3.4 - Cultural Resources

3.4.1 - Introduction

This section describes existing cultural resources in the region and project area as well as the relevant regulatory framework. This section also evaluates the possible impacts related to cultural resources that could result from implementation of the project. Information included in this section is based on the project-specific Phase I Cultural Resource Assessment (Phase I CRA) included in Appendix D. No comments were received during the Environmental Impact Report (EIR) scoping period related to cultural resources.

3.4.2 - Environmental Setting

Cultural Resources Components

The term "cultural resources" encompasses historic, archaeological, and tribal cultural resources as well as burial sites. Below is a brief summary of each component:

- **Historic Resources:** Historic resources are associated with the recent past. In California, historic resources are typically associated with the Spanish, Mexican, and American periods in the State's history and are generally less than 200 years old.
- **Archaeological Resources:** Archaeology is the study of artifacts and material culture with the aim of understanding human activities and cultures in the past. Archaeological resources may be associated with prehistoric indigenous cultures as well as historic periods.
- **Burial Sites and Cemeteries:** Burial sites and cemeteries are formal or informal locations where human remains have been interred.

Overall Cultural Setting

Following is a brief overview of the prehistory, ethnography, and historic background, providing a context in which to understand the background and relevance of sites found in the general project area. This section is not intended to be a comprehensive review of the current resources available; rather, it serves as a general overview. Further details can be found in ethnographic studies, mission records, and major published sources.[1,2,3,4,5,6]

Prehistoric and Ethnographic Background

In general, archaeological research in the greater San Francisco Bay Area has focused on coastal areas, where large shellmounds were relatively easily identified on the landscape. This research and its chronological framework, however, is relevant to and has a bearing on our understanding of prehistory in areas adjacent to the San Francisco Bay Area, including modern Contra Costa County.

[1] Kroeber, A.L. 1925. Handbook of the Indians of California. Bulletin 78. Bureau of American Ethnology. Washington, D.C. Smithsonian Institution.
[2] Beardsley, R.K. 1948. "Cultural Sequences in Central California Archaeology." American Antiquity 14:1-28.
[3] Bennyhoff, J. 1950. Californian Fish Spears and Harpoons. Berkeley: University of California Anthropological Records 9(4):295-338.
[4] Chartkoff J.L. and K.K. Chartkoff. 1984. The Archaeology of California. Menlo Park: Stanford University Press.
[5] Moratto, M.J. 1984. California Archaeology. San Diego: Academic Press.
[6] Jones, T.L. and Kathryn A. Klar. 2007. California Prehistory. Lanham: AltaMira Press; Rowman & Littlefield Publishers, Inc.

The San Francisco Bay Area supported a dense population of hunter-gatherers over thousands of years, leaving a rich and varied archaeological record. The Bay Area was a place of incredible language diversity, with seven languages spoken at the time of Spanish settlement in 1776. The diverse ecosystem of the bay and surrounding lands supported an average of three to five persons per square mile, but reached 11 persons per square mile in the North Bay. At the time of Spanish contact, the people of the Bay Area were organized into local tribelets that defended fixed territories under independent leaders. Typically, individual Bay Area tribelets included 200 to 400 people distributed among three to five semi-permanent villages, within territories measuring approximately 10 to 12 miles in diameter.[7]

Native American occupation and use of the greater Bay Area, including the regions comprising modern Walnut Creek and Pleasant Hill, extends over 5,000 to 7,000 years and may be longer. Early archaeological investigations in Central California were conducted at sites located in the Sacramento-San Joaquin Delta region. The first published account documents investigations in the Lodi and Stockton area. The initial archaeological reports typically contained descriptive narratives with more systematic approaches sponsored by Sacramento Junior College in the 1930s. At the same time, University of California at Berkeley excavated several sites in the lower Sacramento Valley and Delta region, which resulted in recognizing archaeological site patterns based on a variation of intersite assemblages. Research during the 1930s identified temporal periods in central California prehistory and provided an initial chronological sequence. In 1939, researcher Jeremiah Lillard of Sacramento Junior College noted that each cultural period led directly to the next and that influences spread from the Delta region to their regions in Central California.[8] In the late 1940s and early 1950s, researcher Richard Beardsley of the University of California Berkeley documented similarities in artifacts among sites in the San Francisco Bay region and the Delta and refined his findings into a cultural model that ultimately became known as the Central California Taxonomic System (CCTS). This system proposed a uniform, linear sequence of cultural succession.[9]

To address some of the flaws in the CCTS system, D.A. Fredrickson introduced a revision that incorporated a system of spatial and cultural integrative units. Fredrickson separated cultural, temporal, and spatial units from each other and assigned them to six chronological periods: Paleo-Indian (10000 to 6000 before Christ [BC]); Lower, Middle and Upper Archaic (6000 BC to *anno domini* [AD] 500), and Emergent (Upper and Lower, AD 500 to 1800). The suggested temporal ranges are similar to earlier horizons, which are broad cultural units that can be arranged in a temporal sequence.[10] In addition, Fredrickson defined several patterns—a general way of life shared within a specific geographical region. These patterns include:

- Windmiller Pattern or Early Horizon (3000 to 1000 before Common Era [BCE])
- Berkeley Pattern or Middle Horizon (1000 BCE to 500 Common Era [CE])
- Augustine Pattern or Late Horizon (500 CE to historic period)

[7] Milliken, Randall et.al. 2007. Punctuated Culture Change in the San Francisco Bay Area, In Prehistoric California: Colonization, Culture, and Complexity, edited by T.L. Jones and K.A. Klar, 99–124. AltaMira Press.

[8] Lillard, J.B. and W.K. Purves. 1936. The Archaeology of the Deer Creek-Cosumnes Area, Sacramento Co., California. Sacramento. Sacramento Junior College, Department of Anthropology Bulletin 1.

[9] Beardsley, R.K. 1948. Cultural Sequences in Central California Archaeology. American Antiquity 14:1–28.

[10] Fredrickson, D.A. 1973. Early Cultures of the North Coast of the North Coast Ranges, California. PhD dissertation.

Brief descriptions of these temporal ranges and their unique characteristics follow.

