

4.7 CULTURAL RESOURCES

This chapter summarizes the findings of an archaeological field inspection and literature review that was completed for the proposed project by Holman & Associates in September 2008. Copies of the Holman report, like other documents referenced in this EIR, are on file and are available for public review between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday, at the Facilities Department of West Valley College at 140000 Fruitvale Avenue in Saratoga.

4.7.1 ENVIRONMENTAL SETTING

The Mission College campus site consists of approximately 85.2 acres located near the intersection of Mission College Boulevard and Great America Parkway in Santa Clara. Mission College Boulevard borders the campus property on the east, north, and west. Offices and a church are situated east of the campus, while a residential neighborhood is separated from the campus by Calabazas Creek on the west. Light industrial uses bound the college property to the north. Around the periphery of the campus are located extensive parking lot areas, sports fields, and recreational facilities that provide a buffer area between campus buildings and the residential neighborhood near the campus.

Building construction on the campus site started in 1976 when the project area was converted from agricultural uses to urban development. Consequently, there are no historical structures on the campus.

ARCHIVAL RESEARCH OF ARCHAEOLOGICAL RECORDS

Archival research conducted for this project included an archaeological literature review (file no. 08-176) conducted at the Northwest Information Center (NWIC) located at Sonoma State University. Maps and records on file at the NWIC revealed that there are no recorded historic or prehistoric archaeological sites inside the “ring road” borders of the campus borders.

There is a single unconfirmed prehistoric resource area just to the west of the campus on the banks of the channelized Calabazas Creek. Numerous surveys with negative results have been conducted on properties surrounding the campus/ring road area. The only surveys inside the campus itself have been for fiber optic cable routes, none of which turned up any archaeological materials.

The suspected archaeological site, C-915, was recorded several years ago, but has never been formally verified. Artifactual materials were found along the channelized route of Calabazas Creek. These materials may have been turned up during construction of the channel itself, now separated from the campus by a wall.

FIELD SURVEY

Holman & Associates attempted to conduct a visual inspection of the entire college campus on August 18, 2008 to search for visible evidence of prehistoric occupation. The core of the campus is covered either by buildings, pavement or landscaped areas that do not reveal original soils. Similarly, the parking areas to the north of the central campus area, along with the baseball fields, tennis courts and other areas are covered either by pavement or obviously imported fill materials.

The only area that may represent original grade is the open ground located between the baseball fields and the tennis courts along the western edge of the property. The soils in this area were carefully inspected for prehistoric archaeological materials. The soils consist of the silty clay material found in this portion of the Santa Clara Valley, created by the two creeks (Calabazas and Saratoga Creek) which drain to the north, eventually entering the Guadalupe River north of the college campus. In prehistoric times, the campus was located in the riparian zones of these two creeks, an area that would have experienced flooding on occasion.

Where visible, the ground was inspected for any evidence of aboriginal use and/or occupation. Such indicators would include but not be limited to darker than surrounding soils containing evidence of fires (ash, charcoal, fire altered rock and earth), concentrations of stone, bone and both salt and fresh water shellfish, and artifacts of these materials.

No evidence of prehistoric archaeological deposits was discovered on the project site. This is in great part an artifact of the existing conditions: buildings, pavement and landscaping cover most of the project area, and the remainder is an area that has been historically built up.

4.7.2 CONFORMANCE WITH LOCAL PLANS AND POLICIES

SANTA CLARA GENERAL PLAN

General Plan Policies

*Environmental Quality Element
Archaeology Programs*

(xlvii) Continue to require archeological investigations of all proposed construction sites in sensitive area, such as within 500 feet of a natural watercourse. An archaeological survey shall be prepared by the project applicant to the City's satisfaction, including limited subsurface excavation, and possibly to include a detailed subsurface investigation when important resources cannot be avoided. (Ongoing, Planning Div., Bldg. Div.)

Project Analysis

The Master Plan includes project components such as the proposed swimming pool construction and infrastructure improvements as well as grading for building construction that require excavation on the campus. The environmental review conducted for the Master Plan includes required mitigation measures that are consistent with Santa Clara's programs for protecting and conserving potential archaeological resources in the community.

General Plan Policies**Project Analysis**

(xlviii) Continue to require prior to development, whenever archeological remains are found, a plan for preserving, removing, and recording the find, to be prepared to the City's satisfaction by a professional archeologist. (Ongoing, Planning Div., Bldg. Div.).

