

Appendix E: Section 106 Cultural Resources Assessment

**Section 106 Cultural Resources Assessment
Northwest Airport Way Master Plan
City of Manteca, San Joaquin County, California**

Lathrop and Manteca, California, USGS 7.5-minute Topographic Quadrangle Maps
Sections 13 and 24, Township 1 South, Range 6 East

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Lathrop and Manteca, California, USGS 7.5-minute Topographic Quadrangle Maps

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MANAGEMENT SUMMARY

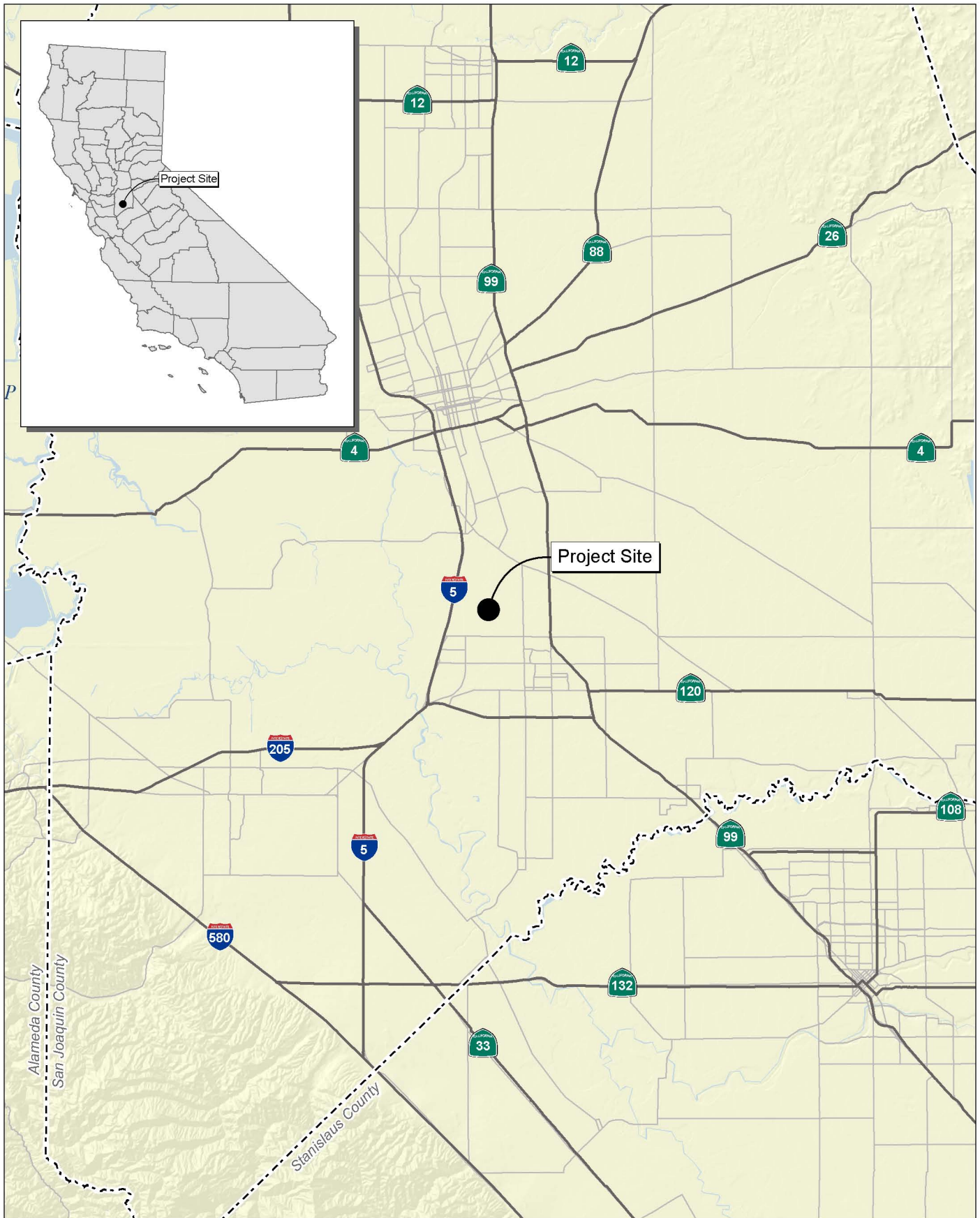
At the request of the City of Manteca, Michael Brandman Associates (MBA) conducted a cultural resource investigation that included record search reviews and a field survey of the proposed Northwest Airport Way Master Plan (project) Area of Potential Effect (APE), located within the City of Manteca in San Joaquin County, California (Exhibit 1). Totalling approximately 392 acres¹, the proposed project consists of a multi-purpose development project that will include light industrial, warehousing and distribution, and commercial/retail and office use. The project area is bordered by Roth Road to the north, Lathrop Road to the south, Airport Way to the east, and the Union Pacific Railroad Intermodal Facility (UPRR) to the west.

Since the proposed project would affect the waters of the United States, the project proponent must meet the requirements of Section 404 of the Clean Water Act and, therefore, is seeking a permit from the U.S. Army Corps of Engineers (USACE). The purpose of this report is to document the presence/absence of any potentially significant cultural resources located within the project's APE, and, if significant resources would be affected by the proposed project, to propose recommendations to mitigate the effects, which might include a Memorandum of Agreement (MOA) or other protective measures. Completion of this investigation fulfills the protocols associated with Section 106 of the National Historic Preservation Act (NHPA).

The APE for the proposed project consists of the areas and resources that could potentially be directly or indirectly affected by the proposed project. As the project is located within a partially developed area, the APE was determined to consist of the 392-acre project area and the areas immediately adjacent to the project boundaries.

On May 28, 2009, staff at the Central California Information Center (CCIC) in Turlock conducted a records search for the project area and a 0.25-mile radius beyond the project boundaries. To identify any historic properties or resources, the current inventories of the National Register of Historic Places (NRHP), the California Register of Historic Resources (CR), the California Historical Landmarks (CHL) list, the California Points of Historical Interest (CPHI) list, and the Historic Property Data File (HPDF) were reviewed to determine the existence of previously documented, local historical resources. Results from the CCIC indicate that 22 previous studies were conducted within 0.25 mile of the project area, six of which included the project area. No prehistoric or historic archaeological resources have been recorded within the project area, although three historic buildings and one historic district, the Sharpe General Depot, have been recorded within or adjacent to the project area.

¹ The current Master Plan boundaries encompass approximately 300 acres. The 392-acre area evaluated in this report encompasses the entire Master Plan area, as well as neighboring areas.



Source: Census 2000 Data, The CaSIL, MBA GIS 2009.



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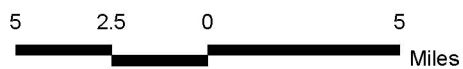


Exhibit 1 Regional Location Map

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On May 27, 2009, MBA sent a letter to the Native American Heritage Commission (NAHC) in an effort to determine whether any sacred sites are listed on its Sacred Lands File for the project area. The response from the NAHC was received on June 5, 2009, and it noted that the search failed to indicate the presence of Native American cultural resources in the immediate project area. A single Native American tribal member (Katherine Perez) who may have additional knowledge of the project area was included with the results. Ms. Perez was sent a letter on June 15, 2009 asking for any additional information she might have concerning the project area. In addition, a second informational request, in the form of a phone message, was left on Ms. Perez's answering machine on June 29, 2009. As of this date, no response to either request has been received.

As the project will entail a General Plan Amendment, the City must initiate and comply with SB 18 Tribal Consultation procedures for further tribal consultation.

On June 30 and July 1, 2009, MBA Senior Project Archaeologist Carrie D. Wills conducted a pedestrian survey of the project APE to determine the presence or absence of historic properties that could be considered eligible for listing on the NRHP or the CR. The project area consisted of flat, agricultural land with scattered residences and some small commercial complexes. During the course of the field survey, no prehistoric or significant historic resources were discovered. The project area was surveyed using 15- to 20-meter transects depending on the density of the existing structures, the extent of the planted fields, and other obstructions such as waterways and corral with livestock.

No previously unknown prehistoric or significant historic resources were discovered during the field survey; therefore, no historic resources will be affected by project development.

SECTION 1: INTRODUCTION

At the request of the City of Manteca, MBA conducted a cultural resource assessment of the project APE. The purpose of the assessment was to identify the presence or absence of potentially significant cultural resources within the project APE.

Numerous federal laws and regulations have been developed to protect cultural resources. The most important is the National Historic Preservation Act (NHPA) of 1966 (as amended). The Act established the Advisory Council on Historic Preservation and the National Register of Historic Places (NRHP). Section 106 of the NHPA requires that any undertaking located on federal land, or that involves federal funds, or that requires federal permits, take into account the effect of the undertaking on all potentially historic properties, and afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment with regard to the undertaking. An inventory must be conducted of all potentially historic properties within the undertaking's APE. Properties judged significant in the context of the criteria in the NRHP must be avoided or subject to programs that mitigate adverse effects. The federal lead agency would initiate consultation with the State Historic Preservation Officer (SHPO) if the undertaking affects a historical property.

As implementation of the project may include permitting (Section 404 Permits) required by the USACE, it would be necessary to comply with Section 106 of the NHPA. As the lead federal agency for compliance with the NHPA, it is the USACE's responsibility to consult with the SHPO before granting permits, funding, or other authorization of the undertaking. The Section 106 review process normally involves a four-step procedure described in detail in the regulations implementing Section 106 of the NHPA (36 CFR Part 800). Following is a brief summary of the basic tenets of the process:

- Identify and evaluate historic properties in consultation with the SHPO and interested parties
- Assess the effects of the undertaking on properties that are eligible for inclusion in the NRHP
- Consult with the SHPO, other agencies, and interested parties to develop an agreement that addresses the treatment of historic properties and notify the Advisory Council on Historic Preservation
- Proceed with the project according to the conditions of the agreement

1.1 - Project Location

The proposed project site is located west of the Manteca city limits, approximately 1 mile east of Interstate 5 and approximately 2.3 miles west of State Route (SR) 99 (Exhibit 1). The project area is depicted on the Lathrop and Manteca, California, United States Geological Survey (USGS) 7.5-minute topographic quadrangle map, in Sections 13 and 24 of Township 1 South, Range 6 East (Exhibit 2). Specifically, the project area is bordered by Roth Road to the north, Lathrop Road to the