Windmiller Pattern or Early Horizon (3000 to 1000 BCE)

Characterized by the Windmiller Pattern, the Early Horizon was centered in the Cosumnes district of the Delta and emphasized hunting rather than gathering, as evidenced by the abundance of projectile points in relation to plant processing tools. Additionally, atlatl, dart, and spear technologies typically included stemmed projectile points of slate and chert but minimal obsidian. The large variety of projectile point types and faunal remains suggests exploitation of numerous types of terrestrial and aquatic species.[11] Burials occurred in cemeteries and intra-village graves. These burials typically were ventrally extended, although some dorsal extensions are known with a westerly orientation and a high number of grave goods. Trade networks focused on acquisition of ornamental and ceremonial objects in finished form rather than on raw material. The presence of artifacts made of exotic materials such as quartz, obsidian, and shell indicates an extensive trade network that may represent the arrival of Utian populations into central California. Also indicative of this period are rectangular Haliotis and Olivella shell beads, and charmstones that usually were perforated.[12]

Berkeley Pattern or Middle Horizon (1000 BCE to 500 CE)

The Middle Horizon is characterized by the Berkeley Pattern, which displays considerable changes from the Early Horizon. This period exhibited a strong milling technology represented by minimally shaped cobble mortars and pestles, although metates and manos were still used. Dart and atlatl technologies during this period were characterized by non-stemmed projectile points made primarily of obsidian. Fredrickson suggests that the Berkeley Pattern marked the eastward expansion of Miwok groups from the San Francisco Bay Area. Compared with the Early Horizon, there is a higher proportion of grinding implements at this time, implying an emphasis on plant resources rather than on hunting. Typical burials occurred within the village with flexed positions, variable cardinal orientation, and some cremations. As noted by Lillard, Heizer, and Fenenga, the practice of spreading ground ochre over the burial was common at this time. Grave goods during this period are generally sparse and typically include only utilitarian items and a few ornamental objects. However, objects such as charmstones, quartz crystals, and bone whistles occasionally were present, which suggest the religious or ceremonial significance of the individual.[13] During this period, larger populations are suggested by the number and depth of sites compared with the Windmiller Pattern. According to Fredrickson, the Berkeley Pattern reflects gradual expansion or assimilation of different populations rather than sudden population replacement and a gradual shift in economic emphasis.[14]

Augustine Pattern or Late Horizon (500 CE to Historic Period)

The Late Horizon is characterized by the Augustine Pattern, which represents a shift in the general subsistence pattern. Changes include the introduction of bow and arrow technology; and most importantly, acorns became the predominant food resource. Trade systems expanded to include raw

[11] Bennyhoff, J. 1950. Californian Fish Spears and Harpoons. University of California Anthropological Records 9(4):295–338.
[12] Ragir, S.R. 1972. The Early Horizon in Central California Prehistory. Contributions of the University of California Archaeological Research Facility 15. Berkeley, CA.
[13] Lillard, J.B., R.F. Heizer, and F. Fenenga. 1939. An Introduction to the Archaeology of Central California. Sacramento Junior College, Department of Anthropology, Bulletin 2.
[14] Fredrickson, D.A. 1973. Early Cultures of the North Coast of the North Coast Ranges, California. PhD dissertation.

resources as well as finished products. There are more baked clay artifacts and extensive use of Haliotis ornaments of many elaborate shapes and forms. According to Moratto, burial patterns retained the use of flexed burials with variable orientation, but there was a reduction in the use of ochre and widespread evidence of cremation.[15] Judging from the number and types of grave goods associated with the two types of burials, cremation seems to have been reserved for individuals of higher status, whereas other individuals were buried in flexed positions. Johnson suggests that the Augustine Pattern represents expansion of the Wintuan population from the north, which resulted in combining new traits with those established during the Berkeley Pattern.[16]

Central California research has expanded from an emphasis on defining chronological and cultural units to a more comprehensive look at settlement and subsistence systems. This shift is illustrated by the early use of burials to identify mortuary assemblages and more recent research using osteological data to determine the health of prehistoric populations. Although debate continues over a single model or sequence for California, the general framework consisting of three temporal/cultural units is generally accepted, although the identification of regional and local variation is a major goal of current archaeological research.

The Bay Miwok

The San Francisco Bay Area consisted of several independent tribal territories during the prehistoric and early historic periods. Native Peoples largely spoke dialects of five distinct languages: Costanoan (Ohlone), Bay Miwok, Plains Miwok, Patwin, and Wappo. The project site lies at intersection of several of these groups at different periods in time, however it was largely within the ethnographic and historic boundaries of Bay Miwok speakers, who occupied the eastern portions of Contra Costa County, from Walnut Creek east to the Sacramento-San Joaquin Delta, including the northern slopes of Mount Diablo. Several bands of Miwok are associated with the area, the closest being the Saclan, whose territory extended through the hills east of present-day Rossmoor, Lafayette, Moraga, and Walnut Creek.

The foremost political unit of the Miwok was the tribelet; an independent and sovereign nation with defined boundaries and control over the natural resources within those boundaries. As noted by Levy, villages are described as headquarters of a localized patrilineage, and this social organization was further prescribed by individual lineage memberships in a moiety. With the notable exceptions of tobacco and dogs, the Eastern Miwok largely lacked cultivated plants or domesticated animals.[17]

All plant foods were naturally occurring and gathered by hand, the most important of which were the seven varieties of acorn used by the Eastern Miwok people. Acorns were usually allowed to ripen and fall off the tree on their own where they would then be collected in large numbers in burden baskets. The acorns were then shelled, placed on an acorn anvil, and struck with a hammer stone to expose the meats within. These meats were ground into a fine meal using a bedrock mortar and cobblestone pestle. The meal was then sifted into a tightly coiled basket, and several applications of water were run through the basket to leach the bitter tannin from the meal. Once

[15] Moratto, M.J. 1984. California Archaeology. San Diego: Academic Press.

[16] Johnson, J.J. 1976. Archaeological Investigations at the Blodgett Site (CA-SAC-267), Sloughhouse Locality, California. Report to the U.S. National Parks Service, Western Regional Office, Tucson, Arizona.

[17] Levy, R. 1978. Costanoan. In California, edited by Robert F. Heizer, pp. 485-495. Handbook of North American Indians, Vol. 8. W.G. Sturtevant, general editor, Smithsonian Institution, Washington D.C.

dry, the meal could be used in the preparation of acorn soup, mush, biscuits, and bread. For this reason, access to acorns; clean, moving water; and exposed bedrock was particularly important to the Eastern Miwok. These resources were available in the general project area.

The project site is located to the east of Grayson Creek, formerly known as Pacheco Creek Springs and to the west of Walnut Creek. Watercourses were often a focus of prehistoric occupation in central California with Native American groups exploiting a variety of ecological niches. While this area was within an environmentally advantageous area for Native Americans located between the resources of the San Francisco Bay margin and the foothills and nearby creeks, no known ethnographic settlements are known to have been located within or adjacent to the project site. Prehistoric site types recorded in the general Pleasant Hill area consist of lithic scatters, quarries, habitation sites (including burials), bedrock mortars or other milling feature sites, petroglyph sites, and isolated burial sites. However, none of these resources or the habitation mounds mapped by Whitney in 1873 or recorded by Nels C. Nelson in 1912 are located on or near the project site.

