

1 **3.5 CULTURAL AND PALEONTOLOGICAL RESOURCES**

CULTURAL AND PALEONTOLOGICAL RESOURCES - Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2 **3.5.1 Environmental Setting**

3 The California Historic Resources Information System (CHRIS), Northwest Information
4 Center (NWIC) at Sonoma State University maintains site records for known cultural
5 resource locations and related technical studies in Contra Costa County. CHRIS staff
6 conducted a search for information regarding cultural resource studies and
7 archaeological sites in the GP wharf area on February 28, 2011 (CHRIS 2011). The
8 CHRIS records search of the wharf site (Northwest Information Center File No. 10-
9 0805) used a 0.5-mile radius around the Project area. Sources reviewed included all
10 known and recorded archaeological and historic sites and cultural resource reports.
11 Additional resources consulted for relevant information included the Contra Costa
12 County Historic Resources Inventory in January 2011. A search of the County's
13 inventory reported that no documentation could be found to substantiate that there are
14 historic sites or structures on the property (Christine Louie, email to W. Ellen Sweet,
15 January 26, 2011). The NWIC review found two cultural resource studies that included
16 all of the Project area. These studies found that the Project area contains no recorded
17 archeological resources, and that local, state and federal inventories include no
18 recorded Buildings or structures within the proposed Project area. The State Historic
19 Preservation Officer (SHPO) Historic Properties Directory indicated two properties
20 within the area studied – Property #122956 (P-07-002457) and Property #122955 (P-
21 07-002542) – both unnamed properties on Wilbur Avenue. Both properties have a
22 status of 6Y, meaning these properties have been determined ineligible for the National
23 Register. In addition to the above named properties within the Project area, there is also
24 a segment of the Atchison, Topeka and Santa Fe Railroad in proximity to the Project
25 area (P-07-000806) (CHRIS 2011).

1 3.5.1.1 Ethnography and History

2 The local archaeological record can be divided into the pre-historic, ethnographic, and
3 historic areas, which include the Lower Archaic Period (10000-6000 Before Present
4 [BP]), the early Middle Archaic Period (7000-4500 BP), the terminal Middle
5 Archaic/Early Period (4500-2500 BP), the Upper Archaic/Middle Period (2500-1300 BP),
6 the Emergent/Late Period (1300-200 BP), and the overlapping Ethnographic and
7 Historic Periods (approximately 200-100 BP).

8 In the period shortly before the arrival of non-native explorers and missionaries, the San
9 Joaquin River Delta region was home to Miwok and Patwin peoples. Prehistoric
10 settlements tended to be located near the edge of the San Joaquin River Delta,
11 principally on naturally occurring high spots not subject to annual flooding. Additionally,
12 the Project lies within the territory that was likely occupied by the Native American group
13 known to the Spanish as the Costanoan, the contemporary descendants of which are
14 members of the Ohlone Indian Tribe. The Costanoan group occupied the coast of
15 California from San Francisco to Monterey and inland to include the coastal mountains
16 from the southern side of the Carquinez Strait to the eastern side of the Salinas River
17 south of the Chalone Creek.

18 Current knowledge of the native peoples of this area has been gained from the diaries
19 of early Spanish explorers and priests who journeyed through these areas in the late
20 18th and early 19th centuries. This included the Pedro Fages expedition in 1772, which
21 traveled through Contra Costa County in search of a land route to Point Reyes. The
22 expedition camped near the San Joaquin River in the vicinity of Antioch in March 1772.
23 In 1776, Juan Bautista de Anza and Pedro Font, a Franciscan priest, led another
24 expedition through the Antioch area, camping in the present day Antioch Bridge area in
25 the spring of 1776, before continuing on southeastwardly past present-day Oakley. With
26 the introduction of the Spanish missions, secularization, and disease, the traditional
27 lives of native people living in the Delta region were decimated by the 1840s. During the
28 1850s, American settlers spread further through the state, and the Delta region's rivers
29 and sloughs served as important transportation corridors between San Francisco and
30 the Central Valley.

31 Based on an evaluation of the environmental setting and features associated with
32 known sites, Native American resources in this part of Contra Costa County have been
33 found on lands marginal to the San Joaquin River and Delta area and inland on hillside
34 terraces and in valleys near intermittent and perennial watercourses. However, given
35 that the Project site is open water that does not include any of these features, the NWIC
36 recommended that there is a low potential of identifying unrecorded Native American
37 resources in the proposed Project area (CHRIS 2011).

1 3.5.1.2 Shipwrecks

2 The title to all abandoned shipwrecks, archeological sites and historical and cultural
 3 resources on or in the submerged tidelands of California is vested in the State and
 4 under the jurisdiction of the CSLC (Pub. Resources Code, § 6313). The CSLC-
 5 maintained shipwreck database lists shipwrecks by county and is based primarily on
 6 historical accounts of these incidents of known and potential vessels. On November 17,
 7 2014, the database was searched by the County; no known shipwrecks appear within
 8 the Project footprint or within 0.5 mile of the Project; however, the locations of many
 9 shipwrecks remain unknown.

