

9.0

HISTORICAL AND CULTURAL RESOURCES

This chapter provides an evaluation of the potential environmental effects of implementing the proposed 2035 San Benito County General Plan (2035 General Plan) on historic and cultural resources. As used in this RDEIR, cultural resources include historic resources, pre-historic resources, archaeological resources, paleontological resources, unique geologic features, and human remains. As presented in the Notice of Preparation for the proposed 2035 General Plan (see [Appendix A, Notice of Preparation](#)), urban development and other activities resulting from implementation of the 2035 General Plan may result in adverse changes to the cultural resources in San Benito County (County). The following environmental assessment includes a description of existing known cultural resources within the County, as well as the applicable regulatory setting. Also assessed are the effects on cultural resources that could result from development that would be allowed under the 2035 General Plan.

The existing status of the cultural resources within the County was determined by, among other things, a review of cultural resource documents and historical records. Several databases were also reviewed, including the National Register of Historic Places (NRHP); the Historic American Building Survey/Historic American Engineering Record (HABS/HAER); the California Register of Historical Resources (CRHR); California State Historical Landmarks (SHL); the State Office of Historic Preservation Directory of Properties in the Historic Property Data File; the files of the Northwest Information Center, Sonoma State University, Rohnert Park; the University of California, Berkeley Museum of Paleontology; and the Society of Vertebrate Paleontology. Due to the sensitivity of many prehistoric, ethnohistoric, historical, and paleontological site locations listed, the tables in this section present information available only to the general public. Existing conditions were also assessed through site visits, surveys, local knowledge, and photographic record. Potential impacts related to cultural resources, compiled and analyzed based on CEQA assessment criteria, were determined by comparing potential development that would likely be constructed under the 2035 General Plan to the existing environment, using guidelines adopted by the County and as otherwise required under CEQA.

9.1 SETTING

The County's environmental and regulatory settings for cultural resources described below are based on the General Plan Background Report (San Benito County 2010b). Pursuant to State CEQA Guidelines §15150, this document is incorporated into the Revised Draft EIR (RDEIR) by reference as though fully set forth herein. Where necessary, information originating from the Report has been updated with the best available and most current data, as previously discussed in Section 4.3. The Report is available for download at: www.sanbenitogpu.com/docs.html. Copies of the Report may be viewed during standard business hours (8:00 a.m. to 12:00 p.m. and 1:00 p.m. to 5:00 p.m.), Monday through Thursday, at the San Benito County Planning and Building Department, 2301 Technology Parkway, Hollister, California 95023. County offices are closed to the public on Fridays. Certain archaeological resource documentation is not subject to the Public Records Act under the protection of the Archaeological Resources Protection Act.

9.1.1 Environmental Setting

Paleontological Setting

The County is within the Coast Range physiographic province of California. Bounded by the Pacific Ocean to the west and Central Valley to the east, the region is typified by northwest-southeast trending mountain ranges and fault systems. From the Upper Cretaceous geological period through the Miocene epoch, much of the Hollister area was covered by shallow, warm seas. Sediment washed from adjacent mountains accumulated in the valleys producing extensive terrestrial sediment deposits, within which paleontological remains are preserved. The first major paleontological discovery in the County occurred in 1937, when the most complete Plesiosaur skeleton ever found was excavated from the Moreno Formation in the Panoche Hills. Subsequently, both the Moreno and Tremblor Formations have yielded fossils. Most major exposures of these two formations are within the Panoche-Coalinga area of environmental concern defined by BLM. The Panoche Formation is known to contain mollusca, including ammonites; the older underlying Franciscan Formation yields invertebrates, vertebrates, and plant fossils.

Significant paleontological specimens have been found on both public and private land within the Moreno shale deposits along Cantua Canyon. Invertebrate fossils occur in Los Gatos Creek Canyon in sandstone formations. Fossils have also been found in the Coalinga and Pleasant Valley areas. Fossil sites have produced a range of plant and animal remains, found at many locations in the County, including Tumey Gulch, Griswold Hills, Larius Creek, San Carlos Creek, the Bolsa Valley, Tres Pinos Creek, and the San Benito River valley. The Hollister Field Office of BLM has reported the discovery in the Tremblor Range of significant fossils in the Path

15 power line project. Under one of the power line towers a "bone bed" was disclosed, which produced fossil remains of amphibians, tortoises, birds, rabbits, and terrestrial/fresh water snails, some specimens representing the first examples ever found in the Tremblor Range. In general, paleontological resources found on public land within the County are recognized by BLM as a fragile and non-renewable scientific resource. These resources contribute to the history of life on earth, and accordingly represent a valuable component of our national heritage.

Archaeological Setting

There are three comprehensive archaeological reviews that are relevant to the County for purposes of this analysis. These are a state-wide compendium, a regionwide review, and a 2007 summary which focuses primarily on coastal prehistory. Table 9-1 shows archaeological properties in unincorporated County.

Table 9-1 Archaeological Properties in Unincorporated County-National and California Registered and Eligible

Site/Building	Location	Year Constructed	Designation	Register Listing
Chalone Creek Archeological District	Restricted ¹	3 Prehistoric sites	NRHP District	NRHR CRHR
San Felipe Site	Restricted ¹	Prehistoric	Eligible	CRHR
BLM 870909A CA-019-FS-106	Restricted ¹	Prehistoric	Eligible	CRHR

Source: San Benito County 2010b, OHP 2014.

Notes: ¹Site location restricted under the Archaeological Resources Protection Act of 1979.

SHL-California State Historic Landmark, CRHR-California Register of Historical Resources, NRHP-National Register of Historic Places

Coast and Interior Prehistory

A recent review summarizes the current status of central coast and interior valley prehistoric chronology, including unincorporated County and adjacent regions. However, no archaeological sites within the County are mentioned in the Jones review, which is not to imply that its archaeology is inconsequential, but instead is indicative of the lack of knowledge of the County's prehistory. Several periods of prehistoric development along the coast and coastal interior zone are discussed, including:

Paleo-Indian (pre-8000 BC). This period is based on the presence of two fluted projectile points found near San Luis Obispo. Earlier human presence in the area is suggested only by isolated

fluted projectile points from Nippomo and SLO-1429 near Santa Margarita probably reflecting habitation sometime between 13,000 and 10,000 years ago.

Millingstone or Early Archaic (8000 BC to 3500 BC). This period is characterized accordingly to Jones et al. by "the large number of well-made handstones and/or millingslabs, crude cores and cobble-core tools, and less abundant flake tools and large side-notched projectile points." Millingstone occupations have been identified at 42 sites in the region. The oldest are Cross Creek and Diablo Canyon. The oldest features interpreted as a locus of domestic structures referable to the Millingstone period was found at CA-SLO-369. The Millingstone/Early Archaic period is represented by CA-SLO-2, -585, and -1797 at Diablo Canyon. Two multicomponent sites produced basal dates. At CA-SLO-2 in a midden deposit 340 cm deep. These include three cultural components: Millingstone, Hunting, and Chumash. A very early millingstone component occurs at CA-SLO-585, dated 8410 B.P. In review, Moratto states, "This part of the coast evidently was occupied long before millingstones first appeared, and that premillingstone strata seem to exist in lower SLO-2 and possibly at SLO-585."