Regional Historic Background

Spanish Period

The Eastern Miwok were first contacted by the Spanish exploring expeditions of the Sacramento-San Joaquin Valley in the second part of the eighteenth century. The first Spanish expeditions through the study area were led by Captain Pedro Fages and Father Juan Crespi in 1772. Juan Bautista de Anza also led an expedition in 1776. Expedition campsites have been mapped in the vicinity of Interstate 680, State Route 242, and Willow Pass Road. According to Hart, Spanish colonial policy from 1769-1821 was directed at the founding of presidios, missions, and secular towns, with the land held by the Crown. The depletion of the coastal populations resulted in Spanish missionaries shifting to conversion of the interior peoples. The Bay Miwok were the first of the Eastern Miwok to be missionized, and were generally not willing converts. Mission baptismal records show that Native Americans went to Mission San Francisco de Assisi, founded in 1776, and Mission San Jose, founded in 1797. Their traditional lifeways apparently disappeared by 1810 due to disruption by Euro American diseases, a declining birth rate, and the impact of the mission system. For the most part, the former hunters-gatherers were transformed into agricultural laborers and worked with former neighboring groups such as the Esselen, Yokuts, and Miwok. After secularization of the missions between 1834 and 1836, some Native Americans returned to traditional religious and subsistence practices while others labored on Mexican ranchos. Thus, multi-ethnic Indian communities grew up in and around the area and provided informant testimony to ethnologists from 1878 to 1933.[18]

Mexican Period

The Mexican Period, 1821 to 1848, was marked by secularization and division of mission lands among the *Californios* as land grants, termed ranchos. During this period, Mariano G. Vallejo assumed authority of Sonoma Mission and established a rapport with the Native Americans who were living there. In particular, Vallejo worked closely with Chief Solano, a Patwin who served as Vallejo's spokesperson when problems with Native American tribes arose. The large rancho lands often were worked by Native Americans who were used as forced labor.

[18] Hart, J.D. 1987. A Companion to California (New edition, revised and expanded). University of California Press, Berkeley, California.

Shoup and Milliken state that mission secularization removed the social protection and support on which Native Americans had come to rely. It exposed them to further exploitation by outside interests, often forcing them into a marginal existence as laborers for large ranchos.[19] Following mission secularization, the Mexican population grew as the Native American population continued to decline. Euro-American settlers began to arrive in California during this period and often married into Mexican families, becoming Mexican citizens, which made them eligible to receive land grants. In 1846, on the eve of the U.S.-Mexican War (1846 to 1848), the estimated population of California was 8,000 non-natives and 10,000 Native Americans. However, these estimates have been debated. Cook suggests the Native American population was 100,000 in 1850; the U.S. Census of 1880 reports the Native American population as 20,385.[20]

Gold Rush and American Expansion Period

In 1848, James W. Marshall discovered gold at Coloma in modern-day El Dorado County, which started the gold rush into the region that forever altered the course of California's history. The arrival of thousands of gold seekers in the territory contributed to the exploration and settlement of the entire State. By late 1848, approximately four out of five men in California were gold miners. The gold rush originated along the reaches of the American River and other tributaries to the Sacramento River, and Hangtown, present-day Placerville, became the closest town offering mining supplies and other necessities for the miners in El Dorado County. Gold subsequently was found in the tributaries to the San Joaquin River, which flowed north to join the Sacramento River in the great delta east of San Francisco Bay.[21]

By 1864, California's gold rush had essentially ended. The rich surface and river placers were largely exhausted and the miners either returned to their homelands or stayed to start new lives in California. After the gold rush, people in towns such as Jackson, Placerville, and Sonora turned to other means of commerce, such as ranching, agriculture, and timber production. With the decline of gold mining, agriculture and ranching came to the forefront in the State's economy. California's natural resources and moderate climate proved well suited for cultivation of a variety of fruits, nuts, vegetables, and grains.[22]

History of Contra Costa County

The east side of San Francisco Bay, directly across from the City of San Francisco, became known as the "opposite coast" (or contra costa) by the Spanish. The county was formed in December of 1849 and is one of the original 27 California counties, with the county seat at Martinez.[23] Contra Costa County, like much of California, was seen as a land of economic opportunity, not just for its mining resources but also for its productive land where farmers could cultivate a variety of crops. Agriculture became important in the California economy in the late 1850s, and through to the 1860s, homesteading became a means by which people could own and operate a family farm. The decidedly agricultural focus also underpins the historical significance of the Spanish colonial and

[19] Shoup, L.H., and R.T. Milliken. 1999. Inigo of Rancho Posolmi: the Life and Times of a Mission Indian. Novato, CA. Ballena Press.
[20] Cook, S.F. 1976. The Population of the California Indians 1769–1970. University of California Press. Berkeley, California.
[21] Robinson, W.W. 1948. Land in California. Berkeley, CA: University of California Press. Cook, S.F. 1976. The Population of the California Indians 1769–1970. University of California Press. Berkeley, California.
[22] Beck, Warren A., and Y.D. Haase. 1974. Historical Atlas of California (Third Printing 1977). University of Oklahoma Press, Norman, Oklahoma.
[23] Hoover, Mildred B., et.al. Historic Spots in California. 5th ed., revised by Douglas E. Kyle. Stanford University Press, Stanford: 2002.

Mexican era of land grants. As early as 1882, special interests advertised the County's virtues as a place to cultivate. Early settlers began to speak of beneficial soils that support a range of crops—pears, prunes, peaches, almonds, walnuts and grapes flourished—with seasonal rainfall, and favorable climates. In addition, Contra Costa County is strategically located at crossing of trade routes with a waterfront location and relative closeness to the San Francisco metropolis. Large-scale commercial operations began to capitalize on mechanical innovations just as irrigation developed in the early 1880s. Consequently, competing economic interests caused land prices to increase and make family farming a less profitable enterprise.

Throughout the 1960s and 1970s, large companies followed their employees to suburban areas east of San Francisco. The establishment of large population centers fostered the development of equally large shopping centers. To meet demand on infrastructure, the State modernized highways and roadways, and with the establishment of the Bay Area Rapid Transit (BART) system (adjacent to the project site).

Records Searches and Pedestrian Survey to Identify Existing Cultural Resources

Northwest Information Center

On September 6, 2018, a records search for the project area and a 0.5-mile radius beyond the project boundaries was conducted at the Northwest Information Center (NWIC) located at Sonoma State University in Rohnert Park, California. To identify any historic properties or resources, the current inventories of the National Register of Historic Places (NRHP), the California Register of Historical Resources (CRHR), the California Historical Landmarks (CHL) list, the California Points of Historical Interest (CPHI) list, and the California State Historic Resources Inventory (HRI) for Sonoma County were reviewed to determine the existence of previously documented local historical resources.

