

3.4 - Cultural Resources and Tribal Cultural Resources

3.4.1 - Introduction

This section describes the existing cultural and tribal cultural resources setting and potential effects that may result from project implementation on the site and its surrounding area. The descriptions and analysis in this section are based on information provided by the Native American Heritage Commission (NAHC), a records search conducted at the Northwest Information Center (NWIC), archival research, and a pedestrian survey, as presented in the Phase I Cultural Resource Assessment (Phase I CRA) prepared for the proposed project included in confidential Appendix D.

Recommendations provided in the Phase I CRA pertaining to mitigation of potential impacts to cultural resources are also addressed in this chapter.

3.4.2 - Environmental Setting

Overview

The term “cultural resources” encompasses historic, archaeological, tribal cultural resources, and burial sites containing human remains. 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.
- **Tribal Cultural Resources:** Tribal Cultural Resources (TCRs) include sites, features, places, or objects that are of cultural value to one or more California Native American Tribes.
- **Burial Sites and Cemeteries:** Burial sites and cemeteries are formal or informal locations where human remains have been interred. Native American burial sites are also considered TCRs of cultural value to one or more California Native American Tribe.

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}

¹ Kroeber, A.L. 1925. Handbook of the Indians of California. Bulletin 78. Bureau of American Ethnology. Washington, DC: 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.

Prehistory

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.⁶ 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 variations of inter-site assemblages. Research during the 1930s identified temporal periods in central California prehistory and provided an initial chronological sequence.⁷ In 1939, Lillard noted that each cultural period led directly to the next and that influences spread from the Delta region to other regions in central California.⁸ In the late 1940s and early 1950s, Beardsley 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.^{9,10} The CCTS system was challenged by Gerow, whose work looked at radiocarbon dating to show that Early and Middle Horizon sites were not subsequent developments but, at least partially, contemporaneous.^{11,12,13}

To address some of the flaws in the CCTS system, Fredrickson introduced a revision that incorporated a system of spatial and cultural integrative units.¹⁴ Fredrickson separated cultural, temporal, and spatial units from each other and assigned them to six chronological periods: Paleo-Indian 12,000 to 8000 years Before Present (BP); Lower, Middle, and Upper Archaic (8000 to 1500 BP), and Emergent (Upper and Lower, 1500 to 250 BP). The suggested temporal ranges are similar to earlier horizons, which are broad cultural units that can be arranged in a temporal sequence.¹⁵ In addition, Fredrickson defined several patterns—a general way of life shared within a specific geographical region. These patterns include:

- Windmill Pattern or Early Horizon (4500 to 3500 BP)
- Berkeley Pattern or Middle Horizon (3500 to 1500 BP)
- Augustine Pattern or Late Horizon (1500 to 250 BP)

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

⁶ Schenck, W.E. and E. J. Dawson. 1929. Archaeology of the Northern San Joaquin Valley. *American Archaeology and Ethnology* 25:286–413.

⁷ 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.

⁸ 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.

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

¹⁰ Beardsley, R.K. 1954. Temporal and Areal Relationships in Central California Archaeology. *University of California Archaeological Survey Reports* 24:1–62; 25:63–131.

¹¹ Gerow, B.A. 1954. The Problem of Cultural Sequences in Central California Archaeology. Paper presented at the Annual Meeting of the American Association for the Advancement of Sciences.

¹² Gerow, B.A. 1974. Comments on Fredrickson's Cultural Diversity. *The Journal of California Anthropology* 1(2):239–246.

¹³ Gerow, B.A., with R. Force. 1968. *An Analysis of the University Village Complex with a Reappraisal of Central California Archaeology*. Stanford University Press. Stanford, California.

¹⁴ Fredrickson, D.A. 1973. *Early Cultures of the North Coast of the North Coast Ranges, California*. PhD dissertation.

¹⁵ Moratto, M.J. 1984. *California Archaeology*. San Diego: Academic Press. Northwest Information Center (NWIC). Rohnert Park. File Number 05-1169.

Windmill Pattern or Early Horizon (4500 to 3500 BP)

Characterized by the Windmill 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.^{16,17} 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 *Halotis* and *Olivella* shell beads and charmstones that usually were perforated.

Berkeley Pattern or Middle Horizon (3500 to 1500 BP)

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.¹⁸ 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, the practice of spreading ground ochre over the burial was common at this time.¹⁹ 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.²⁰ During this period, larger populations are suggested by the number and depth of sites compared with the Windmill 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.²¹

Augustine Pattern or Late Horizon (1500 to 250 BP)

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

¹⁶ Bennyhoff, J. 1950. Californian Fish Spears and Harpoons. University of California Anthropological Records 9(4):295–338.

¹⁷ Ragir, S.R. 1972. The Early Horizon in Central California Prehistory. Contributions of the University of California Archaeological Research Facility 15. Berkeley, CA.

¹⁸ Fredrickson, D.A. 1973. Early Cultures of the North Coast of the North Coast Ranges, California. PhD dissertation.

¹⁹ 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.

²⁰ Hughes, R.E. (editor). 1994. Toward a New Taxonomic Framework for Central California Archaeology: Essays by James A. Bennyhoff and David A. Fredrickson. Assembled and edited by Richard E. Hughes. Contributions of the University of California No. 52, Archaeological Research Facility, Berkeley, CA.

²¹ Fredrickson, D.A. 1974. Cultural Diversity in Early Central California: A View from the North Coast Ranges. Journal of California Anthropology 1:41–53.

importantly, acorns became the predominant food resource. Trade systems expanded to include raw resources as well as finished products. There are more baked clay artifacts and extensive use of Haliotis ornaments of many elaborate shapes and forms. 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.²² 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.²³

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.²⁴ Although debate continues over a single model or sequence for central California, the general framework consisting of three temporal/cultural units is generally accepted. The identification of regional and local variation is a major goal of current archaeological research.

Regional Investigations

The majority of previous investigations in the lower Sacramento Valley have been conducted east of the Sacramento River, typically along the Cosumnes River. Two investigations that focused on the lower Sacramento Valley are CA-SAC-133 and CA-SAC-16, among others.^{25,26} Pertinent to the proposed project is CA-SOL-363 located in Dixon, which documented 15 features and 39 burials. The assemblage included projectile points, primarily lanceolate forms, manufactured from obsidian found in Napa Valley, which are typically associated with the Berkeley Pattern. The predominant type of shell beads were Olivella, Class F2a, F2b, F3b, G5, and C3, which were attributed to the Intermediate Phase of the Middle Period. The lack of Augustine Pattern components is indicated by the absence of Olivella Class M shell beads and clamshell disk beads.²⁷ The paucity of milling tools in relation to projectile points suggests that subsistence strategies relied on hunting rather than vegetal resources. The analyzed faunal remains indicated that the site was used seasonally as a winter camp. Consistent with Berkeley Pattern burial practices, burials at the site were flexed with variable cardinal orientation. No cremations were reported at the site.

²² Moratto, M.J. 1984. California Archaeology. San Diego: Academic Press. Northwest Information Center (NWIC). Rohnert Park. File Number 05-1169.

