

3.6 Cultural Resources

This section presents the environmental setting and impact assessment for cultural resources in the Hillcrest Station Planning Area.

ENVIRONMENTAL SETTING

Cultural resources are defined as prehistoric and historic sites, structures, and districts, or any other physical evidence associated with human activity considered important to a culture, a subculture, or a community for scientific, traditional, religious, or any other reason. For analysis purposes, cultural resources may be categorized into three groups: archaeological resources, historic resources, and contemporary Native American resources. Paleontological resources, while not generally considered a “cultural resource,” are afforded protection under CEQA,¹ and as such are evaluated in this section of the EIR. The following cultural, historical, and ethnographic information is extracted from a variety of sources including the City of Antioch General Plan, the City of Antioch General Plan Draft EIR, studies prepared by Holman and Associates and an overview document prepared by the Northwest Information Center at Sonoma State University.

PHYSICAL SETTING

The Planning Area is depicted by the Antioch South and Antioch North USGS 7.5’ topographic quadrangles.

Prehistoric Context

The prehistoric occupation of Central California can be interpreted using the Paleo-Archaic-Emergent chronological sequence. (Fredrickson, 1974) The sequence consists of three broad periods: The Paleo-Indian period (10,000 – 6,000 BC); the Archaic period consisting of the Lower Archaic (6,000 – 3,000 BC), Middle Archaic (3,000 – 1,000 BC, and Upper Archaic (1,000 BC – AD 500); and the Emergent period (AD 500 – 1800). The entry and spread of people into California dates to the Paleo-Indian period and human occupation in what is now Contra Costa County dates to the Middle Archaic period. (Moratto, 1984) The cultural patterns relevant to the project area include the Windmiller Pattern and Berkeley Pattern during the Archaic period and the Augustine Pattern during the Emergent period.

The Windmiller Pattern was characterized by small communities of hunters and gatherers who moved seasonally. Material attributes typical of the Windmiller Pattern include large leaf-shaped and stemmed projectile points, westerly oriented extended burials with grave offerings or burial goods such as red ocher, and a distinctive variety of shell beads and charmstones. (Ember & Peregrine, 2001) Subsistence was based on hunting large animals including deer and elk, along with smaller game animals such as water fowl. Fishing also occurred along with the gathering of nuts and fruits.

¹ Public Resources Code (PRC) Section 5097.5 provides for the protection of cultural and paleontological resources. PRC section 5097.5 prohibits the removal, destruction, injury, or defacement of archaeological and paleontological features on any lands under the jurisdiction of state or local authorities.

The Berkeley Pattern was characterized by larger communities with more permanent settlement patterns. Material attributes typical of the Berkeley Pattern include projectile points with distinctive diagonal flaking across their faces, flexed position burials with burial ornaments such as shell beads, and an extensive bone tool industry. During this Pattern, a heavy reliance was developed on acorns which were used throughout the year as a staple food. (Ember & Peregrine, 2001) Food was also obtained through a combination of hunting, fishing, and gathering. Tools were more diverse than the Windmiller Pattern, and included specialized fish spears and hunting gear along with bone and ground-stone tools.

The Augustine Pattern was characterized by large sedentary communities. Material attributes typical of the Augustine Pattern include large spear points, often with serrated edges, and small arrow points, bone harpoons, ceramics and coiled basketry, and flexed position burials, and evidence of the practice of cremation. (Ember & Peregrine, 2001) Hunting and gathering was practiced broadly and important technological innovations include the bow and arrow and shaped mortars and pestles. This late prehistoric pattern was ancestral to the Miwok who occupied central California at the time of Spanish contact. (Fiedel, 1992)