10 **3.5.2 Regulatory Setting**

11 Federal and State laws and regulations pertaining to this issue area and relevant to the
 12 Project are identified in Table 3.5-1.

Table 3.5-1. Laws, Regulations, and Policies (Cultural Resources)

U.S.	Archaeological and Historic Preservation Act (AHPA)	The AHPA provides for the preservation of historical and archaeological data that might be irreparably lost or destroyed as a result of (1) flooding, the building of access roads, the erection of workmen’s communities, the relocation of railroads and highways, and other alterations of terrain caused by the construction of a dam by an agency of the U.S. or by any private person or corporation holding a license issued by any such agency; or (2) any alteration of the terrain caused as a result of a Federal construction project or federally licensed project, activity, or program. This Act requires Federal agencies to notify the Secretary of the Interior when they find that any federally permitted activity or program may cause irreparable loss or destruction of significant scientific, prehistoric, historical, or archaeological data. The AHPA built upon the national policy, set out in the Historic Sites Act of 1935, "...to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance...."
U.S.	Archaeological Resources Protection Act (ARPA)	<p>The ARPA states that archaeological resources on public or Indian lands are an accessible and irreplaceable part of the nation’s heritage and:</p> <ul style="list-style-type: none"> • Establishes protection for archaeological resources to prevent loss and destruction due to uncontrolled excavations and pillaging; • Encourages increased cooperation and exchange of information between government authorities, the professional archaeological community, and private individuals having collections of archaeological resources prior to the enactment of this Act; • Establishes permit procedures to permit excavation or removal of archaeological resources (and associated activities) located on public or Indian land; and • Defines excavation, removal, damage, or other alteration or defacing of archaeological resources as a “prohibited act” and provides for criminal and monetary rewards to be paid to individuals furnishing information leading to the finding of a civil violation or conviction of a criminal violator. <p>ARPA has both enforcement and permitting components. The enforcement provision provides for the imposition of both criminal and civil penalties against violators of the Act. The ARPA’s permitting component allows for recovery of certain artifacts consistent with the standards and requirements of the National</p>

U.S.	National Historic Preservation Act (NHPA) (16 USC 470 et seq.)	<p>Park Service (NPS) Federal Archeology Program.</p> <p>This applies only to Federal undertakings. Archaeological resources are protected through the NHPA, as amended, and its implementing regulation, Protection of Historic Properties (36 CFR 800), the AHPA, and the ARPA. This Act presents a general policy of supporting and encouraging the preservation of prehistoric and historic resources for present and future generations by directing Federal agencies to assume responsibility for considering the historic resources in their activities. The State implements the NHPA through its statewide comprehensive cultural resource surveys and preservation programs. The California Office of Historic Preservation (OHP), within the California Department of Parks and Recreation, implements the policies of the NHPA on a statewide level and advises Federal agencies regarding potential effects on historic properties. The OHP also maintains the California Historic Resources Inventory. The State Historic Preservation Officer (SHPO) is an appointed official who implements historic preservation programs within the State's jurisdictions, including commenting on Federal undertakings.</p>
	U.S.	Other
CA	CEQA (Pub. Resources Code, § 21000 et seq.)	<p>As the CEQA lead agency, the CSLC is responsible for complying with all provisions of the CEQA and State CEQA Guidelines that relate to "historical resources." A historical resource includes: (1) a resource listed in, or eligible for listing in, the California Register of Historic Resources (CRHR); (2) a resource included in a local register of historical or identified as significant in an historical resource surveys; and (3) any resource that a lead agency determines to be historically significant for the purposes of CEQA, when supported by substantial evidence in light of the whole record. The CRHR was created to identify resources deemed worthy of preservation on a State level and was modeled closely after the National Register. The criteria, which are nearly identical to those of the National Register but focus on resources of statewide significance (see State CEQA Guidelines, § 15064.5, subd. (a)(3)), are defined as any resource that meets any of the following criteria: (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 lives of persons important in our past; (3) 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) Has yielded, or may be likely to yield, information important in prehistory or history. Properties listed, or formally designated as eligible for listing, on the National Register are automatically listed on the CRHR, as are certain State Landmarks and Points of Interest. A lead agency is not precluded from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1, subdivision (j), or 5024.1 (State CEQA Guidelines, § 15064.5, subd. (a)(4)).</p>

CA	Public Resources Code section 5097.98	States protocol for notifying the most likely descendent from the deceased if human remains are determined to be Native American in origin. It also provides mandated measures for appropriate treatment and disposition of exhumed remains.
CA	Health and Safety Code § 7050.5	This code states that if human remains are exposed during construction, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code section 5097.998. The Coroner has 24 hours to notify the Native American Heritage Commission (NAHC) if the remains are determined to be of Native American descent. The NAHC will contact most likely descendants, who may recommend how to proceed.

