

Archaeological Inventory Report

ARCHEOLOGICAL INVENTORY REPORT

SAN JOAQUIN REGIONAL RAIL COMMISSION

ACE CERES—MERCED EXTENSION PROJECT

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Acronyms and Abbreviations

ACEP	Altamont Corridor Express
ACHP	Advisory Council on Historic Preservation
CCIC	Central Coast Information Center
CEQA	California Environmental Quality Act
CFR	Code of Federal Regulations
CRHR	California Register of Historical Resources
GIS	geographic information system
I	Interstate
MID	Modesto Irrigation District
NAHC	Native American Heritage Commission
NHPA	National Historic Preservation Act
NRHP	National Register of Historic Places
OHP	Office of Historic Preservation
Public Res. Code	California Public Resources Code
SJRCC	San Joaquin Regional Rail Commission
SR	State Route
TID	Turlock Irrigation District
UPRR	Union Pacific Railroad

1.1 Project Description

The Altamont Corridor Express (ACE) Ceres-Merced Extension Project (Project) would support the extension of ACE service to Merced. The Project is the extension of ACE service from Ceres to Merced and includes the development of the following facilities.

- The Ceres to Merced Extension Alignment consisting of upgrades to track, new tracks, and bridges within the existing Union Pacific Railroad (UPRR) Fresno Subdivision right-of-way (ROW) between Ceres and Merced.¹
- The Merced Layover & Maintenance Facility located north of Merced to support extension operations.
- New Turlock, Livingston, and Merced Stations along the Project alignment.

In addition, the San Joaquin Regional Rail Commission (SJRRRC) has identified the Atwater Station Alternative as an alternative to the Livingston Station. Only one station would be implemented in either Livingston or Atwater.

The purpose of this inventory report is to document the presence of archaeological resources within the study area. Built environment resources are presented in a separate report. As part of Senate Bill 132 passed in April 2017, SJRRRC was awarded \$400 million for the ACE service expansion in the San Joaquin Valley, including associated system improvement, and the SJRRRC is serving as the lead agency under the California Environmental Quality Act (CEQA). Multiple federal permits may be required for this Project, including those from the Federal Railroad Administration, National Marine Fisheries Service, United States Army Corps of Engineers, United States Department of Defense, and the United States Fish and Wildlife Service. Therefore, this archaeological resources inventory is being conducted in a manner that will also comply with the requirements of Section 106 of the National Historic Preservation Act (NHPA).

¹ A *subdivision* is a portion of railroad or railway that operates under a single timetable (authority for train movement in the area).

1.1.1 Study Area

The Project extends approximately 34 linear miles from Ceres to Merced, with new stations along the extension alignment and a layover & maintenance facility in the Merced area. The horizontal study area for the Project is defined as the environmental footprint plus a 50-foot buffer (Attachment A). The vertical study area extends below-ground to the maximum depth of disturbance and would be at least 5 feet below ground surface with certain improvements, such as bridges and pedestrian tunnels, ranging from 5 feet to 20 feet in depth.

In addition to rail improvements that will occur within the existing railroad right-of-way, proposed facilities that would result in vertical disturbance include station facilities, including pedestrian undercrossings that will require the following.

- Clearing and grubbing.
- Rough grading.
- Installation of utilities.
- Installation of cast-in-drilled-hole piles.
- Installation of ramp footings.
- Installation of columns.
- Construction of ramps, abutments, and decks.
- Erection of steel superstructure

1.2 Personnel

The archaeological survey was conducted by ICF archaeologists Yuka Oiwa, BA, and Jason Paz-Lomeli, BA, and supervised by Lily Arias, MA. Ms. Arias meets the Secretary of the Interior's Professional Qualification Standards. This report was authored by Ms. Arias, with support from ICF geoarchaeologist Tait Elder, MA, RPA and geographic information system (GIS) support was provided by Mathew Sisneros, BA.

This section summarizes federal and state regulations related to cultural resources and applicable to the Project.