The results of the records search indicated that three known cultural resources (see Table 3.4-1) have been recorded within the 0.50-mile search radius surrounding the project site. In addition, 35 area-specific survey reports (see Table 3.4-2) are on file with the NWIC for the project site and its 0.50-mile search radius. Of the 35 reports, only one (S-000623) assessed resources within the project site, indicating that the majority of the project site has not been surveyed for cultural resources. The records search did reveal one historic structure within a 0.5-mile radius of the project site for the Contra Costa County HRI, NRHP, CRHR, CHL, and/or CHPI inventories; however, a review of historic aerial photographs dating back to the 1940s revealed the presence of two unevaluated structures over 45 years in age that are, therefore, potentially eligible for the CRHR.

Table 3.4-1: Recorded Cultural Resources within 0.5-mile Radius of Project Site

Resource No.	Resource Name/Description	Date Recorded
P-07-000075	**CA-CCO-000133: Prehistoric Site** AP09 (Burials)	1946
P-07-002577	**2721 Cherry Lane, Historic Building Site** HP02 (Single family property)	2003
P-07-002695	**Contra Costa Canal, Historic Structure Site** HP20 (Canal/aqueduct)	1993–2016
Source: NWIC Records Search, September 5, 2018.		

Table 3.4-2: Previous Investigations within a 0.5-mile Radius of the Project Site

Report No.	Report Title/Project Focus	Author	Date
S-000623	Archaeological and Historic Architectural Survey of 04-CC-680 15.4/17.4, 0.2 mile north of North Main Street to 0.1 mile north of Oak Park Boulevard, BART Interface and I/C Revision, 04205-377111 (letter report)	Richard B. Hastings	1975
S-000727	An Archaeological Reconnaissance of Two New Proposed Waste Water Pipeline Routes, Livermore-Amador Valley Water Management Agency, Alameda County, California	Miley Holman and David Chavez	1977
S-001229	An Archaeological Reconnaissance of the Geary Road widening project area in Walnut Creek (letter report)	David Chavez	1978
S-001788	A Reconnaissance of the Bydewell Property in Contra Costa County	Lawrence E. Weigel	1979
S-002066	An archaeological reconnaissance of a proposed lot split addition for the Cork Harbor Company, near Walnut Creek (letter report)	Miley P. Holman	1979
S-0026987	An Archaeological Investigation of the Redwood Glen Townhouses Development, Mayhew Way, Contra Costa County, California	Nancy L. French and Peter M. Banks	1981
S-006663	Results of an Archaeological Investigation of the Contra Costa County Flood Control and Water Conservation District Drainage Area 44 B, Line A, Phase III	C. Kristina Roper	1984
S-007080	Archaeological Survey Report for Reconstruction of I-680/24 Interchange and Freeway Improvements, Contra Costa County, 04-CC-680 12.6/19.0; Additional Area Surveyed: 04-CC-680 19.0/23.0 and 04-CC-24 0.0/2.3 04224-400310	Pat Oman	1984
S-007377	Bancroft Road Street Widening, Walnut Creek, Contra Costa County, California (letter report)	Miley Paul Holman	1985
S-009231	Archaeological Reconnaissance of the Treat Commons Unit 2 (Subdivision #6955), Walnut Creek, California	Suzanne Baker	1987
S-009316	Historical Property Survey Report for the Bancroft Road Improvement Project, Walnut Creek, California	Larry Seeman Associates	1986
S-009859	Oak Road Widening Project, Walnut Creek, California (letter report)	Miley Paul Holman	1986
S-011234	Archaeological Survey Report for a Proposed Commuter Bike Path From Rudgear Road in Walnut Creek to Monument Boulevard, Contra Costa County, 4-CC-680 PM 12.6/17.7 04224-115350	Marcia K. Kelly	1989

Table 3.4-2 (cont.): Previous Investigations within a 0.5-mile Radius of the Project Site

Report No.	Report Title/Project Focus	Author	Date
S-011847	Archaeological Reconnaissance of 1523 Treat Boulevard, Walnut Creek, California	Suzanne Baker	1990
S-012020	Cultural Resources Assessment for Subdivision of 2 Acres, Belville Townhomes, Walnut Creek, California (letter report)	Angela M. Banet and Colin I. Busby	1990
S-015478	Preliminary Archaeological Survey of the CC-Line and A-Line Sewer Project, Contra Costa County, California	John F. Salter	1990
S-016396	Cultural Resources Field Inventory, Three Oaks Housing Limited Partnership, 3073 North Main Street, Assessor's Parcel Number (APN) No. 170-100-029 (letter report)	Colin I. Busby	1994
S-016946	A Cultural Resources Evaluation of the Seven Hills School, 975 North San Carlos Drive, Walnut Creek, Contra Costa County	Katherine Flynn	1995
S-017688	Cultural Resources Field Inventory, 1021 and 1011 Sheppard Road (APN No. 144-030-008, -009), City of Walnut Creek, APN No. 170-270-067 (letter report)	Colin I. Busby	1995
S-017689	Cultural Resources Field Inventory, Jillian Court at Sheppard Road (APN 144-030-022), Subdivision 7942 (Loving & Campos Architects, Inc.), City of Walnut Creek, Contra Costa County, California (letter report)	Colin I. Busby	1995
S-017900	Findings of a Systematic Program of Subsurface Archaeological Testing and Evaluation Conducted within the Confines of the Proposed Club Hyatt Project, a 6.2-Acre Parcel of Land Located in the Pleasant Hill Area of Contra Costa County, California	Allen G. Pastron	1996
S-017904	Club Hyatt Parcels, Lots 43, 44, 45, and 46—cultural resources study (letter report)	Roger H. Werner	1996
S-018440	Class II Archaeological Survey of the Contra Costa Canal, Contra Costa County, California	G. James West and Patrick Welch	1996
S-018544	Cultural Resources Field Inventory—Coggins Square Site, Las Juntas Way and Coggins Drive, City of Pleasant Hill, Contra Costa County (APN No. 148-192-004 to -006, -008 to -010; APN No. 148-191-008, -010 and -015) (letter report)	Colin I. Busby	1996
S-019531	Archaeological Field Inspection of the Essex Property Trust Parcel, Cherry and Las Juntas Way, Pleasant Hill, Contra Costa County, California (letter report)	Miley P. Holman	1997

Table 3.4-2 (cont.): Previous Investigations within a 0.5-mile Radius of the Project Site

