

INTRODUCTION

This section addresses the potential effects of the proposed Community Plan on cultural resources in the Plan Area, including prehistoric, historic and paleontological resources.

Comments were received in response to the Notice of Preparation (NOP) outlining the processes for consultation with tribes required by Public Resources Code Section 21084.2 (see Appendices A and B). These requirements are discussed in this section.

As discussed in Chapter 3, Project Description, the proposed Community Plan would alter the Winton community boundaries slightly. The term “Plan Area” used in this section refers to the area within the Community Plan boundaries as proposed.

ENVIRONMENTAL SETTING

Northern Valley Yokuts

Merced County is in an area that was the territory of the Penutian-speaking Northern Valley Yokuts. The Yokut Indians originally inhabited all of the San Joaquin Valley, including the area that became Merced County. Yokut villages were typically located near principal waterways.¹ The Yokuts subsisted on the varied food sources available in the San Joaquin Valley. Acorns were a central food source, along with gathered wild seeds and other vegetable foods.² These food sources were supplemented by game, wild fowl, small mammals, fish, shellfish and turtles.³ With the arrival of the Spanish, the Yokuts were forcibly relocated to missions, and their population began to decline. An outbreak of malaria in 1833 reduced the population by 75%. The 1849 Gold Rush and increasing European settlement of the Central Valley further reduced the Yokut population.

No prehistoric or historic archaeological resources located within the project vicinity have been reported to the Central California Information Center (CCIC),⁴ and there are no known Yokut sites in the Plan Area.

Merced County

European settlement of the Merced County area began with four Mexican land grants in the 1840s. Settlement accelerated with the discovery of gold in California. As the Gold Rush dwindled, many turned their efforts to agriculture. Merced County was formed in 1855 from a portion of Mariposa County.

The Central Pacific Railroad was built in Merced County in 1872, providing connections to markets in the north and south, and, farther afield, in the east⁵. By 1874 much of the county was under crop cultivation, with wheat a major crop, and herds of cattle occupying the uncultivated grasslands. Reservoirs were constructed to control flooding, and to provide water during the dry season through an extensive irrigation system. Over 80 percent of land in the county continues

1 Merced County, *2030 Merced County General Plan Background Report*, December 2013, page 9-29.

2 Peak and Associates, Inc., *Cultural Resource Assessment of the Planada Self-Help Housing Project*, October 7, 2016, page 6.

3 Peak and Associates, Inc., *Cultural Resource Assessment of the Planada Self-Help Housing Project*, October 7, 2016, page 6.

4 Central California Information Center, *Update to previous record search #79481—Winton Community Plan*, February 29, 2016, page 1.

5 Merced County, *2030 Merced County General Plan Background Report*, December 2013, page 9-29.

to be classified “farmland” to the present time.⁶

Winton Community

The community of Winton was established in 1912⁷, and is one of many communities that developed along the railroad (now Burlington Northern Santa Fe, or BNSF). During the mid-1800s, the Winton area supported cattle and grain production. In 1879, the Farmer’s Canal Company built ditches and a tunnel to provide water to the area. Winton was a stop for passenger trains at one time.⁸ Winton served as a trade center to surrounding ranches and agricultural operations.

Castle Air Force Base (CAFB), located east of the Plan Area, was established in 1942 on the site of the Merced Flying Club. As a result, Winton transitioned from a primarily agricultural and rural residential community to a service center for the population associated with CAFB. Winton provided housing, goods and services to this growing population. CAFB closed in 1995, which had a strong effect on Winton due to reduced economic activity.⁹ Castle Airport, a general aviation airport, now occupies the former CAFB.

Cultural Resources in the Plan Area

According to the CCIC, there have been few cultural resource surveys conducted in the Plan Area. The Plan Area is considered to have low to moderate sensitivity for prehistoric archaeological resources, primarily seasonal or temporary. The Plan Area is considered to have moderate to high sensitivity for historic archaeological resources, as well as historic buildings.¹⁰

The Plan Area does not contain any prehistoric resources, tribal sites and/or other cultural resources that are listed on the National or State registers of historic places, or on a local list of historic resources¹¹. No sacred lands have been recorded in the Plan Area¹², nor have any tribal cultural resources been identified.

There have been several relatively small studies within and near the Plan Area, plus several linear studies in the vicinity (e.g., BNSF rail line, fiber optic cable alignment).

There are no formally-recorded prehistoric resources in the Plan Area, or areas reported to be of value to local cultural groups¹³.