2.1 Federal

The National Historic Preservation Act (NHPA) establishes the federal government policy on historic preservation and the programs, including the National Register of Historic Places (NRHP), through which this policy is implemented. Under the NHPA, significant cultural resources, referred to as historic properties, include any prehistoric or historic district, site, building, structure, object, or landscape included in, or determined eligible for inclusion in, the NRHP. Historic properties also include resources determined to be a National Historic Landmark. National Historic Landmarks are nationally significant historic places designated by the Secretary of the Interior because they possess exceptional value or quality in illustrating or interpreting United States heritage. A property is considered historically significant if it meets one or more of the NRHP criteria and retains sufficient historic integrity to convey its significance. This act also established the Advisory Council on Historic Preservation (ACHP), an independent agency that promotes the preservation, enhancement, and productive use of our nation's historic resources, and advises the President and Congress on national historic preservation policy. The ACHP also provides guidance on implementing Section 106 of the NHPA by developing procedures to protect cultural resources included in, or eligible for inclusion in, the NRHP. Regulations are published in 36 Code of Federal Regulations (C.F.R.) Parts 60, 63, 800.

Section 106 of the NHPA (codified as 36 C.F.R. Part 800) requires that effects on historic properties be taken into consideration in any federal undertaking. The process generally has five steps: (1) initiating Section 106 of the NHPA process, (2) identifying historic properties, (3) assessing adverse effects, (4) resolving adverse effects, and (5) implementing stipulations in an agreement document.

Section 106 of the NHPA affords the ACHP and the State Historic Preservation Officer, as well as other consulting parties, a reasonable opportunity to comment on any undertaking that would adversely affect historic properties. State Historic Preservation Officers administer the national historic preservation program at the state level, review NRHP nominations, maintain data on historic properties that have been identified but not yet nominated, and consult with federal agencies during Section 106 review.

The NRHP eligibility criteria (36 C.F.R. Section 60.4) is used to evaluate significance of potential historic properties. The criteria for evaluation are as follows.

- a) [Properties] that are associated with events that have made a significant contribution to the broad patterns of our history; or
- b) [Properties] that are associated with the lives of persons significant to our past; or
- c) [Properties] that 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) [Properties] that have yielded, or may be likely to yield, information important in prehistory or history.

Properties meeting any of the above criteria are considered eligible for listing in the NRHP if they retain integrity of the property's location, design, setting, materials, workmanship, feeling, or association.

Section 101(d)(6)(A) of the NHPA allows properties of traditional religious and cultural importance to a Native American tribe to be determined eligible for NRHP inclusion. In addition, a broader range of Traditional Cultural Properties are also considered and may be determined eligible for or listed in the NRHP. Traditional Cultural Properties are places associated with the cultural practices or beliefs of a living community that are rooted in that community's history and that may be eligible because of their association with cultural practices or beliefs of living communities that (a) are rooted in that community's history, and (b) are important in maintaining the continuing cultural identity of the community. In the NRHP programs, "culture" is understood to mean the traditions, beliefs, practices, lifeways, arts, crafts, and social institutions of any community, be it an Indian tribe, a local ethnic group, or the nation as a whole.

2.1.1 National Historic Preservation Act (54 United States Code 300101 et seq.)

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2.1.2 Archaeological and Historic Preservation Act (16 U.S.C. §§ 469-469(c)-2)

The Archaeological and Historic Preservation Act (16 U.S. Code [U.S.C.] Sections 469 to 469(c)-2) provides for preservation of significant historic or archaeological data, including relics and specimens that may otherwise be irreparably lost or destroyed by construction of a project by a federal agency or under a federally licensed activity or program.

2.1.3 Archaeological Resources Protection Act (16 U.S.C. § 470(a)-11)

The Archaeological Resources Protection Act (16 U.S.C. Section 470(a)-11) provides for the protection of archaeological resources and sites on federal lands and Indian lands, establishes a procedure for the issuance of permits for conducting cultural resources research, and prescribes penalties for unauthorized excavation, removal, damage, alteration, or defacement of archaeological resources.

