

4.4 Cultural Resources

This section evaluates potential impacts to cultural resources from development facilitated by the proposed 2022 RTP/SCS. Tribal Cultural Resources are addressed in Section 4.15.

4.4.1 Setting

The SJCOG region is located just east of the San Francisco Bay and is primarily situated within a region known as the Delta and Eastside Streams portion of the Central Valley in California (USGS 2021). The “Delta” is an estuary where, unlike classic deltas, multiple rivers come together, including the Sacramento, San Joaquin, Cosumnes, Mokelumne, and Calaveras Rivers. Topographically, the area consists of a low-elevation flatland with alluvial plains, river channels, old lakebeds, and marshes in the west to rolling hills in the east. Though land use in modern times is predominantly agriculture, prior to reclamation the area was once covered by extensive wetlands created by tidal action in the Delta, as well as seasonal flooding along streams (USGS 2021, Moratto 1984).

a. Archaeological Context

California prehistory is generally divided into three broad time periods: Paleoindian period (ca. 11,550-8,550 B.C), Archaic Period (8,550 B.C.-A.D. 1100) and Emergent Occupation (A.D. 1000-European Contact) (Fredrickson 1973, 1994; Moratto 1984; Rosenthal et al. 2007). The prehistoric chronological sequence for the Central Valley presented below is based on Rosenthal et al. (2007) and Moratto (1984).

Paleoindian Period (11,550-8550 B.C.)

Little is known about the Paleoindian period in the Central Valley. Geoarchaeological studies have demonstrated that erosion and deposition have buried or destroyed early archaeological deposits. Most claims of ancient human occupation have been dismissed by Moratto (1984) based on radiocarbon dating. Currently, the earliest accepted date of human occupation in the Central Valley ranges from 11,550 to 9,550 B.C. and comes from fluted projectile points similar to Clovis points found at sites near Tracy Lake and the Tulare Lake Basin (Rosenthal et al. 2007). The only known Paleoindian site in the Sacramento Valley is a single possible fluted point from near Thomes Creek (Rosenthal et al. 2007).

Lower Archaic (8,550-5,550 B.C.)

Climate change at the end of the Pleistocene caused significant periods of alluvial deposition beginning around 9,050 B.C. The Lower Archaic, like the Paleoindian Period, is represented only by limited isolated finds. One isolated flaked stone crescent was identified on an ancient alluvial fan west of Orland in the Sacramento Valley (Rosenthal et al. 2007). No other Lower Archaic sites have been identified within the Sacramento Valley.

Typical Lower Archaic artifacts include flaked stone crescents and stemmed points. The identification of projectile points and a diverse faunal assemblage at KER-116, (the only Lower Archaic site identified in the Central Valley to date), point to hunting being an important subsistence activity (Rosenthal et al. 2007). Milling tools and plant remains are largely absent in the valley, thus plant use during the Lower Archaic remains unclear. Several foothill sites contain milling implements and evidence of the use of nut crops such as acorn and pine (Lajeunesse and Pryor 1996). The

relationship between foothill and valley floor adaptations is largely unknown during the Lower Archaic. However, distinct adaptations are apparent in the Middle Archaic, and it is possible that these divergent traditions first emerged in the Lower Archaic (Rosenthal et al. 2007).

Middle Archaic (5,550-550 B.C.)

The Middle Archaic began with substantial climate change to much warmer, drier conditions. Fans and floodplains stabilized after an initial period of deposition in 5,550 B.C. Archaeological deposits dating to the Middle Archaic are rare in the Central Valley proper due to these geomorphic changes. In the Sacramento Valley, one site with an early Middle Archaic component has been identified but has not been excavated (Rosenthal et al. 2007). The late Middle Archaic, however, is relatively well-represented in the Sacramento Valley and Delta. Late Middle Archaic sites point to diverse adaptations and the emergence of organized subsistence practices and residential stability along river corridors by 6,000 years ago. The typical pattern of the Middle Archaic has been identified as the Windmill Pattern, first identified on old levee ridges adjacent to freshwater marshes near the confluence of the Mokelumne and Cosumnes rivers. This pattern is represented by extended burials oriented to the west and a sophisticated material culture (Rosenthal et al. 2007). Middle Archaic sites are relatively common in the foothills surrounding the Central Valley and show relatively little change from the Lower Archaic (McGuire 1995).

During this time, the mortar and pestle become more widespread suggesting a shift toward more intensive subsistence practices. Fishing technologies, such as bone gorges, hooks, and spears, also appear during the Middle Archaic suggesting a new focus on fishing. Several other technologies become apparent during this time, particularly in the northern San Joaquin and southern Sacramento Valleys (Rosenthal et al. 2007). Baked-clay impressions of twined basketry, simple pottery, and other baked clay objects have been found at several sites. Personal adornment items also became more frequent. Exchange with outside groups is evidenced by the presence of obsidian, shell beads and ornaments (Rosenthal et al. 2007; Moratto 1984). Trade also seemed to be focused on utilitarian items such as obsidian or finished obsidian tools from at least five separate sources (Moratto 1984).

Upper Archaic (550 B.C. – A.D. 1100)

The Upper Archaic began with the onset of the Late Holocene, marked by a cooler, wetter climate. The Upper Archaic is better represented in the archaeological record than earlier periods. Cultural diversity was more pronounced and is marked by contrasting material cultures throughout the valley (Rosenthal et al. 2007).

During this period, numerous specialized technologies were developed such as bone tools and implements, manufactured goods such as Olivella and Haliotis beads and ornaments, well-made ceremonial blades, and ground-stone plummets. Beginning after circa 2,700 years ago, lower Sacramento Valley settlements shifted to a pattern of large, mounded villages, now identified as the Berkeley Pattern. Berkeley Pattern sites in the Delta region typically contain large amounts of habitation debris and features suggestive of long-term occupation (Rosenthal et al. 2007).

Upper Archaic period economies varied by region throughout the Central Valley. Economies were primarily focused on seasonal resources such as acorns, salmon, shellfish, rabbits, and deer (Rosenthal et al. 2007). In the Sacramento Valley, sites exhibit heavy use of mortars and pestles and a reliance on acorns.

Emergent Occupation (A.D. 1100- Historic)

The stable climatic conditions of the Upper Archaic continued into the Emergent Period. In the Delta Region, this period is associated with the Augustine Pattern (Rosenthal et al. 2007). After A.D. 1000, many of the technologies identified during the Archaic disappeared to be replaced by cultural traditions recorded at European contact. The bow and arrow replaced the atlatl as the preferred hunting method sometime between A.D. 1000 and 1300.

Increased social complexity is evidenced by increased variation in burial types and offerings and larger residential communities. Grave offerings such as shell beads, ornaments, and ritually “killed” mortars and pestles are often found in association with burials. In the Sacramento Valley and Delta regions, diverse and sophisticated fishing technology is often recovered from Emergent Period sites, including various types of harpoons, fishhooks, gorges, and netting (Rosenthal et al. 2007). Pottery was produced at several sites in the lower Sacramento Valley, known as Cosumnes brownware. Baked clay human and animal effigies have also been identified at several sites in the region during this time.

