

## 4.3 ARCHAEOLOGICAL, HISTORICAL, AND TRIBAL CULTURAL RESOURCES

This section analyzes and evaluates the potential impacts associated with implementation of the proposed amendments (project) to the Conditional Use Permit (CUP) for the Recology Hay Road (RHR) Landfill on known and unknown cultural resources. Cultural resources include districts, sites, buildings, structures, or objects generally older than 50 years and considered to be important to a culture, subculture, or community for scientific, traditional, religious, or other reasons. They include pre-historic resources, historic-era resources, and “tribal cultural resources” (the latter as defined by Assembly Bill (AB) 52, Statutes of 2014, in Public Resources Code [PRC] Section 21074).

Archaeological resources are locations where human activity has measurably altered the earth or left deposits of prehistoric or historic-era physical remains (e.g., stone tools, bottles, former roads, house foundations). Historical (or architectural) resources include standing buildings (e.g., houses, barns, outbuildings, cabins) and intact structures (e.g., dams, bridges, roads, districts), or landscapes. A cultural landscape is defined as a geographic area (including both cultural and natural resources and the wildlife therein), associated with a historic event, activity, or person or exhibiting other cultural or aesthetic values. Tribal cultural resources (TCRs) includes site features, places, cultural landscapes, sacred places or objects, which are of cultural value to a tribe.

One comment letter regarding cultural resources was received in response to the Notice of Preparation. The Native American Heritage Commission requested AB 52 and Senate Bill (SB) 18 compliance information. However, SB 18 does not apply to the project because there is not a General Plan amendment associated with the project (which is the trigger for SB 18 compliance). Further, SB 18 is not a CEQA requirement and, as a result, is not discussed in this section. AB 52 compliance is described below.

### 4.3.1 Regulatory Setting

#### FEDERAL PLANS, POLICIES, AND REGULATIONS

##### National Park Service

Federal protection of cultural resources is legislated by (a) the National Historic Preservation Act (NHPA) of 1966 as amended by 16 U.S. Code 470, (b) the Archaeological Resource Protection Act of 1979, and (c) the Advisory Council on Historical Preservation. These laws and organizations maintain processes for determination of the effects on historical properties eligible for listing in the National Register of Historic Places (NRHP).

Section 106 of the NHPA and accompanying regulations (36 Code of Federal Regulations [CFR] Part 800) constitute the main federal regulatory framework guiding cultural resources investigations and requires consideration of effects on properties that are listed in, or may be eligible for listing in the NRHP. The NRHP is the nation’s master inventory of known historic resources. It is administered by the National Park Service and includes listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, and cultural districts that are considered significant at the national, state, or local level.

The formal criteria (36 CFR 60.4) for determining NRHP eligibility are as follows:

- ▶ The property is at least 50 years old (however, properties under 50 years of age that are of exceptional importance or are contributors to a district can also be included in the NRHP);
- ▶ It retains integrity of location, design, setting, materials, workmanship, feeling, and associations; and
- ▶ It possesses at least one of the following characteristics:
  - Association with events that have made a significant contribution to the broad patterns of history (events).
  - Association with the lives of persons significant in the past (persons).

- Distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant, distinguishable entity whose components may lack individual distinction (architecture).
- Has yielded, or may be likely to yield, information important to prehistory or history (information potential).

Listing in the NRHP does not entail specific protection or assistance for a property but it does guarantee recognition in planning for federal or federally-assisted projects, eligibility for federal tax benefits, and qualification for federal historic preservation assistance. Additionally, project effects on properties listed in the NRHP must be evaluated under CEQA.

The National Register Bulletin also provides guidance in the evaluation of archaeological site significance. If a heritage property cannot be placed within a particular theme or time period, and thereby lacks “focus,” it is considered not eligible for the NRHP. In further expanding upon the generalized National Register criteria, evaluation standards for linear features (such as roads, trails, fence lines, railroads, ditches, flumes, etc.) are considered in terms of four related criteria that account for specific elements that define engineering and construction methods of linear features: (1) size and length; (2) presence of distinctive engineering features and associated properties; (3) structural integrity; and (4) setting. The highest probability for NRHP eligibility exists within the intact, longer segments, where multiple criteria coincide.

