

## **3.8 Cultural Resources**

### **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 of 1966, as amended, (NHPA), which 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. 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 800). On January 1, 2004, a Section 106 Programmatic Agreement (PA) between the Advisory Council, FHWA, State Historic Preservation Officer (SHPO), and the Department went into effect for Department 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 the Department. The FHWA’s responsibilities under the PA have been assigned to Caltrans as part of the Surface Transportation Project Delivery Pilot Program (23 CFR 773), effective July 1, 2007.

### **3.8.2 Affected Environment**

The information below is summarized from the Historic Property Survey Report (HPSR), including the Archaeological Survey Report and Historic Resources Evaluation Report. These reports are incorporated by reference and are available for review at the Solano Transportation Authority’s (STA’s) and Caltrans’ offices.

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.

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.<sup>1</sup>

There are no archaeological resources within the APE. Two built environment resources in the APE were evaluated and determined ineligible for inclusion on the NRHP. 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. The SHPO letter of March 2, 2006 concurred with Caltrans' findings.

The following provisions are provided to address the discovery of cultural materials or human remains:

- 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 Caltrans District 04, Office Chief, Office of Cultural Resources, so that they may work with the MLD on the respectful treatment and disposition of the remains. Further provisions of Public Resources Code (PRC) 5097.98 are to be followed as applicable.

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

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.

---

<sup>1</sup> 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.

## **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.

THIS PAGE INTENTIONALLY LEFT BLANK