

4.6 CULTURAL AND HISTORIC RESOURCES

4.6.1 INTRODUCTION

This section updates information that was presented in the FEIR and SEIR-1 on cultural and historic resources within or along the Phase 1 alignment.

Since certification of the SEIR-1 in 2007, additional research and analysis was conducted, reports prepared, and a programmatic agreement was executed. These documents are listed below.

- Far Western Anthropological Research Group, Inc., Addendum Cultural Resources Inventory for the Silicon Valley Rapid Transit Corridor, September 2010. (Addendum CRI)
- Far Western Anthropological Research Group, Inc., Archaeological Research Design and Treatment Plan for the Berryessa Extension Project, Fremont, Milpitas, and San Jose, California, Final, May 2010. (Treatment Plan)
- Far Western Anthropological Research Group, Inc., Technical Memorandum Archaeological Survey and Sensitivity Report for SVRTC EIS/SEIR Alternative, Final, May 2010. (ASSR)
- Federal Transit Administration, Programmatic Agreement between the Federal Transit Administration and the California State Historic Preservation Officer Regarding the Berryessa Extension Project Alternative of the Silicon Valley Rapid Transit Corridor Project in Alameda and Santa Clara Counties, California, March 25, 2010. (Programmatic Agreement)
- JRP Historical Consulting, LLC, Addendum Technical Memorandum: Historical Resources Inventory and Evaluation Report, June, 2008. (Addendum HRER)
- JRP Historical Consulting, LLC, Historical Architectural Resources Memo, October 2010.

4.6.2 ENVIRONMENTAL SETTING

4.6.2.1 Area of Potential Effects

The two Areas of Potential Effects (APEs) for the project, one for archaeology and one for architecture, were revised for the SEIR-1 to account for design changes that occurred after the certification of the FEIR. The APEs have been

further revised to account for design changes that have occurred since the certification of the SEIR-1. The revised APEs for the Phase 1 alignment are included in this SEIR-2 as **Appendix G**.

4.6.2.2 Archaeology

The 2010 ASSR and Addendum CRI were prepared to replace the 2002 ASSR which was referenced in the FEIR and SEIR-1. The 2010 reports include the revised APEs, results of previous and current record searches and all field surveys conducted. These reports identified known resources and locations with high sensitivity for buried resources within the archaeological APE for the BART Silicon Valley alignment, which included the Phase 1 alignment.

No additional archaeological resources were identified within the revised APE for the Phase 1 alignment.

4.6.2.3 Native American Consultation

In 2008, subsequent to the certification of the SEIR-1, letters were sent and phone calls made to the Native American contacts to inform and update them of the project and ask them to share relevant concerns, information, or recommendations concerning cultural resources. No additional resources or areas of concern were identified. A summary of the consultation efforts is included in the 2010 ASSR.

4.6.2.4 Historic Architecture

The 2008 Addendum HRER was prepared to supplement the 2003 HRER which was referenced in the FEIR and SEIR-1. The addendum report identified and evaluated historic properties within the revised APE that were not addressed in the earlier report.

No additional historic architectural properties were identified within the revised APE for the Phase 1 alignment.

4.6.3 REGULATORY SETTING

The regulatory setting discussion included in the FEIR describing the State laws and regulations related to historic preservation was applicable to SEIR-1 and remains applicable to this SEIR-2.

4.6.4 PROJECT IMPACTS AND MITIGATION MEASURES

4.6.4.1 Archaeology

The FEIR and SEIR-1 identified the development of a Memorandum of Agreement (MOA) or Programmatic Agreement and supporting Cultural Resources Treatment Plan as mitigation for significant impacts on historic

archaeological properties (see Section 4.6.6.1 of the FEIR and Section 4.6.4.1 of the SEIR-1). On March 25, 2010, to satisfy this mitigation requirement, the Programmatic Agreement with supporting Treatment Plan was executed by the FTA and SHPO. The Programmatic Agreement is attached as **Appendix F**. The Programmatic Agreement requirements would also apply to the proposed design changes as applicable.

4.6.4.2 Historic Architecture

The FEIR and SEIR-1 identified the development of a MOA as mitigation for significant impacts on historic architectural properties (see Section 4.6.6.2 of the FEIR and Section 4.6.4.2 of the SEIR-1). However, there are no historic architectural properties within the Phase 1 alignment. Therefore, there are no significant impacts associated with Phase 1 and the MOA is not required at this time.

New or updated information has become available since certification of the SEIR-1 for 5 of the 23 design changes. The cultural and historic resources impacts resulting from these design changes are discussed below.

Design Change 1. Phasing of BART Silicon Valley

Phase 1 would require four park-and-ride parking lots for additional bus services, including park-and-ride lots at the approved Warm Springs and proposed Berryessa stations, at the Evelyn Light Rail Transit (LRT) Station in Mountain View, and in downtown Sunnyvale. **Figures 3-2 through 3-5 in Chapter 3, Project Description**, of this SEIR-2 identify the locations of the park-and-ride parking lots. All park-and-ride lots would be surface parking lots, with the exception of a two-story parking structure at the Sunnyvale park-and-ride lot. The park-and-ride lots would be developed on existing surface parking areas.

No known cultural and historic resources were identified within the expanded APE. Any additional identification, evaluation, and treatment of archaeological resources within the expanded APE is addressed in the Programmatic Agreement and Treatment Plan.

Design Change 2. Access Road from Fremont to San Jose (STA 35+00 to STA 510+00)

The alignment and extent of the maintenance access road on the east side the alignment and within the UPRR ROW from Fremont to San Jose was revised, which expanded the APE for archaeology.

No known cultural resources were identified within the expanded APE. Any additional identification, evaluation, and treatment of archaeological resources within the expanded APE is addressed in the Programmatic Agreement and Treatment Plan.

Design Change 4. Starting Point of Trackwork (STA 35+00)

The starting point for the Phase 1 trackwork was moved to approximately 900 feet north of the previously approved starting point, thereby expanding the APE.

No known cultural and historic resources were identified within the expanded APE. Any additional identification, evaluation, and treatment of archaeological resources within the expanded APE is addressed in the Programmatic Agreement and Treatment Plan.

Design Change 22. Maintenance and Storage of BART Trains for Phase 1

The configuration for the terminus of Phase 1 was revised, which expanded the APE.

No known cultural and historic resources were identified within the expanded APE. Any additional identification, evaluation, and treatment of archaeological resources within the expanded APE is addressed in the Programmatic Agreement and Treatment Plan.

4.6.5 CONCLUSION

The design changes made since certification of the SEIR-1 would not result in new significant impacts related to cultural and historic resources. Therefore, no new mitigation is necessary.