

## 8 Cultural Resources

### 8.1 Introduction

This chapter describes the existing setting of the proposed project site as it relates to cultural resources; identifies associated regulatory conditions and requirements; presents the criteria used to evaluate potential impacts on historical and archaeological resources; and identifies mitigation measures to reduce or avoid each significant impact. The significance of each impact after the incorporation of identified mitigation measures is included at the end of this chapter.

Information used to prepare this chapter came from the following sources:

- Brentwood Hills Country Club Final EIR, 1992
- City of Brentwood General Plan Update (General Plan), 2014
- City of Brentwood General Plan EIR, Draft Program Environmental Impact Report for the 2014 Brentwood General Plan Update, 2014
- Hancock Project Specific Plan/Environmental Impact Report (EIR) Study, 1992
- Pacific Legacy, Cultural Resources Technical Report, October 2017

### 8.2 Scoping Issues Addressed

Written comments and suggestions were provided by members of the public, organizations, and government agencies during the Notice of Preparation (NOP) scoping period conducted from August 4, 2017 through September 5, 2017. The following comments reflect the key issues identified during the NOP comment period regarding cultural resources and are addressed in this section:

- Caltrans recommended that the City conduct a cultural resources technical study that includes a records search and field survey
- The California Native American Heritage Commission provided general guidance on consultation with California Native American tribes and CEQA requirements

#### 8.2.1 Previous Literature Search and CEQA Analyses

The literature review was conducted by Pacific Legacy staff at the Northwest Information Center of the California Historical Resources Information System on October 20, 2017. Five cultural resources have previously identified within or immediately adjacent to the project area. One cultural resource (P-07-000424) was previously identified within the 0.25-mile record search buffer around the project area.

#### Previous CEQA Analyses

An EIR was prepared for the Brentwood Hills Country Club project, inclusive of the southern portion of the project site, in February of 1992. A cultural resources survey was performed for

the portion of the project site that includes the Deer Ridge Golf Club in February and March 1990 by the Institute for Archaeological Research. A records search was also performed for the site by the Northwest Information Center. Two cultural resources were identified within the area (inclusive of the project site), including the Brentwood Coal Mine site. The 1992 CEQA analysis determined that the Brentwood Coal Mine site may be a contributing element to the National Register of Historic Places (NRHP) Black Diamond Mines Historic District. (Michael Paoli and Associates, 1992). Mitigation measures were developed for the project to protect this historic resource.

An EIR was prepared for the Hancock Project Specific Plan, inclusive of the northern portion of the project site, in April of 1992. An archaeological field reconnaissance was performed for the portion of the project site that includes the Shadow Lakes Golf Club in July 1990. The reconnaissance revealed the presence of potentially significant historic foundation remains. Mitigation measures were developed for the project to protect this potential historic archaeological resource. The resource was noted on the north side of Balfour Road approximately between Balfour Court and Palm Court. Information provided by the NWIC for this document indicated that the survey report was on file but no documentation regarding if the mitigation measures had been completed or if the resource was entered into the CHRIS database as an archaeological resource prior to development.

### **Archeological and Historical Resources**

According to the 1992 EIR prepared for the Hancock Project Specific Plan, the proposed project site does not include any Federal, State, or local designated historic architectural resources, or other structures at least 45 years in age that may qualify for such designation. According to the Office of Historic Preservation (OHP), the Black Diamond Mines Regional Preserve is the nearest historical landmark, and is located approximately six miles northwest of the project site (OHP, 2017). According to the National Register of Historic Places, the Shannon-Williamson Ranch is the nearest historic place, and is located over a mile and half north of the project site.

### **Paleontological Resources**

There are no known paleontological resources on the project site. Therefore, a separate paleontological resources evaluation was not prepared. A Paleontological Evaluation Report was prepared for the city of Brentwood General Plan Area by Bruce Hansen, PhD, Paleontologist. The report concluded that no known significant fossil deposits are located in the City's Planning Area, but the geologic conditions within the planning area provide suitable conditions for the possibility of fossils to exist at depths of five to ten feet below ground surface. Because much of the project site was previously disturbed to develop the existing facilities, the likelihood of encountering paleontological resources during construction of the proposed project are low. However, as further described below, the proposed project includes mitigation measures that would address impacts to paleontological resources should they be discovered during project construction.

### Government Code Section 65352.3 (SB 18) Consultation

The City began the Government Code Section 65352.3 (commonly known as Senate Bill [SB] 18) consultation process by contacting the Native American Heritage Commission (NAHC) and local tribal representatives. On August 21, 2017, the City of Brentwood sent a letter to each of these tribes, inviting them to enter consultation regarding the General Plan Amendment. Appendix D of this Draft EIR includes all correspondence to the NAHC and letters sent to tribal representatives pursuant to SB 18 and AB 52. Wilton Rancheria has requested consultation with the City.

### Assembly Bill 52 Consultation

Assembly Bill (AB) 52 requires lead agencies to consult with California Native American tribes that request such consultation in writing prior to the agency's release of a notice of an MND or a Negative Declaration. Pursuant to the provisions of AB 52, on August 21, 2017, the City extended an invitation to consult on the CEQA review of this proposed project in order to assist with identifying, preserving, and mitigating project impacts on Native American cultural places. As of publication of this Draft EIR, one tribe has requested AB 52 consultation with the City, Wilton Rancheria.

Appendix D of this Draft EIR includes all correspondence to the NAHC and letters sent to tribal representatives pursuant to SB 18 and AB 52.

## 8.3 Environmental Setting

This section presents information on cultural resources conditions in the project area. The current condition and quality of cultural resources was used as the baseline against which to compare potential impacts of the project.

The 355-acre project area includes relatively flat portions as well as gently sloping hills. Site elevations range from approximately 200 feet above mean sea level (msl) in the south (Deer Ridge) to approximately 250 feet above msl to the north (Shadow Lakes). The approximately 32-acre project site is located in the southwest portion of Brentwood and includes small portions of both the Deer Ridge Golf Club and the Shadow Lakes Golf Club. The Shadow Lakes portion of the site is located directly north of Balfour Road, while the Deer Ridge portion of the site is located directly south of Balfour Road.

### 8.3.1 Paleontological Setting

Paleontological resources (i.e., fossils) are the remains and/or traces of prehistoric plant and animal life. Although typically it is assumed that fossils must be older than approximately 10,000 years (i.e., the generally accepted end of the last glacial interval of the Pleistocene Epoch), organic remains of the early Holocene age can also be considered to represent fossils because they are part of the record of past life. Fossil remains such as bones, teeth, shells, leaves, wood, burrows, and trackways are found in the geologic deposits (rock formations) within which they were originally buried (Department of Paleo Services, 2012).

