

4.3 CULTURAL RESOURCES

4.3.1 ENVIRONMENTAL SETTING

IN THIS SECTION:

- Regulatory Setting
- Cultural/Historic Setting
- Cultural Resources Methodology

The following section is based on a cultural resources evaluation prepared for the project by Archaeological Resources Service (ARS) in 2013, which is included in Technical Appendix C-3. The appendix is available on the DEIR CD, on the City of Petaluma website at <http://cityofpetaluma.net/cdd/riverfront.html>, and on file for review at the City of Petaluma Community Development Department, Planning Division, located at 11 English Street in Petaluma, on Monday through Thursday between the hours of Hours: 8 AM to 12 PM and 1 PM to 5 PM. The section also draws from analyses contained in the City of Petaluma *General Plan 2025* Environmental Impact Report (EIR) that was certified on May 19, 2008. The City's General Plan and EIR are also available for review at the Planning Division office and online at: <http://cityofpetaluma.net/cdd/plan-general-plan.html>.

This discussion identifies the regulatory framework that governs cultural and historical resources and sets forth the historic and cultural context of the region and project site. Cultural resources include, but are not limited to tangible resources, such as historic buildings, landscapes, structures, sites, objects, and districts, and intangible resources, such as socio-cultural institutions, and culturally or religiously significant traditions and practices.

REGULATORY SETTING

Federal Regulations

Although this project has no federal nexus, the following federal regulations are outlined in order to provide a general context of the larger framework through which cultural resource identification, evaluation and protection is carried out.

NATIONAL HISTORIC PRESERVATION ACT

The 1966 National Preservation Act (NHPA), as amended, provides the historic preservation framework for the United States. It outlines responsibilities for government agencies and establishes the environmental review process to encourage federal agencies to consider historic resources located within their jurisdiction. The NHPA establishes guidelines for the

identification and evaluation of historic resources and provides funding and support for private agencies.

The State Office of Historic Preservation (OHP) carries out review under Section 106 of the NHPA. Section 106 encourages consideration of the nation's historic resources during the planning and execution of federal projects and requires that a federal agency "take into account" how a project, which is defined as an activity or program funded in whole, or in part by the federal government, could affect historic properties. Section 106 includes historic properties/resources that are listed or eligible for listing in the National Register of Historic Places.

NATIONAL REGISTER OF HISTORIC PLACES

The National Register of Historic Places, maintained by the National Park Service, is a master inventory of historic resources important in the history, architectural history, archaeology, engineering and culture of the United States on the National, State and local levels. A historic resource can be a building, structure, object, site or district that is 50 years or older. Historic resources are considered eligible if they meet at least one of the following criteria:

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

Historic resources deemed to be significance must also be able to convey their historic integrity, which is determined by the following aspect: location, design, setting, materials, workmanship, feeling and association. To retain integrity a resource should meet most of the aforementioned aspects. However, the individual nature of the resource and its particular significance may result in certain aspects holding more weight than others.

State Regulations

CALIFORNIA ENVIRONMENTAL QUALITY ACT

The California Environmental Policy Act (CEQA) requires that the lead agency evaluate potential impacts on historical resources including those "listed in, or determined eligible for listing in the California Register of Historic Resources (CRHR) [or] included in a local register of historical resources." The California Register of Historic Resources defines an eligible resource as one that:

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

It should be noted that “a resource not listed in, or determined to be eligible for listing in, the California Register of Historical Resources, not included in a local register of historical resources, or not deemed significant pursuant to criteria set forth in subdivision (g) of Public Resources Code Section 5024.1 shall not preclude a lead agency from determining whether the resource may be a historical resource...”¹ In other words, a lead agency must consider the potential for a resource to be historic, even in the absence of earlier historic designation or determination of eligibility. California Public Resources Code Section 5024 requires consultation with OHP when a project may impact historic resources located on State-owned land.

CEQA also requires lead agencies to assess potential impacts to “unique archeological resources,” which is defined by the Public Resources code section 21083.2, subdivision (g) as, “an archeological 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 any of the following criteria:

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

CALIFORNIA PUBLIC RESOURCES CODE SECTION 5087.5

States that no person shall knowingly and willfully excavate, injure, remove or otherwise disturb any archaeological, historical, or paleontological materials or sites located on public lands without the permission of the public agency having jurisdiction over said lands. The violation of this section results in a misdemeanor.

