

5.4 CULTURAL AND TRIBAL CULTURAL RESOURCES

INTRODUCTION

This section describes the Project's effect on cultural and tribal cultural resources. Information used to prepare this includes the following resources:

- *Draft Historic Property Survey Report (HPSR)* prepared for the Project
- *Draft Archeological Survey Report (ASR)* prepared for the Project
- *Paleontological Identification Report (PIR)* prepared for the Project
- A California Historical Research Information System (CHRIS) search completed by the Northwest Information Center (NWIC)
- A Sacred Lands File search completed by the Native American Heritage Commission (NAHC)
- Ongoing Assembly Bill 52 (AB 52) coordination with local Native American tribes

These documents are available on file with the City of Dublin at 100 Civic Plaza, Dublin, California.

The term "cultural resources" encompasses historic, archaeological, and paleontological resources, and burial sites. These terms are defined as:

- **Paleontological Resources:** Paleontology is the study of plant and animal fossils from the prehistoric era. Paleontological resources are the remains of scientifically important organisms, mainly vertebrates that are older than 10,000 years.
- **Archaeological Resources:** Archaeology is the study of prehistoric human activities and cultures. Archaeological resources are generally associated with indigenous cultures.
- **Historic-Period Archeological Resources:** These resources include artifacts from the historic era, generally associated with historic-period societies.
- **Historic Resources:** Historic resources are built resources associated with the recent past. In California, historic resources are typically associated with the Spanish, Mexican, and American periods in the state's history.
- **Burial Sites:** Burial sites are formal or informal locations where human remains, usually associated with indigenous cultures, are interred.

The term "tribal cultural resources" are either of the following:

- Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

- Included or determined to be eligible for inclusion in the California Register of Historical Resources.
- Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1 of the Public Resources Code.
- 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 of the Public Resources Code (PRC). This determination shall take into account the significance of the resource to California Native American tribes.

Scoping Issues Addressed

A letter was received from the NAHC during the public scoping period. Comments contained in the letter generally related to the following:

- Requirements of AB 52 and the required and recommended steps for completing AB 52 consultation
- A summary of Senate Bill 18 (SB 18) requirements and recommended steps
- Recommendations that a CHRIS search and Sacred Lands File search be completed
- Example mitigation measures for minimizing or avoiding impacts to Tribal cultural resources

Refer to Regulatory Setting for a detailed discussion regarding the requirements of AB 52 and SB18. Contact letters to tribes were first distributed in February 2017. The AB 52 consultation process began in June 2017 and is ongoing, as required by AB 52. To date, all tribes on local agencies contact lists (including AB 52 lists) and tribes recommended for contact by the NAHC have been contacted. Three letters have been sent to each tribe, two by mail and one by email. Additional follow-up phone calls were also placed to each tribe. No tribe has requested consultation on the Project under SB 18 or AB 52. As noted above, a CHRIS search and Sacred Lands File search were completed for the Project. Example mitigation measures provided by the NAHC have been incorporated into Project mitigation where applicable and feasible.

REGULATORY SETTING

Federal

National Register of Historic Places Eligibility

The National Historic Preservation Act of 1966 (as amended) authorizes the National Register of Historic Places (NRHP). The NRHP's mission is the documentation and preservation of historic properties in the United States. Section 106 of the NHPA requires federal agencies to consider the effects of their actions on historic properties and provide the President's Advisory Council on Historic Preservation (ACHP) opportunity to comment on any proposed action before

implementation. Guidelines for implementing the Section 106 process are provided in Chapter 36 of the Code of Federal Regulations (CFR), Part 800. Per 36 CFR 800.4, significant cultural resources are those that are eligible for listing in the NRHP. Unless a site is of exceptional importance, it is not eligible for listing in the NRHP until 50 years after it was constructed. The NRHP's criteria for listing in the NRHP also apply to prehistoric archaeological sites. The eligibility of a resource for listing in the NRHP listing is determined through evaluation against eligibility criteria, which are:

Whether the quality of significance in American history, architecture, archaeology, and culture is present in districts, sites, buildings, structures, and objects of state and local importance that possess integrity of location, design, setting, materials, workmanship, feeling, association, and one or more of the following:

- A. The resource is associated with events that have made a significant contribution to the broad patterns of our history
- B. The resource is associated with the lives of persons significant in our past;
- C. The resource embodies 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;
- D. The resource has yielded, or may be likely to yield, information important in history or prehistory

Executive Order 11593

Executive Order 11593, Protection of the Cultural Environment, orders the protection and enhancement of the cultural environment through providing leadership, establishing state offices of historic preservation, and developing criteria for assessing resource values.

American Indian Religious Freedom Act

The American Indian Religious Freedom Act protects Native American religious practices, ethnic heritage sites, and land uses.

Native American Graves Protection and Repatriation Act (NAGPRA)

NAGPRA defines "cultural items," "sacred objects," and "objects of cultural patrimony". NAGPRA establishes an ownership hierarchy; provides for review; allows excavation of remains under certain conditions, but stipulates return of the remains according to ownership; sets penalties for violations; calls for inventories; and provides for return of specified cultural items.

State

California Register of Historical Resources

The California Register of Historic Resources (CRHR) program encourages public recognition and protection of cultural and historic resources. Under California Environmental Quality Act (CEQA), significant cultural resources are called historical resources whether they are of historic or prehistoric age. Generally, a resource should be considered by a lead agency to be historically significant if the resource has integrity and meets one of the following criteria for CRHR listing (CEQA Guidelines Section 15064.5 (a)[3]).

- The resource is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage
- The resource is associated with the lives of persons important in California's past
- The resource embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of an important creative individual; or possesses high artistic values
- The resource has yielded, or may be likely to yield, information important in prehistory or history

CRHR is similar to the NRHP in that any resource determined eligible for the NRHP is also automatically eligible for the CRHR. However, the treatment of historical resources in the CRHR is more inclusive in that resources listed in local historical registers may be included.

California Historical Building Code, California Code of Regulations, Title 24, Part 8

The California Historical Building Code, defined in Sections 18950 to 18961 of Division 13, Part 2.7 of Health and Safety Code, provides regulations and standards for the rehabilitation, preservation, restoration (including related reconstruction) or relocation of historical buildings, structures and properties deemed by any level of government as having importance to the history, architecture, or culture of an area.

Senate Bill 18 and Assembly Bill 52

California Government Code Section 65352.3-5, commonly referred to as SB 18, states that prior to the adoption or amendment of a city or county's General Plan, or Specific Plans, a city or county must consult with California Native American tribes that are on the contact list maintained by the NAHC. The intent of this legislation is to preserve or mitigate impacts on places, features and objects that are culturally significant to Native Americans. The bill also states that the city or county shall protect the confidentiality of information concerning the specific identity, location, character and use of those places, features and objects identified by Native American consultation.

AB 52 requires a lead agency to begin consultation with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project. The tribe must send a written request to the lead agency to be informed of proposed projects in that geographic area. The lead agency would then be required to request tribal consultation prior to release of a proposed negative declaration, proposed mitigated negative declaration, or draft environmental impact report.