Report No.	Report Title/Project Focus	Author	Date
S-019532	Archaeological Field Inspection of the Herrington Property, Pleasant Hill, Contra Costa County, California (letter report)	Miley P. Holman	1997
S-020217	Archaeological Survey of Denova Homes 'Briarwood' Parcel, Contra Costa County, California (letter report)	William Self	1998
S-022710	Archaeological Survey and Assessment of 181 Alderwood Lane, Walnut Creek, California (letter report)	William Self and Carrie D. Wills	2000
S-024994	Archaeological Resources Assessment 9, 23, 37, and 47 Parnell Court, City of Walnut Creek, Contra Costa County, APN No. 172-02-16, -17, -18 and -57 (letter report)	Colin Busby and Robert Harmon	2001
S-026685	Archaeological Survey and Assessment of Approximately 0.67-Acre Parcel Located at 2721 Cherry Lane (APN No. 172-061-021-9), Walnut Creek, Contra Costa County, California (letter report)	William Self	2003
S-030157	Pleasant Hill BART Transit Village, Walnut Creek, California: Pre-Construction Archaeological Testing Program	Allen G. Pastron	2005
S-030291	Historic Property Survey Report for the Iron Horse Trail Project, Walnut Creek, Contra Costa California	Jessica Ah Sam, Kari Jones, and John Holson	2005
S-033504	Historic Property Survey Report, Seismic Retrofit of BART Aerial Structures and Stations Along Concord, Richmond, Daly City and Fremont Lines, Alameda, Contra Costa, and San Mateo Counties, STPLZ-6000 (25)	Cameron Bauer and Heather Price	2007
S-039348	Executive Summary of Findings for the Archaeological Monitoring Program conducted for the Pleasant Hill BART Transit Village Project, Section E, City of Walnut Creek, Contra Costa County, California (letter report)	Allen G. Pastron	2007
S-047775	Historic Property Survey Report for the CCTA Interstate 680 Express Lanes Project, Contra Costa County, California; 04-CCO-680 PM R8.0-25.0, EA 04H610 (EFIS ID No. 0413000216)	Adrian Whitaker	2016
Source: NWIC Records Search, September 5, 2018			

Native American Heritage Commission Record Search

On September 10, 2018, FCS sent a letter to the Native American Heritage Commission (NAHC) in an effort to determine whether any sacred sites are listed on its Sacred Lands File for the project area. A response was received on September 26, 2018, indicating that the Sacred Lands File failed to indicate the presence of Native American cultural resources in the immediate project area. The NAHC included a list of seven tribal representatives available for consultation. To ensure that all Native American knowledge and concerns over potential tribal cultural resources that may be affected by the project are addressed, a letter containing project information and requesting any additional information was sent to each tribal representative on October 2, 2018. For additional information about tribal consultation, please refer to Section 3.16, Tribal Cultural Resources.

Cultural Resources Pedestrian Survey

FCS Senior Archaeologist Dana DePietro, PhD, surveyed the project site on January 21, 2019. The project site consists of five contiguous parcels of land that contain two residences. The project site is bordered by Roble Road and apartment complexes to the north, additional apartment complexes to the east, Del Hombre Road and the Pleasant Hill BART complex to the west, and Honey Trail and apartment complexes to the south. The project site was surveyed using standard 15-meter transects moving east-west across the site whenever possible. Particular attention was paid to the largely undisturbed areas between the two residences. Visible soils consisted of dark brown loam interspersed with medium water-worn stones (10 to 15 centimeters) composed of schist and basalt. Overall ground visibility was poor, ranging from 20 to 30 percent across the project site. Soils in sections of poor visibility were intermittently inspected using a hand trowel.

No prehistoric resources or materials used in the production of said resources (e.g., obsidian, Franciscan chert) were observed during the course of the pedestrian survey. These results are in keeping with the findings of a Caltrans survey of the subject property conducted in 1975 (Hastings 1975). The project area was found to contain several modern wooden fences that appear to delineate the lot lines. Of the two residences located within the project site, both were found to be more than 45 years old and, therefore, required an assessment of their historic significance and eligibility for listing on the CRHR (see historic significance and eligibility assessment immediately below).

Architectural and Historic Resources Assessment

Two residences currently located within the project site are more than 45 years old, and have not previously been evaluated for historic significance. Properties over 45 years in age are considered potential eligible for listing in the NRHP, CRHR, or local listing and consequently, could be considered historic resources under California Environmental Quality Act (CEQA) Guidelines. Both buildings were evaluated relative to the following CRHR eligibility criteria, which are based on NRHP Standards A–D.

- 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 (Criterion 1: Event).
- It is associated with the lives of persons important to local, California, or national history (Criterion 2: Person).

- 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 (Criterion 3: Architecture).
- It has yielded, or has the potential to yield, information important to the prehistory or history of the local area, California or the nation (Criterion 4: Information Potential).

CRHR and Local Listing Eligibility Evaluation: 3018 Del Hombre Lane

The residence at 3018 Del Hombre Lane is part of the overall development and transition of the area from agricultural land to a bedroom community immediately following WWII. This was due in part to satisfy the enormous postwar demand for new housing, and the eventual incorporation of the area into the town of Pleasant Hill in 1961. With the return of servicemen intent on settling down and starting families, the immediate postwar period drove the demand for new forms of affordable housing; mainly the postwar minimal and later, ranch style house. The subject property is therefore part of that process of postwar transition and growth in the area, but does not meet Criterion 1: Event, as it is one of many unremarkable examples of small-scale, residential buildings from the period.

The residence's chain of ownership was thoroughly researched at the Contra Costa County Recorder's Office, archives at the Contra Costa Historical Society, and a search of the California Digital Newspaper Collection. The relative absence of any of these individuals from published accounts of the History of Pleasant Hill indicates that they did not achieve a level of historic importance for the property to be considered eligible under Criterion 2: Person.

The residence, built by unknown architects, displays many features of the minimal traditional style: a medium to low-pitched roof, close cropped eaves, a large chimney, front-gabled roof, and few if any ornamental details (McAlester and McAlester 2004). The residence is a standard, undistinguished example of common construction design and techniques from the immediate postwar period, and appears to have been renovated in recent years with some modifications made to the original design. As such, the building does not appear to be eligible for listing on the CRHR under Criteria 3: Architecture.

Criterion 4: Information Potential, is most often used to evaluate archaeological sites or buildings that employ unusual building techniques. There is no evidence that the building in question exhibits any unusual construction features, or has the ability to contribute significant information to the overall history of Pleasant Hill.

Therefore, the residence at 3018 Del Hombre Lane does not appear to meet any of the criteria for historic and/or architectural significance required for listing on the CRHR. As such, it should not be considered a historical resource under CEQA. The building also does not appear to possess sufficient artistic merit or historical association to meet a local standard for historical importance. No analysis of integrity is required where the property fails to meet all four criteria. A California Department of Parks and Recreation (DPR) recordation form was prepared for this residence and is included with the Cultural Resources Assessment in Appendix D.