According to the City's General Plan EIR, a Paleontological Evaluation Report was prepared for the City to assess the probable existence, sensitivity, and distribution of significant paleontological resources within the project area (inclusive of the project site). The report includes information and conclusions drawn from investigations of published geologic and paleontological literature and unpublished museum records relevant to an assessment of potential paleontological resources within and near the designated areas of the City. Paleontological resources include fossils – the remains or traces of once-living organisms preserved in sediments or sedimentary rocks – and the geologic context in which they occur. By convention, paleontological resources do not include human remains, artifacts (objects created by humans), or other evidence of past human activities.

According to the General Plan EIR, there are no known significant fossil deposits in the City's Planning Area (inclusive of the project site). However, geologic conditions within the city do provide suitable conditions for the possibility of fossils to exist at depths of five to ten feet below ground surface.

### **8.3.2 Ethnographic Setting**

According to cultural resource experts with experience in the City of Brentwood<sup>1</sup>, the ethnographic affiliation of the aboriginal inhabitants of the general area at the time of European contact recently have been designated on the basis of linguistic evidence as belonging to the Bay Miwok (a sub-group of the Penutian family of languages which were widely spoken throughout the interior Central California region).

As discussed in the City's General Plan EIR (2014), linguistic data suggest that the Miwok have resided in the delta of the Sacramento and San Joaquin rivers for approximately 2,500 years. The Bay Miwok occupied an area south of the Sacramento River, including portions of Contra Costa County east of present-day Walnut Creek. The Bay Miwok included a number of tribelets, including the Julpun, the Chupcan, and the Bolbon or Wolwon.

The Julpun lived along the south bank of the San Joaquin River and on Sherman Island. The Julpun likely extended their territory northward at the time of contact in response to pressures in their own territory. The Chupcan lived west of the Julpun near present-day Antioch and probably bordered the Bolbon near Mount Diablo. The Bolbon or Wolwon lived along upper Marsh Creek near Mount Diablo. Bay Miwok, like the Costanoans, situated their villages on elevations above the seasonal marshes.

Ethnographic information concerning these groups is fragmentary and incomplete consisting mainly of baptismal records, brief vocabularies taken by the mission padres, as well as explorers' and military accounts of the late 18<sup>th</sup> and early 19<sup>th</sup> centuries. The pre-contact population of

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<sup>1</sup> Colin Busby, Basin Research Associates, Inc.

these Bay Miwok groups was undoubtedly greater than the 319 persons counted in mission baptismal records. These groups probably numbered about 1,275 persons before contact.

The Delta environment provided abundant food sources for the Miwok, including grasses, berries, and other plants, fish, and waterfowl, and herds of elk and deer. The Miwok used many of the same species as did the Costanoans. Their economy was based primarily on gathering plant foods. Fishing and hunting waterfowl and mammals were subsidiary subsistence activities.

### 8.3.3 Prehistoric Setting

Archaeological evidence indicates that human occupation of California began at least 12,000 years ago. Early occupants appear to have been an economy based largely on hunting, with limited exchange, and social structures based on extended family units. Later, milling technology and an inferred acorn economy were introduced. This diversification of economy appears coeval with the development of sedentism<sup>2</sup>, population growth, and expansion. Sociopolitical complexity and status distinctions based on wealth are also observable in the archaeological record, as evidenced by an increased range and distribution of trade goods (e.g., shell beads, obsidian tools), which are possible indicators of both status and increasingly complex exchange systems.

According to the EIR prepared for the current Deer Ridge Golf Club, prehistoric Bay Miwok village sites have been recorded in the surrounding area, but no surface evidence was found on the proposed project site for prehistoric or ethnographic Native American resources.

### 8.3.4 Historic Setting

According to the General Plan EIR (2014), the discovery of the Carquinez Straits and exploration of Contra Costa County was accomplished by Pedro Fages, who toured the county with twelve soldiers, an Indian guide, and Father Juan Crespi in the spring of 1772 (Bancroft 1882). This expedition was followed in 1776 by a party led by Captain Juan Bautista de Anza that generally followed along the same route from San Francisco Bay to the Carquinez Straits, continued toward the interior and passed somewhere east of Mt. Diablo (Beck and Haase 1974:17).

By 1877, the community of Brentwood was thriving, and by 1900, had a population of 200. Brentwood was formally incorporated in 1948 (Jensen 2008:8). The community of Byron, located about four miles southeast of Brentwood along the Atchison, Topeka & Sante Fe Railroad line, was large enough to support a local post office by 1878. Byron, like many new railroad-related towns, was named after an employee of the railroad (Durham 1998:609).

During World War II, Byron Hot Springs became one of two U.S. Army Intelligence interrogation camps in the U.S. The so called "Camp Tracy" was home to a selected group of prisoners of war who the Army felt might have intelligence value. During 1944 alone, 921 Japanese and 645

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<sup>2</sup> Sedentism means the transition from a nomadic lifestyle to a society which remains in one place.

Germans were interrogated at the camp, apparently in groups of fifty or less. After the war, the Greek Orthodox Church obtained the property and ran the establishment as a resort for parishioners. In 1965, ownership was transferred to private hands and the title has been transferred many times since. The complex is currently abandoned, but the community of Byron continues to thrive, with a 2010 population of approximately 1,277 residents.

According to the National Register of Historic Places, the nearest registered historic site (The Shannon—Williamson Ranch) is over a mile and half northwest of the project site. As noted in the General Plan EIR, a number of public and privately-owned buildings within the City’s Planning Area have been identified on the Contra Costa County Historic Property Data File Directory (Tables 3.5-1 - 3.5-3). There are no documented historic properties or historical resources located on the project site.

The proposed project site currently contains two 18-hole golf courses and related facilities.

### 8.3.5 Records Searches

#### Previous Cultural Resource Studies

On October 20, 2017, Pacific Legacy conducted a literature review at the Northwest Information Center of the California Historical Resources Information System. Results from the NWIC indicate that a total of seventeen cultural resource studies have been conducted within the Project area. Eight of these studies were positive for cultural resources, and fourteen studies have involved fieldwork. No studies have been conducted within the past five years. (Pacific Legacy, 2017).