²³ Johnson, P.J. 1978. Patwin. In R.F. Heizer, vol. ed., Handbook of the North American Indians, Volume 8, California 350–360. Washington, DC. Smithsonian Institution.

²⁴ Dickel, D.N., P. D. Schulz, and H.M. McHenry. 1984. Central California: Prehistoric Subsistence Changes and Health. In Paleopathology at the Origins of Agriculture, edited by Mark Nathan Cohen and George J. Armelagos, pp. 439–462. Academic Press, Inc. Orlando, FL.

²⁵ Bouey, P.D. and S.A. Waechter. 1992. Preliminary Report on Phase II Test Excavations at CA-SAC-133 near Sloughhouse, Sacramento County, California. Report to California Department of Transportation, District 3, Marysville, CA.

²⁶ Derr, E.H. 1983. Archaeological Investigations at CA-SAC-16: Interpretations of a Middle/Late Horizon Village in the Lower Sacramento Valley of California. Master's thesis.

²⁷ Rosenthal, J.S. and G. White. 1994. Archaeological Investigations at the Pheasant Run Site, CA-Sol-363. Report to Kaufman and Broad of Northern California, Inc., Roseville, CA.

The Patwin Tribe

At the time of European contact, the project vicinity was occupied by the Patwin Tribe of California Native Americans. The Patwin occupied the southwest Sacramento Valley from the town of Princeton, north of Colusa, south to San Pablo and Suisun Bays, and from the lower hills of the eastern North Coast Ranges to the Sacramento River. Patwin territory extended approximately 40 miles east to west and 90 miles north to south. Based primarily on linguistic variation, the Patwin are the most southern division of the Wintuan population, who are members of the Penutian linguistic stock. Distinction is made between the Hill and River Patwin. Hill Patwin had villages located in valleys along the hills of the Vaca Mountains and Coast Ranges with populations concentrated in Indian, Bear, Capay, Cortina, Long, and Napa valleys. In general, the River Patwin occupied the west banks of the lower Sacramento River below the Feather River as well as the lower reaches of Cache and Putah creeks in the Sacramento Valley.²⁸ The Hill Patwin village closest to the project area is ethnographically known as Tolenas.

The Patwin political organization was centered on the Tribelet, which consisted of a primary village with smaller satellite villages governed by a head chief. Tribelets were autonomous and differed from each other with minor cultural variations. The economic and ceremonial activities of each village were administered by a chief whose position was typically passed on patrilineally, although some chiefs were chosen by village elders. The chief administered subsistence ventures, such as hunting and gathering expeditions, and served as the primary resource distributor.²⁹ The Patwin subsistence base varied with the seasons and included gathering seeds and plant resources on the plains, netting migratory waterfowl in the tule marshes, and netting salmon and other fish in the rivers and streams. Acorns were a staple in the Patwin diet and were obtained from communally owned hill and valley oak groves. The Patwin stored the acorns in granaries as insurance against famine in poor harvest years. Ethnographic reports indicate the Patwin obtained large game such as deer, tule elk, and antelope by using nets or shooting with bows and arrows. Fish resources were of particular importance to the River Patwin and included perch, sturgeon, salmon, sucker, trout, pike, and other riverine species such as mussels and turtles, which were caught with bone fishhooks, nets, weirs, and seines.³⁰ The Patwin trade system included various resources that were exchanged with the Wappo, Nomlake, Southeastern Pomo, and Hill Patwin. The River Patwin obtained obsidian from sources to the west and east. Initially, finished shell beads were obtained from coastal Tribes, but later, the River Patwin traded for whole shells from the Pacific Coast and produced the beads themselves. Relationships with nearby Tribes and other Patwin Tribelets were not always friendly. Patwin relations with Napa Valley groups were strained by provocations primarily incited by poaching; subsequent retaliations resulted in organized battles between individuals or groups or surprise attacks on villages.

Patwin mortuary practices included burials in cemeteries located at one end of the village in which the possessions of the deceased were buried with them; at some locations, property was burned near the grave. Typically, only people who died or were killed away from the village were cremated. According to a Hill Patwin informant, “The River people [Patwin] set a corpse upright, then pushed

²⁸ Cook, S.F. 1976. *The Population of the California Indians 1769–1970*. University of California Press. Berkeley, California.

²⁹ McKern, W.K. 1922. Functional Families of the Patwin. *American Archaeology and Ethnology* 13(7)235–258. Berkeley, California.

³⁰ Johnson, P.J. 1978. Patwin. In R.F. Heizer, vol. ed., *Handbook of the North American Indians*, Volume 8, California 350–360. Washington, DC: Smithsonian Institution.

the head down, broke the back, wrapped the body in a skin, and put it in the grave.” In addition, long burial ropes constructed of hemp were wrapped around the deceased, and the River Patwin utilized temporary containers made of tule reeds.³¹

Regional Historic Background

Spanish and Mexican Period

Spanish exploration into the Central Valley dates back to the late 1700s. Spanish mission records indicate that by 1800, Patwin inhabitants at Aguastos, the south-central area, and other villages were being taken to Mission Dolores and that Mission Sonoma, built in 1823, was baptizing Patwin Tribal members until secularization of the missions in 1833. Many Native Americans were not willing converts: there are numerous accounts of neophytes fleeing the missions, and a series of “Indian Wars” broke out when the Spanish tried to return them to the missions. During this period, Native American populations were declining rapidly because of an influx of Euro-American diseases. In 1832, a party of trappers from the Hudson’s Bay Company, led by John Work, traveled down the Sacramento River, unintentionally spreading a malaria epidemic to Native Californians. Four years later, a smallpox epidemic decimated local populations. It is estimated that up to 75 percent of the Patwin died.³²

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 friendly relationship 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.

The Fairfield-Suisun area lies within the area petitioned by José Francisco Armijo in 1839. Armijo was granted the Rancho Tolenas land by Governor Alvarado the following year. Armijo’s son, Antonia, acquired the land when his father died in 1850, and it was subsequently acquired by Captain R.H. Waterman in 1858. Shortly after acquiring the land, Waterman offered 16 acres to Solano County for a new, more centrally located County seat. Solano County voters accepted the offer, and the County seat was relocated from Benicia to the new town of Fairfield, where it remains today.³³

Gold Rush and American Expansion

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.³⁴ 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

³¹ Johnson, P.J. 1978. Patwin. In R.F. Heizer, vol. ed., Handbook of the North American Indians, Volume 8, California 350–360. Washington, DC: Smithsonian Institution.

³² Cook, S.F. 1955. The Epidemic of 1830–1833 in California and Oregon. *American Archaeology and Ethnology*, 43(3): 303–326.

³³ Charles Hall Page and Associates. 1982. Survey of Cultural Resources: Central California. Office of Environmental Affairs, City of Fairfield.

³⁴ Robinson, W.W. 1948. Land in California. University of California Press, Berkeley.

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.