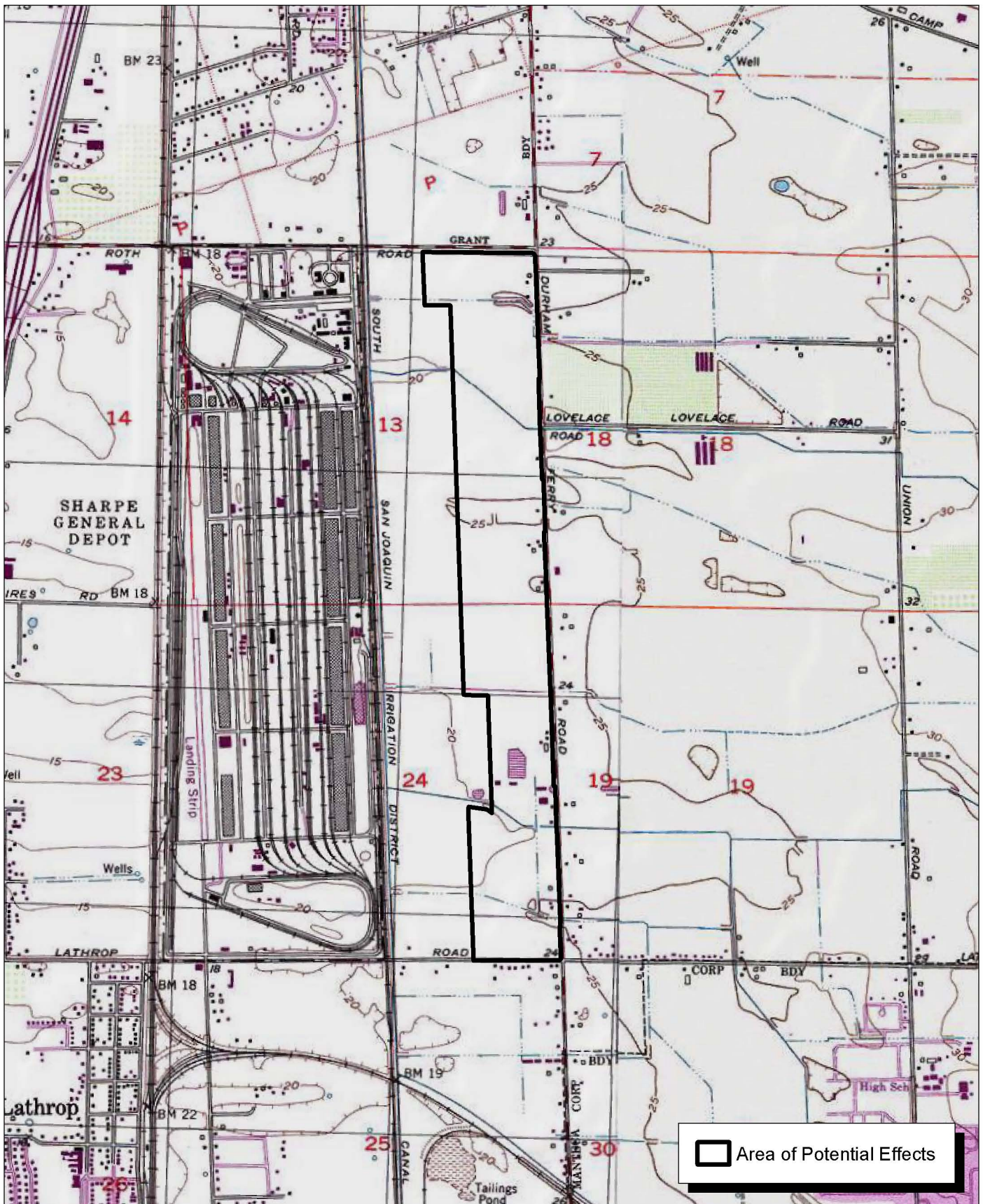
south, Airport Way to the east, and the Union Pacific Railroad Intermodal Facility (UPRR) to the west (Exhibit 3).

1.2 - Project Description

The project area is within a rural/residential area that includes agricultural, residential, and some industrial uses. The project entails a stand-alone logistics facility that would support intermodal transportation by providing warehouse, distribution, and light industrial uses, in addition to complementary commercial/retail and office uses.

1.3 - Existing Conditions

The project APE is located in a rural/residential area of southern San Joaquin County that includes agricultural, residential, and some industrial use. The agricultural uses consist of orchards, row crops, grazing and fallow fields. Industrial uses consist of a cheese factory and associated settling ponds and a cement plant. A sparse number of rural residences are located in various places along the Airport Way frontage. The western APE boundary is formed by the Union Pacific Railroad Lathrop Intermodal Terminal. West of the terminal is French Camp Outlet Canal, the Union Pacific Railroad Oakland Subdivision (a rail line connecting the Bay Area with Sacramento), and the Sharpe Army Depot, which is within the City of Lathrop rather than Manteca. The northern boundary is Roth Road with agricultural land beyond. The eastern boundary is Airport Way with agricultural land with scattered residences located along the roadway. The most salient feature along Airport Way is the recent residential development—the Del Webb Community—located within the Manteca city limits. The southern boundary is Lathrop Road, which has agricultural fields and residences south of the southern lane of the road.



Source: TOPO! USGS Lathrop (1996) 7.5' DRG.



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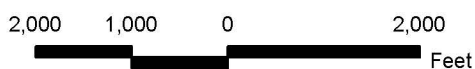
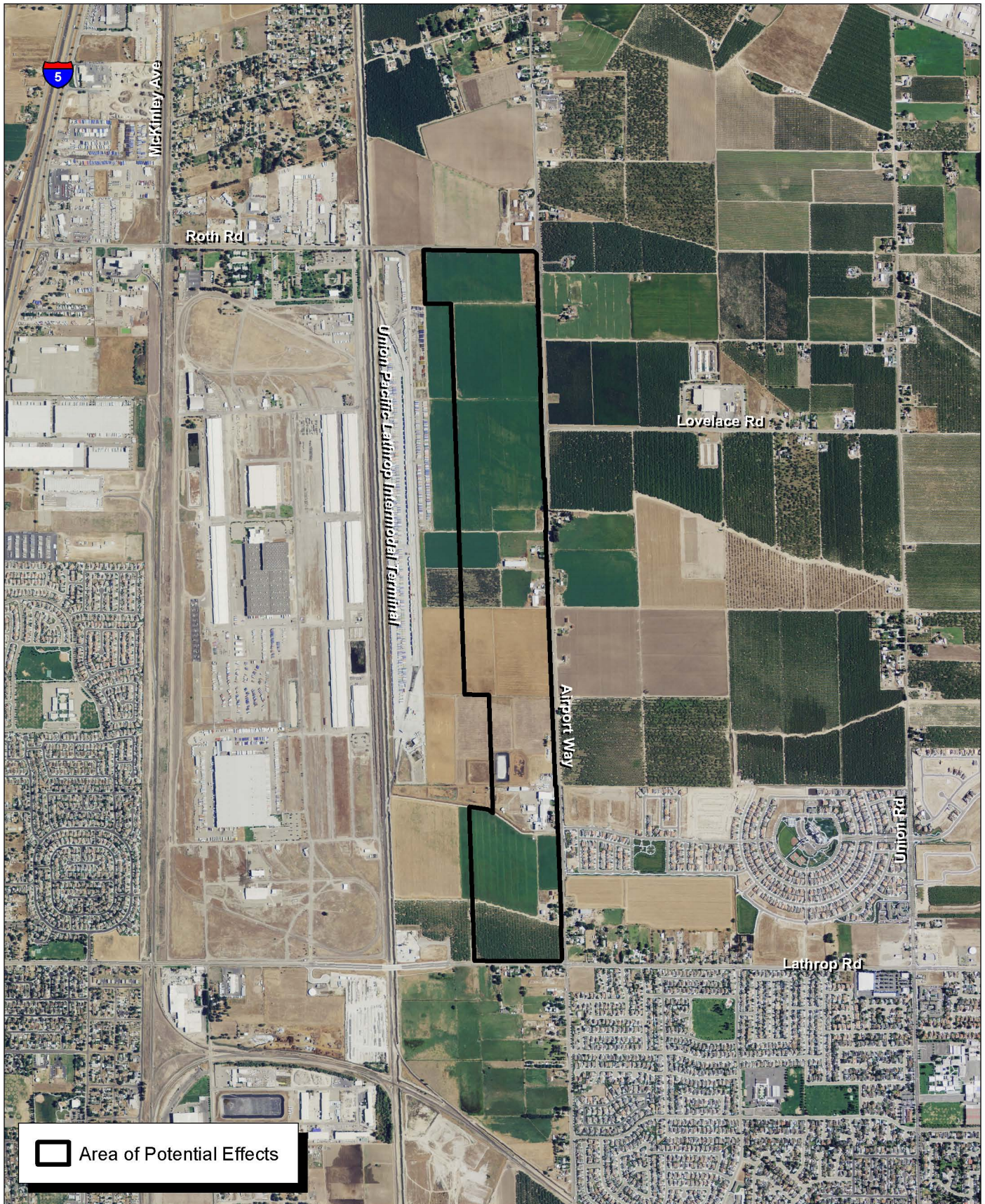


Exhibit 2 Local Vicinity Map Topographic Base



Source: NAIP for San Joaquin County (2009) & San Joaquin County Parcels (2008).



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Exhibit 3 Local Vicinity Map Aerial Base

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1.4 - Area of Potential Effect (APE)

The Area of Potential Effect for the proposed project consists of the areas and resources that could potentially be directly or indirectly affected by the proposed project. The APE was determined to consist of the approximately 392-acre project area and the areas immediately adjacent to the project area as well as the structures within the APE (Exhibit 1).

SECTION 2: CULTURAL SETTING

Following is a brief overview of the prehistory, ethnography, and historic background, providing a context in which to understand the background and relevance of sites found in the general area of the project. This section is not intended to be a comprehensive review of the current resources available but, rather, serves as a generalized overview.

Further details can be found in ethnographic studies, mission records, and major published sources, including Beardsley (1948), Bennyhoff (1950), Fredrickson (1973 and 1974), Jones and Klar (2007), Kroeber (1925), Chartkoff and Chartkoff (1984), and Moratto (1984).

2.1 - Prehistoric Background

Early archaeological investigations in central California were conducted at sites located in the Sacramento-San Joaquin Delta region. The first published account documents investigations in the Lodi and Stockton area (Schenck and Dawson 1929). The initial archaeological reports typically contained descriptive narratives, with more systematic approaches sponsored by Sacramento Junior College in the 1930s. At the same time, University of California at Berkeley excavated several sites in the lower Sacramento Valley and Delta region that resulted in recognizing archaeological site patterns based on variations of inter-site assemblages. Research during the 1930s identified temporal periods in central California prehistory and provided an initial chronological sequence (Lillard and Purves 1936; Lillard et al. 1939). In 1939, Lillard noted that each cultural period led directly to the next and that influences spread from the Delta region to other regions in central California (Lillard et al. 1939). In the late 1940s and early 1950s, Beardsley documented similarities in artifacts between sites in the San Francisco Bay region and the Delta and refined his findings into a cultural model that ultimately became known as the Central California Taxonomic System (CCTS). This system proposed a uniform, linear sequence of cultural succession (Beardsley 1948 and 1954). The CCTS system was challenged by Gerow, whose work looked at radiocarbon dating to show that Early and Middle Horizon sites were not subsequent developments but, at least partially, contemporaneous (1954; 1974; Gerow with Force 1968).

To address some of the flaws in the CCTS system, Fredrickson (1973) introduced a revision that incorporated a system of spatial and cultural integrative units. Fredrickson separated cultural, temporal, and spatial units from each other and assigned them to six chronological periods: Paleo-Indian (10000 to 6000 B.C.); Lower, Middle and Upper Archaic (6000 B.C. to A.D. 500); and Emergent (Upper and Lower, A.D. 500 to 1800). The suggested temporal ranges are similar to earlier horizons, which are broad cultural units that can be arranged in a temporal sequence (Moratto 1984). In addition, Fredrickson defined several patterns, which are a general way of life shared within a specific geographical region. These patterns include:

- Windmill Pattern or Early Horizon (3000 to 1000 B.C.)
- Berkeley Pattern or Middle Horizon (1000 B.C. to A.D. 500)
- Augustine Pattern or Late Horizon (A.D. 500 to historic period)

Brief descriptions of these temporal ranges and their unique characteristics follow.

2.1.1 - Windmill Pattern or Early Horizon (3000 to 1000 B.C.)

Characterized by the Windmill Pattern, the Early Horizon was centered in the Cosumnes district of the Delta and emphasized hunting rather than gathering, as evidenced by the abundance of projectile points in relation to plant processing tools. Additionally, atlatl, dart, and spear technologies typically included stemmed projectile points of slate and chert but minimal obsidian. The large variety of projectile point types and faunal remains suggests exploitation of numerous types of terrestrial and aquatic species (Bennyhoff 1950; Ragir 1972). Burials occurred in cemeteries and intra-village graves. These burials typically were ventrally extended, although some dorsal extensions are known with a westerly orientation and a high number of grave goods. Trade networks focused on acquisition of ornamental and ceremonial objects in finished form rather than on raw material. The presence of artifacts made of exotic materials such as quartz, obsidian, and shell indicates an extensive trade network that may represent the arrival of Utian populations into central California. Also indicative of this period are rectangular *Haliotis* and *Olivella* shell beads, and charmstones that usually were perforated.

2.1.2 - Berkeley Pattern or Middle Horizon (1000 B.C. to A.D. 500)

The Middle Horizon is characterized by the Berkeley Pattern, which displays considerable changes from the Early Horizon. This period exhibited a strong milling technology represented by minimally shaped cobble mortars and pestles, although metates and manos were still used. Dart and atlatl technologies during this period were characterized by non-stemmed projectile points made primarily of obsidian. Fredrickson (1973) suggests that the Berkeley Pattern marked the eastward expansion of Miwok groups from the San Francisco Bay Area. Compared with the Early Horizon, there is a higher proportion of grinding implements at this time, implying an emphasis on plant resources rather than on hunting. Typical burials occurred within the village with flexed positions, variable cardinal orientation, and some cremations. As noted by Lillard, the practice of spreading ground ochre over the burial was common at this time (Lillard et al. 1939). Grave goods during this period are generally sparse and typically include only utilitarian items and a few ornamental objects. However, objects such as charmstones, quartz crystals, and bone whistles occasionally were present, which suggest the religious or ceremonial significance of the individual (Hughes 1994). During this period, larger populations are suggested by the number and depth of sites compared with the Windmill Pattern. According to Fredrickson (1973), the Berkeley Pattern reflects gradual expansion or assimilation of different populations rather than sudden population replacement and a gradual shift in economic emphasis.

