

## 3.6 Cultural Resources

This section describes the regulatory and environmental setting for cultural resources. It also describes impacts on cultural resources that would result from implementation of the *Climate Action 2020: Community Climate Action Plan (CAP)* and includes mitigation for significant impacts, where feasible and appropriate.

### 3.6.1 Environmental Setting

This section presents the historic and archaeological cultural resources present in Sonoma County. This information has been drawn and modified from the *Sonoma County General Plan 2020, Draft Environmental Report* (Sonoma County 2006).

#### 3.6.1.1 Historical Resources

Historical resources include buildings, structures, and sites generally of the past two centuries. Historic structures in Sonoma County mark the successive eras of Russian, Spanish, Mexican, and North American occupation of Sonoma County. There are 230 local, state, or federally designated historical resources in the County (Sonoma County 2006).

#### 3.6.1.2 Archaeological Resources

Archaeological resources are remaining material evidence of past human life. These materials could include graves, buildings, tools, and pottery. In Sonoma County, archaeology typically involves the study of the Native American inhabitants of the land from roughly 8,000 years ago to the early 1800s when the County was settled by American, Russian, Spanish, and Mexican colonists. During this period most Native Americans were brought into the mission system (Sonoma County 2006).

### 3.6.2 Regulatory Setting

#### 3.6.2.1 Federal

##### National Historic Preservation Act of 1966

The National Historic Preservation Act of 1966 requires that the federal government list significant historic resources on the National Register of Historic Places (NRHP). Federal agencies must consult the NRHP when planning to undertake or grant approval through permits for a project. Prior to the issuance of any license or implementation of any project, the federal agency must consider the effects of a project or license on any historical buildings, sites, structures, or objects that are included on, or eligible for inclusion on, the NRHP (United States Code, Title 16, Section 470(f)). This typically includes consultation with the federal agency responsible for the undertaking, the state historic preservation officer, local Native American groups and individuals, local and state historical societies and organizations, and relevant archival sources, including the appropriate facility of the California Historical Resources Information System (CHRIS).

The NRHP criteria (contained in 36 CFR 60.4) are used to evaluate resources when complying with National Historic Preservation Act Section 106. Those criteria state that eligible resources comprise

districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feelings, and association, and:

1. are associated with events that have made a significant contribution to the broad patterns of our history;
2. are associated with the lives of persons significant in our past;
3. embody the distinctive characteristics of type, period, or method of construction, or that possess high artistic values, or that represent a significant distinguishable entity whose components may lack individual distinction; and
4. have yielded or may be likely to yield, information important to history or prehistory.

### **3.6.2.2 State**

#### **California Public Resources Code**

California Public Resource Code (PRC) Section 5024 requires state agencies to identify and protect state-owned resources that meet NRHP listing criteria. PRC Section 5024.1, which established the California Register of Historical Resources (CRHR), protects historical resources.

California PRC Section 5097.5 prohibits removing, destroying, injuring, or defacing any vertebrate paleontological site, including fossilized footprints, or any other paleontological feature as well as items of archaeological and historic interest that are situated on public lands, except with permission of the public agency with jurisdiction.

A historical resource may be eligible for inclusion in the CRHR if it meets any of the following conditions.

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

#### **California Code of Regulations, Title 14, Division 3, Chapter 1, Sections 4307 and 4309**

The California Code of Regulations (CCR) prohibits the destruction, disturbance, or removal of earth, rocks, and paleontological features.

#### **California Health and Safety Code—Treatment of Human Remains**

Under Section 8100 of the California Health and Safety Code, six or more human burials at one location constitute a cemetery. Disturbance of Native American cemeteries is a felony (Health and Safety Code Section 7052).

Section 7050.5 of the Health and Safety Code requires that construction or excavation be stopped in the vicinity of discovered human remains until the County coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must then contact the Native American Heritage Commission (NAHC), which has jurisdiction pursuant to Section 5097 of the California PRC.