## STATE PLANS, POLICIES, AND REGULATIONS

### California Register of Historical Resources

The California Register of Historical Resources established a list of those properties which are to be protected from substantial adverse change (Public Resource Code [PRC] Section 5024.1). A historical resource may be listed in the California Register if it meets any of the following criteria:

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

The Register includes properties that are listed or have been formally determined to be eligible for listing in the NRHP, State Historical Landmarks, and eligible Points of Historical Interest. Other resources require nomination for inclusion in the Register. These may include resources contributing to the significance of a local historic district, individual historical resources, historical resources identified in historic resource surveys conducted in accordance with State Historic Preservation Office (SHPO) procedures, historic resources or districts designated under a local ordinance consistent with Commission procedures, and local landmarks or historic properties designated under local ordinance.

### California Environmental Quality Act

CEQA requires public agencies to consider the effects of their actions on both “historical resources,” “unique archaeological resources,” and “tribal cultural resources.” Pursuant to PRC Section 21084.1, a “project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment” and PRC 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 21083.2 requires agencies to determine whether projects would have effects on unique archaeological resources.

### Historical Resources

“Historical resource” is a term with a defined statutory meaning (PRC, Section 21084.1; determining significant impacts to historical and archaeological resources is described in the State CEQA Guidelines, Sections 15064.5[a] and [b]). Under State CEQA Guidelines Section 15064.5(a), historical resources include the following:

- ▶ A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (PRC, Section 5024.1).
- ▶ A resource included in a local register of historical resources, as defined in Section 5020.1(k) of the PRC or identified as significant in a historical resource survey meeting the requirements of Section 5024.1(g) of the PRC, will 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.
- ▶ Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource will be considered by the lead agency to be historically significant if the resource meets the criteria for listing in the California Register of Historical Resources (PRC, Section 5024.1), including the following:
  - Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
  - Is associated with the lives of persons important in our past;
  - Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
  - Has yielded, or may be likely to yield, information important in prehistory or history.
- ▶ 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 PRC), or identified in a historical resources survey (meeting the criteria in Section 5024.1(g) of the PRC) does not preclude a lead agency from determining that the resource may be an historical resource as defined in PRC Section 5020.1(j) or 5024.1.

### Unique Archaeological Resources

CEQA also requires lead agencies to consider whether projects will affect unique archaeological resources. PRC, Section 21083.2, subdivision (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:

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

### Tribal Cultural Resources

CEQA also requires lead agencies to consider whether projects will affect tribal cultural resources. PRC, Section 21074 states the following:

- ▶ Tribal cultural resources” are either of the following:
  - Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
    - Included or determined to be eligible for inclusion in the California Register of Historical Resources.

- Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
  - 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.
- ▶ A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- ▶ A historical resource described in Section 21084.1, a unique archaeological resource as defined in subdivision (g) of Section 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of Section 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

### Health and Safety Code, Section 7052 and 7050.5

Section 7052 of the Health and Safety Code states that the disturbance of Native American cemeteries is a felony. 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 determined to be Native American, the coroner must contact the California Native American Heritage Commission (NAHC).

### California Native American Historical, Cultural, and Sacred Sites Act

The California Native American Historical, Cultural and Sacred Sites Act applies to both State and private lands. The Act requires that upon discovery of human remains, that construction or excavation activity cease and that the county coroner be notified. If the remains are of a Native American, the coroner must notify the NAHC. The NAHC then notifies those persons most likely to be descended from the Native American’s remains. The Act stipulates the procedures the descendants may follow for treating or disposing of the remains and associated grave goods.

### Public Resource 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 Code 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 pale ontological 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.

### Assembly Bill 52

Assembly Bill (AB) 52, signed by Governor Edmund G. Brown, Jr., in September of 2014, establishes a new class of resources under CEQA: “tribal cultural resources” (TCRs). AB 52, as codified in PRC Sections 21080.3.1, 21080.3.2, and 21082.3, requires that lead agencies undertaking CEQA review must, upon written request of a California Native American Tribe, begin consultation once the lead agency determines that the application for the project is complete, prior to the issuance of an NOP of an EIR or notice of intent to adopt a negative declaration or mitigated negative declaration. AB 52 also requires revision to CEQA Appendix G, the environmental checklist. This revision would create a new category for TCRs. As defined in PRC Section 21074, to be considered a TCR, a resource must be either:

- ▶ listed or determined to be eligible for listing, on the national, state, or local register of historic resources; or
- ▶ a resource that the lead agency determines, in its discretion and supported by substantial evidence, to treat as a tribal cultural resource pursuant to the criteria in PRC Section 50241(c). PRC Section 5024.1(c) provides that a resource meets criteria for listing as an historic resource in the California Register if any of the following apply:
  - It is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.