2.1.3 - Augustine Pattern or Late Horizon (A.D. 500 to Historic Period)

The Late Horizon is characterized by the Augustine Pattern, which represents a shift in the general subsistence pattern. Changes include the introduction of bow and arrow technology; and most importantly, acorns become the predominant food resource. Trade systems expanded to include raw resources as well as finished products. There are more baked clay artifacts and extensive use of Haliotis ornaments of many elaborate shapes and forms. Burial patterns retained the use of flexed burials with variable orientation, but there was a reduction in the use of ochre and widespread evidence of cremation (Moratto 1984). Judging from the number and types of grave goods associated with the two types of burials, cremation seems to have been reserved for individuals of higher status, whereas other individuals were buried in flexed positions. Johnson (1976) suggests that the Augustine Pattern represents expansion of the Wintuan population from the north, which resulted in combining new traits with those established during the Berkeley Pattern.

Central California research has expanded from an emphasis on defining chronological and cultural units to a more comprehensive look at settlement and subsistence systems. This shift is illustrated by the early use of burials to identify mortuary assemblages and more recent research using osteological data to determine the health of prehistoric populations (Dickel et al. 1984). Although debate continues over a single model or sequence for central California, the general framework consisting of three temporal/cultural units is generally accepted, although the identification of regional and local variation is a major goal of current archaeological research.

2.1.4 - Regional Investigations

The majority of previous investigations in the lower Sacramento Valley have been conducted east of the Sacramento River, typically along the Cosumnes River. Two investigations that focused on the lower Sacramento Valley are CA-SAC-133 (Bouey and Waechter 1992) and CA-SAC-16 (Derr 1983), among others. Pertinent to the proposed project is the prehistoric site, CA-SOL-363 (Rosenthal and White 1994), located in outside the City of Dixon, which documented 15 features and 39 burials. The assemblage included projectile points, primarily lanceolate forms, manufactured from obsidian found in the Napa Valley, which are typically associated with the Berkeley Pattern. The predominate type of shell beads were *Olivella*, Class F2a, F2b, F3b, G5, and C3, which were attributed to the Intermediate Phase of the Middle Period. The lack of Augustine Pattern components is indicated by the absence of *Olivella* Class M shell beads and clamshell disk beads (Rosenthal and White 1994). The paucity of milling tools in relation to projectile points suggests that subsistence strategies relied on hunting rather than vegetal resources. The analyzed faunal remains indicated that the site was used seasonally as a winter camp. Consistent with Berkeley Pattern burial practices, burials at the site were flexed with variable cardinal orientation. No cremations were reported at the site.

2.2 - Native American Background

At the time of European contact, most of the San Joaquin Valley and the foothills of the western slope of the Sierra Nevada were occupied by the Yokuts, who are generally recognized as having three major subgroups: the Northern Valley, the Foothill, and the Southern Valley. Each of these ethnolinguistic groups was composed of autonomous, culturally and linguistically related tribes or tribelets. Ethnographic evidence suggests the project area was part of the Northern Valley Yokuts territory.

The Northern Valley Yokuts, who lived along the San Joaquin River and its tributaries and within the vicinity of the project area, are one of the least known of the California Indian groups. This is due to the almost complete destruction of their tribal life in the early 19th century.

What can be gleaned from the diaries and reports of Spanish soldiers and priests is that fish, waterfowl, and acorns were important food resources for the Northern Valley Yokuts. The local rivers and their tule marshes contained salmon, sturgeon, perch, suckers, and pike, which were caught using nets, weighted with stone sinkers and bone harpoons. Waterfowl, such as geese, ducks, and other aquatic birds, were abundant in the marshes and probably played a major role in the Northern Valley Yokuts subsistence base (Wallace 1978). Dogs were domesticated and may have been raised for food, a taboo to some tribes but not the Yokuts (Wallace 1978; Kroeber 1925). Wild plant resources, especially acorns, were of prime importance and in a good year, a valley oak could produce 300 to 500 pounds of acorns, which were then ground into meal and cooked into porridge. Tule reed roots were likewise gathered and ground into meal that was traditionally served as porridge (Wallace 1978).

Stone mortars and pestles, milling stones, hammers, choppers, and projectile points were manufactured from local rock sources. Notably, although obsidian was imported into the area, it was used infrequently for tools or weapons. Bone tools, particularly awls, were used in basket manufacture (Wallace 1978).

Most villages were built near rivers on elevated land to avoid flooding during heavy rains or spring runoff from the Sierras. Archaeological excavations in Merced and Fresno counties indicate that houses were single-family dwellings, probably made with an oval framework of lightweight poles covered by mats of tule reeds. Hard-packed earthen floors 25 to 40 feet in diameter were constructed several feet below ground level. Communities typically contained a sweathouse and sometimes a large ceremonial structure. The size of the Yokuts communities is uncertain, but estimates indicate that the principal settlements contained 200 to 250 inhabitants (Wallace 1978).

Contact with Europeans was particularly devastating for the Northern Valley Yokuts. This group was adversely impacted by missionization in the early 1800s, European diseases, and the influx of miners and settlers as a result of the 1849 Gold Rush (Wallace 1978). Kroeber observed that their habitat in

the open river valley left them especially vulnerable, compared to mountain dwellers, to “the full brunt of civilization” (Kroeber 1925).

Contact with the Spanish commenced early in the 19th century and normally consisted of sporadic visits by small exploration parties. However, between 1805 and the 1820s, Franciscan priests from the coastal missions began recruiting converts from further inland, and a large portion of the Yokuts population was taken to various missions in San Jose, Santa Clara, Soledad, San Juan Bautista, and San Antonio. Many neophytes deserted and returned to their homes, but were sought and brought back by Spanish soldiers.

A decade after the Mexican government claimed independence from Spain in 1822, the missions were converted into parish churches, and many Native Americans were released and returned to their former territory, though not necessarily to the specific location from which they came.

After the American conquest of California in 1846, the remaining Northern Valley Yokuts were driven off their land by miners heading south, farmers pursuing the locally rich soil, and the construction of various railroads. By the time scholars were interested in gathering information on California native groups, there were few people left to provide descriptions of native life before European contact (Wallace 1978).

2.3 - Historic Background

The history of the southern San Joaquin Valley can be divided into several periods of influence; pertinent historic periods are briefly summarized below.

Spanish Period

In 1772, Captain Pedro Fages, a Spanish soldier, entered the San Joaquin Valley area searching for military deserters. His diary was one among many that documented the environmental landscape and the cultural setting of the San Joaquin Valley. Fages entered the area from the south, and as he emerged from the lower portion of Tejon Pass, he saw the beautiful lakes, rivers, and plains and named the most prominent lake Buena Vista (beautiful view). In 1776, Padre Francisco Garces, traveled through the San Joaquin Valley in hopes of discovering a more direct route to Monterey.

The most drastic and permanent change to the local Northern Valley Yokuts way of life was the establishment of the Spanish Mission system. By the early 1800s, the mission fathers began a process of cultural change that brought the majority of the local Native Americans into the missions. At the expense of traditional skills, the Native Americans were taught the pastoral and horticultural skills of the Hispanic tradition. Spanish missionaries traveled into the San Joaquin Valley to recapture escaped neophytes and recruit inland Native Americans for the coastal missions. In 1834, the Mission system was officially secularized, and the majority of the mission Native American population dispersed to local ranches, villages, or nearby pueblos. Following the collapse of the

mission system, many of the local Native Americans returned to the San Joaquin Valley, bringing with them language and agricultural practices learned from the Spanish. During the second half of the 19th century, the size of all Yokuts populations dwindled dramatically due to the spread of European settlements and the diseases the Europeans brought with them (Kroeber 1925; Wallace 1978).

Mexican Period

With the declaration of Mexican independence in 1821, Spanish control of Alta California ended, although little change actually occurred. Political change did not take place until mission secularization in 1834, when Native Americans were released from missionary control and the mission lands were granted to private individuals. Shoup and Milliken (1999) state that mission secularization removed the social protection and support on which Native Americans had come to rely. It exposed them to further exploitation by outside interests, often forcing them into a marginal existence as laborers for large ranchos. Following mission secularization, the Mexican population grew as the Native American population continued to decline. Euro-American settlers began to arrive in California during this period and often married into Mexican families, becoming Mexican citizens, which made them eligible to receive land grants. In 1846, on the eve of the U.S.-Mexican War (1846 to 1848), the estimated population of California was 8,000 non-natives and 10,000 Native Americans. However, these estimates have been debated. Cook (1976) suggests the Native American population was 100,000 in 1850; the U.S. Census of 1880 reports the Native American population as 20,385.

European Expansion

In 1826, Jedediah Smith was among the first trappers to explore the San Joaquin Valley, but other fur-trapping expeditions soon followed. In 1848, as a result of the Treaty of Guadalupe Hidalgo, California became a United States territory. Also in 1848, John Marshall found gold at Sutter's Mill, which marked the start of the Gold Rush. The influx of miners and entrepreneurs increased the population of California, not including Native Californians, from 14,000 to 224,000 in just four years. This, in turn, stimulated commercial growth in the San Joaquin Valley as eager entrepreneurs set up business to support the miners and mining operations. When the Gold Rush was over, many of the miners settled in the San Joaquin Valley and established farms, ranches, and lumber mills.

2.4 - History of the City of Manteca

The City of Manteca was first settled in the mid-1800s by a small number of pioneer farmers who realized the area had an excellent combination of good soils, a mild climate, and readily available water that were key to prosperous farming (Hillman and Covello 1985). Although Manteca was not in the heart of the gold country at the time of the Gold Rush, gold miners looking for a place to settle moved into the area to buy large and small tracts of land where they grew grain crops and raised cattle. During the 1860s, Manteca was called Cowell Station, named after Joshua Cowell, who was later known as the "father of Manteca." Cowell arrived in Manteca in 1861 and bought land in what

is now the center of town, at the corner of Yosemite and Main streets. At one time, Cowell owned most of Manteca, with a claim to 1,000 acres and another 1,000 acres that he used as rental property. In 1918, when the town of Manteca was incorporated, Cowell was elected as the first mayor.

In 1873, when the Central Pacific Railroad was constructed in this part of California, the railroad track was laid through the center of the Cowell Farm. The original train station was a boxcar with the name “Cowell Station” displayed on its side. Because there was another Cowell Station south of the town of Tracy named after Wright Cowell, Joshua Cowell’s brother, the railroad and the local farmers agreed to a name change. It was decided that the new name would be Monteca. The citizens of the town were justifiably dismayed when the first railroad tickets had misspelled the name “Manteca” (Spanish for “lard”) instead of Monteca. The local citizens were unhappy with the error, but it was never changed (Coon n.d.).

The City of Manteca began to grow as more farmers moved into the area, and Manteca’s first school was built in 1857. In 1913, the school was destroyed by fire; after many years of discussion, the first high school classes met in small huts in 1920. On January 26, 1923, a new high school building was dedicated, remaining a city landmark until it was demolished in 1969. The East Union Cemetery in Manteca was built in 1872 and today is one of the oldest landmarks in San Joaquin County.

In 1902, J.J. Overshiner built the first general store and barbershop in Manteca. However, the City of Manteca remained a small town, and even in 1910, there were only a few homes with a population of about 100 people. Shortly after the opening of the first store in 1902, the local citizens petitioned for a post office.

Cost-effective, reliable irrigation for agricultural crops and livestock was essential for the development of the general Manteca area. In 1909, an election was held to form the South San Joaquin Irrigation District (District) and to authorize bonds to provide funds for constructing the District. Although it was generally believed that irrigation would help the small community to grow, the bonds were not issued until 1913. Irrigation water was diverted from the Stanislaus River at a point about 36 miles northeast of Manteca. The District built lateral ditches in preparation of delivering water to every 40-acre tract of land that marked the beginning of the town’s growth.