2.1.4 American Indian Religious Freedom Act (42 U.S.C. § 1996)

The American Indian Religious Freedom Act (42 U.S.C. Section 1996) protects and preserves the traditional religious rights and cultural practices of American Indians, Eskimos, Aleuts, and Native Hawaiians. The act requires policies of all governmental agencies to respect the free exercise of Native religion and to accommodate access to and use of religious sites to the extent that the use is practicable and is not inconsistent with an agency's essential functions.

2.1.5 Native American Graves Protection and Repatriation Act (25 U.S.C §§ 3001-3013)

The Native American Graves Protection and Repatriation Act (25 U.S.C. Sections 3001–3013) sets provisions for the intentional removal and inadvertent discovery of human remains and other cultural items on federal and tribal lands during implementation of a project. The act clarifies the ownership of human remains and sets forth a process for repatriation of human remains and associated funerary objects and sacred religious objects to the Native American tribes or tribes likely to be lineal descendants or culturally affiliated with the discovered remains or objects.

2.1.6 American Antiquities Act (16 U.S.C. §§ 431-433)

The American Antiquities Act (16 U.S.C. Sections 431–433) prohibits appropriation, excavation, injury, or destruction of “any historic or prehistoric ruin or monument, or any object of antiquity” located on lands owned or controlled by the federal government. The act also establishes penalties for such actions and sets forth a permit requirement for collection of antiquities on federally owned lands.

2.2 State

2.2.1 California Public Resources Code

Archaeological and historical sites are protected pursuant to a wide variety of state policies and regulations, as enumerated under the California Public Resources Code (Public Res. Code). Cultural resources are recognized as nonrenewable resources and receive additional protection under the California Public Res. Code and CEQA.

- California Public Res. Code Sections 5020–5029.5 continued the former Historical Landmarks Advisory Committee as the State Historical Resources Commission. The commission oversees the administration of the California Register of Historical Resources (CRHR) and is responsible for the designation of State Historical Landmarks and Historical Points of Interest.
- California Public Res. Code Sections 5079–5079.65 define the functions and duties of the Office of Historic Preservation. The Office of Historic Preservation is responsible for the administration of federally and state-mandated historic preservation programs in California and the California Heritage Fund.

- California Public Res. Code Sections 5097.9–5097.991 provide protection to Native American historical and cultural resources and sacred sites and identify the powers and duties of the Native American Heritage Commission (NAHC). These sections also require notification to descendants of discoveries of Native American human remains and provide for treatment and disposition of human remains and associated grave goods.

If Native American human remains are identified within the cultural resources study area (also known as the “CEQA study area,” as defined in Section 4.5.3, *Environmental Setting*) and located on non-federal lands (including private lands), the Project must follow the procedures set forth under Section 5097.98.

2.2.2 California Environmental Quality Act (California Public Resources Code Section 21000 et seq.)

CEQA Guidelines Section 15064.5 provides specific guidance for determining the significance of impacts on historic and unique archaeological resources. Under CEQA these resources are called “historical resources” whether they are of historic or prehistoric age. Public Res. Code Section 21084.1 defines historical resources as those listed, or eligible for listing, in the CRHR, or those listed in the historical register of a local jurisdiction (county or city). NRHP-listed “historic properties” located in California are considered historical resources for the purposes of CEQA and are also listed in the CRHR. The CRHR criteria for listing such resources are based on, and are very similar to, the NRHP criteria. Public Res. Code Section 21083.2 and CEQA Guidelines Section 15064.5(c) provide further definitions and guidance for archaeological sites and their treatment.

Section 15064.5 also prescribes a process and procedures for addressing the existence of, or probable likelihood of, Native American human remains, as well as the unexpected discovery of any human remains within the Project. This includes consultations with appropriate Native American tribes.

Guidelines for the implementation of CEQA define procedures, types of activities, persons, and public agencies required to comply with CEQA. Section 15064.5(b) prescribes that project effects that would “cause a substantial adverse change in the significance of an historical resource” are significant effects on the environment. Substantial adverse changes include physical changes to both the historical resource and its immediate surroundings.

Appendix G of the CEQA Guidelines provides an Environmental Checklist of questions that a lead agency should normally address if relevant to a project’s environmental impacts. Section 21083.2 defines “unique archaeological resources” as “any archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria.