As with the Archaic Period, Emergent Period economies varied geographically, though throughout the Central Valley fishing and plant harvesting increased in importance. Most Emergent residential sites contain diverse faunal assemblages containing mammal and bird remains and large amounts of fish bone. After ca. 1,000 years ago, the mortar and pestle become the dominant tool type and small seeds increase in archaeological deposits over time (Rosenthal et al. 2007).

b. Historical Background

The post-Contact history of California is generally divided into three periods: the Spanish period (1769–1822), the Mexican period (1822–1848), and the American period (1848–present). Each of these periods is briefly described below.

Spanish Period (1769–1822)

In 1542, Juan Rodriguez Cabrillo led the first European expedition to observe what is now called southern California. For more than 200 years, Cabrillo and other Spanish, Portuguese, British, and Russian explorers sailed the Alta (upper) California coast and made limited inland expeditions, but they did not establish permanent settlements (Bean 1968; Rolle 2003).

Gaspar de Portolá and Franciscan Father Junipero Serra established the first Spanish settlement in Alta California at Mission San Diego de Alcalá in 1769. This was the first of 21 missions erected by the Spanish between 1769 and 1823. Portolá continued north, eventually reaching the San Francisco Bay in 1769. In 1772, Pedro Fages led the first Europeans to enter the San Joaquin Valley (Wallace 1978; Johnson et al. 1993). Fages led a small expedition into the southernmost part of the valley, stopping at a village on the shores of Buena Vista Lake, before heading towards San Luis Obispo (Wallace 1978). The next European to enter the valley was Francisco Garcés in 1776 (Wallace 1978). In the early 1800s, numerous expeditions were made into the Central Valley to search for land for new missions or to recapture runaway neophytes (Kyle 2002). However, the Spanish never succeeded in taking control of the region and no missions were established in the Central Valley.

During this period, Spain also deeded ranchos to prominent citizens and soldiers, though very few in comparison to the subsequent Mexican Period. To manage and expand their herds of cattle on these large ranchos, colonists enlisted the labor of the surrounding Native American population (Engelhardt 1927). Very few of the Central Valley tribes came under the control of the Spanish missions or ranchos. However, numerous runaway neophytes fled to the Central Valley, influencing

local populations (Wallace 1978). The increased local population and contact with diseases brought by Europeans greatly reduced the Native American population (McCawley 1996).

Mexican Period (1822–1848)

The Mexican Period commenced when news of the success of the Mexican Revolution (1810-1821) against the Spanish crown reached California in 1822. This period was an era of extensive interior land grant development and exploration by American fur trappers west of the Sierra Nevada Mountains. Beginning in 1833, mission lands were conferred as rancho grants. Governor Pío Pico and his predecessors made more than 600 rancho grants between 1833 and 1846, putting most of the state's lands into private ownership for the first time (Gumprecht 1999). A few ranchos were established in the Sacramento Valley, including Rancho Los Ulpinos just across the Sacramento River from the western terminus of the APE (Kyle 2002). The most successful rancho in the Delta region was owned by John Marsh and located at the foot of Mount Diablo (Bean and Rawls 1983).

The Mexican Period also saw the initial settlement of what was to become the City of Sacramento, with the arrival of John Sutter in 1839 (Bean and Rawls 1983). Sutter established New Helvetia, which was to become a focal point of American settlement in the coming years.

American Period (1848–Present)

The American Period officially began with the signing of the Treaty of Guadalupe Hidalgo in 1848, in which the United States agreed to pay Mexico \$15 million for the conquered territory, including California, Nevada, Utah, and parts of Colorado, Arizona, New Mexico, and Wyoming. Settlement of southern California increased dramatically in the early American Period.

The discovery of gold in northern California in 1848 led to the California Gold Rush, though the first California gold was previously discovered in Placerita Canyon near the San Fernando Mission in 1842 (Guinn 1915; Workman 1935:26). Later, in 1848, James Marshall discovered gold while overseeing the construction of Sutter's Mill at Coloma. The discovery of gold led to an explosion in population and to the eventual establishment of the State of California. In 1850, California was admitted into the United States and by 1853, the population of California exceeded 300,000. Thousands of settlers and immigrants continued to move into the state, particularly after the completion of the transcontinental railroad in 1869.

San Joaquin County History and Historic Development

Europeans were active in what is now San Joaquin County by the late 1820s. The Mexican military established a presence in the region by 1829. That year, the Mexican army fought Native American forces that included Estanislao, an escaped indigenous captive, at a fortified site along the Stanislaus River, which was eventually named for Estanislao. After three unsuccessful attempts, a Mexican detachment led by Mariano G. Vallejo took the Native American stronghold, and the indigenous combatants dispersed into the surrounding countryside (Kyle 2002). Further European incursions into the area were made by fur trappers, who likely began hunting what is in the area by the late 1820s. The location of the community of French Camp is situated at a rendezvous spot established by French Canadian hunters in the 1830s and 1840s. The arrival of fur trappers in this era was catastrophic for the indigenous population. Indians residing in the region had little previous contact with Europeans and, as a result, had acquired little immunity to the diseases the colonizers brought with them. By 1833, European observers "reported seeing skulls and bodies under every shade tree" (Kyle 2002).

The earliest permanent European and Euro-American settlements in San Joaquin County predate the California Gold Rush. Charles M. Weber, a German immigrant and eventual founder of Stockton, arrived in Stanislaus County in 1841 as part of the Bidwell-Bartleson expedition. Bidwell initially settled in San Jose and formed a business partnership with blacksmith William Gulnac. In 1842, however, the Weber and Culnac assembled a team of 12 men to settle a colony in what is now French Camp. In 1847, Weber left the colony and founded Stockton, but with the discovery of gold in 1848, briefly left for present El Dorado County to operate a trading company. He soon returned to Stockton and worked to position the town as the area's main shipping point to supply the goldmines. In the 1850s, he influx of gold seekers and the resulting growth of local trade fueled Stockton's growth as the county's main commercial center (Kyle 2002).

In the second half of the nineteenth century, the county's population grew sufficiently to feed the expansion of agriculture and industry. As was the case through much of the state, in the 1850s and 1860s, agricultural enterprise flourished in fertile San Joaquin Valley after frustrated miners descended into the San Joaquin Valley to establish farms. Secondary population centers grew to support the agricultural areas, giving birth to such communities as Lockeford (1859) and Lodi (1874). Additional growth centered on railroad development, which began in 1869, when transcontinental service first reached Stockton (Kyle 2002). By the 1890s, Stockton's port and rail access allowed the city to emerge as the principal industrial and transportation hub for the county's agricultural periphery. Around the turn of the twentieth century, a thriving shipbuilding industry first developed along the city's San Joaquin River waterfront (Visit Stockton 2021).

Through the twentieth century, San Joaquin County grew modestly and retained its largely agricultural character. Tracy experienced a population boom in the 1970s as a number of new residents from the San Francisco Bay Area relocated to the city, speeding up its urbanization (Tracy Historical Museum 2021). Stockton remains the county's main urban center, with 291,000 residents accounting for roughly 40 percent of the county's population of 762,000.

c. Known and Potential Historical Resources

Under the California Environmental Quality Act (CEQA), a historical resource is a building, site, structure, object, or district that is eligible for listing or is listed in the National Register of Historic Places (NRHP), California Register of Historical Resources (CRHR), or a local register due to its historical or archaeological significance. Archaeological historical resource types present, or expected to exist, within the SJCOG region include prehistoric period occupation areas (both short and long term), burial areas, ceremonial areas, resource collection and processing sites, lithic scatters, quarries, rock art sites, trails, and isolated examples of prehistoric period artifacts.