Development of an industrial hub in Manteca began with the establishment in 1914 of the Manteca Canning Company, which was one of the major components of Manteca’s industrial sector until it closed in 1964. The Spreckles Sugar Company plant opened in the downtown commercial area in 1918 to process sugar beets. The plant included office buildings, a clubhouse, landscaped grounds, and housing for its permanent employees. The downtown commercial district began to expand and soon included five restaurants, three hotels, grocery stores, drug stores, a movie theater, and various other stores and shops. The Kraft Foods Company opened a cheese plant in the commercial district in 1935 and substantially expanded it in 1937, but it ceased operations in 1957.

Of particular relevance to the project is the 724-acre Sharpe Army Depot (Depot) that is located adjacent to the project area to the west. The site is a Defense Logistics Agency facility that since 1941 has supplied the Department of Defense with storage, shipping, packaging, and maintenance of general supplies. Construction of the major facilities at the Depot began during World War II and additional facilities were added during the Korean War and the Vietnam Conflict. More recently, additional facilities in the form of a distribution center (Western Distribution Center) were constructed in 1988 and added significantly to the capacity of the Depot.

Between 1941 and 1975, chemical wastes were generated at the Depot site (currently referred to as the Defense Distribution Depot San Joaquin) as a result of maintenance activities for aircraft, army vehicles, industrial equipment, and medical equipment. The waste materials generated from these activities were disposed of onsite in several areas and contaminated both the soil and groundwater. All maintenance activities have ceased at the site and the waste areas are no longer used. Cleanup of the Depot site started in 1987 and included groundwater treatment and disposal of contaminated soil.

Changes to the City of Manteca came slowly up through the 1970s, but today it is has become an area that is sought after for high-tech industries, partly because of its affordable housing and small-town amenities. During the past 10 years, Manteca has witnessed phenomenal growth, and its population currently stands at approximately 64,500 people.

SECTION 3: REGULATORY BACKGROUND AND RESEARCH GOALS

The cultural resource assessment for the project APE included record searches at the CCIC and the NAHC, and a pedestrian survey to determine if there were any new cultural resource sites within the project APE, and to determine whether such resources will be affected by project development.

3.1 - Regulatory Background

The Northwest Airport Way Master Plan was evaluated on the basis of the federal laws and regulations that are briefly described below. Government agencies at the federal, state, and local levels, have developed laws and regulations designed to protect significant cultural resources that may be affected by projects regulated, funded, or undertaken by the agencies. Federal and state laws that govern the preservation of historic and archaeological resources of national, state, regional, and local significance include National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), and CEQA. In addition, laws specific to work conducted on federal lands include the Archaeological Resources Protection Act (ARPA), the American Antiquities Act, and the Native American Graves Protection and Repatriation Act (NAGPRA). These laws govern the preservation of historic and archaeological resources of national, state, regional, and local significance.

Federal agencies are required to consider the effects of their actions on historic properties and afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on such undertakings under NHPA Section 106. Federal agencies are responsible for initiating Section 106 review and completing the steps in the process that are outlined in the regulations. They must determine if Section 106 applies to a given project and, if so, initiate review in consultation with the State Historic Preservation Officer (SHPO) and/or the Tribal Historic Preservation Officer (THPO). Federal agencies are also responsible for involving the public and other interested parties in the process. Furthermore, Section 106 requires that any federal or federally assisted undertaking, or any undertaking requiring federal licensing or permitting, consider the effect of the action on historic properties listed in or eligible for listing on the NRHP. Under the Code of Federal Regulations (CFR), 36 CFR Part 800.8, federal agencies are specifically encouraged to coordinate compliance with NHPA Section 106 and the NEPA process. The implementing regulations “Protection of Historic Properties” are found in 36 CFR Part 800. Resource eligibility for listing on the NRHP is detailed in 36 CFR Part 63, and the criteria for resource evaluation are found in 36 CFR Part 60.4 (a-d).

The NHPA established the NRHP as the official federal list for cultural resources that are considered important for their historical significance at the local, state, or national level. To be determined eligible for listing in the NRHP, properties must meet specific criteria for historic significance and possess certain levels of integrity of form, location, and setting. The criteria for listing on the NRHP are significance in American history, architecture, archaeology, engineering, and culture as present in

districts, sites, buildings, structures and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association. In addition, a resource must meet one or more of these eligibility criteria:

- a) [It is] associated with events that have made a significant contribution to the broad patterns of our history; or
- b) [It is] associated with the lives of persons significant in our past; or
- c) [It]embod[ies] the distinctive characteristics of a type, period, or method of construction; represent the work of a master; possess high artistic values, represent a significant and distinguishable entity whose components may lack individual distinction; or
- d) [It has] yielded, or may be likely to yield, information important in prehistory or history.

Criterion D is usually reserved for archaeological resources. An eligible property must meet at least one of the criteria and exhibit integrity, measured by the degree to which the resource retains its historical properties and conveys its historical character.

3.2 - Thresholds of Significance

In consultation with the SHPO/THPO and other entities that attach religious and cultural significance to identified historic properties, the agency shall apply the criteria of adverse effect to historic properties within the APE. The agency official shall consider the views of consulting parties and the public when considering adverse effects.

3.2.1 - Federal Criteria of Adverse Effects

Under federal regulations, 36 CFR Part 800.5, an adverse effect is found when an undertaking alters, directly or indirectly, any of the characteristics of a historic property that qualifies the property for inclusion in the NRHP in a manner that diminishes the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration will be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for listing in the NRHP. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative.

In accordance with 36 CFR Part 800.5, adverse effects on historic properties include but are not limited to those listed below:

- Physical destruction of or damage to all or part of the property
- Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, and provision of handicapped access, that is not consistent

with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties in accordance with 36 CFR Part 68 and applicable guidelines

- Removal of the property from its historic location
- Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance
- Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features
- Neglect of a property that causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization
- Transfer, lease, or sale of property out of federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long-term preservation of the property's historic significance

3.2.2 - If Adverse Effects Are Found

If adverse effects are found, the agency official shall continue consultation as stipulated at 36 CFR Part 800.6. The agency official shall consult with the SHPO/THPO and other consulting parties to develop alternatives to the undertaking that could avoid, minimize, or mitigate adverse effects to historic resources. In accordance with 36 CFR Part 800.14(d), if adverse effects cannot be avoided, then standard treatments established by the ACHP may be used as a basis for the Memorandum of Agreement (MOA).

In accordance with 36 CFR Part 800.11(e), the filing of an approved MOA and appropriate documentation, as specified, concludes the Section 106 process. The MOA must be signed by all consulting parties and approved by the ACHP prior to construction activities. If no adverse affects are found and the SHPO/THPO or the ACHP does not object within 30 days of receipt, the agency's responsibilities under Section 106 will be satisfied upon completion of report and documentation as stipulated in 36 CFR Part 800.11. The information must be made available for public review upon request, excluding information covered by confidentiality provisions.

SECTION 4: RESULTS

4.1 - Records Search

4.1.1 - Central California Information Center (CCIC) Record Search

On May 28, 2009, staff at the CCIC conducted a records search (CCIC File #7408 L) to identify previously recorded historic resources within the project area and a 0.25-mile radius. The search included current inventories of the NRHP, the CR, the CHL, the CPHI, and the HPDF.

The results of the record search indicated that six previous investigations have been conducted within the project area (Table 1).

Table 1: Cultural Resource Reports within the Project Area

No.	Report Number	Author/Date
1	SJ-729	Chavez/1981
2	SJ-3141	Napton/1998
3	SJ-4786	Windmiller and Napoli/2002
4	SJ-5309	Baloian, Baloian, and Nettles/2004
5	SJ-5953	Billat/2005
6	SJ-6625	ASI/1998

Sixteen surveys have been conducted within a 0.25-mile radius of the project; Table 2.

Table 2: Cultural Resource Reports within a 0.25-mile Radius of the Project Area

No.	Report Number	Author/Date
1	SJ-731	Cleland et al./1987
2	SJ-732	Cleland et al./1987
3	SJ-768	Napton/1982
4	SJ-815	Orlins/1979
5	SJ-1435	Hill/1992
6	SJ-1836	Harmon/1992
7	SJ-2245	Building Technology Inc./1984
8	SJ-2936	Eidsness/1996
9	SJ-4161	Peak & Associates/2000
10	SJ-5582	Deis/2004
11	SJ-6064	Cheever and Berryman/2006

Table 2 (cont.): Cultural Resource Reports within a 0.25-mile Radius of the Project Area

No.	Report Number	Author/Date
12	SJ-6146	Pacific Legacy/1999
13	SJ-6147	Eidsness/1998
14	SJ-6418	Baker and Maniery/2007
15	SJ-6419	Environmental Division, 63D Regional Readiness Command, U.S. Army Reserve and PAR Environmental Services/2007
16	SJ-6906	Konzak/2008

No prehistoric or historic resources have been previously recorded within the project area. Three historic structures have been recorded within a 0.25-mile radius of the project area; a portion of the Western Pacific Railroad, a portion of a drainage canal, and a small bungalow-style residence. Brief descriptions of these resources are provided below.

- A portion of the Western Pacific Railroad (P-39-000098) was recorded to the south of the project area, but it is not listed in the HPDF. In addition, when the portion was recorded in 1993, it was determined that it did not meet the eligibility criteria for listing in the NRHP.
- A small portion of one of the drainage canals operated by the South San Joaquin Irrigation District (SSJID) is within the APE, but when it was recorded in 1993, it was determined that it did not meet the eligibility criteria for listing in the NRHP (P-39-000103).
- The residence and associated barn at 14580 Airport Way (P-39-004494) were recorded in 2004 but were considered “not eligible” for listing on the CR or the NRHP.

In addition to these historic structures, the Sharpe General Depot, which is adjacent to the project area to the west, was previously recorded as a historic district (P-39-000612 and HPDF #5331-1-999), although the CCIC notes that many of the buildings within the Depot have been moved or demolished. All of the buildings within the District have been given NR Status Codes of 6Y (determined ineligible for NR by consensus through Section 106 process) or 7N (needs to be reevaluated). The nearest building to the project APE within the Sharpe General Depot (DLA Quality Assurance Facility/Warehouse) is approximately 1,300 feet west and was evaluated in 2005 (P-39-004569) and was found not to meet any of the four criteria for listing on the NR.

No additional historic or prehistoric resources have been formally recorded within a 0.25-mile radius of the APE.

4.1.2 - Native American Heritage Commission Record Search

On May 27, 2009, MBA sent a letter to the Native American Heritage Commission (NAHC) in Sacramento in an effort to determine whether any sacred sites are listed on its Sacred Lands File for

the project APE. A response from the NAHC was received on June 5, 2009, and it noted that the search failed to indicate the presence of Native American cultural resources in the immediate project area. A single Native American tribal member (Katherine Perez) who may have additional knowledge of the project area was included with the results. Ms. Perez was sent a letter on June 15, 2009 asking for any additional information she might have concerning the project area. A copy of the letter can be found in Appendix A.

In addition, a second informational request in the form of a phone message was left on Ms. Perez's answering machine on June 29, 2009. As of this date, no response to either request has been received.

SB 18 Tribal Consultation

As this project will include a General Plan Amendment, the tenets of Senate Bill 18 (SB 18) must be followed. The City is advised to initiate the SB 18 process in a timely manner to ensure that the Native American consultation requirements are met for this project. A brief summary and timeline for the SB 18 process are provided in Appendix C: Regulatory Framework of this document for reference purposes.

4.2 - Pedestrian Survey

4.2.1 - Field Survey Results

The project area consists of flat terrain that is primarily agricultural land. Although much of the project area had been planted with alfalfa, the alfalfa had been mowed and the bales removed just days before the field survey, which provided good to very good ground visibility (Appendix D, Photographs 1 and 2). The northern project area consists of predominantly plowed alfalfa fields containing numerous irrigation canals with weirs and locks to regulate the flow and direction of the irrigation water (Photographs 3 and 4). In the central portion of the project area are several residences and the privately owned industrial site of the Cal Suprema Cheese Company, Inc. (Photographs 5, 6, and 7). Immediately south of the Cal Suprema Cheese Company buildings was an alfalfa field that had not been mowed; therefore, ground surface visibility was less than 5 percent (Photograph 8). Since the vegetation was so dense and the ground surface visibility was so poor, a cursory survey to the western edge of the field and back was the extent of the survey coverage in this particular field. At the southern end of the project area is the Aufdermaur Dairy farm containing a small, older residence with an associated barn and a newer residence south of the older home (Photographs 9, 10, 11). At the southwest corner of the project is a privately owned industrial site that was in operation during the course of the survey (Photograph 12). North of the industrial site is a small apricot orchard that was in production at the time of the survey (Photograph 13). Traversing the western edge of the project area is the South San Joaquin Irrigation District Canal (Photograph 14). The canal borders the project starting at Lathrop Road for approximately 2,500 feet, but at that

point, the project boundary moves east away from the canal and the project remains approximately 1,000 feet east of the canal to the project terminus at Roth Road.