Hunting Culture (3500/3000 BC to AD 1000/1250). Three periods (or phases) of the Hunting Culture, which essentially are comparable to the "Early, Middle and Late" periods of the Central Valley and Delta Region. The Early period is identified at Little Pico I (CA-SLO-175) and the Middle Period at Little Pico II (CA-SLO-175 and -267).

Late Period (AD 1250 to 1769). This period is represented at CA-SLO-214. Late occupation has been recognized at no fewer than 157 sites. Typical Late Period occupations are marked by small middens with associated or nearby bedrock mortars. The Late Period, during which the Costanoans and Chumash occupied the coast and portions of the interior, terminates with the arrival of Portola in 1769. A major archeological chronological sequence pertaining to the Coast Ranges adjoining the east side of the County is based on excavation of sites at San Luis Dam and Los Banos Reservoir in Merced and Fresno Counties, conducted by Olsen and Payen. The "Pacheco or West Side" sequence is defined principally by data from two sites: CA-MER-3 and -94. Olsen and Payen provided tentative estimates of the time span of each of four cultural complexes, listed as follows.

Positas Complex; (ca. 3300 to 2600 BC) (CA-MER-94, Greyson Site, Component A). The earliest complex identified by Olsen is based on a very limited archeological inventory, consisting of one-spire ground Olivella bead, a single small bone bead, two projectile points, one leaf-shaped, one stemmed, and a few milling stones, cobble pestles, and cobble manos.

Pacheco Complex; (ca. 2600 BC to AD 300) (CA-MER-94, Components B-1, B-2). This complex is identified by various types of shell beads, including thick rectangular Olivella, square Haliotis, and rectangular mussel shell varieties. The upper strata of the site yielded large and small disc, modified saddle, and variant thin rectangular Olivella beads. Flaked stone specimens consist of large side-notched and stemless projectile points, scrapers, and polished stones. Large and small

bowl mortars, slab millingstones, and manos comprise the ground stone inventory. Burials, oriented in flexed position, are frequently accompanied by grave goods. Architectural remains consist of four floor surfaces, all circular, 10-12 feet in diameter.

Gonzaga Complex; (ca. AD 300 to 1000) (CA-MER-3, Component A; CA-MER-14). This complex features abundant Olivella shell beads, both large and small spire-ground oval types, and several varieties of thin, centrally perforated rectangular beads. Shell ornaments, all Haliotis, are disc-shaped forms with edge perforations, teardrop and rounded rectangular shapes, and some with an occasional surface appliqué of small disc beads set in asphaltum on the concave face. Chipped stone artifacts, other than crude scrapers and core tools, are rare, consisting of one stemmed chert projectile point and several fragments of large obsidian serrated points. Well-made bowl mortars are frequent, some with specially dressed rims. Pottery is represented by a single sherd. Burials of the Gonzaga Complex are primary, fully extended on the back or flexed on the side, a definite change from the preceding complexes. House floors are 20 to 30 feet in diameter and have a built-up interior earthen ring and enclosed fire pit. One floor, 22 feet in diameter with a single centered post hole, is interpreted as the remains of an assembly or "dance" house. Inhumations in the floor were accompanied by different types of beads, presumably indicating variations in the social hierarchy. Individuals of apparently lower status were cremated and buried in the interior floor, whereas those of higher status were not cremated and were interred at the south edge of the structure.

Panoche Complex (ca. AD 1500 to 1850) (CA-MER-94, Component C; CA-FRE-128, -129 and CA-MER-03, Component B). The Panoche Complex is the local manifestation of the protohistoric period since it includes evidence of historic contact. It is considered as ancestral to the West Side Yokuts. Diagnostic elements include a distinctive shell complex, including lipped, thin, and rough small disc Olivella beads, side-ground Olivella tubular clam shell beads, and small steatite disc beads. Stone artifacts comprise distinctive, small, side-notched concave based projectile points, bowl mortars, and infrequent manos and metates. Pottery occurs, with baked clay "spindle whorls" and a few baked clay cylinders of unknown function. Burials are primary and flexed; some are cremated. Architectural remains include very large structures from 30 to 50 feet in diameter; post holes indicate that a multiple, circular arrangement of posts is typical, supporting a superstructure made of grass or tule. Very large structures (50 to 90 feet in diameter) are the culmination of the architectural sequence in the San Luis-Pacheco region. Historic items indicate contact with Spanish and Anglo-Americans, probably through trade rather than direct contact. In many cases the continuity between the prehistoric past (the "Late Period") and the "ethnohistoric period" is deficient or non-existent because of the massive impact suffered by the indigenous tribes of the California coast and interior region when the Spanish missions were established. Many Native Americans simply did not survive the contact experience, and by the time that early-day ethnographers such as Alfred Kroeber began to obtain information

concerning the affected tribes, individuals who could have provided it were long since deceased. Few substantive excavations or major testing projects are known from the County.

City of Hollister General Plan EIR Findings

Lands within the City's Planning Area and outside of the City limits are unincorporated County lands. As such, the findings of the City's General Plan EIR related to these analyses are relevant. The City of Hollister General Plan/Final Program EIR states that less than 10 percent of the Planning Area has been surveyed for the presence of archeological resources. Nevertheless, the analysis found three prehistoric sites have been found in the Hollister Planning Area to date. These include CA-SBN-14, a Native American burial site, CA-SBN-15, a site containing human modified flakes, and CA-SBN-181, a site adjacent to the Planning Area containing a flake scatter, suggesting the location of a campsite. The analysis also states that these remains are suggestive of one or more village sites in the Planning Area vicinity and point toward the need for project-level archaeological investigations. A geoarchaeological study prepared by Rosenthal and Meyer in 2004 demonstrated that both regional topographical and hydrological conditions change over time. As such, the present configuration of geologic formations may not adequately reflect conditions that prevailed during prehistoric times. For this reason sensitivity maps based on contemporary conditions can be inadvertently misused to convey an impression to contractors and other project stakeholders that archaeological resources are unlikely to occur in certain areas. While few archaeological sites are known from the vicinity of Hollister and the Bolsa and Hollister valleys, given the numerous sites in the adjacent southern Santa Clara Valley and the apparent suitability, it is quite likely that important sites will be found during projects that involve ground disturbance.

Another archaeological survey was conducted by Breschini and Haversat in 1978 along a 47-mile long route of the San Felipe Division, Central Valley Project. The results of this survey are important for several reasons. The project corridor begins at the north in Santa Clara County, north of Morgan Hill, enters the County, branching to the northeast into the canyon drained by Pacheco Creek, and circles immediately south of Hollister, terminating at the San Justo Reservoir. The survey party found 11 cultural resources consisting of six prehistoric and five historic sites. Based on the results of the surveys of this corridor, project scientists determined that surface survey was not an effective method for locating cultural resources in the project area. Their recommendation was that a subsurface survey needs to be conducted along the entire route of the project. The corridor survey found that most of the prehistoric sites occurred in five locations: upper canyon, canyon mouth, river bank, alluvial plain, and marsh. Approximately 73 percent of large archaeological occupation sites identified occurred in upper canyon or canyon mouth locales. The team stated that many of the archaeological sites are buried, and cannot be easily located by survey restricted to surface examination.