For the historic period, historical resources may include buildings and structures, in addition to trails, roads, railroads, small and large-scale mining features, logging features, occupation areas (short and long term), water conveyance features, quarries, trash dumps, and cemeteries.

In general, prehistoric-period cultural resources were situated in the most favored environmental settings—areas adjacent to permanent water sources with relatively level topography. This is also true of most historic-period built-environment historical resources, with the exception of mining related features and settlements where the discovery of a mineral deposit did not always correspond with a favored environmental setting. It is important to note that lower sensitivity areas could still contain historical resources, and all areas proposed for development should be studied to determine whether potential historical resources are present.

2022 Regional Transportation Plan & Sustainable Communities Strategy

A review of the NRHP and the California Office of Historic Preservation (OHP) web site identified California Historical Landmarks and NHRP- and CRHR-listed properties located in the SJCOG region. NRHP-listed properties are automatically listed in the CRHR. There may be other known and potential historical resources located in the SJCOG region. Resources identified on the OHP web site are listed in Table 4.4-1. A review of the OHP Built Environment Resource Directory identified more than 2,300 known and potential historical resources that have been listed in, determined eligible for, or recommended eligible for listing in the NRHP, CRHR, or a local register. The Caltrans Historic Bridge Inventory identifies one local agency bridge in the SJCOG region that has been determined eligible for the NRHP, Mormon Slough Bridge (Bridge Number 29C0232), which carries South Sutter Street over Mormon Slough in Stockton. The historical significance of some local agency bridges in the SJCOG region have not been determined, and some may possess historical significance that would qualify them as historical resources. The Caltrans inventory of historic state agency bridges identified 4 bridges that are eligible for listing in the NRHP: the W120-S5 Connector (Bridge Number 29 0016F), carrying the State Route 120-Interstate 5 connector over the San Joaquin River; Mokelumne River Bridge (Bridge Number 29 0043), which carries State Route 12 over the Mokelumne River; the Old River Bridge (Bridge Number 29 0045), carrying State Route 4 over the Old River; and the Middle River Bridge (29 0049) carrying State Route 4 over the Middle River.

Table 4.4-1 SJCOG Region Historical Resources¹

Reference Number	Location	Resource Name	Address and/or Date Listed
California Historical Landmarks²			
149	Thornton	Benson's Ferry	South bank of North Fork Mokelumne River, 100 feet west of County Road J8
155	Clements	Lone Star Mill	Entrance to Stillman L. Magee Park, Mackville Road
162	Thornton	Site of Mokelumne City	200 feet north of intersection of Cameron Road and Thornton Road
163	Woodbridge	Site of Wood's Ferry and Wood's Bridge	Present bridge is at the approximate location of the original ferry and bridge, County Highway J10
165	Stockton	Weber Point	Center Street between Channel and Miner streets
178	Stockton	Site of first building in present city of Stockton	City Hall, on Civic Street between Miner and El Dorado streets
214	N/A	Site of battle between forces under General Vallejo and San Joaquin Valley Indians	200 yards southeast of the confluence of the San Joaquin and Stanislaus rivers on the north bank of Stanislaus River
358	Woodbridge	Town of Woodbridge	On County Highway J10
365	Lockeford	Lockeford (Loke's Ford)	0.6 mi north on Elliotte Road
436	Ripon	New Hope	Ripon City Park, Fourth and Locust streets
437	Tracy	First landing place of the sailing launch <i>Comet</i>	Plaque located at the entrance to Mossdale Crossing Park and Ramp
513	Stockton	Burial place of John Brown (Juan Falco)	1100 East Weber Street
520	Woodbridge	San Joaquin Valley College	18500 North Lilac Street
668	French Camp	French Camp	Elm Street at French Camp School
740	Tracy	Carnegie	Carnegie State Vehicular Recreation Area, 5.9 miles west of I-580 on Corral Hollow Road
755	Tracy	Corral Hollow	1.5 miles west of I-580 on Corral Hollow Road

Reference Number	Location	Resource Name	Address and/or Date Listed
765	Stockton	Temple Israel Cemetery	East Acacia Street between North Pilgrim and North Union streets
777	Tracy	Site of San Joaquin City	1.4 mi north of the San Joaquin County line on County Highway J3
780	Tracy	First Transcontinental Railroad—site of completion of the Pacific Railroad	Plaque located at the entrance to Mossdale Crossing Park and Ramp
801	Stockton	Reuel Colt Gridley Monument	Stockton Rural Cemetery near Memory Chapel
931	Lodi	Lodi Arch	Southeast corner of East Pine and South Sacramento streets
934	Stockton	Temporary detention camps for Japanese Americans-Stockton Assembly Center	Administration Building, San Joaquin County Fairgrounds, Airport Way
935	French Camp	California Chicory Works	1672 West Bowman Road
995	N/A	Trail of the John C. Frémont 1844 Expedition	Northwest corner of junction of Highway 88 and the Calaveras River
1016	Stockton	Stockton Developmental Center	510 E Magnolia Street
1039	Stockton	Sikh Temple Site	1930 South Grant Street
National Register of Historic Places			
N2357	Clements	I.O.O.F. Lodge #355	Harding Way and Pacific Ave.
N/A	Lockeford	Harmony Grove Church	42 N. Sutter St.
N178	Lockeford	Locke House and Barn	11 S. San Joaquin St.
N1039	Lockeford	Locke's Meat Market	242 E. Main St.
N/A	Lodi	Hotel Lodi	345 W. Clay St.
N902	Lodi	Lodi Arch	548 Park St.
N1454	Lodi	Morse–Skinner Ranch House	133 E. Weber Ave.
N1281	Lodi	Terminus Culling Chute	25 S. Commerce St.
N715	Lodi	Woman's Club of Lodi	55 W. Flora St.
N1561	Stockton	Cole's Five Cypress Farm	1000 N. Hunter St.
N931	Stockton	Commercial and Savings Bank	921 S. San Joaquin St.
N510	Stockton	El Dorado Elementary School	146 W. Weber Ave.
N868	Stockton	Elks Building	445 W. Weber
N907	Stockton	Farmer's and Merchant's Bank	301 E. Main St.
N789	Stockton	Fox California Theater	229 E. Weber St.
N672	Stockton	Gew, Wong K., Mansion	401 N. San Joaquin St.
N1052	Stockton	Holt, Benjamin, House	628 Central Ave.
N950	Stockton	Hotel Stockton	801 Central Ave.
N667	Stockton	Nippon Hospital	31524 S. Kasson Rd.
N251	Stockton	Old Weber School	25 W. 7 th St.
N/A	Stockton	Philomathean Clubhouse	24 W. 11 th St.
N594	Stockton	Rodgers, Moses, House	47 W. 6 th St.
N1040	Stockton	Sperry Office Building	Main St.