1 Local goals, policies, and/or regulations applicable to this issue area are listed below.

2 The City of Antioch General Plan, Resource Management Element, Section 10.9
 3 includes cultural resources objectives and policies “to preserve archaeological,
 4 paleontological, and historic resources within the Antioch Planning Area” (Objective
 5 10.9.1) (City of Antioch 2003). Section 10.9.2 of the General Plan specifies detailed
 6 CEQA review and mitigation policies if sensitive cultural resources are identified (with
 7 preference of avoidance and/or preservation of resources).

8 **3.5.3 Impact Analysis**

9 ***a) Cause a substantial adverse change in the significance of a historical resource***
 10 ***pursuant to § 15064.5?***

11 **Less than Significant Impact.** As described in the Environmental Setting discussion,
 12 above, there are no known historic resources in the Project area that could potentially
 13 be affected by construction or operation of the Project. Given the site’s location, the
 14 NWIC concluded that there is a low possibility of identifying Native American and
 15 historic period archeological resources and further study is not recommended at this
 16 time (CHRIS 2011).

17 ***b) Cause a substantial adverse change in the significance of an archaeological***
 18 ***resource pursuant to § 15064.5?***

19 **Less than Significant with Mitigation.** As described in the Environmental Setting
 20 discussion, above, there are no known archaeologically significant resources located
 21 within or adjacent to the Project site. Additionally, the Project would not increase the
 22 potential for disruption of a site or increase the potential for vandalism or trespassing.
 23 Impacts would be less than significant, therefore, based on what is known; however, the
 24 possibility exists that previously unidentified cultural resources could be discovered
 25 during Project implementation, which would be potentially significant. If this occurred,
 26 the **MM CUL-1** would ensure potential impacts to cultural resources remain less than
 27 significant.

1 **MM CUL-1: Discovery of Previously Unknown Cultural Resources.** Should
2 additional cultural materials be uncovered during Project implementation, Project
3 activities shall cease within 100 feet of the find and a Cultural Resources
4 Specialist and California State Lands Commission (CSLC) staff shall be
5 contacted immediately. The location of any such finds must be kept confidential
6 and measures should be taken to ensure that the area is secured to minimize
7 site disturbance and potential vandalism. Additional measures to meet these
8 requirements, after a qualified Cultural Resources Specialist has been notified,
9 include assessment of the nature and extent of the resource, including its
10 possible eligibility for listing in the National Register of Historic Places, and
11 subsequent recordation and notification of relevant parties based upon the
12 results of the assessment. Title to all abandoned shipwrecks, archaeological
13 sites, and historic or cultural resources on or in the tide and submerged lands of
14 California is vested in the State and under the jurisdiction of the CSLC. The final
15 disposition of archaeological, historical, and paleontological resources recovered
16 on State lands under the jurisdiction of the CSLC must be approved by the
17 Commission.

18 ***c) Directly or indirectly destroy a unique paleontological resource or site or***
19 ***unique geologic feature?***

20 **Less than Significant Impact.** The only ground disturbing during Project activities
21 would occur in the upper layers of sediment within the River during the removal of the
22 deteriorated pilings and installation of new pilings; this area was previously disturbed by
23 wharf installation activities in the relatively recent past. Project construction would be in
24 soft, recent sediments in the active channel of the River, where no paleontological
25 resources or unique geologic features are likely to be encountered. Therefore, it is
26 unlikely that such resources would be destroyed by the Project and the impact would be
27 less than significant.

28 ***d) Disturb any human remains, including those interred outside of formal***
29 ***cemeteries?***

30 **Less than Significant with Mitigation.** Project activities are largely confined to work
31 within waters of the River, with no shoreline activities proposed. There are no known
32 existing cemeteries, previously recorded Native American or other human remains
33 within or directly adjacent to the Project. The Project work would also occur in areas
34 already disturbed by the existing structures, during which construction no human
35 remains were found. Therefore, the potential for the inadvertent discovery of Native
36 American or other human remains during subsurface activity associated with the Project
37 is considered extremely low. However, if previously unidentified human remains were
38 discovered during Project activities, the impact would be potentially significant.

1 Implementation of **MM CUL-2**, however, would ensure this potential impact remains less
2 than significant.

3 **MM CUL-2: Unanticipated Discovery of Human Remains.** If human remains
4 are encountered during implementation of the Project, all provisions provided in
5 California Health and Safety Code section 7050.5 and California Public
6 Resources Code section 5097.98 shall be followed. Work shall stop within 100
7 feet of the discovery and a qualified Cultural Resources Specialist must be
8 contacted immediately, who shall consult with the County Coroner. In addition,
9 California State Lands Commission (CSLC) staff shall be notified. If human
10 remains are of Native American origin, the County Coroner shall notify the Native
11 American Heritage Commission within 24 hours of this determination and a Most
12 Likely Descendent shall be identified. No work is to proceed in the discovery area
13 until consultation is complete and procedures to avoid and/or recover the
14 remains have been implemented.

15 **3.5.4 Mitigation Summary**

16 Implementation of the following MMs would reduce the potential for Project-related
17 impacts to Cultural and Paleontological Resources to less than significant.

- 18 • MM CUL-1. Discovery of Previously Unknown Cultural Resources
- 19 • MM CUL-2. Unanticipated Discovery of Human Remains