When human remains are discovered or recognized in any location other than a dedicated cemetery, no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains may take place until the County coroner has been informed and has determined that no investigation of the cause of death is required, and, if the remains are of Native American origin, either:

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

### **Senate Bill 18**

Senate Bill (SB) 18 (Government Code Section 65352.3) incorporates the protection of California traditional tribal cultural places into land use planning for cities, counties, and agencies by establishing responsibilities for local governments to contact, refer plans to, and consult with California Native American tribes as part of the adoption or amendment of any general or specific plan proposed on or after March 1, 2005. SB 18 requires public notice to be sent to tribes listed on the NAHC's SB 18 Tribal Consultation list within the geographical areas affected by the proposed changes. Tribes must respond to a local government notice within 90 days (unless a shorter timeframe has been agreed upon by the tribe), indicating whether or not they want to consult with the local government. Consultations are for the purpose of preserving or mitigating impacts on places, features, and objects described in PRC Sections 5097.9 and 5097.993 that may be affected by the proposed adoption of or amendment to a general or specific plan.

### **Assembly Bill 52**

On September 25, 2014, Governor Jerry Brown signed Assembly Bill (AB) 52, which requires the lead agency on a proposed project to consult with any California Native American tribes affiliated with the geographic area. The legislation creates a broad new category of environmental resources, "tribal cultural resources," which must be considered under the California Environmental Quality Act (CEQA); AB 52 creates a distinct category for tribal cultural resources, requiring a lead agency to not only consider the resource's scientific and historical value, but also whether it is culturally important to a California Native American tribe. AB 52 defines tribal cultural resources as "sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe" that are included in or determined to be eligible for inclusion in the CRHR or the local register of historical resources.

AB 52 also sets up an expanded consultation process. Beginning July 1, 2015, lead agencies are required to provide notice of proposed projects to any tribe traditionally and culturally affiliated with the geographic area. If, within 30 days, a tribe requests consultation, the consultation process

must begin before the lead agency can release a draft environmental document. Consultation with the tribe may include discussion of the type of review necessary, the significance of tribal cultural resources, the significance of the project's impacts on the tribal cultural resources, and alternatives and mitigation measures recommended by the tribe. The consultation process will be deemed concluded when either (a) the parties agree to mitigation measures or (b) any party concludes, after a good faith effort, that an agreement cannot be reached. Any mitigation measures agreed to by the tribe and lead agency must be recommended for inclusion in the environmental document. If a tribe does not request consultation, or otherwise assist in identifying mitigation measures during the consultation process, a lead agency may still consider mitigation measures if the agency determines that a project will cause a substantial adverse change to a tribal cultural resource.

### **3.6.2.3 Local**

Appendix C, *Local General Plan Goals, Objectives, and Policies*, provides a list of the goals, objectives, and policies in the local general plans of the participating jurisdictions including those related to cultural resources. These goals, objectives, and policies were reviewed to assess whether the project is consistent with the general plans of participating jurisdictions. Disclosure of this consistency analysis is for informational purposes. An additional purpose of providing a list of relative local policies is, where appropriate, to provide the context within which the CAP will be locally implemented. As described in the CAP, most of the CAP measures represent implementation of many of the priorities outlined in existing local policies.

Inconsistencies with general plan policies are not necessarily considered significant impacts under CEQA unless they are related to physical impacts on the environment that are significant in their own right.

Implementation of the CAP is consistent with the applicable general plan goals, objectives, and policies of the participating jurisdictions in relation to cultural resources.

## **3.6.3 Impacts Analysis**

### **3.6.3.1 Methodology**

This analysis is based on a review of the known historic and cultural resources contained in the *Sonoma County General Plan 2020*. Because there is the potential for unknown historic resources to occur within the County, the analysis conservatively assumes that any ground disturbing activities could affect these resources.

### **3.6.3.2 Significance Criteria**

The State CEQA Guidelines Appendix G (14 CCR 15000 et seq.) has identified significance criteria to be considered for determining whether a project could have significant impacts on existing cultural resources.

An impact would be considered significant if construction or operation of the project would have any of the following consequences.

- Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5.

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

### 3.6.3.3 Impacts and Mitigation Measures

**Impact CUL-1: Implementation of the CAP could result in the potential disturbance of historical resources (significant and unavoidable with mitigation for CAP solar roof installations; less than significant with mitigation for all other CAP facilities).**

There are a number of historic resources in Sonoma County and many are recognized as Historic Landmarks.

