriation Act

Health and Safety Code Sections 8010–8011 establishes a State repatriation policy intent that is consistent with and facilitates implementation of the federal Native American Graves Protection and Repatriation Act. The act strives to ensure that all California Indian human remains and that cultural items are treated with dignity and respect. It encourages voluntary disclosure and return of remains

and cultural items by publicly funded agencies and museums in California. It also states the intent for the State to provide mechanisms for aiding California Indian tribes, including nonfederally recognized tribes, in filing repatriation claims and getting responses to those claims.

Senate Bill 18

SB 18 (Stats. 2004, ch. 904; Gov. Code, §§ 65352.3-5) requires that, before the adoption or amendment of a city or county's general plan or specific plans, the city or county shall consult with California Native American tribes that are on the contact list maintained by the NAHC. The intent of this law is to preserve or mitigate impacts on places, features, and objects, as defined in PRC Sections 5097.9 and 5097.993, which are located within the city or county's jurisdiction. The law also states that the city or county shall protect the confidentiality of information concerning the specific identity, location, character, and use of those places, features, and objects identified by Native American consultation. Government Code Sections 65362.3 to 65362.5 apply to all general and specific plans adopted and/or amended after March 1, 2005.

Since the proposed Plan is not a general plan or specific plan, SB 18 does not apply. However, SB 18 would apply to updates to future county or city general plans or specific plans that may be adopted by local jurisdictions in the region.

California Health and Safety Code Sections 18950 through 18961

The State Historic Building Code (HSC; Sections 18950–18961) provide alternative building regulations and building standards for the rehabilitation, preservation, restoration (including related reconstruction), or relocation of buildings or structures designated as historic buildings. Such alternative building standards and building regulations are intended to facilitate the restoration or change of occupancy so as to preserve their original or restored architectural elements and features, to encourage energy conservation and a cost-effective approach to preservation, and to provide for the safety of the building occupants.

Public Resources Code Section 21080.3

AB 52, signed by the California governor in September of 2014, established a new class of resources under CEQA: "tribal cultural resources," defined in PRC Section 21074. Pursuant to PRC Sections 21080.3.1, 21080.3.2, and 21082.3, lead agencies undertaking CEQA review must, upon written request of a California Native American tribe, begin consultation before the release of an EIR, negative declaration, or mitigated negative declaration.

PRC Section 21080.3.2 states:

Within 14 days of determining that a project application is complete, or to undertake a project, the lead agency must provide formal notification, in writing, to the tribes that have requested notification of proposed projects in the lead agency's jurisdiction. If it wishes to engage in consultation on the project, the tribe must respond to the lead agency within 30 days of receipt of the formal notification. The lead agency must begin the consultation process with the tribes that have requested consultation within 30 days of receiving the request for consultation. Consultation concludes when either: 1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource, or 2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached.

If the lead agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process, provisions

under PRC Section 21084.3 (b) describe mitigation measures that may avoid or minimize the significant adverse impacts. Examples include:

- (1) avoiding and preserving the resources in place, including, but not limited to, planning and constructing to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria;
- (2) treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - (A) protecting the cultural character and integrity of the resource,
 - (B) protecting the traditional use of the resource, and
 - (C) protecting the confidentiality of the resource;
- (3) establishing permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places; and
- (4) protecting the resource.

REGIONAL AND LOCAL REGULATIONS

Historic Preservation Ordinances

In addition to national and State historic preservation legislation, many Bay Area counties and cities have adopted optional historic preservation general plan elements or enacted local ordinances that recognize and preserve historic sites. At least 20 Bay Area cities participate in the Certified Local Government Program through the State Office of Historic Preservation. The Certified Local Government Program is a partnership among local governments, the State Office of Historic Preservation, and the National Park Service, which is responsible for administering the National Historic Preservation Program. Participating cities include Alameda, Benicia, Berkeley, Campbell, Danville, Los Altos, Los Gatos, Napa, Oakland, Palo Alto, Redwood City, Richmond, San Francisco, San José, Santa Clara, Saratoga, Sausalito, Sonoma, Sunnyvale, and Vallejo.