Pinnacles National Park

Two major surveys and two overviews have been conducted concerning the prehistory of Pinnacles National Park. These studies, including Breschini et al. (1983), Fritz and Smith (1976), Haversat et al. (1981) and Olsen et al. (1967), are important since few archaeological investigations have taken place in the Gabilans. Archaeological surveys within Pinnacles Park located 22 prehistoric cultural resources and five historic sites. Eight of the prehistoric sites have bedrock milling stations. Other sites consist of lithic scatters and occupied rockshelters.

Chalone Archaeological District

This district (P-35-000140) consists of three prehistoric archaeological sites, including rockshelters, lithic scatters, inhumations, and occupational debris. The district is listed on the National Register of Historic Places and the California Register of Historic Resources.

Clear Creek

An archaeological reconnaissance conducted by BLM in the Clear Creek Off Road Vehicle Area identified 12 prehistoric sites. An archaeological survey at Pinnacles and Clear Creek revealed that many prehistoric archaeological cultural resources located in mountainous terrain often are small, seasonally occupied resource gathering sites, but large village sites have been found at comparatively high elevations.

Laguna Mountain Region

Cultural resources reconnaissance conducted on 24,960 acres of land south of Laguna Mountain in southern County located 18 cultural resources, including a very large prehistoric archaeological site with six milling features displaying 46 milling cups, indicative of a medium-to large-size village. Numerous pieces of lithic debitage (flaked chert) were observed, and geochemical analysis of an obsidian implement found at the site revealed that it is made of obsidian from Casa Diablo, an important source located near Mammoth, east of the Sierra Nevada mountain range. The sites found in the survey area demonstrate that significant cultural resources occur in the high upland valleys of the southern Coast and Diablo ranges.

Ethnographic Setting

The County is part of an extensive region occupied by Native Americans known, during the Historic Period, as "Costanoans" (Spanish "Costanos" or "coast people"). Anthropologists including Kroeber and Levy refer to the tribe as Costanoans, the usage followed in this discussion. Many contemporary scholars, however, prefer the term Ohlone.

According to Levy eight Costanoan languages subsumed several dialects spoken by members of 50 discrete, politically separate tribelets, each of which consisted of some 50 to 500 persons. The Costanoan tribelets occupied permanent village sites in the valleys of the County, and maintained numerous seasonally occupied hunting camps in the County's mountain terrain.

Linguistic evidence indicates that the ancestral Costanoans probably came from the Delta region of the San Joaquin-Sacramento River system. It is suggested that their arrival in the region coincides with the appearance in the Santa Cruz region of Late Horizon artifact assemblages. Information concerning the later days of the Costanoans has been gleaned from accounts of the Spanish explorers between 1769 and 1776. Seven Franciscan missions were established in Costanoan territory between 1770 and 1797. The records of the Spanish missions, particularly baptismal records, indicate that by 1810 the traditional lifeway of the Costanoans had virtually ceased. Cook states that during the mission period, from 1770-1835, the Costanoan population declined from more than 10,000 to as few as 2,000 individuals, with concomitant decline of their cultural traditions. By 1970, the total number of living persons of Costanoan descent was probably considerably more than 200.

At least five tribelets are believed to have occupied all or part of the County and adjoining counties. These included the Mutsun, Pagsin, Chalon, Tamarron, Ausaima, and Salinan. The Mutsun lived in the San Juan Canyon area, the Pagsin near Hollister, the Ausaima in the San Juan Valley and northeast of Hollister, the Tamarron in the Diablo Range on the east side of the County, the Chalon in the southern-central area, and the Salinan in the southernmost part of the County.

Costanoan subsistence depended heavily on acorns, the most important plant food that they gathered and consumed. Preferred were acorns of the Coast live oak (*Quercus agrifolia*) and valley oak (*Quercus lobata*). Tan-bark oak (*Lithocarpus desiflora*) was considered superior because it produced whiter meal; California black oak (*Quercus kelloggii*) was also preferred. Low on the list of consumable was buckeye (*Aesculus californica*); the nuts, while large, are difficult to process, requiring repeated leaching. Other seeds collected and consumed included dock (*Rumex sp.*), tarweed (*Madia sp.*), and California foothill or grey pine (*Pinus sabiniana*). Plant foods provide important clues for the archaeologist as to why certain archaeological sites are located where they are, and when they were occupied. During appropriate seasons various species of plants provided food or industrial materials. Locations where such vegetation grew were visited seasonally or from time to time as needed.

Costanoan domestic structures were domed-shaped and thatched with tule, grass, or other vegetation. Assembly (dance) houses were large and centrally located in their villages; domestic dwellings surrounded the assembly houses. To make weapon tips and other flaked-stone tools the Costanoans had access to sources of chert (notably Monterey Chert), but since there were no

deposits of obsidian within their territory they traded for this valuable toolstone, often (as the archaeological record indicates) obtaining it from distant sources such as Annadel near Napa or Casa Diablo near Mammoth. A very important local material, highly prized by Native Americans living along the Pacific Coast, was cinnabar, obtained from deposits at New Almaden in Costanoan territory.

The Costanoans and their neighbors were among the first contacted and most severely impacted Native American tribes in California. Contact was firmly established in their territory with the founding of the Mission Nuestra Senora de la Soledad in 1791 and other missions in the region, notably San Juan Bautista, established in 1797. The Costanoans, like many other California Indian tribes, suffered disenfranchisement and cultural collapse during the post-contact period. In 1971 descendants of the Costanoans united as a corporation—the Ohlone Indian tribe. This legally recognized entity received title to the cemetery at Mission San Jose, but the Ohlone have not been compensated for loss of their land or for the hardships the tribe endured following contact with the European world.

Historical Setting

The County was created in 1874 from part of Monterey County and expanded in 1887 by adding portions of Fresno and Merced Counties. Hollister was designated as the County seat as it still remains today. [Table 9-2](#) shows historical properties in unincorporated County.

Table 9-2 Historical Properties in Unincorporated County-National and California Registered and Eligible

Site/Building	Location	Year Constructed	Designation	Register Listing
Ben Bacon Ranch Historic District	Paicines	1880	Eligible	CRHR
Pinnacles East Entrance District	Paicines	1932	Eligible	CRHR
Bear Gulch Cave Trail	Paicines	1927	Eligible	CRHR
New Idria Mine	Paicines	1917	SHL 324	n/a
Fremont Peak	San Juan Cyn	1846	SHL 181	n/a

Source: San Benito County 2010b, OHP 2014.

Notes: ¹Site location restricted under the Archaeological Resources Protection Act of 1979.

SHL-California State Historic Landmark, CRHR-California Register of Historical Resources, NRHP-National Register of Historic Places

The Mission Period

Spain's interest in the New World began with coastal navigation by Juan Rodriques Cabrillo in 1542, but the vast inland region was not explored until 1769 when Don Gasper de Portola proceeded north along the coast. Based on the explorer's favorable reports, sites were selected for construction of a chain of missions. It was the intention of the Spanish viceroy to establish a series of missions between San Diego and San Francisco. One of these was Mission San Jose. Shortly after it was founded, Father Lasuén entered the San Benito Valley and founded Mission San Juan Bautista in 1797, the sixteenth mission to be built. Temporary buildings were constructed to house the mission, and it was not until 1803 that the cornerstone of the new church was laid. The new building was an impressive construction, "about one hundred and ninety feet long, 30 feet wide and 40 high". The church and adjacent buildings were made of adobe. Next to the church was a corridor of 20 arches supported by pillars of brick. This phase of construction was completed by 1812. The early history of the County revolved around San Juan Bautista mission. It was secularized in 1835 and José Tiburcio Castro was made majordomo. Following secularization the mission was neglected until restoration began in 1884.