As a result of these past studies, approximately 97 percent of the project area has been subject to previous cultural surveys. Three studies have specifically focused on the project area. S-013813 covers a majority of the northern portion of the project area. S-011593 and -13528 cover the entire southern portion of the project area. (Pacific Legacy, 2017). A summary of previous cultural resource studies is included in Table 8-1 (Previous Cultural Resource Studies in Project Area).

<b>Study Number</b>	<b>Report Title</b>	<b>Author</b>	<b>Date</b>	<b>Study Type</b>	<b>Result Within Project area</b>
S-002662	Archaeological Records Search for Getty Oil Pumping Station 60 kV P/L Feasibility Study, Contra Costa County	Sonoma State University Department of Anthropology	1981	Literature Search	Negative
S-006576	Archaeological Reconnaissance of the Natalie J. Dutra Property, Contra Costa County, California	Baker	1984	Field Study (Survey)	Positive

<b>Study Number</b>	<b>Report Title</b>	<b>Author</b>	<b>Date</b>	<b>Study Type</b>	<b>Result Within Project area</b>
S-010509	Class III Intensive Archaeological Field Reconnaissance of the Kellogg Reformulation Unit, Highline Canal Alternative, Contra Costa and Alameda Counties, California	Jensen & Associates	1986	Field Study (Survey)	Negative
S-011593	Cultural Resource Investigations of the Proposed Brentwood Country Club EIR, 630 Acres in Contra Costa County, California	Napton	1990	Field Study (Survey)	Positive
S-011841	Archaeological Reconnaissance of the Brentwood Country Club Project, Near Brentwood, Contra Costa County, California	Baker and Shoup	1990	Field Study (Survey)	Positive
S-013528	Additional Historical Research on the Brentwood Coal Mine Site and the Spanos Property for the Brentwood Hills Country Club Project	Bissonnette	1992	Evaluation	Positive
S-013813	Archaeological Field Inspection of the Jancock Specific Plan Property, Brentwood, Contra Costa County, California	Holman & Associates	1990	Field Study (Survey)	Negative
S-018187	Results of a Subsurface Archaeological Survey of the Proposed Los Vaqueros and Transfer Pipeline Routes, Los Vaqueros Project, Contra Costa County, California	Meyer	1996	Field Study (Survey)	Negative
S-023674	Archaeological Investigations PGT-PG&E Pipeline Expansion Project, Idaho, Washing, Oregon, and California	Morrato et al.	1994	Field Study	Negative
S-026989	Balfour Road: CA-2481A, Balfour and West Country roads, Brentwood, CA	Billat	2003	Field Study (Survey)	Negative
S-032057	Archaeological Survey and Cultural Resources Assessment for the John Muir Parkway Extension Project, City of Brentwood, Contra Costa County, California	Allan	2006	Field Study (Survey)	Positive

<b>Study Number</b>	<b>Report Title</b>	<b>Author</b>	<b>Date</b>	<b>Study Type</b>	<b>Result Within Project area</b>
S-032819	Archaeological Survey and Cultural Resources Assessment for 3-Acre Parcel Located at 500 Concord Avenue, Brentwood, Contra Costa County, California	Allan	2007	Field Study (Survey)	Negative
S-033530	Report on Archaeological Testing at a Historic Landfill Site, State Route 4, Segment 3, Brentwood, California	Estes et al.	2007	Field Study (Excavation)	Positive
S-036622	Cultural Resources Investigation and Architectural Evaluation for the Contra Costa to Las Positas Reconductoring of the 230kV Transmission Line, Contra Costa County and Alameda County, California	Siskin et al.	2008	Field Study (Survey)	Positive
S-036803	Direct APE Historic Architectural Assessment for T-Mobile West Corporation a Delaware Corporation Candidate BA21735A (PG&E Spanish Bay), San Juan Oaks Road, Brentwood, Contra Costa County, California	Bonner and Crawford	2010	Evaluation	Positive
S-037462	Cultural Resources Records Search and Site Visit for T-Mobile West Corporation, a Delaware Corporation Candidate BA21639-A (PG&E W. Country Club), West Country Club Drive, Brentwood, Contra Costa County, California	Billat	2010	Field Study (Survey)	Negative
S-048385	An Updated Archaeological Field Inspection of the Smith Property/ Southern Area, Brentwood Country Club, City of Brentwood, Contra Costa County	Holman & Associates	1995	Field Study (Survey)	Negative

**Previously Identified Cultural Resources**

The literature review was conducted by Pacific Legacy staff at the Northwest Information Center of the California Historical Resources Information System on October 20, 2017. Five cultural resources have previously documented within or immediately adjacent to the project area. One cultural resource (P-07-000424) was previously identified within the 0.25-mile record search buffer around the project area. (Pacific Legacy, 2017). A summary of previously identified cultural resources is provided in Table 8-2 (Previously Identified Cultural Resources in Project Area).

Of the five cultural resources previously identified within the project area, one resource was recommended eligible for the National Register of Historic Places (NRHP), three were recommended ineligible for NRHP listing, and one has been recommended as ineligible for the California Register of Historical Resources (CRHR). All of the resources are reported to be within the project area are historic period resources. No prehistoric or ethnographic resources have been previously documented in the project area. (Pacific Legacy, 2017). A

**Table 8-2: Previously Identified Cultural Resources in Project Area**

Site Number	Description	Author	Date	Within Project Area?	NRHP Status <sup>1</sup>
CA-CCO-480H P-07-000747	Brentwood Coal Mine site, with large cut rock foundation and walls, circular cut rock features, debris scatter, large 10-ft. deep depression (site likely destroyed by development as of 2006).	Baker and Shoup	1984	Yes	Strother reports that the resource could not be located and likely destroyed during development for the Brentwood Golf Course. Was recommended eligible for the NRHP.
		Strother	2006a		
CA-CCO-611H P-07-000376	Complex with house and barn foundations, machinery platform, and water tanks (site likely destroyed by development as of 2006).	Napton, Greathouse, and West	1990	Yes	Strother reports that the resource could not be located and likely destroyed during development for the Brentwood Golf Course.
		Strother	2006b		
CA-CCO-667H P-07-000424	Well and windmill site with two cattle tanks, two concrete platforms, a cement support structure, and two displaced metal silos.	Samuel et al.	1993	No	Not within Project Area.
CA-CCO-776H P-07-002852	Wood entrance adit and piles of railroad ties (possibly associated with the Brentwood Coal Mine), and a landfill (P-07-000380/CA-CCO-615H, subsumed into this site) comprised of three dense domestic debris deposits.	Baker	1990	Yes	Site reported to be mostly destroyed during construction of the State Route 4 bypass. Landfill area recommended not eligible for the CRHR.
		Strother and Young	2007		
P-01-010927/ P-07-002951	Contra Costa-Las Positas 230 kV 24-mi. long transmission	Lang	2008	Yes	Recommended as not eligible for the NRHP.

	line, including steel lattice towers.				
P-07-003004	Steel lattice tower and concrete footing (part of transmission line).	Crawford	2010	Yes	Recommended as not eligible for the NRHP.