Formally-recorded historic resources include¹⁴:

- Six residential properties along Winton Way and Almond Avenue. These were found to be ineligible for listing in the National Register of Historic Places (NRHP), but were not reviewed by the State Office of Historic Preservation Office (OHP), and were not evaluated for eligibility on the California Register or a local listing.

6 Merced County, *2030 Merced County General Plan Background Report*, December 2013, page 9-34.

7 Central California Information Center, letter to Adrienne L. Graham, CCIC File #7945 I—*Le Grand Community Plan*, May 10, 2011, page 2.

8 Merced County, Draft Winton Community Plan, page 17.

9 Merced County, Draft Winton Community Plan, page 18.

10 Central California Information Center, *Update to previous record search #79481—Winton Community Plan*, February 29, 2016, page 3.

11 Central California Information Center, *Update to previous record search #79481—Winton Community Plan*, February 29, 2016, page 2.

12 Martinez-Sousa, Sharaya, Native American Heritage Commission, electronic communication, December 20, 2018.

13 Central California Information Center, *Update to previous record search #79481—Winton Community Plan*, February 29, 2016, page 2.

14 Central California Information Center, *Update to previous record search #79481—Winton Community Plan*, February 29, 2016, page 2.

- Livingston Canal, which was found to be ineligible for listing on the NRHP, but was not evaluated for the California Register or local listings.
- Merced Irrigation District, which has not been formally recognized as a historic district at this time, but has been recorded as a potential historic district.

Additional historic resources that have been identified by the CCIC, but that have not been formally recorded, include¹⁵:

- Three properties on Cottage Way and Fairlane Avenue evaluated for US Housing and Urban Development (HUD) projects (so likely to be residential properties). These properties were found to be ineligible for listing on the NRHP, but were not evaluated for the California Register or local listings.
- The segment of the BNSF Railroad (aka ATSF) that passes through the Plan Area.
- A local bridge (Winton Way crossing of the Livingston Canal) was built in 1950, but altered in 1972 and not eligible for listing in the NRHP. According to the Merced County General Plan Background Report, this bridge was determined to be eligible for the California Register of Historic Resources (CRHR).¹⁶

In addition, a search of the Assessor's Parcels indicates that over 1,000 parcels have residential and nonresidential buildings constructed before 1970. Because these buildings would be over 45 years of age, they would be considered historic. Determining whether any of these buildings are *historically significant* (that is, eligible for listing on the NHRP or CHRP) would require evaluation by a qualified architectural historian. Almost 270 of these buildings were constructed before 1940, and approximately 40 were built in 1919 or earlier. The oldest building is reported as being constructed in 1892 and several buildings date from 1900.¹⁷

Paleontological Resources

Paleontological resources are any fossilized remains, traces or imprints of organisms preserved in or on the earth's crust that provide information about the history of life on earth and its evolution, with the exception of archeological resources.¹⁸ The Society of Vertebrate Paleontology (SVP) has established guidelines for the identification, assessment and mitigation of adverse impacts on paleontological resources.¹⁹

Paleontological specimens have been found in western Merced County and could be present elsewhere in the county. According to the Merced County General Plan Background Report, 12 localities in Merced County have yielded Late Pleistocene-Age large mammals, including Bison, Camel, Columbian Mammoth, horse, American Mastodon, and *Elephas* spp.²⁰

The Plan Area is underlain entirely by one geologic formation, the Modesto Formation.²¹ The Modesto Formation, which consists of sands and gravels, with silty sand and sandy mud overbank deposits forming a thin veneer over the older Riverbank Formation. Within the San Joaquin Valley, 27 fossils have been reported from six locations of Modesto Formation.²² Based

15 Central California Information Center, letter to Adrienne L. Graham, CCIC File #7948 I—*Winton Community Plan*, May 10, 2011, pages 2 and 3.

16 Merced County, *2030 Merced County General Plan Background Report*, December 2013, Table 9-4, page 9-32.

17 Merced County, Assessor Parcel search, February 2019.

18 Merced County, *2030 Merced County General Plan Background Report*, December 2013, page 9-29., page 9-22.

19 Society of Vertebrate Paleontology, Impact Mitigation Guidelines Revision Committee, *Standard Procedures for the Assessment and Mitigation of Adverse Impacts to Paleontologic Resources*, 2010, page 2.

20 Merced County, *2030 Merced County General Plan Background Report*, December 2013, page 9-29., page 9-35

21 State of California, *Generalized Geologic Map of Merced County*, 1999.

22 California High-Speed Rail Authority, U.S. Department of Transportation, Federal Railroad Administration,

on the existing records, the Modesto Formation in Merced County does have the potential to contain paleontological resources, but given the relatively low number of recorded sites, that potential would not be considered high.