On the opposite side of the mission plaza José Castro built a two-story adobe and in 1844 conveyed the property to Francisco Pacheco. In 1849 Castro's home was in turn deeded to Patrick Breen who, with his family, survived the ill-fated Donner party disaster in the snowbound Sierra Nevada. Breen was the first English-speaking settler in San Juan Bautista. The San Juan adobes are part of the San Juan Bautista Plaza Historic District. The district is a National Historic Landmark and is listed on the National Register of Historic Places and the California Register of Historic Resources. Within San Juan Bautista are two other National Historic Landmarks, the Juan de Anza house and the José Castro house, as well as another historic district listed on the National Register, the San Juan Bautista Third Street Historic District.

The Land Grant Ranchos

Land surrounding San Juan Bautista Mission was ceded to wealthy Spanish ranchers during the era of Mexican land grants. In 1839 Rancho San Justo, a 36,620 acre land grant, was awarded to José Castro. Near San Juan were two large parcels: Rancho de las Animas (southern Santa Clara Valley) and Rancho de Solis. A total of 13 Mexican land grants were awarded in the County between 1836 and 1862. Among the largest grants were Santa Ana y Quien Sabe, Cienega del Gabilan, and San Lorenzo (Sanchez), each of which encompassed more than 48,000 acres.

Historic Sheep Drives and the Founding of Hollister

In 1853 two epochal sheep drives were organized to bring sheep to the County from other regions. The two sheep drives were of great importance for the future development of the County and its principal city, Hollister. One of the enterprises was the Flint-Bixby drive that

started from Illinois with 2,000 head of sheep. The drive was led by Dr. Thomas Flint, his brother, and a cousin named Llewellyn Bixby. The other was the Hollister drive that started from Ohio with 6,000 sheep, led by Colonel (honorary title) William W. Hollister and his brother Joseph Hollister. Both drives proceeded west via a southern route from Salt Lake City in order to avoid early winter snow in the Sierra Nevada. The two parties met in Nevada and entered California in 1854, spending an entire year in Southern California replenishing their flocks. In October 1855 Flint-Bixby and Company bought Rancho San Juan Justo from Pacheco, with the understanding that Colonel Hollister would acquire a half-interest in the ranch in 1857, but Flint and Hollister had a falling out and the land was divided, Flint taking all the land east of the San Benito River, Hollister land west of it, with the sheep being divided equally. In 1868 Hollister sold his part of the rancho (20,773 acres) to the San Juan Homestead Association. Members of the new civic-minded Association as part of the development project founded a town that they elected to call Hollister. Some 12,000 acres were divided into 50 homestead lots of approximately 172 acres each, and 100 acres were reserved for the town of Hollister. The Association auctioned off land to the highest bidders in 1868; lots sold for \$100 each. The City of Hollister now contains two notable historic districts that highlight its historical character.

New Idria

Mining began in the 1850s at the New Idria quicksilver mine on San Carlos Peak in the Gabilan Range. The exact date when mining commenced is obscure. The Mission Fathers are said to have made assays of the deposits and determined it was cinnabar, while Bret Harte (1878) asserts that the resource was discovered accidentally by prospectors. The New Idria records date from 1854 to 1972. In 1861 William Brewer of the Whitney Geological Survey inspected the mine workings and reported that a force of two or three hundred men worked in the mines (Brewer 1930). Mining operations continued and mercury was produced at New Idria from the 1859 to 1972. Today the mines and surrounding land is a California Historical Landmark (No. 324), but is privately owned. The remains of the mining operations and adjacent community are in ruins. Many buildings on the site were destroyed by fire on July 28, 2010.

Pinnacles National Park

An unusual geological area of volcanic origin, Pinnacles National Park is one of the principal natural attractions in the County. Discovered in 1794 by Vancouver and a party of horsemen, it is located at the southern end of the Gabilan Range. Vancouver seems to be the only early-day traveler who left any record of exploration of the Pinnacles district. In 1904-1906 David Starr Jordan was instrumental in obtaining Forest Reserve status for the district, and in 1908 President Theodore Roosevelt issued a proclamation establishing it as a National Monument. The Monument was changed to a Park by legislation passed by Congress in late 2012 and signed into law by President Barack Obama on January 10, 2013. It has been enlarged by land purchases

and now encompasses approximately 26,000 acres, approximately 24,514 acres of which are located within the County. The Pinnacles East Entrance Historical District is listed on the California Register of Historical Resources.

Unique Geological Formations

There are two areas with unique geological formations in unincorporated County, Pinnacles National Park and the Clear Creek Management Area.

Pinnacles National Park is located in the western part of the County and covers approximately 26,000 acres, of which approximately 16,000 acres are protected mountainous recreation area divided by unique rock formations. Connected by many narrow hiking trails, such as the one-mile Bench Trail to the seven-mile North Wilderness Trail, the park has spectacular pinnacles for rock climbing. Located near the San Andreas Fault, the park offers views of the unique geologic formations resulting from years of erosion and weathering of the exposed rocks. The park also contains deep talus caves and narrow gorges created by historic geologic movements.

The Clear Creek Management Area is located near the San Benito-Fresno County line and covers approximately 63,000 acres. The area has historically been a popular weekend destination available to the public for a variety of recreation, including off-road highway vehicle recreation, hunting, backpacking, and sightseeing. However, since May 2008 many public lands have been closed to protect the public from environmental hazards. The unique geologic area includes serpentine soils that contain naturally-occurring asbestos. In 2004 the USEPA found elevated levels of airborne asbestos fibers present during various recreation activity surveys and clean-up activities for a Federally-listed mine within the area. As a result, the USEPA and Bureau of Land Management restrict the use of the public lands to reduce the public's exposure during dry months when there is the greatest potential to generate dust.

9.1.2 Regulatory Setting

Federal

- **National Historic Preservation Act (NHPA) of 1966 (16 U.S.C. §§ 470 et seq.).** NHPA is a federal law created to avoid unnecessary harm to historic properties. The NHPA includes regulations that apply specifically to federal land-holding agencies, but also includes regulations (Section 106) that pertain to all projects funded, permitted, or approved by any federal agency that have the potential to affect cultural resources. Provisions of NHPA establish a NRHP (the National Register is maintained by the National Park Service), the Advisory Council on Historic Preservation, State Historic Preservation Office (SHPO), and federal grants-in-aid programs.