Reference Number	Location	Resource Name	Address and/or Date Listed
N747	Stockton	Sperry Union Flour Mill	1040 Augusta St.
N681	Stockton	Stockton Savings and Loan Society Bank	18819 East CA 88
N1152	Stockton	Tretheway Block	11455 E Locke Rd
N1175	Stockton	U.S. Post Office	19960 W. Elliott Rd.
N1364	Tracy	Bank of Italy	13480 CA 88
N867	Tracy	Bank of Tracy	5 S. School St.
N1022	Tracy	Ohm, John, House	Pine St.
N824	Tracy	Tracy City Hall and Jail	13063 N. CA 99
N919	Tracy	Tracy Inn	14900 W. CA 12
N715	Tracy	West Side Bank	325 W. Pine St.
N1095	Woodbridge	I.O.O.F. Hall	11221 E. Eight Mile Rd.
N1593	Woodbridge	Woodbridge Masonic Lodge No. 131	343 Main St.
C25	Ripon	Markham Hotel ³	N/A
C24	Stockton	Oak Lawn/Shippee Home Ranch ³	N/A
C19	Stockton	Western Pacific Railway Depot ³	1025 East Main Street

Sources: California Office of Historic Preservation, 2021; NRHP 2021

1. This list may not include all historical resources listed on the NRHP and CRHR.

2. California Historical Landmarks 1-769 and Points of Historical Interest designated prior to January 1998 need to be reevaluated using current standards.

3. Resource is listed in the CRHR but not in the NRHP.

4.4.2 Regulatory Setting

This section includes a discussion of the applicable laws, ordinances, regulations, and standards governing cultural resources.

a. Federal Laws, Regulations, and Policies

National Register of Historic Places

The National Register of Historic Places (NRHP) was established by the National Historic Preservation Act of 1966 as “an authoritative guide to be used by Federal, state, and local governments, private groups and citizens to identify the Nation’s cultural resources and to indicate what properties should be considered for protection from destruction or impairment” (36 Code of Federal Regulations 60.2). The NRHP recognizes properties that are significant at the national, state, and local levels. To be eligible for listing in the NRHP, a resource must be significant in American history, architecture, archaeology, engineering, or culture. Districts, sites, buildings, structures, and objects of potential significance must also possess integrity of location, design, setting, materials, workmanship, feeling, and association. A property is eligible for the NRHP if it meets any one of the following criteria:

- **Criterion A:** Are associated with events that have made a significant contribution to the broad patterns of our history

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

In addition to meeting at least one of the above designation criteria, resources must also retain integrity. The National Park Service recognizes seven aspects or qualities that, considered together, define historic integrity. To retain integrity, a property must possess several, if not all, of these seven qualities, defined in the following manner:

- **Location:** The place where the historic property was constructed or the place where the historic event occurred
- **Design:** The combination of elements that create the form, plan, space, structure, and style of a property
- **Setting:** The physical environment of a historic property
- **Materials:** Materials are the physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a historic property
- **Workmanship:** The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory
- **Feeling:** A property's expression of the aesthetic or historic sense of a particular period of time
- **Association:** The direct link between an important historic event or person and a historic property

The Department of Transportation Act

Passed in 1966, the Department of Transportation Act (49 United States Code 303, formerly 49 United States Code 1651(b)(2) and 49 United States Code 1653f) includes Section 4(f), which states that the Federal Highway Administration and other U.S. Department of Transportation agencies cannot approve the use of land from public and private historical sites unless certain conditions apply. These conditions are the following: If there is no feasible and prudent avoidance alternative to the use of land, and if the action includes all possible planning to minimize harm to the property resulting from such use; or if the Federal Highway Administration determines the use of the property will have a *de minimis* impact.

Archaeological Resources Protection Act of 1979 (ARPA)

This regulation was enacted to protect archaeological resources and sites that are on public lands and tribal lands, to foster increased cooperation and exchange of information between government representatives, the professional archaeological community, and private individuals. Section 4 of the statute and Sections 16.5-16.12 of the uniform regulations describe the requirements that must be met before federal authorities can issue a permit to excavate or remove any archaeological resource on federal or tribal lands. The curation requirements of artifacts, other materials excavated or removed, and the records related to the artifacts and materials are described in Section 5 of the ARPA. This section also authorizes the Secretary of the Interior to issue regulations describing in more detail the requirements regarding these collections.

b. State Laws, Regulations, and Policies

California Register of Historical Resources

The CRHR program was designed for use by state and local agencies, private groups, and citizens to identify, evaluate, register, and protect California’s historical resources. A historical resource can include any object, building, structure, site, area, or place that is determined to be historically or archaeologically significant. The CRHR is an authoritative guide to the state’s significant archaeological and historic architectural resources. The list of these resources can be used for state and local planning purposes, the eligibility determinations can be used for state historic preservation grant funding and listing in the CRHR provides a certain measure of protection under CEQA.

California Historical Landmarks Program

The Historical Landmarks Program was instated to register buildings or landmarks of historical interest. Historical Landmarks are defined as sites, buildings, or features that have a statewide historical, cultural, anthropological, or other significance. To be designated as a Historical Landmark by the Director of California State Parks, the resource must meet set criteria, be recommended for designation by the State Historical Resources Commission and be approved by the property owners. The goals of the program include the preservation and maintenance of registered landmarks, most of which include missions, early settlements, battles, and gold rush sites (PRC Sections 5020.4, 5021, 5022, 5022.5, 5031 and 5032).

California Environmental Quality Act

Archaeological Resources

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

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

Impacts to Historical Resources

Section 15064.5 of the *State CEQA Guidelines* states that “a project with an effect 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.” The *State CEQA Guidelines* (Section 15064.5(a)) define an “historical resource” as including the following:

- A resource listed in, or eligible for listing in, the California Register of Historical Resources
- A resource listed in a local register of historical resources (as defined at PRC Section 5020.1(k))

- A resource identified as significant in a historical resources survey meeting the requirements of PRC Section 5024.1(g)

Any object, building, structure, site, area, place, record, or manuscript that a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California. (Generally, a resource is considered by the lead agency to be “historically significant” if the resource meets the criteria for listing in the CRHR.

State CEQA Guidelines (Section 15064.5(b)[1]) define “substantial adverse change” as “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired.” Generally, the significance of a historical resource is “materially impaired” when a project 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 the CRHR, or its inclusion in a local register of historical resources (State CEQA Guidelines Section 15064.5(b)(2)).

Standard Mitigation Measures Under CEQA

HISTORICAL RESOURCES

Mitigation measures for historical resources impacts are discussed in State CEQA Guidelines Section 15126.4. Generally, by following the Secretary of the Interior’s Standards for the Treatment of Historic Properties or the Secretary of the Interior’s Standards for Rehabilitation, impacts can be considered as mitigated to a level less than significant. For historical resources that are archaeological sites, according to the State CEQA Guidelines Section 15126.4(b)(3), public agencies should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature.

UNIQUE ARCHEOLOGICAL RESOURCES

A cultural resource is also significant if it is a unique *archaeological resource*, which is defined in §21083.2(g) 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

If an archaeological resource qualifies as a “historical resource,” potential adverse impacts must be considered in the same manner as a historical resource *State CEQA Guidelines* Section 15064.5(c)(2)). If the archaeological site does not qualify as a historical resource but does qualify as a unique archaeological resource, then the archaeological site is treated in accordance with PRC Section 21083.2 (State CEQA Guidelines Section 15064.5(c)(3)).

