
IV. ENVIRONMENTAL IMPACT ANALYSIS

C. CULTURAL RESOURCES

INTRODUCTION

This section of the Draft EIR presents the findings of cultural resources record searches and an assessment of potential archeological impacts.

ENVIRONMENTAL SETTING

Archaeological Resources

It is thought that the first known inhabitants of the Bay Area were members of an American Indian tribe identified by the Spanish name Coastanoan.¹ By 1770, this tribe had grown to about 50 different groups and spoke a language consisting of approximately eight dialects. The presence of fresh water, fire wood, protection from the wind and easy access to food sources encouraged the Costanoans to settle primarily on the Bayside. Some Indians, however, did live on the Coastside despite the climate and remains have been discovered in excavated middens² and village sites.

Evidence of the Coastanoan culture has been discovered and excavated in middens or shell mounds along the coast of San Mateo County and from scattered sites inland. These middens are deposits of refuse often made up of shells, ois, ash, charcoal lenses, rock clusters, bones, skeletons, and artifacts. Shell mounds range in size at the base from about 30 to 600 feet in diameter and in height from a few inches to about 30 feet. In age, many Bay Area middens range from 3,000 to 4,000 years.³

In addition to the Coastanoans, the San Francisco peninsula was occupied by indigenous Ohlone tribes groups. Two villages on the Pacific Coast just south of San Francisco have been identified. These villages were inhabited by a small group of closely interrelated families.⁴

Paleontological Resources

Paleontological resources include fossil remains, fossil localities, and formations that have produced fossil material in other nearby areas. These resources are limited, nonrenewable, sensitive scientific and

¹ *County of San Mateo, General Plan Historical and Archaeological Resources Element, 1984.*

² *A mound or deposit containing shells, animal bones, and other refuse that indicates the site of a human settlement.*

³ *County of San Mateo, General Plan Historical and Archaeological Resources Element, 1984.*

⁴ *City of Pacifica, Pacifica Wastewater Facilities Plan EIR, March 1994.*

educational resources protected by federal environmental laws and regulations. Paleontological resources include fossils preserved either as impressions or soft (fleshy) or hard (skeletal) parts, mineralized remains of skeletons, tracks, or burrows; other trace fossils; coprolites (fossilized excrement); seeds or pollen; and other microfossils from terrestrial, aquatic, or aerial organisms.

According to the geotechnical report prepared for the project site, the northern portion of the property contains several feet of artificial fill consisting of poorly sorted, gravelly silts and clays derived from old quarry debris and possibly remnants of old quarry stockpiles. The southern portion of the site includes areas of relatively deep fills underlain by residual soils and bedrock, and areas of near-surface bedrock. The entire site is underlain by bedrock of the Franciscan Assemblage. The rock appears to be a mix of sandstone, siltstone or shale, and greenstone. Other than the artificial fill, surficial deposits on the site consist of residual soils developed in place by disintegration of the underlying rock, or colluvial materials deposited by surface runoff and erosion toward the base of slopes and in down slope swales around the north and west-facing perimeter of the project site. The borings indicate the presence of top soil over intensely weathered, soft, closely bedded, sandstone (bedrock). The depth of bedrock varied across the project site from approximately four feet to approximately 20 feet.

Artificial fill consists of historic sediment and debris that has been previously disturbed by human activity. As such, there is no potential for any scientifically important fossil remains to be encountered in artificial fill. However, the artificial fill is underlain by bedrock of the Franciscan Assemblage, which is a geologic formation comprised of a complexly deformed amalgamation of various oceanic and continental formations of differing depositional and deformational histories. Although this geologic formation is not particularly associated with important paleontological resources, and none has been discovered at the project site, some paleontological resources have been found within the Franciscan Assemblage. Thus, it is possible that unknown paleontological resources could exist at the site. The project includes development of subterranean garages that would extend into the Franciscan Assemblage. If proper care is not taken during excavation activities, unknown paleontological resources could be damaged or destroyed. Therefore, project impacts related to paleontological resources could be significant.

Literature Review and Records Search

The information and analysis in this section is based on information from the California Historical Resources Information System (CHRIS) and information obtained from the Native American Heritage Committee (NAHC). This information is included in Appendix C of this DEIR. A review of pertinent literature and cultural resources research addressing the Project site and immediate vicinity was conducted. This review included a search of the CHRIS records housed at the Northwest Information Center (NWIC) at Sonoma State University, in Rohnert Park. This records search was intended to find all cultural resources studies, previously recorded historic sites, and previously recorded prehistoric archaeological sites filed with the NWIC for the Project site and a 0.5-mile radius surrounding the Project site. The NWIC sources reviewed include data maps, historic period maps, and literature for San Mateo County.

NWIC found no recorded history of Native American or historic period archeological resources, and no history of archeological studies in the project area. Additionally there are no federal or state historic properties listed within the site.