REGULATORY SETTING

Federal, State, and local governments have developed laws and regulations designed to protect significant cultural resources from development activities. The National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), and California Environmental Quality Act (CEQA) are the basic federal and State laws governing preservation of historic resources of national, regional, State, and local significance.

Federal

Federal regulations for cultural resources are governed primarily by Section 106 of the NHPA, which applies to any project that is subject to federal approval or receives federal funding. The goal of the Section 106 review process is to offer a measure of protection to sites that are determined eligible for listing on the National Register of Historic Places (NRHP). The definition of historic property includes any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the NRHP. The criteria for listing on the NRHP are:

The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and that:

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

State

California Register of Historical Resources

The California Register is “an authoritative listing and guide to be used by State and local agencies, private groups, and citizens in identifying the existing historical resources of the State and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change” (PRC Section 5024.1[a]). The criteria for eligibility for the California Register are based upon National Register criteria (PRC Section 5024.1[b]). Certain resources are determined by the statute to be automatically included in the California Register, including California properties formally determined eligible for, or listed in, the National Register.

Similar to the National Register, to be eligible for the California Register, a cultural resource must be significant at the local, State, and/or federal level under one or more of the following four criteria:

- 1. Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage;
- 2. Is associated with the lives of persons important in our past;

3. 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
4. Has yielded, or may be likely to yield, information important in prehistory or history.

A resource eligible for the California Register must be of sufficient age, and retain enough of its historic character or appearance (integrity) to convey the reason for its significance.

Additionally, the California Register consists of resources that are listed automatically and those that must be nominated through an application and public hearing process. The California Register automatically includes the following:

- California properties listed on the National Register and those formally Determined Eligible for the National Register;
- California Registered Historical Landmarks from No. 770 onward; and
- Those California Points of Historical Interest that have been evaluated by the Office of Historic Preservation and have been recommended to the State Historical Commission for inclusion on the California Register.

Senate Bill 18

Senate Bill (SB) 18 (Chapter 905, Statutes of 2004) requires cities and counties to notify and consult with California Native American Tribes about proposed local land use planning decisions for the purpose of protecting tribal cultural resources. SB 18 applies to the adoption or substantial amendment of general plans and specific plans, and requires that the Lead Agency consult with California Native American Tribes that are on the Native American Heritage Commission (NAHC) contact list and have traditional lands located within the agency's jurisdiction.

The County contacted the NAHC and four tribes to notify them of the proposed Community Plan in January 2019. No requests for consultation were received²³.

Assembly Bill 52

In September of 2014, the California Legislature passed Assembly Bill (AB) 52, which added provisions to the Public Resources Code (PRC) regarding the evaluation of impacts on tribal cultural resources under CEQA, and consultation requirements with California Native American tribes. In particular, AB 52 now requires lead agencies to analyze project impacts on "tribal cultural resources," separately from archaeological resources (PRC § 21074; 21083.09), in recognition that archaeological resources have cultural values beyond their ability to yield data important to prehistory or history (Criterion 4/D). The Bill defines "tribal cultural resources" in a new section of the PRC Section 21074. AB 52 also requires lead agencies to engage in additional consultation procedures with respect to California Native American tribes (PRC § 21080.3.1, 21080.3.2, 21082.3).

As of this time, no tribes have requested of the County that they be included in AB 52 consultation.

Health and Safety Code, Sections 7052 and 7050.5

Section 7052 of the Health and Safety Code states that the disturbance of Native American cemeteries is a felony. Section 7050.5 requires that construction or excavation be stopped in the

23 Diana Lowrance, Planner III, Merced County Community & Economic Development Department, electronic communication to Adrienne Graham, March 14, 2019.

vicinity of discovered human remains until the coroner can determine whether the remains are those of a Native American. If determined to be Native American, the coroner must contact the NAHC.

Public Resources Code, Section 5097

Public Resources Code Section 5097 specifies the procedures to be followed in the event of the unexpected discovery of human remains on nonfederal land. The disposition of Native American burial falls within the jurisdiction of the NAHC. Section 5097.5 of the Code states the following:

No person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site, including fossilized footprints, inscriptions made by human agency, or any other archaeological, paleontological or historical feature, situated on public lands, except with the express permission of the public agency having jurisdiction over such lands. Violation of this section is a misdemeanor.