California Public Resources Code Section 5024 and State-Owned Lands

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

California Native American Historical, Cultural, and Sacred Sites Act

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

Health and Safety Code Section 7050.5

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

Public Resources Code Section 5097

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

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

California Health and Safety Code Sections 7050.5, 7051, and 7054

HSC Sections 7050.5, 70051, and 7051, and 7054 specify the provisions for the protection of human burial remains. Section 7050.5 of the HSC states the following:

In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with Section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of Section 27491 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and

cause of any death, and the recommendations concerning the treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in Section 5097.98 of the Public Resources Code. The coroner shall make his or her determination within two working days from the time the person responsible for the excavation, or his or her authorized representative, notifies the coroner of the discovery or recognition of the human remains. If the coroner determines that the remains are not subject to his or her authority and if the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission.

Section 7051 of the HSC states the following:

Every person who removes any part of any human remains from any place where it has been interred, or from any place where it is deposited while awaiting interment, cremation, or hydrolysis, with intent to sell it or to dissect it, without authority of law, or written permission of the person or persons having the right to control the remains under Section 7100, or with malice or wantonness, has committed a public offense that is punishable by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code.

Section 7054 of the HSC states the following:

- (a) (1) Except as authorized pursuant to the sections referred to in subdivision (b), every person who deposits or disposes of any human remains in any place, except in a cemetery, is guilty of a misdemeanor.
- (2) Every licensee or registrant pursuant to Chapter 12 (commencing with Section 7600) of Division 3 of the Business and Professions Code and the agents and employees of the licensee or registrant, or any unlicensed person acting in a capacity in which a license from the Cemetery and Funeral Bureau is required, who, except as authorized pursuant to the sections referred to in subdivision (b), deposits or disposes of any human remains in any place, except in a cemetery, is guilty of a misdemeanor that shall be punishable by imprisonment in a county jail not exceeding one year, by a fine not exceeding ten thousand dollars (\$10,000), or both that imprisonment and fine.
- (b) Cremated remains or hydrolyzed human remains may be disposed of pursuant to Sections 7054.6, 7116, 7117, and 103060.
- (c) Subdivision (a) of this section shall not apply to the reburial of Native American remains under an agreement developed pursuant to subdivision (l) of Section 5097.94 of the Public Resources Code, or implementation of a recommendation or agreement made pursuant to Section 5097.98 of the Public Resources Code.

Public Resources Code Section 5097.98

PRC Section 5097.98 addresses the disposition of Native American burials, protects such remains, and established the NAHC to resolve any related disputes. Section 5097.98 of the PRC states the following:

- (a) Whenever 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 those persons it believes to be most likely descended from the deceased Native American. The descendants may, with the permission

of the owner of the land, or his or her authorized representative, inspect the site of the discovery of the Native American human remains and may recommend to the owner or the person responsible for the excavation work means for treatment or disposition, with appropriate dignity, of the human remains and any associated grave goods. The descendants shall complete their inspection and make recommendations or preferences for treatment within 48 hours of being granted access to the site.

- (b) Upon the discovery of Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this section, with the most likely descendants regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.

California Native American Graves Protection and Repatriation Act

Health and Safety Code Sections 8010–8011 establishes a State repatriation policy intent that is consistent with and facilitates implementation of the federal Native American Graves Protection and Repatriation Act. The act strives to ensure that all California Indian human remains and that cultural and cultural items by publicly funded agencies and museums in California. It also states the intent for the State to provide mechanisms for aiding California Indian tribes, including non-federally recognized tribes, in filing repatriation claims and getting responses to those claims.

California Health and Safety Code Sections 18950 through 18961

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

c. Regional and Local Laws, Regulations, and Policies

San Joaquin County General Plan 2035

Part 3.4 of the San Joaquin County General Plan, adopted in December 2016, consists of a Natural and Cultural Resources Element that outlines the County's goals and policies for how it will ensure that development occurs in a manner that limits impacts to natural and cultural resources. Goal NCR-6 specifically addresses Cultural and Historic Resources, stating that the focus of the goal section is to "identify ways to protect, preserve, and enhance the valuable cultural and historic resources that are vital to the character of the County."

Goal NCR-6

To protect San Joaquin County's valuable architectural, historical, archaeological, and cultural resources.

- **NCR-6.1 Protect Historical and Cultural Resources**

The County shall protect historical and cultural resources and promote expanded cultural opportunities for residents to enhance the region's quality of life and economy.

- **NCR-6.2 No Destruction of Resources**

The County shall ensure that no significant architectural, historical, archeological, or cultural resources are knowingly destroyed through County action.

- **NCR-6.3 Encourage Public and Private Preservation Efforts**

The County shall continue to encourage efforts, both public and private, to preserve the historical and cultural heritage of San Joaquin County and its communities and residents.

- **NCR-6.4 Registration of Historic Properties**

The County shall encourage owners of eligible historic properties to apply for State and Federal registration, to participate in tax incentive programs for historical restoration, and to enter into Mills Act Contracts.

- **NCR-6.5 Protect Archeological and Historical Resources**

The County shall protect significant archeological and historical resources by requiring an archeological report be prepared by a qualified cultural resource specialist prior to the issuance of any discretionary permit or approval in areas determined to contain significant historic or prehistoric archeological artifacts that could be disturbed by project construction.

- **NCR-6.6 Tribal Consultation**

The County shall consult with Native American tribes regarding proposed development projects and land use policy changes consistent with the State's Local and Tribal Intergovernmental Consultation requirements.

- **NCR-6.7 Adaptive Reuse of Historic Structures**

The County shall encourage the adaptive reuse of architecturally significant or historic buildings if the original use of the structure is no longer feasible and the new use is allowed by the underlying land use designation and zoning district.

- **NCR-6.8 Land Use and Development**

The County shall encourage land uses and development that retain and enhance significant historic properties and sustain historical community character.

NCR-6.9 EDUCATIONAL PROGRAMS

The County shall support educational and outreach programs that promote public awareness of and support preservation of historical and cultural resources.

San Joaquin County Historic Resource Preservation Ordinance

Chapter 9-1053 of the San Joaquin County Code is the County's pertains to historic preservation. The intent of the chapter is to establish regulations for the preservation of historic resources, such

as cultural, archaeological, architectural, aesthetic, and environmental resources, within San Joaquin County. The ordinance does not identify procedures or criteria for the designation of historic resources. However, the ordinance requires the issuance of a use permit shall be required prior to any change in the use of an historical resource.

City General Plans and Regulations

City of Escalon General Plan

Adopted in 2005, the City of Escalon General Plan Community Design Element of the General Plan contains policies intended to preserve and improve the quality of life in Escalon by addressing, among other issues, the preservation and enhancement of the historical character of the community. In addition, Chapter 17.31 of the City of Escalon Municipal Code regulates the designation of Historic or H Overlay Districts and Landmarks to ensure the protection, enhancement, perpetuation, and use of structures and districts of historical and architectural significance located within the city for the cultural, and aesthetic benefit to the community and the enhancement of the economic, cultural, and aesthetic standing of the city. An individual property or a collection of properties may be designated historical if they meet certain criteria identified in the ordinance.