City and County General Plans

Most Bay Area counties and cities have general plan goals and policies that consider the protection and/or preservation of archaeological and historical resources. These goals and policies can be included in the open space and conservation elements of the general plan, or some general plans include a separate historic preservation element. Often these policies include the requirement that archaeological sites with significant cultural, historical, or sociological merit be preserved to the maximum extent feasible or the requirement that areas found to contain significant historical or prehistoric archaeological artifacts be examined by a qualified consulting archaeologist or historian for appropriate protection and preservation.

3.7.3 Impact Analysis

SIGNIFICANCE CRITERIA

The following significance criteria are based on CEQA Guidelines Appendix G, the criteria used in the Plan Bay Area 2040 EIR (2017), and professional judgment. Under these criteria, implementation of the proposed Plan would have a potentially significant adverse impact if it would:

- ▲ cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5 of the State CEQA Guidelines (Criterion CUL/TCR-1);
- ▲ cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of the State CEQA Guidelines (Criterion CUL/TCR-2);
- ▲ disturb any human remains, including those interred outside of formal cemeteries (Criterion CUL/TCR-3); or
- ▲ cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe (Criterion CUL/TCR-4).

METHOD OF ANALYSIS

This program-level analysis identifies the potential impacts of implementation of the proposed Plan on archaeological, historical, and other cultural resources, including tribal cultural resources, within the Bay Area. The methodology related to assessment of land use development, sea level rise adaptation infrastructure, and transportation project-related impacts recognizes that important cultural resources may be encountered during ground-disturbing construction work. It also recognizes that projects associated with the operation and routine maintenance of the existing transportation system, such as signalization, equipment replacement, and asphalt overlay, would not directly affect cultural resources, because in most instances there would be no related ground disturbances. Ground disturbance related to routine maintenance is generally limited to the same depth as previous ground disturbance. Because the specific locations of some cultural resources are not mapped, and the exact extent of ground disturbance associated with forecasted land use growth, sea level rise adaptation infrastructure, and transportation projects under the proposed Plan is unknown at this time, it is not possible to assess impacts on specific cultural resources. Accordingly, neither project-specific reviews nor field studies are feasible or necessary for this program EIR. Additionally, records searches and field studies are considered “expired” after five years (PRC Section 5024.1(g)(4)), and therefore it is beneficial to conduct them closer to the time of implementation. Therefore, project-specific records searches and field studies will be conducted at the time of site-specific project implementation. The analysis is based on a review of the type and location of forecasted land use growth, sea level rise adaptation infrastructure, and transportation projects listed in the proposed Plan, and their potential to disturb both known and unknown cultural resources. The baseline for the following analysis is the date of the EIR NOP release in September of 2020.

For the purposes of the impact discussion, “historical resource” is used to describe built-environment historic-period resources. Archaeological resources (both prehistoric and historic-period) and tribal cultural resources, which may qualify as “historical resources” pursuant to CEQA, are analyzed separately from built-environment historical resources.

IMPACTS AND MITIGATION MEASURES

Impact CUL/TCR-1: Cause a substantial adverse change in the significance of a historical resource as defined in Guidelines Section 15064.5 (PS)

Land Use, Sea Level Rise Adaptation, and Transportation System Impacts

The effects of land use development, sea level rise adaptation infrastructure, and transportation projects would be similar; therefore, the discussion of their impacts is combined below. Historical resources are specific to their local context; therefore, impacts on these resources resulting from the proposed Plan would occur at the local level. As shown in **Table 3.7-1**, the nine counties of the Plan area have numerous historical resources that have been listed on the NRHP and CRHR, designated as a California Historical Landmark, or listed on the Caltrans Local Bridge Survey.