It is possible that CAP-promoted solar roofs might be proposed on historic buildings in the County and incorporated cities as promoted by the CAP. In most cases, solar roofs can be designed to not significantly alter a historic building. In addition, solar roofs are reversible because they can be removed, and thus rarely require permanent alteration of roof features. However, depending on the individual proposal, the addition of solar roofs in certain circumstances could substantially change a character-defining feature of an individual historic building, which could be a significant impact. The California Solar Rights Act per Section 65850.5(c) does not allow a local government to deny a permit for a solar energy system unless it finds that the project would have specific, adverse impacts upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. Also, per SB 226 (2012), solar roofs do not have to comply with CEQA (unless one of a narrow list of exceptions apply,<sup>1</sup> none of which are related to visual or historic resources impacts). Thus, the feasible options for mitigation of this potential impact are limited. Construction impacts are outside of the scope of the plan, and are outside of RCPA's jurisdiction to address. As required by CEQA, this EIR identifies potential mitigation measures that lead agencies could and should impose in their consideration of particular projects. Although not within RCPA's jurisdiction, Mitigation Measure CUL-1a is recommended in cases where solar roofs are proposed on historic buildings. Although most solar roof installations can be designed to avoid substantial alterations of historic buildings, given the limitations in law, significant impacts may be unavoidable in certain cases. In the event that CAP-promoted solar roofs alter or destroy the character-defining features of historic buildings and disqualify a resource from eligible listing in the NRHP or CRHR, this would be a significant and unavoidable impact.

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<sup>1</sup> PRC Section 21080.35 includes the following exceptions to the use of the statutory exemption: (1) if associated equipment occupies more than 500 square feet, (2) an individual permit is needed under Section 404 or 401 of the federal clean water act or the state Porter-Cologne Water Quality Control Act; (3) an individual take permit for species protected by the state or federal endangered species acts; (4) a streambed alteration permit is needed under Section 1600 of the Fish and Game Code; (5) trees will need to be removed that are related to local, state, or federal requirements; or (6) trees that are more than 25 years have to be removed.

**Mitigation Measure CUL-1a: Review of alternatives for solar roofs on historic buildings.**

If solar roofs are proposed on historic buildings, the lead land use agency will require the following.

- A qualified architectural historian will determine if the building is eligible for the CRHR or the NRHP. If the building is eligible for one or both of the registers, the qualified architectural historian will identify if the proposed solar roof will substantially affect the eligibility of the building as a historic resource. If a substantial effect is identified, the qualified historian will identify feasible alterations to the proposed solar roof installation that would avoid or minimize the substantial effects. If no feasible alterations can be identified, the qualified architectural historian will document measures considered and why they are not feasible.
- The lead agency will review the architectural historian's report for completeness only.
- The project sponsor will identify which of the feasible design alternatives that avoid the substantial effect they prefer if one or more are identified by the qualified architectural historian. If the feasible alternatives will only reduce, but not avoid a substantial effect, the project proponent will identify which of the minimization alternatives it prefers.
- The lead agency will only issue a permit for the preferred feasible alternative identified by the project sponsor per the above requirements.
- If no feasible alternatives are available that reduce or avoid the substantial effect, then the lead agency will issue the permit for the proposed solar roof.

The CAP also promotes mixed-use and transit-oriented development and additional transit facilities aimed to reduce fuel use and travel demand through smart land use and development. The County and incorporated cities have already adopted policies aimed at promoting city-centered development patterns in order to direct future growth and protect the surrounding agricultural and resource lands, in addition to greenhouse gas reduction benefits. As many local plans already promote such development, the mixed-use and transit-oriented development within city centers promoted by the CAP would not introduce new impacts on historic resources beyond existing land use plans and policies.

In addition, there are several CAP measures that promote and could include the construction of new facilities aimed at increasing renewable energy use, solid waste diversion, and the capture/use of methane from landfills, as well as reducing emissions from livestock operations. Many of these new facilities would be constructed within or on existing buildings (e.g., rooftops, wastewater treatment plants, landfills, dairies). In addition, the CAP promotes construction of new bicycle and pedestrian facilities as well as minor facilities for traffic calming, transit support, and electric vehicle charging stations. The CAP also promotes the extension of recycled water lines, which would likely be located within the existing utility right-of-way. Many of these minor street improvements would occur within or under the existing public right-of-way.

These CAP-promoted activities could also be proposed at the site of a historical resource or at the site of a resource considered to be a potential historical resource, resulting in potential impacts on historical resources, including resources listed in or eligible for listing in the NRHP and/or CRHR. These activities could also have the potential to cause a substantial adverse change in the significance of a historical resource through the alteration of a historical resource's physical

characteristics. However, implementation of recommended Mitigation Measures CUL-1b and CUL-1c would ensure that impacts on historic resources would be less than significant.