- It is associated with the lives of persons important in our past.
- It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values.
- It has yielded, or may be likely to yield, information important in prehistory or history.

## REGIONAL AND LOCAL PLANS, POLICIES, REGULATIONS AND ORDINANCES

### Solano County General Plan

The Solano County General Plan contains the following policies that are relevant to cultural, tribal, and archaeological resources:

- ▶ **Policy RS.P-24:** Protect the unique character and qualities of the Primary Zone by preserving the cultural heritage and the strong agricultural base.
- ▶ **Policy RS.P-38:** Identify and preserve important prehistoric and historic structures, features, and communities.
- ▶ **Policy RS.P-40:** Consult with Native American governments to identify and consider Native American placed in land use planning.

### 4.3.2 Environmental Setting

Information related to the environmental setting within the project area is based on the Recology Hay Road Project Cultural Resources Study, prepared in 2018 (ESA 2018).

## REGIONAL PREHISTORY

Categorizing the prehistoric period into cultural stages allows researchers to describe a broad range of archaeological resources with similar cultural patterns and components during a given timeframe, thereby creating a regional chronology. Framework has been provided for the interpretation of the southern Sacramento Valley/ San Francisco Bay Area, dividing human history in the region into four periods: the Paleoindian Period (11,500 to 8000 B.C.E [Before Common Era]), the Early Period (8000 to 500 B.C.E), the Middle Period (500 B.C.E to A.D. [anno Domini] 1050), and the Late Period (A.D. 1050 to 1550). Economic patterns, stylistic aspects, and regional phases further subdivide cultural patterns into shorter phases. This scheme uses economic and technological types, socio-politics, trade networks, population density, and variations of artifact types to differentiate between cultural periods.

The Paleoindian Period was characterized by big-game hunters occupying broad geographic areas. Evidence of human habitation during Paleoindian Period has not yet been discovered in the lower Sacramento Valley. During the Early Period (Lower Archaic; 8000 to 3500 B.C.E), geographic mobility continued from the Paleoindian Period and is characterized by the millingslab and handstone as well as large wide-stemmed and leaf-shaped projectile points. The first cut shell beads and the mortar and pestle are documented in burials during the Early Period (Middle Archaic; 3500 to 500 B.C.E), indicating the beginning of a shift to sedentism. During the Middle Period, which includes the Lower Middle Period (Initial Upper Archaic; 500 B.C.E to A.D. 430), and Upper Middle Period (Late Upper Archaic; A.D. 430 to 1050), geographic mobility may have continued, although groups began to establish longer-term base camps in localities from which a more diverse range of resources could be exploited. The first rich black middens are recorded from this period. The addition of milling tools, obsidian and chert concave-base projectile points, and the occurrence of sites in a wider range of environments suggest that the economic base was more diverse. By the Upper Middle Period, mobility was being replaced by the development of numerous small villages. Around A.D. 430 a “dramatic cultural disruption” occurred evidenced by the sudden collapse of the Olivella saucer bead trade network. During the Initial Late Period (Lower Emergent; A.D. 1050 to 1550), social complexity developed toward lifeways of large, central villages with resident political leaders and specialized activity sites. Artifacts associated with the period include the bow and arrow, small corner-notched projectile points, and a diversity of beads and ornaments (Golder Associates 2018:15).

## ETHNOGRAPHY

Based on a compilation of ethnographic, historic, and archaeological data, there was a group known as the Patwin, who once occupied the general vicinity of the project area. "Patwin" refers to speakers of one of three languages in the Wintuan family, which also includes Wintu and Nomlaki languages. While traditional anthropological literature portrayed the Patwin peoples as having a static culture, today it is better understood that many variations of culture and ideology existed within and between villages. While these "static" descriptions of separations between native cultures of California make it an easier task for ethnographers to describe past behaviors, this masks Native adaptability and self-identity. California's Native Americans never saw themselves as members of larger "cultural groups," as described by anthropologists. Instead, they saw themselves as members of specific villages, perhaps related to others by marriage or kinship ties, but viewing the village as the primary identifier of their origins.