A 1992 NRHP assessment of P-07-000747, the Brentwood Coal Mine site, recommended the resource as being eligible for the NRHP as a contributing element to the Black Diamond Mines District (Bissonette 1992:21)). However, William Self Associates archaeologists determined that the surface extents of sites P-07-000747 and P-07-000376 were destroyed as of 2006 (Allan 2006, Strother 2006a). Pacific Legacy found no evidence of documentation that recommendations by Bissonette (1992) or Napton (1990) (e.g. preservation, data recovery) were completed prior to its reported destruction by Strother (2006a). (Pacific Legacy, 2017).

P-07-000376, remnants of a historic period homestead, was recommended ineligible for listing in the NRHP (Bissonette 1992). P-07-002852, a historic landfill and adit associated with coal mining, was evaluated for CEQA significance and eligibility for the CRHR by William Self and Associated in 2007 (Estes et al. 2007). As part of their evaluation, Estes et al. (2007) excavated two control units at the site and determined the depth of the landfill deposit was approximately 50 centimeters deep and highly disturbed. They noted the site had been the subject of extensive grading observed at the time of the survey (Estes et al. 2007:27). They recommended that the resource was neither eligible for the CRHR nor significant per CEQA. The mining component of the site was not evaluated and most likely was destroyed. (Pacific Legacy, 2017).

The remaining two resources are associated with electric transmission facilities owned by PG&E. P-01-010927/P-07-002951, the Contra Costa-Las Positas 230 KV transmission line, was recommended ineligible for the NRHP (Siskin et al. 2008) during a study conducted for a transmission line reconductoring project. Site P-07-003004, a single lattice transmission line tower, was the subject of an architectural evaluation conducted for placement of cellular phone antennas on the structure (Bonner and Crawford 2010:2). They recommended the tower was not eligible for the NRHP and recommended a California Historical Resource Status Code of 6Y – determined not eligible for the NRHP by consensus through the Section 106 (federal regulations) process (Bonner and Crawford 2010:2). In sum, previously documented resources within the proposed project area have either been determined not eligible for the NRHP or CRHR or have been reported destroyed due to subsequent development after they were first recorded. (Pacific Legacy, 2017).

### Native American Contact

On October 5th, 2017, Pacific Legacy requested a search of the Sacred Lands Inventory maintained by the Native American Heritage Commission (NAHC). A response from the NAHC was received on October 19th, 2017, stating that no Native American cultural resources were

identified in the Sacred Lands File within the immediate project area. The City of Brentwood is conducting AB 52 consultation. To date the City of Brentwood has received a formal request for tribal consultation under the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code section 21080.3.1 subdivisions (b), (d) and (e)) for the mitigation of potential project impacts to tribal cultural resource from Wilton Rancheria (Tribe) on September 30, 2017.

## 8.4 Applicable Regulations, Plans, and Standards

### 8.4.1 Federal

#### National Historic Preservation Act

The NRHP was established by the NHPA of 1966, as “an authoritative guide to be used by federal, state, and local governments, private groups, and citizens to identify the Nation’s cultural resources and to indicate what properties should be considered for protection from destruction or impairment” (*Code of Federal Regulations* [CFR] 36 Section 60.2). To be eligible for listing in the NRHP, a resource must be significant in American history, architecture, archaeology, engineering, or culture. A property (districts, sites, buildings, structures, and objects of potential significance) is eligible for the NRHP if it is significant under one or more of the following four established criteria:

- **Criterion A:** Are associated with important historical events (Criterion A);
- **Criterion B:** Are associated with the lives of significant persons in our past (Criterion B);
- **Criterion C:** Embody the distinct characteristics of a type, period, or method of construction (Criterion C); or
- **Criterion D:** May yield information important in prehistory or history (Criterion D).

In addition to meeting the criteria of significance, a property must have integrity. Integrity is defined as “the ability of a property to convey its significance.” The seven factors that define integrity are location, design, setting, materials, workmanship, feeling, and association.

#### Executive Order 11593, 36 Code of Federal Regulations, Section 8921 (May 13, 1971)

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

#### American Indian Religious Freedom Act and Native American Graves and Repatriation Act

The American Indian Religious Freedom Act establishes that it is the nation’s policy to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise their traditional religions, including access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites. Additionally, Native American remains are protected by the Native American Graves and Repatriation Act of 1990.

## 8.4.2 State

### California Register of Historical Resources (CRHR)

In 1992, then Governor Wilson signed Assembly Bill (AB) 2881 into law establishing the California Register of Historical Resources (CRHR). The California Register of Historical Resources (California Register) serves as a guide to identify the State's historical resources and to indicate what properties are to be protected, to the extent prudent and feasible, from substantial adverse change (Pub. Res. Code [PRC] Section 5024.1(a)), and it is a guide to cultural resources that must be considered when a government agency undertakes a discretionary action subject to CEQA. A historical resource is any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or which is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural history of California (14 California Code of Regulations [CCR] Appendix A).

The CRHR is administered by the State Office of Historic Preservation's (OHP) State Historic Preservation Office and is part of the California State Parks system.

Under PRC Section 5024.1, a historical resource may be listed in the CRH if it meets one or more of the following criteria:

- Is associated with events that have made a significant contribution to the broad pattern of California's history and cultural heritage;
- Is associated with the lives of persons important in our past;
- 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
- Has yielded, or may be likely to yield, information important in prehistory or history.

### California Public Resources Code

The California Public Resources Code (PRC) establishes the definition and criteria for historical resources. "Historical resources," according to PRC Section 5020.1(j), "includes, but is not limited to, any object, building, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annuals of California." Section 15064.5(a) of the State CEQA Guidelines states that "[g]enerally, 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."

CEQA has established statutory requirements for the formal review and analysis of projects that fall under its jurisdiction. CEQA maintains that any property listed in, determined, or found eligible for listing in the CRHR is considered to be a "historical resource" and shall be considered historically significant. According to the State CEQA Guidelines, "[a] project with an effect that

may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment” (14 California Code of Regulations [CCR] Section 15064.5[b]). Substantial adverse change is defined as “physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired” (14 CCR Section 15064.5[b][1]).