Public Resources Code Section 5097.5

California Public Resources Code Section 5097.5 prohibits excavation or removal of any “vertebrate paleontological site...or any other archaeological, paleontological or historical feature, situated on public lands, except with express permission of the public agency having jurisdiction over such lands.” Public lands are defined to include lands owned by or under the jurisdiction of the state or any city, county, district, authority or public corporation, or any agency thereof. Section 5097.5 states that any unauthorized disturbance or removal of archaeological, historical, or paleontological materials or sites located on public lands is a misdemeanor.

California Health and Safety Code

Section 7052 of the California Health and Safety Code states that the disturbance of Native American cemeteries is a felony. Section 7050.5 requires construction or excavation be stopped in the vicinity of discovered human remains until the County Coroner can determine whether the remains are those of a Native American. Section 7050.5(b) outlines the procedures to follow should human remains be inadvertently discovered in any location other than a dedicated cemetery. The section also states that the County Coroner, upon recognizing the remains as being of Native American origin, is responsible to contact the NAHC within 24 hours. The NAHC has various powers and duties to provide for the ultimate disposition of any Native American remains, as does the assigned Most Likely Descendant.

Local

City of Dublin

City of Dublin General Plan

The City of Dublin’s General Plan contains the following policy related to cultural and tribal resources:

Guiding Policy 7.7.1.A.2: Follow State regulations as set forth in Public Resources Code Section 21083.2 regarding discovery of archaeological sites, and Historical Resources, as defined in Section 5020.1 of the Public Resources Code.

Eastern Dublin Specific Plan

The City of Dublin's Eastern Dublin Specific Plan (EDSP) contains the following policies and programs related to cultural and tribal resources:

- Policy 6-24: The presence and significance of archaeological or historic resources will be determined, and necessary mitigation programs formulated, prior to development approvals for any of the sites identified in the cultural resource survey prepared for this plan.
- Policy 6-25: The discovery of historic or prehistoric remains during grading and construction will result in the cessation of such activities until the significance and extent of those remains can be ascertained by a certified archaeologist.
- Policy 6-26: All properties with historic resources which may be impacted by future development shall be subjected to in-depth archival research to determine the significance of the resource prior to any alteration.
- Policy 6-27: Where the disruption of historic resources is unavoidable, encourage the adaptive re-use or restoration of historic structures (such as the old school house, several barns, and Victorian residences currently in the area) whenever feasible.

Action Program: Cultural Resources

- Program 6P: The City of Dublin shall require the following actions as part of the application process for development within eastern Dublin:
- Site Sensitivity: Based on the first stage cultural resource survey of the area conducted as background for the Plan, the City will make a determination of whether the subject site has been identified as having prehistoric or historic resources potentially located on it.
 - Research: For those sites with potential resources, a second level of detailed research and field reconnaissance will be required to determine the level of archaeological or historical significance. This research will be the responsibility of the development applicant, and be conducted by a qualified archaeologist. The research will be consistent with the guidelines for prehistoric and historic resources provided in the cultural resources survey prepared for eastern Dublin.
 - Mitigation: For those sites that contain significant resources, a mitigation plan must be developed which is consistent with the policies in this Specific Plan and current CEQA guidelines concerning cultural resources.

City of Dublin Municipal Code

Section 8.48.020 Archaeology Regulations of the Dublin Municipal Code states that in the event that archaeological resources, prehistoric or historic artifacts are discovered during any construction or excavation, the following regulations shall apply:

- A. Cessation of construction activities. Construction and/or excavation activities shall cease immediately and the Department of Community Development shall be notified.
- B. Procedure. A qualified archaeologist shall be consulted to determine whether any such materials are significant prior to resuming ground breaking construction activities. Standardized procedures for evaluating accidental finds and discovery of human remains shall be followed as prescribed in Appendix G of the California Environmental Quality Act Guidelines.

Alameda County

Alameda County General Plan, East County Area Plan

The East Alameda County Area Plan includes policies and goals meant to protect cultural resources. The following goal, program, and policies are relevant to the Project:

Goal: To protect cultural resources from development

- Policy 136: The County shall identify and preserve significant archaeological and historical resources, including structures and sites which contribute to the heritage of East County.
- Policy 137: The County shall require development to be designed to avoid cultural resources or, if avoidance is determined by the County to be infeasible, to include and implement appropriate mitigation measures that offset the impacts.
- Program 59: The County shall require a background and records check of a project area if a project is located within an extreme or high archaeological sensitivity zone as determined by the County. If there is evidence of an archaeological site within a proposed project area, an archaeological survey by qualified professionals shall be required as a part of the environmental assessment process. If any archaeological sites are found during construction, all work in the immediate vicinity shall be suspended pending site investigation by a qualified archaeology professional. Proposed structures or roads on property that contains archaeological sites should be sited in consultation with a professional archaeologist to avoid damaging the archaeological sites. The County shall follow CEQA Guidelines for cultural resource preservation procedures in reviewing development projects located near identified cultural resources. Appropriate measures for preserving an historic structure include renovation or moving it to another location. Proposals to remove historic structures shall be reviewed by qualified professionals.

City of Livermore

City of Livermore General Plan

Livermore's General Plan, Community Character Element, includes a discussion of cultural resources and provides goals, objectives, policies, and actions to preserve and enhance cultural resources in Livermore. The following policies are relevant to the Project:

- CC-3.1.P3 Whenever a historical resource is known to exist in or near a proposed project area, the City shall require an evaluation by qualified professionals as a part of the environmental assessment process.

- CC-3.4.P1 The City shall require proper archaeological or paleontological testing, research, documentation, monitoring, and safe retrieval of archaeological and cultural resources as part of a City established archaeological monitoring and mitigation program.

- CC-3.4.P2 Whenever there is evidence of an archaeological or paleontological site within a proposed project area, an archaeological survey by qualified professionals shall be required as a part of the environmental assessment process.

- CC-3.4.P3 If an archaeological site is discovered during construction, all work in the immediate vicinity shall be suspended pending site investigation by qualified professionals. If, in the opinion of a qualified professional, the site will yield new information or important verification of previous findings, the site shall not be destroyed.

EXISTING CONDITIONS

The study area for cultural resources is referred to as the area of potential effects (APE). For the purpose of evaluating potential impacts to historic resources, a historic APE was established and includes the entirety of each parcel the Project site traverses, along with some adjacent areas to the west and east of the Project site. The historic APE is used to evaluate direct and indirect impacts to historic resources. To evaluate potential impacts to paleontological and archeological resources, including historic-period archeological resources, an archeological APE was established. The archeological APE includes all areas where ground disturbance could occur, and is equivalent to the construction footprint for the Project. The archeological APE includes a vertical element as well as a horizontal (or plan view) component, to account for grading and excavation that would be required for the Project. To evaluate the likelihood of undiscovered archeological resources within the archeological APE, a records search was completed that includes a 1-mile buffer around the Project site.

The study area for Tribal cultural resources is broader, and is not limited to the APE. The Tribal cultural resources study area includes off-site areas that may be important to local Tribes, and generally is defined as the area included in the Sacred Lands Search, as determined by the NAHC based on the Project location and Project description.

