

2.6 CULTURAL RESOURCES

The information below summarizes the cultural resources analysis for the North Connector project. The purpose of the cultural analysis is to determine the potential impacts to cultural and archaeological resources and to mitigate adverse cultural impacts associated with the construction of the project.

Regulatory Setting

Federal Regulations

The project requires compliance with Section 106 of the National Historic Preservation Act (NHPA). Section 106 requires that before beginning any undertaking, a federal agency must take into account the effects of the undertaking on historic properties and afford the Advisory Council on Historic Preservation (ACHP) an opportunity to comment on these actions. This project is considered a federal undertaking because of the County's potential application for federal funding.

The Section 106 review process involves six steps:

- initiate consultation and public involvement;
- identify and evaluate historic properties;
- assess the effects of the undertaking on properties that are eligible for listing in the NRHP;
- consult with the State Historic Preservation Officer (SHPO) and other agencies for the development of a memorandum of agreement (MOA) that addresses the treatment of historic properties if such properties would be adversely affected;
- receive ACHP comments on the MOA or results of the consultation; and
- implement the project according to the conditions of the MOA.

For federal projects, cultural resource significance is evaluated in terms of eligibility for listing in the National Register. Criteria for eligibility on the National Register include the property's quality of significance in American history, architecture, archeology, and culture in districts, sites, buildings, structures, and objects of state and local importance that possess integrity of location, design, setting, materials, workmanship, feeling and association. In addition, criteria for determining eligibility consider whether properties:

- are associated with events that have made a contribution to the broad pattern of our history;
- are associated with the lives of people significant in our past;
- embody the distinct characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that individual distinction; or
- have yielded, or are likely to yield, information important in prehistory or history (36 CFR 60.4).

To comply with Section 106 of the NHPA, the cultural resources studies completed for this project were prepared in accordance with Caltrans and Federal Highway Administration guidance.

State Regulations

CEQA requires public or private projects financed or approved by public agencies to assess the effects of the project on cultural resources that might qualify as being historical, as that term is defined by statute. (See Public Resources Code, Section 21084.1.) Potentially historical resources could include buildings, sites, structures, or objects, each of which may have historical, architectural, cultural, or scientific importance.

CEQA requires that alternative plans or mitigation measures be considered if a project results in an effect that may cause a substantial adverse change in the significance of an historical resource. Prior to the assessment of effects or the development of mitigation measures, it must first be determined whether a particular resource is "historical." The steps that are taken in a cultural resources investigation for CEQA compliance are as follows:

- Evaluate whether potentially historical resources are in fact historical
- Identify potential historical resources
- Evaluate the effects of a project on all historical resources

CEQA guidelines define three ways that a property can qualify as a significant historical resource for the purposes of CEQA review: 1) if the resource is listed in or determined eligible for listing in the California Register of Historical Resources (CRHR); 2) if the resource is included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements of section 5024.1(g) of the Public Resources Code unless the preponderance of evidence demonstrates that it is not historically or culturally significant; or 3) the lead agency determines the resource to be historically significant or significant in the architectural, educational, social, political, military, or cultural annals of California, as supported by substantial evidence in light of the whole record (California Code of Regulations, Title 14, Division 6, Chapter 3, section 15064.5). The CRHR was created by the State Legislature in 1992 and is intended to serve as an authoritative listing of historical and archaeological resources in California.

Additionally, the eligibility criteria for the CRHR are intended to serve as the definitive criteria for assessing the significance of potential historical resources for purposes of CEQA. This establishes a consistent set of criteria to the evaluation process for all public agencies statewide.

For a potential historical resource to be eligible for listing in the CRHR, it must be significant at the local, state, or national level under one or more of the following four criteria:

- it is associated with lives of persons important in our past;
- it is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- it embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual or possesses high artistic values; or
- it has yielded, or may be likely to yield, information important in prehistory or history.

Historical resources automatically listed in the CRHR include those historic properties listed in, or formally determined eligible for listing in, the National Register.