4.2.2 - Evaluated Structures

To gain a better understanding of the buildings in the project area, the City of Manteca 2002 General Plan Update (Plan) was reviewed. The Plan discusses historic resources in the outlying areas and provides the following information pertinent to this project:

Most outlying agricultural buildings, however, come from the era of dairying and the raising of orchard crops. Some ranches are still in operation. A few farmsteads, containing a house, auxiliary buildings, and surrounding open land, remain today. Individual farm buildings, not always houses, are more common. Architectural styles of farmhouses usually replicated those of buildings in town.

There were six properties located on the west side of South Airport Road that were initially evaluated; 11532, 13021, 13033, 13225, 13666 and 13991. The six properties were evaluated using the evaluation criteria for resource evaluation found in 36 CFR Part 60.4 [a-d]:

- a. that are associated with events that have made a significant contribution to the broad patterns of our history; or
- b. that are associated with the lives of persons significant in our past; or
- c. that embody the distinctive characteristics of a type, period, or method of construction; represent the work of a master; possess high artistic values, represent a significant and distinguishable entity whose components may lack individual distinction; or
- d. that have yielded, or may be likely to yield, information important in prehistory or history.

Some of the houses and associated buildings appeared to date to the 1950s or possibly earlier but the exact construction dates were not found as typically government files do not contain building permits dating earlier than the 1960s. Additionally, although structures appear on historic aerials for some of the locations, there was no way to determine if the existing structures are the same as the ones shown on the aerials.

Although the properties were evaluated separately, they are discussed together as they all had similar attributes and the evaluation conclusions were the same. All six of the residences were vernacular in style and although most are in fair to good condition, they did not exhibit any architectural style or construction method that is considered significant. In addition, the buildings did not appear to be associated with persons or events of significance to the development of Manteca area. Finally, none of the buildings or associated structures were considered to have unique characteristics that set them apart from similar structures in the surrounding area. Thus, since these buildings and structures had

limited architectural and historical significance and were not found to be associated with significant persons or events, they are considered not eligible for listing on the NR.

Additionally, the Cal Suprema Cheese Company buildings were reviewed to determine if they were eligible for listing on the NR, but review of historic maps showed that the majority of the original structures had been replaced sometime between 1993 and 2002 and therefore the buildings did not meet the minimum age requirement for listing on the NR

During the course of the pedestrian survey, no historic or prehistoric resources eligible for listing on the NR were discovered.

SECTION 5: SUMMARY, RECOMMENDATIONS, INADVERTENT DISCOVERIES

5.1 - Summary

In accordance with the NHPA and CEQA, Michael Brandman Associates assessed the effects of development of the project within the project APE.

As the project is located within a marginally developed area, the APE was determined to consist of the 392-acre project area and the areas immediately adjacent to the project boundaries.

Results from the Native American Heritage Commission indicated that the search failed to indicate the presence of Native American cultural resources in the immediate project area. To ensure protection of prehistoric resources, an information request letter was sent to Native American representative, Ms. Katherine Perez, on June 15, 2009 asking for any additional information she might have concerning the project area. In addition, a second informational request, in the form of a phone message, was left on Ms. Perez's answering machine on June 29, 2009. As of this date, no response to either request has been received.

During the pedestrian survey, no prehistoric resources, artifacts, or features were discovered within the APE. In addition, no historic resources or structures considered eligible for listing on the NR or the CR were discovered; therefore, project development will not have an adverse effect on historic resources.

5.2 - Recommendations

Since no new cultural resources considered eligible for listing on the NR or the CR were discovered during the course of the field survey within the APE, no historic resources would be affected by project development. Therefore, no additional archaeological work or construction monitoring is recommended at this time.

5.3 - Inadvertent Discovery Procedures

The following inadvertent discovery procedures should be followed if previously unknown resources are discovered during the course of project development.

5.3.1 - Accidental Discovery of Human Remains

There is always the possibility that ground-disturbing activities may uncover previously unknown human remains. Should this occur, Section 7050.5 of the California Health and Safety Code applies, and the following procedures shall be followed.

In the event of an accidental discovery or recognition of any human remains, Public Resource Code (PRC) Section 5097.98 must be followed. In this instance, once project-related earthmoving begins

and if there is accidental discovery or recognition of any human remains, the following steps shall be taken:

1. There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until the San Joaquin County Coroner is contacted to determine if the remains are Native American and if an investigation of the cause of death is required. If the coroner determines the remains to be Native American, the coroner shall contact the NAHC within 24 hours, and the NAHC shall identify the person or persons it believes to be the “most likely descendant” (MLD) of the deceased Native American. The MLD may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in PRC Section 5097.98, or
2. Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity either in accordance with the recommendations of the most likely descendent or on the project in a location not subject to further subsurface disturbance:
 - The NAHC is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission;
 - The descendent identified fails to make a recommendation; or
 - The landowner or his authorized representative rejects the recommendation of the descendent, and the mediation by the NAHC fails to provide measures acceptable to the landowner.

5.3.2 - Accidental Discovery of Cultural Resources

As mandated by Section 106 of the NHPA, federal agencies must take into account the effects of their undertakings on historic properties and seek ways to avoid, minimize, or mitigate adverse effects on such properties [36 CFR 800.1(a)]. Likewise, CEQA regulations state, “a project that may cause a substantial adverse change in the significance of a historical resource is a project that may have a significant effect on the environment” (PRC Section 21084.1). “Substantial adverse change” means “demolition, destruction, relocation, or alteration such that the significance of an historical resource would be impaired” [PRC Section 5020.1(q)].

If an archaeological site qualifies for listing on the NRHP or CR, the provisions in Section 106 and CEQA mandate that the lead agencies further determine whether the proposed undertaking will have an “effect” and “adverse effect” upon the site [36 CFR 800.4(d)(1)]. According to federal regulations, “Effect means alteration to the characteristics of a historic property qualifying it for

inclusion in or eligibility for the National Register” [36 CFR 800.16(i)]. The criteria of adverse effect are:

An adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association. Consideration shall be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property’s eligibility for the National Register. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance or be cumulative [36 CFR 800.5(a)(1)].

In accordance with PRC Section 21082 and Section 15064.5 of the CEQA Guidelines and [36 CFR 800] of Section 106 of the NHPA , if buried cultural resources are discovered during construction, operations shall stop in the immediate vicinity of the find and a qualified archaeologist shall be consulted to determine whether the resource requires further study. The archaeologist shall make recommendations to the lead agency concerning appropriate measures that will be implemented to protect the resources, including but not limited to excavation and evaluation of the finds, consistent with Section 15064.5 of the CEQA Guidelines and 36 CFR 800. Cultural resources could consist of but are not limited to stone, bone, wood, or shell artifacts, or features including hearths, structural remains, or historic dumpsites. In accordance with PRC Section 21082 and Section 15064.5 of the CEQA Guidelines, no further grading or construction activity shall occur within 50 feet of the discovery until the lead agency approves the measures to protect these resources.

In addition, reasonable efforts to avoid, minimize, or mitigate adverse effects to the property will be taken and the State Historic Preservation Officer (SHPO) and Indian tribes with concerns about the property, and the Advisory Council on Historic Preservation (Council) will be notified within 48 hours in compliance with 36 CFR 800.13 (b) (3).

5.3.3 - Accidental Discovery of Paleontological Resources

If previously unknown paleontological resources are discovered during excavation activities, operations shall stop in the immediate vicinity of the find and a qualified paleontologist shall be consulted to determine whether the resource requires further study.

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Appendix A: Cultural Resources Correspondence

A-1: Information Center Records Search Response



CENTRAL CALIFORNIA INFORMATION CENTER

California Historical Resources Information System

Department of Anthropology – California State University, Stanislaus
One University Circle, Turlock, California 95382
(209) 667-3307 - FAX (209) 667-3324

Alpine, Calaveras, Mariposa, Merced, San Joaquin, Stanislaus & Tuolumne Counties

REC'D JUN 01 2009

Date: May 28, 2009

CCIC File #: 7408 L

Project: Center Pointe Intermodal

Carrie Wills
Senior Project Archaeologist
Michael Brandman Associates
2633 Camino Ramon, Suite 460
San Ramon, CA 94583

Dear Ms. Wills,

We have conducted a Priority Response records search as per your request for the above-referenced project area located on the Lathrop and Manteca USGS 7.5-minute quadrangle maps in San Joaquin County.

Search of our files includes review of our maps for the specific project area and a one-quarter-mile radius of the project area (as specified by the client), and review of the National Register of Historic Places, the California Register of Historical Resources, the *California Inventory of Historic Resources* (1976), the *California Historical Landmarks* (1996), and the *California Points of Historical Interest* listing (May 1992 and updates), the Directory of Properties in the Historic Property Data File and the Archaeological Determinations of Eligibility (Office of Historic Preservation current computer lists dated 02-05-2009 and 02-04-2009), and the CALTRANS State and Local Bridge Survey (1989 and updates).

The following details the results of the records search:

Prehistoric or historic resources within the project area:

- No prehistoric or historic archaeological resources have been reported to the Information Center.

Primary #	HRI #	
P-39-000589	5331-1-17	Administration Building, built 1943 (still used within the Quinonez AFRC). On the HPDF list.
P-39-000133	---	Sharpe Depot Railroad system. Not in the HPDF.
P-39-004569	---	Bldg. 404 Quality Assessment Facility and Warehouse, built 1953 (prob. not the same as the Bldg. 404 on the HPDF, built earlier?).

The following are also within ¼-mile (at the Depot) but are not plotted on your USGS; they can be found and identified on the attached HPDF printout—

P-39-	5331-1-
000583	39
000588	11
000590	19
000592	22
000594	27
000595	31
000598	33
000606	10

There are other Depot features on the HPDF printout that we do not have records for, so we do not know their locations (primarily the ones without 5331-1- numbers).

Resources known to have value to local cultural groups:

None have been formally reported to the CCIC.

Previous investigations within the project area:

Report copies attached:

CCIC report #	Author/Date
SJ-729	Chavez (1981)
3141	Napton (1998)
4786	Windmiller and Napoli (2002)
5309	Baloian, Baloian, and Nettles (2004)
5953	Billat (2005)
6625	ASI (1998)

Note: the title page for SJ-2759 (Hatoff, Voss, Waechter, Wee and Bente, 1995) is attached as this report/study was the source for the attached records P-39-000098 and P-39-000103, although the survey area and study area for that report did not directly involve your project and search radius, except for the recordation of comparison points on linear resources.

Previous investigations within a one-quarter-mile radius of the project area:

Title pages attached:

CCIC report #	Author/Date
SJ-	
731	Cleland et al. (1987)
732	Cleland et al. (1987)
768	Napton (1982)
815	Orlins (1979)
1435	Hill (1992)
1836	Harmon (1992)
2245	Building Technology, Inc. (1984)
2936	Eidsness (1996)
4161	Peak & Associates (2000)
5582	Deis (2004)
6064	Cheever and Berryman (2006)
6146	Pacific Legacy, Inc. (1999)
6147	Eidsness (1998)
6418	Baker and Maniery (2007)
6419	Environmental Division, 63D Regional Readiness Command, U.S Army Reserve (and) PAR Environmental Services (2007)
6906	Konzak (2008)

Comments: In accordance with State law, if any historical resources are found during project-related activities, work is to stop and the lead agency and a qualified professional are to be consulted to determine the importance and appropriate treatment of the find.

We understand that you will be conducting an archaeological survey of the proposed project that is the subject of this records search. We look forward to receiving one copy of your report of findings which should include two copies each of site records for all historical resources.