Paleontological Resources

To evaluate the likelihood for paleontological resources to be present at the site, geologic mapping of the Tri-Valley area was examined. Geologic time is described by eras, periods, and epochs, shown in **Figure 5.4-1**. The Holocene epoch is the present-day geologic epoch. It began approximately 11,650 years ago, after the last glacial period.

As documented in the PIR, the Project site is within the California Coast Range Province. The Coast Range reflects regional deformation as the result of three major fault systems that have been important in the tectonic history of the area: the San Andreas, the Sur-Nacimiento, and the Coast Range thrust. Stratigraphic units¹ at and near the Project site may be broken down into three groups:

1. Complex igneous (a rock having solidified from lava or magma) and metamorphic (a rock that has undergone transformation by heat, pressure, or other natural processes) rocks at the deepest levels from the Jurassic and Cretaceous periods; this type of rock does not contain fossils
2. Marine sedimentary rocks generally above the igneous and metamorphic layers, from the Cretaceous through late Tertiary period; this type of rock has the potential to produce fossils
3. Continental rocks and alluvial deposits (which are made up of sediments deposited or cemented into a unit of rock) above the marine sedimentary deposits, from the late Tertiary period (or Pliocene epoch) to the Holocene epoch; this type of rock and soil has the potential to produce fossils

The Livermore Valley area is a topographic and structural depression filled with alluvium as thick as 3,900 feet, referred to as the Livermore Formation. Alluvial deposits as defined by the Livermore Formation are present at the surface and below. Generally, the upper 2 feet is composed of younger alluvium (Holocene or recent) and will not contain any fossils. Older alluvium below the first few feet of soil may contain "Ice Age" fossils from the Pleistocene epoch.

A detailed records search of recorded fossils was completed for the Project site and in the surrounding areas which contain similar geologic layers. Records searches included the Los Angeles County Museum (LACM) and the University of California Museum of Paleontology (UCMP). UCMP indicated no recorded fossil presence in the Project site. However, over 900 "Ice Age" fossils have been collected south, north, and northwest of the Project site. These fossils were found in older alluvium outside Pleasanton, in Livermore, unincorporated areas of the County (specifically in Doolan Canyon), and in Martinez. LACM concluded that no vertebrate fossil localities have been previously identified within the Project site, but identified other fossil localities found within the same or similar sedimentary deposits as deposits in the subsurface of the Project site. Due to the presence of fossils nearby, Quaternary sedimentary deposits in the area are ranked as having "high sensitivity" paleontologically.

¹ A Stratigraphic Unit is a volume of rock forming a discrete and definable unit. Such units are determined on the basis of their lithology (description of their macroscopic features, e.g. its texture), or their fossil content, or their time span.

Era	Period	Epoch	Age
Cenozoic	Quaternary	Holocene	0.01 Ma
		Pleistocene	
	Tertiary	Pliocene	1.8 Ma
		Miocene	5 Ma
		Oligocene	24 Ma
		Eocene	34 Ma
		Paleocene	55 Ma
Mesozoic	Cretaceous	Late	65 Ma
		Early	99 Ma
	Jurassic	Late	144 Ma
		Middle	159 Ma
		Early	180 Ma
			206 Ma

Ma: Million years before present

Geologic Time **Figure 5.4-1**

Source: PaleoWest, 2018

A mammoth tusk, portion of skull, rib bones and leg bones have previously been recovered from a site approximately 0.75 miles north east of Fallon Road at Jordan Ranch development, 0.5 miles north of the Project. The mammoth fossils occurred in the same type of deposits mapped at the site.

The uppermost 2 to 3 feet of soil at the Project site is Holocene soil less than 10,000 years old. Because by definition, organic remains must be older than 10,000 years old to be considered as fossils, the upper 2 to 3 feet of soil could not contain paleontological resources and is considered to have "Low Sensitivity". However, if excavations exceeding more than 2 to 3 feet occur, than there is potential to encounter Quaternary alluvium older than 10,000 years and therefore, could encounter paleontological resources. Quaternary alluvium has the potential to contain vertebrate fossils, most significantly, mammals. Further, as mentioned above, Quaternary sedimentary deposits in the area are ranked as having "high sensitivity" paleontologically.

Prehistory Setting

The Tri-Valley sub-region comprises of the cities of Dublin, San Ramon, Pleasanton, and Livermore, and portions of both Alameda County (County) and Contra Costa County. Existing primary source of information on prehistoric life in the greater Livermore-Amador Valley area is generally derived from excavations related to construction in areas south of Interstate 580 (I-580).

The first discoveries of buried archaeological sites were found in the Arroyo Mocho area south of I-580 on the banks of streams. Analysis of materials taken from these sites indicates that trading occurred with Native American peoples throughout central and northern California. These prehistoric sites appear to have been abandoned during certain periods mainly due to regular flooding. To date, several village sites on the northern and southern borders of the arroyo's seasonal marsh, known in historic times as Willow Marsh, were found buried under varying amounts of silt material. This marsh was an important source for seasonal foods such as migratory waterfowl and shorebirds, which provided protein-rich supplements to the typical aboriginal diet of greens, roots and bulbs, seeds, and acorns.

Mission records and ethnographies (the systematic study of people and cultures) identify the Native Americans living in the Pleasanton area at the time of European contact in the latter half of the 18th century as members of various groups that are now referred to collectively as Ohlone. On the basis of linguistic evidence, it has been suggested that the ancestors of the Ohlone arrived in the San Francisco Bay area about A.D. 500, having moved south and west from the Sacramento-San Joaquin Delta region. Mussels were an important staple in the Ohlone diet as were acorns of the coast live oak, valley oak, tanbark oak and California black oak. Seeds and berries, roots, grasses, and the meat of deer, elk, grizzly, sea lion, rabbit, and squirrel also contributed to the Ohlone diet. Linguistic evidence has been interpreted to indicate that prior to about A.D. 500, speakers of the Hokan language occupied territories that included the APE until the ancestral Ohlone displaced them. Archaeological sites have been found in areas of higher ground near watercourses in Pleasanton and Livermore along the San Ramon drainage. However, none of these sites were identified in the EDSP area. Two previously recorded cultural resources within 1 mile of the APE include prehistoric components from Native American peoples.

Cottonwood Creek is a perennial stream that flows overland generally northeast to southwest across the eastern portion of the Project site. Areas in close proximity to water resources may have a high probability of containing archeological resources as described above, as Native Americans may have occupied these areas for fishing and access to fresh water. A desktop survey was completed which evaluated the soil sensitivity within the archeological APE and determined that while the area around Cottonwood Creek contains potentially sensitive soils, the depositional history and landform indicates low buried site potential. Essentially, areas within the APE would have experienced frequent erosion from the waterflow in the Creek, and therefore are unlikely to have been inhabited by Native Americans, and are unlikely to contain cultural deposits.