Under federal regulations, a project has an effect on a historic property when the project could alter the characteristics of the property that may qualify the property for inclusion in the National Register, including alteration of location, setting, or use. A project may be considered to have an adverse effect on a historic property when the effect may diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Adverse effects on historic properties include, but are not limited to,

- physical destruction or alteration of all or part of the property;
- isolation of the property from, or alteration of, the property's setting when that character contributes to the property's qualifications for listing in the National Register;
- introduction of visual, audible, or atmospheric elements that are out of character with the property or that alter its setting;
- neglect of a property resulting in its deterioration or destruction; or
- transfer, lease, or sale of the property (36 CFR 800.9).

Affected Environment

Cultural Characteristics

The project area was probably occupied, at the time of historic contact by Spanish missionaries and explorers, by the Wintuan-speaking Patwin Native American groups in Yolo and Solano Counties. The history of Northern California and Solano County can be divided into several periods of influence. For the purposes of establishing a historic context from which to assess the potential significance of historic sites in the project area, various periods and local sub-periods, some of which overlap, are defined below.

Due to its distance from San Francisco Bay, the project area was largely isolated during the Spanish and Mexican periods of California. Therefore, events associated with the Spanish and Mexican periods, and cultural remains from those periods, are not expected to be reflected within the entire project area.

Setting of APE

The archaeological and architectural areas of potential effects (APE) for the project were established in consultation with Caltrans cultural resource staff and include all right-of-way requirements and construction activities. The archaeological APE includes all locations where ground disturbance would occur. The APE for architectural history includes all lands within and one parcel back from anticipated disturbance. Some of these lands are vacant farming lands that may contain no structures; others contain properties over 45 years in age, while some contain more modern structures (e.g., Solano Community College).

Known/Previously Recorded Sites within APE

The Red Top Stables/Ferrari Ranch/Freitas Family Farm (P-48-487) was evaluated by Caltrans in 1988 and found to not be eligible for the National Register of Historic Places. No other previously evaluated or recorded cultural resources are located within the APE. Twenty previously recorded cultural resources are located within 0.5-mile of the project area but outside the APE.

New Discoveries within APE

Seven structures located within the APE were evaluated for their eligibility to be listed on the National Register of Historic Places. None of these structures was determined to be eligible for the National Register (see table below).

	Name/Address	Status
West End		
	Mangels Sheep Barn	Not Eligible
	R.W. Dittmer Ranch 3533-3539 Mangels Blvd.	Not Eligible
Central Section		
	None	
East End		
	Valine Farm 4004 Russell Road	Not Eligible
	Del Monte Warehouse 4974 Russell Road	Not Eligible
	4136 Russell Road	Not Eligible
	4164 Russell Road	Not Eligible
	Green Valley Tractor 4135 Abernathy Road	Not Eligible

Environmental Consequences

Methodology

According to the State CEQA Guidelines, a project with an effect that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant impact on the environment (CEQA Guidelines rev. 1998, Section 15064.5[b]). The State CEQA Guidelines further state that a substantial adverse change in the significance of an historical resource means the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired. Actions that would materially impair the significance of an historic resource are those that would demolish or adversely alter those physical characteristics that convey its historical significance and qualify it for inclusion in the CRHR or in a local register or survey that meet the requirements of sections 5020.1(k) and 5024.1(g) of the Public Resources Code.

Archaeological Resources Evaluated for the National Register

At the recommendation of Caltrans Professionally Qualified Staff (PQS), subsurface archaeological testing was conducted for the presence/absence of buried cultural resources within the project APE. The combined testing effort did not locate any evidence of previously unrecorded archaeological deposits or artifacts. The testing effort was conducted in phases focusing on areas of higher potential for buried sites (e.g. along existing creeks) utilizing manual shovel probes and auger probes, and backhoe trenches in some areas. The combined testing program is summarized below:

1. In October of 2000 testing occurred along the western bank of Suisun Creek in the area of the proposed new bridge across the creek and possible biological mitigation site.