Native American cultural resources that have been found in the project region of San Mateo County have been located on ridges and mid-slope terraces, as well as adjacent to seasonal and perennial watercourses. As the project site contains terraces next to a ridgeline, NWIC concluded that there is a moderate possibility that unrecorded cultural resources may exist on-site. Additionally, the existence of a historic-period archaeological resource on property adjacent to the site, along with the former existence of a Rock Quarry on-site; indicates a moderate to high possibility of identifying historic-period archeological resources on-site.

Native American Heritage Commission (NAHC) Tribal Consultation revealed that a search of the sacred land files failed to indicate the presence of Native American Cultural Resources in the immediate project area. The NAHC provided a list of Native American individuals/organization who may have knowledge of cultural resources in the project area. Individuals from the Ohlone/Costanoan Indian Tribe, the Amah/Mutsun Tribal Band, were contacted and no additional cultural resources were identified through this consultation.

REGULATORY SETTING

Federal, State, and local governments have developed laws and regulations designed to protect significant cultural resources that may be affected by actions that they undertake or regulate. The National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), and the California Environmental Quality Act (CEQA) are the basic federal and state laws governing preservation of historic and archaeological resources of national, regional, State and local significance.

Federal

Primarily Section 106 of the NHPA of 1966 governs federal regulations for cultural resources. Section 106 of NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and affords the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings. The Council's implementing regulations, "Protection of Historic Properties" is found in 36 Code of Federal Regulations (CFR) Part 800. The goal of the Section 106 review process is to offer a measure of protection to sites, which are determined eligible for listing on the National Register of Historic Places. The criteria for determining National Register eligibility are found in 36 CFR Part 60. Amendments to the Act (1986 and 1992) and subsequent revisions to the implementing regulations have, among other things, strengthened the provisions for Native American consultation and participation in the Section 106 review process. While federal agencies must follow federal regulations, most projects by private developers and landowners do not require this level of compliance. Federal regulations only come into play in the private sector if a project requires a federal permit or if it uses federal money.

State

State historic preservation regulations affecting this project include the statutes and guidelines contained in the CEQA (Public Resources Code Sections 20183.2 and 21084.1 and Section 15064.5 of the *CEQA Guidelines*). CEQA requires lead agencies to carefully consider the potential effects of a project on historical resources. (See the Historical Resources description below for criteria specifications.)

Advice on procedures to identify such resources, evaluate their importance, and estimate potential effects is given in several agency publications such as the series produced by the Governor's Office of Planning and Research (OPR). The technical advice series produced by OPR strongly recommends that Native American concerns and the concerns of other interested persons and corporate entities, including, but not limited to, museums, historical commissions, associates and societies be solicited as part of the process of cultural resources inventory. In addition, California law protects Native American burials, skeletal remains and associated grave goods regardless of the antiquity and provides for the sensitive treatment and disposition of those remains.

California Historic Register

The State Historic Preservation Office (SHPO) also maintains the California State Register of Historic Resources (CRHR). Properties that are listed on the National Register of Historic Properties (NRHP) are automatically listed on the CRHR, along with State Landmark and Points of Interest. The CRHR can also include properties designated under local ordinances or identified through local historical resource surveys.

Native American Consultation

SB-18 Tribal Consultation; Government Code §65352.3 (Senate Bill [SB] 18) requires local governments to consult with California Native American tribes identified by the California NAHC prior to the adoption or amendment of a general plan or specific plan. The purpose of this consultation is to preserve or mitigate impacts to cultural places.

Local

City of Pacifica General Plan Historic Preservation Element

The Historic Preservation Element of the General Plan contains policies related to cultural resources including:

Policy 1: Conserve historic and cultural sites and structures which define the past and present character of Pacifica.

Policy 2: Consider creating alternative which may include uses other than the original use, to protect and preserve historic sites and structures.

ENVIRONMENTAL IMPACTS

Thresholds of Significance

Based on Appendix G of the *CEQA Guidelines*, a project would have a significant impact on cultural resources if the project would:

- 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; or
- Disturb any human remains, including those interred outside of formal cemeteries.

For purposes of CEQA, to determine whether cultural resources could be significantly affected, the significance of the resource itself must first be determined. Section 15065 of the *CEQA Guidelines* mandates a finding of significance if a project would eliminate important examples of major periods of California history or prehistory.

In addition, pursuant to Section 15064.5 of the *CEQA Guidelines*, a project could have a significant effect on the environment if it “may cause a substantial adverse change in the significance of an historical resource.” A “substantial adverse change” means “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource is impaired.” Material impairment means altering “...in an adverse manner those characteristics of an historical resource that convey its historical significance and its eligibility for inclusion in the California Register of Historical Resources.” Impacts to those cultural resources not determined to be significant according to the significance criteria described above are not considered significant for the purposes of CEQA.