Archeological Resources and Historic-Period Archeological Resources

A NWIC records search was completed for the Project in February 2017 and included a 0.25-mile radius surrounding the Project site. In November 2018, an additional NWIC records search was completed using a 1-mile buffer. Information on previous archaeological surveys and recorded sites within a 1-mile radius of the APE was gathered to identify and evaluate the potential for the presence of archaeological resources at the Project site. The study included a review of archaeological and historical literature, as well as records and maps on file at NWIC. The *California Inventory of Historic Resources* (1976) and the Office of Historic Preservation's Historic Property Data File (HPDF) for Dublin, Livermore and the County were examined. The records searches failed to identify previously recorded archaeological resources within the APE. One previously recorded archaeological resource was identified within 0.25 mile of the Project site (beyond the APE), and has prehistoric and historic components.

Four previously recorded cultural resources were recorded within 1 mile of the Project site. The resources include historic structures, the potential ruins of a farmstead, a section of the Arroyo Mocho that was channelized, and a site which consists of two standing buildings, a concrete wall, and other associated debris from a historic homestead.

The pedestrian survey completed for the Project covered the entire archeological APE, and surface visibility ranged from 0 to 90 percent due to varying coverage by cheatgrass, an invasive annual grass that obscures much of the ground within the APE. No prehistoric archaeological resources were observed, and one potential historic archaeological resource was recorded. The historic ruins of a small ranch, including one standing corral and associated structural debris, was identified just east of the existing intersection of Dublin Boulevard and Fallon Road, within the Project site. This resource was given the identifier "PW-127-1" in technical reports prepared for the Project (available on file with the City of Dublin), and is referred to as the Corral Site in this section. The Corral Site was evaluated as potentially eligible for listing in the NRHP under Criterion D. The Corral Site is discussed further below.

Historic Resources

Based on the results of both NWIC records searches completed for the Project, there are no previously identified historic resources within the historic APE. The pedestrian survey completed for the Project identified two properties which are potentially eligible for inclusion in the NRHP. Each of these resources is discussed below.

Collier Canyon Road Site

One agricultural property containing three sheds, two homes, a barn, and a water tank house that is potentially eligible for inclusion in the NRHP under criteria A, C, and D. The property is at 1421 Collier Canyon Road on unincorporated County land, outside of the Project site. The site is surrounded by I-580 and Collier Canyon Road immediately to the south, both highly visible from the property, and other adjacent, modern developments such as Crosswinds Church to the south and a landscaping business to the west/northwest. Seven buildings and structures older than 50 years were recorded within the residential and agricultural property during the pedestrian survey. According to the 1870 United States Census records, the homes were occupied by a group of farm laborers. This resource was given the identifier “PW-127-4” in technical reports prepared for the Project (available on file with the City of Dublin), and is referred to as the Collier Canyon Road Site in this section.

NRHP Criteria Evaluation

Criterion A: Occupied as early as 1876 as a small farm, most of the buildings currently occupying the property (with the exception of the earlier barn) were built between 1940 and 1950. This property is associated broadly with the late 19th and early 20th century agricultural development of Murray Township, and appears to have been continuously in use for nearly a century and a half. It is an increasingly rare example of single-family farms remaining in this suburban environment. For its association with the agricultural development of eastern Alameda County and Murray Township², the resource is eligible for the NRHP under Criterion A.

Criterion B: Archival research has not identified an association between the resource and historically significant individuals or groups within the region, state, or nation. The resource is not eligible for the NRHP under Criterion B.

Criterion C: The late 19th - or early 20th century barn is typical of hay and livestock barns widely used from the late 19th through the mid-20th century in this area. It has been minimally modified and altered, and appears to still be in use for agricultural activities. Both houses are typical of inexpensive mid-20th century single family houses lacking in design elements characteristic of any particular architectural style or movement. The three sheds are good examples of vernacular, utilitarian buildings constructed according to local needs from redwood lumber and commercially produced sheet metal and hardware, for vehicle and equipment storage on a rural lot. They lack ornamentation or design elements

² The Murray Township comprised an area that roughly correlates to present-day areas within the cities of Dublin, Pleasanton, and Livermore, and unincorporated areas in Alameda County.

characteristic of any particular architectural style or movement. Similarly, the form and construction of the tank house reflects its practical water storage use. In general, the seven buildings and structures over 50 years of age extant at the resource do not display characteristics of the work of a master builder, or distinctive of significant architectural styles or movements. However, as a minimally modified complex of early-mid-20th century utilitarian rural building types in eastern Alameda County, they offer a rare glimpse into the history of the small-scale agricultural landscapes of the region's past. As such, the resource is eligible for the NRHP under Criterion C.

Criterion D: As suburban residential development encroaches upon the former family farms and fields of Murray Township, material evidence of the previous century and a half of agricultural lifeways are increasingly obscured and obliterated. Although most of the visible buildings present at this location post-date the Second World War, late 19th century maps indicate that the property has been continuously occupied and in agricultural use since at least 1876. Archaeological and additional architectural study of the rural homes and farms of eastern Alameda County's 19th and early 20th century residents could provide important information regarding social and economic development in this area. Therefore, the resource is eligible under Criterion D for the NRHP.

Corral Site

The historic ruins of a small ranch, including one standing corral and associated structural debris, was identified within the Project site. The site is believed to be partially within the proposed construction and operational footprint of the Project, and extends south of the Project site. The Corral Site was evaluated as potentially eligible for listing in the NRHP under Criterion D for its ability to provide important information regarding the social and economic development of eastern Alameda County in the late 19th and early 20th centuries. Visible surface remains include a standing corral, ruins of a fence and cattle chute, a concrete pad, and piled and scattered structural debris and refuse. Given the length of occupation of the ranch over the last 100 years (based on historical records research), these remains likely indicate a moderate to high potential for additional subsurface archaeological materials such as a cellar, privy, or trash pits.

The integrity of the surface deposits is good, as they remain in their original location and retain their spatial associations, while the presence and integrity of any subsurface deposits remains unknown. As of December 2018, no test excavations or other subsurface investigation has been completed at the Corral Site. Therefore, the Corral Site as a whole, including potential subsurface archaeological deposits and their relationship to surface evidence, was evaluated for NRHP eligibility under Criterion D.

NRHP Criteria Evaluation

Criterion A: Likely representing the remains of a family farm, this property is associated more broadly with the late 19th and early 20th century agricultural development of Murray Township. The aerial photographs depicting a house, barn and outbuildings echo historic descriptions of a typical Murray Township farm in the late 19th and early 20th century. The farmers of this era were linked to broader markets in the state and nation, selling their

agricultural products and purchasing necessities for their operations – from barn door hangers, to fences, to pumps and tanks – from local and mail-order merchants. While certainly participating in this broader pattern of development, the property is not uniquely representative of or directly associated with historical events or themes of state or national significance. The resource is not eligible for the NRHP under Criterion A.

Criterion B: Archival research has not identified an association between the resource and historically significant individuals or groups within the region, state, or nation. The resource is not eligible for the NRHP under Criterion B.