4.7.3 POTENTIAL IMPACTS AND MITIGATION MEASURES**SIGNIFICANCE CRITERIA**

Based upon the criteria presented in Appendix G of the *CEQA Guidelines*, the proposed project would need to be evaluated for its potential effects on cultural resources that could occur on the subject property and the significance of these potential impacts. The project would need to be evaluated for its potential to:

- Cause a substantial adverse change in the significance of an historical resource as defined in CEQA Guidelines Section 15064.5
- Cause a substantial adverse change in the significance of a unique archaeological resource as defined in Public Resources Code Section 21083.2(g)
- 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

CEQA Section 15064.5 provides extensive direction for the determination of significance in impacts to historical resources and unique archaeological and forms the basis for evaluating the potential effects of a project on these cultural resources. In general, the CEQA Guidelines define an “historical resource” as, among other things, “a resource listed or eligible for listing on the California Register of Historical Resources” (CRHR). (CEQA Guidelines, Section 15064.5(a)(1); see also Public Resources Code Sections 5024.1, 21084.1) A historical resource may be eligible for inclusion on the CRHR, as determined by the State Historical Resources Commission or the lead agency, if the resource:

- is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage; or
- is associated with the lives of persons important in our past; or
- 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. (CEQA Guidelines, Section 15064.5(a)(1), (a)(3))

In addition, a resource is presumed to constitute an “historical resource” if it is included in a “local register of historical resources” unless “the preponderance of evidence demonstrates that it is not historically or culturally significant” (CEQA Guidelines, Section 15064.5(a)(2)). Archaeological resources can sometimes qualify as “historical resources.”

By statute, any “substantial adverse change” in the significance of an “historical resource” is a significant effect on the environment. (Pub. Resources Code, § 21084.1; see also CEQA Guidelines, § 15064.5, subd. (b).) A “substantial adverse change” in the significance of a historical resource means 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 (CEQA Section 15064.5, subd. (b)(1).)

The State CEQA Guidelines also require consideration of “unique archaeological resources” (Section 15064.5). (See also Public Resources Code Section 21083.2) An “unique archaeological resource” is defined as “an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets 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” (Section 21083.2(g)).

If an archaeological site does not meet the criteria for inclusion on the CRHR but does meet the definition of a unique archeological resource as outlined in the Public Resource Code (Section 21083.2), it is entitled to special protection or attention under CEQA. Treatment options under Section 21083.2 of CEQA include activities that preserve such resources in place in an undisturbed state. Excavation is a possible form of mitigation, but only with respect to “those parts of the unique archaeological resource that would be damaged or destroyed by the project. Excavation as mitigation shall not be required for a unique archaeological resource if the lead agency determines that testing or studies already completed have adequately recovered the scientifically consequential information from and about the resource, if this determination is documented in the environmental impact report.” (Pub. Resources Code Section 21083.2(d).)

Public Resources Code Section 15064.5(e) of the State CEQA Guidelines requires that excavation activities be stopped whenever human remains are uncovered and that the county coroner be called in to assess the remains. If the county coroner determines that the remains are those of Native Americans, the Native American Heritage Commission must be contacted within 24 hours. At that time, Section 15064.5(d) of the State CEQA Guidelines directs the lead agency to consult with the appropriate Native Americans as identified by the Native American Heritage Commission and directs the lead agency (or

applicant), under certain circumstances, to develop an agreement with the Native Americans for the treatment and disposition of the remains.

For historic structures, Section 15064.5(b)(3) of the State CEQA Guidelines indicates that a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (1995), shall mitigate impacts to a level of less than significant. Potential eligibility also rests upon the integrity of the resource. Integrity is defined as the retention of the resource's physical identity that existed during its period of significance. Integrity is determined through considering the setting, design, workmanship, materials, location, feeling and association of the resource.

PROFESSIONAL PALEONTOLOGICAL STANDARDS

The Society of Vertebrate Paleontology (1995, 1996), a national scientific organization of professional vertebrate paleontologists, has established standard guidelines that outline acceptable professional practices in the conduct of paleontological resource assessments and surveys, monitoring and mitigation, data and fossil recovery, sampling procedures, specimen preparation, analysis, and curation. Most practicing professional paleontologists in the nation adhere to the Society of Vertebrate Paleontology assessment, mitigation, and monitoring requirements, as specifically spelled out in its standard guidelines.

The potential paleontological importance of the project site can be assessed by identifying the paleontological importance of exposed rock units within the project site. Because the areal distribution of a rock unit can be easily delineated on a topographic map, this method is conducive to delineating parts of the project site that are of higher and lower sensitivity for paleontological resources and to delineating parts of the project site that may require monitoring during construction.