¹ California Public resources Code, Sect. 21084.1. Historical Resources Guidelines

CALIFORNIA HEALTH AND SAFETY CODE SECTION 7050.5

Mandates that, in the event human remains are discovered in a location other than a dedicated cemetery, all disturbance or excavation must cease and the county coroner must be notified. If the human remains are found to be of Native American origin, the Native American Heritage Commission will then identify and contact the most likely descendent to inspect the site and recommend future treatment associated with the contents of the grave.

CALIFORNIA NATIVE AMERICAN GRAVES PROTECTION AND REPATRIATION ACT

Section 8010 of California Health and Safety Code ensures that human remains of California Native Americans are treated with dignity and respect. The law also establishes mechanisms to aid federally recognized and un-recognized Native American tribes.

Local Regulations

The Historic Preservation Element of the Petaluma General Plan 2025 sets forth goals and actions that encourage preservation and continued stewardship of the City's historic and cultural heritage. The Petaluma Central Specific Plan, adopted June 2003, provides a vehicle to examine, assess and guide formulation of planning concepts. The plan addresses cultural resources broadly based on their relationship to other considerations such as land use, public space, and community design. The Historic Preservation section for the Lower Reach Planning Area focuses on preservation of individual historic resources including commercial and industrial resources.

Chapter 15 of the Petaluma Zoning Ordinance outlines processes to reverse the trend of destruction and neglect of valuable historic and cultural resources by establishing powers and duties for a cultural preservation commission, outlining the process to designate a historic landmark, outlining the permit review process for alterations, new construction and demolition of designated historic resources and allowing for the City Council to adopt Design Guidelines.

PROJECT CULTURAL/HISTORIC SETTING

The Riverfront project site existed as brackish marsh until the early 20th century when it was filled in with dredge spoils. The project site continued to be used for dredge spoils throughout the second-half of the twentieth century. Since 2005 a portion of the project site has been used for crushing and storage of roadbed materials as part of the HOV Caltrans widening project. The remainder of the project site consists of open land dominated by a variety of non-native, invasive plant species.

Paleontological Context

Paleontological resources include fossilized invertebrates, vertebrates and plant species dating from 140 million years to 8,000 million years ago. The project site is defined by the Petaluma (Miocene and Pliocene) and Franciscan (Jurassic) geologic formations, both of which are common in Sonoma County and have been known to contain paleontological resources.

Prehistoric and Ethnographic Context

Prior to European settlement in the 1840's, the Coast Miwok, a Penutian speaking tribe, inhabited present day Marin County and Sonoma County for a period of approximately 3000-3500 years. The wetlands associated with the San Pablo Bay and the greater coastal area played an instrumental role in the survival and livelihoods of the Coast Miwok as the tidal estuaries and tributaries provided shellfish and plants for sustenance.

Extant resources associated with the Native American habitation in the area include prehistoric features such as petroglyphs, bedrock milling features, and isolate artifacts. Other resources that have been recorded in association with the Coast Miwok include rock outcrops, midden soil deposits with marine shells and animal bones and jewelry made of shells, stones or bones.

Historical Context

In 1843 the Petaluma land grant, which extends from San Pablo Bay on the south to Petaluma Creek on the west and Sonoma Creek on the east, was granted by the Mexican government to Mariano Guadalupe Vallejo. At the end of the Mexican American war, the Treaty of Guadalupe Hidalgo re-possessed the territory of California and New Mexico and required former landholders to file with the United States government to reclaim their lands. Vallejo filed a claim in 1852 and successfully regained his lands in 1857.

The first European settlers established a primitive hunting camp on the West bank of the Petaluma River which evolved into the first substantial trading post in Petaluma when the growing San Francisco population provided an impetus for increased trading. The initial settlement was largely confined to the southwest bank of the Petaluma River, around current-day Petaluma Boulevard, between Washington Street and Western Avenue. Commercial and industrial uses became established on the northeast portion of the river. In 1852, the settlers laid out the town of Petaluma and constructed a wharf at the terminus of current-day Western Avenue. By 1857 the population had reached 1,338 residents, and in 1858 the City of Petaluma was formally incorporated.