Construction and Operation

Projects located in areas with known historical sites, located in communities with established historic preservation programs, or involving activities that would introduce new visual elements or disturb the existing terrain have the potential to result in significant historical resource impacts. These projects could potentially reduce the aesthetic and physical integrity of historic districts and buildings. A higher incidence of conflict with historical sites is expected to occur in urban areas with buildings that are more than 45 years old.

As described in Chapter 2, “Project Description,” the regional growth forecast for the Bay Area projects that by 2050 the region will support an additional 2.7 million residents and 1.4 million jobs, resulting in 1.4 million new households. The proposed Plan designates growth geographies and identifies a set of land use strategies to accommodate the projected growth that result in focused housing and job growth concentrated primarily in or adjacent to developed areas and along existing transit corridors. Projects located in developed areas would be less likely to introduce new visual elements that could alter the visual character associated with historic districts or buildings. Projects located in or traversing rural lands could also have significant impacts related to sites that are singular examples of a historical setting or structures whose historic value and significance have not been previously evaluated and recognized.

Construction could directly impact historical resources and ongoing operation could have indirect impacts on historical resources. Identification of the degree and extent of impact requires project-specific analysis that includes a determination of the importance (i.e., the eligibility for local, State, or national register listing) of any historical resource recognized within a proposed alignment or project area. Given the magnitude and location of new development and transportation projects involving construction activities in the proposed Plan, it is possible that significant impacts on historical resources could occur. Examples of potential effects resulting from development or transportation projects include:

- ▲ damage to or destruction of a structure or property that is a designated historical resource, that is eligible for listing as a historical resource, or that has not yet been evaluated;
- ▲ infill development that is visually incompatible with a designated historic district; and
- ▲ roadway improvements that substantially alter the visual character of a designated historic structure or district.

Conclusion

Because implementation of the proposed Plan's land use development, sea level rise adaptation infrastructure, and transportation projects has the potential to significantly affect historical resources on a regional and localized level, these impacts are considered **potentially significant (PS)**. Mitigation Measure CUL/TCR-1 addresses this impact and is described below.

Mitigation Measures

Mitigation Measure CUL/TCR-1 Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- ▲ Require a survey and evaluation of structures greater than 45 years in age within the area of potential effect to determine their eligibility for recognition under federal, State, or local historic preservation criteria. The evaluation shall be prepared by an architectural historian or historical architect meeting the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation Professional Qualification Standards (SOI PQS). The evaluation shall comply with CEQA Guidelines Section 15064.5(b) and, if federal funding or permits are required, with Section 106 of the National Historic Preservation Act of 1966 (16 U.S. Code Section 470 et seq.). Study recommendations shall be implemented.
- ▲ Realign or redesign projects to avoid impacts on known historical resources where possible.
- ▲ If avoidance of a significant historical resource is not feasible, implement additional mitigation options that include specific design plans for historic districts or plans for alteration or adaptive reuse of a historical resource that follows the Secretary of the Interior's *Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings*. The application of the standards shall be overseen by an architectural historian or historic architect meeting the SOI PQS. Prior to any construction activities that may affect the historical resource, a report meeting industry standards shall identify and specify the treatment of character-defining features and construction activities and be provided to the lead agency for review and approval.
- ▲ If a project would result in the demolition or significant alteration of a historical resource, the resource shall be recorded prior to demolition or alteration. Recordation shall take the form of Historic American Buildings Survey (HABS), Historic American Engineering Record (HAER), or Historic American Landscape Survey (HALS) documentation and shall be performed by an architectural historian or historian who meets the SOI PQS. The documentation package shall be archived in appropriate public and secure repositories. The specific scope and details of documentation shall be developed at the project level in coordination with the lead agency.
- ▲ Comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect historical resources.

