

4.4 CULTURAL AND TRIBAL CULTURAL RESOURCES

4.4.1 ENVIRONMENTAL SETTING

Unless otherwise cited, this Prehistoric Overview and the Historic Setting text through the history of Suisun City is adapted from *City of Suisun City 2035 General Plan Background Report—Chapter 3, Cultural and Paleontological Resources* (City of Suisun City 2015).

PREHISTORIC OVERVIEW

The following discussion focuses on the archaeology of the Project area and provides a brief summary of the area's cultural history. Time periods discussed are those presented by David Fredrickson in the early 1970s.¹

Lower Archaic Period

The Lower Archaic Period dates to 10,000–6000 Years Before Present (BP). The beginning of this period coincides with that of the middle Holocene climatic shift to more arid conditions that brought about the drying up of the pluvial lakes located in northern and southern California. Subsistence appears to have been focused more on plant foods, although hunting clearly still provided for important food and raw material sources. Settlement was semi-sedentary, with an emphasis on material wealth. Most tools were manufactured of local materials, and exchange remained on an ad-hoc basis. Distinctive artifact types include large projectile points, milling slabs, and hand-stones. The oldest known archaeological component in this region of central California is from the Los Vaqueros Reservoir area in eastern Contra Costa County.

Middle Archaic Period

The Middle Archaic Period dates to 6000 to 2500 BP. This period is often discussed in terms of two distinct divisions, the Initial and the Terminal. The Initial Archaic Period dates from 6000 to 4500, and the Terminal Archaic Period from 4500 to 2500. In general, this period begins at the end of mid-Holocene climatic conditions, when weather patterns became similar to present-day conditions. Discernable cultural change was likely brought about, in part, in response to these changes in climate and accompanying variation in available floral and faunal resources. Economic systems were more diversified and likely included the introduction of acorn processing technology. Hunting remained an important source of food and raw materials although reliance on plant foods appears to have dominated the subsistence system.

The Middle Archaic Mendocino Pattern settlements originate in this period and persist through the Upper Archaic and possibly into the Emergent Period. The Hultman Aspect identified in the Clear Lake Basin is the southernmost of two identified cultural divisions, while the Windmillier Patter is present to the north. The two share such basic material traits as basalt core tools, shaped unifaces, heavily worked bifaces, and thin, finely flaked obsidian knives. The Hultman Aspect is distinguished by the presence of ovate scrapers, numerous simple

¹ In the early 1970s, David Fredrickson proposed a sequence of cultural manifestations, or patterns, for the central districts of the North Coast Ranges. He placed these patterns within a framework of cultural periods he believed were applicable to California as a whole. Fredrickson recognized that the economic and cultural component of each pattern could be manifest in neighboring geographic regions according to the presence of stylistically different artifact assemblages. This integrative framework provides the means for discussing temporally equivalent cultural patterns across a broad geographic space.

tools (incised or drilled), steatite plummets (charmstones), and the use of obsidian for the manufacture of projectile points.

Mortuary practices are characterized by tightly flexed burials with no apparent patterning in orientation and fewer artifact associations compared to the elaborate practices evidenced in Windmill Pattern burials. Grave associations include numerous Olivella saucer and saddle beads and Haliotis ornaments. The artifact assemblage is distinguished by a highly developed bone tool industry represented by bone needles, bird and mammal bone whistles, serrated scapula saws, bone hairpins and spatulae, mammal and bird bone tubes, and other types of flaked, ground, and polished bone artifacts. Mortars and pestles dominate the milling tool assemblage with only infrequent occurrences of milling slabs and hand-stones. Non-stemmed obsidian projectile points and knives are abundant. Midden deposits contain large accumulations of oyster, clam, and salt-water mussel shells in the Bay Area, while freshwater mussel predominates in Central Valley sites.

With the exception of isolated human burials, extensive early Middle Archaic deposits were not known in the San Francisco Bay/Sacramento–San Joaquin Delta (Bay-Delta) region until 1996 as reported by Meyer and Rosenthal in 1997. Prehistoric archaeological site CA-CCO-637, located in a small valley, included deeply buried components in an alluvial fan adjacent to Kellogg Creek. This site deposit was found in buried soil and included an assortment of habitation debris, residential and processing features, and several human burials. Several buried sites in Contra Costa and Solano counties date to the Terminal Period, including CA-CCO-637 and CA-CCO-696 at Los Vaqueros Reservoir; CA-CCO-308 in the San Ramon Valley; and others in the area of Green Valley in Solano County.

Upper Archaic Period

The Upper Archaic Period dates to 2500–1300 BP. A dramatic expansion of sociopolitical complexity marks this period, with the development of well documented status distinctions based upon material wealth. Group-oriented religions emerge and may be the origins of the Kuksu religious system that arises at the end of the period. There was a greater complexity of trade systems with evidence for regular, sustained exchanges between groups. Shell beads gained in significance as possible indicators of personal status and as important trade items. This period retained the large projectile points in different forms, but the milling stone and hand-stone were replaced throughout most of California by the bowl mortar and pestle.

During this period, the Mendocino Pattern is present in the central and northern parts of the North Coast Ranges, and the Berkeley Pattern persisted in the Central Valley, Bay, and southern part of the North Coast Ranges, including within the City’s existing Sphere of Influence.

Emergent Period

The Emergent Period dates to 1200–200 BP. The distinctive cultural pattern of the Emergent Period, the Augustine Pattern, is marked by the appearance, for the first time, of small arrow-sized projectile points, beautifully trimmed show mortars, flanged pestles, flanged steatite pipes, and chevron-designed bird-bone tubes. It is postulated that as the Emergent Period began, the Meganos culture, which originated in the San Joaquin Valley circa 500 B.C. to A.D. 100, appears to have retreated to the southern Delta region.

It was also during the Emergent Period that bedrock mortar milling stations were first established in the Bay Area, beginning around 1,300 years ago. Portable mortars and pestles continued to be used, although smaller ones were

preferred. Also during this time, small arrow points replaced the larger projectile point forms more commonly associated with atlatls. Implements such as harpoons, bone fishhooks, and gorge hooks were also found in the tool assemblages.

At this time, large mammals appear to have taken a more prominent role in the diet than small-seeded resources. Marine shellfish and marine fishes were moved inland in much larger quantities during the Emergent Period. Large villages of hundreds of people are thought to have been located in the Delta region, while small hamlets composed of one or two extended families were located in many of the smaller valleys.

ETHNOGRAPHIC SETTING

When Europeans first entered central California, the area west of the Sacramento River and north of Suisun Bay (including the City's Sphere of Influence) was occupied by linguistically and culturally related groups or "tribelets" that appeared to lack political unity or collective identity. However, because of their linguistic similarities, they became known as Patwin, the term each group used to identify themselves.