The San Francisco North Pacific Railroad, constructed in 1870, extended from Donahue's landing to Santa Rosa, and encouraged the growth of the agriculture industry in Petaluma. The 1879 invention of the egg incubator by Lyman Bryce established the poultry industry. Following

Bryce's invention the City of Petaluma and surrounding area became largely defined by hatcheries and chicken farms, eventually earning the nickname, "Egg Basket of the World".

In 1880, the Petaluma River, which had previously been little more than a slough, was dredged, widened, and straightened, which allowed ships to more easily navigate. In the 1890s the McNear canal was constructed on the eastside of the river to link ships directly to the railroad; railroad spurs connected the wharves. Petaluma's early manufacturing businesses included, tanneries, flour mills, carpentry shops and wagon shops (City of Petaluma General Plan). The poultry industry reached its height in the 1920s.

Construction of the Golden Gate Bridge in 1936 and the construction of U.S. Highway 101 reduced the importance of rail and river infrastructure and marked the transition to vehicles as the primary mode of travel. Present day Petaluma retains a strong agricultural and industrial heritage interspersed with commercial and residential uses.

PROJECT CULTURAL RESOURCES EVALUATION

Archaeological Resources Service (ARS) conducted a literature review and records search of the proposed project site, including a search of files at the Northwest office of California Historic Resource Information System (CHRIS) and archival maps in order to identify the presence or absence of previously recorded pre-historic and historic resources. A number of previous archaeological and historic resource surveys were assessed as they related to the project site. Several previous evaluations and field surveys have been performed within a half-mile radius of the project site. The evaluations conclude that there are no significant historic or archaeological resources located within 0.5 miles of the Riverfront project site.

A review of historic maps from the period of 1850-1968 complemented the written records by providing further insight into the early landscape. The following Maps were reviewed by ARS in order to identify any extant cultural resources and/or anticipate the potential discovery of cultural resources:

- 1850 Petaluma Plat Map
- 1861 Coast Survey Map of the Petaluma River
- 1867 Map of Overflowed Lands
- 1900 Official Petaluma County Map
- 1942 U.S Army Quadrangle Map of Petaluma
- Current USGS Quadrangle maps, (Petaluma 1953, photo-revised to 1968), (Petaluma River 1954, Photo-revised to 1968)

The archival map review shows that the project site existed as brackish marsh until the early twentieth century when it was filled in with dredge spoils. Despite surrounding population

growth and adjacent industrial and infrastructure development, the project site has remained undeveloped. The only physical change to the project site, observed in the archival map review, was the presence of a railroad spur, indicated on the USGS quadrangle maps. However, subsequent field survey found that the railroad spur is no longer present onsite. The Archival map review indicates that there are no significant or potentially significant historic era buildings, structures, or object present on the Riverfront project site.

ARCHAEOLOGICAL AND HISTORIC RESOURCE SENSITIVITY

The existence of the project site as brackish marsh and the absence of earlier development precluded the need for on-site cultural resource evaluations. Based on the record search and literature review conducted by ARS more than 15 cultural resource studies have been prepared within a 0.5 mile radius of the project site. There were no Native American habitation sites identified within one mile of the project site and no prehistoric sites identified within 1.5 miles. Of the studies assessed, the majority indicate the absence of any significant historic or cultural resources in the project vicinity.

Based on review of studies that were conducted in proximity to the project site, there is a low potential for the discovery of potentially significant cultural resources on the Riverfront property. All documents and previous studies reviewed indicate that the project site existed as brackish marsh up until the early twentieth century and such findings preclude the existence of Native American cultural resources within the project boundary.

4.3.2 IMPACTS AND MITIGATION MEASURES

CRITERIA FOR DETERMINING SIGNIFICANCE ANALYSIS

In accordance with the California Environmental Quality Act (CEQA), State CEQA Guidelines (including Appendix G), City of Petaluma plans, policies and/or guidelines, and agency and professional standards, an impact to cultural resources would be considered significant if the project would result in:

- 3a Substantial changes to the significance of a historical resource, defined as physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historic resource would be materially impaired (Guidelines §15064.5);
- 3b Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5;
- 3c Directly or indirectly destroy a unique paleontological resource or site of unique geological feature; or
- 3d Disturb any human remains, including those interred outside of formal cemeteries.

