

## 4.5 CULTURAL RESOURCES

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This section of the Draft Environmental Impact Report (Draft EIR) presents an analysis of the proposed project's effect on cultural and historic resources. Information presented in the setting and analysis subsections was obtained from visits to the project site, the Alameda County East County Area Plan (ECAP), and information provided by the California Historical Resources Information System's Northwest Information Center (NIC).

### 4.5.1 ENVIRONMENTAL SETTING

A records search was conducted by the NIC to identify potential cultural resources in the project vicinity. Data maps, historic-period maps, and literature on file at NIC were reviewed during this search. The project area contains no recorded Native American or historic-period archaeological resources. The office has no record of an archaeological study of the project area and no historic properties are located on the project site.

The NIC evaluated the environmental setting associated with known sites of cultural resources in eastern Alameda County. Native American cultural resources were found near perennial watercourses in the eastern portion of Alameda County. The project site contains midslope terraces, a drainage canyon, and intermittent drainage. The NIC determined that there is a low likelihood that unrecorded Native American cultural resources exist on site due to the dissimilarity of the environmental factors described.

### 4.5.2 REGULATORY ENVIRONMENT

#### 4.5.2.1 East County Area Plan

The ECAP contains policies to ensure the preservation of archaeological and historical resources. The County requires a background and records check of a project if a project is located within an extreme or high archaeological sensitivity zone as determined by the County (ECAP, 36). The County also requires all construction work to be suspended if any archaeological sites are found during construction until a qualified archaeological professional can investigate the findings. The County follows *California Environmental Quality Act (CEQA) Guidelines* for cultural resource preservation practices. Policies 136 and 137 in the ECAP implement the County's goal:

**Policy 136:** The County shall identify and preserve significant archaeological and historical resources, including structures and sites which contribute to the heritage of East County.

**Policy 137:** The County shall require development to be designed to avoid cultural resources or, if avoidance is determined by the County to be infeasible, to include [and] implement appropriate mitigation measures that offset the impacts.

The project site and its surrounding area are not located within a high archaeological sensitivity zone as determined by the County.

#### 4.5.2.2 California Register of Historical Resources

In 1992, the State Legislature passed amendments to the Public Resources Code creating the California Register of Historical Resources (CR). On January 1, 1998, the implementing regulations for the CR were officially adopted. The CR is an authoritative listing and guide for state and local agencies and private groups and citizens in identifying historical resources. This listing and guide indicates which resources should be protected from substantial adverse change. The CR includes historical resources that are listed automatically by virtue of their appearance on or eligibility for certain other lists of important resources. The CR includes historical resources that have been nominated by application and listed after public hearing. Also included are historical resources listed as a result of an evaluation by specific criteria and procedures adopted by the State Historical Resource Commission.

Eligibility for the CR also depends on the integrity or the survival of characteristics of the resource that existed during its period of significance. Eligible historical resources must not only meet one of the above criteria, but also retain enough of their historic character or appearance to convey the reasons for their importance or retain the potential to yield significant scientific or historical information or specific data.

Most often, historical resources eligible for the CR will be 50 years old or older. However, new implementing regulations stipulate “a resource less than 50 years old may be considered for listing in the CR if it can be demonstrated that sufficient time has passed to understand its historical importance”(California Code of Regulations, Title 14, Chapter 11.5, Section 4850 et seq.). If an archaeological resource does not meet the definition of a “historical resource,” it may meet the definition of a “unique archaeological resource” under Public Resource Code Section 21083.2. An archeological artifact, object, or site would meet the definition of “unique archeological resources” under PRC 21083.2, if it

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

### 4.5.2.3 National Register of Historic Places

The National Register of Historic Places (NR) is the nation's central inventory of known historic resources. The NR is administered by the National Park Service and includes listings of buildings, structures, sites, objects, and districts that possess historic, architectural, engineering, archaeological, or cultural significance at the national, state, or local level. There are three different officials that can nominate properties into the NR, the State Historic Preservation Officer of the state in which the property is located, the Federal Preservation Officer for federally owned or controlled property, or the Tribal Preservation Officer for tribally owned property.