2. In November of 2003 testing occurred along an unnamed creek that flows through Jameson Canyon at Red Top Road in areas where Red Top Road would be widened.
3. In December of 2005 testing occurred in the proposed biological mitigation location on the western banks of Green Valley Creek.
4. In May of 2005 six trenches were excavated by backhoe to determine the presence/absence of archaeological material and to inform the geo-archaeological assessment of the project APE.
5. Geo-archaeological testing was conducted in conjunction with the presence/absence testing. The testing determined that there is a potential for buried archaeological sites in the project APE. The highest potential for buried sites is located in the Antioch-San Ysidro, Brentwood, Rincon, and Yolo map units depicted on soils map of the project area. This suggests that the highest potential for encountering burial archaeological deposits is in the west and central portions of the project and along the Green Valley and Suisun Creeks.

Architectural Resources Evaluated for the National Register

Built Environment Identification Efforts and Findings

As indicated above under the Affected Environment discussion, seven architectural resources within the APE underwent formal evaluation and one resource (The Ferrari Ranch/Redtop Stables) had been previously determined not to be eligible for the National Register. SHPO reviewed the eligibility determinations for the seven architectural resources within the APE, and in a letter dated March 29th, 2006 concurred with the not eligible findings for six of the properties. The SHPO disagreed with the initial eligibility finding for the Mangels Sheep Barn and as a result all seven properties have been determined not to be eligible for the National Register.

Avoidance, Minimization and Mitigation Measures

Status of Section 106 Compliance: FHWA, with assistance from Caltrans and other agencies has completed the identification and evaluation of historic properties within the APE, and has consulted with the State Historic Preservation Office (SHPO) in accordance with the 1 January 2004 *Programmatic Agreement Among the Federal Highway Administration, the Advisory Council on Historic Preservation, the California State Historic Preservation Officer, and the California Department of Transportation Regarding Compliance with Section 106 of the National Historic Preservation Act, as it Pertains to the Administration of the Federal-Aid Highway Program in California*. As indicated above and in the SHPO's letter dated March 29, 2006, all seven properties evaluated within the APE have been determined not to be eligible for the National Register.

Due to the archaeological sensitivity of the project area, and the restriction on access to portions of the eastern end of the project area there remains the potential to encounter significant resources during construction of the project. To complete the Section 106 process and mitigate potential impacts to significant archaeological resources, a Memorandum of Agreement (MOA) for a phased approach to the identification and evaluation of potential buried resources in the portions of the APE that were unable to be tested will be prepared and executed prior to undertaking the proposed project. The

MOA will stipulate and include a Treatment Plan whereby a program of subsurface testing will be carried out as well as treatment of significant resources should they be uncovered. FHWA will ensure that during construction, effects to significant resources are avoided. If avoidance is not possible and such effects will be adverse, then the adverse effects will be resolved, in part, by implementation of the Treatment Plan.

Impact CUL1: The proposed project may result in the discovery of human remains.

Mitigation Measure CUL1: The County Coroner, upon recognizing the remains as being of Native American origin, is responsible to contact the Native American Heritage Commission within 24 hours. The Commission has various powers and duties to provide for the ultimate disposition of any Native American remains, as does the assigned Most Likely Descendant. Sections 5097.98 and 5097.99 of the Public Resources Code also call for "protection to Native American human burials and skeletal remains from vandalism and inadvertent destruction." A combination of preconstruction worker training and intermittent construction monitoring by a qualified archaeologist would serve to achieve compliance with this requirement for protection of human remains. Worker training typically instructs workers as to the potential for discovery of cultural or human remains, and both the need for proper and timely reporting of such finds, and the consequences of failure thereof.

Impact CUL2: The proposed project may result in the discovery of paleontological resources.

Mitigation CUL2: In accordance with CEQA Section 15064.5, should previously unidentified paleontological resources be discovered during construction, the project sponsor is required to cease work in the immediate area until such time as a qualified paleontologist can assess the significance of the find and make mitigation recommendations, if warranted. To achieve this goal, the contractor shall ensure that all construction personnel understand the need for proper and timely reporting of such finds and the consequences of any failure to report them. The implementation of this mitigation measure would reduce the impacts associated with paleontological resources to a less-than-significant level.

The project would not eliminate any important examples of the major periods of California history or prehistory.