Significance after Mitigation

Implementation of Mitigation Measure CUL/TCR-1 would reduce impacts associated with historical resources because it would require the performance of professionally accepted and legally compliant procedures for the avoidance of known historical resources and the evaluation of previously undocumented historical resources. To the extent that a local agency requires an individual project to implement all feasible mitigation measures described above, the impact may be reduced to less than significant with mitigation (LTS-M) by avoidance or project redesign, by minimizing physical

alterations, or by designing building use while retaining a property's historic character. However, CEQA Guidelines [CCR 15126.4(b)(2)] note that in some circumstances, documentation of an historical resource will not mitigate the effects of demolition of that resource to a less-than-significant level because the historic resources would no longer exist. The entire removal of a historically significant building or structure and/or the loss of character-defining features, however, would result in a significant and unavoidable (SU) impact. Therefore, this impact would be **significant and unavoidable (SU)**.

Projects taking advantage of the CEQA streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable, to address site-specific conditions. However, MTC/ABAG cannot require local implementing agencies to adopt the above mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore, this impact would be **significant and unavoidable (SU)** for purposes of this program-level review.

Impact CUL/TCR-2: Cause a substantial adverse change in the significance of a unique archaeological resource as defined in Guidelines Section 15064.5 (PS)

Land Use, Sea Level Rise Adaptation, and Transportation System Impacts

Construction

Archaeological artifacts are by nature specific to their local context; therefore, impacts on these resources resulting from the proposed Plan would occur at the local level. Implementation of the land use development pattern, sea level rise adaptation infrastructure, and transportation projects could result in archaeological impacts if construction activities include the disturbance of previously identified or unidentified archaeological resources. Projects involving excavation, grading, or soil removal in previously undisturbed areas have the greatest likelihood to encounter significant archaeological resources. Likewise, the establishment of staging areas, temporary roads, and other temporary facilities necessary for construction activities has the potential to affect these cultural resources.

As shown in **Table 3.7-1**, the nine counties of the Plan area have only a few archaeological sites that have been listed on either the NRHP or the CRHR. Marin and San Francisco Counties have five sites that are listed on both the NRHP and the CRHR, Sonoma County has four, Santa Clara has two, and San Mateo has one. Archaeological sites listed on only the CRHR are more numerous; Contra Costa County has 41, Santa Clara County has 31, Sonoma County has 17, Alameda County has 12, Napa County has 11, Solano County has five, Marin County has four, and San Francisco County has two.

Both rural land conversion and urban infill have the potential to disturb cultural resources, although rural areas are more likely to contain intact archaeological resources that are situated in their historic context because these areas are less likely to have been subject to previous ground disturbance. Development anticipated as part of the proposed Plan would develop approximately 12,300 acres of land not currently designated as urban built-up by FMMP over the course of the planning period. **Table 3.7-3** indicates that this would primarily occur in Contra Costa, Solano, Alameda, and Santa Clara Counties.

Table 3.7-3: Future Acreages in “Urban” Land by County

County	Inside Urban and Built-Up Land (acres)	Inside Urban and Built-Up Land (%)	Outside Urban and Built-Up Land (acres)	Outside Urban and Built-Up Land (%)	Total (acres)	Total (%)
Alameda	5,600	79%	1,500	21%	7,100	100%
Contra Costa	4,400	45%	5,300	55%	9,700	100%
Marin	1,100	89%	130	11%	1,300	100%
Napa	300	38%	490	62%	790	100%
San Francisco	3,400	100%	< 1	< 1%	3,400	100%
San Mateo	2,300	87%	360	13%	2,700	100%
Santa Clara	7,600	89%	920	11%	8,500	100%
Solano	1,000	25%	3,100	75%	4,100	100%
Sonoma	1,400	73%	510	27%	1,900	100%
Total	27,200	69%	12,300	31%	39,400	100%

Note: Numbers less than 1 are shown as “<1”; whole numbers have been rounded (between 11 and 999 to the nearest 10, between 1,000 and 1,000,000 to the nearest 100). Figures may not sum due to independent rounding.