A paleontologically important rock unit is one that has a high potential paleontological productivity rating and is known to have produced unique, scientifically important fossils. The potential paleontological productivity rating of a rock unit exposed at the project site refers to the abundance/densities of fossil specimens and/or previously recorded fossil sites in exposures of the unit in and near the project site. Exposures of a specific rock unit at the project site are most likely to yield fossil remains representing particular species in quantities or densities similar to those previously recorded from the unit in and near the project site.

An individual vertebrate fossil specimen may be considered unique or significant if it is identifiable and well preserved and it meets one of the following criteria:

- a type specimen (i.e., the individual from which a species or subspecies has been described);
- a member of a rare species;

- a species that is part of a diverse assemblage (i.e., a site where more than one fossil has been discovered) wherein other species are also identifiable, and important information regarding life history of individuals can be drawn;
- a skeletal element different from, or a specimen more complete than, those now available for its species; or
- a complete specimen (i.e., all or substantially all of the entire skeleton is present).

For example, identifiable vertebrate marine and terrestrial fossils are generally considered scientifically important because they are relatively rare. The value or importance of different fossil groups varies, depending on the age and depositional environment of the rock unit that contains the fossils, their rarity, the extent to which they have already been identified and documented, and the ability to recover similar materials under more controlled conditions, such as part of a research project. Marine invertebrate fossil specimens are generally common, well developed, and well documented. They would generally not be considered a unique paleontological resource.

PALEONTOLOGICAL RESOURCES

In order to determine the potential occurrence of paleontological resources on the Mission College campus, the University of California, Berkeley Museum of Paleontology records were consulted for information concerning known resources in the vicinity of the college. A record search of the Museum's files indicates that one resource site is located on a levee next to the Guadalupe River, just north of West Trimble Road and the Mineta San Jose Airport, approximately 2.2 miles east of the campus. These resources were uncovered in the Natural Levee Deposits formation of the valley floor, dating to the Holocene period. The campus is underlain by Floodbasin Deposits of the same prehistoric period.

The historic disturbance of the campus grounds for farming in conjunction with recent development for educational facilities has not uncovered evidence of paleontological resources in the project area. While this would generally indicate a low sensitivity for paleontological resources occurring on the campus site, the geological formation underlying the campus is of the same period as the paleontological site in the project vicinity.

IMPACTS ON ARCHAEOLOGICAL RESOURCES

Impact 4.7-1: Construction activities proposed by the Master Plan could disturb unknown subsurface cultural resources. (Potentially Significant and Unavoidable)

No visible evidence of archaeological paleontological materials was discovered during the field inspection of the campus. Since much of the campus is covered either by buildings, pavement and historically landscaped open areas, the issue of concern to future development is the potential for the

discovery of buried or obscured archaeological and/or paleontological materials, possibly including “unique archaeological resources” or “paleontological resources,” in those areas where development will require earthmoving.

The archaeological study for the Master Plan project indicates that the campus must be considered to have a moderate to high (at least along the western border) archaeological sensitivity, based upon its location in an environmental setting which has yielded abundant archaeological resources elsewhere in the Santa Clara Valley. The campus is situated in the riparian zone of two creeks, which are in close proximity to the Guadalupe River. This type of environment has yielded evidence of Native American villages and campsites, buried in many locations under a meter or more of silt materials deposited during prehistoric flooding episodes.

One such site may have existed along the channelized route of Calabazas Creek which is near the western border of the creek; no further formal search for an actual cultural deposit has been undertaken. In prehistoric times, Calabazas Creek probably meandered throughout the western half of the campus area, finally discharging into the Guadalupe River. Seasonal gathering camps and villages could have been located at any point along its former banks, in areas now covered by playing fields, buildings and/or landscaping and roadways.

Component projects of the proposed Master Plan that would require excavation, earthmoving, and disturbance of landscaped or developed areas include: the installation of new sub-grade infrastructure service lines, e.g. water, sewer, drainage, etc., the construction eight new buildings, the development of six replacement buildings, and the expansion of three existing facilities. These areas were inspected for archaeological material, but conditions precluded a useful visual inspection.

Due to the moderate to high archaeological sensitivity, construction of Master Plan projects could encounter buried prehistoric archaeological resources, a *potentially significant impact*. The archaeological study recommends that a program of archaeological monitoring be developed to allow for the timely identification of buried prehistoric archaeological resources so that mitigation can be implemented with minimal damage to potentially significant resources.