City of Lathrop General Plan

The City of Lathrop General Plan Resource Management Element includes two policies pertaining to the preservation of archaeological and built-environment historical resources. The first of these promotes the protection of known Native American archaeological sites, proposing adherence to CEQA guidance regarding confidentiality, the development of project design alternatives, and consultation with Native American tribes. The other policy proposes certain requirements to ensure that development activities avoid impacts to unknown archaeological resources.

City of Lodi General Plan

The General Plan's Conservation Element outlines seven policies intended to preserve, archaeological and built-environment cultural resources. Policies related to the protection of archaeological resources include specific requirements related to the conduct of background research and field surveys, best practices in the case of the inadvertent discovery of archaeological discoveries, procedures to follow if human remains are found. Policies relevant to built-environment resources require efforts to relocate historically significant buildings proposed for demolition, prepare adequate environmental review prior to the issuance of permits, coordinate with local historical societies, and, where applicable, adhere to current Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings.

City of Manteca General Plan 2023

The City of Manteca General Plan 2023 Resource Conservation and Economic Development Elements include goals, policies, and implementation measures pertaining to the preservation of the city's archaeological and built-environment cultural resources. To preserve and enhance the City's archaeological and historic resources and protect its Native American heritage, the Conservation Element establishes standards for the conduct of research and site evaluation and design of impact mitigation for development projects that may affect archaeological sites. The Economic

Development Element proposes that the community's historic structures shall be preserved where feasible.

City of Ripon General Plan

The City of Ripon General Plan's Open Space and Conservation Element includes goals and policies intended to prevent the knowing demolition of archaeological and built-environment historical resources. In addition, Ripon has a Historic Overlay Districts ordinance (Chapter 16.44), which was enacted to promote the preservation of historical resources in the city. Under the ordinance, a building, site, natural feature or part of the city may be designated as a landmark if it meets certain criteria. Certain limits are placed on projects that propose to alter or demolish a designated property.

City of Stockton General Plan

the Stockton 2040 General Plan's, Land Use Element. and the Land Use Element contains goals, policies, and actions intended to promote the preservation of archaeological and built-environment historical resources. These include provisions to preserve the character of neighborhoods and historic districts and establish requirements for the preparation of cultural resources field reports, site studies, Native American consultation, and implementation of measures to mitigate effects to cultural resources. In addition, Chapter 16.220 of the City of Stockton Municipal Code provides regulations for the preservation of the city's cultural resources. Under the ordinance, a qualifying resource may be designated under one of four categories: Landmark, Historic Preservation District, Historic Site, and Structure of Merit.

City of Tracy General Plan

The City of Tracy General Plan's Community Character Element outlines policies to preserve and enhance Tracy's character, while incorporating new growth and development. The Community Character Element provides several goals, objectives, policies and actions applicable to archaeological and built-environment historical resources. These provisions pertain to, among other things, the identification and protection of archaeological and built environment historical resources, specifically in downtown Tracy, where preservation, restoration, rehabilitation, reuse and maintenance of existing Downtown buildings is encouraged.

4.4.3 Impact Analysis

a. Methodology and Significance Thresholds

For this discussion, the term historical resource broadly includes archaeological and built-environment resources that are eligible for inclusion in the NRHP, CRHR, or a local historic register. The significance of a historical resource impact is determined by whether or not that resource meets the criteria discussed below. Where the significance of a site is unknown, it is presumed to be a significant resource for the purpose of identifying potential areas of disturbance associated with construction projects or development in urban infill areas near high-quality transportation corridors as outlined in the 2022 RTP/SCS.

Based on CEQA Guidelines Section 15064.5, future reasonably anticipated development activities carried out under the 2022 RTP/SCS would have a significant impact on historical resources if they would cause a substantial adverse change in the significance of a historical resource. Historical

resources may include buildings, structures and objects over 45 years of age that have been listed in, or found eligible for, the NRHP, CRHR, or a local register. CEQA and local regulations do not specify an age threshold for historical resources. However, guidance from the State of California OHP recommends that “sufficient time” – typically 50 years – “must have passed to obtain a scholarly perspective” necessary to evaluate the significance of the historical events with which a property is associated.¹ A threshold of 45 years is recommended because it is recognized that there is often “a five year lag between resource identification and the date that planning decisions are made.”² As explained in Section 15064.5, “[s]ubstantial adverse change in the significance of an historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired” so that it would no longer convey its significant historical associations.

Appendix G of the State CEQA Guidelines identifies the following criteria for determining whether development facilitated by the proposed 2022 RTP/SCS would have a significant impact on cultural and historic resources, namely an analysis of whether or not the 2022 RTP/SCS would:

1. Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5.
2. Cause a substantial adverse change in the significant of an archaeological resource pursuant to §15064.5.
3. Disturb any human remains, including those interred outside of formal cemeteries.

b. Project Impacts and Mitigation Measures

The following section discusses potential impacts and mitigation measures that may be associated with projects contained within the 2022 RTP/SCS. Section 4.4.3.c summarizes the impacts associated with capital improvement projects proposed in the 2022 RTP/SCS. Due to the programmatic nature of 2022 RTP/SCS, a precise, project-level analysis of the specific impacts associated with individual transportation and land use projects is not possible at this time. In general, however, implementation of proposed transportation improvements and future projects under the land use scenario envisioned by the 2022 RTP/SCS could result in the impacts as described in the following section.

Threshold 1: Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5
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Impact CR-1 TRANSPORTATION IMPROVEMENT PROJECTS AND THE LAND USE SCENARIO ENVISIONED BY THE PROPOSED 2022 RTP/SCS WOULD CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF A HISTORICAL RESOURCE PURSUANT TO §15064.5. THIS IMPACT WOULD BE SIGNIFICANT AND UNAVOIDABLE.

As shown in Table 4.4-1, there are 9 California State Historic Landmarks and 38 properties listed on NRHP and/or the CRHR located throughout the SJCOG region which currently qualify as historical resources. There are more than 2,300 known historical resources listed in or eligible for the NRHP, CRHR, or local registers located throughout the SJCOG region. There may be other yet unidentified

¹ State of California. Department of Parks and Recreation. Office of Historic Preservation, “California Office of Historic Preservation Technical Assistance Series #6, California Register and National Register: A Comparison (for purposes of determining eligibility for the California Register).” <https://ohp.parks.ca.gov/pages/1069/files/technical%20assistance%20bulletin%206%202011%20update.pdf>, Accessed December 14, 2020.

² State of California. Department of Parks and Recreation. Office of Historic Preservation. “Instructions for Recording Historical Resources,” March 1995. https://scic.sdsu.edu/_resources/docs/manual95.pdf. Accessed December 14, 2020.

historical resources eligible for inclusion in the NRHP, CRHR, or a local register pending further analysis.