As mining spread, mining techniques changed. Initially, miners relied on gold panning in a shallow pan until the heavier, gold-bearing materials fell to the bottom while the water and lighter sand spilled out over the rim. This technique was displaced by simple mining machines like the wooden “rocker” into which pails of water were emptied and processed at one time. The gold in and around stream beds was soon exhausted, and hard-rock mining took over, digging shafts up to 40 feet deep with horizontal tunnels radiating from these shafts in search of subterranean veins of gold-bearing quartz.³⁵

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.³⁶

Local History

Solano County and Fairfield-Suisun City

Solano County was created in 1850 and is one of the original 18 counties created at statehood. Originally named Benicia County in January 1850, its name was changed three months later to Solano County in honor of Chief Solano, who ruled over most of the indigenous Tribes between the Sacramento River and Petaluma Creek. The County retains its original boundaries as they were delineated in 1850. Early settlers into the County cultivated fruits and vegetables for local consumption, and grains were grown on a larger scale for export. Dry farm crops such as wheat and oats used for cattle fodder proved profitable in the area despite limited irrigation. Initially, all products were transported via the waterways, but with the completion of California Pacific Railroad, goods were transported by rail.³⁷

Fruit and nut crops were particularly successful in the project vicinity, and by 1910, Solano-Yolo Land and Water Company proposed dam and irrigation systems to support these crops. However, by 1930, government standards resulted in sales and abandonment of orchards with subsequent fruit worker strikes and riots resulting in the 1934 to 1935 closure of the peach and cherry shipping industry. The fruit and nut industries slowly recuperated and were aided by the formation of the Solano Irrigation District in 1948. Solano County continued to grow over the years with the addition of Travis Air Force Base in 1943, new industrial parks, and a resurgence of fruit processing and packing warehouses.³⁸

³⁵ The Virtual Museum of San Francisco (VMSF). 2006. California Notes. Website: <http://www.sfmuseum.org/hist9/turrillgold.html>.

³⁶ Beck, W. and Y.D. Haase. 1974. Historical Atlas of California. University of Oklahoma Press. Norman, Oklahoma.

³⁷ Rawls, J.J. and W. Bean. 1993. California: An Interpretive History. McGraw Hill, San Francisco

³⁸ RootsWeb.com. 2006. Website: www.rootsweb.com/cascgsi/soltimeline.htm.

The primary industry that brought early settlers into the Fairfield-Suisun area was farming. The rich Delta soil and temperate climate proved beneficial for cultivating vegetables and fruit, and the nearby Suisun Slough provided a ready source of transportation for shipping to the gold mining towns of the Sierra Nevada. In addition to growing fruits and vegetables, farmers soon discovered that dry farm crops such as oats and wheat could be grown in the area with minimal irrigation. The first railroad into the Fairfield-Suisun area was the California Pacific built in 1874, which replaced water transport as the main source for transporting local products.

The Fairfield-Suisun area continued to grow throughout the 20th century. Because of its prime location between the major cities of San Francisco and Sacramento, roads and highways were constructed, which supported the increasing agricultural and light manufacturing industries. In addition, the development Travis Air Force Base brought military personnel who encouraged construction of homes, schools, and shopping complexes. Construction of the base began in 1942: originally named the Fairfield-Suisun Army Air base, it was renamed in 1951 after Brigadier General Robert F. Travis, who was killed in an explosion in 1950. The base is called the “Gateway to the Pacific” and continues to provide extensive support to United States troops around the globe.

3.4.3 - Methodology

Records Searches and Pedestrian Survey to Identify Existing Cultural Resources

The information in this section is based on the Phase I CRA prepared for this project by FirstCarbon Solutions (FCS) in February 2017 and an updated NWIC records search performed in 2021. The Phase I CRA used the following methods to analyze the potential impacts of project implementation:

Northwest Information Center

On September 28, 2016, and February 2, 2021, FCS staff conducted records searches for the project site and a 0.5-mile radius beyond the project boundaries at the NWIC, located at California State University Sonoma. 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 Built Environment Resource Directory (BERD) for Solano County were reviewed to determine the existence of previously documented local historical resources. Results from the NWIC indicate that no resources have been recorded within 0.5 mile of the project site. In addition, 29 area-specific survey reports are on file with the NWIC for the search radius. Fifteen of the previous surveys assessed the project site, 12 of which address the project site in its entirety, suggesting the project site has been previously surveyed for cultural resources with negative results.

Table 1: Previous Investigations within a 0.5-mile Radius of the Project Area

Report Number	Report Title/Project Focus	Author	Date
S-000595	A Report on the Status of Generally Available Data Regarding Archaeological, Ethnographic, and Historical Resources Within a 5-mile-wide Corridor through Portions of Colusa, Yolo, Solano, and Contra Costa Counties, California	R.F. King	1974

Report Number	Report Title/Project Focus	Author	Date
S-000848	A Summary of Knowledge of the Central and Northern California Coastal Zone and Offshore Areas, Vol. III, Socioeconomic Conditions, Chapter 7: Historical and Archaeological Resources	David A. Fredrickson	1976
S-001784	Preliminary Cultural Resources Identification: San Francisco Bay Study for Corps of Engineers Projects	David Chavez	1979
S-005167	Cultural Resources Evaluation of the North Bay Aqueduct Alignment Alternatives (Routes 1, 4 and 6), Solano County, California	David Chavez	1980
S-005171	Archaeological Surveys in Solano County, California: Solano County Water Project Feasibility Study	D. L. True	1979
S-006210	Final Environmental Impact Report, Potrero Hills Project	Mike Rushton	1974
S-009462	Identification and Recording of Prehistoric Petroglyphs in Marin and Related Bay Area Counties	Teresa Ann Miller	1977
S-009795	Late Prehistoric Obsidian Exchange in Central California	Thomas Lynn Jackson	1986
S-012743	An archaeological survey for a proposed highway widening project, 10-SOL-Walters Rd. 10201-926434	Greg Greenway	1975
S-012752	Archaeological Evaluation of the Proposed Urban Development of Suisun City, Solano County, California	Miley Paul Holman, Dean H. Gaumer, and David Chavez	1976
S-015732	An Archaeological and Historic Resources Survey and Inventory of Travis Air Force Base, Fairfield, Solano County, California	Argonne National Laboratory	1992
S-017835	Biological Distance of Prehistoric Central California Populations Derived from Non-Metric Traits of the Cranium	Judy Myers Suchey	1975
S-026377	Records Search Results and Site Visit for Sprint PCS Facility Candidate SF59XC201B (Suisun Monument), Highway 12 and Walters Road, Suisun, Solano County, California	Wayne H. Bonner	2004
S-029928	Proposed 70-foot-tall new light pole with antennas and new equipment shelter, East Suisun City/CA-2720A, 4489 Peterson Road, Suisun, California	Lorna Billat	2005
S-030204	The Distribution and Antiquity of the California Pecked Curvilinear Nucleated (PCN) Rock Art Tradition	Donna L. Gillette	2003
S-030857	Cultural Resource Records Search Results and Site Visit for T-Mobile Telecommunications Facility Candidate BA10460 (Suisun Sports Complex), 4479-4555 Peterson Road, Suisun City, Solano County, California	Wayne H. Bonner and James M. Keasling	2006
S-032047	Historic Property Survey Report, Historical Resources Evaluation Report, and Archaeological Survey Report, Jepson Parkway Project, Caltrans District 4, Solano County	Madeline Bowen and Barbra Siskin	2005