As with most of the hunting-gathering groups of California, the Patwin "tribelet" represented the basic social and political unit. Typically, a tribelet chief would reside in a major village where ceremonial events were also typically held. The status of such individuals was patrilineally inherited among the Patwin, although village elders had considerable power in determining who actually succeeded to particular positions. The chief's main responsibilities involved administration of ceremonial and economic activities. Such individuals decided when and where various fishing, hunting or gathering expeditions would occur, and similarly made critical decisions concerning the more elaborate ceremonial activities. The chief also played a central role in resolving conflicts within the community or during wars which occasionally broke out with neighboring groups. Allegedly, Patwin chiefs had more authority than his counterparts among many of the other central California groups.

Economically, the Patwin engaged in hunting and gathering in a territory that encompassed riverine corridors, open valley environments, and delta wetlands. These diverse environments contained a wide variety of resources available for exploitation, including grass seeds, acorns, bulbs and tubers, bear, deer, elk, antelope, a variety of bird species, and rabbit and other small mammals.

After European contact, Patwin society was severely disrupted by missionization, disease, and displacement. European American influences within Patwin territory increased dramatically as ranching and farming became popular in the area. European American settlers, especially within the Sacramento Valley, quickly made inroads into lands occupied by Native Americans. Conflicts grew in number, and Patwin populations continued to decline from military skirmishes, vigilante raids, and other causes. In 1972, the Bureau of Indian Affairs listed only 11 remaining Patwin descendants. Despite the massive decline in population, the Patwin still reside in Solano County and many intermarried with the Wintu (ESA 2018:15-16).

## HISTORIC SETTING

In 1772, Pedro Fages became the first European to lead an expedition to the general area of what is today known as Carquinez Strait. Gabriel Moraga crossed the Strait in 1810 during a raid against the Suisun tribe. In 1823, Mission San Francisco Solano was established, and baptized 67 local Patwins over the next ten years.

Following the end of Spanish rule in California around 1832, the Mexican government began dividing formally Spanish held land into large tracts of land called "ranchos." In 1835, the Mexican government ordered General Mariano Guadalupe Vallejo to colonize the area around today's Fairfield/Suisun City to prevent the Russians from Fort Ross moving into the interior. The land grants from the Mexican government allowed the rapid settling of the ranchos within lower Sacramento Valley and Delta. These ranchos were used primarily for cattle grazing as well as farming of vineyards, fruits, and vegetables.

After an epoch of exploration and colonization by the Spanish, Russians, and, later, Mexicans, the missionization of the indigenous population and the development of presidios and civilian ranchos and pueblos throughout California created unprecedented landscape and social change. Later more secular influence on the political affairs of California in the nineteenth century led to the sale of lands to non-Hispanics by the early 1830s. Among these early settlers were Pena and Manuel Cabeza Vaca. In 1843, they acquired a grant of 44,380 acres from the Mexican government.

Known as Rancho Los Putos, it was on the west side of the Sacramento Valley in what is now part of Solano and Yuba Counties. Like their compatriots, they erected adobe ranchos on their land and ran huge herds of cattle and sheep.

Following the Treaty of Guadalupe Hidalgo in 1848, Mexico ceded California to the United States. John Marshall found gold days before the treaty signing, and while it was not the first gold discovery in California, it had the greatest effect. The allure of gold caused a massive influx of settlers from the rest of the country and around the world. This demographic change had a detrimental effect on aboriginal populations, including the groups in the Central Valley.

State legislature established Solano County as one of the original counties when California entered the United States in 1850. During the Gold Rush, the migration influx did not enter Yolo County, as the Sacramento River was a difficult barrier to cross and there was little reason to cross the river. When Solano County was formed, General Mariano Vallejo suggested the County be named after both the missionary Francis Solano of Peru and Chief Sem Yeto (baptized Francis Solano) of the Suisun Patwin Indians. During the early 1850s, both Vallejo and Benicia acted as the state capitol before the capitol's permanent move to Sacramento in 1854.