Source: Data compiled by MTC and ABAG 2021

Land use development projects in locations of sensitivity, such as the historic margins of San Francisco and San Pablo Bays, ridgetops, midslope terraces, hill bases, alluvial flats, and inland valleys, are more likely to encounter archaeological resources. Sea level rise adaptation infrastructure under the proposed Plan includes a variety of levees, seawalls, elevated roadways, marsh restoration, and tidal gates. Ground-disturbing construction of levees, seawalls, marsh restoration, and tidal gates would occur in the archaeologically sensitive areas of the San Francisco and San Pablo Bays, in areas that are likely to have not been developed. Sea level rise adaptation infrastructure such as elevated roadways, although also located in these same sensitive areas, would likely be located in previously disturbed areas, because they would follow existing roadways.

Most transportation corridors typically follow valleys and drainage areas, which often correspond with historic settlement patterns. Infill development and transportation projects involving improvements within existing urban areas, within existing transportation corridors, or to existing infrastructure or operations are less likely to affect archaeological resources because these projects are generally located in already-disturbed areas that typically have been subject to previous cultural resource surveys; as described previously, historically significant data are unlikely to be gained from archaeological materials located in areas that have been disturbed. Therefore, encountering intact, previously unknown archaeological resources, still associated with an archaeological site in its historic context, during ground-disturbing activities is less likely. Some transportation projects, particularly new rail projects, could be located in areas that have not been subject to previous ground disturbance. The Transbay rail crossing would span the bay and could require underwater ground-disturbing activities on the bay floor. The degree and extent of impacts would depend upon project location and construction methods. Project-specific analysis would be required to determine the precise area of impact and the value (i.e., the eligibility for local, State, or national register listing) of any archaeological resource identified within a proposed alignment or project area. Furthermore, all projects undertaken or overseen by Caltrans must abide by extensive procedures and policies, outlined in the *Caltrans Environmental Handbook, Volume 2*, that dictate the nature and extent of cultural resource protections consistent with State and federal law. Because ground disturbance has the potential to disturb unique archeological resources, this impact is potentially significant (PS).

Operation

Proposed Plan implementation would result in the placement and operation of land use development, sea level rise adaptation infrastructure, and transportation projects. Once developed, no additional earthmoving activities related to sea level rise adaptation infrastructure would occur that could disturb archaeological resources. This impact would be less than significant (LTS).

Conclusion

Because implementation of the proposed Plan's and use development pattern, sea level rise adaptation infrastructure, and transportation projects has the potential to adversely affect archaeological resources, these impacts are considered **potentially significant (PS)**. Mitigation Measure CUL/TCR-2 addresses this impact and is described below.

Mitigation Measures

Mitigation Measure CUL/TCR-2 Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- ▲ Before construction activities, project sponsors shall retain a qualified archaeologist to conduct a record search at the appropriate information center to determine whether the project area has been previously surveyed and whether resources were identified; the record search shall include contacting the NAHC to request a Sacred Lands File search and a list of relevant Native American contacts who may have additional information. If a survey of the project area has not been conducted in the last 5 years, project sponsors shall retain a qualified archaeologist to conduct archaeological surveys prior to construction activities. Project sponsors shall follow recommendations identified in the survey, which may include activities such as subsurface testing, designing and implementing a Worker Environmental Awareness Program, construction monitoring by a qualified archaeologist, avoidance of sites, or preservation in place.
- ▲ Areas determined to be of cultural significance shall be monitored during the grading, excavation, trenching, and removal of existing features by a qualified archeologist and culturally affiliated California Native American tribal monitor.
- ▲ To ensure that new transportation facilities, such as the Transbay rail crossing, do not adversely affect potentially buried archaeological deposits, an underwater archaeological survey shall be conducted to identify, evaluate, and protect significant submerged cultural resources prior to activities that would disturb the shoreline or the floor of the bay. Additionally, the archaeologist shall request a search of California State Lands Commission's Shipwreck Database.
- ▲ When a project would impact a known archaeological site, the project sponsor and/or implementing agency shall determine whether the site is a historical resource (CEQA Guidelines Section 15064.5(c)(1)). If archaeological resources identified in the project area are considered potentially significant, the project sponsor and/or responsible implementing agency shall undertake additional studies overseen by a qualified archaeologist (36 CFR Section 61) to evaluate the resources eligibility for listing in the CRHR, NRHP, or local register and to recommend further mitigative treatment. Evaluations shall be based on, but not limited to, surface remains, subsurface testing, or archival and ethnographic resources, on the framework of the historic context and important research questions of the project area, and on the integrity of the resource. If a site to be tested is prehistoric, culturally affiliated California Native American tribal representatives shall be afforded the opportunity to monitor the ground-disturbing activities. Appropriate mitigation may include curation of artifacts removed during subsurface testing.