- Contains information needed to answer important scientific research questions and show that there is a demonstrable public interest in that information.
- Exhibits a special and particular quality, such as being the oldest of its type or the best available example of its type.
- Is directly associated with a scientifically recognized important prehistoric or historic event or person.

The CEQA lead agency having jurisdiction over a project is responsible for ensuring that resources are protected in compliance with CEQA and other applicable statutes. Public Res. Code Section

21081.6, entitled Mitigation Monitoring Compliance and Reporting, requires that the CEQA lead agency demonstrate project compliance with mitigation measures developed during the environmental impact review process.

2.2.3 California Register of Historical Resources Sections 5024.1 and 14 California Code of Regulations Section 4850

Public Res. Code Section 5024.1 establishes the CRHR. The register lists all California properties considered to be significant historical resources. The CRHR also includes all properties listed or determined eligible for listing in the NRHP, including properties evaluated under Section 106. The criteria for listing are similar to those of the NRHP. The CRHR regulations govern the nomination of resources to the CRHR (14 California Code of Regulations Section 4850). The regulations set forth the criteria for eligibility as well as guidelines for assessing historical integrity and resources that have special considerations.

2.2.4 California Public Resources Code Section 5097.98 and 5097.99

Section 5097.98 discusses the procedures that need to be followed upon the discovery of Native American human remains. The NAHC, upon notification of the discovery of human remains by the coroner, is required to notify those persons it believes to be most likely descended from the deceased Native American. It enables the descendant to inspect the site of the discovery of the Native American human remains and to recommend to the land owner (or person responsible for the excavation) means of treating, with dignity, the human remains and any associated grave goods. Furthermore, under Section 5097.99, it is a felony to obtain or possess Native American artifacts or human remains taken from a grave or cairn. Section 5097.99 sets penalties for these actions and also mandates that it is the policy of the State of California to repatriate Native American remains and associated grave goods.

2.2.5 California Health and Safety Code Section 7050.5(b)

This code established that any person who knowingly mutilates, disinters, wantonly disturbs, or willfully removes any human remains in or from any location without authority of the law is guilty of a misdemeanor. It further defines procedures for the discovery and treatment of Native American remains.

2.2.6 Assembly Bill 52

Tribal cultural resources were originally identified as a distinct CEQA environmental category with the adoption of Assembly Bill 52 (AB 52) in September 2014. For all projects that are subject to CEQA that received a notice of preparation, notice of negative declaration, or mitigated negative declaration on or after July 1, 2015, AB 52 requires the lead agency on a proposed project to consult with the geographically affiliated California Native American tribes. The legislation creates a broad new category of environmental resources, "tribal cultural resources," which must be considered under CEQA. AB 52 requires a lead agency to not only consider the resource's scientific and historical value but also whether it is culturally important to a California Native American tribe.

AB 52 defines tribal cultural resources as sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are included or determined to be eligible for inclusion in the CRHR; included in a local register of historical resources, as defined in Public Resources Code Section 5020.1(k); or determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to the criteria of Public Resources Code Section 5024.1(c) (CEQA Section 21074).

The CRHR criteria for the listing of resources, as defined in Public Resources Code Section 5024.1(c), are the following:

1. The resource is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage.
2. The resource is associated with the lives of persons important in our past.
3. The resource embodies the distinctive characteristics of a type, period, region, or method of construction; represents the work of an important creative individual; or possesses high artistic values.
4. The resource has yielded, or may be likely to yield, information important in prehistory or history.

AB 52 also sets up an expanded consultation process. For projects initiated after July 1, 2015, lead agencies are required to provide notice of the proposed projects to any tribe that is traditionally and culturally affiliated with the geographic area that requested to be informed by the lead agency, following Public Resources Code Section 21018.3.1(b). If, within 30 days, a tribe requests consultation, the consultation process must begin before the lead agency can release a draft environmental document. Consultation with the tribe may include discussion of the type of review necessary, the significance of tribal cultural resources, the significance of the project's impacts on the tribal cultural resources, and alternatives and mitigation measures recommended by the tribe. The consultation process will be deemed concluded when either (a) the parties agree to mitigation measures or (b) any party concludes, after a good-faith effort, that an agreement cannot be reached. Any mitigation measures agreed to by the tribe and lead agency must be recommended for inclusion in the environmental document. If a tribe does not request consultation, or otherwise assist in identifying mitigation measures during the consultation process, a lead agency may still consider mitigation measures if the agency determines that a project will cause a substantial adverse change to a tribal cultural resource.