During the Gold Rush, Solano County ranchers and farmers quickly realized they could make a profit selling crops and livestock to miners. The largest towns were close to the San Pablo and Suisun bays, and convenient for shipping out goods. Similarly, the Sacramento Valley remained relatively isolated and sparsely populated until the advent of the Gold Rush period. Sacramento's proximity to mining areas, and its accessibility, quickly made the area a trading and economic center. As a result, Solano County became a major thoroughfare for would be miners heading from San Francisco to Sacramento and the mines further east.

The first few decades of ranching in American California was an open range affair, with ranchers taking advantage of the dense growth of naturally occurring grasses that covered the valley and foothill areas. As more and more people sought to till the soil the open range situation became increasingly problematic. This culminated in the Trespass Law of 1870, which essentially mandated that ranchers were required to keep their cattle off of land they did not own. It did not sound a death knell for the cattle industry, but forced some major changes. Ranchers began running more cattle on less land, requiring irrigation, and the raising of more feed. This dovetailed well with the pursuit of the farmers who were now producing more and more grain.

Historically, the vicinity of the Project area has been used for grazing and agriculture. During the Spanish and Mexican periods, the lands were likely used for cattle grazing, as part of the Rancho Los Putos. The land remained in use as such until 1960s, when the RHR landfill began operations (ESA 2018:16-18).

## RECORDS SEARCH, SURVEYS, AND CONSULTATION

### Records Search and Survey

As described in the 2018 Cultural Resources Report prepared for Recology (ESA 2018), a records search was conducted at the Northwest Information Center (NWIC) of California Historical Resources Information System at Sonoma State University on May 16, 2017. Archival research included a review of cultural resources and investigations within 0.5 miles of the project site. In addition to NWIC base maps and site record forms, other sources that were reviewed included historic maps, the Directory of Properties in the Historic Property Data File for Solano County, the National Register of Historic Places, the California Register of Historical Resources, the *California Inventory of Historic Resources* (1976), the *California Historical Landmarks* (1996), and the *California Points of Historical Interest* (1992).

Results of the records search revealed that the project site has been previously surveyed in part or in its entirety as part of two cultural resources studies, and that an additional cultural resource study has been conducted within 0.5 miles of the project site. The review of information revealed that no previously recorded cultural resources have been identified within 0.5 miles of the project site.

An intensive pedestrian survey of the 16-acre lateral landfill expansion area was conducted on June 1, 2017 and an additional survey of the borrow pit expansion area was conducted on July 17, 2017. The surveys were conducted using 20-meter-wide and 10-meter-wide parallel transects, respectively. Results of the two cultural resources surveys did not identify any archaeological or architectural resources greater than 45 years of age within the project site (ESA 2018:22).

## Tribal Cultural Resources

On February 28, 2018, Solano County mailed letters inviting local Native American tribes who had previously requested notification regarding projects within the County's jurisdiction to consult on the project pursuant to AB 52. Letters were sent to the following tribes and included the location of the project, background information about the project, and project objectives:

- ▶ Yocha Dehe Wintun Nation, Marilyn Delgado, Director of Cultural Resources;
- ▶ Cortina Band of Indians, Charlie Wright, Chairperson

No response was received on behalf of the Cortina Band of Indians. Yocha Dehe Wintun Nations responded to the consultation letter on April 5, 2018, indicating no known cultural resources near the RHR Landfill. However, Yocha Dehe requested consultation should project implementation result in the finding of any cultural resources.

In addition, the Native American Heritage Commission (NAHC) on May 1, 2017 to request a database search for sacred lands or other cultural properties of significance within or adjacent to the project site. ESA received a response on May 5, 2017. The sacred lands survey did not identify the presence of cultural resources within or adjacent to the project site.

## 4.3.3 Environmental Impacts and Mitigation Measures

### METHODOLOGY

The impact analysis for archaeological and historical resources is based on the findings and recommendations of the 2018 Cultural Resources Study. Additionally, information related to TCRs is based on findings reported in the NAHC database search as well as Native American consultation under AB 52. The analysis is also informed by the provisions and requirements of federal, state, and local laws and regulations that apply to cultural resources.