Impacts to cultural resources are considered significant if a project (1) physically destroys or damages all or part of a resource; (2) changes the character of the use of the resource or physical feature within the setting of the resource that contributes to its significance; and/or (3) introduces visual, atmospheric, or audible elements that diminish the integrity of significant features of the resource.

The Lead Agency must concurrently determine whether a project will cause damage to a unique archaeological resource (as defined in PRC Section 21083.2[b]) and, if so, must make reasonable efforts to permit the resources to be preserved in place or left undisturbed. An archaeological resource must be determined to be “unique” or “historic” for an impact to the resource to be considered significant. Section 21083.2(g) of CEQA defines a unique archaeological resource as an archaeological artifact, object, or site about which it can be demonstrated that without merely adding to the existing body of archaeological knowledge, there is a high probability that it meets any 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.

#### **Title 14, Penal Code, Section 622.5**

According to Penal Code Section 622.5, anyone (except the owner of the item at issue) who willfully damages or destroys an item of archaeological or historic interest or value is guilty of a misdemeanor.

#### **Human Remains**

Section 7050.5 of the California Health and Safety Code provides that in the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the find or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the remains are discovered has determined whether or not the remains are subject to the Coroner’s authority. If the Coroner recognizes that human remains to be of a Native American origin, or they believe that they are of a Native American origin, the Coroner must notify the Native American Heritage Commission within 24 hours.

### Paleontological Resources

Paleontological resources are nonrenewable scientific and educational resources. The CEQA regulatory framework for impacts on paleontological resources is contained in Appendix G (Environmental Checklist Form) of the State CEQA Guidelines and includes paleontological resources under the general heading “Cultural Resources.” Projects subject to CEQA must determine whether the project would “directly or indirectly destroy a unique paleontological resource.”

An impact to paleontological resources would be considered a significant impact if a project results in the direct or indirect destruction of a unique or important paleontological resource or site. A project site is deemed paleontologically sensitive if (1) it has fossils that have previously been recovered from a particular geologic unit; (2) there are recorded fossil localities within the same geologic units as occur within the project area; and (3) the types of fossil materials that have been recovered from the geologic unit are unique or important.

### Senate Bill 18

Senate Bill (SB) 18 (California Government Code Section 65352.3) requires local governments to consult with Native American tribes prior to making certain planning decisions and to provide notice to tribes at certain key points in the planning process. These consultation and notice requirements apply to the adoption and amendment of general plans and specific plans. The consultation process requires (1) that local governments send the State Native American Heritage Commission (NAHC) information on a proposed project and request contact information for local Native American tribes; (2) that local governments then send information on the project to the tribes that the NAHC has identified and notify them of the opportunity to consult; (3) that the tribes have 90 days to respond on whether they want to consult or not, and (4) that consultation begins if requested by a tribe and there is no statutory limit on the duration of the consultation. If issues arise and consensus on mitigation cannot be reached, SB 18 allows a finding to be made that the suggested mitigation is infeasible.

### Assembly Bill 52

On September 25, 2014, Governor Brown signed Assembly Bill No. 52 (AB 52), which creates a new category of environmental resources that must be considered under CEQA: “tribal cultural resources.” AB 52 is applicable to projects for which a Notice of Preparation is filed on or after July 2015.

AB 52 adds tribal cultural resources to the categories of cultural resources in CEQA, which had formerly been limited to historic, archaeological, and paleontological resources. “Tribal cultural resources” are defined as either (1) “sites, features, places cultural landscapes, sacred places and objects with cultural value to a California Native American tribe” that are included in the state register of historical resources or a local register of historical resources, or that are determined to be eligible for inclusion in the state register; or (2) resources determined by the lead agency, in its discretion, to be significant based on the criteria for listing in the State register.

Recognizing that tribes may have expertise with regard to their tribal history and practices, AB 52 requires lead agencies to provide notice to tribes that are traditionally and culturally affiliated with the geographic area of a proposed project if they have requested notice of projects proposed within that area. If the tribe requests consultation within 30 days upon receipt of the notice, the lead agency must consult with the tribe. Consultation may include discussing the type of environmental review necessary, the significance of tribal cultural resources, the significance of the project's impacts on the tribal cultural resources, and alternatives and mitigation measures recommended by the tribe.

The parties must consult in good faith, and consultation is deemed concluded when either the parties agree on measures to mitigate or avoid a significant effect on a tribal cultural resource (if such a significant effect exists) or when a party concludes that mutual agreement cannot be reached.

#### **Native American Heritage Commission, Public Resources Code Sections 5097.9–5097.991**

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

### **8.4.3 Local**

#### **City of Brentwood General Plan**

The City of Brentwood's General Plan includes goals and policies that outline conservation goals and actions for cultural resources in the city. Project relevant General Plan policies for cultural resources are addressed in this section. Where inconsistencies exist, if any, they are addressed in the respective impact analysis below.

**Conservation Goal 6:** Preserve and enhance prehistoric, historic, and cultural resources in and around the Brentwood community.

- **Policy COS 6-1:** Protect important historic resources and use these resources to promote a sense of place and history in Brentwood.
- **Policy COS 6-2:** Encourage the voluntary identification, conservation, and reuse of historical structures, properties, and site with special and recognized historic, architectural, or aesthetic value.
- **Policy COS 6-7:** Review new development projects and work in conjunction with the California Historical Resources Information System to determine whether project areas

contain known archaeological resources, either prehistoric and/or historic-era, or have the potential for such resources.

- Policy COS 6-8: Ensure that human remains are treated with sensitivity and dignity, and ensure compliance with the provisions of California Health and Safety Code Section 7050.5 and California Public Resources Code Section 5097.98.
- Policy COS 6-9: Consistent with State, local, and tribal intergovernmental consultation requirements such as SB 18, the City shall consult as necessary with Native American tribes that may be interested in proposed new development and land use policy changes.

**Conservation Action 6d**: Require a cultural and archaeological survey prior to approval of any project which would require excavation in an area that is sensitive for cultural or archaeological resources. If significant cultural or archaeological resources, including historic and prehistoric resources, are identified, appropriate measures shall be implemented, such as documentation and conservation, to reduce adverse impacts to the resource.