CRHR and Local Listing Eligibility Evaluation: 112 Roble Road

The residence at 112 Roble Road is part of the rapid growth and expansion of Pleasant Hill following its incorporation as a City in 1961. Following the postwar demand for new housing, new households formed as families had children, and the relatively small median family income drove the demand for new forms of affordable housing such as the ranch style house, which continued to be popular into the 1970s. The subject property is therefore part of a continuing process of urbanization in the Pleasant Hill area, contemporary with construction of modern theaters, City infrastructure and plans for a redesigned downtown. The residence itself does not meet Criterion 1: Event, however, as it is one of many unremarkable examples of small-scale, residential buildings from the period.

The residence's chain of ownership was thoroughly researched at the Contra Costa County Recorder's Office, archives at the Contra Costa Historical Society, and a search of the California Digital Newspaper Collection. The relative absence of any of these individuals from published accounts of the History of Pleasant Hill indicates that they did not achieve a level of historic importance for the property to be considered eligible under Criterion 2: Person.

The residence, built by unknown architects, displays many features of the traditional Ranch style: an asymmetrical, cross-gabled, low-pitched roof, midsize eaves with exposed rafters, brick and wooden cladding used in combination, and a partially enclosed back patio (McAlester and McAlester 2004). The residence is a standard, undistinguished example of common construction design and techniques from the early 1970s with only minor modifications made to the original design over the year. As such, the building does not appear to be eligible for listing on the CR under Criteria 3: Architecture.

Criterion 4: Information Potential, is most often used to evaluate archaeological sites or buildings that employ unusual building techniques. There is no evidence that the building in question exhibits any unusual construction features, or has the ability to contribute significant information to the overall history of Pleasant Hill.

Therefore, the residence at 112 Roble Road does not appear to meet any of the criteria for historic and/or architectural significance required for listing on the CRHR. As such, it should not be considered a historical resource under CEQA. The building also does not appear to possess sufficient artistic merit or historical association to meet a local standard for historical importance. No analysis of integrity is required where the property fails to meet all four criteria. A DPR recordation form was prepared for this residence and is included with the Cultural Resources Assessment in Appendix D.

Summary of Existing Cultural Resources at the Project Site

Historic Architectural Resources

Based on the architectural and historic resources assessment provided immediately above, no known historic architectural resources are located within the project site boundaries.

Archaeological Resources

No known archaeological sites or burial sites are located within the project site boundaries. However, as noted in Table 3.4-1, three known resources are located within 0.5 mile of the project

site. Archaeological resources are often obscured from view, and can be uncovered during construction activities.

3.4.3 - Regulatory Framework

Federal

National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA), as amended, established the NRHP, which contains an inventory of the nation's significant prehistoric and historic properties. Under 36 Code of Federal Regulations 60, a property is recommended for possible inclusion on the NRHP if it is at least 50 years old, has integrity, and meets one of the following criteria:

- It is associated with significant events in history, or broad patterns of events.
- It is associated with significant people in the past.
- It embodies the distinctive characteristics of an architectural type, period, or method of construction; or it is the work of a master or possesses high artistic value; or it represents a significant and distinguishable entity whose components may lack individual distinction.
- It has yielded, or may yield, information important in history or prehistory.

Certain types of properties are usually excluded from consideration for listing in the NRHP, but they can be considered if they meet special requirements in addition to meeting the criteria listed above. Such properties include religious sites, relocated properties, graves and cemeteries, reconstructed properties, commemorative properties, and properties that have achieved significance within the past 50 years.

Archaeological Resources Protection Act

The Archaeological Resources Protection Act (ARPA) amended the Antiquities Act of 1906 (16 United States Code [USC] 431–433) and set a broad policy that archaeological resources are important to the nation and should be protected, and required special permits before the excavation or removal of archaeological resources from public or Indian lands. The purpose of ARPA was to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites that are on public lands and Indian lands, and to foster increased cooperation and exchange of information between governmental authorities, the professional archaeological community, and private individuals having collections of archaeological resources and data that were obtained before October 31, 1979.

State

CEQA Guidelines Section 15064.5(a)—CEQA Definition of Historical Resources

CEQA Guidelines Section 15064.5(a), in Title 14 of the California Code of Regulations, defines a "historical resource" as:

(1) A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources.

(2) A resource 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, shall 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 or culturally significant.

(3) Any object, building, structure, site, area, place, record, or manuscript which 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 an historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be "historically significant" if the resource meets the criteria for listing on the California Register of Historical Resources.

(4) The fact that a resource is not listed in, or determined to be eligible for listing in the California Register of Historical Resources, not included in a local register of historical resources (pursuant to Section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in Section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code Sections 5020.1(j) or 5024.1.

Therefore, under the CEQA Guidelines, even if a resource is not included on any local, State, or federal register, or identified in a qualifying historical resources survey, a lead agency may still determine that any resource is a historical resource for the purposes of CEQA if there is substantial evidence supporting such a determination. A lead agency must consider a resource to be historically significant if it finds that the resource meets the criteria for listing in the CRHR.

Archaeological and historical sites are protected pursuant to a wide variety of State policies and regulations, as enumerated in the Public Resources Code Section 5024.1. Cultural resources are recognized as nonrenewable resources and receive additional protection under the Public Resources Code and CEQA.

Public Resources Code 5024.1(c)—Definition of a Historic Resource

CEQA Guidelines Section 15064.5(a), in Title 14 of the California Code of Regulations, defines a "historical resource" as a resource that:

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

CEQA Guidelines Section 15064.5(a)(3)—California Register of Historical Resources Criteria

As defined by CEQA Guidelines, Section 15064.5(a)(3)(A-D), a resource shall be considered historically significant if the resource meets the criteria for listing on the CRHR. The CRHR and many local preservation ordinances have employed the criteria for eligibility to the NRHP as a model (see criteria described above under the description of the NHPA), since the NHPA provides the highest standard for evaluating the significance of historic resources. A resource that meets NRHP criteria is clearly significant. In addition, a resource that does not meet NRHP standards may still be considered historically significant at a local or State level.

CEQA Guidelines—Effects on Archaeological Resources

CEQA Guidelines state that a resource need not be listed on any register to be found historically significant. CEQA Guidelines direct lead agencies to evaluate archaeological sites to determine if they meet the criteria for listing in the CRHR. If an archaeological site is a historical resource, in that it is listed or eligible for listing in the CRHR, potential adverse impacts to it must be considered. If an archaeological site is considered not to be an historical resource but meets the definition of a "unique archeological resource" as defined in Public Resources Code Section 21083.2, then it would be treated in accordance with the provisions of that section.