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291 This section outlines the environmental and cultural setting of the study area.

292 **3.1 Environmental Setting**

293 The Central Valley is a very large and flat valley located between the Siskiyou Mountains on the
294 north and Tehachapi Mountains on the south. It extends approximately 430 miles from north to
295 south and averages around 50 miles in width. It is divided into two major physiographic provinces,
296 which are separated by the Delta. The Sacramento Valley, drained by the southward-flowing
297 Sacramento River, lies to the north, and the San Joaquin Valley, drained by the northward-flowing
298 San Joaquin River, lies to the south. The presence of this abundant fresh water has resulted in a well-
299 watered region, one of the most diverse and productive environmental zones in California
300 (Rosenthal et al. 2007:147).

301 The geologic history of the study area represents the complex and diverse tectonic development of
302 the California continental margin from a convergent margin to a transform boundary. Much of the
303 deformation and uplift is thought to be largely caused by transverse and compressional deformation
304 of blocks of the Pacific and North American plates along the various faults of the region
305 (Montgomery 1993; Saucedo et al. 2016). The mountains and ridges that comprise the Coastal
306 Ranges began to deform during the middle to late Miocene epoch (i.e., around 23 to 5.3 million years
307 before present) and continued into the late Pliocene and early Pleistocene. The present day
308 topography is thought to be largely resultant from Miocene and younger tectonic activity
309 (Montgomery 1993). As the region uplifted, the ranges were incised by streams and sediments
310 collected in the valleys that parallel the mountains and ridges. This process has continued into the
311 present. The Great Valley, with exception of the Los Angeles Basin and along major fault zones, has
312 undergone only relatively minor internal deformation in comparison to the Coastal Ranges. The San
313 Andreas fault is a prominent structural feature in the mountains of the Southern Coastal Range and
314 runs through the southwest side of the Santa Cruz Mountains and Gavilin Ranges to the west of the
315 study area (Montgomery 1993). The Hayward Fault zone is a prominent structural feature
316 throughout the eastern side of the Coastal range and bounding the Great Valley to the east.

317 Much of the study area comprises landforms that were formed during the Holocene epoch (i.e.,
318 around 12,000 years before present to the present), the period for which there is evidence of human
319 occupation of North America (Meltzer 2004). The study area vicinity primarily comprises Holocene
320 to early Pleistocene (i.e., around 2.6 million years before present to 12,000 year before present)-
321 aged alluvium, lake, aeolian, or beach deposits (Knudsen et al. 2000). During the late nineteenth and
322 twentieth centuries, localized cutting and filling occurred along the study area in support of the
323 development of transportation infrastructure.

3.2 Prehistoric Setting

The archaeology of the Central Valley is as varied as the area is extensive, including a full range of hunter-gatherer adaptations from the earliest, technologically conservative, low-density colonizers to the most recent, technologically elaborate, and densely packed populations that were present at historic contact (Rosenthal et al. 2007:147). While the comparative framework for Central Valley archaeology established by Bennyhoff and Fredrickson (1994) and Fredrickson (1973, 1974) is designed to incorporate a wide range of local and regional traditions, it has not been systematically applied outside the Sacramento Valley. As a result, the following discussion uses a simple classification based on Fredrickson's (1973, 1974) California adaptation of the Willey and Phillips (1958) period and stage integrative scheme, which includes the Paleo-Indian, Lower Archaic, Middle Archaic, Upper Archaic, and Emergent periods.

