

4.5 CULTURAL RESOURCES

This section discusses the potential for cultural resources to occur on the project site and evaluates the project's potential impacts on these resources. A detailed summary of cultural resources is included in a report prepared for the project applicant by Archaeological Resource Service, a Petaluma-based firm.¹ A full copy of the report is available as part of the project application at City Hall. The report was used to prepare this section of the EIR.

A. Regulatory Framework

There are several federal and State laws and regulations applicable to historical and architecturally significant resources, as well as archaeological and paleontological resources. The key regulations are discussed briefly below.

1. National Historic Preservation Act

While Congress has enacted numerous statutes that affect historic properties, the National Historic Preservation Act (NHPA) of 1966 is the most influential federal law dealing with historic preservation. One of the most important provisions of the NHPA is the establishment of the National Register of Historic Places (NRHP), the official designation of historical resources. Districts, sites, buildings, structures and objects are eligible for listing in the Register. Nominations are listed if they are significant in American history, architecture, archeology, engineering and culture. The NRHP is administered by the National Park Service. To be eligible, a property must be significant under criterion A (history), B (persons), or C (design/construction); possess integrity; and ordinarily be 50 years of age or more.

Listing in the NRHP does not entail specific protection or assistance for a property, but it does guarantee recognition in the planning for federal or federally-assisted projects, eligibility for federal tax benefits, and qualification for federal historic preservation assistance. The NRHP is influential beyond its statutory role because it achieves uniform standards of documentation and evaluation. Additionally, project effects on properties listed in the NRHP must be evaluated under CEQA.

2. California Register of Historic Resources

The California Register of Historical Resources establishes a list of those properties which are to be protected from substantial adverse change (Public Resources Code Section 5024.1). A historical resource may be listed in the California Register if it meets any of the following criteria:

¹ Archeological Resource Service, 2004, *A Cultural Resources Evaluation of the Proposed East Washington Place Project, Petaluma, Sonoma County*, October.

- ◆ It is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
- ◆ It is associated with the lives of persons important in California's past.
- ◆ It 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 value.
- ◆ It has yielded or is likely to yield information important in prehistory or history.

The Register includes properties that are listed or have been formally determined to be eligible for listing in the NRHP, State Historical Landmarks and eligible Points of Historical Interest. Other resources require nomination for inclusion in the Register. These may include resources contributing to the significance of a local historic district, individual historical resources, historical resources identified in historic resource surveys conducted in accordance with State Historic Preservation Office (SHPO) procedures, historic resources or districts designated under a local ordinance consistent with Commission procedures, and local landmarks or historic properties designated under local ordinance consistent with Commission procedures, and local landmarks or historic properties designated under local ordinance.²

3. Health and Safety Code, Section 7052 and 7050.5

Section 7052 of the Health and Safety Code states that the disturbance of Native American cemeteries is a felony. Section 7050.5 requires that construction or excavation be stopped in the vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If determined to be Native American, the coroner must contact the California Native American Heritage Commission (NAHC).³

4. California Native American Historical, Cultural and Sacred Sites Act

The California Native American Historical, Cultural and Sacred Sites Act applies to both State and private lands. The Act requires that upon discovery of human remains, that construction or excavation activity cease and that the county coroner be notified. If the remains are of a Native American, the coroner must notify the NAHC. The NAHC then notifies those persons mostly likely to be descended from the Native American remains. The Act stipulates the procedures the descendants may follow for treating or disposing of the remains and associated grave goods.⁴

² http://ceres.ca.gov/topic/env_law/ceqa/more/tas/page2.html, accessed May 28, 2008.

³ <http://ceres.ca.gov/nahc/discovery.html>, accessed May 28, 2008.

⁴ <http://www.arrowheads.com/burials.htm#CALIFORNIA>, accessed May 28, 2008.

5. Public Resource Code, Section 5097

Public Resources Code, Section 5097 specifies the procedures to be followed in the event of the unexpected discovery of human remains on nonfederal land. The disposition of Native American burial falls within the jurisdiction of the NAHC. Section 5097.5 of the Code states the following:

No person shall knowingly and willfully excavate upon, or remove, destroy, injure or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

As used in this section, “public lands” means lands owned by, or under the jurisdiction of, the State or any city, county, district, authority or public corporation, or any agency thereof. Consequently, Petaluma is required to comply with Public Resource Code Section 5097.5 for its activities on publicly-owned land.⁵

6. City of Petaluma General Plan Policies

The Community Character Element in the City's existing General Plan and the Community Design, Character, and Sustainable Building Element in the proposed 2025 General Plan include several policies and programs that seek to protect the city’s cultural, historical and archaeological resources. Relevant policies are included in Table 4.5-1.