Anthropologists have classified the linguistic and cultural group of the Antioch area as Bay Miwok people. (Antioch Historical Society, 2005) Antioch was also once occupied by Julpun and Ompin groups; other groups such as the Ohlones, Patwins, and Coast and Plains Miwoks were also known to come into the area for gatherings. The Bay Miwok constructed conical dwellings framed with wooden poles and covered with plants, grasses, fronds, or bark. Their diet consisted of a wide variety of wild plants including acorns, greens, nuts, berries, seeds, and roots. They also ate fish and hunted elk, deer, fowl and small game. The Bay Miwok used a variety of hunting tools made from stone and bone while their most important weapon was the bow and arrow. The main political unit of the Bay Miwok was the triblet, a sovereign nation composed of several lineages or settlements of intermarried families. (Pritzker, 2000)

Prehistoric Archeological Resources

The majority of archeological resource locations in the San Francisco Bay Area region are associated with either Native American or Euroamerican occupation of the area. Prehistoric cultural resources in the San Francisco Bay region tend to be located near sources of fresh water, along the bayshore, and in the hills of Contra Costa County. There are no prehistoric archaeological sites recorded within the Planning Area. No archaeological resources were observed during a walking survey conducted in July 2007 as part of a background report prepared by Holman & Associates. A subsequent report prepared by Holman & Associates in October 2008, after mechanical subsurface presence/absence testing of the Planning Area, concluded that there is at best a low to moderate possibility that construction related to earthmoving will affect buried prehistoric archeological resources. (Holman and Associates, October 2008)

Historic Context

In the 1770s the Spanish conducted a series of expeditions into Contra Costa County to find new mission sites. The earliest land exploration of the Antioch area was conducted in March 1772 by Don Pedro Fages and Padre Juan Crespi. (Antioch Historical Society, 2005) Spanish missions were established in the San Francisco Bay Area, beginning with Mission San Francisco in 1776. Missionization of people in the project area occurred later because of the distance from the missions, but by 1827, virtually all the Bay Miwok had been absorbed into either the San Francisco or San Jose missions. (City of Antioch, 2003)

In 1821, Mexico gained independence from Spain and under the 1824 General Law of Colonization, Mexican citizens were granted tracts of land or “ranchos.” (Menchaca, 2002) Antioch contains portions of two adjoining ranchos: Los Meganos, originally granted to Jose Noriega in 1834 and later purchased by John Marsh in 1837, and Los Medanos, granted to Colonel Jonathan Drake Stevenson in 1839. (Hoover, 1970) Twin brothers from New Hampshire, William Wiggin Smith and Joseph Horton Smith, are credited as the founders of Antioch. The brothers came to California in 1849 for the Gold Rush, obtained a portion of Rancho Los Meganos from John Marsh and created a new settlement, originally called Smith’s Landing. A group of New England frontier families soon arrived in California and were invited by William Smith to settle in Smith’s Landing. On July 4, 1851, the citizens adopted Antioch, the name of a Biblical city in Syria, as the new name for their town. Shortly after its settlement, Antioch served as a major supply depot, shipping and receiving growing river commerce.

At the end of the 1850s, coal was discovered south of Antioch in the foothills of Mount Diablo. From the 1850s to 1880s, a coal mining industry developed and small towns began to develop adjacent to coal mines. Mining towns of Nortonville, Somersville, Stewardsville, Judsonville, and West Hartley flourished but then disappeared due to the rising costs and diminishing profits of the mines. In 1878, the Empire Railroad was established to transport coal from the coal fields to the San Francisco Bay. Another major economic mainstay during the 1860s and 1870s was grain (wheat and barley) farming. The Southern Pacific Railroad was interested in taking over the grain shipping business from its competitors and constructed the “San Pedro and Tulare Railroad” through the agricultural region. The arrival of the Southern Pacific established a number of small stations along the rail alignment, including Antioch.