**Conservation Action 6e**: Require all new development, infrastructure, and other ground-disturbing projects to comply with the following conditions in the event of an inadvertent discovery of cultural resources or human remains:

1. If construction or grading activities result in the discovery of significant historic or prehistoric archaeological artifacts or unique paleontological resources, all work within 100 feet of the discovery shall cease, the Community Development Director shall be notified, the resources shall be examined by a qualified archaeologist, paleontologist, or historian for appropriate protection and preservation measures; and work may only resume when appropriate protections are in place and have been approved by the Community Development Director; and
2. If human remains are discovered during any ground disturbing activity, work shall stop until the Community Development Director and the Contra Costa County Coroner have been contacted; if the human remains are determined to be of Native American origin, the Native American Heritage Commission (NAHC) and the most likely descendants have been consulted; and work may only resume when appropriate measures have been taken and approved by the Community Development Director.

## 8.5 Environmental Impacts and Mitigation Measures

### 8.5.1 Significance Criteria

The following significance criteria for cultural resources were derived from the Environmental Checklist in the State CEQA Guidelines Appendix G. These significance criteria have been amended or supplemented, as appropriate, to address lead agency requirements and the full range of potential impacts related to this project. An impact of the project would be considered significant and would require mitigation if it would meet one of the following criteria.

- Cause a substantial adverse change in the significance of a historic resource (CEQA Guideline 15064.5).
- Cause a substantial adverse change in the significance of an archaeological resource (CEQA Guideline 15064.5).
- Directly or indirectly destroy a unique paleontological resource or site or unique geological feature.
- Disturb any human remains, including those interred outside of formal cemeteries.
- Cause a substantial adverse change in the significance of a Tribal cultural resource, pursuant to Assembly Bill 52.

To the extent any cultural resource is identified as relevant to the analysis, its significance as a cultural resource deposit and subsequently the significance of any impact is determined, in part, by whether or not that deposit can increase our knowledge of the past. Key determining factors, among others, are site content and degree of preservation. A finding of archaeological significance follows the criteria established in the CEQA Guidelines.

Section 15064.5 of the CEQA Guidelines defines four ways that a property can qualify as a significant historical resource for purposes of CEQA compliance:

- A resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register of Historical Resources (Pub. Res. Code Section 5024.1, Title 14 CCR, Section 4850 et seq.).
- A resource included in a local register of historical resources, as defined in section 5020.1(k) of the Public Resources Code or identified as significant in an historical resource survey meeting the requirements section 5024.1(g) of the Public Resources Code, 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.
- 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 to be 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 (Pub. Res. Code Section 5024.1, Title 14 CCR, Section 4852) including the following:
  - Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
  - Is associated with the lives of persons important in our past;

- 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
- Has yielded, or may be likely to yield, information important in prehistory or history.
- The fact that a resource is 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 (pursuant to section 5020.1(k) of the Public Resources Code), or identified in an historical resources survey (meeting the criteria in section 5024.1(g) of the Public Resources Code) does not preclude a lead agency from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1(j) or 5024.1.

Historical resources are “significantly” affected if there is demolition, destruction, relocation, or alteration of the resource or its surroundings. Preservation in place is typically viewed as the preferred form of mitigation for a “historical resource of an archaeological nature” as it retains the relationship between artifact and context, and may avoid conflicts with groups associated with the site [PRC 15126.4 (b)(3)(A)]. In general, historical resources of an archaeological nature and “unique archaeological resources” typically can be mitigated to below a level of significance by:

- Relocating construction areas such that the site is avoided;
- Incorporation of sites within parks, greenspace, or other open space;
- “Capping” or covering the site with a layer of chemically stable soil before building; or
- Deeding the site into a permanent conservation easement. [PRC 15126.4 (b)(3)(B)]

If an archaeological resource does not meet either the historical resource or the more specific “unique archaeological resource” definition, impacts to such a resource would not be considered significant for purposes of CEQA and therefore would not require mitigation under CEQA [13 PRC 15064.5 (e)]. Where the significance of a site is unknown, it may be presumed to be significant for the purpose of the EIR with appropriate mitigation identified.

### **8.5.2 Impact Assessment Methodology**

For cultural resources, the impact assessment is based on a comparison of known resource locations with the placement of ground disturbing project activities that have the potential to remove, relocate, damage, or destroy the physical evidence of past cultural activities. If such ground disturbance overlaps recorded site locations, then a direct impact may occur. Historical buildings and structures may be directly impacted if the nearby setting and context is modified substantially, even if the building or structure itself is not physically affected. Indirect impacts may occur if activities occur near, but not directly on, known cultural resources.

The following analysis is based on the results of the Cultural Resources Technical Memorandum prepared by Pacific Legacy for the proposed project (Appendix D) and records searches at the Northwest Information Center (NWIC) Sonoma State University, regarding previously recorded cultural resources and investigations conducted within the proposed project; the NAHC for the presence of Native American sacred lands within the proposed project area; and a review of published and unpublished literature pertaining to cultural resources at the proposed project.

### 8.5.3 Impacts of the Project

**Impact CR-1: Would the project cause a substantial adverse change in the significance of a historical resource as defined in the State CEQA Guidelines Section 15064.5.**

Section 15064.5(c)(1) of the State CEQA Guidelines provides criteria for the determination of significance of impacts to both archaeological and historical resources. The following analysis addresses potential significant impacts to built-environment (man-made) historical resources. Potential impacts to archaeological resources, including archeological resources that meet the CEQA definition of an historical resource, are addressed under Impact CR-2.

In October 2017, Pacific Legacy conducted literature review at the Northwest Information Center of the California Historical Resources Information System. The literature review identified five cultural resources that were previously identified within or immediately adjacent to the project area. One cultural resource was previously identified within the 0.25-mile record search buffer around the project area.

Of the five cultural resources within the project area, one resource was recommended eligible for the National Register of Historic Places (NRHP), three were recommended ineligible for NRHP listing, and one has been recommended as ineligible for the California Register of Historical Resources (CRHR). All of the resources are reported to be within the project area are historic period resources. No prehistoric or ethnographic resources have been previously documented in the project area.

The cultural resources previously documented within the project area date to the historic period. Two resources are associated with nineteenth century mining. One resource is associated with twentieth century ranching. Two resources associated with electricity distribution. No prehistoric cultural resources have been identified within the project area. A majority of the resources in the project area have been determined ineligible for listing in the NRHP or CRHR and no further management would be required. The single potentially eligible resource has been destroyed reportedly during construction of the Brentwood Hills Country Club. One undocumented resource, historic foundations, noted by Holman and Associates (1990) has most likely been destroyed by previous development of housing and reconstruction of Balfour Road.