**Mitigation Measure CUL-1b: Studies documenting the presence/absence of historical resources.**

In areas of documented or inferred historic resource presence, the lead agency staff will require applicants for development permits to provide studies to document the presence/absence of historical resources. On properties where historic structures or resources are identified, such studies will provide a detailed mitigation plan, including a monitoring program and recovery and/or in situ preservation plan, based on the recommendations of a qualified historical preservation expert.

**Mitigation Measure CUL-1c: Historical resources investigations.**

Prior to activities that would physically affect buildings or structures 45 years old or older or affect their historic setting, the project applicant will retain a cultural resource professional who meets the Secretary of the Interior's Professional Qualifications Standards for Architectural History to determine if the project would cause a substantial adverse change in the significance of a historical resource as defined in State CEQA Guidelines Section 15064.5. The investigation will include, as determined appropriate by the cultural resource professional and the lead agency, the appropriate archival research, including, if necessary, a records search of the Archaeological Information Center of the CHRIS and a pedestrian survey of the proposed improvements area to determine if any significant historic-period resources would be adversely affected by the proposed CAP activities. The results of the investigation will be documented in a technical report or memorandum that identifies and evaluates any historical resources within the improvements area and includes recommendations and methods for eliminating or reducing impacts on historical resources. The technical report or memorandum will be submitted to the lead agency for approval. As determined necessary by the lead agency, environmental documentation (e.g., CEQA documentation) prepared for future development within the project site will reference or incorporate the findings and recommendations of the technical report or memorandum. The project applicant will be responsible for implementing methods for eliminating or reducing impacts on historical resources identified in the technical report or memorandum. Additional methods could include, but not be limited to, written and photographic recordation of the resource in accordance with the level of Historic American Building Survey documentation that is appropriate to the significance (local, state, national) of the resource.

**Impact CUL-2: Implementation of the CAP could result in the potential disturbance of known or undiscovered archaeological resources and human remains (less than significant with mitigation).**

Development of some of the proposed project's measures could result in damage, destruction, or removal of known and/or unrecorded archaeological resources, resulting in impacts. Many of the CAP measures are not expected to generate significant impacts because they are minor improvements to existing infrastructure and/or programs. However, there are other CAP measures that would involve ground-disturbing activities that could potentially disturb or damage undiscovered archaeological resources and/or human remains.

Archaeological resources have been identified by previous investigations in the County, and it is anticipated that archaeological resources may be discovered in other areas throughout the County during construction of facilities envisioned under the CAP; these activities have the potential to destroy and/or degrade known and unknown prehistoric archaeological resources, historical archaeological resources, or human remains. State CEQA Guidelines Section 15064.5, subdivision (e), requires that whenever human remains are uncovered, excavation activities must be stopped and the County coroner be called in to assess the remains. If the County coroner determines that the remains are of Native American origin, the Native American Heritage Commission must be contacted within 24 hours. At that time, the lead agency must consult with the appropriate Native Americans, if any, as identified by the Native American Heritage Commission. Section 15064.5 directs the lead agency (or applicant), under certain circumstances, to develop an agreement with the appropriate Native Americans for the treatment and disposition of the remains. Consequently, compliance with existing regulations, and recommended Mitigation Measures CUL-2a, CUL-2b, and CUL-2c, would ensure that impacts on known or undiscovered archaeological resources would be less than significant.

**Mitigation Measure CUL-2a: Cultural resource investigations and protection and recovery of significant resources.**

The lead agency will conduct a cultural resource investigation that includes a background records search (including a search of records from Sonoma State and historical societies, contact with Native American representatives identified by the NAHC, and site pedestrian surveys) for the areas of ground disturbance from each roadway improvement. If significant known or suspected sites are discovered within the project footprint and would be disturbed by the project, then a cultural resource treatment plan will be prepared, defining project monitoring and resource recovery and curation requirements concerning any encountered cultural resources.