Criterion C: The corral remains are typical examples of combined rural vernacular construction. Showing evidence of decades of repair and modification, the corral chutes and fences exemplify the employment of changing available materials and building technologies in the continuous use of farm infrastructure. This fence, however, is not unique in its association with agricultural technologies, nor is it the work of a master builder or artist. The remains of the other buildings and structures formerly standing at this location are too degraded to evaluate their architectural, artistic, or engineering merits. The resource is not eligible for the NRHP under Criterion C.

Criterion D: As suburban residential development encroaches upon the former family farms and fields of Murray Township, material evidence of the previous century and a half of agricultural lifeways are increasingly obscured and obliterated. Archaeological study of the rural homes and farms of eastern Alameda County's 19th - and early-20th century residents could provide important information regarding social and economic development in this area. The surface archaeological remains have good integrity in that they remain in original location and in physical relation to one another. The presence and integrity of subsurface archaeological deposits remain unknown. Additional archaeological testing was recommended in the Archeological Survey Report prepared for this resource to more fully evaluate this resource's eligibility under Criterion D (available on file with the City of Dublin). For the purposes of this Draft EIR, it is assumed the resource is eligible for inclusion in the NRHP under Criterion D.

Tribal Cultural Resources

On January 31, 2017, PaleoWest contacted the NAHC by email to request information on known Native American traditional or cultural properties at or near the Project site, through a search of the Sacred Lands File. This communication included a request for a list of individuals or groups with cultural affiliation to the study area. A Sacred Lands file search was completed and did not identify any tribal cultural resources in the study area. However, records maintained by the NAHC and CHRIS are not exhaustive, and these searches do not preclude the existence of tribal cultural resources. A list of interested Native American tribal representatives with traditional lands or cultural places within Alameda County was included in the NAHC response.

In February 2017, certified letters were sent to all Native American contacts provided by the NAHC describing the Project, providing a location map, and requesting any information and concerns the Tribes may have regarding the Project or study area. No written responses were received. In March 2017, a first round of follow up phone calls was completed and included all Native American contacts provided by the NAHC. The following contacts responded with requests:

- Coastanoan Rumsen Carmel Tribe: Mr. Tony Cerda requested a copy of the geotechnical report, a plan for unanticipated discoveries, and asked that he be notified if any cultural resources were encountered.
- Indian Canyon Mutsun Band of Costanoan Indians: Ms. Ann Marie Sayers asked for a phone call once the survey had been completed and recommended that a Native American monitor and archaeological monitor be present during any earth movement.
- Muwekma Ohlone Indian Tribe of the San Francisco Bay Area: Ms. Rosemary Cambra asked to be contacted immediately if any cultural resources were found.

An additional round of follow-up phone calls was made in March 2017 and follow-up emails were sent to Ms. Irene Zwierlein, Mr. Andy Galvan and Ms. Perez.

As required under AB 52, all Tribes that have requested to be included on the AB 52 lists of Dublin, the County, and Livermore were contacted. Letters were sent to each Tribe in June 2017 and November 2017. No responses have been received as of December 2018. In summary, consultation with the NAHC and with interested Native American individuals and groups provided by the NAHC has resulted in no additional information about specific cultural resources or sacred sites within the APE.

IMPACTS AND MITIGATION MEASURES

Significance Criteria

The following significance criteria for cultural and tribal resources were derived from the Environmental Checklist in CEQA Guidelines Appendix G. These significance criteria have been amended or supplemented, as appropriate, to address lead agency requirements and the full range of potential impacts related to this Project.

An impact of the Project would be considered significant and would require mitigation if it would meet one of the following criteria.

- A. Cause a substantial adverse change in the significance of a historic resource (CEQA Guidelines Section 15064.5)
- B. Cause a substantial adverse change in the significance of an archaeological resource (CEQA Guidelines Section 15064.5)
- C. Directly or indirectly destroy a unique paleontological resource or site or unique geological feature

- D. Disturb any human remains, including those interred outside of formal cemeteries
- E. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 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:
- 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
 - 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe

Methodology

For cultural resources, direct impact assessment is based on a comparison of known resource locations with the construction footprint, where there is potential to remove, relocate, damage, or destroy the resource. If such ground disturbance overlaps recorded site locations, then a direct impact may occur. Historical buildings and tribal cultural resources such as landscapes or views of natural elements may be indirectly impacted if the nearby setting and context is modified substantially, even if the building, natural feature, or structure itself is not physically affected.

Historic Resources

Impacts to NRHP-eligible resources are considered adverse when “an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the NRHP in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association” (36 CFR 800.5[1]). Examples of adverse effects include physical destruction or damage to all or part of the property; alteration that is not consistent with the Secretary of the Interior’s standards for the treatment of historic properties; removal of the property from its historic location; change in the type of use or of the physical characteristics of the setting; introduction of visual, atmospheric, or audible elements that diminish the integrity of the property’s significant features; and neglect resulting in deterioration (36 CFR 800.5[2]).

Projects that would impact CRHR-listed and CRHR-eligible resources and resources listed in local historical registers may result in a significant effect on the environment if the Project would cause a substantial adverse change in the significance of a historical resource (Public Resources Code [PRC] 21084.1). Substantial adverse change in the significance of a historical resource refers to “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings

such that [its] significance...would be materially impaired (CEQA Guidelines Section 15064.5[b][1]). Material impairment means demolition of the resource, or alteration of the physical characteristics that make the resource eligible for listing such that it would no longer be eligible for the CRHR or a local historical register (CEQA Guidelines Section 15064.5[b][2]).

The CEQA Guidelines contain specific standards for determining the significance of impacts on “historical resources” (PRC Section 21084.1, 14 California Code of Regulations (CCR) Section 15064.5). A resource listed in the California Register of Historical Resources, or determined by the State Historical Resources Commission to be eligible for listing in the Register, must be treated as an “historical resource” for purposes of CEQA. PRC Section 21084.1; 14 CCR Section 15064.5(a)(1). A resource designated as historically significant in a local register of historical resources, or identified as significant in an approved historical resources survey, is presumed to be significant. The presumption of significance may be overcome if the agency concludes, based on a preponderance of the evidence, that the site is not historically or culturally significant (PRC Section 21084.1; 14 CCR Section 15064.5(a)(2)).

A lead agency may also find that a site that does not meet any of these criteria should be treated as a historical resource under CEQA (PRC Section 21084.1; 14 CCR Section 15064.5(a)(4)). A lead agency may find that “any object, building, structure, site, area, place, record, or manuscript” is historically significant or significant in the “cultural annals of California” provided that its determination is “supported by substantial evidence in light of the whole record” (14 CCR Section 15064.5(a)(3)). The guidelines also note that a resource ordinarily should be considered historically significant if it meets the criteria for listing on the California Register of Historical Resources (14 CCR Section 15064.5(a)(3)).

The one potential built historic resource identified within the historic APE for the Project would not have the potential to be directly impacted by the Project, as it is outside of the construction footprint. This analysis therefore focuses on possible indirect impacts to the potential resource.