In 1903, San Francisco businessman Charles Appleton Cooper purchased Rancho Los Medanos and sponsored industrialization in and around Pittsburg and Antioch. Hooper’s development attracted other businesses, including oil refineries and a PG&E steam electric plant. The area was transformed into a major manufacturing center for industries including pottery, canneries, and paper mills. (City of Antioch, 2003) Following World War II, mass automobile ownership and the construction of new highways, such as Highway 24 and SR 4 spurred large-scale suburban growth in Antioch. Antioch doubled in population between 1940 and 1950 and increased its population by more than 250 percent between 1950 and 1980. By 2000 its population had almost doubled again and had become much more diverse. (San Francisco Bay Area Rapid Transit District, 2008)

Historic Resources

There are no federal-, State-, or County-listed historic sites within the Planning Area. A records search conducted by the Northwest Information Center (NWIC) of the California Historic Resources Information System at Sonoma State University in Rohnert Park identified three recorded historic-period cultural resources: the Southern Pacific Railroad (P-07-000813) and two historic-period residences (P-07-002882 and P-07-002883). (Guldenbrein, 2008) A background report prepared by Holman & Associates also identified these areas, along with other areas, as sites that may contain potentially significant historic resources.

1. The “Foundry” is a complex of three modern (post 1960s) buildings located on the parcel owned by PDQ Products in the southeast corner of the Planning Area. This site was depicted as “oil tanks” in 1916 and 1953 US Geological Survey quadrangles, reflecting its former use in conjunction with the Old Valley (OVP) pipelines built by Chevron’s predecessors.

2. A small homestead is located at 2500 Willow Lane. The house appears to be of early 1930s construction, and has been severely damaged by fire. There is also a large wood-framed outbuilding on the property. Structures appear on this site as early as the 1916 quadrangle.
3. Two large debris piles are located south of Oakley Road and east of Willow Road. The debris may be associated with structures that appear in both the 1916 and 1953 quadrangles. Substantial amounts of modern debris have compromised the piles, but square nails recovered from the site suggest that potentially historic materials remain.
4. An abandoned segment of Southern Pacific's San Pedro and Tulare Railroad (1878-1925) alignment (formerly the Central Pacific Railroad) is located at the eastern edge of the Planning Area. No ties or spikes were observed during the survey, but large amounts of granite ballast mark the former alignment. The rail line alignment was recorded as a historic site P-07-2568, but it will not likely qualify for the National Register due to loss of integrity. (Baker & Shoup, 2008)

None of these areas appear to possess architecturally significant elements or integrity which may make them eligible for inclusion on the California Register of Historic Resources. However, additional archival research and field testing may be necessary to fully evaluate the historical significance of these sites. (Holman and Associates, 2007)

Contemporary Native American Resources

As part of the Hillcrest Station Area Specific Plan planning process, a letter was sent to the Native American Heritage Commission (NAHC) on March 24, 2008. The response dated April 3, 2008 stated that a record search of the sacred land file failed to indicate the presence of Native American cultural resources within the Planning Area. Letters of inquiry were sent to the three tribal representatives listed in the NAHC response. No replies from those tribes have been received.

Paleontological Resources

Fossil remains are considered to be important as they provide indicators of the earth's chronology and history. These resources are afforded protection under CEQA and are considered to be limited and nonrenewable, and they provide invaluable scientific and educational data. The University of California Museum of Paleontology specimens list contains more than 2,000 localities where fossils have been found in Contra Costa County. At least eight localities are located in the City of Antioch. (University of California Museum of Paleontology)

REGULATORY SETTING

Definitions

Archaeological Resources

Archaeological resources are places where human activity has measurably altered the earth or left deposits of physical remains. Archaeological resources may be either prehistoric (before the introduction of writing in a particular area) or historic (after the introduction of writing). The majority of such places in this region are associated with either Native American or Euroamerican occupation of the area. The most frequently encountered prehistoric and early historic Native American archaeological sites are village settlements with residential areas and sometimes cemeteries; temporary camps where food and raw materials were collected; smaller, briefly

occupied sites where tools were manufactured or repaired; and special-use areas like caves, rock shelters, and sites of rock art. Historic archaeological sites may include foundations or features such as privies, corrals, and trash dumps.

Historic Resources

Historic resources are standing structures of historic or aesthetic significance. Architectural sites dating from the Spanish Period (1529-1822) through the early years of the Depression (1929-1930) are generally considered for protection if they are determined to be historically or architecturally significant. Post-depression sites may also be considered for protection if they could gain significance in the future. Historic resources are often associated with archaeological deposits of the same age.