They, along with their neighbors the Nomlake and Wintu, are speakers of the Wintuan language, which is part of the larger Penutian language family. This language family also includes Miwok, Maidu, Costanoan, and Yokuts. The Patwin occupied a strip of land about 60 kilometers wide that extended approximately 150 kilometers along the lower Sacramento River and the eastern foothills of the North Coast Range, terminating at San Pablo and Suisun bays on the south.

The Patwin were organized into tribelets consisting of a primary village and several smaller associated villages. Each village was led by a chief, who attained his office through paternal descent. Social structure was divided into three groups: the paternal family; the family social group; and the household. The paternal family group included the patriarch and his brothers, sisters, sons, and daughters. Married sisters and married men were not included in the social group, since they were included within other social groups. The household consisted of a family that lived under one roof and included his wife, unmarried offspring, and any married daughters and their husbands and their children that had not yet acquired sufficient wealth to establish their own household.

Settlements were generally large, with villages usually located along river or stream banks or the shorelines of seasonal lakes. Permanent houses were erected within the village, and less substantial structures were located at remote locations near exploitable resources. The Patwin diet was varied and depended on seasonal rounds augmented by resources obtained through trade. Tule elk, deer, antelope, bear, ducks, geese, quail, turtle, fish, and other small birds and mammals were hunted. Acorns were a staple food, supplemented with seeds, nuts, berries, and fruit. The association of flaked stone tools and milling equipment with vernal pools appears to indicate that these features were also associated with Patwin subsistence, apparently as a result of faunal and botanical species drawn to these features.

Euro-American contact with the Patwin began with Spanish missionaries and explorers in the late 1700s. By the middle of the nineteenth century, many Patwin had been relocated to mission settlements, local ranches, or small reservations. Euro-American diseases decimated much of the Patwin population at this time, and it is estimated that as much as 75 percent of the Native American population in the Central Valley and Bay/Delta regions died from the 1833 malaria epidemic.

Euro-American influences within Patwin territory increased dramatically as ranching and farming became popular in the area. Euro-American settlers quickly made inroads into lands occupied by Native Americans. Conflicts increased 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. Despite a long history of population decline and marginalization, indigenous populations survive to this day, and are reinvesting in their traditional culture.

HISTORIC SETTING

Early Exploration and Settlement

The first documented European expedition within the vicinity of the City's Sphere of Influence was the Pedro Fages expedition of 1772, which reached the Carquinez Strait and was followed four years later by the Anza expedition. The Anza expedition was searching for a land route to Point Reyes. The Spanish had begun establishing a presence in the region in 1769, through Franciscan missions and military presidios; these were used as vehicles for taking complete control of Alta California. Alta California was the Spanish term used for upper California as opposed to Baja California (lower California) in which the Dominican missions were located. Beginning in San Diego, the Spanish priests quickly moved north. The first crossing of the Carquinez Strait did not occur until 1810 when Gabriel Moraga led a raid against the Suisun tribe. This initial entry into the region culminated with the establishment in 1823 of Mission San Francisco Solano, located in Sonoma.

In 1835, General Mariano Guadalupe Vallejo was ordered by the Mexican government to colonize today's Fairfield/Suisun City area to protect interior Spanish interests from the Russians at Fort Ross. The lower part of the Sacramento Valley and Delta areas were then settled rapidly, as the Mexican government granted large tracts of land and access to the region's natural resources. At that time, chief Francisco Solano of the Suisun tribe likely allied himself and his group of Patwin with Vallejo to gain political advantage over rival native groups.

19th and 20th Century Settlement

Much of the Spanish population had been expelled by 1832. Mexican government secularization of the missions had begun a few years prior, establishing the Mexican Land Grant system. Land formerly held by Spain was divided into vast tracts called "ranchos." These parcels, such as Rancho Tolenas (located northwest of the Project site), were granted by the government to individuals and used primarily for farming and raising cattle with vineyards, fruits, and vegetables planted for personal needs.

Solano County contained five confirmed Mexican land grants. The first of the land grants was Rancho Suisun. Rancho Tolenas, adjacent to Rancho Suisun, included part of the city of present day Fairfield and extended north into Napa County. The patent (i.e., rights to the land grant) was issued in 1840 to Jose Francisco and Antonio Armijo.

During the Gold Rush, ranchers and farmers discovered that selling their crops to miners was extremely profitable. In the late 1840s and 1850s, former gold seekers and pioneers began settling Solano County, where they raised livestock and cultivated fruit orchards, vineyards, wheat, barley, and oats. Produce and livestock were transported overland by wagons to docks located at sloughs throughout the county, then shipped to market. Due to this trade, economic development, and arrival of the railroad, 12 townships were established in Solano County

between 1850 and 1871. While the largest towns were located adjacent to San Pablo and Suisun bays (e.g., Suisun City), small towns were located at the ends of sloughs and channels that primarily ran through the eastern portion of the county. Suisun Valley was one of the major fruit producing areas in Solano County and Suisun Slough provided easy shipping access.

The construction of two rail networks (California Pacific and Napa Valley Railroads) further spawned economic growth in the region. In 1868, the completion of the California Pacific Railroad through Solano County allowed the shipment of goods to East Coast markets, significantly bolstering economic development, agricultural production, and population growth. The turn of the 20th century saw increased progress in transportation. In 1913, the Oakland, Antioch, and Eastern Railway, a high-speed electric interurban railway, opened its 93-mile route from San Francisco to Sacramento, through largely unpopulated parts of Solano County. In 1928, the Sacramento Northern Railway purchased the railroad, but the Great Depression and the popularity of the automobile contributed to the end of passenger service in 1940. By 1987, the railway had been abandoned (WRM.org 2022).

Suisun City

What would become known as Suisun City was initially called Suisun (named for a Patwin village or triblet). The name has appeared in Spanish records since 1807, although it was sometimes spelled Suysun. Suisun City was established to take advantage of this location and became the trade center for central Solano County.

By the mid-1850s, several buildings had been erected in the new city. Suisun City thrived during that latter part of the 19th century. The California Pacific Railroad began passenger service from Vallejo to Suisun in 1868. Three years later, the Central Pacific Railroad purchased the California Pacific providing Suisun City with shipping access to distant markets via the transcontinental railroad. As of 1880, the city had a population of 600.

These railroads were important to furthering agricultural commerce in and around Suisun City and made Suisun the shipping point for the area. Prior to the railroads, lumber and agricultural freight from the surrounding area was shipped to Sacramento and San Francisco from warehouses along Suisun Slough on the east side of Suisun City, including Lewis Pierce's large grain warehouse and plank wharf. By 1905, 30,000 tons of grain were annually shipped out of Suisun, as well as large quantities of fresh fruit in refrigerated cars, and dried fruits and nuts. Initial reclamation of marshlands near Suisun City provided land for dairy operations, but in 1911, 4,000-acres were reclaimed by large landholders for more agricultural land (Solano County Board of Supervisors 1905: 39-41; Sanborn 1888; Sanborn 1889; *Sacramento Daily Union* 1911 July 9).