- **National Environmental Policy Act (NEPA) of 1969 (16 U.S.C. §§ 4321 and 4331-4335).** NEPA establishes guidelines to “preserve important historic, cultural, and natural aspects of our national heritage, and to maintain, wherever possible, an environment that supports diversity and a variety of individual choice.” Projects undertaken by the federal government or on federal land may be subject to NEPA. All projects that are subject to NEPA are also subject to compliance with Section 106 of the NHPA and NEPA requirements concerning cultural resources.
- **American Indian Religious Freedom Act of 1978 (42 U.S.C. §§ 1996 and 1996a).** The American Indian Religious Freedom Act of 1978 and Native American Graves and Repatriation Act of 1990 (25 U.S.C. §§ 3001 et seq.) establish that traditional religious practices and beliefs, sacred sites, and the use of sacred objects shall be protected and preserved.
- **Secretary of the Interior’s Standards.** The Secretary of the Interior is responsible for establishing professional standards and providing guidance related to the preservation and protection of all cultural resources listed in or eligible for listing in the NRHP.
- **Certified Local Government Program (CLG).** The CLG is a national program designed to encourage the direct participation of a local government in the identification, registration, and preservation of historic properties located within the jurisdiction of the local government. A local government may become a CLG by implementing a historic preservation program and commission, based on federal and state standards.
- **Other Federal Legislation.** Historic preservation legislation was initiated by the Antiquities Act of 1906 (16 U.S.C. §§ 431-433) to protect historic and archaeological sites. The law established the procedure for issuing permits to conduct archaeological studies on federal land, as well as setting penalties for noncompliance.

State

- **California Register of Historical Resources (CRHR).** The CRHR is restricted to properties that are to be protected from substantial adverse change (Public Resources Code § 5024.1). A historical resource may be listed in the CRHR if it meets any of the following criteria:
 1. It is associated with events that have made a significant contribution to the broad patterns in California’s history and cultural heritage.
 2. It is associated with the lives of persons important in California’s past.

3. It embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic value.
4. It has yielded or is likely to yield information important in prehistory or history.

The CRHR lists properties that have been formally determined to be eligible for listing in the NRHP, State Historical Landmarks, and listed as eligible as Points of Historical Interest. All other resources require nomination in order to be included on the Register. Potential eligibility is also based on the integrity of the resource. Integrity is defined as the retention of the resources' physical condition that existed during its period of significance. It is determined through careful consideration of a resource's design, workmanship, materials, location, feeling, and association to important events in history.

- **California Environmental Quality Act (CEQA) (Public Resources Code §§ 21000 et seq.).** Section 15064.5 of the CEQA Guidelines requires that lead agencies determine whether projects may have a significant effect on unique archaeological and historical resources.
- **California Public Resources Code § 5097.** As part of the Native American Historic Resource Protection Act, Section 5097 specifies the archaeological, paleontological, and historical site and sacred site procedures that must occur both prior to and during construction of any major public works project on state or public lands. Specifically, it describes the procedures to be taken if there is a discovery of human remains.
- **California Health and Safety Code § 7050–7052.** Section 7052 of the Health and Safety Code states that the disturbance of Native American cemeteries is a felony. Section 7050.5 of the California Health and Safety Code requires that construction or excavation must be stopped in the vicinity of discovery of human remains until the County Coroner can determine whether the remains are those of a Native American. If the remains are determined to be Native American, the coroner must contact the California Native American Heritage Commission (NAHC).
- **Senate Bill 18/Native American Consultation.** Section 65351 of the Government Code requires the local governments to consult with Native American tribes during the adoption or amendment of local general plans or specific plans in order to better protect tribal resources.

County

- **1992 San Benito County General Plan.** The County General Plan contains numerous goals and policies related to the protection of cultural resources in the Open Space and Conservation Element (1992).
- **County Code Chapter 19.05, Archaeological Site Review.** The purpose of this ordinance is to protect, preserve, and show respect for Native American, Spanish, Mexican, Euroamerican, and other archaeological sites and resources within the County. There are areas in the County that are known to contain significant cultural and archaeological sites which contain unique, irreplaceable, or religious resources significant to the history of the County. These archaeological resources are quickly disappearing as a result of public and private land development. It is the policy of the County to preserve the County's historic identity and integrity, and this ordinance establishes regulations for the protection, enhancement, and perpetuation of archeological sites in order to promote the public welfare, and to implement General Plan policy and state law.

9.2 ENVIRONMENTAL EFFECTS

The cultural resources analysis evaluates whether the potential development projects and construction of infrastructure projected under the 2035 General Plan could result in adverse effects to cultural resources.

9.2.1 Significance Criteria

As set forth in Appendix G to the State CEQA Guidelines, Section V, Cultural Resources, the following criteria have been established to quantify the level of significance of an adverse effect to cultural resources being evaluated pursuant to CEQA. The numeration of each criterion below corresponds to the questions in the checklist in Appendix G of the CEQA Guidelines (e.g., V.a, V.b). Implementation of the 2035 General Plan would result in a significant cultural resource impact if the Plan would:

- Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5 of the State CEQA Guidelines. (V.a)
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5 of the State CEQA Guidelines. (V.b)
- Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature. (V.c)

- Disturb any human remains, including those interred outside of formal cemeteries. (V.d)

Additionally, to document the County's compliance with Government Code Section 65351 requiring consultation with Native Americans during this general plan update process, the following criterion has been established to quantify the level of significance of an adverse effect to traditional cultural properties or practices being evaluated pursuant to CEQA. Implementation of the 2035 General Plan would result in a significant tribal resource impact if it would:

- Result in the substantial degradation of traditional cultural resource properties where Native American customs and traditions are practiced.

9.2.2 Analysis Methodology

The following cultural resources evaluation includes a review of the existing recorded cultural resource conditions within the County that could potentially be affected by the implementation of the 2035 General Plan and the associated projected development envisioned. To determine impacts, the evaluation relies on comparing total projected forecast conditions by 2035 to existing and known cultural resource conditions. The County's known and recorded cultural resources were identified through a records search of the historical databases previously discussed.

Given the community-level evaluation of the proposed 2035 General Plan, specific project-level impacts are not identified or discussed since the exact locations of future development projects are not currently known and thus to evaluate such impacts at this level would be speculative. Rather, this RDEIR provides a programmatic analysis of potential impacts based on reasonably available information under the two potential growth scenarios, focusing on whether the 2035 General Plan goals and policies protect historical and cultural resources, including Native American customs and traditions, and incorporate adequate measures and provisions to reduce impacts to historical and cultural resources.

As discussed in Section 4.5.7, Potential Growth Scenarios, this RDEIR analysis considers two possible growth scenarios: Scenario 1 and Scenario 2. For this programmatic level of analysis, there will be no difference in the potential impacts to cultural resources that would result from the two growth scenarios because the County would apply the 2035 General Plan policies, including additional policies from mitigation measures contained in the Final EIR, addressing cultural resources equally in approving any development, regardless of location. Site specific analysis of impacts to cultural resources would be required for particular development proposals that may be considered in the future.

9.2.3 Environmental Impacts

The following discussion examines the potential cultural resource impacts of the proposed project based on the impact threshold criteria described above. Table 9-3 summarizes 2035 General Plan policies that would mitigate environmental impacts associated with cultural resources, including an explanation of how the policy would avoid or reduce impacts.