We thank you for contacting this office regarding historical resource preservation. Please let us know when we can be of further service. Please sign and return the attached Access Agreement form. Billing is attached, payable within 60 days of receipt of the invoice.

Sincerely,



Robin Hards, Assistant Research Technician
Central California Information Center
California Historical Resources Information System

- Historic structures:
 - (1) Small segment of the SSJID Drainage Canal recorded by JRP for Woodward-Clyde; copy of record P-39-000103 attached. Not in the HPDF.
 - (2) Please see the attached copies of the latest Caltrans Local Agency Bridges lists (City of Lathrop and County of San Joaquin—no separate pages for City of Manteca) to identify any bridges in your search area.
 - (3) None of the property listings on the HPDF printout for Lathrop or Manteca are in the project area.
 - (4) The following maps are available if needed, but were not copied as they were not checked off on your request list:
 - GLO Plat map T1S/R6E (sheet #44-009, dated 1851-1877)
 - GLO Plat map T1S/R7E (sheet #44-011, dated 1851-1864)
 - Jan. 1915 Lathrop USGS 7.5' (1:31680 scale)
 - 1952 Manteca USGS 7.5'
 - (no 1940's or 1950's Lathrop USGS 7.5' available to send)

Prehistoric or historic resources within a one-quarter-mile radius of the project area:

- No prehistoric or historic archaeological resources have been reported to the Information Center.
- Historic structures:
 - (1) The Western Pacific Railroad, immediately adjacent, has not been formally recorded within the search radius, but I have attached a copy of the record prepared by JRP for a segment to the south. File P-39-000098. Not in the HPDF.
 - (2) Bungalow and barn at 14580 Airport Way. Record P-39-004494 attached. Not in the HPDF.
 - (3) The file numbers for Sharpe Depot (as a whole) are P-39-000612 and HRI #5331-1-9999, shown on the HPDF. No record attached.
 - (4) Of the following individual buildings and structures at Sharpe Depot that have been recorded and we have been able to plot locations for, the following are within the search radius (many of them may have been moved or demolished); see the attached map of the Depot showing the Primary numbers and the HRI numbers; no records attached:

A-2: Native American Heritage Commission Response and Representative Letter

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 652-4082
Fax (916) 657-5390
Web Site www.nahc.ca.gov



June 5, 2009

Carrie D. Wills
Senior Project Archaeologist
Michael Brandman Associates, Inc.
2633 Camino Ramon, Ste. 460
San Ramon, CA 94583

Sent by Fax: 925-830-2715

Number of Pages: 2

Re: Proposed Manteca Project #2482.0003, San Joaquin County.

Dear Ms. Wills:

A record search of the sacred land file has failed to indicate the presence of Native American cultural resources in the immediate project area. The absence of specific site information in the sacred lands file does not indicate the absence of cultural resources in any project area. Other sources of cultural resources should also be contacted for information regarding known and recorded sites.

Enclosed is a list of Native Americans individuals/organizations who may have knowledge of cultural resources in the project area. The Commission makes no recommendation or preference of a single individual, or group over another. This list should provide a starting place in locating areas of potential adverse impact within the proposed project area. I suggest you contact all of those indicated; if they cannot supply information, they might recommend others with specific knowledge. By contacting all those listed, your organization will be better able to respond to claims of failure to consult with the appropriate tribe or group. If a response has not been received within two weeks of notification, the Commission requests that you follow-up with a telephone call to ensure that the project information has been received.

If you receive notification of change of addresses and phone numbers from any of these individuals or groups, please notify me. With your assistance we are able to assure that our lists contain current information. If you have any questions or need additional information, please contact me at (916) 653-4038.

Sincerely,


Debbie Pilas-Treadway
Environmental Specialist III

**Native American Contacts
San Joaquin County
June 5, 2009**

**Katherine Erolinda Perez
PO Box 717
Linden, CA 95236
(209) 887-3415**

**Ohlone/Costanoan
Northern Valley Yokuts
Bay Miwok**

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native Americans with regard to cultural resources for the proposed Manteca project #2482.0003, San Joaquin County.

Appendix B: Personnel Qualifications



Carrie D. Wills, RPA, M.A.
Senior Project Archaeologist

Overview

- 17 Years Experience
- Master's degree, Anthropology – California State University, Hayward
- Bachelor's degree, Anthropology – California State University, Hayward
- Registered Professional Archaeologist #11138

Carrie Wills, RPA, possesses 17 years of experience in the area of prehistoric and historic archaeology. Her expertise includes conducting pre-field assessments, archival research, pedestrian field surveys, site evaluation and testing, and data recovery and analysis. She has extensive experience preparing documents that comply with the California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) and evaluating and assessing historic structures located on mining, ranching, and military facilities for inclusion on the National Register of Historic Places and California Register of Historical Resources.

Related Experience

Historical, Archaeological, and Paleontological Resources

KB Home Monte Vista, Historic American Buildings Survey, City of San Jose. Served as project manager for the KB Home Monte Vista Project. Conducted Historic American Buildings Survey Level III documentation for a large multi-structure canning facility, Del Monte Plant #3, in San Jose. Tasks included producing over 200 large-format, black and white photographs of exterior and interior views of the existing structures. The MBA historic report augments the photographic documentation by placing the structures within the appropriate historic context and addressing both the architectural and historical aspects of the site's significance. Specifically, the historical report focused on the Plant's contribution to the growth of the canning industry in San José. The plant was also assessed for historic significance and was found to meet the criteria for listing on the National Register of Historic Places as a District along with two other local Del Monte canneries. MBA coordinated with state, federal, and city agencies, including but not limited to City of San Jose Department of Planning and the National Park Service HABS/Historic American Engineering Record coordinator.

Costco's Warehouse Project, City of San Francisco. Served as project manager for Costco's Warehouse Project. Surveyed, excavated, and monitored the proposed site, located in downtown San Francisco, for a new Costco store. Supervised lab procedures and analysis of over 1,400 artifacts.

Montezuma Wetlands Project, County of Solano. Served as project manager for Solano County's Montezuma Wetlands Project. Provided technical direction of a 4,700-acre archaeological survey in Solano County, resulting in recording and subsurface testing of 12 sites. Co-authored the technical report that included extensive impacts and mitigation measures.

Lake Solano Regional Park Visitor's Center Project, County of Solano. As project archaeologist, conducted a cultural resource investigation that included record search reviews and a pedestrian field survey. The record searches included records at the Northwest Information Center, Rohnert Park, and at the Native American Heritage Commission in Sacramento.

Off-road Vehicle Park, City of Bakersfield. As senior project archaeologist, conducted an intensive field survey of 2,500 acres outside the City of Bakersfield. The project area included rolling hills, large flat valleys, and steep ravines. The survey resulted in discovery of over 150 prehistoric resources including bedrock mortars,

grinding slicks, and rock art. The resources were recorded and evaluated for eligibility for listing on the National Register of Historic Places and the California Register of Historical Resources. Following the evaluation, a comprehensive report detailing the findings was produced.

Bel Lago Project, City of Moreno Valley. As senior project archaeologist, conducted a site-specific field assessment of the Kerr Ranch and recorded all extant buildings and structures on Department of Parks and Recreation forms; both Primary and Building, Structure and Object forms. Detailed descriptions and measurements were taken as part of the assessment process, and each building and structure was evaluated individually for listing to the California Register of Historical Places or local registers or landmarks.

Westlake Shopping Center, City of Daly City. As senior project archaeologist for this major refurbishing effort for a shopping center located in Daly City, assessed the shopping center for historic significance under CEQA Section 15064 by reviewing historic maps, photos, and record and archival search results obtained from the Northwest Information Center and the Daly City Planning Department. Scope included conducting a visual appraisal of the existing buildings, structures, and signage.

San Demas Project, City of Sacramento. As senior project archaeologist, conducted a record search and field investigation for a built environment covering one city block in downtown Sacramento. As this was a built environment, there was no native ground surface to be surveyed; the investigation consisted of comprehensive research to determine the possibility of historic structures.

Cabrillo Corners Commercial Project, City of Half Moon Bay. As cultural resources specialist, conducted a record search at the Northwest Information Center and a pedestrian field survey of the proposed project area that borders Pilarcitos Creek in Half Moon Bay to determine the presence or absence of cultural resources prior to project development.

Gustine Municipal Airport Project, County of Merced. As senior project archaeologist, conducted a record search and pedestrian field survey of a 45-acre parcel located in Merced County to determine the presence or absence of cultural resources prior to improvements to the Airport.

Scheiber/White Projects, County of El Dorado. As senior project archaeologist, conducted record searches and field investigations for a 226-acre parcel and a 286-acre parcel of undeveloped land with gentle to steep rolling hills and open valleys.

Protzel Project, County of El Dorado. As senior project archaeologist, conducted a record search and field investigation for a 35-acre parcel of land. The field survey resulted in discovery of a site that contained both prehistoric and historic components located adjacent to one another.

Miller Ranch Property, City of Lincoln. As senior project archaeologist for this 130-acre residential development, reviewed record search results from the North Central Information Center, Sacramento and conducted a pedestrian field survey. The record search results indicated no cultural resources had been previously recorded within a 0.25-mile radius of the project area nor were any discovered during the field survey. A negative survey report was prepared detailing the record search and survey results to meet CEQA requirements.

Fahren's Creek Development Project, County of Merced. As senior project archaeologist, conducted a record search and field investigation on a parcel of undeveloped land, a portion of which was immediately adjacent to Fahren's Creek.

McBride R.V. and Self Storage Project, City of Chino. As senior project archaeologist, conducted a record search and pedestrian field survey of a 21.15-acre parcel of land to determine the presence or absence of cultural resources prior to project development. Prepared a negative survey report detailing the record search and survey results to meet CEQA requirements.

Brehm Communities, City of Chino. As senior project archaeologist for this 35-acre residential development, conducted a record search at the San Bernardino Archaeological Information Center and a modified field survey. Performed a visual assessment from various vantage points rather than a typical pedestrian survey and prepared a negative survey report detailing the record search and survey results to meet CEQA requirements.

Albers Barnes & Kohler LLP's Palm Ranch Dairy Project, County of Kern. As senior project archaeologist, was responsible for CEQA compliance issues related to cultural resources on a 120-acre parcel. Conducted a Phase I survey to determine the presence or absence of cultural resources within the project area, resulting in the discovery of artifactual material on the ground surface. Conducted a Phase II testing program to determine the presence or absence of subsurface cultural resources, resulting in inconclusive findings. Provided mitigation measures to protect any previously undiscovered resources during project excavation activities.

Albers Barnes & Kohler LLP's Bonanza Farm Dairy Project, County of Kern. As cultural resources specialist, conducted a record search and pedestrian field survey of two 200-acre parcels to determine the presence or absence of cultural resources prior to project development. Prepared a negative survey report detailing the record search and survey results to meet CEQA requirements.

Cypress Lakes Project, County of Contra Costa. As project manager, performed archival and records review, subsurface testing, and technical direction of an 850-acre archaeological survey that included two well-known and significant prehistoric burial mounds.

Mills Associates' Tassajara Valley Project, County of Solano. As project manager, provided technical direction of a 2,500-acre archaeological survey that resulted in recording and subsurface testing of 14 historic and one prehistoric archaeological site. Analyzed artifacts and prepared technical reports.

Future Urban Areas, Mundie and Associates, County of Contra Costa. As field director, conducted a 4,500-acre archaeological survey that resulted in recording of 11 historic archaeological sites, including the previously unrecorded historic town sites of West Hartley, Empire, and Star Mine associated with the Mount Diablo coalfield developments of 1850-1885. Recorded features including foundations, privies, cisterns, basements, and dumps. Hundreds of surface artifacts were examined. Also directed artifact analysis and prepared technical reports.

Energy, Utilities & Pipelines

Santa Cruz Water District's Pipeline Project, County of Santa Cruz. Served as resource team leader for this project that proposed modifications to the current operation and maintenance of an existing pipeline through implementation of the Santa Cruz North Coast Pipeline Rehabilitation Project. Reviewed compliance issues related to cultural resources found along four major waterways in Santa Cruz County and prepared a CEQA Initial Study to determine environmental impact associated with project implementation. Also provided necessary details to aid in the decision-making process for the project's next phase.

