

3.8 Cultural Resources

The information below is summarized from the Historic Property Survey Report (HPSR), including the Archaeological Survey Report and Historic Resources Evaluation Report.

3.8.1 Regulatory Setting

“Cultural resources,” as used in this document, refers to all historical and archaeological resources, regardless of significance. Laws and regulations dealing with cultural resources include:

The National Historic Preservation Act (NHPA) of 1966, as amended, sets forth national policy and procedures regarding historic properties, defined as districts, sites, buildings, structures, and objects included in or eligible for the National Register of Historic Places (NRHP). A historic property is a cultural resource that has been formally evaluated and found to meet the NRHP criteria relating to integrity and significance in American history, architecture, archaeology, engineering, or culture. The NRHP is the nation’s official list of cultural resources worthy of preservation. A property that is deemed “eligible” for the NRHP (i.e., meets the requirements for inclusion in the NRHP, but has not been formally listed), is afforded the same protections under the NHPA as listed properties. Section 106 of NHPA requires federal agencies to take into account the effects of their undertakings on such properties and to allow the Advisory Council on Historic Preservation the opportunity to comment on those undertakings, following regulations issued by the Advisory Council on Historic Preservation (36 CFR). On January 1, 2004, a Section 106 Programmatic Agreement (PA) between the Advisory Council, FHWA, State Historic Preservation Officer (SHPO), and Caltrans went into effect for Caltrans projects, both state and local, with FHWA involvement. The PA implements the Advisory Council’s regulations, 36 CFR 800, streamlining the Section 106 process and delegating certain responsibilities to Caltrans. FHWA’s responsibilities under the PA have been assigned to Caltrans as part of the Surface Transportation Project Delivery Pilot Program (July 1, 2007) (23 CFR 773). Historic properties may also be covered under Section 4(f) of the U.S. Department of Transportation Act, which regulates the “use” of land from historic properties. See Appendix B for specific information regarding Section 4(f).

Historical resources are considered under CEQA, as well as California Public Resources Code (PRC) Section 5024.1, which established the California Register of Historical Resources. PRC Section 5024 requires state agencies to identify and protect state-owned resources that meet National Register of Historic Places listing criteria. It further specifically requires Caltrans to inventory State-owned structures in its rights-of-way.

3.8.2 Affected Environment

The affected environment is identified as the Area of Potential Effects (APE). The APE is the geographic area within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The APE for the Jepson Parkway Project is based on the construction footprints for each alternative and the total existing and required right-of-way width. The archaeological APE encompasses all areas where project-related ground

disturbance would occur, including full fee title right-of-way that would be acquired for roadway widening, fill, excavation, construction easements, staging areas, and access routes. The architectural APE encompasses entire parcels in which a partial take is needed for roadway right-of-way and on which structures are located. The APE line extends 200 feet into vacant parcels.

A record search conducted in 2005 identified a scatter of historic artifacts within the APE, but according to the site record (Martin 2004), this resource does not appear to meet the criterion for inclusion in the NRHP due to lack of integrity. One hundred and thirty-one buildings or structures are located in the APE, but none were found to be potential historic resources.

As stated and documented in the HPSR, there are no known cultural resources located within the APE of any of the build alternatives. A letter of concurrence from SHPO is provided in Appendix C.

3.8.3 Environmental Consequences (including Permanent, Temporary, Direct, Indirect, and Cumulative)

Methodology

To determine the potential for existing cultural resources in the APE, a record search was conducted on July 27, 2001 at the Northwest Information Center of the California Historical Resources Information System at Sonoma State University. The record search covered a 1.0-mile radius of the APE. An updated record search focusing on a 0.5-mile radius of the APE was conducted on August 11, 2005. Sources consulted for the record search included maps of previous cultural resource studies and known cultural resource locations, as well as the NRHP, the *California Register of Historical Resources* (CRHR; California Department of Parks and Recreation 1998), the *California Inventory of Historic Resources* (California Department of Parks and Recreation 1976), *California Historical Landmarks* (California Department of Parks and Recreation 1996), and *California Points of Historical Interest* (California Department of Parks and Recreation 1992 and updates). Additional background research and field studies were conducted to arrive at the conclusion presented in the HPSR.

Letters describing the proposed action and requesting any information on potential cultural resources in the APE were sent to the Vacaville Museum, Solano County Historical Society, and Solano County Historical Records Commission. The Native American Heritage Commission (NAHC) was contacted for information regarding important religious and cultural sites that might be located in the APE and vicinity. A letter received from NAHC in September 2001 indicated that there are no sacred Native American sites or cultural resources in the APE and its vicinity. The NAHC letter also provided contact information for Native American individuals who may be familiar with the APE. There was no response from the individuals contacted in September 2001. After subsequent contact on November 25, 2002, Kesner Flores communicated that he does not know of any problems or issues regarding Native American sites or remains in the APE and its vicinity.¹

¹ Flores, Kesner. Cortina Band of Indians and the Wintun Environmental Protection Agency. November 25, 2002—telephone conversation. Fitzgerald, R. T., T. L. Jones, and A. Schroth.

As a result of the research and coordination conducted in compliance with Section 106, Caltrans determined a finding of No Historic Properties Affected was appropriate for the project.

Summary of Cultural Resources Impacts

This section provides a summary and comparison of impacts to cultural resources resulting from the alternatives. As described in detail below, none of the alternatives would affect cultural resources.

Impact CR-1: Would the Alternatives Affect Identified Cultural Resources?

Alternative A. Under Alternative A, ongoing maintenance of existing roads and facilities would continue. The project would not be implemented and no construction activities would occur. Therefore, there is no potential for this alternative to affect cultural resources.

Alternative B, C, D, and E. As described under the affected environment section above, the investigations in the APE did not identify any cultural resources. Subsequently, construction and operation of Alternatives B, C, D, and E has no potential to affect cultural resources.

3.8.4 Avoidance, Minimization, and/or Mitigation Measures

No avoidance, minimization, or mitigation measures are necessary because the alternatives would not affect cultural resources.

If cultural materials are discovered during construction, all earth-moving activity within and around the immediate discovery area shall be diverted until a qualified archaeologist can assess the nature and significance of the find.

If human remains are discovered, State Health and Safety Code Section 7050.5 states that further disturbances and activities shall cease in any area or nearby area suspected to overlie remains, and the County Coroner contacted. Pursuant to Public Resources Code Section 5097.98, if the remains are thought to be Native American, the coroner shall notify the Native American Heritage Commission (NAHC) who shall then notify the Most Likely Descendent (MLD). At this time, the person who discovered the remains shall contact STA or the appropriate local agency, so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of PRC 5097.98 are to be followed as applicable.