Table 9-3 2035 General Plan Goals and Policies that Mitigate Cultural Resources Impacts

Goals and Policies	How the Goal/Policy Avoids or Reduces Impact	Impact CUL-#
Natural and Cultural Resources Element		
<p>Goal NCR-1: Open Space To preserve and enhance valuable open space lands that provide wildlife habitat and conserve natural and visual resources of San Benito County.</p>	<p>Reduces potential impacts to historical resources that are natural and visual resources including paleontological and historical resources by limiting development at locations that contain such resources.</p>	<p>1,2</p>
<p>Policy NCR-1.1: Integrated Network of Open Space The County shall maintain an integrated network of open space lands that support natural resources, recreation, tribal resources, wildlife habitat, water management, scenic quality, and other beneficial uses.</p>	<p>Encourages and supports the restoration and protection of tribal and other cultural resources, particularly in agricultural and open space areas.</p>	<p>1,2</p>
<p>Policy NCR-1.2: Conservation Easements The County shall support and encourage the use of conservation easements to protect open space that contains valuable natural resources.</p>	<p>Lessens impacts to cultural resources that may be present within open space areas under conservation easements.</p>	<p>1,2</p>

Goals and Policies	How the Goal/Policy Avoids or Reduces Impact	Impact CUL-#
<p>Policy NCR-1.3: Open Space Overlay District The County shall continue to protect and preserve the rural landscape and implement open space policies for: public health, safety, and welfare; continued agricultural uses; scenic viewscape preservation, including scenic highway corridors; park and recreation uses; conservation of significant natural resources; the containment and definition of limits to urbanization; and the preservation of the natural habitat for threatened and/or endangered plant and animal species.</p>	<p>Minimizes impacts to cultural resources within open space areas within the open space overlay district.</p>	<p>1,2</p>
<p>GOAL NCR-7: Cultural and Historic Resources To protect, preserve, and enhance the unique cultural and historic resources in the County.</p>	<p>Reduces cultural and historic resource impacts by setting an overall goal to preserve the cultural, archaeological, and historic resources in the County.</p>	<p>1,2,3</p>
<p>Policy NCR- Policy 7.1: Historic Districts The County shall establish historic districts for the communities of Tres Pinos and New Idria to preserve the character of these historic communities.</p>	<p>Reduces impacts to historical resources by preserving historic resources located in historic districts, specifically the communities of Tres Pinos and New Idria.</p>	<p>1</p>
<p>Policy NCR-7.2: Commercial Recreational Uses The County shall promote commercial recreational uses in underutilized historic structures.</p>	<p>Reduces impacts to historical resources by encouraging reuse and conservation of underutilized historic structures.</p>	<p>1</p>
<p>Policy NCR-7.3: Assemble Information The County shall cooperate with the Historical Society and other organizations to assemble information on historic areas of the County that should be preserved.</p>	<p>Limits the likelihood that cultural resources would be impacted through cooperation with the Historical Society and other cultural organizations.</p>	<p>1</p>

Goals and Policies	How the Goal/Policy Avoids or Reduces Impact	Impact CUL-#
<p>Policy NCR-7.4: Integrate Architectural Styles The County shall protect existing historic structures by requiring nearby new development to use architectural styles that complement the historic structures and by striving to ensure roadway improvements enhance and do not detract from nearby historic resources.</p>	<p>Reduces historical resource impacts by requiring nearby new development to use architectural styles that complement the historic structures in the area, thereby helping to protect the integrity of the resource.</p>	<p>1</p>
<p>Policy NCR-7.5: Preservation of Structures The County shall require development proposals that would remove structures 100 years or older to demonstrate why preservation of the structures and integration of the structures into the development proposal is inappropriate or infeasible.</p>	<p>Limits impacts to cultural resources by requiring development proposals that involve the removal of structures 100 years or older to demonstrate why preservation is infeasible, and thus highlights a preference for preservation in place if feasible.</p>	<p>1</p>
<p>Policy NCR-7.6: Historic Consultant The County shall retain an historic consultant at the developer's expense to evaluate the historic merits of existing structures, make recommendations for the new development, and, if necessary, to review building elevations for new development.</p>	<p>Retaining a historic consultant helps minimize impacts to historical resources by ensuring that the historical integrity of existing structures is evaluated, and that recommendations for protection are provided.</p>	<p>1</p>
<p>Policy NCR-7.7: Resource Identification and Preservation The County shall maintain a register of historic properties that will be used during the design review process to protect the character of historic communities in the County.</p>	<p>Reduces impacts to cultural resources through maintenance of a register of historic properties to be used during design review, thereby protecting the character of historic communities in the County.</p>	<p>1</p>

Goals and Policies	How the Goal/Policy Avoids or Reduces Impact	Impact CUL-#
<p>Policy NCR-7.8: Adaptive Reuse of Historic Structures</p> <p>The County shall encourage the adaptive reuse (e.g., converting a historic building to residential use) of historic resources when the original use of the resource is no longer feasible and when the new use is allowed by the underlying land use designation and zoning district.</p>	<p>Reduces impacts to historic structures by encouraging adaptive reuse of buildings when the original use is no longer feasible.</p>	<p>1</p>
<p>Policy NCR-7.9: Tribal Consultation</p> <p>The County shall consult with Native American tribes regarding proposed development projects and land use policy changes consistent with the State’s Local and Tribal Intergovernmental Consultation requirements.</p>	<p>Reduces impacts to known important Native American cultural sites where traditional customs are practiced by requiring the County to contact and consult with appropriate Native American tribes and follow all requirements consistent with the state and local tribal intergovernmental processes.</p>	<p>3</p>
<p>Policy NCR-7.10: Cultural Resources Education</p> <p>The County shall educate the public regarding laws, codes, and ordinances that forbid collecting items associated with archeological, historical, and paleontological sites, particularly artifacts or other objects found in association with human remains.</p>	<p>Public education would reduce impacts to cultural resources by informing the public on the County’s laws, codes, and ordinances in place that forbid the collection of cultural resources.</p>	<p>1,2</p>
<p>Policy NCR-7.11: Prohibit Unauthorized Grading</p> <p>The County shall prohibit unauthorized grading, collection, or degradation of Native American, archaeological, or paleontological resources.</p>	<p>Reduces impacts to significant cultural resources by prohibiting unauthorized grading.</p>	<p>2</p>

Goals and Policies	How the Goal/Policy Avoids or Reduces Impact	Impact CUL-#
<p>Policy NCR-7.12: Archaeological Artifacts</p> <p>The County shall require an archaeological report prior to the issuance of any project permit or approval in areas determined to contain significant historic or prehistoric archaeological artifacts and when the development of the project may result in the disturbance of the site. The report shall be written by a qualified cultural resource specialist and shall include information as set forth in the County’s archaeological report guidelines available at the County Planning Department.</p>	<p>Reduces impacts to cultural resources by requiring the preparation of an archaeological report prior to the issuance of any project permit or approval in areas known to contain significant historic or prehistoric archaeological artifacts.</p>	2

Sources: San Benito County 2011, 2014; EMC Planning Group 2014; Planning Partners 2012.

Impact CUL-1: Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5 of the State CEQA Guidelines. (V.a)

Significance of Impact: Less than significant with mitigation.

Implementation of the proposed 2035 General Plan would lead to development and the construction of infrastructure that could result in substantial adverse changes in the significance of historical resources within the unincorporated County, specifically to existing and identified historical resources or those considered eligible for NRHR or CRHR listing. Although the proposed 2035 General Plan contains goals and policies to maintain and protect historical resources, the increase in development and construction anticipated under the 2035 General Plan could affect known and unknown historical sites within the County during ground-disturbing activities, or destroy or alter historic buildings or structures, resulting in a potentially significant impact.