Historical Architectural Resources

Pursuant to Section 15064.5 of the *CEQA Guidelines*, a historical resource (including both built environment and prehistoric archaeological resources) is presumed significant if the structure is listed on the California Register of Historical Resources (CRHR) or has been determined to be eligible for listing by the State Historical Resources Commission. An historical resource may also be considered significant if the lead agency determines, based on substantial evidence, that the resource meets the criteria for inclusion in the CRHR. The criteria are as follows:

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 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; or
4. The resource has yielded, or may be likely to yield, information important in prehistory or history.

Archaeological Resources

Pursuant to Section 15064.5 of the *CEQA Guidelines*, archaeological resources, not otherwise determined to be historical resources, may be significant if they are unique. Pursuant to Public Resources Code Section 21083.2, a unique archaeological resource is defined 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 one of the following criteria:

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

A non-unique archaeological resource means an archaeological artifact, object, or site that does not meet the above criteria. Non-unique archaeological resources receive no further consideration under CEQA.

Human Remains

According to Section 15064.5 of the *CEQA Guidelines*, all human remains are a significant resource. Section 15064.5 of the *CEQA Guidelines* also assigns special importance to human remains and specifies procedures to be used when Native American remains are discovered. These procedures are spelled out under Public Resources Code Section 5097.

Paleontological Resources

According to Appendix G of the *CEQA Guidelines*, a project could have a significant effect if it would directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.

Cultural Resources Impacts Not Further Analyzed

The proposed project site does not contain a structure or resource of historical significance as defined in *CEQA Guidelines* §15064.5. Therefore the Initial Study indicated that potential impacts would be less than significant and no further analysis is required.

Although it is believed that no human remains are known to have been found on the project site, it is possible that unknown resources could be encountered during project construction, particularly during ground-disturbing activities such as excavation and grading. However, as required by State law, if human remains are discovered at the project site during construction, work at the specific construction site at which the remains have been uncovered shall be suspended, and the appropriate City and County agencies immediately notified. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. Therefore, project impacts to unknown human remains would be less than significant. No further analysis of this issue is required.

PROJECT IMPACTS

Impact IV.C-1 The project could cause a substantial adverse change in the significance of an archeological resource pursuant to section 15064.5 or directly or indirectly destroy a unique paleontological resource.

There are no known archaeological resources on the project site. However, based on the topographic setting of the project site, there is a moderate possibility that unrecorded Native American cultural resources are present. In addition, the project site is underlain by Franciscan Assemblage formation. Thus, it is possible that unknown paleontological resources could exist at the site. The project includes development of subterranean garages that would extend into the Franciscan Assemblage. If proper care is not taken during excavation activities, unknown paleontological resources could be damaged or destroyed. Project impacts related to archaeological and paleontological resources are considered significant. However, implementation of mitigation measures IV.C-1 through IV.C-3 would ensure impacts to archeological and paleontological resources remain *less than significant*.

MITIGATION MEASURES

MM-IV.C-1: Contractor Notification

Prior to excavation and construction of the proposed project, the prime contractor and any subcontractor(s) shall be cautioned on the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles, paleontological resources, and other cultural materials from the project site.

MM-IV.C-2: Archaeologist Oversight

A qualified archaeological monitor shall be present during any and all ground-disturbing activities that occur in association with the proposed project, including any utility and sewer hookups within the public streets.

MM-IV.C-3: Archaeological Resource Discovery

In the event that buried archaeological resources are exposed during project construction, work within 30 feet of the find shall stop until a Professional Archaeologist, meeting the standards of the Secretary of the Interior, can identify and evaluate the significance of the discovery and develop recommendations for treatment. Recommendations could include preparation of a Treatment Plan, which could require recordation, collection and analysis of the discovery; preparation of a technical report; and curation of the collection and supporting documentation in an appropriate depository. However, as required by State law and in accordance with Section 15064.5(e) of the *CEQA Guidelines*, if Native American remains are discovered at the project site during construction, work at the specific construction site at which the remains have been uncovered shall be suspended, and the appropriate City and County agencies immediately notified. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains.

CUMULATIVE IMPACTS

Impacts on cultural resources tend to be site-specific and are assessed on a site-by-site basis. The significance of the impacts would depend largely on what, if any, cultural resources occur on or near the sites of the related or cumulative projects listed in Section III. and the importance or historical significance of those resources. The extent of the cultural resources (if any) that occur at the sites of the other projects is unknown, and thus, it is not known whether any of the related project would result in significant impacts to cultural resources. However, similar to the proposed project, such determinations would be made on a case-by-case basis and, if necessary, the applicants of the related project would be required to implement the appropriate mitigation measures. Thus, the proposed project would not contribute to any potential cumulative impacts, and therefore, cumulative impacts to cultural resources would be *less than significant*.

LEVEL OF SIGNIFICANCE AFTER MITIGATION

Implementation of the mitigation measures prescribed above would reduce significant project impacts on archeological and paleontological resources to a *less-than-significant* level.