Report Number	Report Title/Project Focus	Author	Date
S-032596	The Central California Ethnographic Community Distribution Model, Version 2.0, with Special Attention to the San Francisco Bay Area, Cultural Resources Inventory of Caltrans District 4 Rural Conventional Highways	Randall Milliken, Jerome King, and Patricia Mikkelsen	2006
S-033032	Results and Recommendations for Cultural Resource Assessment of the Connector Road Project in the County of Solano, California (letter report)	Deborah McLean	1999
S-033132	Archaeological Survey Report for the Solano 12 Road Rehabilitation Project, 04-SOL-12, PM 7.9/20.6, EA OT0900/OT1010	Christopher Caputo	2006
S-033265	Travis Air Force Base, Fairfield, California: Inventory of Cold War Properties	Karen J. Weitze	1996
S-033600	Geoarchaeological Overview of the Nine Bay Area Counties in Caltrans District 4	Jack Meyer and Jeff Rosenthal	2007
S-041950	PG&E PSEP DFM 0604-16—Travis Air Force Base, Solano County, California (letter report)	Amy Foutch	2013
S-042485	Draft Integrated Cultural Resources Management Plan, Travis Air Force Base, Fairfield, California	Parsons Engineering	2003
S-043268	Volume 1—Archaeological Resources: Suisun Marsh Habitat Management, Preservation, and Restoration Plan, Cultural Resources Contextual Report	Jack Meyer, Julia Costello, Patricia Mikkelsen, Melissa Johnson, and Naomi Scher	2013
S-044157	Cultural Resources Constraints Report: Peabody 2109-Fairfield Pole Replacements and New Pole Installations	Mark Kile	2013
S-046407	Cultural Resources Study of the PG&E Hydrostatic Test Segment T-225-13, on DFM-0604-07, Solano County, California	Amy Foutch Porras	2013
S-049780	San Francisco Bay-Delta Regional Context and Research Design for Native American Archaeological Resources, Caltrans District 4	Brian F. Byrd, Adrian R. Whitaker, Patricia J. Mikkelsen, and Jeffrey S. Rosenthal	2017
S-050984	Expansion of Cooperative Program to Eradicate Mediterranean Fruit Fly (Medfly) Infestation and Prevent the Spread of Medfly to Non-Infested Areas of the United States (letter report)	Elizabeth Nelson	2017
Source: NWIC Records Search September 28, 2016, and February 2, 2021. Reports listed in Bold address sections of the project site			

Native American Heritage Commission

On September 22, 2016, FCS sent a request letter to the 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 October 4, 2016, 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 two Tribal representatives available for consultation. To ensure that all Native American knowledge and concerns over potential TCRs that may be affected by the proposed project are addressed, a letter containing project information and requesting any additional information was sent to each Tribal representative on October 13, 2016. No responses were received.

Pursuant to Senate Bill (SB) 18 (2004) (California Government Code § 65352.3), and the proposed General Plan Amendment, the City of Suisun City sent a letter to the NAHC on July 6, 2016, in an effort to identify Tribal representatives who may wish to consult on the proposed project. A response was received from the NAHC on July 25, 2016, that included a list of two Tribal representatives available for consultation. Letters containing project information and an invitation to consult under SB 18 were sent by certified mail to both Tribes on July 26, 2016. On August 17, 2016, a letter was received from the Yocha Dehe Wintun Nation expressing concerns for cultural resources in the area, and requesting a copy of the cultural resources study.

The City responded on August 28, 2016, stating that a cultural resources study would be required to complete the EIR and that the City would provide a copy of the study once completed. The City also requested a meeting to discuss the resources identified within the project area. This meeting was arranged by Archaeologist Nichole Davis of Michael Baker International, who conducted a site visit with Duke Thomas Johnson Ellingson of the Yocha Dehe Wintun Nation at the project site on January 6, 2017. The site was walked and wetlands were closely inspected at the southern extent of the project site. No cultural places were observed and none have been identified. During the site visit, Michael Baker International provided a new site plan and answered questions regarding excavation depths and equipment use. During the site visit with Mr. Ellingson and a follow-up telephone call with Mr. Laverne Bill, the Tribe indicated that they would draft a letter to summarize the site visit and provide next steps.

On January 23, 2017, the City received a letter from the Yocha Dehe stating that the Tribe had completed a records search and had identified a resource near the project area, which elevates the sensitivity of encountering prehistoric archaeological resources. The Yocha Dehe requested a monitoring agreement be established where the applicant would pay for a Native American Monitor during construction, the specifics of which would be detailed in the agreement. After FCS provided initial results of the field survey and records search, Nichole Davis responded on behalf of the City asking to set up a meeting with City, FCS, and MBI to discuss the Tribe's findings and request for monitoring.

On February 14, 2017, Nichole Davis followed-up with James Sarmiento of the Yocha Dehe Wintun Nation, asking to set up a meeting. Mr. Sarmiento requested additional project description information which was provided same day. Mr. Sarmiento said he would review and respond with whether the Yocha Dehe would still requesting monitoring, given that the majority of the area the Tribe feels is sensitive is located in the southern portion of the project area, where the project

proposes open space and no impacts. As of this date, no additional correspondence has been received.

On January 22, 2021, FCS sent an updated request letter to the NAHC in an effort to determine whether any sacred sites are listed on its Sacred Lands File for the project site. A response was received on February 1, 2021, indicating that the Sacred Lands File again 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 TCRs that may be affected by the proposed project are addressed, a letter containing project information and requesting any additional information was sent to each Tribal representative on February 4, 2021. No responses have been received to date.

On October 21, 2021, the City of Suisun City received another letter from the Yocha Dehe Wintun Nation reiterating its previous comments regarding monitoring.

Cultural Resources Pedestrian Survey

On November 15, 2016, FCS Senior Archaeologist Dana DePietro, PhD, and Robert Carroll, MA, surveyed the project area for additional unrecorded cultural resources. The survey began in the northwest corner of the project site and moved east, inspecting each parcel for cultural resources using north–south transects spaced at 15-meter intervals whenever possible. The area has been subject to extensive agricultural activity, including grading, disking, and the realignment of agricultural canals. Soil visibility was moderate across the site, ranging from 50 to 80 percent, which was due to foliage and light ground cover. Soils in sections of poor visibility were intermittently inspected using a hand trowel. Observed soils were largely composed of light gray brown silt interspersed with small (5- to 10-centimeter) stones primarily composed of quartz, schist, and basalt. These soils exhibited a tendency to become darker in color and less friable in the south of the project area, but when sampled and dried, it was determined this was the result of moisture and closer proximity to the marshy areas in the south of the site.

Survey conditions were documented using digital photographs and field notes. During the survey, Dr. DePietro examined all areas of the exposed ground surface for prehistoric artifacts (e.g., fire-affected rock, milling tools, flaked stone tools, toolmaking debris, ceramics), soil discoloration and depressions that might indicate the presence of a cultural midden, faunal and human osteological remains, and features indicative of the former presence of structures or buildings (e.g., postholes, standing exterior walls, foundations) or historic debris (e.g., glass, metal, ceramics).