Federal Energy Regulatory Commission (FERC) Relicensing Project, County of Kern. As resource team leader, reviewed cultural resources to meet the requirements of Section 106 of the National Historic Preservation Act in preparation of a new FERC license application. Directed the Section 106 review and

prepared the preliminary draft of the license application, evaluated project impacts, and authored the Historic Properties Management Plan and a Programmatic Agreement.

Federal Energy Regulatory Commission (FERC) Relicensing Project, Kilarc-Cow Creek. As resource team leader, provided NHPA Section 106 compliance review in preparation of a new FERC license application. Following the survey effort, prepared the preliminary draft of the license application, evaluated the project impacts, prepared a comprehensive report, and finalized the Historic Properties Management Plan and a Programmatic Agreement.

Calypso Project Environmental Impact Statement, Fort Lauderdale, Florida. Served as resource team leader for Tractebel North America, Inc.'s Calypso Project Environmental Impact Statement (EIS) for a new natural gas pipeline extending from the Exclusive Economic Zone in the Atlantic Ocean to Port Everglades. Conducted the NHPA Section 106 review of both offshore and onshore cultural resources and prepared the preliminary drafts of the third-party EIS for the jurisdictional portion of the pipeline.

Rock Creek Hydroelectric Project, Oregon. Served as project archaeologist for Oregon Trail Electric Consumer Cooperative's Rock Creek Hydroelectric Project. Conducted a reconnaissance survey and evaluation of archaeological and historic resources to meet the requirements of NHPA Section 106.

Patriot Natural Gas Pipeline Project, Tennessee, Virginia, and North Carolina. Served as resource team leader for a project consisting of the Mainline Expansion and Patriot Extension three states. The Mainline Expansion involved improvement along East Tennessee Natural Gas Company's existing pipeline in Tennessee and Virginia, including approximately 187 miles of new pipeline, replacement of old pipeline, additional compression at existing facilities, and five new compressor stations. The Patriot Extension involves approximately 100 miles of new pipeline in Virginia and North Carolina, including three new meter stations. Provided third-party review of cultural resources reports and prepared third-party EIS.

Northwest Transmission Line Project, Oregon and Washington. Served as project archaeologist for Wallula Generation, LLC's Northwest Transmission Line Project. Conducted a 28-mile reconnaissance survey in Oregon and Washington along the Columbia River, evaluated and recorded archaeological sites, and completed appropriate forms for submittal to Washington

El Paso Energy's and Broadwing Communications' Fiber Optic Line, Texas and California. Served as resource team leader for a proposed fiber-optic transmission line reaching from El Paso, Texas, to Los Angeles, California. Prepared a Proponent's Environmental Assessment demonstrating CEQA compliance that was submitted with an application to the California Public Utilities Commission.

Fiber Optic Project, Cities of San Jose, San Francisco, and Los Angeles. Served as project manager for a Level Three Communications Fiber Optic Project. Conducted cultural resources studies and supervised construction monitoring to address CPUC mitigation measures during the "city build" portions of the project in San Jose, San Francisco, and the Los Angeles Basin. Prepared workbooks for each construction spread in each city to address potential cultural resources impacts and necessary mitigation required to preclude significant impacts.

Fiber Network Project, Northern and Southern California. Served as project manager for 360 Networks' Fiber Network Project. Responsible for all aspects of project management for this linear project spanning the length of California, including coordination, budget, consultation, and compliance issues.

Santa Fe Pacific Pipeline, State of California. As field supervisor for Santa Fe Pacific Pipeline's Concord-to-Colton Project, performed records search and intensive archaeological survey of a corridor stretching from

Fresno, through Bakersfield and Mojave, to San Bernardino. Recorded and evaluated for eligibility for listing on National Register of Historic Places more than 150 historic properties.

CPUC Alturas Transmission Line Project, California and Nevada. As archaeological monitor, documented compliance with mandated mitigation measures during the construction of this high-voltage power line reaching from Alturas, California, to Reno, Nevada.

Environmental Impact Reports for General Plan Updates

General Plan Update, County of Monterey. As senior project archaeologist, assisted in updating the General Plan with new policies including archaeological, historical, and paleontological resources. Tasks included a review of existing policies and suggestions for alternatives and updates relevant to current trends. Worked closely with Monterey County staff, agency personnel, and sub-consultants to ensure a high quality, timely Plan Update.

Trails Specific Plan Project, City of Livermore. As senior project archaeologist, conducted archival and record searches, including review of the 2000 North Livermore Specific Plan Draft Environmental Impact Report and the 2003 City of Livermore General Plan Update Master Environmental Assessment that specifically focuses on cultural resources within the proposed project area. Conducted a 235-acre pedestrian survey to determine the significance of previously recorded cultural resources and the presence or absence of previously unknown cultural resources, resulting in the recording of five historic resources using California Department of Parks and Recreation forms with context analysis and detailed maps. Prepared a comprehensive report including a detailed setting section with impacts and mitigation measures to ensure protection of significant cultural resources.

Educational Facility Environmental Analysis

Delta View and Kit Carson Schools Project, Kings County Office of Education. As senior project archaeologist, conducted archaeological and historical resource assessment at two proposed telecommunication tower sites located at two school sites. Conducted a record search at the Southern San Joaquin Valley Information Center and pedestrian surveys at both schools to determine the presence or absence of cultural resources. Determined negative survey results, and prepared a report detailing the record search and survey results that was presented to the Kings County Office of Education.

Mine Reclamation Plans and Environmental Analysis

Abandoned Mine Inventory Project, Washington Bureau of Land Management. As project manager, managed a five-person survey crew who conducted an intensive archaeological survey of 1,700 acres of difficult terrain and conditions in the City of Spokane. Recorded mining features and archaeological properties on appropriate State of Washington forms and prepared Determination of Eligibility forms for submittal to Washington's State Historic Preservation Officer.

High Desert Power Plant Project, County of San Bernardino. As project manager, conducted an approximately 2,000-acre field inventory of block and linear project areas located near the City of Victorville. Recorded and evaluated more than 30 historic and prehistoric sites.

Military Projects

Cultural Resources Overview Project, Concord Naval Weapons Station. As project manager, tasks included review of archival records and record search results for previously recorded sites within the Station. In addition, more than 500 World War II buildings and structures were evaluated for National Register of Historical Places eligibility and documented on appropriate Department of Parks and Recreation forms. An archaeological site

prediction model was developed to determine the likelihood of the presence of cultural resources within specific areas of the Station. An extensive context document was prepared to facilitate a comprehensive understanding of the Naval Weapons Station in terms of its historic presence within Contra Costa County and the City of Concord. Following assessment of the Station and its historic components, a Cultural Resource Overview Report for the 13,000-acre facility was developed.

NAVFAC Centerville Beach and Point Sur Projects, Humboldt and Monterey Counties. As project archaeologist, responsibilities included reviewing archival and site records prior to pedestrian field surveys at each of the locations. Following the surveys, documentation on Department of Parks and Recreation forms was prepared for each of the World War II buildings/structures located within the Station boundaries. Subsequent efforts included development and submittal of a historic context report and structural assessments of the buildings to determine National Register of Historic Places eligibility status. Prepared a preliminary Historic and Archeological Resource Protection Plan evaluating known archaeological site locations and preparing maps depicting areas of archaeological sensitivity.

Civil Engineering Laboratory Archaeological and Historic Resources Assessment Project, Port Hueneme. As project manager, scope included reviewing archival records and historic Port Hueneme documents at the base, reviewing previously recorded sites records from the South Central Coastal Information Center, CSU, Fullerton, and researching at Ventura Historical Society. Architectural documentation was prepared for nine World War II buildings on appropriate Department of Parks and Recreation forms and a single prehistoric site located within the base was assessed. A historic context report was developed and each of the buildings/structures was individually evaluated for National Register of Historic Places eligibility. Following assessment and documentation, an EIR/EIS technical report including a detailed historic setting, an overview of each of the types of buildings within the project area, an impacts assessment section, and appropriate mitigation for the impacts was prepared.

Navy Construction Battalion Center Historic and Archaeological Resources Protection Plan Project, Port Hueneme. As project manager, tasks included archival research of Battalion Center documents a record search review at the South Central Coastal Information Center, CSU, Fullerton, and a pedestrian field survey. Subsequent to the archival research, architectural documentation of 130 World War II buildings/structures was completed on appropriate Department of Parks and Recreation (DPR) forms. The forms typically included DPR Primary forms for each building or structure although in some instances, e.g., for large non-descript warehouse structures, a representative building was documented and identical buildings were listed on the form as having identical attributes. In addition to the Primary forms, a Building, Structure, Object (BSO) form providing additional descriptive and evaluative information was completed when appropriate. Following the archival research for previously recorded cultural resource sites and the field survey, an archaeological site prediction model was developed for the Battalion Center. Following documentation, a historic context for the Battalion Center was prepared. In addition, each building was assessed for National Register of Historic Places (NRHP) eligibility and a Historic and Archaeological Resources Protection (HARP) Plan was prepared.

H Street Extension Project, Lockheed Missiles and Space Company Property. The project consisted of an extension of H Street within the western portion of the Lockheed Missiles and Space Company facilities. Archaeological efforts were part of mitigation for construction within a National Register listed prehistoric shell mound. As project archaeologist, the work included pre-construction site testing using various means including shovel and backhoe investigations, surface collection for the entire project area, and a Phase III data recovery program in coordination with the Most Likely Descendant (MLD). Disposition of human remains found within the site was decided upon an agreement with the MLD. A construction-monitoring program was conducted during initial grading activities at the site to ensure protection of previously unknown cultural resources and/or additional human remains.

Naval Fuel Depot Point Molate Historic Resources Assessment Project, City of Rohnert Park. As project manager, conducted an archival records review at various repositories as well as a record search at the Northwest Information Center in Rohnert Park for previously recorded cultural resource sites. Conducted a field survey and general site reconnaissance of the project area. Subsequent to the archival research and survey, documentation of ten World War II buildings/structures was completed on appropriate Department of Parks and Recreation forms. The buildings and structures were evaluated for eligibility for listing on the National Register of Historic Places. In addition, one prehistoric archaeological site was assessed within the project area. A preliminary Historic and Archeological Resource Protection Plan was prepared evaluating known archaeological site locations with maps depicting areas of archaeological sensitivity. A historic context was prepared for the project area and a technical report detailing all of the research, field survey, building and structure evaluations, and the assessment of the prehistoric site was provided to the client.

Maya Caves Project, Punta Gorda, Belize, Central America. As excavation team member, worked two field seasons examining prehistoric cave deposits. Conducted surveys and excavations, analyzed and cataloged artifacts, and prepared technical report sections.

Professional Affiliations

- Society for Historical Archaeology
- Society for California Archaeology
- Register of Professional Archaeologists

Appendix C: Regulatory Framework

REGULATORY FRAMEWORK

Government agencies, including federal, state, and local agencies, have developed laws and regulations designed to protect significant cultural resources that may be affected by projects regulated, funded, or undertaken by the agency. Federal and state laws that govern the preservation of historic and archaeological resources of national, state, regional, and local significance include the National Environmental Policy Act (NEPA), the National Historic Preservation Act (NHPA), and the California Environmental Quality Act (CEQA). In addition, laws specific to work conducted on federal lands includes the Archaeological Resources Protection Act (ARPA), the American Antiquities Act, and the Native American Graves Protection and Repatriation Act (NAGPRA).

The following federal or CEQA criteria were used to evaluate the significance of potential impacts on cultural resources for the proposed project. An impact would be considered significant if it would affect a resource eligible for listing to the National Register of Historic Places (NRHP), the California Register of Historical Resources (CR), or if it is identified as a unique archaeological resource.

FEDERAL-LEVEL EVALUATIONS

Federal agencies are required to consider the effects of their actions on historic properties and afford the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment on such undertakings under NEPA Section 106. Federal agencies are responsible for initiating NEPA Section 106 review and completing the steps in the process that are outlined in the regulations. They must determine if NHPA Section 106 applies to a given project and, if so, initiate review in consultation with the State Historic Preservation Officer (SHPO) and/or Tribal Historic Preservation Officer (THPO). Federal agencies are also responsible for involving the public and other interested parties. Furthermore, NHPA S106 requires that any federal or federally assisted undertaking, or any undertaking requiring federal licensing or permitting, consider the effect of the action on historic properties listed in or eligible for the NRHP. Under the Code of Federal Regulations (CFR), 36 CFR Part 800.8, federal agencies are specifically encouraged to coordinate compliance with NEPA Section 106 and the NEPA process. The implementing regulations “Protection of Historic Properties” are found in 36 CFR Part 800. Resource eligibility for listing on the NRHP is detailed in 36 CFR Part 63 and the criteria for resource evaluation are found in 36 CFR Part 60.4 [a-d].