Archeological Resources

Archaeological sites are usually adversely affected only by physical destruction or damage. The CEQA Guidelines contain specific standards for determining the significance of impacts to archaeological sites (PRC Section 21083.2; 14 CCR Section 15064.5(c)). If the lead agency determines that the Project may have a significant effect on unique archaeological resources, the Environmental Impact Report (EIR) must address those archaeological resources (PRC Section 21083.2(a)). A “unique archaeological resource” is defined as an “archaeological artifact, object, or site” that, without merely adding to the current body of knowledge:

- Contains information needed to answer important scientific research questions and in which there is a demonstrable public interest;
- Has a special or particular quality such as being the oldest of its type or the best available example of its type; or

- Is directly associated with a scientifically recognized important prehistoric or historic event or person. (PRC Section 21083.2(g)).
- Under CEQA, significant impacts on non-unique archaeological resources need not be addressed in an EIR. (PRC Section 21083.2(a), (h)).

The limitations in PRC Section 21083.2 relating to unique archaeological resources do not apply to archaeological sites that qualify as “historical resources.”, as defined in PRC Section 21083.2(l). If a lead agency finds that an archaeological site is a historical resource, impact assessment is governed by PRC Section 21084.1, which provides standards for identification of historical resources (14 CCR Section 15064.5(c)(2), Section 13.58, 20.94-20.98). The CEQA Guidelines also provide that public agencies should seek to avoid effects that could damage a "historical resource of an archaeological nature" when it is feasible to do so (14 CCR Section 15126.4(b)(3)).

The one potential historic-period archeological resource identified within the APE is potentially eligible for inclusion in the NRHP under Criterion D, as it may be likely to yield information important in history. Therefore, this resource is analyzed as a historic resource for the purposes of this EIR. This analysis also evaluates the potential for encountering unidentified archeological resources during Project construction.

Tribal Cultural Resources

Based on the SB 18 and AB 52 consultation described above, there are no known tribal cultural resources within the Project site or larger APE. Therefore, this analysis examines the possibility of encountering unrecorded tribal cultural resources during Project construction.

Impact Analysis

No Impact Summary

There are no “no impact” determinations for this topic.

Impacts of the Project

- A. Cause a substantial adverse change in the significance of a historic resource (CEQA Guidelines Section 15064.5).

Impact CUL-1: The Project could result in damage to or destruction of the historic-period archeological resource identified within the construction footprint (Corral Site), as a result of grading and excavation during construction. (Less than Significant with Mitigation)

The Corral Site is partially within the proposed construction and operational footprint of the Project, and extends south of the Project site. Given that subsurface investigation has not been completed, the precise extent of the resource has not been confirmed. The estimated boundaries of the resource have been determined based on historical records, historic aerial photographs, and a site survey.

Project construction would require excavation, grading, and construction of new roadway elements within portions of the area assumed to be a part of this resource. Therefore, Project construction would have the potential to remove, damage, or destroy surface elements of this resource, and subsurface elements if they are present. Construction could uncover subsurface features such as a cellar, trash pit, privy, or more general scatters of material such as glass, metal, wood, ceramic, or other fragments associated with the historic occupation of the site. Based on the NRHP criteria evaluation, the eligibility of the Corral Site is related to the potential research and informational value of the site, which could include documentation, recording, collecting, curation, and further evaluation of items found on the site. The standard for whether sites are eligible for the NRHP under Criterion D includes whether the assessment and scientific analysis of the resource will “significantly supplement or revise current historical or archeological knowledge or understanding”.³

Without proper pre-construction and construction measures, implementation of the Project could adversely affect the potential informational value of the site in its relationship to agricultural lifeways and rural homes and farms in eastern Alameda County in the 19th and early 20th century. This is a potentially significant impact. Implementation of **Mitigation Measure CUL-1** requires that further investigation of the Corral Site be completed prior to Project construction, including subsurface investigation, to more accurately characterize and evaluate the site’s potential value as a historic-period archeological resource. This mitigation measure further requires that a professionally qualified archeologist specializing in historic-period archeology (historic archeologist) evaluate the site after subsurface investigation, and that any further documentation and/or collection of artifacts from the site recommended by the historic archeologist be completed prior to Project construction. This will ensure that the site’s potential informational value is not lost, and the research and/or scientific value of items at the surface or identified during subsurface investigation are preserved through documentation and collection. Further, this mitigation measure requires on-site monitoring during construction in this area, and requires work be halted if additional elements of the site are encountered during construction, so evaluation, documentation, and collection efforts can occur. With implementation of this mitigation measure, the impact would be less than significant.

Mitigation for Impact CUL-1:

Mitigation Measure CUL-1: The following measures shall be implemented prior to construction of the Project, and during construction of the Project, to ensure known and potential historic-period archeological resources at the Corral Site are properly documented and/or collected:

- Prior to construction, surface remnants will be documented by a professionally qualified archaeologist with appropriate qualifications in historic-period archaeology. Surface remnants may be collected for further study, at the discretion of the archeologist.

³ National Parks Service, *Criteria For Evaluation*, 2018

- Prior to construction, recommendations for subsurface investigation outlined in the Archeological Survey Report prepared for the Project shall be implemented. A subsurface testing plan shall be prepared and executed by a professionally qualified archeologist with appropriate qualifications in historic-period archeology. The plan shall allow for, and outline requirements for, the documentation, collection, analysis, and curation of historic artifacts encountered during subsurface testing.
- The report shall outline any further recommendations for the site, which may include additional site testing, construction protocols to avoid the destruction of resources on-site through documentation and collection, or other measures. The City of Dublin shall evaluate recommendations of this report and implement measures as feasible to further aid in resource documentation and collection at the site.
- In addition to measures provided in the written report, a professionally qualified historic archeologist shall be present on-site when construction activities take place within the resource area. The need for on-site monitoring on a day-to-day basis shall be at the discretion of the historic archeologist. If artifacts or other historic archeological resources associated with the site are encountered during construction, work shall be halted within 25 feet of the discovery until the historic archeologist has evaluated the discovery. The historic archeologist shall determine whether the artifacts and/or resources are significant and warrant documentation and/or recovery, or whether they are not significant and no further action is warranted.
- Any significant artifacts or other historic archeological resources encountered during construction shall be documented, collected, analyzed, and/or curated as appropriate so that their informational, research, and/or scientific value may be preserved. The appropriate treatment of artifacts and historic archeological resources encountered shall be determined by the professionally qualified historic archeologist.
- The results of surface resource documentation and subsurface testing shall be documented in a written report prepared by the qualified historic archeologist and submitted to the City of Dublin.

Less than Significant Impacts

The records search conducted by NWIC did not identify any historic resources within the historic APE or within a 0.25-mile radius of the Project. However, the pedestrian survey identified the Collier Canyon Road Site, containing three sheds, two homes, a barn, and a water tank house that is potentially eligible for inclusion in the NRHP under Criteria A, C, and D. This property is outside the construction and operational footprints and would not be directly affected by the Project. The Collier Canyon Road Site is surrounded by I-580 and Collier Canyon Road immediately to the south and commercial development to the south and west. I-580 in particular dominates the existing

setting of the resource. The existing environment has already altered the “single family farm environment” that once defined this area. The existing conditions surrounding the resource have degraded the integrity of the setting, which is not considered to be a contributing element to the resource’s NRHP eligibility. Therefore, the Collier Canyon Road Site would not be indirectly affected by the Project, as the existing setting is not historic or a contributing feature to the site’s NRHP eligibility, as the setting has already been altered and degraded by surrounding land uses.