### SIGNIFICANCE CRITERIA

Based on Appendix G of the State CEQA Guidelines, the project would result in a potentially new significant impact, or substantial increase in a previously identified significant impact, on cultural resources if it would:

- ▶ cause a substantial adverse change in the significance of a historical resource pursuant to 15064.5;
- ▶ cause a substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5; or
- ▶ disturb any human remains, including those interred outside of dedicated cemeteries.

### ISSUES NOT DISCUSSED FURTHER

#### Historical Resources

As described above, no potential or designated historical resources/sites were identified at the project site, either during the records search or during the pedestrian survey. Therefore, project construction and operation would have no impact on historical resources. This issue is not analyzed further.



## PROJECT IMPACTS AND MITIGATION MEASURES

### Impact 4.3-1: Potential impacts to unique archaeological resources.

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Results of the records search and pedestrian survey did not indicate any known archaeological sites within the project site. However, project-related ground-disturbing activities could result in discovery or damage of yet undiscovered subsurface unique archaeological resources. This would be a **potentially significant** impact.

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As indicated through the records search and pedestrian surveys, no known prehistoric or historic-period archaeological sites are present within the project site. Because cultural resources surveys and archival review did not result in the identification of any potentially significant prehistoric or historic-period archaeological resources within the project site or a half-mile radius, the archaeological sensitivity of the project site is considered low. No archaeological monitoring or research is recommended before project implementation.

Implementation of the project would involve expansion of the existing landfill, which would include preconstruction or construction-related ground disturbing activities and could result in encountering previously undiscovered or unrecorded archaeological sites and materials. These activities could damage or destroy previously undiscovered unique archaeological resources. This would be a **potentially significant** impact.

### Mitigation Measures

#### Mitigation Measure 4.3-1: Halt ground-disturbing activity upon discovery of subsurface archaeological features.

In the event that any prehistoric or historic-era subsurface archaeological features or deposits, including locally darkened soil (“midden”), that could conceal cultural deposits, are discovered during construction, all ground-disturbing activity within 100 feet of the resources shall be halted and a professional archaeologist, qualified under the Secretary of the Interior’s Professional Qualification Standards, shall be retained to assess the significance of the find. Specifically, the archaeologist shall determine whether the find qualifies as an historical resource, a unique archaeological resource, or a tribal cultural resource. If the find does fall within one of these three categories, the qualified archaeologist shall then make recommendations to Solano County regarding appropriate procedures that could be used to protect the integrity of the resource and to ensure that no additional resources are affected. Procedures could include but would not necessarily be limited to, preservation in place, archival research, subsurface testing, or contiguous block unit excavation and data recovery, with preservation in place being the preferred option if feasible. If the find is a tribal cultural resource, Solano County shall provide a reasonable opportunity for input from representatives of any tribe or tribes the professional archaeologist believes may be associated with the resource. Solano County shall implement such recommended measures if it determines that they are feasible in light of project design, logistics, and cost considerations.

#### Significance after Mitigation

The certified 1993 EIR for the landfill included similar mitigation (Recommendation 11.a.) to halt construction activities in the event of discover. Mitigation Measure 4.3-1 would replace the previously adopted mitigation measure. Implementation of Mitigation Measure 4.3-1 would reduce impacts associated with archaeological resources to a **less-than-significant** level because it would require the performance of feasible, professionally accepted, and legally compliant procedures for the discovery of any previously undocumented archaeological resources.

### Impact 4.3-2: Impacts to unknown tribal cultural resources.

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Consultation with the Yocha Dehe Wintun Nation has resulted in no resources identified within the project boundaries as tribal cultural resources per AB 52. However, it is possible that tribal cultural resources could be encountered during construction within the Triangle. Due to the potential for unknown resources within the Triangle that may be discovered through project construction activities, potential impacts to tribal cultural resources could be **potentially significant**.

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As part of the 2013/2014 legislative session, AB 52 established a new class of resources under CEQA, TCRs, and requires that lead agencies undertaking CEQA review must, upon written request of a California Native American Tribe, begin consultation once the lead agency determines that the application for the project is complete. As detailed above, the County sent letters to tribal representatives at Yocha Dehe Wintun Nation and Cortina Band of Indians.