The NHPA established the NRHP as the official federal list for cultural resources that are considered important for their historical significance at the local, state, or national level. To be determined eligible for listing in the NRHP, properties must meet specific criteria for historic significance and possess certain levels of integrity of form, location, and setting. The criteria for listing on the NRHP are significance in American history, architecture, archaeology, engineering, and culture as present in districts, sites, buildings, structures and objects that possess integrity of location, design, setting,

materials, workmanship, feeling, and association. In addition, a resource must meet one or all of these eligibility criteria:

- A. Is associated with events that have made a significant contribution to the broad patterns of our history
- B. Is associated with the lives of persons significant in our past
- C. Embodies the distinctive characteristics of a type, period, or method of construction; represent the work of a master; possess high artistic values, represent a significant and distinguishable entity whose components may lack individual distinction
- D. That have yielded, or may be likely to yield, information important in prehistory or history

Criterion D is usually reserved for archaeological resources. Eligible properties must meet at least one of the criteria and exhibit integrity, measured by the degree to which the resource retains its historical properties and conveys its historical character.

Criteria Considerations

Ordinarily cemeteries, birthplaces, graves of historical figures, properties owned by religious institutions or used for religious purposes, buildings that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the NRHP. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- A. A religious property deriving primary significance from architectural or artistic distinction or historical importance
- B. A building or structure removed from its original location but which is primarily significant for architectural value, or which is the surviving structure most importantly associated with a historic person or event
- C. A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building associated with his or her productive life
- D. A cemetery that derives its primary importance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events
- E. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived

- F. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance
- G. A property achieving significance within the past 50 years if it is of exceptional importance

THRESHOLDS OF SIGNIFICANCE

In consultation with the SHPO/THPO and other entities that attach religious and cultural significance to identified historic properties, the Agency shall apply the criteria of adverse effect to historic properties within the Area of Potential Effect (APE). The Agency official shall consider the views of consulting parties and the public when considering adverse effects.

Federal Criteria of Adverse Effects

Under federal regulations, 36 Code of Federal Regulations (CFR) Part 800.5, an adverse effect is found when an undertaking alters, directly or indirectly, any of the characteristics of a historic property that qualifies the property for inclusion in the NRHP in a manner that diminishes the integrity of the property's location, design, setting, materials, workmanship, feeling, or association. Consideration will be given to all qualifying characteristics of a historic property, including those that may have been identified subsequent to the original evaluation of the property's eligibility for listing in the NRHP. Adverse effects may include reasonably foreseeable effects caused by the undertaking that may occur later in time, be farther removed in distance, or be cumulative.

Pursuant to 36 CFR Part 800.5, adverse effects on historic properties include, but are not limited to, those listed below:

- Physical destruction of or damage to all or part of the property
- Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization, hazardous material remediation, and provision of handicapped access, that is not consistent with the U.S. Secretary of the Interior's Standards for the Treatment of Historic Properties in accordance with 36 CFR Part 68 and applicable guidelines
- Removal of the property from its historic location
- Change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance
- Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features
- Neglect of a property that causes its deterioration, except where such neglect and deterioration are recognized qualities of a property of religious and cultural significance to an Indian tribe or Native Hawaiian organization

- Transfer, lease, or sale of property out of federal ownership or control without adequate and legally enforceable restrictions or conditions to ensure long term preservation of the property's historic significance

If Adverse Effects Are Found

If adverse effects are found, the agency official shall continue consultation as stipulated at 36 CFR Part 800.6. The agency official shall consult with the SHPO/THPO and other consulting parties to develop alternatives to the undertaking that could avoid, minimize, or mitigate adverse effects to historic resources. Pursuant to 36 CFR Part 800.14(d), if adverse effects cannot be avoided then standard treatments established by the ACHP may be used as a basis for Memorandum of Agreement (MOA).

Pursuant to 36 CFR Part 800.11(e) the filing of an approved MOA, and appropriate documentation as specified at, concludes the Section 106 process. The MOA must be signed by all consulting parties and approved by the ACHP prior to construction activities. If no adverse effects are found and the SHPO/THPO or the ACHP do not object within 30 days of receipt, the agencies responsibilities under Section 106 will be satisfied upon completion of report and documentation as stipulated in 36 CFR Part 800.11. The information must be made available for public review upon request, excluding information covered by confidentiality provisions.

STATE-LEVEL EVALUATION PROCESSES

An archaeological site may be considered a historical resource if it is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military or cultural annals of California in accordance with Public Resources Code PRC Section 5020.1(j) or if it meets the criteria for listing on the CR that are consistent with California Code of Regulations (CCR) at Title 14 CCR Section 4850.

The most recent amendments to the CEQA guidelines direct lead agencies to first evaluate an archaeological site to determine if it meets the criteria for listing in the CR. If an archaeological site is a historical resource, in that it is listed or eligible for listing in the CR, potential adverse impacts to it must be considered, in accordance with PRC Sections 21084.1 and 21083.2(l). If an archaeological site is considered not to be a historical resource, but meets the definition of a “unique archeological resource” as defined in PRC Section 21083.2, then it would be treated in accordance with the provisions of that section.

With reference to PRC Section 21083.2, each site found within a project will be evaluated to determine if it is a unique archaeological resource. A unique archaeological resource is described as an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets one or more of the following criteria:

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

As used in this report, “non-unique archaeological resource” means an archaeological artifact, object, or site that does not meet the criteria for eligibility for listing on the CR, as noted in subdivision (g) of PRC Section 21083.2. A non-unique archaeological resource requires no further consideration, other than simple recording of its components and features. Isolated artifacts are typically considered non-unique archaeological resources. Historic structures that have had their superstructures demolished or removed can be considered historic archaeological sites and are evaluated following the processes used for prehistoric sites. Finally, the Office of Historic Preservation recognizes an age threshold of 45 years. Cultural resources built less than 45 years ago may qualify for consideration, but only under the most extraordinary circumstances.

Title 14, CCR, Chapter 3 Section 15064.5 is associated with determining the significance of impacts to archaeological and historical resources. Here, the term historical resource includes the following:

1. A resource listed in, or determined eligible by the State Historical Resources Commission, for listing in the CR (PRC Section 5024.1; Title 14 CCR, Section 4850, et seq.).
2. A resource included in a local register of historical resources, as defined in PRC Section 5020.1(k) or identified as significant in an historical resource survey meeting the PRC Section 5024.1(g) requirements, shall be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.
3. Any object, building, structure, site, area, place, record, or manuscript, which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered an historical resource, provided the lead agency’s determination is supported by substantial evidence in light of the whole record. Generally, a resource shall be considered by the lead agency to be historically significant if the resource meets the criteria for listing on the California Register of Historical Resources (PRC Section 5024.1; Title 14 CCR Section 4852) including the following:
 - A. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage
 - B. Is associated with the lives of persons important in our past

- C. 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
- D. Has yielded, or may be likely to yield, information important in prehistory or history

Typically, archaeological sites exhibiting significant features qualify for the CR under Criterion D because such features have information important to the prehistory of California. A lead agency may determine that a resource may be a historical resource as defined in PRC Section 5020.1(j) or 5024.1 even if it is:

- Not listed in or determined to be eligible for listing in the CR
- Not included in a local register of historical resources pursuant to PRC Section 5020.1(k)
- Identified in an historical resources survey in accordance with PRC Section 5024.1(g)

Threshold of Significance

If a project will have a significant impact on a cultural resource, several steps must be taken to determine if the cultural resource is a “unique archaeological resource” under CEQA. If analysis and/or testing determine that the resource is a unique archaeological resource and therefore subject to mitigation prior to development, a threshold of significance should be developed. The threshold of significance is a point where the qualities of significance are defined and the resource is determined to be unique under CEQA. A significant impact is regarded as the physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the resource will be reduced to a point that it no longer meets the significance criteria. Should analysis indicate that project development will destroy the unique elements of a resource; the impacts to the resource must be mitigated for under CEQA regulations. The preferred form of mitigation is to preserve the resource in-place, in an undisturbed state. However, as that is not always possible or feasible, appropriate mitigation measures may include, but are not limited to:

1. Planning construction to avoid the resource
2. Deeding conservation easements
3. Capping the site prior to construction

If a resource is determined to be a “non-unique archaeological resource,” no further consideration of the resource by the lead agency is necessary.

SB 18 TRIBAL CONSULTATION

The following serves as an overview of the procedures and timeframes for the Tribal Consultation process, for the complete Tribal Consultation Guidelines, please refer to the State of California Office of Planning and Research website.

Prior to the amendment or adoption of general or specific plans, local governments must notify the appropriate tribes of the opportunity to conduct consultation for the purpose of preserving or mitigating impacts to cultural places located on land within the local government's jurisdiction that is affected by the plan adoption or amendment. Tribal contacts for this list are maintained by the NAHC, which is distinct from the Most Likely Descendent (MLD) list. It is suggested that local governments send written notice by certified mail with return receipt requested. The tribes have 90 days from the date they receive notification to request consultation. In addition, prior to adoption or amendment of a general or specific plan, local government must refer the proposed action to tribes on the NAHC list that have traditional lands located within the city or county's jurisdiction. Notice must be sent regardless of prior consultation. The referral must allow a 45-day comment period.

In brief, notices from government to the tribes should include:

- A clear statement of purpose
- A description of the proposed General or Specific Plan, or amendment, the reason for the proposal, and the specific geographic areas affected
- Detailed maps to accompany the description
- Deadline date for the tribes to respond
- Government representative(s) contact information
- Contact information for project proponent/applicant, if applicable

The basic schedule for this process is:

- 30 days - time NAHC has to provide tribal contact information to the local government; this is recommended not mandatory.
- 90 days - time tribe has to respond indicating whether or not they want to consult. Note: tribes can agree to a shorter timeframe. In addition, consultation does not begin until/unless requested by the tribe within 90 days of receiving notice of the opportunity to consult. The consultation period, if requested, is open-ended. The tribes and local governments can discuss issues for as long as necessary, or productive, and need not result in agreement.
- 45 days - time local government has to refer proposed action, such as adoption or amendment to General Plan or Specific Plan, to agencies, including the tribes. Referral required even if there has been prior consultation. This opens the 45-day comment period.
- 10 days - time local government has to provide tribes of notice of public hearing.

Appendix D: Project Area Photographs



Photograph 1: Overview of mowed fields, facing southeast



Photograph 2: Typical mowed alfalfa field, facing west.

Source: Michael Brandman Associates, 2010.



Michael Brandman Associates

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Appendix D Project Area Photographs 1 and 2

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Photograph 3: Typical irrigation lock mechanism, facing south.



Photograph 4: Typical irrigation drainage ditch, facing west.

Source: Michael Brandman Associates, 2010.



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Appendix D Project Area Photographs 3 and 4

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Photograph 5: Small residence along Airport Way, facing west.



Photograph 6: Mobile home and out buildings at Riella Ranch, facing northwest.

Source: Michael Brandman Associates, 2010.



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Appendix D Project Area Photographs 5 and 6

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Photograph 7: Cal Suprema Cheese Company buildings, facing southeast.



Photograph 8: Unmowed alfalfa field, facing west.

Source: Michael Brandman Associates, 2010.



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Appendix D Project Area Photographs 7 and 8

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Photograph 9: Small residence at Aufdermaur farm, facing west.



Photograph 10: Barn at Aufdermaur farm, facing southwest.

Source: Michael Brandman Associates, 2010.



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Appendix D Project Area Photographs 9 and 10

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Photograph 11: Newer residence at Aufdermaur farm, facing west.



Photograph 12: Industrial site in southern portion of project, facing west.

Source: Michael Brandman Associates, 2010.



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Appendix D Project Area Photographs 11 and 12

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Photograph 13: Apricot orchard at south end of project, facing west.



Photograph 14: South San Joaquin Irrigation District Canal, facing north.

Source: Michael Brandman Associates, 2010.



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Appendix D Project Area Photographs 13 and 14

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