Generally, a historic site, object, building, structure, or district is eligible for listing on the NR if it is 50 years old or older, possesses integrity of location, design, setting, materials, workmanship, feeling and association, and meets at least one of the following criteria:

- Association with events that have made significant contributions to the broad patterns of United States history.
- Association with the lives of people important in United States history.
- Embodies the distinctive characteristics of a type, period, or method of construction; or represents the work of a master, or possesses high artistic value, or represents a significant and distinguishable entity whose components may lack individual distinction.
- Has yielded or is likely to yield information important in prehistory or history (36 CFR Sec. 60).

While alteration of the setting of an archaeological site eligible for the NR only for its information potential may not affect the site's significant characteristics, alteration of a property's location (e.g., removing or damaging all or part of the site) may have a significant adverse effect. Adverse effects may include "reasonably foreseeable effects caused by an undertaking that may occur later in time, be farther removed by distance or be cumulative" (36 CFR Sec. 800.5(a)(1)). Adverse effects are 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 NR in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association" (36 CFR Sec. 800.5(a)(1)).

Environmental impacts associated with cultural resources are specifically addressed in the *State CEQA Guidelines*, Section 15064.5. Section 15064.5 identifies significance threshold criteria for determining impacts to archaeological and historical resources.

### 4.5.3 ENVIRONMENTAL ANALYSIS

#### 4.5.3.1 Thresholds of Significance

The proposed project would result in a significant impact if it would do any of the following:

- cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5;
- cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5;
- directly or indirectly destroy a unique paleontological resource or site or unique geologic feature; or
- disturb any human remains, including those interred outside of formal cemeteries.

#### 4.5.3.2 Methodology

Information provided by the NIC and information presented in the ECAP were used in determining whether impacts to cultural resources would be significant environmental effects.

#### 4.5.3.3 Impacts and Mitigation Measures

##### **Potential Impact 4.5-1: Would the project cause a substantial adverse change in the significance of a historical resource as defined in Section 15064.5?**

The existing project site contains a variety of structures related to automobile racing operations. The racetrack was constructed and began operating in 1963. None of the existing on-site structures are eligible for listing on the NR because they are not 50 years old, and do not possess integrity of location, design, setting, materials, workmanship, feeling, nor association. The proposed project improvements would not substantially alter the existing grandstand or other existing structures. Therefore, there would be a less than significant impact related to historic resources.

**Conclusion:** Less than significant

**Mitigation Measure:** None required

##### **Potential Impact 4.5-2: Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5?**

The existing project site contains a variety of structures related to automobile racing operations. Prior construction activities would have resulted in the discovery and either curation or destruction of

near-surface archaeological resources, if any were present. Grading and excavation for the proposed grandstand roof may extend to depths greater than that required for improvements in the immediate area. Installation and construction of the caretaker residences and freeway signs will occur in areas not previously graded to substantial depths. This would result in the potential for discovery of resources below levels of prior or new disturbance. While the potential for the discovery of archeological resources, paleontological, or Native American artifacts on the project site is low, there remains a possibility for discovery of such resources. If any unrecorded cultural resources are uncovered during construction activities, the following mitigation measure would be implemented in order to reduce the impact to a less than significant level.

**Conclusion:** Potentially significant

- CUL-1a:** Prior to excavation and construction on the project site, the prime construction contractor and any subcontractor(s) shall be cautioned by the County on the legal and/or regulatory implications of knowingly destroying cultural resources or removing artifacts, human remains, bottles, and other cultural materials from the project site.
- CUL-1b:** The project applicant shall identify a qualified archaeologist prior to any demolition, excavation, or construction. The County shall approve the selected archaeologist prior to issuance of the grading permit. The archaeologist shall have the authority to perform spot check monitoring of subsurface construction and watch for and evaluate artifacts or resources that may be uncovered. The archaeologist shall also have the authority to temporarily halt excavation and construction activities in the immediate vicinity (within a 50-meter radius) of a find if significant or potentially significant cultural resources are exposed and/or adversely affected by construction operations.
- CUL-1c:** Reasonable time will be allowed for the qualified archaeologist to notify the proper authorities for a more detailed inspection and examination of the exposed cultural resources. During this time, excavation and construction would not be allowed in the immediate vicinity of the find; however, those activities could continue in other areas of the project site.
- CUL-1d:** If any find were determined to be significant by the qualified archaeologist, representatives of the project applicant or construction contractor and the County, and the qualified archaeologist, will meet to determine the appropriate course of action.