**Mitigation Measure CUL-2b: Work stoppage if cultural resources are encountered during ground-disturbing activities.**

In the event that cultural resources are encountered during ground-disturbing activities, all work within proximity of the find will temporarily halt so that a qualified archaeologist, as determined by the responsible agency, can examine the find and document its location and nature (e.g., with drawings, photographs, written descriptions). The archaeologist will then direct that the work proceed if the find is deemed to be insignificant, continue elsewhere, or cease until adequate mitigation measures are adopted. If the find is determined to be potentially significant, the archaeologist, in consultation with the appropriate jurisdiction, will develop a treatment plan, which could include site avoidance, capping, or data recovery. If data recovery is determined to be appropriate, excavation will target recovery of an appropriate amount of information from archaeological deposits to determine the potential of the resource to address specific research questions. If it occurs, data recovery will emphasize the understanding of the archaeological deposit's structure, including features and stratification, horizontal and vertical extent, and content, including the nature and quantity of artifacts.

**Mitigation Measure CUL-2c: Work stoppage if human remains are encountered during ground-disturbing activities.**

If human remains are discovered (in either an archaeological or construction context), all work within proximity of the remains will stop so that the archaeological monitor can examine the

remains. The County Coroner will be notified to make a determination as to whether the remains are of Native American origin. If the remains are determined to be Native American, the coroner will notify the NAHC immediately. The NAHC will notify those persons it believes are most likely descended from the deceased Native American. Once the NAHC identifies the most likely descendants, the descendants will make recommendations regarding proper burial, which will be implemented in accordance with Section 15064.5(e) of the State CEQA Guidelines.

**Impact CUL-3: Implementation of the CAP could result in the potential disturbance of paleontological resources within the County (less than significant with mitigation).**

Paleontological resources include fossil remains, as well as fossil localities and rock or soil formations that have produced fossil material. Fossils are the remains or traces of prehistoric animals and plants. Fossils are important scientific and educational resources because of their use in: (1) documenting the presence and evolutionary history of particular groups of now extinct organisms, (2) reconstructing the environments in which these organisms lived, and (3) determining the relative ages of the strata in which they occur and of the geologic events that resulted in the deposition of the sediments that formed these strata and in their subsequent deformation. The age and abundance of fossils depend on the location, topographic setting, and particular geologic formation in which they are found. The potential exists for projects developed to implement CAP measures to disturb undiscovered paleontological resources. Implementation of recommended Mitigation Measure CUL-3 would reduce this impact to a less-than-significant level.

**Mitigation Measure CUL-3: Avoidance of encountered paleontological resources until resources have been evaluated and recorded, and treatment has been determined.**

If paleontological resources are encountered during future grading or excavation activities associated with CAP-related activities, work will avoid altering the resource and its stratigraphic context until a qualified paleontologist has evaluated, recorded, and determined appropriate treatment of the resource, in consultation with the lead agency. Project personnel will not collect cultural resources. Appropriate treatment may include collection and processing of “standard” samples by a qualified paleontologist to recover micro vertebrate fossils; preparation of significant fossils to a reasonable point of identification; and depositing significant fossils in a museum repository for permanent curation and storage, together with an itemized inventory of the specimens.

### 3.6.3.4 Cumulative Impacts

**Impact C-CUL-1: Implementation of the CAP, in combination with other foreseeable development in the surrounding area, could have a significant cumulative impact on cultural resources (cumulatively considerable with mitigation).**

The cumulative context for the impacts on cultural resources would be development in Sonoma County. Urban development that has occurred over the past several decades in Sonoma County has resulted in the adverse impacts on significant historical and archaeological resources, and it is reasonable to assume that present and future development activities will continue to result in impacts on significant cultural resources, including historical resources, archaeological resources, and human remains. Federal, state, and local laws protect cultural resources in most instances but are not always feasible to protect cultural resources, particularly when in-place preservation would frustrate implementation of projects. For this reason, the cumulative effects of development in Sonoma County on cultural resources are considered significant. Implementation of recommended

mitigation measures identified for the CAP (Mitigation Measures CUL-1a, CUL-1b, CUL-1c, CUL-2a, CUL-2b, CUL-2c, and CUL-3) would help to protect any significant historic, archaeological, and paleontological resources, if present, to help reduce the project's incremental contribution to these cumulative effects to a less-than-considerable level in most instances. However, it is possible that there may be individual alterations to historic buildings that cannot be fully mitigated, and thus it is possible that implementation of the CAP may contribute considerably to cumulatively significant impacts on historic resources.