B. Existing Conditions⁶

1. Regional Cultural Setting

a. Native American Peoples

Radiocarbon tests indicate settlement in the Petaluma region by Native Americans as far back as 9,000 years.⁷ The Coast Miwok people occupied an area that includes modern day Marin and southern Sonoma County. These peoples are believed to have moved into the Petaluma area approximately 3,000 to 3,500 years ago. They utilized wetland areas in particular, collecting shellfish and plants from the tidal estuaries and tributaries. The area around Petaluma River is marked by the presence of midden soil deposits, including marine shells and animal bones, as well as shell,

⁵ <http://www.dot.ca.gov/ser/vol1/sec3/physical/Ch08Paleo/chap08paleo.htm#statelaws>, accessed May 28, 2008.

⁶ Bedolla, Elizabeth, 2004, *A Cultural Resources Evaluation of the Proposed East Washington Place Project, Petaluma, Sonoma County, CA*. ARS Project 04-092.

⁷ Chattan, Cassandra, 2003, *An Evaluation of Cultural Resources Along the Proposed Petaluma Trolley Master Plan Project, Petaluma, Sonoma County*, ARS 01-048.

TABLE 4.5-1 **PETALUMA GENERAL PLAN POLICIES AND PROGRAMS—CULTURAL RESOURCES**

Policy/Program Number	Policies and Programs
<i>Community Design, Character and Green Building Element</i>	
3-P-1	Protect historic and archaeological resources for the aesthetic, educational, economic, and scientific contribution they make to maintaining and enhancing Petaluma’s character, identity and quality of life.
3-P-1(H)	The loss of designated and eligible historic resources shall be minimized through strict enforcement of City policies requiring proposed demolition to be reviewed by the Historic and Cultural Preservation Committee. All means shall be used to encourage preservation of eligible historic resources (Resolution 00 -198 N.C.S. as thereafter amended).
3-P-1(J)	Ensure the protection of known and unrecorded archaeological resources in the city by requiring a records review for any development proposed in areas that are considered archaeologically sensitive for Native American and/or historic remains.
3-P-1(K)	In accordance with CEQA and the State Public Resources Code, require the preparation of a resource mitigation plan and monitoring program by a qualified archaeologist in the event that archaeological remains are discovered.

Source: City Petaluma General Plan 2025, May 2008.

stone and bone jewelry and implements. Two villages were found in the Petaluma area, *E'tem*, located in the old town of Petaluma and *Tutcaiy'lin*, located 1 mile northwest of old town Petaluma. The project site is approximately 1 mile to the northeast of the old town section of Petaluma.

b. Historical Background

In the late 1700s to early 1800s, various expeditions were led through the Petaluma area. In 1823, a mission was founded in Sonoma. Mariano Guadalupe Vallejo was sent by the Mexican government to Sonoma to oversee settlement in the area. In 1834, he applied for ten square leagues, the Petaluma Rancho, as his personal property. The Petaluma land grant stretched from San Pablo Bay on the South, Petaluma Creek on the West, and Sonoma Creek on the East.

In 1850, the first European settlers set up a hunting camp on the banks of the Petaluma River. They eventually built a trading post, which is speculated to have existed on the site which became Cedar Grove Park. By 1853, a street pattern was developed, lots designated and a wharf built at the end of present day Western Avenue. A drawbridge was constructed in 1857 across the river at Washington Street; the following year the town became incorporated.

In 1870, a railroad was built which headed to Santa Rosa. These tracks passed approximately ½-mile to the southwest of the project area. The late 1800s saw Petaluma developed with poultry

hatcheries and farms. The river was dredged and straightened, which allowed better ship passage. During the early 1900s, the river industry thrived and warehouses were constructed along the river.

2. Project Site Setting

The project site has been privately owned since 1877. The 1942 and 1953 United States Geologic Survey (USGS) Quadrangle Maps indicate no structures on the project site at those times, but the majority of the area was planted with orchards. The 101 freeway was constructed in the 1950s and the on and off ramp was constructed just north of the parcels. The site was graded sometime after 1953 to allow for the construction of the former Kenilworth Junior High School and associated uses.

a. Historic Architectural Resources

As part of the historic resources literature search for the cultural study, historic maps and other references showing this area of Petaluma were reviewed. An examination of the project site completed by Archeological Resource Service (ARS) in 2004 found no significant historic structures. At the time of the examination, the buildings, asphalt, landscaping and playing fields associated with the junior high school still existed on-site. Subsequently, the school buildings which were not identified as historic, were demolished.⁸ With the exception of the structures associated with the Carter Little League, there are no remaining buildings on-site. In addition, according to a search of the National Park Service's on-line NRHP database, there are no listed National Register properties on or adjacent to the project site.⁹ Therefore, there are no historic architectural resources on the project site.

b. Archeological Resources

The project site has previously been evaluated for archeological resources. ARS performed a surface reconnaissance of the project area and found no evidence of historic or prehistoric cultural resources. A records search by ARS at the Northwest Information Center of the California Historical Resources Information System (CHRIS) did not indicate the existence of any known cultural resources. In addition, the majority of the site has been graded in the past, and no records of archaeological resources being identified during grading are known.