**CUL-1e:** All cultural materials recovered as part of the monitoring program will be subject to scientific analysis, professional museum curation, and a report prepared according to current professional standards.

**CUL-1f:** If human remains are discovered at the project site during construction, work at the specific construction site at which the remains have been uncovered shall be suspended, and the Alameda County coroner shall be immediately notified. If the remains are determined by the County coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains.

**Significance After Mitigation:** Less than significant

**Potential Impact 4.5-3: Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?**

As discussed previously, no known paleontological resources have been identified on the project site. The type of soil located on site is sandy/silty clay. There is a low possibility of finding significant fossil records in sandy/silty clays. However, it is possible that unknown paleontological resources could exist on the site and could be damaged during construction of the project. Therefore, project impacts on unknown paleontological resources would be significant. If any unknown paleontological resources or unique geologic features are uncovered during construction activities, the following mitigation measure would be implemented in order to reduce the impact to a less than significant level.

**Conclusion:** Potentially significant

**CUL-2a:** The project applicant shall identify a qualified paleontologist prior to any excavation or construction. The County shall approve the selected paleontologist prior to issuance of the grading permit. The project paleontologist shall attend the pre-grading meeting to discuss how to recognize paleontological resources in the soil during grading activities. The prime construction contractor and any subcontractor(s) shall be cautioned by the County on the legal and/or regulatory implications of knowingly destroying paleontological resources or removing paleontological resources from the project site.

**CUL-2b:** If paleontological resources are encountered during the course of site development activities, work in that area shall be halted and the project paleontologist shall be notified of the find. The project paleontologist shall have the authority to temporarily divert or redirect grading to allow time to evaluate any exposed fossil material.

- CUL-2c:** If the project paleontologist determines that the resource is significant, any scientifically significant specimens shall be properly collected by the project paleontologist. During collection activities, contextual stratigraphic data shall also be collected. The data will include lithologic descriptions, photographs, measured stratigraphic sections, and field notes.
- CUL-2d:** Scientifically significant specimens shall be prepared to the point of identification (not exhibition), stabilized, identified, and offered for curation to a suitable repository that has a retrievable storage system, such as the University of California, Berkeley, Museum of Paleontology.
- CUL-2e:** The project paleontologist shall prepare a final report at the end of the earthmoving activities; the report shall include an itemized inventory of recovered fossils and appropriate stratigraphic and locality data. The project paleontologist shall send one copy of the report to Alameda County; another copy shall accompany any fossils, along with field logs and photographs, to the designated repository.

**Significance After Mitigation:** Less than significant

**Potential Impact 4.5-4: Would the project disturb any human remains, including those interred outside of formal cemeteries?**

The literature review of the project site indicated that no recorded archaeological resources were located at the site. However, it is possible that an unknown burial site could be located on the project site. Development activities involved with construction of the grandstand roof, grading prior to installation of the two caretaker residences, and construction of foundations for the freeway signs would be minimal, however, construction of the project could have the potential to disturb human remains on the project site. Therefore, project impacts related to unknown human remains would be significant. Implementation of this project would have a significant impact to cultural resources and human remains.

**Conclusion:** Potentially significant

**Mitigation Measure:** The mitigation measures for the impact to unknown historic archaeological resources (**CUL-1a** through **CUL-1f**) would also be applicable to unknown human remains.

**Significance After Mitigation:** Less than significant

