

Section 3.5 Cultural Resources

Introduction

This section discusses the environmental setting and effects of the alternatives analyzed in this Supplemental DEIS with regards to cultural resources. Specifically, this section discusses existing paleontological, archaeological, and architectural conditions within the Capitol Expressway Corridor, discusses results of the cultural resources investigation, discusses sensitive cultural resources located within the corridor, and describes applicable federal and state regulations. The assessment of substantial adverse effects and mitigation measures of the alternatives related to cultural resources are also described.

This section is based on the Cultural Resources Investigations and Evaluation Report prepared by ICF International (June 2010), which was prepared in order to update the environmental setting and to evaluate the effect of the proposed project changes on cultural resources. A concurrence letter from the State Historic Preservation Officer (SHPO) (dated August 16, 2010) indicating that no historic properties will be affected by the proposed action is included in Appendix D.

Area of Potential Effects

Maps depicting the Area of Potential Effect (APE) for both archeology and architectural history are included in Appendix B (4-1 through 4-11) of the Cultural Resources Identification and Evaluation Report prepared by ICF International in 2010 (ICF International 2010).

Affected Environment

There are no previously recorded cultural resources in the APE for the Capitol Expressway Corridor.

However, one prehistoric archaeological site, CA-SCI-327, is recorded near the intersection of Quimby Road and Capitol Expressway, about ¼-mile from the Eastridge Station. Two additional prehistoric archaeological sites, CA-SCI-251 and CA-SCI-778, are recorded within a mile of the right-of-way, which suggests that the project area is moderately sensitive for the presence of archaeological resources, and therefore, there is a possibility of discovering cultural materials during subsurface excavation and construction activities.

For a prehistory, ethnography, and history of the project area, refer to the Cultural Resources Investigation and Evaluation Report (ICF International 2010).

REGULATORY SETTING

The following federal and state laws and regulations governing historic and archaeological resources apply to the proposed alternatives.

- Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended (Section 106);
- Federal Department of Transportation Act of 1966, Section 4(f); and,
- Archaeological and Historic Preservation Act of 1974

For more information about the regulatory setting, please refer to the Cultural Resources Investigation and Evaluation Report (ICF International 2010).

Environmental Consequences

This section describes the effect of the project alternatives on cultural resources.

APPROACH AND METHODS

Impacts related to cultural resources were assessed based on professional judgment in light of the activities, methods, and techniques for implementing an alternative, as well as the archival research, a review of relevant literature, the results of requests for additional information, and the reconnaissance-level survey. The impact analysis in this section focuses on evaluating potential impacts of the alternatives on existing and undiscovered cultural resources, should they be present. Please refer to the Cultural Resources Investigation and Evaluation Report (ICF International 2010) for a detailed description of the approach and methods.

CRITERIA FOR ADVERSE EFFECTS

Under federal regulations, adverse effects on cultural resources need only be analyzed if a resource meets the eligibility criteria for listing in the NHRP. Adverse effects on historic properties can include:

- Physical destruction or damage to all or part of the property;
- Alteration of a property, including restoration, rehabilitation, repair, maintenance, stabilization,
- Hazardous materials remediation, and provision of handicapped access, that is not consistent with the Secretary of the Interior's Standards for Treatment of Historic Properties (35 CFR Part 68) and applicable guidelines;
- Removal of the property from its historic location;
- Change of the character of the property's use or physical features within the property's setting that contribute to its historic significance; or

- Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property’s significant historic features.

EFFECTS AND MITIGATION MEASURES

Standard Practice if Buried Cultural Resources or Human Remains Are Encountered

In reference to several criteria stated above, ground-disturbing activities associated with construction of the Light Rail Alternative could result in the discovery of and potential disturbance of unknown archaeological resources, including human remains. The following procedures represent the standard practice that would be followed in the case of inadvertent discovery of cultural resources or human remains.

- **Stop work if buried cultural deposits are encountered during construction activities:** Should any cultural and/or archaeological resources be discovered (such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains) during construction activities, VTA shall suspend work in the immediate vicinity, and VTA’s construction inspector shall coordinate site investigations by a qualified archaeologist to assess the materials and determine their significance. VTA shall notify all appropriate local jurisdictions.
- **Stop work if human remains are encountered during construction activities:** If human remains are unearthed during construction, pursuant to Section 50977.98 of the PRC and Section 7050.5 of the State Health and Safety Code, VTA shall suspend work in the immediate vicinity and the county coroner will be immediately notified, as well as local planning and permitting jurisdictions and the Native American Heritage Commission.

No-Build Alternative

The No-Build Alternative is not anticipated to result in any impacts to cultural resources or paleontological resources.

Light Rail Alternative

There are no previously recorded cultural resources in the APE. However, one prehistoric archaeological site, CA-SCI-327, is recorded near the intersection of Quimby Road and Capitol Expressway, about ¼-mile from the Eastridge Station. Two additional prehistoric archaeological sites, CA-SCI-251 and CA-SCI-778, are recorded within a mile of the right-of-way. This suggests that the project area is moderately sensitive for the presence of archaeological resources, and therefore, there is a possibility of discovering cultural materials during ground-disturbing activities. Ground-disturbing activities associated with construction of the Light Rail Alternative, such as grading and excavation at proposed station sites, park-and-ride lots, and below-grade alignment sections, have the potential to adversely affect unknown archaeological resources in the corridor. However, implementation of the

standard practice if resources are encountered would minimize these effects. These effects are also discussed in Section 3.18 *Construction*.

Proposed Options

The above discussion is inclusive of the Light Rail Alternative options.

CUMULATIVE EFFECTS

No-Build Alternative

The No-Build Alternative would not contribute to cumulative impacts on cultural resources.

Light Rail Alternative

Despite the level of disturbance already present in the project area, the Light Rail Alternative in combination with other reasonably foreseeable projects could potentially result in cumulative impacts on cultural resources related to direct or indirect impacts to an archeological resource. However, with implementation of standard practice if unknown cultural resources are encountered, the Light Rail Alternative will not contribute to adverse cumulative cultural resources impacts.