Mitigation Measure 4.7-1: The following mitigation measures will be required to reduce potential cultural resources impacts:

- a. Prior to commencement of any actual construction activities on the western perimeter of the campus, a qualified archaeologist shall be retained to monitor all construction related earthmoving activities in the portion of the campus that is closest to the unconfirmed prehistoric archaeological deposit, C-915, until it is clear that future excavation and/or grading will have no effect on buried prehistoric archaeological deposits.
- b. For proposed central campus improvements, a qualified archaeologist shall be retained to review future improvements before implementation to ascertain the extent of soil disturbance.

Where soils removal would be considerable, and there is no evidence that historic development would have damaged or entirely removed archaeological deposits, the project archaeologist may recommend limited archaeological monitoring of site clearing, grading, and trenching operations associated with new construction.

- In the event that any archaeological deposits are identified inside potential construction zones, it will be necessary to accurately map their area extent and depth below the surface and to formally record them on California Department of Parks and Recreation Primary archaeological site forms.
 - If it is determined that identified resource deposits will be impacted by actual construction activities which cannot be avoided, it will be necessary to complete an evaluation of the scientific importance of the deposit through hand excavation as is required under current CEQA guidelines. Any deposit determined to be significant (i.e., either an “unique archaeological resource” or an “historical resource”) will then be subject to mitigation of impacts to the extent feasible.
- c. Mitigation of impacts to unique archaeological resources or historical resources should be achieved, if feasible, by project redesign to eliminate actual disturbance. If such redesign is not feasible, mitigation should include the following measures:
- Additional hand excavation for the purpose of data recovery should be combined with a program of archaeological monitoring of all construction related soil removal inside archaeological site borders to insure that significant archaeological materials and information are recorded and/or removed before work recommences, and to insure that human remains have been identified.
 - In the event that human remains are encountered during project construction, work within 50 feet of the remains shall stop immediately, and the County Coroner’s Office shall be immediately notified. If the Coroner’s office determines the remains to be Native American in origin, the Native American Heritage Commission (NAHC) shall be notified within 24 hours, and the guidelines of the NAHC shall be adhered to in the treatment and disposition of the remains. The District shall also retain a professional archaeologist with Native American burial experience, who shall conduct a field investigation of the specific site and consult with the Most Likely Descendant, if any, identified by the NAHC who responds in a timely manner (i.e., within 24 hours after being notified by NAHC). As necessary, the archaeologist may provide professional assistance to the Most Likely Descendant including the excavation and removal of the human remains. The District shall consult with the Most Likely Descendant, if any, identified by the NAHC who responds in a timely manner (i.e., within 24 hours after being notified by NAHC). The District will be responsible for approval of recommended mitigation as it deems appropriate, taking account of the provisions of state law, as set forth in CEQA Guidelines Section 15064.5(e) and Public Resources Code section 5097.98. The District shall implement approved mitigation before to the resumption of activities at the site where the remains were discovered.

Impact Significance After Mitigation: Potentially significant and unavoidable. Due to the moderate to high archaeological sensitivity of the campus area and the fact that construction of the proposed swimming pool and underground utility vaults would require disturbance of soils to depths greater than were typically associated with past agricultural use and foundation construction of existing buildings, the potential to encounter and disturb unknown buried resources cannot be completely eliminated. Should the District encounter archaeological resources that qualify as “unique archaeological resources” but not qualify as “historical resources,” the mitigation set forth above is sufficient to render the impact less than significant, even if any such resources cannot feasibly be preserved, as excavation and data recovery are a viable form of mitigation under Public Resources Code Section 21083.2, and nothing in the law requires a finding of significance under such circumstances. If any such unearthed resources qualify as “historical resources” and avoidance is infeasible, however, the impact would be significant as a matter of law, as the construction or grading activities at issue would destroy or significantly damage the resource, causing a “substantial adverse change” in the significance of the resource. Although the District does not know with certainty that any unearthed archaeological resources could not be feasibly avoided, the possibility that avoidance may not be feasible requires a conservative finding in light of the language in Section 15064.5 to the effect that a “substantial adverse change” (e.g., destruction) in the significance of any such resource necessarily translates into a significant effect.

REFERENCES – CULTURAL RESOURCES

Holman & Associates, 2008. *Cultural Resources Study of the Mission College Master Plan Project, Santa Clara, Santa Clara County, California*. September 5.