- ▲ If prehistoric archeological resources are identified through survey or discovered in the project area, the culturally affiliated California Native American tribe shall be notified. Both the archeologist and tribal monitor or tribal representative should strive for agreement on the determined significance of an artifact or cultural resource.
- ▲ If significant archaeological resources that meet the definition of historical or unique archaeological resources are identified in the project area, the preferred mitigation of impacts is preservation in place (CEQA Guidelines Section 15126.4(b); PRC Section 21083.2). Preservation in place may be accomplished by, but is not limited to, avoidance by project design, incorporation within parks, open space or conservation easements, covering with a layer of sterile soil, or similar measures. If preservation in place is feasible, mitigation is complete. Additionally, where the implementing agency determines that an alternative mitigation method is superior to in-place preservation, the project sponsor and/or implementing agency may implement such alternative measures.
- ▲ When preservation in place or avoidance of historical or unique archaeological resources are infeasible, data recovery through excavation shall be required (CEQA Guidelines Section 15126.4(b)). Data recovery would consist of approval of a Data Recovery Plan and archaeological excavation of an adequate sample of site contents so that research questions applicable to the site can be addressed. For prehistoric sites, the culturally affiliated California Native American tribe shall be afforded the opportunity to monitor the ground-disturbing activities. If only part of a site would be impacted by a project, data recovery shall only be necessary for that portion of the site. Data recovery shall not be required if the implementing agency determines prior testing and studies have adequately recovered the scientifically consequential information from the resources. Confidential studies and reports resulting from the data recovery shall be deposited with the Northwest Information Center. Mitigation may include curation for artifacts removed during data recovery excavation.
- ▲ If archaeological resources are discovered during construction, all work near the find shall be halted and the project sponsor and/or implementing agency shall follow the steps described under CEQA Guidelines Section 15064.5(f), including an immediate evaluation of the find by a qualified archaeologist (36 CFR Section 61) and implementation of avoidance measures or appropriate mitigation if the find is determined to be a historical resource or unique archaeological resource. If the find is a prehistoric archaeological site, the culturally affiliated California Native American tribe shall be notified and afforded the opportunity to monitor mitigative treatment. During evaluation or mitigative treatment, ground disturbance and construction work could continue on other parts of the project area.
- ▲ Integrate curation of all historical resources or a unique archaeological resources and associated records in a regional center focused on the care, management, and use of archaeological collections. All Native American human remains and associated grave goods discovered shall be returned to their Most Likely Descendent and repatriated. The final disposition of artifacts not directly associated with Native American graves will be negotiated during consultation with the culturally affiliated California Native American tribes. Artifacts include material recovered from all phases of work, including the initial survey, testing, indexing, data recovery, and monitoring. Curated materials shall be maintained with respect for cultures and available to future generations for research.
- ▲ Project sponsors shall comply with existing local regulations and policies that exceed or reasonably replace any of the above measures that protect archaeological resources.

Significance after Mitigation

Implementation of Mitigation Measure CUL/TCR-2 would reduce impacts associated with archaeological resources because it would require the performance of professionally accepted and legally compliant procedures for the discovery of previously undocumented significant archaeological resources. To the extent that a local agency requires an individual project to implement all feasible mitigation measures described above, the impact may be less than significant with mitigation by avoiding or preserving in place unique archaeological resources through project design, and by avoiding or preserving inadvertent discoveries of significant archaeological resources through project redesign. If avoidance or preserving in place is infeasible, direct impacts may be reduced to a less-than-significant level by minimizing disturbance or undertaking additional investigation to determine the significance and integrity of the portion of the archaeological resource within the project area. The destruction or substantial alteration of the contributing physical characteristics or character of the physical setting of a unique archaeological resource, however, would result in a **significant and unavoidable (SU)** impact.