The 2035 General Plan plans for population growth within the unincorporated County that could result in substantial changes to significant identified historical resources or those resources considered eligible for NRHR or CRHR listing. According to CEQA Guidelines §15064.5(b)(1) a substantial adverse change in the significance of a historical resource involves the:

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.

The majority of historic properties in the County, as noted above under Major Findings of the Background Report, are in the incorporated cities of Hollister and San Juan Bautista, with the exception of two small historic communities, Paicines and Tres Pinos, located in the southern portion of the County. Approximately 11 percent (96) of the County's 859 historic properties are located in unincorporated area of Paicines or its vicinity, and one percent (10) in the unincorporated area of Tres Pinos. As shown in Table 9-1, none of these resources are listed on either the NRHP or CRHR; however, three sites located in Paicines are currently eligible for the CRHR (Ben Bacon Ranch Historic District, Pinnacles East Entrance District, and Bear Gulch Cave Trail) and two are state historic landmarks (New Idria Mine in Paicines and Fremont Peak in the San Juan Canyon). The remaining historic properties are located in incorporated areas.

These resources represent only three percent of the total County land area. The County's many historical resources showcase the area's rich history and provide significant attractions for residents and visitors. Preserving these resources is important, and their protection would be considered during the planning, permitting, and construction of any infill activity or new development. There also may be undiscovered historic sites in the unincorporated County.

Development and the construction of infrastructure to serve anticipated growth that would be allowed under the 2035 General Plan could cause substantial adverse changes to significant historical resources that remain to be discovered. Potential adverse changes could be due to ground disturbance related to construction activities (i.e., excavation, grading, trenching) or from alterations of potentially historic buildings or structures that could impair the characteristics of a resource that convey its historical significance. Areas that have been developed are unlikely to contain significant sub-surface historical resources due to previous development activity. However, redevelopment activities within existing developed areas near the cities of Hollister and San Juan Bautista, within unincorporated County lands, that contain known historical resources could cause changes to those resources, for example, by ground-borne vibration. In addition, farmlands and other undeveloped areas could contain historical resources. Future development in these undeveloped areas could unearth and potentially damage historical resources.

The proposed 2035 General Plan contains specific goals and policies intended to preserve and protect significant historical resources within the County. There are several proposed goals and policies under the 2035 General Plan contained in the Natural and Cultural Resources Element that would help reduce potential impacts to historical resources. [Table 9-3](#) lists these goals and policies.

The Natural and Cultural Resources Element contains Goal NCR-1 to preserve valuable open space lands that provide wildlife habitat and conserve natural and visual resources of the County. As an overarching goal, this measure reduces potential impacts to historical resources by limiting development at locations that contain open space lands, thereby protecting

significant historical resources that may be located in such areas. This goal contains various policies designed to encourage and support the restoration and protection of cultural resources, particularly in agricultural and open space areas, where evidence indicates that many undiscovered historical resources may remain.

The Natural and Cultural Resources Element contains Goal NCR-7 to protect the unique cultural and historic resources in the County. This goal contains nine policies (listed in [Table 9-3](#)) that would minimize impacts to significant historical resources. The Natural and Cultural Resources Element also contains Program NCR-F, *Historic and Archaeological Resources Information*, which would require the County to distribute information related to historic resource inventories. The implementation of these policies under Goal NCR-7 and program NCR-F would identify and help protect cultural and historical resources in open space areas, retain the County's historical character, and minimize impacts to cultural and historical resources in all areas of the County.

Together, the goals and policies outlined under the Natural and Cultural Resources Element in the 2035 General Plan would reduce potential historical and cultural resource impacts. However, even with the implementation of these policies, additional project-specific analysis and measures likely would need to be implemented to avoid or minimize impacts to historical and cultural resources given the site-specific nature of any such impacts. Therefore, because of the programmatic level of review in the RDEIR and given that the scope of potential impact (and thus required mitigation measures) can only be generally determined at this time, the potential permanent loss or degradation of historical resources would be considered a significant impact.

Mitigation Measure:

CUL-1. Amend the following goal and policy in the 2035 General Plan Natural and Cultural Resources Element:

Goal NCR-1: Open Space

To preserve and enhance valuable open space lands that provide wildlife habitat and conserve natural, historical, archaeological, paleontological, tribal, and visual resources of San Benito County.

Policy NCR-1.1: Integrated Network of Open Space

The County shall maintain an integrated network of open space lands that support natural ~~resources, recreation,~~ historical, archaeological, paleontological, and tribal resources; recreation; wildlife habitat; water management; scenic quality; and other beneficial uses.

Implementation of Mitigation Measure CUL-1, together with the requirements of state and federal regulations, would reduce the potential that new development and related infrastructure projects within the unincorporated portion of the County would substantially damage or permanently destroy significant known or unknown historical resources. Together the measures would help ensure that the County applies a variety of protective measures and preservation efforts towards all future development and infrastructure projects to minimize impacts to historic resources, reducing the impact to a less-than-significant level.

Impact CUL-2: Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5 of the State CEQA Guidelines (V.b); directly or indirectly destroy a unique paleontological resource or site, or unique geological feature (V.c); or disturb any human remains, including those interred outside of formal cemeteries (V.d).

Significance of Impact: Less than significant with mitigation.

Implementation of the proposed 2035 General Plan would lead to construction activities such as grading and sub-surface excavation due to urban or other anticipated development, or the construction of infrastructure associated with the growth projected under the 2035 General Plan. This development could cause a substantial adverse change in the significance of an archaeological resource; could directly or indirectly destroy a unique paleontological resource or site, or unique geological feature; or could disturb human remains, including those interred outside formal cemeteries.

As shown previously in [Table 9-1](#), there are five archaeological sites in unincorporated County that are either registered on, or eligible for, the NRHR and CRHR. The three sites that are registered on both the NRHR and CRHR are all located within the Chalone Creek Archaeological District, a nationally-recognized NRHP District. The San Felipe and BLM 870909A CA-019-FS-106 sites are both currently eligible for the CRHR, but are not registered. The exact locations of these sites are restricted under the Archaeological Resources Protection Act.

Future development would not impact these identified archaeological sites within the County that are currently under protection through state or local programs, nor any formal cemeteries or known burial areas outside formal cemeteries. However, although the 2035 General Plan contains goals and policies to protect archaeological and unique paleontological resources and to prevent disturbances to human remains, there is still the potential that if such resources are inadvertently unearthed, permanently destroyed, or removed from their site of origin, a potentially significant impact may occur.

In addition to these archaeological resources, paleontological specimens have been found in the County, and additional specimens may be unearthed during future agriculture and development excavations. It is likely that potentially significant sub-surface resources, including archaeological and unique paleontological resources, may be discovered due to excavation activities related to future development and construction.

There are also two areas with unique geological formations in unincorporated County: Pinnacles National Park and the Clear Creek Management Area. No impacts are anticipated to these formations as they areas are, and will continue to be, regulated by the National Park Service and the Bureau of Land Management, respectively, as parklands. Further, General Plan Goal NCR-1 and its supporting policies protect County scenic resources, including unique geological formations.