Between 1880 and 1920, fruit cultivation flourished in the Suisun Valley due in part to the development of large-scale fruit drying and canning and refrigerated railcars. Desirable railroad and wharf access to transport goods allowed the Suisun area to flourish. Reclaimed marshland in the vicinity of the city was devoted to dairy farming and nearby cement facilities of the Pacific Portland Cement Company provided an industrial element to the local economy.

By the early 20th century, commercial activity in nearby Fairfield began to eclipse Suisun. This was due in part to the construction of the new state highway through Solano County which bypassed Suisun City, traveling instead through Fairfield. By 1920, Fairfield's population of 1,000 residents surpassed Suisun City's population, which stood at 875 that year.

Although Suisun City retained its status as a shipping and banking center for several decades, the Great Depression brought hard times locally. A rapidly declining national fruit market resulted in closure of several nearby canneries and drying facilities.

World War II brought generalized economic recovery in the area and marked Fairfield's final eclipse of Suisun City as the preeminent municipality in central Solano County. The development of what became Travis Air Force Base between Fairfield, Vacaville, and Suisun City brought an abundance of new jobs to the Fairfield-Suisun area. A revived national fruit market generated prosperity for growers who survived the Great Depression, but no sizeable cannery again operated in the area. Trucking activity was boosted in northern California and Solano County by bridge construction in the Bay Area during the 1930s, and by the expansion of U.S. Highway 40 through Fairfield into a modern, multi-lane freeway during the 1960s (present-day Interstate 80). These investments hurt waterway shipping based in Suisun City. The Suisun City wharf never regained its status as a shipping point central to the local agricultural economy. Now it serves mainly as a launch for recreational boaters.

The City grew very little until the decades following World War II. Large-scale residential development spread east on the other side of Suisun Slough beginning in the 1960s. A city-wide redevelopment program began in the early 1990s. The largest outcome of the program was redevelopment of the industrial waterfront with a public marina, walking trails, and new housing (HistoricAerials.com 1948, 1957, 1968, 1982; *Daily Republic* 2014 December 28).

Development Area Built Environment

The two parcels in the Cultural Resources Study Area for the Project were once part of a 280-acre property owned by large land-holder Lewis Pierce by 1878, that was originally part of the Suisun Rancho. Pierce and his brothers started a successful grain brokerage business in San Francisco that used Suisun City as a main shipping location. Lewis moved to Suisun City in 1872 and through grain cultivation and other agricultural pursuits, amassed more than 10,000-acres and a three-story home, approximately 3.25-miles northwest from the Project Site, before his death in 1880 (Thompson & West 1878; Guinn 1904: 361; DeCaro and Ewing 2013: 20).

The 280-acre property was the northwestern parcel of four parcels, totaling nearly 600-acres owned by Pierce that spanned just north of the California Pacific Railroad (CPRR) [now the California Northern Railroad (CFNR)] and then traveled southeast to Suisun and Peytonia sloughs. The current alignments of Pennsylvania Avenue and Cordelia Road cut through the 280-acre property, but the areas where the extant commercial buildings are located were undeveloped (Thompson & West 1878). By 1890, the CPRR realigned a section of track south of Fairfield that paralleled a section of Cordelia Road to connect to the Sacramento Northern Railway (SNR) [now the Union Pacific Railroad (UPRR)] just west of Suisun City (Eager 1890).

Initial development on the properties at 1001 Pennsylvania Avenue and APN 0032-190-020: occurred between 1890 and 1896, likely as a railroad packing shed to transport locally grown agricultural products. Also by 1901, the CPRR was taken over by the Southern Pacific Railroad (SPRR) and renamed this section the "San Francisco and Ogden Line" and the SPRR [now UPRR] also took over the SNR and renamed this section the "Suisun Branch" (Eager 1890; USGS 1901). All SPRR lines were absorbed by UPRR in 1996. The segment of railroad through the Project area is part of a long-term lease by CFNR from SPRR/UPRR that operates between Schellville and the UPRR connection at Suisun City.

TRIBAL CULTURAL RESOURCES

Tribal Cultural Resources (TCRs) are distinct from cultural resources, which are discussed above. TCRs include sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either listed on or determined to be eligible for inclusion on the CRHR or included in a local register of historical resources, or a resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant. Tribal cultural resources provide the backdrop to:

- ▶ religious understanding;
- ▶ traditional stories;
- ▶ knowledge of resources, such as varying landscapes, bodies of water, animals and plants; and
- ▶ self-identity.

Tribal cultural resources may contain physical cultural remains or may be places within a landscape. A cultural landscape that meets these criteria is a TCR to the extent that the landscape is geographically defined in terms of the size and scope of the landscape. Historical resources, unique archaeological resources, or non-unique archaeological resources may also be TCRs if they meet these criteria.

Native American Communities – Yocha Dehe Wintun Nation

Of the tribes invited to provide input for the City’s environmental review of the proposed Project, the Yocha Dehe Wintun Nation actively participated. The following provides a summary of their current status as told by the Tribe (Yocha Dehe Wintun Nation 2022).

For thousands of years, members of California’s Wintun Tribes have been guided by a culture rich with an understanding of medicine, technology, food production and land stewardship. The towns and roads of today were the villages and trade routes of our past. Their land was healthy and their early communities thrived.

The arrival of missionaries and European explorers forever altered the course of Native people in California. Many Wintun people were enslaved to serve the missions, while abuse and disease further dwindled our numbers. By the 1800s, many of their ancestors were purged of their home and hunting lands by opportunists driven by gold and greed. Northern California Native people were decimated by the Gold Rush and federal policies that legalized genocide. During this time the Yocha Dehe population declined dramatically and their ancestors were rendered nearly extinct.

In the early 1900s, the Tribe was forcibly removed from their village by the U.S. government and placed on a federally created rancheria—otherwise known as a reservation—in Rumsey, California. Stranded on barren, non-irrigatable land, they struggled to survive. In 1940, their people gained a hard-won relocation to a small parcel of land further south in the Capay Valley, where they managed to cultivate small amounts of food. Without the opportunity to produce more than subsistence levels of crops, their ancestors, who had lived sustainably for thousands of years, became dependent on the U.S. government for survival.

Finally, in the late 1980s, the tide began to turn. Some ancestral lands were restored to the Tribe, providing a land base for housing and economic development. It was at this time that the State of California instituted the California Lottery and the federal government enacted the Indian Gaming Regulatory Act (IGRA). The United States Congress enactment of IGRA in particular provided a means to promote economic development and self-

sufficiency with the explicit purpose of strengthening tribal self-governance. This offered the Tribe the opportunity to open Cache Creek Indian Bingo on part of their 188 acres of trust land.