Projects taking advantage of the CEQA streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable, to address site-specific conditions. However, MTC/ABAG cannot require local implementing agencies to adopt the above mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore, this impact would be **significant and unavoidable (SU)** for purposes of this program-level review.

Impact CUL/TCR-3: Disturb any human remains, including those interred outside of formal cemeteries (LTS)

Land Use, Sea Level Rise Adaptation, and Transportation System Impacts

Construction

Impacts related to disturbance of human remains are construction impacts that occur from ground disturbance. Ground-disturbing effects of land use development pattern, sea level rise adaptation infrastructure, and transportation projects would be similar; therefore, the discussion of their impacts is combined below. Impacts on human remains are by nature specific to their local context, and for this reason, impacts on these resources resulting from the proposed Plan would occur at the local level. In general, potential impacts on human remains would be similar to those discussed for archaeological resource impacts discussed under Impact CUL/TCR-2. New land use development pattern, sea level rise adaptation infrastructure, and transportation projects involving construction activities that would disturb native terrain, including excavation, grading, or soil removal, would have the greatest likelihood to encounter human remains.

California law recognizes the need to protect Native American human burials, Native American skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code Section 7050.5 and PRC Section 5097 et seq.

If human remains are discovered during any construction activities, potentially damaging ground-disturbing activities in the area of the remains shall be halted immediately, and the project applicant shall notify the appropriate county coroner and the NAHC immediately, according to PRC Section 5097.98 and Section 7050.5 of the California Health and Safety Code. If the remains are determined by NAHC to be Native American, the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. Following the coroner's findings, the NAHC-designated MLD and the

landowner shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in PRC Section 5097.94.

Compliance with California Health and Safety Code Section 7050.5 and PRC Section 5097 would provide an opportunity to avoid or minimize the disturbance of human remains and to appropriately treat any remains that are discovered. This would be less than significant (LTS).

Operation

Proposed Plan implementation would result in the operation of land use development, sea level rise adaptation infrastructure, and transportation projects, as well as transportation, housing, economic, and environmental strategies. Once developed, no additional earth moving activities that could disturb human remains would occur, and this would be less than significant (LTS).

Conclusion

This impact is **less than significant (LTS)** because there are existing State regulations and oversight in place that would effectively reduce the potential to disturb human remains to an acceptable level.

Mitigation Measures

None required.

Impact CUL/TCR-4: Cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe (PS)

Land Use, Sea Level Rise Adaptation, and Transportation System Impacts

Construction

Ground-disturbing effects of implementing the land use development pattern, sea level rise adaptation infrastructure, and transportation projects would be similar; therefore, the discussion of their impacts is combined below. Tribal cultural resources are by nature specific to their local context, and for this reason, impacts on these resources resulting from the proposed Plan would occur at the local level. In general, potential impacts on tribal cultural resources would be similar to those discussed for archaeological resources under Impact CUL/TCR-2. New land use development pattern, sea level rise adaptation infrastructure, and transportation projects involving construction activities that would disturb native terrain, including excavation, grading, or soil removal, would have the greatest likelihood to encounter tribal cultural resources. Because ground disturbance has potential to disturb tribal cultural resources, this impact is potentially significant (PS).

AB 52 requires that lead agencies undertaking CEQA review must, upon written request of a California Native American Tribe, begin consultation once the lead agency determines that the application for the project is complete. As detailed above in Section 3.7.1, "Environmental Setting," MTC sent letters to 91 Native American tribal representatives in compliance with AB 52. Only the Wilton Rancheria, Amah Mutsun Tribal Band, and Federated Indians of Graton Rancheria (Graton Rancheria) replied to the August 28, 2020, letter. MTC requested consultation meetings with all three tribes; however, only Graton Rancheria responded. MTC/ABAG staff met for consultation with Graton Rancheria

representatives on November 18, 2020. As of the date of publication of this Draft EIR, no tribal cultural resources were identified.