California Environmental Quality Act

In general, a significant effect under CEQA would occur if a project could result in a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5(a). Substantial adverse change is defined as “physical demolition, destruction, relocation, or alteration of the resource *or its immediate surroundings* [emphasis added] such that the significance of a historical resource would be materially impaired” (CEQA Guidelines Section 15064.5(b)(1)). According to CEQA Guidelines Section 15064.5(b)(2), the significance of a historical resource is materially impaired when a project demolishes or materially alters in an adverse manner those physical characteristics that:

- A. Convey its historical significance and that justify its inclusion in, or eligibility for, inclusion in the California Register; or
- B. Account for its inclusion in a local register of historical resources pursuant to section 5020.1(k) of the Public Resources Code or its identification in a historical resources survey meeting the requirements of section 5024.1(g) of the Public Resources Code, unless the public agency reviewing the effects of the project establishes by a preponderance of evidence that the resource is not historically or culturally significant; or
- C. Convey its historical significance and that justify its eligibility for inclusion in the California Register as determined by a Lead Agency for purposes of CEQA.

In general, a project that complies with the Secretary of the Interior’s Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings (Standards) is considered to have mitigated its impacts to historical resources to a less-than-significant level (CEQA Guidelines Section 15064.5(b)(3)).

If a lead agency determines that an archaeological site is an historical resource, it must implement the provisions of Section 21084.1 of the Public Resources Code.

Impacts on resources that do not qualify as historical resources or “unique” archaeological sites are not considered significant, and need not be considered further in the CEQA process (PRC Section 21083.2).

Local

The County, at this time, does not have an ordinance or specific standards addressing cultural resources. However, the General Plan does include policies intended to protect archaeological, historic and paleontological resources:

Policy RCR-2.1: Archeological Site and Artifact Protection

Require development projects that affect archeological sites and artifacts to avoid disturbance or damage to these sites.

Policy RCR-2.2: Historical Area Preservation

Support the preservation of historical structures and areas, particularly those listed on the National Registrar of Historic Places and California Registrar of Historic Places.

Policy RCR-2.3: Architectural Character Preservation

Require that the original architectural character of significant State- and Federally-listed historic structures be maintained in compliance with preservation standards and regulations.

Policy RCR-2.4: Park and Open Space Historic Resource Preservation

Require the preservation of historic resources located in parks and publicly-owned open space areas.

Policy RCR-2.5: Human Remains Discovery

Require that, in the event of the discovery of human remains on any project construction site, all work in the vicinity of the find will cease and the County Coroner and Native American Heritage Commission will be notified.

Policy RCR-2.6: Historic Buildings and Areas

Identify buildings and areas with special and recognized historic, architectural, or aesthetic value to be preserved and rehabilitated during the Community Plan update process. New development should respect architecturally and historically significant buildings and areas, and conform to the current Secretary of the Interior's Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, and incorporate adaptive reuse practices, where feasible, to preserve the County's historical heritage and rural character.

Policy RCR-2.7: Historic Preservation

Support the efforts of local preservation groups and community property owners to preserve or improve building facades and exteriors consistent with the historic and visual character of the specific building or area.

Policy RCR-2.8: Historical Preservation Area/Site Designations

Allow sites of historical and archeological significance to be designated as historical preservation areas or sites during the Community Planning process or on individual sites in rural areas.

Policy RCR-2.9: Historical and Cultural Resources Investigation, Assessment, and Mitigation Guidelines

Establish and adopt mandatory guidelines for use during the environmental review processes for private and public projects to identify and protect historical, cultural, archaeological, and paleontological resources, and unique geological features.

Policy RCR-2.10: Tribal Consultation

Consult with Native American tribes regarding proposed development projects and land use policy changes consistent with Planning and Zoning Law at Government Code Section 65351, and the OPR Tribal Consultation Guidelines (2005).

IMPACTS AND MITIGATION MEASURES**Method of Analysis**

Because there are no specific development plans included as part of this Draft Environmental Impact Report (DEIR), a qualitative approach was used to determine the potential for significant impacts on cultural resources. A record search was conducted by the Central California

Information Center at California State University, Stanislaus, to identify any prehistoric or historic resources that had been recorded in or near the Plan Area. To determine the number of buildings that could be over 50 years of age, Assessor's Parcel records were reviewed. For paleontological resources, the Merced County General Plan and other documentation was reviewed, as well as geological data for the Plan Area. This information was used to characterize the potential for cultural resources to occur within the Plan Area. The impact analysis then considers whether there would be construction activities that could affect these resources.