Ethnographic Resources

Contemporary Native American resources, also called ethnographic resources, can include archaeological resources, rock art, and the prominent topographical areas, features, habitats, plants, animals, and minerals that contemporary Native Americans value and consider essential for the preservation of their traditional values.

Paleontological Resources

Paleontological resources are the mineralized (fossilized) remains of prehistoric plant and animal life exclusive of human remains or artifacts. Fossil remains such as bones, teeth, shells, and leaves are found in geologic deposits (rock formations) where they were originally buried.

Federal Regulations

National Historic Preservation Act

The National Historic Preservation Act (NHPA) is the most prominent federal law dealing with historic preservation. The NHPA established guidelines to “preserve important historic, cultural, and natural aspects of our national heritage, and to maintain, wherever possible, an environment that supports diversity and a variety of individual choice.” The NHPA includes regulations specifically for federal land-holding agencies, but also includes regulations (Section 106) which pertain to all projects that are funded, permitted, or approved by any federal agency and which have the potential to affect cultural resources. All projects that are subject to the National Environmental Policy Act (NEPA) are also subject to compliance with Section 106 of the NHPA. At the federal level, the Office of Historic Preservation (OHP) carries out reviews under Section 106 of the NHPA.

National Register of Historic Places

NHPA authorizes the Secretary of the Interior to establish a National Register of Historic Places (National Register), an inventory of districts, sites, buildings, structures, and objects significant on a national, State, or local level in American history, architecture, archeology, engineering, and culture. The National Register is maintained by the National Park Service, the Advisory Council on Historic Preservation, State Historic Preservation Office, and grants-in-aid programs.

To be potentially eligible for listing on the National Register of Historic Places (NRHP), a building must usually be over 50 years old and must have historic significance and must retain its physical integrity. More detailed eligibility criteria are described in the Code of Federal

Regulations, Title 36, Part 60. Historical Resources achieving significance with less than 50 years may be considered for listing if they are of “exceptional importance,” or if they are integral parts of districts that are eligible for listing in the National Register

Procedures for the Protection of Historic Properties (33 CFR 325, Appendix C)

Code of Federal Regulations, Section 33, Part 325 establishes the procedures to be followed by the U.S. Army Corps of Engineers to fulfill the requirements set forth in the National Historic Preservation Act (NHPA), other applicable historic preservation laws, and Presidential directives as they relate to the regulatory program of the Corps of Engineers.

State Regulations

Office of Historic Preservation

California Public Resources Code 5024 requires consultation with the State Historic Preservation Officer (SHPO) when a project may impact historical resources located on State-owned land.

California Register of Historic Resources

The SHPO also maintains the California Register of Historic Resources (California Register). Historic properties listed, or formally designated for eligibility to be listed, on the National Register are automatically listed on the California Register (Public Resources Code, Section 5024.1). State Landmarks and Points of Interest are also automatically listed. The California Register 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 California Register, 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; or
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 Public Resources Code, Section 5024.1).

Additional criteria are listed in California Code of Regulations, Title 14, Chapter 11.5. A building must usually be over 50 years old, must have historic significance, and must retain its physical integrity. Historical resources achieving significance within less than 50 years may be considered for listing in the California Register if it can be demonstrated that sufficient time has passed to understand its historical importance.

California Environmental Quality Act

21083.2: Archaeological Resources

CEQA directs the lead agency on any project undertaken, assisted, or permitted by the State to include in its environmental impact report for the project a determination of the project's effect on

unique archeological resources; defines unique archeological resource; enables a lead agency to require an applicant to make reasonable effort to preserve or mitigate impacts to any affected unique archeological resource; sets requirements for the applicant to provide payment to cover costs of mitigation; and restricts excavation as a mitigation measure.

21084.1: Historic Resources

CEQA establishes that adverse effects on an historical resource qualifies as a significant effect on the environment; and defines historical resource.