Implementation of the Project would add a new, linear roadway to the north of the Collier Canyon Road Site, which would be visible from the resource. Given the existing setting of the resource as a modern, transportation-dominated environment, and taking into consideration that the resource’s setting is not a contributing element to its NRHP eligibility, the Project would not cause an adverse change to the property. This impact would be **less than significant**.

B. Cause a substantial adverse change in the significance of an archaeological resource (CEQA Guidelines Section 15064.5).

The records searches conducted by NWIC did not identify previously recorded archaeological resources within the APE. The pedestrian survey covering the entire APE did not identify any prehistoric archaeological resources, however the Corral Site and Collier Canyon Road Site discussed above were both identified as potentially eligible for listing in the NRHP under Criterion D, for their potential to provide important information regarding the social and economic development of eastern Alameda County in the late 19th and early 20th centuries. Therefore, consistent with Section 15064.5(c)(2) of the CCR, both resources are evaluated as historic resources above.

Impact CUL-2: The Project could result in damage to or destruction of unidentified buried archeological resources as a result of grading and excavation during construction. (Less than Significant with Mitigation)

While records searches of the Project site and pedestrian survey did not identify any prehistoric archeological resources, there is the possibility that previously unknown archeological resources exist below the ground surface within the construction footprint. Prehistoric archaeological resources have increased potential to be found in areas with aquatic resources, such as Cottonwood Creek. This is a potentially significant impact. Implementation of **Mitigation Measure CUL-2** would require consultation with a qualified archeologist in the event of the discovery of buried archaeological resources, ensuring any discovered resource would be evaluated and, if recommended, collected to allow the resource’s informational value to be investigated. With implementation of this mitigation measure, this impact would be reduced to a less-than-significant level.

Mitigation for Impact CUL-2:

Mitigation Measure CUL-2: If buried archaeological resources are discovered during construction, operations shall stop within 50 feet of the find and a qualified archaeologist shall be consulted to evaluate the resource in accordance with CEQA Guidelines 15064.5. Archeological resources may include, but are not limited to, glass, metal, ceramics, wood,

privies, trash deposits or similar debris. A standard inadvertent discovery clause shall be included in the construction contract to inform contractors of this requirement. If after evaluation it is determined the resource does not qualify as a significant resource, then no further protection or study is necessary. If the resource does qualify as a significant resource then the archaeologist shall make recommendations concerning appropriate mitigation measures that shall be implemented to protect the resources, including but not limited to monitoring, excavation, and evaluation of the finds in accordance with Section 15064.5 of the CEQA Guidelines.

- C. Directly or indirectly destroy a unique paleontological resource or site or unique geological feature.

Impact CUL-3: The Project could result in damage to or destruction of unidentified buried archeological resources as a result of grading and excavation during construction. (Less than Significant with Mitigation)

The Project site is located in an area that is considered likely to have paleontological resources present. As mentioned above, Quaternary sedimentary deposits in the area are ranked as having "high sensitivity" paleontologically, as over 900 "Ice Age" fossils have been collected south of the Project outside Pleasanton. Based on proposed excavation depths for the Project (anticipated to range from 2 feet to 40 feet in depth), there is potential for Project construction to encounter soils and rock older than 10,000 years, and consequently paleontological resources. Therefore, the potential to encounter a unique paleontological resource is reasonably high. This is a potentially significant impact. Implementation of **Mitigation Measure CUL-3** would involve retention of a principal paleontologist to monitor construction period activities, to ensure that any paleontological resources encountered are evaluated and, if recommended, recovered and appropriately curated to allow those resources to contribute to the body of paleontological research in the Bay Area. With implementation of this mitigation measure, this impact would be reduced to less than significant.

Mitigation for Impact CUL-3:

Mitigation Measure CUL-3: The following measures will ensure that any paleontological resources encountered during Project construction would be properly handled, evaluated, and curated to ensure their value to paleontological research is preserved.

- A principal paleontologist shall be retained and shall determine when and where monitoring will be required, and who will conduct it. Monitoring shall be required where excavation at depths greater than 2 to 3 feet is being undertaken. The principal paleontologist shall have the authority to halt work in the event that paleontological specimens are discovered, until assessment and appropriate salvage (if needed) is completed.
 - The principal paleontologist or another mitigation program staff member shall coordinate with appropriate construction contractor personnel to provide

information regarding applicable requirements concerning protecting paleontological resources. Contractor personnel, particularly heavy equipment operators, shall also be briefed on procedures to be followed in the event that fossil remains and/or a currently unrecorded fossil site is encountered by earthmoving activities, particularly if a paleontological construction monitor is not present on the site at the time of the discovery. Additional briefing shall be presented to new contractor personnel as necessary. Names and telephone numbers of the monitor and other appropriate mitigation program personnel shall be provided to appropriate contractor personnel.

- When required, monitoring shall consist of visually inspecting freshly exposed cuts and spoil piles for the discovery and recovery of larger fossil remains, and periodically dry test screening to allow for the discovery and recovery of smaller fossil remains. If larger vertebrate fossils are noted by construction workers or monitors, excavation there will cease, and the monitor will be notified.
 - The monitor and recovery staff will salvage all larger vertebrate fossil remains, as soon as practicable and as quickly as possible, following Society of Vertebrate Paleontology protocols. The monitor shall document the location and proper geologic context of any recovered fossil occurrence or rock or sediment samples. Any recovered rock or sediment sample shall be processed to allow for the recovery of smaller fossil remains that normally are too small to be observed by the monitor.
 - If the principal paleontologist or monitor determines that the fossil site is too unproductive or the fossil remains not worthy of recovery by the monitor, no further action will be taken to preserve the fossil site or remains, and earthmoving activities shall be allowed to proceed through the site immediately.
- The monitor shall maintain daily monitoring logs that include the particular tasks accomplished, the earthmoving activity monitored, the location where monitoring was conducted, the rock unit(s) encountered, the fossil specimens recovered, and associated specimen data and corresponding geologic and geographic site data. A final technical report of results and findings shall be prepared by the principal paleontologist in accordance with any local jurisdictional requirements (including those of the City of Dublin, Alameda County, and City of Livermore as appropriate) and archived at a repository mutually approved by the jurisdiction and principal paleontologist.
- Consistent with Federal and State law, if fossils are discovered during grading, the principal paleontologist must be called to the site to develop a mitigation plan to protect those resources.
- All fossil specimens recovered as a result of mitigation, including those recovered as the result of processing rock or sediment samples, will be treated (i.e., prepared, identified,

curated, catalogued) in accordance with designated museum repository requirements. Rock or sediment samples will be submitted to commercial laboratories for microfossil, pollen, radiometric dating, or other analysis, as appropriate. The Project site lies in Alameda County. If paleontological specimens are encountered and collected at the site during mitigation, they become property of the County and should be properly curated at an approved facility (local to the Project location or a museum) and preserved for future research.