Standards of Significance

The proposed Community Plan would have a significant impact if it could result in:

- Cause a substantial change in the significance of an archaeological resource as defined in CEQA Guidelines Section 15064.5;
- Cause a substantial change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5;
- Directly or indirectly destroy a unique paleontological resource or unique geologic feature; and/or
- Disturb any human remains, including those interred outside of formal cemeteries.

Project-Specific Impacts and Mitigation Measures

4.4-1 The proposed Community Plan could result in the loss of archaeological resources.

Applicable Regulations: Public Resources Code Sections 5097 and 21084.1; Health and Safety Code Sections 7052 and 7050.5

Significance: Significant

Mitigation included in the proposed Community Plan: Policy OSC-9.2 and Implementation Action OSC-8

Significance after Mitigation in the proposed Community Plan: Significant

Additional Mitigation: Mitigation Measure 4.4-1:

- (a) *Prior to approval, projects one acre or greater that require grading or excavation shall have an archaeological survey by a County-approved qualified archaeologist. Areas found to contain or be likely to contain archaeological resources shall be fully surveyed, including excavation and testing to the extent needed to characterize and record the archaeological site. If a sensitive site cannot be fully surveyed prior to construction (due to the presence of pavement or other reasons), a qualified archaeologist shall be present to monitor all grading and excavation activity. Any artifacts and/or sites that are discovered shall be recorded, preserved in situ and/or donated to an appropriate organization or archive, according to the recommendations of the archaeologist. For resources of Native American origin, the geographically and culturally affiliated Native American tribe(s) shall be contacted to request input regarding the disposition of the resource.*

- (b) *If a monitoring archaeologist or a member of the construction team believes that an archaeological resource has inadvertently been uncovered, all work within 50 feet of the discovery shall cease, and a qualified archaeologist shall be notified immediately. Appropriate steps shall be taken, as directed by the archaeologist, to protect the discovery site. The area of work stoppage shall be adequate to provide for the security, protection, and integrity of the archaeological resources in accordance with federal and State Law, and at a minimum shall be 50 feet from the discovery. Vehicles, equipment, and unauthorized personnel shall not be permitted to traverse the discovery site. Any artifacts and/or sites that are uncovered shall be recorded, preserved in situ and/or donated to an appropriate organization or archive, according to the recommendations of the archaeologist. For resources of Native American origin, the geographically culturally affiliated Native American tribe(s) shall be contacted to request input regarding the disposition of the resource.*
- (c) *If human remains are discovered or uncovered during any phase of construction, all ground-disturbing activity within 50 feet of the remains shall be halted and the County Coroner shall be notified immediately, according to Section 5097.98 of the State Public Resources Code and Section 7050.5 of California's Health and Safety Code. If the remains are determined by the County Coroner to be Native American, the Native American Heritage Commission (NAHC) shall be notified within 24 hours to request the names of the most likely descendent(s), and Public Resources Code Section 5097.98 shall be adhered to in the treatment and disposition of the remains. The approved treatment and disposition of the remains shall be implemented before the resumption of ground-disturbing activities within 50 feet of where the remains were discovered.*
- (d) *If and when WWSD constructs offsite water infrastructure needed to serve the proposed Community Plan, the WWSD shall implement (b) and (c), above, or equally effective measures.*
- (e) *If and when the WSD constructs a new school to accommodate Plan Area students, the WSD shall implement (b) and (c), above, or equally effective measures.*

Residual Significance: Less than Significant

No prehistoric resources have been recorded in the Plan Area or surrounding vicinity. However, the CCIC considers the Plan Area to have low to moderate sensitivity for and prehistoric archaeological resources and moderate to high sensitivity for historic archaeological resources. Excavation and grading activities could destroy or disturb surface or subsurface cultural resources, if present, particularly where deeper excavations would occur (e.g., utility lines). The potential damage to or destruction of such resources, if present, would be a significant impact.

No sacred lands have been recorded in the Plan Area. The County notified local tribes of the pending proposed Community Plan, and did not receive any responses or requests for consultations. For these reasons, no impacts on sacred lands or tribal cultural resources are anticipated.

As discussed in Chapter 3, Project Description, buildout of the proposed Community Plan would require a new well and water transmission lines outside of the Plan Area. Depending on the location of the improvements, historic or prehistoric archaeological resources could be present.

Given the minimal extent of construction activity needed to construct these facilities, and the likelihood that the sites would have been disturbed for past agricultural activities and/or roadway development, it is unlikely that archaeological resources would be damaged or destroyed. Nonetheless, if subsurface resources are present, they could be damaged or destroyed by infrastructure construction.