Several modern fences and drains were observed within the project site, delineating parcel boundaries from north to south. These structures were determined to be less than 45 years in age and do not appear to be eligible for inclusion in the NRHP or CRHR. Isolated historic remains, including a rusted horseshoe, a tractor gear, and a derelict windmill, were observed at various points during the survey; however, these did not appear to be part of a larger contiguous site or historic trash heap and, as such, do not rise to the level of potential historic significance under the California Environmental Quality Act (CEQA).

Particular attention was paid to areas closer to water and natural resources, such as the marshlands located along the southern boundary of the site. These areas were closely inspected for culturally modified soils or other indicators of potential historic or prehistoric resources. No historic or prehistoric cultural resources or raw materials commonly used in the manufacture of tools (e.g., obsidian, Franciscan chert) were found in these areas, nor were any observed elsewhere within the project site.

3.4.4 - 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.

American Indian Religious Freedom Act

The American Indian Religious Freedom Act (AIRFA) established federal policy to protect and preserve the inherent rights of freedom for Native groups to believe, express, and exercise their

traditional religions. These rights include but are not limited to access to sites, use and possession of sacred objects, and freedom to worship through ceremonials and traditional rites.

Native American Graves Protection and Repatriation Act

The Native American Graves Protection and Repatriation Act of 1990 sets provisions for the intentional removal and inadvertent discovery of human remains and other cultural items from federal and Tribal lands. It clarifies the ownership of human remains and sets forth a process for repatriation of human remains and associated funerary objects and sacred religious objects to the Native American groups claiming to be lineal descendants or culturally affiliated with the remains or objects. It requires any federally funded institution housing Native American remains or artifacts to compile an inventory of all cultural items within the museum or with its agency and to provide a summary to any Native American Tribe claiming affiliation.

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 a 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 a 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 a 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 a 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)(3), in Title 14 of the California Code of Regulations, incorporates into the definition of a “historical resource” a resource that qualifies for inclusion in the CRHR, as set forth in subdivision (c) of Public Resources Code Section 5024.1. That provision states that a resource may be listed as a historical resource in the CRHR if it meets any of the following NRHP criteria:

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.

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.

Public Resources Code Section 21083.2 and CEQA Guidelines 15064.5(c)—Effects on Archaeological Resources

CEQA also requires lead agencies to consider whether projects will impact unique archaeological resources. Public Resources Code Section 21083.2(g) defines a unique archaeological resource as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

1. Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information.
2. Has a special and particular quality such as being the oldest of its type or the best available example of its type.
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person.

In contrast, “‘nonunique archaeological resource’ means an archaeological artifact, object, or site which does not meet the criteria in subdivision (g). A nonunique archaeological resource need be given no further consideration, other than the simple recording of its existence by the lead agency if it so elects.”

CEQA Guidelines Section 15064.5 states that a cultural resource need not be listed on any register to be found historically significant. This applies to archaeological resources. Lead agencies should evaluate archaeological sites to determine whether they meet the criteria for listing in the CRHR and thus qualify as a historical resource. Section 15064.5(c) provides that 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 pursuant to the rules governing historical resources. If an archaeological site is considered not to be a historical resource but meets the definition of a unique archaeological 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 15126.4 – Mitigation for Impacts to Historical Resources

CEQA Guidelines Section 15126.6(b) sets forth special rules for mitigating impacts to historical resources. There rules address both “built” historical resources and “historical resources of an archaeological nature”:

- (1) Where maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of the historical resource will be conducted in a manner consistent with the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (1995), Weeks and Grimmer, the project’s impact on the historical resource shall generally be considered mitigated below a level of significance and thus is not significant.
- (2) In some circumstances, documentation of a historical resource, by way of historic narrative, photographs or architectural drawings, as mitigation for the effects of demolition of the resource will not mitigate the effects to a point where clearly no significant effect on the environment would occur.
- (3) Public agencies should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature. The following factors shall be considered and discussed in an EIR for a project involving such an archaeological site:
 - (A) Preservation in place is the preferred manner of mitigating impacts to archaeological sites. Preservation in place maintains the relationship between artifacts and the archaeological context. Preservation may also avoid conflict with religious or cultural values of groups associated with the site.
 - (B) Preservation in place may be accomplished by, but is not limited to, the following:
 1. Planning construction to avoid archaeological sites;
 2. Incorporation of sites within parks, greenspace, or other open space;
 3. Covering the archaeological sites with a layer of chemically stable soil before building tennis courts, parking lots, or similar facilities on the site.
 4. Deeding the site into a permanent conservation easement.

- (C) When data recovery through excavation is the only feasible mitigation, a data recovery plan, which makes provisions for adequately recovering the scientifically consequential information from and about the historical resource, shall be prepared and adopted prior to any excavation being undertaken. Such studies shall be deposited with the California Historical Resources Regional Information Center. Archaeological sites known to contain human remains shall be treated in accordance with the provisions of Section 7050.5 Health and Safety Code. If an artifact must be removed during project excavation or testing, curation may be an appropriate mitigation.
- (D) Data recovery shall not be required for a historical resource 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, provided that the determination is documented in the EIR and that the studies are deposited with the California Historical Resources Regional Information Center.

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

Native American 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 descendant 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

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”³⁹ 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

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.”⁴⁰ 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.

California Public Resources Code Section 5097.91—Native American Heritage Commission

Section 5097.91 of the Public Resources Code established the NAHC, whose duties include the inventory of places of religious or social significance to Native Americans and the identification of known graves and cemeteries of Native Americans on private lands. Under Section 5097.91 of the Public Resources Code, a State policy of noninterference with the free expression or exercise of Native American religion was articulated along with a prohibition of severe or irreparable damage to Native American sanctified cemeteries, places of worship, religious or ceremonial sites, or sacred shrines located on public property. Section 5097.98 of the Public Resources Code specifies a protocol to be followed when the NAHC receives notification of a discovery of Native American human remains from a County Coroner. Section 5097.5 defines as a misdemeanor the unauthorized disturbance or removal of archaeological, historic, or paleontological resources located on public lands.

California Senate Bill 18—Protection of Tribal Cultural Places

California SB 18 (2004) (California Government Code § 65352.3) incorporates the protection of California traditional Tribal cultural places into land use planning for cities, counties, and agencies by establishing responsibilities for local governments to contact, refer plans to, and consult with California Native American Tribes as part of the adoption or amendment of any general or specific plan proposed on or after March 1, 2005. SB 18 requires public notice to be sent to Tribes listed on the NAHC SB 18 Tribal Consultation list within the geographical areas affected by the proposed changes. Tribes must respond to a local government notice within 90 days (unless a shorter time

³⁹ California Legislative Information. 2019. Health and Safety Code—HSC. Website: http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=HSC§ionNum=7050.5. Accessed February 22, 2019.

⁴⁰ 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.

frame has been agreed upon by the Tribe), indicating whether or not they want to consult with the local government. Consultations are for the purpose of preserving or mitigating impacts to places, features, and objects described in Sections 5097.9 and 5097.993 of the Public Resources Code that may be affected by the proposed adoption or amendment to a general or specific plan.