Archaeological deposits associated with the Paleo-Indian (cal 11,550–8500 B.C.) Pleistocene landscape have been either destroyed or buried beneath more recent alluvial deposits (Rosenthal et al. 2007:151; White 2003b), but basally thinned and fluted projectile points (cal 11,500 and 9550 B.C.) found at scattered surface locations offer evidence of human occupation in the Central Valley (Rosenthal et al. 2007:151). Following the Paleo-Indian Period, the Lower Archaic (cal 8500–5550 B.C.) was characterized by mostly isolated finds, including stemmed points, chipped stone crescents, and early concave base points found along ancient shores (Fenenga 1992; Wallace and Riddell 1991), but few sites dating to this period have been identified in the Central Valley. During the Middle Archaic (cal 5550–550 B.C.) the climate became warmer and drier (Rosenthal et al. 2007:152), and sites suggest sedentism, as indicated by refined and specialized tool assemblages and a wide range of non-utilitarian artifacts, abundant trade objects, and plant and animal remains indicative of year-round occupation (Moratto 1984; Ragir 1972; Schulz 1970, 1981; White 2003a, 2003b). The Upper Archaic (cal 550 B.C.–A.D. 1100) is characterized by another change in climate conditions—this time to a cooler, wetter, and more stable climate, and the subsequent development of new technologies, including new types of bone tools and bone implements, and widespread manufactured goods such as *Haliotis* (abalone) ornaments and ceremonial blades (Bennyhoff and Fredrickson 1994; Fredrickson 1974; Moratto 1984).

During the Emergent Period (cal A.D. 1000 to historic) a relatively stable climate compared to the earlier periods emerged and is associated with the use of the bow and arrow over the dart and atlatl (Bennyhoff 1994). Increased variation in burial types and furnishings suggests more complex social developments (Atchley 1994; Bennyhoff and Fredrickson 1994; Milliken and Bennyhoff 1993). Other characteristics of the Emergent Period include increasingly varied subsistence practices, a greater distribution of raw obsidian cobbles (as opposed to central biface manufacturing facilities), and a decentralization in the production of shell beads (Rosenthal et al. 2007:159).

3.3 Ethnographic Setting

The Northern Valley Yokuts are the historical occupants of the central and northern San Joaquin Valley, and their territory extended from near where the San Joaquin River makes a big bend northward to a line midway between the Calaveras and Mokelumne Rivers (Wallace 1978:462). Villages were typically located along primary water sources, such as the San Joaquin River, and the Northern Valley Yokuts gained much of their livelihood through fishing, hunting waterfowl, and harvesting of acorns, tule root, and seeds (Wallace 1978:464). Most settlements, or at least the

principal ones, were built atop low mounds, on or near the banks of large watercourses, for protection against spring flooding (Schenck 1926:132; Schenck and Dawson 1929:308; Cook 1960:242, 259, 285). Each tribe had a headman, and populations averaged around 300 people. Family houses were round or oval, with a conically shaped pole frame sunk into the ground and covered with tule mats, and each village typically had a community lodge and a sweathouse (Wallace 1978:465).

The Northern Valley Yokuts suffered great population decline and cultural breakdown when they were drawn into the mission system. Compelled to work at unfamiliar tasks and subjected to the severe discipline of mission life, many of the neophytes deserted the missions and returned to their traditional homes, from which they were usually brought back, by force when necessary (Wallace 1978:468). The populations of both cultural groups were nearly decimated due to exposure to European-borne diseases and harsh living conditions. Descendants of these groups are active in maintaining their traditions and advocating for Native American issues today.

3.4 Historic Setting

The following section primarily focuses on the San Joaquin Valley, a geographic area located within the southern part of the greater Central Valley.

Although exploration of the San Joaquin Valley occurred in the Spanish period, between 1772 and 1817, it was not until the Mexican Period that Europeans and Euro-Americans began settling in the region. Only one of the numerous ranchos granted throughout the San Joaquin Valley between 1841 and 1846 overlaps with the study area. Rancho Pescadero-Grimes, established in 1843, is located in San Joaquin County near the present-day community of Tracy (U.S. Bureau of Land Management 2011). Within the study area, there are no built environment features that still exist from the Spanish or Mission Period (1542–1821), or the Mexican or Rancho Period (1821–1848).