CEQA Guidelines

Historic Resources

Section 15064.5 of 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 is identified as significant in a historical resource survey meeting the requirements of section 5024.1(g) of the Public Resources Code unless a preponderance of evidence demonstrates that it is not historically or culturally significant; or,
3. If the lead agency determines the resource to be significant as supported by substantial evidence (California Code of Regulations, Title 14, Division 6, Chapter 3, section 15064.5).

In addition to determining the significance and eligibility of any identified historical resource under CEQA and the California Register, historic properties must be evaluated under the criteria for the National Register should federal funding or permitting become involved in any undertaking subject to this document.

Archeological Resources

CEQA Guidelines Section 15126.4 states that “public agencies should, whenever feasible, seek to avoid damaging effects on any historical resources of an archeological nature.” The Guidelines further state that preservation-in-place is the preferred approach to mitigate impacts on archaeological resources. 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 prior to 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.

Native American Heritage Act

Also relevant to the evaluation and mitigation of impacts to cultural resources, the Native American Heritage Act (NAHA) of 1976 established the Native American Heritage Commission

(NAHC) and protects Native American religious values on state property (see California Public Resources Code 5097.9). PRC 5097.98 defines the steps that need to be taken if human remains are identified on a site, including the notification of descendants and the disposition of remains and 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 Native American Heritage Commission in the definition of “person” to whom notice of public hearings shall be sent by local governments.

Tribal Consultation Guidelines

Passed in 2004, Senate Bill (SB) 18 (Burton, D-San Francisco) now Government Code Section 65351 and 65352 establishes a procedure to help tribes and jurisdictions define tribal cultural resources and sacred areas more clearly and incorporate protection of these places earlier into the General Plan and Specific Plan processes. The SB 18 process mirrors the federal 106 Review process used by archaeologists as part of the environmental review conducted under NEPA (36 CFR Part 800.16) While not a component of CEQA review per se, the Lead agency is required to request consultation with responsible and trustee agencies, such as NAHC and neighboring tribes, during the initial study and EIR process (PRC 21080.3, 21080.4).

Disposition of Human Remains

Health and Safety Code Section 7050.5 states that when an initial study identifies the existence, or the probable likelihood, of Native American human remains within the project, a lead agency shall work with the appropriate Native Americans as identified by the NAHC as provided in Public Resources Code 5097.98. The applicant may develop an agreement for treating or disposing of, with appropriate dignity, the human remains and any items associated with Native American burials. Furthermore, Section 7050.5 of the California Health and Safety Code requires that construction or excavation be stopped in the vicinity of discovered human remains until the county coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the NAHC.

Native American Graves Protection and Repatriation Act

Health and Safety Code Section 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 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 non-federally recognized tribes, in filing repatriation claims and getting responses to those claims.

California Historical Resources Information System

The California Historical Resources Information System (CHRIS) is a statewide system for managing information on the full range of historical resources identified in California. CHRIS is a cooperative partnership between the citizens of California, historic preservation professionals, twelve Information Centers, and various agencies. This system bears the following responsibilities: integrate newly recorded sites and information on known resources into the

California Historical Resources Inventory; furnish information on known resources and surveys to governments, institutions, and individuals who have a justifiable need to know; and supply a list of consultants who are qualified to do work within their area.

Typically, the initial step in addressing cultural resources in the project review process involves contacting the appropriate Information Center to conduct a record search. A record search should identify any previously recorded historical resources and previous archaeological studies within the project area, as well as provide recommendations for further work, if necessary. Depending on the nature and location of the project, the project proponent or lead agency may be required to contact appropriate Native American representatives to aid in the identification of traditional cultural properties.

If known cultural resources are present within the proposed project area, or if the area has not been previously investigated for the presence of such resources, the Information Center may recommend a survey for historical, archaeological and paleontological sites. Cultural resources that may be adversely affected by an undertaking could warrant further evaluation for test excavations. For historical sites or standing structures, historical research may be necessary and an architectural evaluation may be warranted. Data recovery excavations may be warranted in the case of unavoidable damage to archaeological sites. If human burials are present, contact the appropriate Coroner's office. A professional archaeologist and appropriate Native American representatives should also be consulted (Sections 21083.2 and 21084.1 of the PRC).