California Assembly Bill 52—Effects on Tribal Cultural Resources

California Assembly Bill (AB) 52 was signed into law on September 25, 2014, and provides that any public or private “project with an effect that may cause a substantial adverse change in the significance of a Tribal Cultural Resource (TCR) is a project that may have a significant effect on the environment.” TCRs include “[s]ites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe that are eligible for inclusion in the CRHR or included in a local register of historical resources.” Under prior law, TCRs were typically addressed under the umbrella of “cultural resources,” as discussed above. AB 52 formally added the category of “tribal cultural resources” to CEQA and extends the consultation and confidentiality requirements to all projects, rather than just projects subject to SB 18 as previously discussed.

The parties must consult in good faith, and consultation is deemed concluded when either: (1) the parties agree to measures to mitigate or avoid a significant effect on a TCR (if such a significant effect exists); or (2) when a party concludes that mutual agreement cannot be reached. Mitigation measures agreed upon during consultation must be recommended for inclusion in the environmental document. AB 52 also identifies mitigation measures that may be considered to avoid significant impacts if there is no agreement on appropriate mitigation. Recommended measures include:

- Preservation in place.
- Protecting the cultural character and integrity of the resource.
- Protecting the traditional use of the resource.
- Protecting the confidentiality of the resource.
- Permanent conservation easements with culturally appropriate management criteria.

California Public Resources Code Section 21074—Effects on Tribal Cultural Resources

AB 52 amended the CEQA statute to identify an additional category of resource to be considered under CEQA, called “tribal cultural resources.” It added Public Resources Code Section 21074, which defines “tribal cultural resources” as follows:

- (a) “Tribal cultural resources” are either of the following:
 - (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American Tribe that are either of the following:
 - A) Included or determined to be eligible for inclusion in the CRHR.
 - B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
 - (2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Section 5024.1. In applying the criteria set forth in subdivision (c) of Section 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American Tribe.

Local

City of Suisun City

General Plan

The following policies from the Suisun City General Plan are relevant to the proposed project:

Policy OSC-6.1 Buildings and other resources that have historical or architectural value should be preserved, wherever feasible.

Policy OSC-5.1 The City will use geologic mapping and cultural resource databases to determine the likely presence of resources and the appropriate level of cultural resources analysis and mitigation required for new developments.

Policy OSC-5.2 New developments shall be designed to avoid adverse impacts to any known archaeological and paleontological resources, wherever feasible.

3.4.5 - Thresholds of Significance

Appendix G of the CEQA Guidelines is a sample Initial Study checklist that includes a number of factual inquiries related to the subjects of cultural resources (including historical resources) and TCRs, as it does on a whole series of additional environmental topics. For most topics, lead agencies are under no obligation to use these inquiries in fashioning thresholds of significance on the subject of aesthetics, or indeed on any subject addressed in the checklist. (*Save Cuyama Valley v. County of Santa Barbara* (2013) 213 Cal.App.4th 1059, 1068). Rather, with few exceptions, “CEQA grants agencies discretion to develop their own thresholds of significance” (Id.). Even so, it is a common practice for lead agencies to take the language from the inquiries set forth in Appendix G and to use that language in fashioning thresholds.

Unlike many of inquiries found in Appendix G, the inquiries on the subject of cultural resource impacts is informed by statutory language describing what constitute significant effects to historical resources and TCRs as well as by language in CEQA Guidelines Section 15064.5 addressing significant effects on historical resources. Under Public Resources Code Section 21084.1, “[a] project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment.” Similarly, under Public Resources Code Section 21084.2, “[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.”

Section 15064.5(b)(1) defines “[s]ubstantial adverse change in the significance of a historical resource” to mean “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired.” Section 15064.5(b)(2) goes on to state that “[t]he significance of a historical resource is materially impaired when a project:

- (A) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register of Historical Resources; or

- (B) Demolishes or materially alters in an adverse manner those physical characteristics that account for its inclusion in a local register of historical resources pursuant to Section 5020.1(k) of the Public Resources Code or its identification in a historical resources survey meeting the requirements of Section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- (C) Demolishes or materially alters in an adverse manner those physical characteristics of a historical resource that convey its historical significance and that justify its eligibility for inclusion in the California Register of Historical Resources as determined by a lead agency for purposes of CEQA.”

No similar guidance in CEQA or the CEQA Guidelines is available with respect to impacts to unique archaeological resources or to human remains that might be disturbed during project construction.

In light of the foregoing, the City has determined that cultural resources impacts resulting from the implementation of the proposed project would be considered significant if the project would:

- a) Cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.
- b) Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to Section 15064.5.
- c) Disturb any human remains, including those interred outside of formal cemeteries.
- d) Cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).
- e) Cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.
- f) Cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:
 - i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k), or

- ii. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.

3.4.6 - Project Impacts and Mitigation Measures

This section discusses potential impacts associated with the development of the proposed project and provides mitigation measures where appropriate.

Historic Resources

Impact CUL-1: The proposed project would not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5.

Impact Analysis

Historical resources in this context generally refer to the built environment, mainly buildings and structures over 45 years in age that may be eligible for inclusion on the CRHR or NRHP. No historic era built environment resources have been previously recorded within a 0.50-mile radius of the project site, and no additional resources were encountered during the pedestrian field survey. Accordingly, the proposed project would not have an adverse impact on historic era built environment resources.

The potential for the proposed project to cause a substantial adverse change in the significance of a historic resource would be limited to the construction phase of the proposed project during ground-disturbing activities. Therefore, operational impacts would have no impact on historical resources.

Level of Significance Before Mitigation

No impact.

Mitigation Measures

None required.

Level of Significance After Mitigation

No impact.

Archaeological Resources

Impact CUL-2: The proposed project may cause a substantial adverse change in the significance of a historical resource of an archaeological nature or a unique archaeological resource.

Impact Analysis

Records search results from the NWIC indicate that no archaeological resources have been recorded within the project boundary or within a 0.5-mile radius of the project site. Previous surveys of the project site, including a survey conducted by FCS for the current project in 2017 did not identify any archaeological resources; however, there is always the possibility that subsurface archaeological resources may be encountered during project construction. Such resources may 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 archaeological resources.

Implementation of MM CUL- 2 would reduce potential impacts to historical resources of an archaeological nature or unique archaeological resources that may be discovered during project construction. The measure is also written so as to reduce potential impacts to any subsurface TCRs that might unexpectedly be encountered during construction. If a potential resource in one of these categories is identified, construction would be required to stop until appropriate identification and treatment measures are implemented. Therefore, direct and indirect impacts related to archaeological resources would be less than significant with mitigation.

The potential for the proposed project to cause a substantial adverse change in the significance of a historical resource of an archaeological nature, a unique archaeological resource, or a subsurface TCRs would be limited to the construction phase of the proposed project during ground-disturbing activities. Therefore, operational impacts would be less than significant.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

- MM CUL-2** (a) Prior to the initiation of construction activities, all construction personnel conducting ground disturbance at the site shall be provided a Worker Environmental Awareness Program (WEAP) cultural resources “tailgate” training. The training shall include visual aids, a discussion of applicable laws and statutes relating to archaeological resources, types of resources that may be found within the project site, and procedures to be followed in the event such resources are encountered. The training shall be conducted by an Archaeologist who meets the Secretary of the Interior’s Professional Qualification Standards for archaeology and any Native American Monitors or representatives consulting on the project. This shall be followed by an Archaeological Monitor reporting to the qualified Archaeologist, along with a Tribal Monitor, shall be present during all ground disturbance activities, including backhoe trenching and excavation. 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 who meets the Secretary of the Interior’s Professional Qualification Standards for archaeology has evaluated the find. 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 and the Tribal Monitor shall assess the find to determine whether it includes Tribal Cultural

Resources (TCRs), historical resources of an archaeological nature, or unique archaeological resources.