D. Disturb any human remains, including those interred outside of formal cemeteries.

No known human remains are located within the construction footprint. Pursuant to Section 7050.5 of the Health and Safety Code, if human remains are discovered, there shall be no further excavation or disturbance of the discovery site or any nearby area reasonably suspected to overlie adjacent human remains until the Project applicant has complied with the provisions of State CEQA Guidelines Section 15064.5(e). As the CEQA Lead Agency, the City of Dublin would be responsible for compliance with these regulations in their jurisdiction. As responsible agencies, the County and Livermore would be responsible for compliance within their jurisdictions. In general, these provisions require that the County Coroner be notified immediately.

If the remains are found to be Native American⁴, the County Coroner is required to notify the NAHC within 24 hours. The most likely descendant of the deceased Native American is notified by the Commission and given the chance to make recommendations for the remains. If the Commission is unable to identify the most likely descendent, or if no recommendations are made within 24 hours, remains may be reinterred with appropriate dignity elsewhere on the property in a location not subject to further subsurface disturbance. If recommendations are made and not accepted, the NAHC will mediate the problem. With implementation of existing regulations, the impact would be **less than significant** and no mitigation is required.

E. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 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:

- 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
- 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 Section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resource Code Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

⁴ This includes any artifacts found with the remains, commonly referred to as “grave goods”.

Impact CUL-4: The Project could result in damage to or destruction of unidentified buried tribal cultural resources as a result of grading and excavation during construction. (Less than Significant with Mitigation)

As described above, a Sacred Lands File search completed for the Project site and vicinity, as determined by the NAHC, did not identify any site, feature, place, cultural landscape, sacred place, or object with cultural value to Native American tribes. Consultation with the NAHC and with interested Native American individuals and groups under SB 18 and AB 52 has not resulted in any additional information about specific cultural resources or sacred sites within the Project site or surrounding areas. Therefore, the Project site is not considered to be of cultural value to a California Native American tribe, and construction of the Project would not impact any known tribal cultural resources as defined by CEQA.

However, the possibility remains that Project construction could uncover buried, previously unidentified objects with cultural value to California Native American tribes. This is a potentially significant impact. In the event that a tribal cultural resource is discovered during Project construction, **Mitigation Measure CUL-4** would be implemented. This mitigation measure requires a culturally-affiliated Native American with knowledge of tribal cultural resources to be present to monitor all ground disturbing activities. Should any tribal cultural resources be discovered, consultation with culturally-affiliated Native Americans is required to determine how to treat said resource. With the incorporation of **Mitigation Measure CUL-4**, this impact would be less than significant.

Mitigation for Impact CUL-4:

Mitigation Measure CUL-4: The following measures shall be implemented to ensure that any tribal cultural objects or items encountered during Project construction are properly identified and evaluated, and avoided or preserved.

- A culturally-affiliated Native American with knowledge of cultural resources shall be identified and agreed upon by the City of Dublin and local tribes listed by the NAHC and shall be present to monitor all ground-disturbing activities.
- If tribal cultural objects or items are encountered, the treatment of those objects or items shall be considered in coordination with culturally-affiliated Native Americans. If avoidance or preservation in place is preferred, avoidance or preservation in place will be completed where feasible and agreed upon by culturally-affiliated Native Americans and the local jurisdiction.
- Tribal cultural objects or items encountered during Project construction shall be treated with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource.
- The disposition of recovered tribal cultural items that are not burial-associated shall be coordinated in consultation with culturally-affiliated Native Americans.

CUMULATIVE IMPACTS

Cumulative impacts arise due to the linking of impacts from past, present, and foreseeable future projects in the region. Other projects in the area include past and planned residential, commercial, and infrastructure development projects in Dublin, Livermore, and elsewhere around the study area (see **Chapter 4.0, Introduction to Environmental Analysis**).

The geographic extent of cumulative impacts to cultural resources is dependent on the resource under discussion. For example, a cumulative impact to a historic architectural district would extend across the district, while the cumulative impact to individual historic, archaeological, or paleontological resources may accumulate across Dublin or the County, depending on the nature of the resources.

As described above, the Project would not result in direct or indirect impacts to the one potential built historic resource within the historic APE. Past, present, and reasonably foreseeable future projects would be subject to the same federal and state regulations described above which require evaluation and protection of historic resources. Additionally, future projects would be required to conduct independent environmental analysis to evaluate direct and indirect impacts to historic resource. This would include appropriate mitigation if needed to address impacts to the built historic resource. None of the reasonably foreseeable projects listed in **Chapter 4.0, Introduction to Environmental Analysis** would have the potential to indirectly or directly impact the Collier Canyon Road site. One of the reasonably foreseeable projects, the Grand View Project, would have the potential to directly impact the Corral Site, should a portion of the Corral Site remain after implementation of the Project. Additional impacts to the Corral Site would be addressed in an independent environmental document prepared for the Grand View Project, ensuring that any remaining areas of the Corral Site are addressed through avoidance or mitigation measures. It is reasonably anticipated that with the application of appropriate mitigation measures, future impacts to the Corral Site would be less than significant. Impacts to the site as a whole in the cumulative scenario would reasonably be anticipated to be less than significant, as the Corral Site's value is in its potential to yield important scientific information related to historic-period archeology. Therefore, a cumulative impact would not occur. The Project would result in a less than cumulatively considerable contribution to any significant cumulative impact.

The Project, in combination with past, present, and reasonably foreseeable future projects, could result in cumulative impacts to historic-period archeological, archaeological, and paleontological resources as a result of damage to or destruction of these resources throughout Dublin as a result of future development. This could result in a loss of potential research information. However, projects located in archaeologically or paleontological sensitive areas would be subject to the same federal, state, and local regulation and policies as this Project, including independent environmental analysis under CEQA and appropriate mitigation if required. There are no known archeological or paleontological resources within the archeological APE which would be impacted by any reasonably foreseeable project. Therefore, a cumulative impact to paleontological and archeological resources would not occur. The Project would result in a less than cumulatively considerable contribution to any significant cumulative impact.

REFERENCES

- Alameda County. 2000. East County Area Plan. Available:
<https://www.acgov.org/cda/planning/generalplans/index.htm>. Accessed: November 12, 2018.
- City of Dublin. 2017. City of Dublin General Plan. Available:
<https://www.dublin.ca.gov/DocumentCenter/View/10560/Chapter-12>. Accessed: June 5, 2018.
- City of Dublin. 1994. Eastern Dublin Specific Plan, Amended 2016. Available:
<https://www.dublin.ca.gov/DocumentCenter/View/7776/EDSP-2016-Update-Full-PDF?bidId=>. Accessed: November 28, 2018.
- City of Livermore. 2004. City of Livermore General Plan 2003-2025. Amended December 2014.
- National Parks Service. 2018. Criteria for Evaluation. Available:
https://www.nps.gov/nr/publications/bulletins/nrb34/nrb34_6.htm. Accessed: December 20, 2018.