When an initial study identifies the existence, or the probable likelihood, of Native American human remains within the 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 5097.98. The applicant may develop an agreement 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.

Local Regulations: Antioch General Plan Resource Management Policies

10.9.2 Cultural Policies

a. Require new development to analyze, and therefore avoid or mitigate impacts to archaeological, paleontological, and historic resources. Require surveys for projects having the potential to impact archaeological, paleontological, or historic resources. If significant resources are found to be present, provide mitigation in accordance with applicable CEQA guidelines and provisions of the California Public Resources Code.

b. If avoidance and/or preservation in the location of any potentially significant cultural resource is not possible, the following measures shall be initiated for each impacted site:

- A participant-observer from the appropriate Indian Band or Tribe shall be used during archaeological testing or excavation in the project site.
- Prior to the issuance of a grading permit for the project, the project proponent shall develop a test-level research design detailing how the cultural resource investigation shall be executed and providing specific research questions that shall be addressed through the excavation program. In particular, the testing program shall characterize the site

constituents, horizontal and vertical extent, and, if possible, period of use. The testing program shall also address the California Register and National Register eligibility of the cultural resource and make recommendations as to the suitability of the resource for listing on either Register. The research design shall be submitted to the City of Antioch for review and comment. For sites determined, through the Testing Program, to be ineligible for listing on either the California or National Register, execution of the Testing Program will suffice as mitigation of project impacts to this resource.

- After approval of the research design and prior to the issuance of a grading permit, the project proponent shall complete the excavation program as specified in the research design. The results of this excavation program shall be presented in a technical report that follows the City's outline for Archaeological Testing. The Test Level Report shall be submitted to the City for review and comment. If cultural resources that would be affected by the project are found ineligible for listing on the California or National Register, test-level investigations will have depleted the scientific value of the sites and the project can proceed.
- If the resource is identified as being potentially eligible for either the California or National Register, and project designs cannot be altered to avoid impacting the site, a Treatment Program to mitigate project effects shall be initiated. A Treatment Plan detailing the objectives of the Treatment Program shall be developed. The Treatment Plan shall contain specific, testable hypotheses relative to the sites under study and shall attempt to address the potential of the sites to address these research questions. The Treatment Plan shall be submitted to the City for review and comment.
- After approval of the Treatment Plan, the Treatment Program for affected, eligible sites shall be initiated. Typically, a Treatment Program involves excavation of a statistically representative sample of the site to preserve those resource values that qualify the site as being eligible for the California or National Register. At the conclusion of the excavation or research program, a Treatment Report shall be developed. This data recovery report shall be submitted to the City for review and comment.

c. When existing information indicates that a site proposed for development may contain paleontological resources, a paleontologist shall monitor site grading activities with the authority to halt grading to collect uncovered paleontological resources, curate any resources collected with an appropriate reposition, and file a report with the Community Development Department documenting any paleontological resources found during site grading.

d. As a standard condition of approval for new development projects, require that if unanticipated cultural or paleontological resources are encountered during grading, alteration of earth materials in the vicinity of the find be halted until a qualified expert has evaluated the find and recorded identified cultural resources.

e. Preserve historic structures and ensure that alterations to historic buildings and their immediate settings are compatible with the character of the structure and the surrounding neighborhood.

IMPACT ANALYSIS

SIGNIFICANCE CRITERIA

The proposed Specific Plan would have a significant adverse impact on cultural resources if it would:

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

METHODOLOGY AND ASSUMPTIONS

The Northwest Information Center (NWIC) of the California Historic Resources Information System at Sonoma State University in Rohnert Park was faxed a data request on March 24, 2008. The request was emailed to the NWIC on June 6, 2008. The NWIC is an affiliate of the State of California Office of Historic Preservation and is the official State repository of cultural resources reports and records for a 16-county area, including Contra Costa. A response dated July 1, 2008 was received.