Background research and Native American outreach indicated no existing resources on or within a half-mile radius of the project site that have been listed or are eligible for listing on the NRHP,

the CRHR, California landmarks, or local registers. As a part of project implementation, no existing buildings would be directly or indirectly affected in the context of historic resources. Existing structures within the project site were constructed between the 1990s and 2000s. In the unlikely event that a previously unidentified archaeological resource, that may qualify as a historical resource, is encountered during ground-disturbing activities associated with the construction of the project, the resource could be damaged by grading, excavation, trenching, or other construction activities, resulting in a potentially significant impact.

### **Mitigation Measure**

**MM CR-1: Prior to ground disturbing activities, the developer shall ensure that a qualified archaeologist, who meets the Secretary of the Interior's Standards for professional archaeology, provide construction personnel with training in the protocols to be taken in the event cultural resources are encountered within the project site.**

If construction or grading activities result in the discovery of historic or prehistoric archaeological artifacts or unique paleontological resources, all work within 100 feet of the discovery shall cease, the Community Development Department shall be notified, the resource shall be examined by a qualified archaeologist, for appropriate protection and preservation measures. The qualified archaeologist shall meet the Secretary of the Interior's Standards for professional archaeology. Work may only resume when appropriate protections are in place and have been approved by the Community Development Department.

Implementation of MM CR-1 would reduce impacts associated with archaeological and historical resources during construction to less than-significant-levels.

**Impact CR-2: Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to the State CEQA Guidelines Section 15064.5.**

During preparation of the Hancock Project Specific Plan/EIR Study (1990) for the existing Shadow Lakes site, an archaeological and historical records search was requested from the California Archaeological Inventory located at Sonoma State University. The records indicated that no historic or prehistoric sites were recorded for the Shadow Lakes site, but that there was a potential that the site contained prehistoric sites due to its environmental setting (Hancock 1992). The potential for prehistoric sites was documented in the Holman and Associated (1990) report on an archaeological survey for the Hancock Specific Project. This and subsequent cultural resources reports within the project area failed to identify any prehistoric resources. Presumably the prehistoric sensitivity was based on environmental factors such as flat topography and proximity to water.

A subsequent records search was conducted by Pacific Legacy at the Northwest Information Center of the California Historical Resources Information System. The literature review identified five historic period cultural resources that were previously identified within or immediately adjacent to the project area. One cultural resource was previously identified within the 0.25-mile record search buffer around the project area.

Section 21083.2(g) of CEQA defines “unique archaeological resource” for purposes of determination as to whether a project may have a significant effect on archaeological resources. As used in this section “unique archaeological resource” means 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 any of the following criteria:

- 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 of its type; or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.

Although the project site has been previously disturbed with the development of two 18-hole golf courses and related facilities, the project area is potentially sensitive for buried or otherwise obscured archaeological resources. This sensitivity has been established by cultural resource experts with experience in the City of Brentwood<sup>3</sup>. As previously described, the ethnographic affiliation of the aboriginal inhabitants of the general area at the time of European contact recently have been designated on the basis of linguistic evidence as belonging to the Bay Miwok (a sub-group of the Penutian family of languages which were widely spoken throughout the interior Central California region).

Therefore, the project would be required to comply with MM CR-1, which requires that a qualified archaeologist train workers in the protocols for the identification and treatment of cultural resources should they be discovered during construction. The archaeologist would have the ability to temporarily halt or redirect work to permit the sampling, identification, and evaluation of the artifacts and resources, as appropriate. If resources are found to be significant, the archaeologist would determine appropriate actions, in cooperation with the City and applicant. Implementation of this measure, along with MM CR-2, would reduce impacts associated with archaeological resources to a less than-significant-level.

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<sup>3</sup> Colin Busby, Basin Research Associates, Inc.

**Mitigation Measure**

**MM CR-2: Prior to ground disturbing activities, the developer shall ensure that a qualified archaeologist, who meets the Secretary of the Interior's Standards for professional archaeology, monitor all grading activities during construction for the presence of cultural resources.**

A qualified archaeologist, who meets the Secretary of the Interior's Standards for professional archaeology, shall monitor all grading and excavation activities. If construction or grading activities result in the discovery of significant historic or prehistoric archaeological artifacts or unique paleontological resources, all work within 100 feet of the discovery shall cease, the Community Development Director shall be notified, the resources shall be examined by a qualified archaeologist for appropriate protection and preservation measures; and work may only resume when appropriate protections are in place and have been approved by the Community Development Director.

Implementation of MM CR-2 would reduce impacts associated with the unexpected discovery of archaeological resources to less than significant.

**Impact CR-3: Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.**

As discussed in Section 8.3, there are no known paleontological resources located in Brentwood's Planning Area, including the project site. However, development of the proposed project could result in the discovery and disturbance of previously unknown or undiscovered paleontological resources. Should evidence of paleontological resources be encountered during grading and construction, adherence to City, State, and Federal historic preservation laws, regulations, and codes related to archaeological and paleontological resources would ensure the adequate protection of historic and pre-historic resources.

While fossils are not expected to be discovered during construction, it is possible that significant fossils could be discovered during excavation activities, even in areas with a low likelihood of occurrence. Fossils encountered during excavation could be inadvertently damaged. If a unique paleontological resource is discovered, the impact to the resource could be substantial. Therefore, it is possible that paleontological resources could be discovered during excavation of the project site. MM CR-2 would require that a qualified archeologist monitor grading and excavation activities, and a paleontologist be notified if paleontological resources are found. If any scientifically important large fossil remains are uncovered, the paleontologist would have the authority to divert heavy equipment away from the fossil site.

With implementation of MM CR-2 and consistency with General Plan Action COS 6e, impacts associated with paleontological resources would be less than significant.

**Impact CR-4: Would the project inadvertently disturb any human remains, including those interred outside of dedicated cemeteries.**

The project site has been previously disturbed and currently is developed with two 18-hole golf courses and related facilities. There is no indication that there are burials present at the project site and it is unlikely that human remains would be discovered during project development. In the event that human remains are discovered during grading activities, the contractor shall follow the procedures and protocols set forth in Section 15064.5(e)(1) of the CEQA Guidelines.

**Mitigation Measure**

**MM CR-3: Prior to ground disturbance, the applicant shall ensure that protocols related to the discovery of human remains are in place and followed during construction of the proposed project.**

If human remains are encountered during construction, work in that area must cease and the Contra Costa County Coroner must be notified immediately. If the remains are determined to be Native American, then the Native American Heritage Commission (NAHC) is to be notified within 24 hours as required by Public Resources Code 5097. The NAHC will notify the designated Most Likely Descendant who will provide recommendations for the treatment of the remains within 48 hours.