- (b) If the Archaeologist, in collaboration with the Tribal Monitor, determines that the find does not include cultural resources in any of one of these three categories, work may resume immediately.
- (c) If the Tribal Monitor determines that the find appears to constitute a TCRs, then the Archaeologist or Tribal Monitor shall immediately notify the City Development Services Director (CDS), the landowner, and any other Native American representative from any traditionally and culturally affiliated Native American Tribes that requested consultation. The Tribal Monitor or any other consulting Native American representative shall be invited to assess the significance of the find and to make recommendations for further evaluation and treatment, as necessary. If no such representative can be notified or any such representative is notified but fails to respond on a timely basis (e.g., within three days), the Archaeologist may develop, for consideration by the CDS, a proposed mitigation program that treats the TCRs with appropriate dignity, consistent with the requirements of paragraph (e) and MM CUL-4 below.
- (d) If the Tribal Monitor or any other consulting Native American representative determines that the find does not constitute a TCRs but does constitute either a historical resource of an archaeological nature or a unique archaeological resource, he or she shall immediately notify the Archaeologist, the CDS, and the landowner and shall develop mitigation or treatment measures for consideration and approval by the CDS. Mitigation shall be developed and implemented in accordance with Public Resources Code Section 21083.2 and Section 15126.4 of the CEQA Guidelines, with a preference for preservation in place. Consistent with Section 15126.4(b)(3), preservation in place may be accomplished through planning construction to avoid the resource; incorporating the resource within open space; capping and covering the resource; or deeding the site into a permanent conservation easement. If approved by the CDS, such measures shall be implemented and completed prior to commencing further work for which grading or building permits were issued, unless otherwise directed by the CDS.
- (e) Avoidance or preservation of TCRs, unique archaeological resources, or historical resources of an archaeological nature shall not be required where such avoidance or preservation in place would preclude the construction of important structures or infrastructure or require exorbitant expenditures, as determined by the CDS. Where avoidance or preservation are not appropriate for these reasons, the Archaeologist, in consultation with the CDS (and, for TCRs, any Native American representative who has timely responded after notification) shall prepare a detailed recommended treatment plan as outlined in MM CUL-4 for consideration and approval by the CDS, which may include data recovery (unless the Native American representative objects with respect to TCRs). If employed, data recovery strategies for unique archaeological resources that do not also qualify as historical resources of an archaeological

nature shall follow the applicable requirements and limitations set forth in Public Resources Code Section 21083.2. Data recovery will normally consist of (but would not be limited to) sample excavation, artifact collection, site documentation, and historical research, with the aim of recovering important scientific data contained within the unique archaeological resource or historical resource of an archaeological nature. The data recovery plan shall include provisions for analysis of data in a regional context, reporting of results within a timely manner, curation of artifacts and data at an approved facility, and dissemination of reports to local and State repositories, libraries, and interested professionals. If data recovery is determined by the CDSO to not be appropriate, then an equally effective treatment shall be proposed and implemented. Any previously undiscovered resources found during construction within the project site shall be recorded on appropriate California Department of Parks and Recreation (DPR) 523 forms and shall be submitted to the City of Suisun City, the Northwest Information Center (NWIC), and the California Office of Historic Preservation (OHP), as required.

- (f) Work may not resume within the no-work radius until the CDSO, in consultation with the Archaeologist and Native American representative, determines that either: (1) the site does not contain unique archaeological resources or historical resources of an archaeological nature; or (2) the preservation and/or treatment measures have been completed to the satisfaction of the CDSO.

Level of Significance After Mitigation

Less than significant impact.

Human Remains

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

Impact Analysis

While no formal cemeteries or areas containing human remains are known to be in the project vicinity, the possibility always exists that construction-related ground disturbance may uncover previously undiscovered human remains. In the unlikely event such a discovery is made, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and Section 5097.98 must be followed. Implementation of MM CUL-3, which details inadvertent discovery procedures, would reduce potential impacts to previously undiscovered human remains to a less than significant level.

The potential for the proposed project to disturb human remains, including those interred outside of formal cemeteries, would be limited to the construction phase of the proposed project during ground-disturbing activities. Therefore, operational impacts would be less than significant.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

MM CUL-3 In the event of the accidental discovery or recognition of any human remains, CEQA Guidelines Section 15064.5, Health and Safety Code Section 7050.5, and Public Resources Code Sections 5097.94 and Section 5097.98 shall be followed. If, during the course of project construction, 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 whether 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 MLD or on the project site in a location not subject to further subsurface disturbance:
 - The NAHC is unable to identify an MLD or the MLD 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 NAHC 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 NAHC.

Level of Significance After Mitigation

Less than significant impact.

Listed or Eligible Tribal Cultural Resources

Impact CUL-4: The proposed project would not cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code Section 5020.1(k).

Impact Analysis

No listed or potentially eligible TCRs have been identified within the project site. Specifically, a review of the CRHR, the NAHC Sacred Lands File, records searches conducted at the NWIC, and a pedestrian survey of the project site failed to identify any listed TCRs that could be adversely affected by construction of the proposed project. As such, there are no known eligible or potentially eligible TCRs that could be adversely affected by the proposed project. Therefore, no construction impacts related to previously listed or eligible TCRs would occur. Additionally, as addressed in Impacts CUL-2 and CUL-5, Mitigation Measure CUL-2 will ensure the proper protection or mitigation for any unlisted subsurface TCRs that could unexpectedly be encountered during construction. Mitigation Measure CUL-3 and CUL-4 will ensure the proper disposition of any Native American remains found during construction.

Impacts related to a proposed project's potential to cause a substantial adverse change in the significance of a listed or eligible TCR are limited to construction impacts. No respective operational impacts would occur.

Level of Significance Before Mitigation

No impact.

Mitigation Measures

None required.

Level of Significance After Mitigation

No impact.

Lead Agency Determined Tribal Cultural Resources

Impact CUL-5: The proposed project could cause a substantial adverse change in the significance of a Tribal Cultural Resource, defined in Public Resources Code Section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1.

Impact Analysis

Pursuant to SB 18 and the proposed General Plan Amendment, the City of Suisun City sent certified letters to both Tribes identified by the NACH on July 26, 2016. On August 17, 2016, a letter was received from the Yocha Dehe Wintun Nation expressing concerns for cultural resources in the area. The City responded on August 28, 2016, and arranged a site visit with representatives from the Dehe Wintun Nation at the project site on January 6, 2017. No TCRs were identified during the site visit.