Development projected under the 2035 General Plan may occur in the two incorporated cities' spheres of influence pursuant to the urban land use designations in the 2035 General Plan, including development sites located to the immediate west, south, southwest of Hollister, towards the northwestern portion of the County near the intersection of U.S. Highway 101 and State Route 25, and other areas near or in already developed areas. Development under the 2035 General Plan would also occur on previously undeveloped sites, or sites such as agricultural, rangeland, and open space lands that have not had sub-surface soil removal, and where undiscovered archeological and paleontological may exist.

Paleontological resources, including a range of plant and animal fossil remains, have been encountered at many locations, including Tumey Gulch, Griswold Hills, Lariaus Creek, San Carlos Creek, the Bolsa Valley, Tres Pinos Creek, the San Benito River Valley, and within formations, including the Moreno and Tremblor Formations and the Panoche Formation within the Panoche-Coalinga area. Therefore, it is likely that additional resources may be located within these surrounding areas, and in areas within the County designated for developed uses under the 2035 General Plan Land Use Diagram.

For these reasons, development impacts due to construction and other ground-disturbing activities could cause substantial adverse changes to archeological and unique paleontological resources. However, a variety of proposed goals and policies in the Natural and Cultural Resource Element under the 2035 General Plan would help minimize the potential for development to cause a substantial adverse change in the significance of archeological and unique paleontological resources. [Table 9-3](#) lists goals and policies that support archaeological, paleontological, and unique geologic resource protection.

The Natural and Cultural Resources Element contains Goal NCR-1 to preserve valuable open space lands that provide wildlife habitat and conserve natural and visual resources of the County. As an overarching goal, this measure reduces potential impacts to archaeological, paleontological, and geologic resources by limiting development at locations that contain open

space lands, thereby also protecting significant resources within of open space areas. This goal contains various policies designed to encourage and support the restoration and protection of archaeological, unique paleontological, and unique geological resources, particularly in agricultural and open space areas, where evidence has shown many such undiscovered resources may remain.

The Natural and Cultural Resources Element contains Goal NCR-7 designed to protect the unique cultural resources in the County. This goal contains three policies designed to avoid substantial adverse changes to archaeological resources. The County also has standards in place to conduct archaeological site investigations as outlined in chapter 19.05, archaeological site review, of the County Code of Ordinances. This ordinance establishes regulations for the protection, enhancement, and perpetuation of archaeological sites. The outlined policies, in combination with the archaeological site investigation ordinance, would help minimize impacts to archaeological resources.

The 2035 General Plan does not contain a specific policy to cease all construction activities to minimize impacts to undiscovered human remains, in the event they are discovered. However, state legislation, specifically the California Health and Safety Code section 7050.5, requires that construction or excavation must be suspended in the vicinity of the discovery of human remains until the County coroner can determine whether the remains may be those of a Native American. In such a case, the coroner must contact the NAHC within 24 hours. Therefore, although there is no specific policy to reduce impacts to human remains, County compliance with state laws and regulations, including Administrative Code, Title 14, section 4307, Public Resources Code section 5097 et seq., Health and Safety Code section 7050.5, and California Penal Code section 622½, would ensure impacts to such remains are minimized.

The 2035 General Plan goals and policies listed in [Table 9-3](#), in addition to state law, would reduce potential impacts to archaeological resources, unique paleontological resources, and unique geological resources, sites, or features, including impacts to human remains. However, no policies expressly require that work be stopped upon discovery of potential archaeological resources, or seek to study or preserve archaeological, unique paleontological, or unique geologic resources. While the 2035 General Plan goals and policies, in combination with state requirements, would reduce impacts to known archaeological, unique paleontological and unique geological resources, additional mitigating policies must become part of the planning process for future project-specific development proposals to ensure impacts to such resources are minimized. The likelihood that the 2035 General Plan could result in a substantial adverse change to an archaeological resource; the direct or indirect destruction of a unique paleontological resource or site or unique geological feature; or the disturbance of human remains, including those interred outside of formal cemeteries is considered potentially significant.

Mitigation Measure:

CUL-2a. Amend the following policies in the 2035 Natural and Cultural Resources Element:

Policy NCR-7.10: Cultural Resources Education

The County shall educate the public regarding laws, codes, and ordinances that forbid collecting items associated with tribal, archaeological, historical, and paleontological sites, and unique geological formations, particularly artifacts or other objects found in association with human remains.

Policy NCR-7.11: Prohibit Unauthorized Grading

The County shall prohibit unauthorized grading, collection, or degradation of ~~Native American~~ tribal, archaeological, or paleontological resources, or unique geological formations.

CUL-2b. Implement Mitigation Measure CUL-1.

Implementation of Mitigation Measure CUL-2 would reduce the potential that new development and related infrastructure projects within the unincorporated portion of the County would substantially damage or permanently destroy significant known or unknown archaeological and paleontological resources or sites, unique geological features, tribal resources, or undiscovered human remains, reducing the impact to a less-than-significant level.

Impact CUL-3: Result in the substantial degradation of traditional cultural resource properties where Native American customs and traditions are practiced.

Significance of Impact: Less than significant with mitigation.

Implementation of the proposed 2035 General Plan would lead to construction activities, such as grading and sub-surface excavation due to urban or other development permitted thereunder or the construction of related infrastructure, that could occur where Native American customs and traditions are practiced, resulting in the degradation of traditional cultural resource properties.

Written notification and consultation with Native Americans was conducted during the Draft EIR preparation process. Invitations for consultation requests were sent to 13 Native American tribal representatives. One response was received from a tribal representative. No sacred lands sites were identified as areas of concern with implementation of the 2035 General Plan. However, development impacts due to construction and other ground-disturbing activities could cause substantial adverse changes to traditional cultural properties. Development impacts due to construction and other ground-disturbing activities could also cause substantial adverse changes to traditional cultural properties that have not been identified in the consultation process. [Table 9-3](#) lists goals and policies that support Native American traditional customs and areas where such customs are practiced.

The Natural and Cultural Resources Element contains Goal NCR-7, designed to protect cultural and historic resources in the County. This goal contains one specific policy designed to avoid and minimize substantial adverse changes to significant Native American cultural customs and traditions. Policy NCR-7.9 would require the County to consult with Native American tribes regarding proposed development projects and land use policy changes consistent with the state's Local and Tribal Intergovernmental Consultation requirements. Implementation of this policy would ensure that all appropriate Native American tribes are contacted and consulted prior to any proposed development activity and land use policy changes, thereby reducing the likelihood that such activities would result in potential impacts. To better protect tribal resources, Government Code Section 65351 and the *Tribal Consultation Guidelines* (OPR 2005) specify steps to be taken to ensure that Native American consultation takes place regarding activities related to the adoption or amendment of the General Plan.

Policy NCR-7.9 and mandatory State Local and Tribal Intergovernmental Consultation requirements would reduce potential impacts to traditional cultural properties or practices from development. While the 2035 General Plan contains goals and policies to protect important Native American sites where traditional customs are practiced, and there are state protections for certain resources, additional specific measures could be necessary to ensure further protection of traditional cultural resource properties.

Mitigation Measure:

CUL-3. Implement Mitigation Measure CUL-1.

Implementation of Mitigation Measure CUL-3, together with the requirements of state laws and regulations and consultation guidelines, would reduce the potential that new development and related infrastructure projects within the unincorporated portion of the County would substantially impact important Native American cultural sites where traditional customs are practiced, reducing the impact to a less-than-significant level.