CEQA Guidelines Section 15064.5(d)—Effects on Human Remains

Human remains and associated burial items may be significant to descendant communities and/or may be scientifically important for their informational value. They may be significant to descendant communities for patrimonial, cultural, lineage, and religious reasons. Human remains may also be important to the scientific community, such as prehistorians, epidemiologists, and physical anthropologists. The specific stake of some descendant groups in ancestral burials is a matter of law for some groups, such as Native Americans (CEQA Guidelines § 15064.5(d); PRC § 5097.98). CEQA and other State regulations regarding Native American human remains provide the following procedural requirements to assist in avoiding potential adverse effects on human remains within the contexts of their value to both descendant communities and the scientific community:

- When an initial study identifies the existence or probable likelihood that a project would affect Native American human remains, the lead agency is to contact and work with the appropriate Native American representatives identified through the NAHC to develop an agreement for the treatment and disposal of the human remains and any associated burial items (CEQA Guidelines § 15064.5(d); PRC § 5097.98).
- If human remains are accidentally discovered, the county coroner must be contacted. If the county coroner determines that the human remains are Native American, the coroner must contact the NAHC within 24 hours. The NAHC must identify the most likely descendant (MLD) to provide for the opportunity to make recommendations for the treatment and disposal of the human remains and associated burial items.
- If the MLD fails to make recommendations within 24 hours of notification or the project applicant rejects the recommendations of the MLD, the Native American human remains and associated burial items must be reburied in a location not subject to future disturbance within the project site (PRC § 5097.98).

- If potentially affected human remains or a burial site may have scientific significance, whether or not it has significance to Native Americans or other descendent communities, then under CEQA, the appropriate mitigation of effect may require the recovery of the scientific information of the remains/burial through identification, evaluation, data recovery, analysis, and interpretation (CEQA Guidelines § 15064.5(c)(2)).

Health and Safety Code Section 7050.5 (Treatment of Human Remains)

Section 7050.5 of the Health and Safety code sets forth provisions related to the treatment of human remains. As the code states, "every person who knowingly mutilates or disinters, wantonly disturbs, or willfully removes any human remains in or from any location other than a dedicated cemetery without authority of law is guilty of a misdemeanor"[24] except under circumstances as provided in Section 5097.99 of the Public Resource Code. The regulations also provides guidelines for the treatment of human remains found in locations other than a dedicated cemetery including responsibilities of the coroner.

Public Resources Code Section 5097.98 (Discovery of Human Remains)

Section 5097.98 provides protocol for the discovery of human remains. It states that "when the commission receives notification of a discovery of Native American human remains from a county coroner pursuant to subdivision (c) of Section 7050.5 of the Health and Safety Code, it shall immediately notify persons believed to be most likely descended from the deceased Native American."[25] It also sets forth provisions for descendants' preferences for treatment of the human remains and what should be done if the commission is unable to identify a descendant.

Local

Contra Costa County General Plan

Open Space Element

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

- **Goal 9-G:** Identify and preserve important archaeological and historic resources within the County.
- **Policy 9-28:** Areas which have identifiable and important archaeological or historic significance shall be preserved for such uses, preferably in public ownership.
- **Policy 9-29:** Buildings or structures that have visual merit and historic value shall be protected.

Contra Costa County Historic Resources Inventory

Contra Costa County maintains a Historic Resource Inventory. The most recent version was updated in December 2010 and contains a list of historic resources organized by area. None of the listed resources are located within the project site.

[24] California Legislative Information. 2019. Health and Safety Code—HSC. Website: http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC&sectionNum=7050.5. Accessed February 22, 2019.

[25] Find Law. 2019. California Code, Public Resources Code—PRC § 5097.98. Website: https://codes.findlaw.com/ca/public-resources-code/prc-sect-5097-98.html. Accessed February 22, 2019.

3.4.4 - Impacts and Mitigation Measures

Significance Criteria

According to 2019 CEQA Guidelines Appendix G, to determine whether impacts related to cultural resources are significant environmental effects, the following questions are analyzed and evaluated. Would the project:

a) Cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?

b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?

c) Disturb any human remains, including those interred outside of formal cemeteries?

Approach to Analysis

This evaluation focuses on whether the project would impact historic architectural or archaeological resources or human remains.

The project may have an impact on a historical resource if construction of the project would impair a resource's eligibility for inclusion in the CRHR. Analysis is based on information collected from record searches at the NWIC, additional archival research, pedestrian surveys, and information from historic architectural assessment of existing properties more than 45 years in age located within the project boundaries. If an identified impact would leave a resource no longer able to convey its significance, meaning that the resource would no longer be eligible for listing in the CRHR, then the project's impact would be considered a significant adverse change. According to Public Resources Code Section 15126.4(b)(1) (CEQA Guidelines), if a project adheres to the Sphere of Influence standards, the project's impact "shall generally be considered mitigated below a level of significance and thus is not significant."

The project may have an impact on an archaeological resource or human remains if construction of the project would physically damage or destroy archaeological data or human remains (including those interred outside of formal cemeteries. Analysis is based on information collected from record searches at the NWIC, the additional archival research, and pedestrian surveys.

Both direct and indirect effects of project implementation were considered for this analysis. Direct impacts are typically associated with construction and/or ground-disturbing activities, and have the potential to immediately alter, diminish, or destroy all or part of the character and quality of archaeological resources and/or historic architecture. Indirect impacts are typically associated with post-project implementation conditions that have the potential to alter or diminish the historical setting of a cultural resource (generally historic architecture) by introducing visual intrusions on existing historical structures that are considered undesirable.

Specific Thresholds of Significance

For purposes of this analysis, the following thresholds are used to evaluate the significance of cultural resources materials impacts resulting from implementation of the project.

- Impair a historic resource's eligibility ability to convey its significance (i.e., affect a resources' inclusion in the NRHP or CRHR) or not adhere to the Secretary of Interior's Standards for Rehabilitation.
- Physically damage or destroy archaeological data or human remains.

Impacts Evaluation

Historic Resources

Impact CUL-1: The project could cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.

Construction

Two historic-era resources have been previously recorded within a 0.50-mile radius of the project site, neither of which is located within the boundaries of the project site. As detailed above, the two residences at 3018 Del Hombre Lane and 112 Roble Road are of historic age; however, an evaluation of the properties concluded that they do not qualify as historic resources under CEQA. No additional historic resources were encountered during the pedestrian field survey and evaluation.

While unlikely, subsurface construction activities always have the potential to damage or destroy previously undiscovered historic resources such as wood, stone, foundations, and other structural remains; debris-filled wells or privies; and deposits of wood, glass, ceramic, and other refuse, if encountered. This would represent e a potentially significant impact related to historic resources.

Implementation of Mitigation Measure (MM) CUL-1, which requires an inspection by a qualified archaeologist after clearing and grubbing are complete but before any trading or trenching have begun would reduce potential impacts to historic resources that may be discovered during project construction. If a potential resource is identified, construction would be required to stop until appropriate identification and treatment measures are implemented. Therefore, direct and indirect impacts related to historic resources would be less than significant with mitigation.

Operation

Impacts related to a project's potential to cause a substantial adverse change in the significance of a historical resource are limited to construction impacts. No respective direct or indirect operational impacts related to historical resources would occur.