3.4.1 Railroads

At the start of the American Period, the Gold Rush beginning in 1848 concentrated development and new settlement north of the San Joaquin Valley. In 1869, the Transcontinental Railroad brought more settlers to the region. The railroad provided easy passenger travel and efficient commercial transport of goods to and from large urban centers such as San Francisco and Sacramento. In San Joaquin County, Lathrop and Manteca were major railroad stops by 1871 and 1873, respectively, and Tracy was established in 1882 around the junction of three rail lines—the Bay Area to San Joaquin County line, the northern line to Martinez County, and the southern line to Los Angeles. In Stanislaus County, several communities developed along the railroad, including Salida (1869), Modesto (1870), Turlock (1871), and Ceres (1874).

Construction of the Southern Pacific Rail Road's San Joaquin Valley mainline, originally known as the San Joaquin Valley Railroad, began in 1869, branching off the transcontinental line at the newly established town of Lathrop in San Joaquin County. From 1870 to 1880, the San Joaquin Valley population increased by 40 percent (U.S. Census 1900), and Southern Pacific established 50 stations in the San Joaquin Valley, 24 of which became town sites. Eight of those sites became major towns, including Modesto, Turlock, and Merced (Carothers 1934; Angermeir 1968; Smith 1976). Other railroads also were important to the area including the Tidewater Southern Railway, the Western Pacific Railroad, and the Central Pacific Railroad. The emerging rail networks enabled the San

Joaquin Valley communities to expand and thrive, although the shift from locomotive to truck transport during the mid-1900s caused a decline in growth. However, beginning in the 1970s, growth from the Bay Area spurred another wave of development for the region.

3.4.2 Agriculture and Irrigation

Several irrigation districts were established in the San Joaquin Valley throughout the late nineteenth and early twentieth centuries. Irrigation districts during this time were cooperative public and private entities with large geographic territories established to overcome water distribution problems and boundary limitations established by cities and municipalities. Several of those districts are relevant to this study, including the South San Joaquin Irrigation District in San Joaquin County; the Turlock Irrigation District (TID) and Modesto Irrigation District (MID) in Stanislaus and Merced Counties; and the Merced Irrigation District in Merced County.

Local farmers established the South San Joaquin Irrigation District in 1909 (South San Joaquin Irrigation District 2016). The district serviced the surrounding communities of Escalon, Manteca, and Ripon, and sought to secure additional water resources and further develop the irrigation and water supply system.

The TID and MID were formed to serve the northern portion of the San Joaquin Valley in Stanislaus and Merced Counties. The TID principally supplied Turlock and the MID primarily served Modesto. Construction of canals, dams, and other ditches were undertaken following the districts' formation in 1887; however, building the entire system was a slow process. By 1909, over 100,000 acres were irrigated within the TID (Truth Publishing Company 1909). Similarly, with obstacles to development removed, the MID was able to complete construction of the Modesto Dam in 1911 and create 152 miles of canals and 44 miles of drainages between 1904 and 1919 (Adams and Bedford 1921).

The Merced Irrigation District was created in 1919, although irrigation in southern Merced County began nearly 25 years prior. Under ownership by C.H. Huffman, a prominent local farmer, and Charles F. Crocker, a banker and railroad magnate, miles of canals were constructed and irrigation was provided from Livingston to Merced, totaling almost 50,000 acres (Merced Irrigation District 2016). In 1922, the Merced Irrigation District purchased the current system from the Crocker-Huffman Land and Water Company. After the purchase, the district began several projects, including the construction of the district's first dam, the Exchequer Dam (completed in 1926), providing hydroelectric power, and extending the canal system (Merced Irrigation District 2016; Office of the Federal Registrar 1970). During the 1960s, the district was able to secure a license from the Federal Power Commission to expand power and irrigation networks along the Merced River, resulting in the construction of the second Exchequer Dam in 1964 and the McSwain Dam in 1967 (Merced Irrigation District 2016).