Due to the programmatic nature of the 2022 RTP/SCS, known and potential historical resources may be encountered as a result of implementation of transportation improvement projects pursuant to the 2022 RTP/SCS. Projects proposed under the 2022 RTP/SCS include, but are not limited to, the construction of new roads; widening of existing highways and arterials with the construction of new motor vehicle and bicycle lanes, reconstruction of interchanges; installation of new bus stop shelters; and improvements to rail and other transit facilities. If projects would involve the modification or demolition of existing buildings or structures, it is possible that such buildings or structures could be known or potential historical resources (as determined by site-specific evaluation), given the presence of structures that are over 45 years of age throughout the SJCOG region, particularly within existing urbanized areas. A proposed project which resulted in the demolition or adverse modification of a qualifying historical resource, the project would have the potential to materially impair the resource and result in a significant impact on the environment pursuant to Section 16064.5(b) of the CEQA Guidelines.

County- and city-sponsored projects would be subject to local ordinance requirements, including General Plan provisions, that protect cultural resources. Nevertheless, impacts would be significant because there could be substantial adverse changes to historic structures and buildings that meet the definition of “historical resources.” The following mitigation would be required for any project that may impact built environment historical resources.

Mitigation Measure

For transportation projects under their jurisdiction, SJCOG shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measure for applicable transportation projects that would result in cultural resource impacts, and where feasible and necessary based on site-specific considerations. San Joaquin County and incorporated cities in the County should implement these measures where relevant to land use projects implementing the 2022 RTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

CR-1 Built Environment Historical Resources Impact Minimization

Prior to individual project permit issuance, the implementing agency of a 2022 RTP/SCS project involving a building or structure over 45 years of age shall prepare a map defining the project area. This map shall indicate the areas of disturbance associated with construction and operation of the facility and will help in determining whether known and potential historical resources are located within the project area. If a structure greater than 45 years in age is within the identified impact zone, a survey and evaluation of the structure(s) to determine their eligibility for recognition under State, federal, or local historic resource designation criteria shall be conducted. The evaluation shall be prepared by an architectural historian or historical architect meeting the Secretary of the Interior’s Standards and Guidelines for Archeology and Historic Preservation, Professional Qualification Standards (PQS) as defined in 36 CFR Part 61. All buildings and structures 45 years of age or older within the project area shall be evaluated in their historic context and documented in a report meeting the State Office of Historic Preservation guidelines. All evaluated properties shall be documented on Department of Parks and Recreation Series 523 Forms. The report shall be submitted to the implementing agency for review and concurrence.

If historical resources are identified within the project area of a proposed development, efforts shall be made to the extent feasible to ensure that impacts are mitigated. Application of mitigation shall generally be overseen by a qualified architectural historian or historic architect meeting the PQS, unless unnecessary in the circumstances (e.g., preservation in place). In conjunction with any development application that may affect the historical resource, a report identifying and specifying the treatment of character-defining features and construction activities shall be provided to the implementing agency for review.

To the greatest extent possible the relocation, rehabilitation, or alteration of the resource shall be consistent with the *Secretary of the Interior's Standards for the Treatments of Historic Properties* (Standards). In accordance with CEQA, a project that has been determined to conform with the Standards generally would not cause a significant adverse direct or indirect impact to historical resources (14 CCR § 15126.4(b)(1)). Application of the Standards shall be overseen by a qualified architectural historian or historic architect meeting the PQS. In conjunction with any development application that may affect the historical resource, a report identifying and specifying the treatment of character-defining features and construction activities shall be provided to the implementing agency for review and concurrence.

If significant historical resources are identified on a development site and compliance with the Standards and/or avoidance is not possible, appropriate site-specific mitigation measures shall be established and undertaken. Mitigation measures may include documentation of the historical resource in the form of a Historic American Building Survey-Like report. The report shall comply with the Secretary of the Interior's Standards for Architectural and Engineering Documentation and shall generally follow the HABS Level III requirements, including digital photographic recordation, detailed historic narrative report, and compilation of historic research. The documentation shall be completed by a qualified architectural historian or historian who meets the PQS and submitted to the implementing agency prior to issuance of any permits for demolition or alteration of the historical resource. Copies of the report shall be provided to a local library and/or other appropriate repositories.

IMPLEMENTING AGENCIES AND TIMING

Implementing agencies for transportation projects are SJCOG and transportation project sponsor agencies. Implementing agencies for land use projects are cities and the County. This mitigation measure shall, or can and should, be applied during permitting and environmental review and implemented during construction where appropriate.

Significance After Mitigation

Redevelopment or demolition that may be required to implement transportation improvements and related development may result in the permanent loss or damage to historic structures. Although implementation of Mitigation Measure CR-1 would reduce impacts to the extent feasible, some project-specific impacts would result in the demolition or other impairments of a historical resource's historical significance. Therefore, this impact is significant and unavoidable. No additional mitigation measures to reduce this impact to less-than-significant levels are feasible.

Threshold 2: Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5

Impact CR-2 CONSTRUCTION ACTIVITY ASSOCIATED WITH PROPOSED TRANSPORTATION IMPROVEMENT PROJECTS AND THE LAND USE SCENARIO ENVISIONED BY THE PROPOSED 2022 RTP/SCS MAY CAUSE A SUBSTANTIAL ADVERSE CHANGE IN THE SIGNIFICANCE OF AN ARCHAEOLOGICAL RESOURCE PURSUANT TO §15064.5. POTENTIAL IMPACTS TO ARCHAEOLOGICAL RESOURCES WOULD BE SIGNIFICANT AND UNAVOIDABLE.

It is known that archaeological resources are present throughout the SJCOG region. Therefore, it is possible to encounter known and unknown archaeological resources as a result of implementation of transportation improvement projects pursuant to the 2022 RTP/SCS. Many of the improvements proposed under the 2022 RTP/SCS consist of minor expansions of existing facilities that would not involve construction in previously undisturbed areas. However, depending on the location and extent of the proposed improvement and ground disturbance, known and/or unknown cultural resources could be impacted. Project-specific analysis would be required as individual projects are proposed.

Representative new projects in the 2022 RTP/SCS that may disrupt previously undisturbed areas are listed in Table 2-1 of Section 2, *Project Description*. The projects listed in this table were chosen based on potential to include new infrastructure. It is possible that some of the proposed roadway or bridge widening or extension projects, beyond those listed in Table 2-1 of Section 2, *Project Description*, would adversely impact archaeological resources. In particular, construction activities may disturb the resources thereby exposing them to potential vandalism or causing them to be displaced from the original context and integrity. Project specific analysis will be required as these individual projects are proposed.

The 2022 RTP/SCS considers a future land use scenario that emphasizes infill near transit and in existing urbanized areas, but also includes development in less urbanized areas. However, it is possible that archaeological resources could be located on or near future infill development sites, and in undisturbed areas that would be developed during implementation of the 2022 RTP/SCS. Project grading and excavation for development sites would disturb these known or undiscovered resources.

In general, prior to commencement of any action, development or land use changes on lands subject to federal jurisdiction or for projects involving federal funding, a cultural resource survey and an environmental analysis must be prepared. County and city sponsored projects would be subject to local ordinance requirements, including General Plan provisions that protect cultural resources. Nevertheless, impacts to archaeological resources would be potentially significant because there could be substantial adverse changes to significant archaeological resources, i.e., archaeological resources that meet the definition of “historical resources” or “unique archaeological resources.”