On January 23, 2017, the City received a letter from the Yocha Dehe stating that the Tribe had completed a records search and had identified a resource near the project area. The Yocha Dehe requested a monitoring agreement be established which included Native American monitoring during construction. Given that the majority of the area the Tribe felt is sensitive is located in the southern portion of the project area where the project proposes open space and no impacts, the question of Native American monitoring was readdressed with Mr. James Sarmiento at Yocha Dehe on February 14, 2017. Mr. Sarmiento requested updated information which was provided same day. Mr. Sarmiento said he would review and respond with whether the Yocha Dehe would still request monitoring.

On January 22, 2021, FCS sent an updated request letter to the NAHC. A response was received on February 1, 2021, indicating that the Sacred Lands File again failed to indicate the presence of recorded TCRs within the project area. FCS sent updated letters to all seven Tribal representatives identified by the NAHC on February 4, 2021. The City of Suisun City received a response from the Yocha Dehe Wintun Nation on October 21, 2021 reiterating its previous comments regarding monitoring. The Yocha Dehe Wintun Nation expressed their concerns about the proposed project and the potential impacts to known TCRs. The Tribe outlined Treatment Protocol to be incorporated into the mitigation measures for the proposed project. The Yocha Dehe Wintun Nation's Treatment Protocol is provided in MM CUL-4.

The City of Suisun City, in its capacity as lead agency, has also not identified or determined any TCRs within the project site that are significant pursuant to criteria set forth in subdivision (c) of Public Resources Code Section 5024.1. However, the possibility remains that TCRs, in the form of subsurface archaeological resources or human remains, may be encountered during project construction. Implementation of MM CUL-2, MM CUL-3, and MM CUL-4 would require that construction be stopped upon encountering archaeological resources, human remains, or TCRs and that appropriate steps be taken to protect those resources. Therefore, construction impacts related to lead agency determined TCRs would be less than significant with mitigation.

Level of Significance Before Mitigation

Potentially significant impact.

Mitigation Measures

Implementation of MM CUL-2 and MM CUL-3

MM CUL-4 Treatment Protocol for Handling Human Remains and Cultural Items Affiliated with the Yocha Dehe Wintun Nation

The purpose of this Protocol is to formalize procedures for the treatment of Native American human remains, grave goods, ceremonial items, and items of cultural patrimony in the event that any are found in conjunction with development, including archaeological studies, excavation, geotechnical investigations, grading, and any ground-disturbing activity. This Protocol also formalizes procedures for Tribal monitoring during archaeological studies, grading, and ground-disturbing activities.

I. Cultural Affiliation

The Yocha Dehe Wintun Nation traditionally occupied lands in Yolo, Solano, Lake, Colusa, and Napa Counties. The Tribe has designated its Cultural Resources Committee (Committee) to act on the Tribe's behalf with respect to the provisions of this Protocol. Any human remains which are found in conjunction with projects on lands culturally-affiliated with the Tribe shall be treated in accordance with Section III of this Protocol. Any other cultural resources shall be treated in accordance with Section IV of this Protocol.

II. Inadvertent Discovery of Native American Human Remains

Whenever Native American human remains are found during the course of a project, the determination of Most Likely Descendant (MLD) under California Public Resources Code Section 5097.98 will be made by the Native American Heritage Commission (NAHC) upon notification to the NAHC of the discovery of said remains at a project site. If the location of the site and the history and prehistory of the area is culturally-affiliated with the Tribe, the NAHC contacts the Tribe; a Tribal member shall be designated by the Tribe to consult with the landowner and/or project applicant.

Should the NAHC determine that a member of an Indian Tribe other than Yocha Dehe Wintun Nation is the MLD, and the Tribe is in agreement with this determination, the terms of this Protocol relating to the treatment of such Native American human remains shall not be applicable; however, that situation is very unlikely.

III. Treatment of Native American Remains

In the event that Native American human remains are found during development of a project and the Tribe or a member of the Tribe is determined to be MLD pursuant to Section II of this Protocol, the following provisions shall apply. The Medical Examiner shall immediately be notified, ground-disturbing activities in that location shall cease, and the Tribe shall be allowed, pursuant to California Public Resources Code Section 5097.98(a), to (1) inspect the site of the discovery and (2) make determinations as to how the human remains and grave goods should be treated and disposed of with appropriate dignity.

The Tribe shall complete its inspection and make its MLD recommendation within forty-eight (48) hours of getting access to the site. The Tribe shall have the final determination as to the disposition and treatment of human remains and grave goods. Said determination may include avoidance of the human remains, reburial on-site, or reburial on Tribal or other lands that will not be disturbed in the future.

The Tribe may wish to rebury said human remains and grave goods or ceremonial and cultural items on or near the site of their discovery, in an area which will not be subject to future disturbances over a prolonged period of time. Reburial of human remains shall be accomplished in compliance with the California Public Resources Code Sections 5097.98(a) and (b).

The term "human remains" encompasses more than human bones because the Tribe's traditions call for the burial of associated cultural items with the deceased (funerary objects) and/or the ceremonial burning of Native American human remains, funerary objects, grave goods, and animals. Ashes, soils, and other remnants of these burning ceremonies, as well as associated funerary objects and unassociated funerary objects buried with or found near the Native American remains, are to be treated in the same manner as bones or bone fragments that remain intact.

IV. Non-disclosure of Location of Reburials

Unless otherwise required by law, the site of any reburial of Native American human remains shall not be disclosed and will not be governed by public disclosure requirements of the California Public Records Act, California Government Code Section 6250, *et seq.* The Medical Examiner shall withhold public disclosure of information related to such reburial pursuant to the specific exemption set forth in California Government Code Section 6254(r). The Tribe will require that the location for reburial is recorded with the California Historic Resources Inventory System (CHRIS) on a form that is acceptable to the CHRIS center. The Tribe may also suggest that the landowner enter into an agreement regarding the confidentiality of site information that will run with title on the property.

V. Treatment of Cultural Resources

Treatment of all cultural items, including ceremonial items and archaeological items, will reflect the religious beliefs, customs, and practices of the Tribe. All cultural items, including ceremonial items and archaeological items, which may be found at a project site should be turned over to the Tribe for appropriate treatment unless otherwise ordered by a court or agency of competent jurisdiction. The project applicant should waive any and all claims to ownership of Tribal ceremonial and cultural items, including archaeological items, which may be found on a project site in favor of the Tribe. If any intermediary, (for example, an Archaeologist retained by the project applicant) is necessary, said

entity or individual shall not possess those items for longer than is reasonably necessary, as determined solely by the Tribe.

VI. Inadvertent Discoveries

If additional significant sites or sites not identified as significant in a project environmental review process, but later determined to be significant, are located within a project impact area, such sites will be subjected to further archaeological and cultural significance evaluation by the project applicant, the lead agency, and the Tribe to determine whether additional mitigation measures are necessary to treat sites in a culturally appropriate manner consistent with CEQA requirements for mitigation of impacts to cultural resources. If there are human remains present that have been identified as Native American, all work shall cease for a period of up to 30 days in accordance with federal law.

VII. Work Statement for Tribal Monitors

The description of work for Tribal Monitors of the grading and ground-disturbing operations at the development site is attached hereto as Addendum I and incorporated herein by reference.

Level of Significance After Mitigation

Less than significant impact.

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