The proposed Community Plan has the following policy and implementation action regarding archaeological resources:

Policy OSC-9.2 Protecting Archaeological Findings

Disturbance to and/or destruction of archaeological sites and artifacts shall be avoided.

Implementation Action OSC-8

Projects one acre or greater requiring grading or excavation shall prepare an archaeological survey, including testing, if recommended by a qualified archaeologist, prior to approval. Areas found to contain or likely to contain archaeological resources shall be fully surveyed to characterize and record the archaeological site. If a sensitive site cannot be fully surveyed prior to construction, a qualified archaeologist shall be present to monitor all grading and excavation activity. Any artifacts that are uncovered shall be recorded and preserved in site or donated to an appropriate organization or archive. If human remains are discovered, California Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made necessary findings regarding their origin and disposition pursuant to Public Resource Code Section 5097.98. If the Coroner determines that no investigation of cause of death is required, and if the remains are of Native American origin, the Coroner notifies the Native American Heritage Commission, who then likely informs a descendant. The descendant then recommends to the landowner appropriate disposal of the remains and any other grave materials.

Mitigation Measure 4.4-1 would implement Policy OSC-9.2 by ensuring that archaeological resources, if present, are identified prior to disturbance, and treated appropriately. State law requires that, if human remains are discovered, the County Coroner must be notified, as indicated in Mitigation Measure 4.4-1(c), consistent with Implementation Action OSC-6B. If the Coroner determines that the remains are Native American, the most likely descendent must be consulted regarding appropriate re-interment. Mitigation Measure 4.4-1(b) would ensure that archaeological resources, if unexpectedly encountered during construction, are identified before they can be damaged or disturbed by construction activities, and that they are treated appropriately after discovery. Mitigation Measure 4.4-1(d) would ensure that resources were identified and treated appropriately if present where water infrastructure is located. Therefore, the impact on archaeological resources would be less than significant with mitigation.

4.4-2 The proposed Community Plan could result in the loss of historically significant buildings, sites and/or facilities.

Applicable Regulations: CEQA Guidelines Section 15126.4(b)

Significance: Significant

Mitigation included in the proposed Community Plan: Policies OSC-9.1 and 9.2 and s OSC-4 through OSC-6B

Significance after Mitigation in the proposed Community Plan: Significant

Additional Mitigation: Mitigation Measure 4.4-2:

Prior to removal or alteration of a building that has been determined to be eligible for listing on the National and/or State historic registers and/or a local list of historically

significant buildings, the building shall be recorded pursuant to Secretary of Interior standards, and architectural features and /or artifacts shall be made available to an appropriate museum and/or historical organization.

Residual Significance: Significant

The Plan Area contains residential and other properties that reflect its early settlement and development, as well as its agricultural heritage. These resources provide both information about the community's past and serve as an important element of its present character and identity. Development of the proposed Community Plan could result in the demolition or rehabilitation of buildings over 45 years of age. The loss of or substantial alteration to a building that would be eligible for listing on the National and/or California Registers would be a significant impact.

The proposed Community Plan contains the following policy and implementation actions regarding historic resources:

Policy OSC-9.1 Protecting Historic Places

Buildings and sites eligible to be listed on the National Register of Historic Places or the California Register of Historic resources, or that are determined to be of historic significance to Winton and/or Merced County shall be protected to the greatest extent feasible.

Goal OSC-10 Identifying Historic Places

Record and register any identified historic sites, buildings, and/or structures, whether listed on the National Register of Historic Places and the California Register of Historic Places, as specified in the 2035 Merced County General Plan (Policy RCR-2.2 and 2.3).

Implementation Actions

- OSC-4 Undertake an inventory of historic resources in the Winton Community Plan area to determine and map sites, buildings, or structures of federal, state, or local significance.
- OSC-5 Promote, assist, and / or facilitate the registration of qualified historic sites, buildings or structures in the National Register of Historic Places, State Register of Historic Resources and / or inclusion in the California Inventory of Historic Resources.
- OSC-6A Prior to completion of a historic resource inventory, projects that have the potential to involve the remodeling, demolition of buildings, or structures 45 years or older shall be evaluated by a qualified professional for historic significance and recommendations prior to approval.
- OSC-6B Buildings and structures determined to be of historic significance shall be preserved to the extent practical. The property shall be preserved on site, and recommendations of an architectural historian to ensure maintenance of its historic significance shall be implemented. Renovation of property shall follow Secretary of the Interior Standards for the Treatment of Historic Properties and Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings, and incorporate adaptive reuse practices. If preservation proves impractical, a property shall be recorded with Secretary of Interior standards prior to demolition.