The disposition of Native American burial falls within the jurisdiction of the Native American Heritage Commission (NAHC). The NAHC was contacted on March 24, 2008. A response dated April 3, 2008 was received. Letters to three tribal representatives were sent May 27, 2008. No responses to those letters were received.

In addition to the records searches, the City of Antioch Draft General Plan Update Environmental Impact Report, the eBART Corridor Draft Environmental Impact Report, and a memo prepared by Holman & Associates for Brosamer and Wall, entitled “Cultural Resources Field Inspection of the County Crossings Project, Antioch, Contra Costa County, California” were reviewed. The Holman & Associates memo summarized an archaeological literature review and a visual field inspection.

SUMMARY OF IMPACTS

The primary impact that could occur would be the disturbance of cultural resources during project construction, subsequent to adoption of the Specific Plan.

Based on the NWIC’s evaluation of the environmental setting and features associated with known sites, there is a reasonable possibility of uncovering and identifying additional archeological deposits in the Planning Area. Existing national, state and local laws as well as policies contained in the General Plan would reduce these potential impacts on historic and archeological resources to less than significant levels.

Paleontological resources have been documented to occur in Antioch. There is potential to encounter unidentified fossils during construction of new development in the Station Area. Since

fossils are considered to be nonrenewable resources, such impacts would be considered significant.

There are no federal-, State-, or County-listed historic sites within the Planning Area. However, Holman & Associates identified four sites that may contain potentially significant historic resources. Even though these sites do not appear to possess architecturally significant elements or integrity, additional research is recommended to determine their eligibility for inclusion on the California Register of Historic Resources.

IMPACTS AND MITIGATION MEASURES

3.6-1 *New development under the proposed Plan has the potential to adversely affect historic resources that appear on State historical inventories or may be eligible for inclusion on such lists. (Less than Significant)*

There are no federal-, State-, or County-listed historic sites within the Planning Area. However, Holman & Associates identified four sites that may contain potentially significant historic resources:

1. The “Foundry” (APN: 052-052-002)
2. 2500 Willow Lane
3. Two debris piles south of Oakley Road and east of Willow Road
4. Abandoned railroad spur

Even though these sites do not appear to possess architecturally significant elements or integrity, additional research is recommended to determine their eligibility for inclusion on the California Register of Historic Resources.

Current federal, state, and local laws as well as the policies summarized below reduce potential impacts on historic resources to less than significant levels.

Specific Plan Policies that Reduce the Impact

EH-27 Require the project sponsor to complete the California Department of Parks and Recreation site forms for submittal to the California Archaeological Inventory located at Sonoma State University for each of the sites listed below. As part of the effort, require the project sponsor to complete focused historical archival research for the project area to chronicle historic development since the late 19th Century. This will help inform the determination of whether the sites are eligible to be designated as historic resources.

- The “Foundry” (APN: 052-052-002)
- 2500 Willow Lane
- Two debris piles south of Oakley Road and east of Willow Road
- Abandoned railroad spur

- EH-28 If any resource is found to be eligible for inclusion on the California Register of Historic Resources, the project sponsor shall consult with the State Historic Preservation Officer (SHPO) to document the existing condition, in order to establish for posterity a record of the historic property prior to its alteration, relocation, or demolition, and to identify any further requirements for environmental review and/or mitigation.

Mitigation Measures

No mitigation measures are required.

3.6-2 *New development within the Planning Area has the potential to disrupt undiscovered archaeological resources and human remains. (Less than Significant)*

A records search revealed no known recorded archeological sites occur within the Planning Area. However, the review of the Planning Area conducted by the NWIC identified 3 recorded historic-period buildings and structures. According to the NWIC, given these factors, there is a high possibility of identifying historic-period archeological resources in the project area. A comprehensive mechanical subsurface testing program was carried out in 2008 by Holman & Associates. A total of 54 trenches, seven feet in length, spaced 66-197 feet apart, were excavated in an effort to locate and define any buried cultural resources. No evidence of buried cultural resources was encountered during the trenching effort.