Subsequent discretionary projects may be required to prepare site-specific project-level analysis to fulfill CEQA requirements, which may include additional AB 52 consultation that could lead to the identification of tribal cultural resources.

Operation

Proposed Plan implementation would result in land use development, sea level rise adaptation infrastructure, and transportation projects, as a result of housing, economic, transportation, and environmental strategies. Typically, once developed, there would be no additional earth moving activities affecting undisturbed ground that could disturb tribal cultural resources; rather, ongoing maintenance or repair activities would be in previously-disturbed areas. This would be less than significant (LTS).

Conclusion

Although no resources within the Plan area have been identified as meeting any of the PRC Section 5024.1(c) criteria, it is possible that tribal cultural resources could be identified during analysis of subsequent projects. Therefore, the proposed Plan would have a **potentially significant (PS)** impact on tribal cultural resources as defined in PRC Section 21074. Mitigation Measure CUL/TCR-4 addresses this impact and is described below.

Mitigation Measures

Mitigation Measure CUL/TCR-4(a) If the implementing agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process required under PRC Section 21080.3.2, implementing agencies and/or project sponsors shall implement the following measures, where feasible and necessary, to address site-specific impacts and avoid or minimize the significant adverse impacts:

- ▲ Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource (PRC Section 21084.3[a]). If the lead agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process, provisions in the PRC describe mitigation measures that, if determined by the lead agency to be feasible, may avoid or minimize the significant adverse impacts (PRC Section 21084.3[b]). Examples include:
 - avoiding and preserving the resources in place, including planning and constructing to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space to incorporate the resources with culturally appropriate protection and management criteria;
 - treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including:
 - protecting the cultural character and integrity of the resource,
 - protecting the traditional use of the resource, and
 - protecting the confidentiality of the resource;

- establishing permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or using the resources or places; and
- protecting the resource.
- ▲ The implementing agency shall determine whether or not implementation of a project would indirectly affect tribal cultural resources by increasing public visibility and ease of access. If it would, the implementing agency shall take measures to reduce the visibility or accessibility of the tribal cultural resource to the public. Visibility of the resource can be reduced through the use of decorative walls or vegetation screening. Accessibility can be reduced by installing fencing or vegetation barriers, particularly noxious vegetation, such as poison oak or blackberry bushes. It is important to avoid creating an attractive nuisance when protecting tribal cultural resources. Conspicuous walls or signs indicating that an area is restricted may result in more attempts to access the excluded area.

Mitigation Measure CUL/TCR-4(b) Implementing agencies and/or project sponsors shall implement measures, where feasible and necessary based on project- and site-specific considerations, that include those identified below:

- ▲ Implement Mitigation Measure CUL/TCR-2.

Significance after Mitigation

Implementation of Mitigation Measure CUL/TCR-4 would reduce impacts associated with tribal cultural resources because it would require the performance of professionally accepted and legally compliant procedures for the identification of tribal cultural resources associated with subsequent projects. To the extent that a local agency requires an individual project to implement all feasible mitigation measures described above, the impact may be less than significant (LTS-M) by avoiding or preserving in place tribal cultural resources through project design. If avoidance or preserving in place is infeasible, disturbance of a tribal cultural resource, however, would result in a **significant and unavoidable (SU) impact**.

Projects taking advantage of the CEQA streamlining provisions of SB 375 (PRC Sections 21155.1, 21155.2, and 21159.28) must apply the mitigation measures described above, as applicable, to address site-specific conditions. However, MTC/ABAG cannot require local implementing agencies to adopt the above mitigation measures, and it is ultimately the responsibility of a lead agency to determine and adopt mitigation. Therefore, this impact would be **significant and unavoidable (SU)** for purposes of this program-level review.

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