There have been many studies conducted within a ½-mile of the site. Two evaluations of a parcel 500 feet from the project site found no cultural materials. Native American midden sites, though, have been recorded within a 1-mile radius from the project site. The closest previously recorded

⁸ Elizabeth Bedolla, Archeological Resource Service, "A Cultural Resources Evaluation of the Proposed East Washington Place Project, Petaluma, Sonoma County, CA," October 21, 2004, page 7.

⁹ National Park Service, National Register of Historic Places, http://www.nr.nps.gov/iwisapi/explorer.dll?IWS_SCHEMA=NRIS1&IWS_LOGIN=1&IWS_REPORT=100000039, accessed on May 28, 2008.

prehistoric site is known as the Cedar Groves site. This site consists of prehistoric midden deposits on the west bank of the Petaluma River. Various archeological studies in the area indicate that prehistoric deposits are likely to be near waterways, and historic structures may exist in other areas of Petaluma.

c. Paleontological Resources

A records search using the University of California's Museum of Paleontology web site¹⁰ indicated that no paleontological resources exist on the project site itself. Also, since the site is already graded and has previously been used for urban and institutional purposes, there is a very low possibility of finding any paleontological resources on the site. The nearest resource to the project site is approximately 1 mile northeast at a location known as "Ducker Ranch;" the identified species is of the mammal class. The next-closest resource is approximately 3 miles northeast at a location known as "Petaluma Pipeline;" there are three identified species here: two in the mammal class and one in the reptile class.

C. *Standards of Significance*

The proposed project would have a significant impact with regard to cultural resources if it would:

1. Cause a substantial adverse change in the significance of a historical resource.
2. Cause a substantial adverse change in the significance of an archaeological resource.
3. Disturb any human remains, including those interred outside of formal cemeteries.
4. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature.

D. *Impact Discussion*

1. **Project Impacts**

1. Cause a substantial adverse change in the significance of a historical resource.

There are no existing historic structures on-site, or in the immediate vicinity. The buildings previously associated with the junior high school, which were not historic, have been demolished. The remaining structures on-site are those associated with the Carter Little League facility, which are not historically significant. As a result, *no impact* would occur.

¹⁰ <http://www.ucmp.berkeley.edu/collections/catalogs.html> Search conducted June 14, 2006 by DC&E.

2. Cause a substantial adverse change in the significance of an archaeological resource.

As mentioned before, the literature search and surface examination found no archaeological resources in the area, nor is there a high potential for paleontological resources to be found on-site. Therefore, it is unlikely that implementation of the project would affect archaeological and paleontological resources, including human remains.

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

There is the possibility that unknown human remains could be disturbed during activities related to the construction of the project, such as grading. Inadvertent disturbance and destruction of such material would be considered a *significant* impact.

4. Directly or indirectly destroy a unique paleontological resource or site, or unique geologic feature.

There is the possibility that subsurface or archaeological or paleontological materials could be disturbed during activities related to the construction of the project, such as grading. Inadvertent disturbance and destruction of such material would be considered a *significant* impact.

2. Cumulative Impacts

A list-based approach has been used for this cumulative analysis. The analysis considers the development projects listed in Appendix E (Cumulative Projects) and whether this project would have significant cumulative impacts on Petaluma's cultural resources in combination with the cumulative projects.

Cultural resources such as historical, archaeological and paleontological resources in Sonoma County could be cumulatively impacted by future development and related construction activities in the region. However, most impacts would be mitigated at an individual project level, by current State and federal regulations, as well as other local and County regulations. Such regulations and mitigation include the monitoring of construction sites in proximity to known resources and immediate cessation of construction activity upon discovery of unidentified human remains. The combination of the above-mentioned efforts would reduce potential cumulative impacts to cultural resources in the Petaluma area to a less-than-significant level. As a result, the proposed project would not contribute to a significant cumulative impact to cultural resources. A *less-than-significant* cumulative impact would occur.

E. Impacts and Mitigation Measures

Impact CUL-1: Subsurface archaeological, paleontological materials and/or human remains may be discovered during grading, trenching or other activities associated with implementation of the

proposed project. Inadvertent destruction or disturbance of such undiscovered resources constitutes a *significant* impact.

Mitigation Measure CUL-1a: If evidence of archeological, paleontological artifacts and/or human remains are discovered during construction activities, all operations at and adjacent to the discovered resource should halt until a qualified archeologist determines the extent and significance of the find and recommends appropriate mitigation measures.

Mitigation Measure CUL-1b: If human remains are discovered during construction, all construction and excavation activity should cease and the county coroner should be notified, pursuant to Section 7050.5 of California's Health and Safety Code. If the remains are of a Native American, the coroner must notify the California Native American Heritage Commission within 24 hours, which in turn will inform a most likely descendent pursuant to Section 5097.98 of the State Resources Code. The descendent will recommend the appropriate disposition of the remains and any associated grave goods.

Significance After Mitigation: Implementation of these mitigation measures, if necessary, would reduce potential impacts to a *less-than-significant* level.