In this part of Contra Costa County, Native American cultural resources have been found near sources of water including perennial and intermittent streams and springs, near the margin of the bay, and near productive ecotones. The Planning Area contains mainly valley lands, as well as the hill to valley interface area, with drainage canyons and creeks. Given the similarity of these environmental factors, the NWIC has determined that there is a moderate likelihood that unrecorded Native American cultural resources exist in the Planning Area. The report of findings of the mechanical subsurface testing program determined that there remains some potential that earthmoving north of the East Antioch Creek bank may turn up isolated groups of human burials.

Even though no known sites are documented to occur in the Planning Area, there is a reasonable possibility of uncovering and identifying additional archeological resources in the Planning Area. New development activities may adversely affect these archeological resources during ground disturbance activities.

Pursuant to CEQA Guidelines 15064.5 (f), if potentially significant cultural resources are discovered during ground-disturbing activities associated with project preparation, construction, or completion, work shall halt in that area until a qualified archaeologist can assess the significance of the find, and, if necessary, develop appropriate treatment measures in consultation with Contra Costa County and other appropriate agencies and interested parties. For example, a qualified archaeologist shall follow accepted professional standards in recording any find including submittal of the standard Department of Parks and Recreation (DPR) Primary Record forms (Form DPR 523) and locational information to the California Historical Resources Information Center office (Northwest Information Center). The consulting archaeologist shall also evaluate such resources for significance per California Register of Historical Resources eligibility criteria (Public Resources Code Section 5024.1; Title 14 CCR Section 4852). If the archaeologist determines that the find does not meet the CEQA standards of significance, construction shall proceed. On the other hand, if the archaeologist determines that further information is needed to

evaluate significance, the Planning Department staff shall be notified and a data recovery plan shall be prepared.

All future development in the Planning Area will be in accordance with State laws pertaining to the discovery of human remains. Accordingly, if human remains of Native American origin are discovered during project construction, the developer and/or the Planning Department would be required to comply with state laws relating to the disposition of Native American burials, which fall within the jurisdiction of the Native American Heritage Commission (PRC Sec. 5097). Sections 21083.2 and 21084.1 of the PRC states that if any human remains are discovered or recognized in any location on the project site, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

a. The Contra Costa County Coroner/Sheriff has been informed and has determined that no investigation of the cause of death is required; and

b. If the remains are of Native American origin,

- The descendants of the deceased Native Americans have made a recommendation to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98, or
- The Native American Heritage Commission was unable to identify a descendant or the descendant failed to make a recommendation within 24 hours after being notified by the commission.

Overall, current federal, state, and local laws, including the General Plan policies listed in the Regulatory Section, would reduce these impacts on archaeological resources to less than significant levels.

Mitigation Measures

No mitigation measures are required.

3.6-3 Implementation of the proposed Specific Plan could adversely affect unidentified paleontological resources. (Less than Significant)

The University of California Museum of Paleontology (UCMP) lists over 2,000 localities where fossils have been found in Contra Costa County. (University of California Museum of Paleontology) At least eight of these findings are documented to be in Antioch and others can be assumed. The localities contain records for various Mammalia, including Mammoth, Bison, Deer, and Badger. Pleistocene fluvial deposits which are sedimentary deposits are considered sensitive for vertebrate fossils, which are considered a significant paleontological resource. Furthermore, rock units from which vertebrate fossils have been recovered are considered to have potential for containing significant non renewable fossiliferous resources. (Society of Vertebrate Paleontology, 2007)

There is potential to encounter unidentified fossils during construction of new development. Since fossils are considered to be nonrenewable resources, such impacts would be considered significant. Adverse impacts on paleontological resources could occur when earthwork activities such as mass excavation cut into geological formations, or depths below the soil layer, which is

generally six feet deep. These impacts are in the form of physical destruction of fossil remains. Project specific evaluation, monitoring during construction, and possible fossil recovery in the event fossils are discovered, would reduce the potential of adverse impacts to paleontological resources. General Plan policies along with current federal, state, and local laws would reduce these impacts on paleontological resources to less than significant levels.

Mitigation Measures

No mitigation measures are required.

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