Initially, the Tribe knew little about gaming and focused resources on building the necessary foundation for their tribal government to manage assets generated by the bingo hall. Powered by hard work and determination, the Tribe developed their own management strategy and expanded the bingo hall into the world-class Cache Creek Casino Resort, eventually providing economic development and stability for their tribal members.

The independence gained from the initial influx of gaming revenue gave the Tribe the wherewithal to reacquire some of their traditional lands, to invest in the future of their children through improved education and to provide philanthropic support for communities in need.

In 2009, the Tribe legally changed their name from the Rumsey Band of Wintun Indians, as they were originally labeled by the federal government, to Yocha Dehe Wintun Nation, named for their homeland in their ancestral Patwin language. The name change represents an important mark in time for the people of Yocha Dehe. It connects the Tribe to their heritage and expresses their sense of pride and hope for the future.

4.4.2 REGULATORY FRAMEWORK

FEDERAL PLANS, POLICIES, REGULATIONS AND LAWS

Section 106 of the National Historic Preservation Act, 1966

Federal regulations for cultural resources are governed primarily by Section 106 of the National Historic Preservation Act (NHPA) of 1966 (as amended). Section 106 of the NHPA requires Federal agencies to take into account the effects of their undertakings on historic properties and affords the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on such undertakings. The ACHP’s implementing regulations are the “Protection of Historic Properties” 36 Code of Federal Regulations (CFR) Part 800. The Federal agency first must determine whether it has an undertaking that is a type of activity that could affect historic properties. Historic properties are those that meet the criteria for or are listed in the National Register of Historic Places (NRHP).

National Register of Historic Places

“Historic properties,” as defined by the ACHP, include any “prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in the NRHP maintained by the Secretary of the Interior” (CFR Section 800.16(I)). Eligibility for inclusion in the NRHP is determined by applying the following criteria, developed by the National Park Service in accordance with the NHPA:

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- A. That are associated with events that have made a significant contribution to the broad patterns of our history; or
- B. That are associated with the lives of persons significant in our past; or

- C. That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- D. That have yielded, or may be likely to yield, information important in prehistory or history.

Integrity is defined in NRHP guidance as “the ability of a property to convey its significance. To be listed in the NRHP, a property must not only be shown to be significant under the NRHP criteria, but it also must have integrity” (NPS 1995). NRHP guidance further asserts that properties must have been completed at least 50 years before evaluation to be considered for eligibility. Properties completed fewer than 50 years before evaluation must be proven to be “exceptionally important” (Criteria Consideration G) to be considered for listing.

STATE PLANS, POLICIES, REGULATIONS, AND LAWS

California Environmental Quality Act and the California Register of Historical Resources

Under CEQA, lead agencies must consider the effects of their projects on historical resources. The California Environmental Quality Act (CEQA) defines a “historical resource” as a resource listed in, or determined to be eligible for listing in, the California Register of Historical Resources (CRHR), a resource included in a local register of historical resources, and any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant (Section 15064.5[a] of the Guidelines). Solano County nor the city of Suisun City do not currently have local registers. Public Resources Code Section 5024.1 requires that any properties that can be expected to be directly or indirectly affected by a proposed project be evaluated for CRHR eligibility. According to Public Resources Code Section 5024.1(c)(1–4), a resource may be considered historically significant if it retains integrity and meets at least one of the following criteria. A property may be listed in the CRHR if the resource:

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

To be considered eligible, a resource must meet one of the above stated criteria and also retain integrity. Integrity has been defined by the National Park Service as consisting of seven elements: location, design, setting, materials, workmanship, feeling, and association.

Impacts to historical resources that materially impair those characteristics that convey its historical significance and justify its inclusion or eligibility for the NRHP or CRHR are considered a significant effect on the environment (CEQA Guidelines 15064.5).

In addition to historically significant resources, which can include archaeological resources that meet the criteria listed above, an archeological site may meet the definition of a “unique archeological resource” as defined in Public Resources Code Section 21083.2(g):

An archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

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

If it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. To the extent that they cannot be left undisturbed, mitigation measures are required (Public Resources Code Section 21083.2 [a], [b] and [c]). CEQA Guidelines Section 15064.5, subdivision (e), requires that excavation activities be stopped whenever human remains are uncovered and that the county coroner be called in to assess the remains. If the county coroner determines that the remains are those of Native Americans, the Native American Heritage Commission (NAHC) must be contacted within 24 hours. At that time, the lead agency must consult with the appropriate Native Americans, if any, as timely identified by the NAHC. Section 15064.5 directs the lead agency (or applicant), under certain circumstances, to develop an agreement with the Native Americans for the treatment and disposition of the remains.

Tribal Cultural Resources

CEQA requires lead agencies to consider whether projects will affect Tribal Cultural Resources. Tribal Cultural Resources may or may not manifest as archaeological sites. In some cases, TCRs are viewsheds, plant gathering areas, or other sacred spaces that are not readily identifiable to non-tribal members. In many cases, TCRs also include an archaeological component, such as artifacts, features, and sites (with or without human remains). Public Resources Code Section 21074 states the following:

- (a) “Tribal cultural resources” are either of the following:
 - (1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - (A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - (B) Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
 - (2) 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.
- (b) 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.

- (c) 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).

California Health and Safety Code

California law protects Native American burials, skeletal remains, and associated grave goods, regardless of their antiquity, and provides for the sensitive treatment and disposition of those remains. Health and Safety Code Section 7050.5 requires that if human remains are discovered in any place other than a dedicated cemetery, no further disturbance or excavation of the site or nearby area reasonably suspected to contain human remains can occur until the county coroner has examined the remains (Section 7050.5b). Public Resources Code Section 5097.98 also outlines the process to be followed in the event that remains are discovered. If the coroner determines or has reason to believe the remains are those of a Native American, the coroner must contact the California NAHC within 24 hours (Section 7050.5c). The NAHC will notify the most likely descendant. With the permission of the landowner, the most likely descendant may inspect the site of discovery. The inspection must be completed within 48 hours of notification of the most likely descendant by the NAHC. The most likely descendant may recommend means of treating or disposing of, with appropriate dignity, the human remains, and items associated with Native Americans.

Assembly Bill AB 52

AB 52 (effective July 1, 2015) added Public Resources Code Sections 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 21084.3 to CEQA, relating to consultation with California Native American tribes, consideration of “tribal cultural resources,” and confidentiality. AB 52 provides procedural and substantive requirements for lead agency consultation with California Native American tribes and consideration of effects on tribal cultural resources, as well as examples of mitigation measures to avoid or minimize impacts to tribal cultural resources. AB 52 establishes that if a project may cause a substantial adverse change in the significance of a tribal cultural resource, that project may have a significant effect on the environment. Lead agencies must avoid damaging effects to tribal cultural resources, when feasible, and shall keep information submitted by tribes confidential.