A response was received on April 5, 2018 from Yocha Dehe Wintun Nation acknowledging that no known cultural resources are present near the Hay Road project site and that a cultural monitor would not be necessary as part of project construction activities. However, the correspondence included a recommendation for cultural sensitivity training before project initiation. Although the NAHC Sacred Lands database search was negative and the project site was determined to have a low sensitivity for cultural materials, in the event that tribal cultural resources are encountered during construction activity, this could result in a **potentially significant** impact.

### Mitigation Measures

#### Mitigation Measure 4.3-2: Pre-construction cultural sensitivity training.

The project applicant shall arrange for qualified personnel to conduct a cultural resources sensitivity training for all construction personnel who will be active on the project site during project-related construction activities. The training will be provided before the initiation of construction activities and will be developed and conducted in coordination with a representative from Yocha Dehe Wintun Nation. The training will include relevant information regarding sensitive cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The cultural sensitivity training will also describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and will outline what to do and whom to contact if any potential tribal cultural resources are discovered.

#### Significance after Mitigation

Implementation of Mitigation Measure 4.3-2 would reduce impacts to a **less-than-significant** level by requiring pre-construction training for construction personnel and ensuring that proper care and protocol of potentially undiscovered tribal cultural resources be taken.

**[Note to County: please confirm whether this mitigation is acceptable.]**

### Impact 4.3-3: Discovery of human remains.

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Based on documentary research, no evidence suggests that any prehistoric or historic-era marked or un-marked human interments are present within or in the immediate vicinity of the project site. However, ground-disturbing construction activities could uncover previously unknown human remains. Compliance with California Health and Safety Code Sections 7050.5 and 7052 and California Public Resources Code Section 5097 would make this impact **less than significant**.

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Based on documentary research, no evidence suggests that any prehistoric or historic-era marked or un-marked human interments are present within or in the immediate vicinity of the project site. However, the location of grave sites and Native American remains can occur outside of identified cemeteries or burial sites. Therefore, there is a possibility that unmarked, previously unknown Native American or other graves could be present within the project site and could be uncovered by project-related construction activities.

California law recognizes the need to protect Native American human burials, skeletal remains, and items associated with Native American burials from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code Sections 7050.5 and 7052 and PRC Section 5097.

These statutes require that, if human remains are discovered during any construction activities, potentially damaging ground-disturbing activities in the area of the remains shall be halted immediately, and the Solano County coroner and NAHC shall be notified immediately, in accordance with to PRC Section 5097.98 and Section 7050.5 of California's Health and Safety Code. If the remains are determined by NAHC to be Native American, the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. Following the coroner's findings, the archaeologist, the NAHC-designated Most Likely Descendant, and the landowner shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities for acting upon notification of a discovery of Native American human remains are identified in PRC Section 5097.94.

Compliance with California Health and Safety Code Sections 7050.5 and 7052 and PRC Section 5097 would provide an opportunity to avoid or minimize the disturbance of human remains, and to appropriately treat any remains that are discovered. Therefore, this impact would be **less than significant**.

### Mitigation Measures

No mitigation is required.

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## APPENDICES

## EXHIBITS

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## TABLES

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### Acronyms/Abbreviations

- Assembly Bill (AB)
- Code of Federal Regulations [CFR
- Conditional Use Permit (CUP
- National Historic Preservation Act (NHPA
- National Register of Historic Places (NRHP
- Native American Heritage Commission (NAHC
- Northwest Information Center (NWIC
- Public Resource Code [PRC
- Recology Hay Road (RHR
- Senate Bill (SB)
- State Historic Preservation Office (SHPO
- tribal cultural resources" (TCR

### Citations

- Green = matched
- Aqua = missing
- Pink = no citation in text

- ESA 2018
- Golder Associates 2018
- Solano County 2008

### References

ESA. 2018, June. Recology Hay Road Project, Solano County, California, Cultural Resources Study. Prepared for Recology, San Francisco, CA.

Golder Associates, Inc. 2018 (May). Joint Technical Document – Recology Hay Road Solano County, California

Solano County. 2008. *Solano County General Plan*. Available at: < [https://www.solanocounty.com/depts/rm/planning/general\\_plan.asp](https://www.solanocounty.com/depts/rm/planning/general_plan.asp)>. November 4.