IMPACT ANALYSIS

Based on the analyses in the Revised Initial Study (Appendix A of this DEIR), the project site would not cause a substantial adverse change in the significance of a historical (3a) or paleontological (3c) resource. The ARS literature review indicates the absence of any buildings, structures, objects, sites or districts located within the project boundary. The project site is a former marshland that has historically been used for storage of dredged materials; it is flat and lacks any significant natural features. There are no known, mapped or observed paleontological resources or unique geological features within the project site. Therefore, the project would have no impact to historic or paleontological resources. Thus, no further discussion is warranted.

The following impact analyses address the project's potential to cause a substantial adverse change in the significance of an archaeological resource (3b) or disturb any human remains (3d).

Archaeological Resources

Impact 4.3-1 – *Discovery of Archaeological Resource:* The project has the potential to disrupt previously undiscovered archeological resource. This is a *potentially significant impact*.

The Riverfront project site consists of undeveloped lands adjacent to the Petaluma River. Generally, within Petaluma, ridgetops, midslope terraces, alluvial flats, ecotones, and sources of water have the greatest potential of containing archaeological resources. However, because the project site existed as brackish marsh until the early to mid-20th century there is a very low potential for the discovery of potentially significant archaeological resources within the project boundaries. This is due to the condition that the project site was underwater during the era when Coast Miwok people would have inhabited the area. Therefore, it is considered unlikely that undiscovered archaeological resources would be impacted by the proposed Riverfront project.

As noted above, the project site has been used to store soils from various construction projects and dredge spoils. Thus, the potential exists that fill soils deposited in the early twentieth century may contain remnants of cultural materials from their sources. Any cultural resource contained within these relocated soils would be substantially disturbed and damaged. It is unlikely that cultural resources within fill material would constitute a significant cultural resource since all association with the original location and setting would be lost, thereby compromising the integrity of the resource.

Given that the project site is undeveloped, there is a possibility that previously undiscovered archeological resources may be buried within onsite soils. Although there is a low potential for the discovery of buried archeological resources, the following mitigation measure (CUL-1) will

ensure that any potential impacts to undiscovered archaeological resources onsite will be reduced to levels below significance.

Mitigation Measures

Implementation of Mitigation Measure CUL-1 below will reduce the project impact to unknown archeological resources that may be discovered during construction to a less-than-significant level.

CUL-1: If during the course of ground disturbing activities, including, but not limited to excavation, grading and construction, a potentially significant prehistoric or historic resource is encountered, all work within a 100 foot radius of the find shall be suspended for a time deemed sufficient for a qualified and city-approved cultural resource specialist to adequately evaluate and determine significance of the discovered resource and provide treatment recommendations. Should a significant archeological resource be identified a qualified archaeologist shall prepare a resource mitigation plan and monitoring program to be carried out during all construction activities.

Impact 4.3-2 – Disturb Human Remains: The project could disturb undiscovered human remains, including those interred outside of formal cemeteries. This is considered a *potentially significant* impact.

As the proposed development project will result in ground disturbance there is the potential that buried human remains may be uncovered. This possibility remains unlikely due to the site formerly being occupied by marshland during the period of Coast Miwok inhabitation. Nonetheless, the presence of buried human remains onsite would constitute a potentially significant impact and would require notification of the County Coroner and qualified archeologist. In order to reduce potential impacts in the event of accidental discovery of buried human remains, CUL-2 would be implemented, which would reduce impacts to cultural resources to levels below significance.

Mitigation Measures

Implementation of Mitigation Measure CUL-2 will reduce any potential impacts to buried human remains to a less-than-significant level.

CUL-2: In the event that human remains are discovered, all work shall be suspended and the Sonoma County Coroner shall be contacted in accordance with provisions of the California Public Resources Code section 5097.98-99 and the Native American Heritage Commission shall be notified in accordance with the provisions of Public Resources Code 5097, so that the “Most Likely Descendant” can be designated.