AB 52 requires a lead agency to consult with California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed project, if the tribe requested to the lead agency, in writing, to be informed by the lead agency of proposed projects in that geographic area and the tribe requests consultation. Section 21080.3.1(d) states that within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project location and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to requests consultation pursuant to this section.

SOLANO COUNTY GENERAL PLAN

The Solano County General Plan contains the following policies related to archaeological, historical, and tribal cultural resources (Solano County 2008):

Policies

- ▶ **Policy RS.P-38:** Identify and preserve important prehistoric and historic structures, features, and communities.
- ▶ **Policy RS.P-39:** Tie historic preservation efforts to the County’s economic development pursuits, particularly those relating to tourism.
- ▶ **Policy RS.P-40:** Consult with Native American governments to identify and consider Native American cultural places in land use planning.

CITY OF SUISUN CITY GENERAL PLAN

The Suisun City General Plan (City of Suisun City 2015) includes the following policies and program related to cultural resources that apply to the proposed Project:

Open Space and Conservation

- ▶ **Policy OSC-5.1:** The City will use geologic mapping and cultural and paleontological resource databases to determine the likely presence of resources and the appropriate level of cultural and paleontological resources analysis and mitigation required for new developments.
- ▶ **Policy OSC-5.2:** New developments shall be designed to avoid adverse impacts to any known archaeological and paleontological resources, wherever feasible.

- **Program OSC-5.2: Cultural Resource Review and Mitigation**

New development projects that could have significant adverse impacts to prehistoric or historic resources shall be required to assess impacts and provide feasible mitigation. The following steps, or those deemed equally effective by the City, will be followed:

- Request information from the Native American Heritage Commission regarding Native American groups that may have important sites in areas that could be affected by project development.
- Involve the local Native American community in determining the appropriate mitigation of impacts to significant prehistoric sites.
- Consult updated information from the Northwest Information Center regarding cultural resource sites, structures, or landscapes that could be affected by project activities.
- Based upon the sensitivity of the subject proposed project area, additional technical work may be required. Where a cultural resources survey has not been performed:
 - A pedestrian survey may be required in areas of low sensitivity;
 - A pedestrian survey will be required in areas of moderate and high sensitivity; and
 - Based on findings of the pedestrian survey, additional technical studies may be required, such as geoarchaeological sensitivity analysis, Native American consultation,

ethnographic studies, or other analysis scaled according to the nature of the individual project.

- For new developments that would alter historic structures (structures 50 years old or older), a qualified architectural historian shall conduct a record search and assess the potential for the project to result in significant impacts to historic resources that occur as part of the existing built environment.
- Determination of impacts, significance, and mitigation (i.e., site monitors, avoidance, and/or other measures) shall be made by a qualified professional archaeologist or architectural historian, as appropriate.
- If impacts cannot be avoided through project design, appropriate and feasible treatment measures are required. Such measures may consist of, but are not limited to actions, such as data recovery excavations, photographic documentation, or preparation of design drawings documenting the resource subject to significant impacts.
- Provide the Northwest Information Center with appropriate California Department of Parks and Recreation site record forms and cultural resources reports documenting resources that may be identified through technical work performed to review projects accommodated under the General Plan.
- If human remains are discovered during construction of projects occurring under General Plan buildout, the project proponent and landowner shall comply with California Health and Safety Code Section 7050.5 and California Public Resources Code Section 7050.5.

4.4.3 METHODOLOGY

A records search, Native American consultation, fieldwork, and archival research were conducted to establish what cultural resources and tribal cultural resources may be present within the Project area and, furthermore, may be impacted as a result of the implementation of the proposed Project. The impact analysis for archaeological, historical resources, human remains, and tribal cultural resources is based on the findings and recommendations in the *Highway 12 Logistics Center Cultural Resources Report* prepared by AECOM (AECOM 2023). The analysis is also informed by the provisions and requirements of federal, State, and local laws and regulations that apply to cultural resources and tribal cultural resources.

NWIC RECORDS SEARCH

A records search of the California Historical Resource Information System (CHRIS) was completed for the Project Site and a 0.25-mile buffer by staff at the Northwest Information Center (NWIC) at Sonoma State University in Rohnert Park on April 24, 2021 (NWIC File No. 20-1831). The CHRIS search also included a review of the NRHP, the CRHR, the California Points of Historical Interest list, the California Historical Landmarks list, the Archaeological Determinations of Eligibility list, and the California State Inventory of Historic Resources.

The records search identified 13 previous studies (S-2840, S-5093, S-5094, S-5132, S-5167, S-6552, S-22736, S-22817, S-25311, S-30659, S-33061, S-34410 and S-45102) have been conducted within the Project Site (Table 4.4-1), and 12 others within the records search buffer of 0.25-mile. One cultural resource, the Union Pacific Railroad/Southern Pacific Railroad/California Northern Railroad (P-48-000549) has been documented within the Development Area and another 89 have been documented within 0.25 miles. No pre-contact sites have been previously documented in the excavation areas for habitat construction within the Managed Open Space or within 0.25 miles of the Project Site. Of the 89 cultural resources within the records search buffer of 0.25-mile, 87 are buildings within the Suisun City Historic District, east of the Project Site.

Table 4.4-1. Summary of Previous Investigations within the Project Area

NWIC Report Number	Title	Author
S-2840	First Addendum Archaeological Survey for the Proposed Fairfield Bypass Project, Solano County	Wiant 1981
S-5093	Archaeological Survey: Realignment of Highway 12, Fairfield, California	True 1977
S-5094	Archaeological Survey Near Fairfield, California: Alternate Route for Highway 12	True 1978
S-5132	Archaeological Records Search and Reconnaissance Survey, Fairfield Redevelopment Project, Fairfield, CA	Mabry 1979
S-5167	Cultural Resources Evaluation of the North Bay Aqueduct Alignment Alternatives (Routes 1, 4, and 6), Solano County, California	Chavez 1980
S-6552	Fairfield Vicinity Streams, Solano County, California. Intensive Cultural Resource Survey	Kenton and Johnson 1984
S-22736	Final Cultural Resources Inventory Report for Williams Communications, Inc., Fiber Optic Cable System Installation Project, Point Arena to Robbins and Point Arena to Sacramento, California: Volume I	Jones & Stokes Associates, Inc.
S-22817	Cultural Resources Survey for the Level (3) Communications Long Haul Fiber Optics Project, Segment WS01: Sacramento to Oakland	Nelson, Carpenter, and Costello 2000
S-25311	Cultural Resources Assessment Report, SFPP, LP. Proposed Concord to Sacramento Pipeline Project	Martin and Self 2002
S-30659	A Cultural and Paleontological Resources Study for the Crosstown Waterline Project, Fairfield, Solano County, California	Jones and Matzen 2008
S-33061	Cultural Resources Final Report of Monitoring and Findings for the Qwest Network Construction Project, state of California	SWCA Environmental Consultants 2006
S-34410	A Cultural and Paleontological Resources Study for the East-West Water Transmission Pipeline Project, Phase 2, Solano County, California	Jones 2007
S-45102	Historic Property Survey Report, 1-8011-680/SR 12 Interchange Project, California Department of Transportation, District 4, Solano County, California	Bowen 2009