Mitigation Measures

For transportation projects under their jurisdiction, SJCOG shall implement, and transportation project sponsor agencies can and should implement, the following mitigation measures for applicable transportation projects that would result in cultural resource impacts, and where feasible and necessary based on site-specific considerations. San Joaquin County and incorporated cities in the County should implement these measures where relevant to land use projects implementing the

2022 RTP/SCS. Project-specific environmental documents may adjust these mitigation measures as necessary to respond to site-specific conditions.

CR-2(a) Archaeological Resources Impact Minimization

Before construction activities, implementing agencies shall retain a qualified archaeologist to conduct a record search at the Central California Information Center to determine whether the project area has been previously surveyed and whether resources were identified. When recommended by the Information Center, implementing agencies shall retain a qualified archaeologist to conduct archaeological surveys before construction activities. Implementing agencies shall, or can and should, follow recommendations identified in the survey, which may include, but would not be limited to: subsurface testing, designing and implementing a Worker Environmental Awareness Program (WEAP), construction monitoring by a qualified archaeologist, or avoidance of sites and preservation in place, and/or data recovery if avoidance is not feasible. Recommended mitigation measures shall be consistent with CEQA Guidelines Section 15126.4(b)(3) recommendations and may include but not be limited to preservation in place and/or data recovery. All cultural resources work shall follow accepted professional standards in recording any find including submittal of standard DPR Primary Record forms (Form DPR 523) and location information to the appropriate California Historical Resources Information System office for the project area.

CR-2(b) Unanticipated Discoveries During Construction

During construction activities, implementing agencies shall, or can and should, implement the following measures. If evidence of any prehistoric or historic-era subsurface archaeological features, deposits or tribal cultural resources are discovered during construction-related earthmoving activities (e.g., ceramic shard, trash scatters, lithic scatters), all ground-disturbing activity proximate to the discovery shall be halted until a qualified archaeologist (36 CFR Section 61) can assess the significance of the find. If the find is a prehistoric archaeological site, the appropriate Native American group shall be notified. If the archaeologist determines that the find does not meet the CRHR standards of significance for cultural resources, construction may proceed. If the archaeologist determines that further information is needed to evaluate significance, a testing plan shall be prepared and implemented. If the find is determined to be significant by the qualified archaeologist (i.e., because the find is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall work with the implementing agency to avoid disturbance to the resources, and if complete avoidance is not feasible in light of project design, economics, logistics and other factors, shall recommend additional measures such as the preparation and implementation of a data recovery plan. All cultural resources work shall follow accepted professional standards in recording any find including submittal of standard DPR Primary Record forms (Form DPR 523) and location information to the appropriate California Historical Resources Information System office for the project area. If the find is a prehistoric archaeological site, the culturally affiliated California Native American tribe shall be notified and afforded the opportunity to monitor mitigative treatment. During evaluation or mitigative treatment, ground disturbance and construction work could continue in other parts of the project area that are distant enough from the find not to impact it, as determined by the qualified archaeologist.

IMPLEMENTING AGENCIES AND TIMING

Implementing agencies for transportation projects are SJCOG and transportation project sponsor agencies. Implementing agencies for land use projects are cities and the County. These mitigation

measure shall, or can and should, be applied during permitting and environmental review and implemented during construction where appropriate.

Significance After Mitigation

Implementation of Mitigation Measures CR-2(a) and CR-2(b) would reduce potential impacts to archaeological resources to the extent feasible, but some project-specific impacts may be unavoidable. Therefore, this impact is significant and unavoidable. No additional mitigation measures to reduce this impact to less-than-significant levels are feasible.

Threshold: Disturb any human remains, including those interred outside of formal cemeteries
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Impact CR-3 CONSTRUCTION ACTIVITY ASSOCIATED WITH TRANSPORTATION IMPROVEMENT PROJECTS AND THE LAND USE SCENARIO ENVISIONED BY THE 2022 RTP/SCS COULD RESULT IN DISTURBANCES TO HUMAN REMAINS INCLUDING THOSE INTERRED OUTSIDE OF FORMAL CEMETERIES. POTENTIAL IMPACTS TO HUMAN REMAINS WOULD BE LESS THAN SIGNIFICANT.

Human burials outside of formal cemeteries are often associated with prehistoric archaeological contexts. Therefore, it is possible to encounter unknown human burials during ground disturbing activities. Excavation during construction activities in the SJCOG region would have the potential to disturb these resources, including Native American burials.

In addition to being potential archaeological resources, human burials have specific provisions for treatment in PRC Section 5097, as listed under Section 4.5.2, Regulatory Setting. The California Health and Safety Code Section 7050.5 state no further disturbance may occur until the County Coroner has made a determination of origin and disposition pursuant to PRC Section 5097.98. In the event of an unanticipated discovery of human remains, the County Coroner where the remains are found, must be notified immediately. If the human remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission, which will determine and notify a most likely descendant (MLD). The MLD must complete the inspection of the site within 48 hours of being granted access and provide recommendations as to the treatment of the remains to the landowner or project sponsor. With adherence to existing regulations, impacts to human remains would be less than significant.

Mitigation Measures

No mitigation measures are required because this impact would be less than significant.

c. Specific 2022 RTP/SCS Projects That May Result in Impacts

All 2022 RTP/SCS projects that require ground disturbance in native soils may result in cultural impacts. Table 2-1 in Section 2, *Project Description* identifies representative projects with the potential to cause or contribute to direct or indirect impacts to cultural resources. These projects were chosen based on their scope and potential to include the development of new transportation infrastructure. While many projects have the potential to impact cultural resources, those requiring substantial ground disturbance in undisturbed areas have greater potential to impact prehistoric archaeological resources. Projects located in urban infill or previously disturbed areas have a greater potential to impact historical built environment resources, as well as historical archaeological resources in older developed areas. Additional specific analysis will be required as individual projects are implemented to determine the actual magnitude of impact. Mitigation measures discussed above would apply to these specific projects.

4.4.4 Cumulative Impacts

The cumulative impact analysis area for cultural resources consists of the SJCOG region and adjoining counties. Information regarding these adjoining counties can be found in Section 3.1 – Environmental Setting, Table 3-1. This is appropriate because cultural resources identified in this larger region will be similar in type and style to those that are or may be present in the SJCOG region. As discussed in Section 4.5.3, the transportation projects and land use scenario envisioned in the proposed 2022 RTP/SCS could require substantial ground disturbance in undisturbed areas or in infill areas, which could impact historic built environment resources and archaeological resources.

The increase in growth in previously undisturbed areas contributes to regional impacts on existing and previously undisturbed and undiscovered historical and archaeological resources, including CEQA-defined “historical resources.” While most cultural resources are site-specific, with impacts that are project-specific, others may have regional significance; for example, an historical structure that represents the last known example of its kind would constitute a regional impact if it were affected by future 2022 RTP/SCS project implementation. In addition, there are historic districts or areas that can be affected by multiple or successive projects, over time, resulting in a cumulative impact to the historic resource. For such a resource, cumulative impacts would be significant, and the 2022 RTP/SCS contribution to them would be cumulatively considerable. Mitigation measures outlined in this section would reduce impacts associated with 2022 RTP/SCS projects through impact minimization for built environment and archaeological historical resources. However, it cannot be guaranteed that all future project-level impacts can be mitigated to a less than significant level. As such, the 2022 RTP/SCS contribution would remain cumulatively considerable after mitigation.