Level of Significance Before Mitigation

Potentially Significant

Mitigation Measures

MM CUL-1 Stop Construction Upon Encountering Historical or Archeological Materials

An archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology should inspect the site once grubbing and clearing are complete, and prior to any grading or trenching into previously undisturbed soils. This may be followed by regular periodic or "spot-check" historic and archaeological monitoring during ground disturbance as needed, but full-time archaeological monitoring is not required at this time. In the event a potentially significant cultural resource is encountered during subsurface earthwork activities, all construction activities within a 100-foot radius of the find shall cease and workers should avoid altering the materials until an archaeologist has evaluated the situation. The project applicant shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. Potentially significant cultural resources consist of but are not limited to stone, bone, glass, ceramics, fossils, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites. The archaeologist shall make recommendations concerning appropriate measures that will be implemented to protect the resource, including but not limited to excavation and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines. Any previously undiscovered resources found during construction within the project site shall be recorded on appropriate California DPR 523 forms and shall be submitted to Contra Costa County Department of Conservation and Development, the Northwest Information Center, and the State Historic Preservation Office, as required.

Level of Significance After Mitigation

Less Than Significant with Mitigation

Archaeological Resources

Impact CUL-2: The project could cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5.

Construction

Records search results from the NWIC indicates that one prehistoric archaeological resource lies within 0.5 mile of the project site. The resource, CA-CCO-000133, consisted of a single partial prehistoric burial that was discovered during the excavation of a septic tank. While the burial is not located within or near the project site boundary, its presence in the vicinity indicates a higher potential for undiscovered buried archaeological deposits within the project area. Such resources could consist of but are not limited to stone, bone, wood, or shell artifacts or features, including hearths and structural elements. This represents a potentially significant impact related to archeological resources.

However, implementation of MM CUL-1 which requires an inspection by a qualified archaeologist after clearing and grubbing are compete but before any trading or trenching have begun would

reduce potential impacts to archaeological resources that may be discovered during project construction. If a potential resource is identified, construction would be required to stop until appropriate identification and treatment measures are implemented. Therefore, direct and indirect impacts related to archeological resources would be less than significant with mitigation.

Operation

Impacts related to a project's potential to cause a substantial adverse change in the significance of an archeological resource are limited to construction impacts. No respective direct or indirect operational impacts related to archeological resource would occur.

Level of Significance Before Mitigation

Potentially Significant

Mitigation Measures

Implement MM CUL-1

Level of Significance After Mitigation

Less Than Significant with Mitigation

Human Remains

Impact CUL-3:	**The project could disturb human remains, including those interred outside of formal cemeteries.**

Construction

With the exception of CA-CCO-000133, a partial prehistoric burial located outside the project site boundaries, no human remains or cemeteries are known to exist within or near the project site. However, there is always the possibility that subsurface construction activities associated with the project, such as trenching and grading, could potentially damage or destroy previously undiscovered human remains. This represents a potentially significant impact related to human remains.

However, in the unlikely event human remains are discovered, implementation of MM CUL-3 would require that work is halted and the County Coroner is called to make a determination as to the nature of the remains and to confirm next steps regarding contacting the NAHC and appropriate tribal representatives. In addition, in the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5(d)—Effects on Human Remains, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and Section 5097.98 must be followed. Requirements of these regulations are described above in Regulatory Setting. Therefore, with implementation of MM CUL-3 and compliance with aforementioned CEQA Guidelines, direct and indirect impacts related to disturbance of human remains would be less than significant with mitigation.

Operation

Impacts related to a project's potential to disturb human remains are limited to construction impacts. No respective direct or indirect operational impacts related to human remains would occur.

Level of Significance Before Mitigation

Potentially Significant

Mitigation Measures

MM CUL-3 Stop Construction Upon Encountering Human Remains

If during the course of construction activities there is accidental discovery or recognition of any human remains, the following steps shall be taken:

1. There shall be no further excavation or disturbance within 100 feet of the remains until the County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the Native American Heritage Commission (NAHC) within 24 hours, and the NAHC shall identify the person or persons it believes to be the Most Likely Descendant (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work within 48 hours, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resource Code Section 5097.98.
2. Where the following conditions occur, the landowner or his or her authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendant or on the project site in a location not subject to further subsurface disturbance:
    - The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission.
    - The descendant identified fails to make a recommendation.
    - The landowner or his authorized representative rejects the recommendation of the descendant, and mediation by the NAHC fails to provide measures acceptable to the landowner.

Additionally, California Public Resources Code Section 15064.5 requires the following relative to Native American Remains:

- When an initial study identifies the existence of, or the probable likelihood of, Native American Remains within a project, a lead agency shall work with the appropriate Native Americans as identified by the Native American Heritage Commission as provided in Public Resources Code Section 5097.98. The applicant may develop a plan for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American Burials with the appropriate Native Americans as identified by the Native American Heritage Commission.

Level of Significance After Mitigation

Less Than Significant with Mitigation

3.4.5 - Cumulative Impacts

The geographic scope of the cumulative cultural resources analysis is Contra Costa County, the City of Walnut Creek, and the City of Pleasant Hill. Cultural resources have been discovered in Contra Costa County, the City of Walnut Creek and the City of Pleasant Hill, and the potential exists that cultural resources could be encountered during project implementation. This would be a significant contributing factor to an overall cumulative impact to cultural resources within the City of Walnut Creek, the City of Pleasant Hill, and Contra Costa County. Implementation of MM CUL-1 requires an inspection by a qualified archaeologist after clearing and grubbing are complete but before any trading or trenching have begun. MM CUL-3 would require that work is halted and the County Coroner is called to make a determination as to the nature of any human remains that are discovered and to confirm next steps regarding contacting the NAHC and appropriate tribal representatives. These mitigation measures would lessen the potential loss of cultural resources to the community as a whole, and the cumulative impact to cultural resources would be less than significant with mitigation.

Construction activities associated with development projects within the geographic scope may have the potential to encounter undiscovered cultural resources. These projects would be required to mitigate for impacts through compliance with applicable federal and State laws governing cultural resources. Although there is the possibility that previously undiscovered resources could be encountered by subsurface earthwork activities associated with the cumulative projects, the implementation of standard construction mitigation measures would ensure that undiscovered cultural resources are not adversely affected by cumulative project-related construction activities, which would prevent the destruction or degradation of potentially significant cultural resources. Given the low potential for disruption, and the comprehensiveness of mitigation measures that would apply to the cumulative projects, the project, in conjunction with other planned and approved projects, would result in a less than significant with mitigation cumulative impact related to cultural resources.

Level of Cumulative Significance Before Mitigation

Potentially Significant

Cumulative Mitigation Measures

Implement MM CUL-1 and MM CUL-3

Level of Cumulative Significance After Mitigation

Less Than Significant with Mitigation

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