Source: NWIC compiled by AECOM. All reports are on file at the NWIC

Note: NWIC = Northwest Information Center

NATIVE AMERICAN CONSULTATION

AECOM contacted the NAHC in Sacramento on March 19, 2021, requesting a review of the Sacred Lands File and a list of Tribes and individuals who may have information regarding the Project Site. The request contained location details, project map, and a general description of the Project. The NAHC responded on April 9, 2021, with a negative result from the Sacred Lands File in the Project Site and a list of seven Native American contacts:

- ▶ Cachil Dehe Band of Wintun Indians of the Colusa Indian Community
- ▶ Guidiville Indian Rancheria
- ▶ Cortina Rancheria – Kletsel Dehe Band of Wintun Indians
- ▶ Yocha Dehe Wintun Nation (four contacts)

The City of Suisun contacted traditionally and culturally affiliated California Native American tribal representatives on May 14, 2021 that had requested notice of projects where AB 52 applies within the City. The City requested any information regarding tribal cultural resources (as defined by Public Resources Code 21074) within the Project Site so that this information can be incorporated into project planning.

The only response was in a letter dated May 19, 2021 from the Yocha Dehe Wintun Nation’s Cultural Resources Department stated that after review of the Project, they concluded it is within the aboriginal territories of the Yocha Dehe Wintun Nation, and that they have a cultural interest and authority in the proposed Development Area. Based on the information provided, the Tribe has concerns that the Project could impact known cultural resources, and highly recommend including cultural monitors during development and ground disturbance, including Cultural Sensitivity Training prior to all ground disturbance activities. Additionally, they requested that the City incorporate Yocha Dehe Wintun Nation’s Treatment Protocol into the mitigation measures for the City’s environmental document, provide the Tribe with a copy of the same, and continue to consult with the Tribe. City representatives met with representatives of the Yocha Dehe Wintun Nation to invite additional input on August 28, 2023 and the Tribal representatives confirmed that preconstruction should be required, that Tribal monitoring should be allowed during the grading and early construction, and that the EIR should stipulate actions in case of uncovering resources. The Tribal recommendations are incorporated in this EIR.

FIELD SURVEY

AECOM developed a Cultural Resources Study Area, consisting of the proposed Development Area and off-site improvement areas (see Exhibit 4.4-1). AECOM Archaeologist Diana Ewing conducted the cultural resources field survey on June 17, 23, and 24, 2022. Transects of approximately 15 to 20 meters were employed to cover the Development Area and off-site improvement areas. The field on the west side of Pennsylvania Avenue was covered in tall grasses allowing approximately 10 to 20 percent soil visibility. While polyvinyl chloride (PVC) pipes and a concrete structure were observed, no indigenous or historic-age material was observed. There was abundant modern refuse near all roads and current homeless activity. The field to the east of Pennsylvania Avenue was actively grazed with cattle, leaving grasses short and 4 to 50 percent of soil was visible due to grazing. No cultural material was observed though modern refuse was abundant. Working under the direction of AECOM architectural historians, Ms. Ewing recorded three historic-age built environment resources within the Cultural Resources Study Area: 1001 Pennsylvania Avenue (APN 0032-010-020), APN 0032-190-020 which lacks a situs address, and the CFNR that separates these two properties. The buildings on each property were subsequently recorded and evaluated for CRHR eligibility on two Department of Parks and Recreation (DPR) 523 series forms and the railroad was recorded on an Update DPR 523 form.

As detailed in Chapter 3 of this EIR, “Project Description,” the Project proposes a Managed Open Space area. In addition to habitat preservation, the Managed Open Space area would include mitigation activities that would involve excavation of soils in depths between 1 and 4 feet to be placed in upland areas or used as fill in the Development Area.

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Source: AECOM 2022

Exhibit 4.4-1. Cultural Resources Study Area

4.4.4 IMPACTS AND MITIGATION MEASURES

THRESHOLDS OF SIGNIFICANCE

Based on Appendix G of the CEQA Guidelines, the proposed Project may have a significant impact related to cultural resources if it would:

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

Based on Appendix G of the CEQA Guidelines, the proposed Project may have a significant impact on TCRs if it would:

- ▶ Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or
 - ii) 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 Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

IMPACT ANALYSIS

Impact 4.4-1: Substantial adverse change in the significance of known historical resources. *There are no known historical resources or known unique archaeological resources within areas that would be affected by Project construction. This impact would be **none**.*

No known historical resources or known unique archaeological resources have identified within the Cultural Resources Study Area of the proposed Development Area or in off-site infrastructure improvement areas, through a records search, Native American consultation, fieldwork, and archival research. As no historical resources or unique archaeological resources have been identified, **no impact** would occur.

Mitigation Measures

No mitigation measures are required.

Impact 4.4-2: Substantial adverse change to undiscovered historical resources or unique archeological resources. *Earth disturbance in the Development Area, off-site infrastructure improvement areas, and areas proposed for the creation of*

mitigation wetlands within the proposed Managed Open Space Area could affect precontact or historic-era archaeological cultural resources. This impact would be **potentially significant**.

Grading, utility trenching, and excavation activities are required in the Development Area, off-site infrastructure improvement areas, and for the creation of mitigation wetlands within the proposed Managed Open Space Area. Ground disturbing activities as part of the Project could unearth precontact or historic-era archaeological cultural resources. As discussed above, no known historical resources or known unique archaeological resources have been identified within the Cultural Resources Study Area of the proposed Development Area or in off-site infrastructure improvement areas, through a records search, Native American consultation, fieldwork, and archival research. The fact that a resource is not listed in, or determined to be eligible for listing in, NRHP, the CRHR, or not included in a local register of historical resources shall not preclude a lead agency from determining whether the resource may be an historical resource for purposes of CEQA. In addition to assessing whether historical resources potentially impacted by a proposed project are listed or have been identified in a survey process, lead agencies have a responsibility to evaluate them against the California Register criteria prior to making a finding as to a proposed project's impacts to historical resources (Public Resources Code Section 21084.1, CEQA Guidelines Section 15064.5[3]). This impact would be **potentially significant**.