These measures would ensure that, over time, a comprehensive list of historic properties in the Winton community is developed. The inventory and listing on the appropriate historic register would ensure that significant historic properties are evaluated and recognized, and, if appropriate, preserved. These tools would also provide a record of Winton's past and historical resources.

Until the list of historic properties is complete, potentially significant historic structures could be

destroyed to make room for new development and/or altered to accommodate changes in land use, particularly in the older community core. Implementation Action OS-6A would ensure that historic properties are identified and evaluated prior to completion of the historic properties list. Further, identified historic resources would be preserved in place, where feasible, per OSC-6B. Mitigation Measure 4.4-2 would further ensure that an appropriate record was made of any significant historic structure prior to its demolition and/or alteration. These measures should protect many of the historic resources in the community. However, it is possible that one or more historically significant resources would need to be destroyed or altered in order to implement the proposed Community Plan. In some cases, particularly where the resource is not unique, well-preserved, and/or of primary historic significance, relocation and/or recordation may be adequate mitigation. If recordation would not fully offset the loss of a historic resource, however, the impact would remain significant, even after mitigation.

Water improvements would not require the demolition or alteration of historic buildings, so no impact would occur for these facilities.

4.4-3 The proposed Community Plan could result in the loss of paleontological resources.

Applicable Regulations: None

Significance: Significant

Mitigation included in the proposed Community Plan: Implementing Action OSC-9

Significance after Mitigation in the proposed Community Plan: Significant

Additional Mitigation: Mitigation Measure 4.4-3:

- (a) *If paleontological resources (e.g., fossils) are discovered during construction, the contractor shall immediately cease all work activities in the vicinity (within approximately 100 feet) of the discovery. After cessation of excavation the contractor shall immediately contact the County. The potential paleontological resource(s) during construction shall be evaluated by a qualified paleontologist. If it is determined that the project could damage a unique paleontological resource (as defined pursuant to the CEQA Guidelines), mitigation shall be implemented in accordance with PRC Section 21083.2 and Section 15126.4 of the CEQA Guidelines. If avoidance is not feasible, the paleontologist shall develop a treatment plan in consultation with the County. The contractor shall not resume work until authorization is received from the County.*
- (b) *If and when WWSD constructs offsite water infrastructure needed to serve the proposed Community Plan, the WWSD shall implement (a), above, or an equally effective measure.*
- (c) *If and when the WSD constructs a new school to accommodate Plan Area students, the WSD shall implement (a), above, or an equally effective measure.*

Residual Significance: Less than Significant

The Plan Area and surrounding vicinity, including areas likely to be considered for offsite water infrastructure, is underlain by a geologic formation (Modesto) that has yielded paleontological resources elsewhere in the county. Such resources, if present in the Plan Area, could be

damaged or destroyed during excavation and grading, resulting in a significant impact.

However, it is not likely that paleontological resources would be uncovered during development of the Plan Area or during installation of offsite water infrastructure, given the relatively small number of sites that have been found in the Modesto Formation within eastern Merced County and the extent of disturbance that has already occurred within the Plan Area due to agriculture and development of the community. Further, the type of development that would be undertaken would not, for the most part, require extensive excavation, because most buildings would be only one or two stories, and many would be on slab foundations. Nonetheless, excavation would be required for subsurface infrastructure (e.g., pipelines) and other features.

Implementing Action OSC-9 of the proposed Community Plan requires that projects requiring grading or excavation on geologic formations that are considered highly sensitive for paleontological resources prepare an analysis to identify such resources and to recover them if present. Mitigation Measure 4.4-3 would further ensure that if paleontological resources are uncovered during construction, all work would cease until the resource(s) could be evaluated by a qualified paleontologist, and provisions made for the appropriate disposition of the resource. The measure would protect such resources from destruction, so the impact would be less than significant with mitigation.

Cumulative Impacts and Mitigation Measures

The cumulative setting for cultural resources includes Merced County for historic period resources, and the portions of San Joaquin Valley identified as the territory of the local Native American community for prehistoric archaeological resources. Historic resources tend to be more highly concentrated within cities and urban communities. However, even within the urbanized areas of the county, the majority of the historic resources have not been surveyed for significance under local, State, or federal criteria.

4.4-4 The proposed Community Plan would contribute to the cumulative loss of archaeological resources in Merced County and the Central Valley.