Implementation of MM CR-3, as well as compliance with existing laws and protocols would ensure that impacts to human remains do not occur. Impacts would be less than significant.

**Impact CR-5: Would the project cause a substantial adverse change in the significance of a Tribal cultural resource, pursuant to Assembly Bill 52.**

Pacific Legacy requested a search of the Sacred Lands Inventory maintained by the Native American Heritage Commission (NAHC) on October 5th, 2017. A response from the NAHC was received on October 19th, 2017, stating that no Native American cultural resources were identified in the Sacred Lands File within the immediate project area. The City of Brentwood is conducting AB 52 consultation and to date, no Tribal Cultural Resources have been identified.

In compliance with PRC Section 21080.3.1(b), the City has provided formal notification to California Native American tribal representatives that have previously requested notification from the City regarding projects within the geographic area traditionally and culturally affiliated with the tribe. Native American groups may have knowledge about cultural resources in the area and may have concerns about adverse effects from development on tribal cultural resources as defined in PRC Section 21074.

On August 21, 2017, the City of Brentwood transmitted letters to the recommended tribal organizations and individuals identified by NAHC, requesting information or comments regarding

Native American cultural resources in the vicinity of the proposed project property. The City contacted the following tribal representatives:

- North Valley Yokuts Tribe, Katherine Erolinda Perez
- The Ohlone Indian Tribe, Andrew Galvan
- Amah Mutsun Tribal Band of Mission, San Juan Bautista, Irenne Qwierlein
- Lone Band of Miwok Indians, Randy Yonemura
- Indian Canyon Mutsun Band of Costanoan, Ann Marie Sayers
- Muwekma Ohlone Indian Tribe of SF Bay Area, Rosemary Cambra
- Wilton Rancheria, Raymond Hitchcock

As discussed previously in this chapter, as of publication of this Draft EIR, one tribe has requested AB 52 consultation with the City, Wilton Rancheria. With implementation of MMs CR-1 to CR-3, impacts associated with AB 52 would be less than significant.

#### **8.5.4 Cumulative Impact Analysis**

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

#### **Impact CR-6: Would the project contribute to cumulatively considerable impacts on cultural resources.**

With respect to historic resources, the proposed project would not impact any known historical resources. With respect to prehistoric archaeological resources, the cumulative study area would include the areas in Contra Costa County historically used by a number of tribes as previously discussed. The paleontological study area would include other areas in the region where a parcel is underlain by older Quaternary deposits, which are considered to have high paleontological sensitivity. However, the Brentwood Planning Area, inclusive of the project site, is considered to have low potential of paleontological resources due to the geological deposits present in the area.

Although the project — in conjunction with the effects of past projects, other current projects, and probable future projects — may result in the disturbance of prehistoric archaeological resources throughout the study area, standard conditions of approval and mitigation measures required for each project would reduce the impacts to less-than-significant levels. Despite the site-specific nature of the resources, mitigation required for the identification and protection of unknown or undocumented resources would reduce the potential for cumulative impacts. On a

cumulative level, data recovered from a site, combined with data from other sites in the region, would allow for the examination and evaluation of the diversity of human activities in the region. As a result, development of the proposed project would not contribute to a significant cumulative impact on cultural resources.

Cumulative development is not expected to result in significant impacts to cultural resources, provided site-specific surveys and test and evaluation excavations are conducted to determine whether the resources are unique archaeological resources or historical resources, and appropriate mitigation measures are implemented prior to grading. Implementation of the appropriate mitigation measures would reduce cumulative impacts to less-than-significant levels.

**8.5.5 Level of Significance after Mitigation**

Table 8-3 (Summary of Impacts and Mitigation Measures – Cultural Resources) summarizes the environmental impacts, significance determinations, and mitigation measures for the proposed project with regard to cultural resources.

<b>Table 8-3: Summary of Impacts and Mitigation Measures – Cultural Resources</b>		
<b>Impact</b>	<b>Impact Significance</b>	<b>Mitigation</b>
Impact CR-1: Would the project cause a substantial adverse change in the significance of a historical resource as defined in the State CEQA Guidelines Section 15064.5.	Less than Significant with Mitigation	MM CR-1: Cultural Resources Worker Training.
Impact CR-2: Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to the State CEQA Guidelines Section 15064.5.	Less than Significant with Mitigation	MM CR-1: Cultural Resources Worker Training MM CR-2: Construction Monitoring During Grading Events for Cultural Resources
Impact CR-3: Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature.	Less than Significant with Mitigation	MM CR-2: Construction Monitoring During Grading Events for Cultural Resources
Impact CR-4: Would the project inadvertently disturb any human remains, including those interred outside of dedicated cemeteries.	Less than Significant with Mitigation	MM CR-3: Process for Discovery of Unknown Human Remains
Impact CR-5: Would the project cause a substantial adverse change in the significance of a Tribal cultural resource, pursuant to Assembly Bill 52.	Less than Significant with Mitigation	MM CR-2: Process for Discovery of Unknown Human Remains
Impact CR-6: Would the project contribute to cumulatively considerable impacts on cultural resources.	Less than Significant	None required

## 8.6 References

California Office of Historic Preservation (OHP). 2017. *Listed California Historical Resources*. Available at: [http://ohp.parks.ca.gov/?page\\_id=21387](http://ohp.parks.ca.gov/?page_id=21387). Accessed August 2, 2017.

City of Brentwood. 1992a. *Final Environmental Impact Report with Response to Comments and Draft EIR, with Revisions Hancock Project Specific Plan/EIR Study*. Prepared by WPM Planning Team, Inc.

City of Brentwood. 1992b. *Final Environmental Impact Report Brentwood Hills Country Club*. Prepared by Michael Paoli and Associates.

City of Brentwood. 2014a. *General Plan*. Prepared by De Novo Planning Group.

City of Brentwood. 2014b. *Public Draft Environmental Impact Report for the 2014 Brentwood General Plan Update*. Prepared by De Novo Planning Group.

Department of Paleo Services. 2012. *San Diego Natural History Museum, San Diego, California*. September 27, 2012. Paleontological Resource Assessment, SOCWA Coastal Treatment Plan, Orange County, California.

Pacific Legacy 2017. Cultural Resources Record Search for the Deer Ridge and Shadow Lakes Golf Courses Proposed Development Project. October 24, 2017.

U.S. National Park Service. National Register of Historic Places. Available at: <http://nrhp.focus.nps.gov>. Accessed August 2, 2017.