Mitigation Measures

Mitigation Measure 4.4-2 Stop Work and Evaluate if Materials are Encountered, and Implement a Treatment Plan, as Necessary, to Avoid Potential Effects on Cultural Resources

During ground disturbing activities, and in the event that archaeological cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural resources are discovered during Project ground disturbing activities, the Project applicant or construction contractor(s) shall ensure that all ground disturbing activity in the area of the discovery are halted until a qualified archaeologist can access the significance of the find. If it is a precontact archeological site, the appropriate Native American group shall be notified. If the archaeologist determines that the find does not meet the CRHR standards of significance for cultural resources, construction may proceed. If the archaeologist determines that further information is needed to evaluate significance, a data recovery plan shall be prepared. If the find is determined to be significant by the qualified archaeologist (i.e., because the find is determined to constitute either an historical resource or a unique archaeological resource), the archaeologist shall work with the Project applicant to avoid disturbance to the resources and, if completed avoidance is not possible, follow accepted professional standards in recording any find including submittal of the standard DPR Record forms and location information to the appropriate California Historical Resources Information System office for the Project Site (the NWIC).

Significance after Mitigation

Implementation of this mitigation measure would reduce potentially significant impacts to cultural resources because evaluation of discovered resources would take place by a qualified archaeologist and appropriate Native American group, if appropriate, before construction would proceed and, if determined necessary, a data recovery plan and appropriate next steps would be developed in coordination with the appropriate federal, state, and/or local agency(ies) and Tribes to avoid, move, record, or otherwise treat discovered cultural resources appropriately, in accordance with pertinent laws and regulations. By providing an opportunity to avoid disturbance, disruption, or destruction of cultural resources, this impact would be reduced to a **less-than-significant** level.

Impact 4.4-3: Disturbance of human remains. *It is possible that unknown human remains could be discovered through ground-disturbing construction activities associated with the proposed Project. The impact would be **potentially significant**.*

As described above in the Environmental Setting section, no evidence for precontact or early historic interments was found in the proposed Development Area or in off-site infrastructure improvement areas through background research, Native American correspondence, and field surveys. However, this does not preclude the existence of buried subsurface human remains. Prehistoric archaeological sites including some that contain human remains have been identified in other areas of Solano County. It is possible that unknown human remains could be discovered through ground-disturbing construction activities associated with the proposed Project, and the likelihood of inadvertently exposing currently unknown archaeological resources, including those containing human remains during development of the proposed Project cannot be dismissed. The inadvertent exposure of previously unidentified human remains, including those interred outside of formal cemeteries, during Project implementation would be a **potentially significant** impact.

California law recognizes the need to protect historic-era and Native American human burials, skeletal remains, and items associated with Native American interments from vandalism and inadvertent destruction. The procedures for the treatment of Native American human remains are contained in California Health and Safety Code Section 7050.5 and Section 7052 and California Public Resources Code Section 5097. In compliance with the California Health and Safety Code, if any human remains are uncovered, all construction must stop and the County Coroner must be notified. If the remains are determined to be Native American, California law dictates appropriate follow-on actions.

Mitigation Measures

Mitigation Measure 4.4-3: Halt Construction if Human Remains are Discovered and Implement Appropriate Actions

In accordance with California law and local policies described above, if human remains are uncovered during Project ground-disturbing activities, the Project applicant and/or their contractor(s) would be required to halt potentially damaging excavation in the area of the burial and notify the County Coroner and a qualified archaeologist to determine the nature of the remains. The coroner would be required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or State lands (California Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, the coroner must contact the NAHC within 24 hours of making that determination (California Health and Safety Code Section 7050[c]). The responsibilities for acting upon notification of a discovery of Native American human remains are identified in California Public Resources Code 5097.9. Following the coroner's findings, the Project applicant and/or contractor(s), a qualified archaeologist, and the NAHC-designated Most Likely Descendant will determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed.

Upon the discovery of Native American remains, the Project applicant and/or their contractor(s) would be required to ensure that the immediate vicinity (according to accepted cultural or archaeological standards and practices) is not damaged or disturbed by further development activity until consultation with the Most Likely Descendant has taken place. The Most Likely Descendant would have 48 hours to complete a site inspection and make recommendations after being granted access to the site. A range of possible

treatments for the remains, including nondestructive removal and analysis, preservation in place, relinquishment of the remains and associated items to the descendants, or other culturally appropriate treatment may be discussed. California Public Resources Code 5097.9 suggests that the concerned parties may extend discussions beyond the initial 48 hours to allow for the discovery of additional remains. The following is a list of site protection measures that could be employed:

1. record the site with the NAHC or the appropriate Information Center,
2. use an open-space or conservation zoning designation or easement, and
3. record a document with the county in which the property is located.

If the NAHC is unable to identify a Most Likely Descendant or the Most Likely Descendant fails to make a recommendation within 48 hours after being granted access to the site, the Native American human remains and associated grave goods would be reburied with appropriate dignity on the subject property in a location not subject to further subsurface disturbance.

In the event that Native American human remains are found during development of a Project and the Yocha Dehe Wintun Nation or a member of the Tribe is determined to be the Most Likely Descendant, the following additional provisions shall apply.

The Tribe shall complete its inspection and make its MLD recommendation within forty-eight (48) hours of getting access to the site. The Tribe shall have the final determination as to the disposition and treatment of human remains and grave goods. Said determination may include avoidance of the human remains, reburial on-site, or reburial on tribal or other lands that will not be disturbed in the future. The Tribe may wish to rebury said human remains and grave goods or ceremonial and cultural items on or near the site of their discovery, in an area which will not be subject to future disturbances over a prolonged period of time. Reburial of human remains shall be accomplished in compliance with the California Public Resources Code Sections 5097.98(a) and (b).

The term "human remains" encompasses more than human bones because the Tribe's traditions call for the burial of associated cultural items with the deceased (funerary objects), and/or the ceremonial burning of Native American human remains, funerary objects, grave goods, and animals. Ashes, soils, and other remnants of these burning ceremonies, as well as associated funerary objects and unassociated funerary objects buried with or found near the Native American remains are to be treated in the same manner as bones or bone fragments that remain intact.

Significance after Mitigation

Compliance with California Health and Safety Code, California Public Resources Code, and the provisions of Mitigation Measure 4.4-3 would reduce potential impacts on previously undiscovered human remains. Implementing this mitigation measure ensures that any potential human remains encountered during construction would be treated in an appropriate manner under applicable laws and regulations. This impact would be **less than significant**.

Impact 4.4-4: Substantial adverse change in the significance of a tribal cultural resources. *The Sacred Lands File records search indicated that no Native American resources are on file fall within the Project Site. Nonetheless, it is possible*

*that construction of the Project could affect existing or previously undiscovered tribal cultural resources. The impact would be **potentially significant**.*

Conducting consultation early in the CEQA process allows tribal governments, public lead agencies, and project proponents to discuss the level of environmental review, identify and address potential adverse impacts to TCRs, and reduce the potential for delay and conflict in the environmental review process. The intent of the consultations is to provide an opportunity for interested Native American contacts to work together with the City during the project planning process to identify and protect TCRs.