Applicable Regulations: Public Resources Code Sections 5097 and 21084.1; Health and Safety Code Sections 7052 and 7050.5

Significance: Significant

Mitigation included in the proposed Community Plan: Policy OSC-9.2 and Implementation Action OSC-8

Significance after Mitigation in the proposed Community Plan: Significant

Additional Mitigation: Mitigation Measure 4.4-4:

Implement Mitigation Measure 4.4-1.

Residual Significance: Less than Significant

Based upon previous cultural resource surveys and research, the area that comprises Merced County and the San Joaquin Valley has been inhabited by prehistoric peoples for thousands of years. As discussed in Impact 4.4-1, the Plan Area is considered sensitive for archaeological resources, although none have been recorded there. Similarly, other urban communities and cities in the San Joaquin Valley could be located in areas that have the potential to contain both prehistoric and historic archaeological resources that would be vulnerable to damage or

destruction as development occurs throughout the Valley. This would be a significant cumulative impact.

The contribution of the proposed Community Plan to the loss of significant archaeological resources would be reduced by Mitigation Measure 4.4-1, which requires certain steps to be taken prior to construction to identify such resources, and ensures that if such resources are unexpectedly encountered during construction, they are identified before they can be damaged or disturbed by construction activities, and that they are treated appropriately after discovery. With these protections, the contribution of the proposed Community Plan to the cumulative loss of archaeological resources would be less than considerable.

4.4-5 The proposed Community Plan would contribute to the cumulative loss of historic resources in Merced County and the Central Valley.

Applicable Regulations: CEQA Guidelines Section 15126.4(b)

Significance: Significant

Mitigation included in the proposed Community Plan: Policy OSC-9.1 and Implementation Actions OSC-4 through 6B

Significance after Mitigation in the proposed Community Plan: Significant

Additional Mitigation: Mitigation Measure 4.4-5:

Implement Mitigation Measure 4.4-2.

Residual Significance: Significant

Development pressure throughout the San Joaquin Valley has resulted in redevelopment of downtown areas, and the conversion of rural and agricultural properties to urban and suburban uses. In some cases, older buildings have been demolished, or the areas around them have been developed, so that their original context is altered. As development continues, historic resources will continue to be destroyed or altered. As a result, information about the history of the Central Valley could be irretrievably lost, and the character of historic areas will continue to change. This is a significant cumulative impact.

The proposed Community Plan could contribute to the regional cumulative loss of and alteration to historic resources, if it results in the loss or substantial alteration of historic resources within the Winton community. The extent to which the loss or alteration of historic resources would occur cannot be determined at this time, because there is not yet a list of historic structures or specific development proposals. As discussed in Impact 4.4-1, the proposed Community Plan contains an applicable policy and implementation actions that would ensure that historic resources are identified, pertinent information is recorded, and that they are preserved, where practical. Nonetheless, given the anticipated extent of new development and the likelihood of some redevelopment within the Downtown core, some historic resources could be lost and/or substantially altered under the proposed Community Plan. Because the extent of the loss would depend on the nature and number of resources that would potentially be affected, this is a potentially considerable contribution to the cumulative loss and alteration of historic resources.

4.4-6 The proposed Community Plan would contribute to the cumulative loss of paleontological resources in Merced County and the Central Valley.

Applicable Regulations: None

Significance: Significant

Mitigation included in the proposed Community Plan: Implementing Action OSC-9

Significance after Mitigation in the proposed Community Plan: Significant

Additional Mitigation: Mitigation Measure 4.4-6:

Implement Mitigation Measure 4.4-3.

Residual Significance: Less than Significant

Paleontological resources are known to occur within Merced County, and elsewhere in the San Joaquin Valley. The 2030 General Plan provides for additional development in urban communities, and, to a lesser extent, rural communities and other areas. Those areas where fossils have been found in the past are considered most likely to contain paleontological resources, but there is potential for such resources to occur throughout much of the county. Excavation and grading in areas with geologic formations that are able to contain paleontological resources could result in the damage or destruction of fossils and related resources, including fossils of large vertebrates. This would be a significant cumulative impact.

As discussed in Impact 4.4-3, the Plan Area does contain geologic formations that have yielded paleontological resources in other locations throughout the county. Therefore, there is the potential that construction of the proposed Community Plan could damage or destroy such resources, if they are present in the Plan Area. Mitigation Measure 4.4-3 would ensure that such resources are identified and protected if encountered during construction. With this measure, the project contribution to the cumulative impact on paleontological resources would not be considerable.