The California NAHC Sacred Lands File records search response on April 9, 2021, indicated that no Native American resources on file at the NAHC fall within the Project Site.

Pursuant to the AB 52 consultation requirement, formal AB 52 notification letters were sent on May 14, 2021, by the City to Native American tribal contacts who previously requested to be notified of Solano County projects within their traditionally and culturally affiliated area. The AB 52 notification package included a brief cover letter, complete Project description, and mapping.

A response was received from the Yocha Dehe Wintun Nation's Cultural Resources Department (May 19, 2021) stated that after review of the Project, they concluded it is within the aboriginal territories of the Yocha Dehe Wintun Nation, and that they have a cultural interest and authority in the proposed Project area. Based on the information provided, the Tribe has concerns that the Project could impact known cultural resources, and highly recommend including cultural monitors during ground disturbance, including Cultural Sensitivity Training prior to all ground disturbance activities. Additionally, they requested that the City's environmental document incorporate Yocha Dehe Wintun Nation's Treatment Protocol into the mitigation measures for this Project, provide the Tribe with a copy of the same, and continue to consult with the Tribe. A Tribal Cultural Resource is defined in Public Resources Code Section 21074 as either site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe. It is possible that construction of the Project could affect existing or previously undiscovered tribal cultural resources. The impact would be **potentially significant**.

Mitigation Measures

Mitigation Measure 4.4-4a: Cultural Sensitivity Training and Non-Disclosure of TCRs

To minimize the potential for destruction of, or damage to, existing or previously undiscovered tribal cultural resources, to identify any such resources at the earliest possible time during Project-related earthmoving activities, and to prevent the disturbance of reburied TCRs, the Project applicant and its construction contractor(s) will implement the following measures:

Cultural sensitivity training shall be provided to assist construction teams with the identification and protection of TCRs prior to the beginning of earth disturbance. This training shall provide a definition and examples of TCRs that may be encountered during construction.

If any resources are encountered, unless otherwise required by law, the site of any reburial of Native American human remains shall not be disclosed and will not be governed by public disclosure requirements of the California Public Records Act, Cal. Govt. Code § 6250 et seq. The Medical Examiner shall withhold public disclosure of information related to such reburial pursuant to the

specific exemption set forth in California Government Code Section 6254(r). The Tribe will require that the location for reburial is recorded with the California Historic Resources Inventory System (“CHRIS”) on a form that is acceptable to the CHRIS center. The Tribe may also suggest that the landowner enter into an agreement regarding the confidentiality of site information that will run with title on the property.

Mitigation Measure 4.4-4b: Native American Monitoring

To minimize the potential for destruction of, or damage to, existing or previously undiscovered tribal cultural resources and to identify any such resources prior to Project-related earthmoving activities, the Project applicant and its construction contractor(s) will implement the following measures:

Native American Monitors from Yocha Dehe Wintun Nation will be invited to monitor the vegetation grubbing, stripping, grading, or other ground-disturbing activities in the Development Area and off-site improvement areas to determine the presence or absence of any TCRs. Native American Representatives from culturally affiliated tribes act as a representative of their Tribal government and shall be consulted before any cultural studies or ground-disturbing activities begin.

Native American Representatives and Native American Monitors have the authority to identify sites or objects of significance to Native Americans and to request that work be stopped, diverted, or slowed if such sites or objects are identified within the direct impact area; however, only a Native American Representative can recommend appropriate treatment of such sites or objects.

Mitigation Measure 4.4-4c: Treatment of Native American Remains

In the event that Native American human remains are found during development of a Project and the Yocha Dehe Wintun Nation or a member of the Tribe is determined to be the Most Likely Descendant, implement Mitigation Measure 4.4-3.

Mitigation Measure 4.4-4d: Treatment of Cultural Resources

Treatment of all cultural items, including ceremonial items and archeological items will reflect the religious beliefs, customs, and practices of the Tribe. All cultural items, including ceremonial items and archeological items, which may be found at a Project site should be turned over to the Tribe for appropriate treatment, unless otherwise ordered by a court or agency of competent jurisdiction. The Project applicant shall waive any and all claims to ownership of Tribal ceremonial and cultural items, including archeological items, which may be found on a Project site in favor of the Tribe. If any intermediary, (for example, an archaeologist retained by the Project applicant) is necessary, said entity or individual shall not possess those items for longer than is reasonably necessary, as determined solely by the Tribe.

Significance after Mitigation

As described above, the implementation of Mitigation Measure 4.4-2 and Mitigation Measure 4.4-3 would generally reduce the potential impacts to any unknown archaeological sites or buried human remains that could be determined to be TCRs, and implementation of MM 4.4-4a through 4.4-4d that integrate Yocha Dehe Wintun Nation’s Treatment Protocol would ensure the potential significant impacts specific to TCRs will be addressed.

Implementation of Mitigation Measure 4.4-4a would reduce potentially significant impacts to TCRs because Cultural Sensitivity Training developed by Yocha Dehe Wintun Nation would help construction workers to identify potential TCRs during ground-disturbing activities and allow the Tribe to treat discovered resources appropriately, in accordance with pertinent laws and regulations.

Implementation of Mitigation Measure 4.4-4b would reduce potentially significant impacts to TCRs because mitigation would be developed in coordination with the Tribe to monitor ground-disturbance activities and have the authority request that work be stopped, diverted, or slowed if such TCRs are identified within the direct impact area.

Compliance with California Health and Safety Code, California Public Resources Code, and the applicable County General Plan policies, City General Plan policies, and Yocha Dehe Wintun Nation's Treatment Protocol, as required under Mitigation Measure 4.4-4c, would reduce potential impacts on previously undiscovered Native American human remains. Implementing Mitigation Measures 4.4-4c ensures that any Native American human remains encountered during construction would be treated in an appropriate manner under CEQA, other applicable laws and regulations, and the Yocha Dehe Wintun Nation's Treatment Protocol, as well as provides the Tribe final determination as to the disposition and treatment of human remains and grave goods.

Implementation of Mitigation Measure 4.4-4d would reduce potentially significant impacts to TCRs by providing the Tribe appropriate treatment of cultural items, including ceremonial items and archeological items.

Implementation of this mitigation measure would reduce potentially significant impacts to inadvertent cultural resources and TCRs because mitigation would be developed in coordination with Tribes to record and evaluate significant discovered inadvertent cultural resources and TCRs appropriately in accordance with pertinent laws and regulations. Therefore, for the reasons described above, this impact would be reduced to a **less-than-significant** level.

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