In San Joaquin County, early Manteca farmers grew melons from the sandy soils until the South San Joaquin Irrigation District diverted water from the Stanislaus River in 1914, which enabled crop diversity with almonds, walnuts, grapes, and pumpkins. In Stanislaus County, wheat production in Turlock was declining at the turn of the century because grain production had exhausted the once-fertile soil. With the completion of new dams and system of canals, different crops were grown and renewed the region's agricultural success. Similarly, Modesto farmers transitioned from alfalfa fields to fruit orchards and vineyards, many of which still dominate the landscape today as a result of the 1904 construction of several laterals (drainage canals and irrigation canals) by the MID. Irrigation in Merced County enabled expansion of its grain-heavy agricultural industry to the cultivation of grapes, peaches, plums, citrus fruits, olives, figs, nuts, and a variety of vegetables.

The diversification and intensification of farming in the San Joaquin Valley led to large agricultural communities being established during the twentieth century. In addition to being able to grow a wide variety of crops in the state, California was also quickly becoming the cattle and dairy hub of the American West.

3.4.3 Highways and Roads

Several early twentieth century state highways were important to the development and growth of the San Joaquin Valley, including Interstate (I)-205. As part of the state highway system, a road connecting Oakland in the Bay Area with Stockton in the San Joaquin Valley was planned via Altamont Pass. In 1909, San Joaquin County paved a portion of this route near Tracy. In 1957, the Bureau of Public Roads approved plans for the North Tracy Bypass connecting I-5 and I-580 along the northern border of Tracy (California Highways 2016a). Construction of the new I-205 freeway was completed and opened to traffic in 1970.

Perhaps the most important early state highway in the San Joaquin Valley is State Route (SR) 99, designated in 1926. During the early twentieth century, plans were made to connect different parts of California by way of a state highway system, which included a route from the Oregon state line through the Sacramento and San Joaquin Valleys to Los Angeles. The adoption of the interstate system and construction of I-5 and other interstate routes during the 1960s truncated SR 99, which now runs from near Wheeler Ridge in Kern County to Red Bluff in Tehama County.

Automobiles and the construction of state highways, particularly SR 99 and later I-5, were contributing factors to the growth and development of the San Joaquin Valley during the twentieth century. SR 99 was a major roadway that connected San Joaquin Valley agricultural towns to larger urban markets. This became especially important when the transportation of goods transitioned from freight to refrigerated trucks. By the 1960s, I-5 offered a more direct route through the state between San Diego and the Oregon border (California Highways 2016b).

3.4.4 World War II-Era Industry and Postwar Era Development

Transit networks connected the San Joaquin Valley to the rest of the nation and the world, enabling the region to play a major role in World War II efforts. War-related industries and activities brought thousands of people to the San Joaquin Valley. Established in 1942, the San Joaquin Depot had distribution facilities at three separate locations—Tracy, Sharpe (Lathrop), and Stockton's Rough and Ready Island (California Military Department 2016a). The depots received, stored, and shipped supplies throughout the United States and the Pacific overseas combat areas.

During World War II, the government-ordered wartime internment of Japanese Americans depleted Japanese American communities across the United States. Japanese-American internees were evacuated and taken to temporary assembly centers where they were processed and later relocated to larger internment camps. Temporary assembly centers for Japanese-American internees were established throughout the San Joaquin Valley (in Stockton, Turlock, Salinas, Merced, Fresno, and Tulare), one of which overlaps with the study area in Turlock. The Stanislaus County Fairgrounds in Turlock operated as a temporary assembly center from April to August 1942. Over 3,500 detainees from the Sacramento River Delta and Los Angeles areas were held at this location before being transported to a permanent internment camp in Gila, New Mexico (Burton et al. 2000).

491 New agricultural, industrial, and real estate industries emerged in San Joaquin, Stanislaus, and
492 Merced Counties after the war and resulted in residential and population growth. During the late
493 1950s, the Tracy Army Depot continued to thrive as it became part of the Department of Defense
494 Manager Supply System, and several major agricultural industries established processing plants in
495 Tracy, including Heinz and Holly Sugar (California Military Department 2016b). Following World
496 War II, the San Joaquin Valley underwent sporadic periods of residential development; however, the
497 landscape has generally maintained its rural character since the 1960s.

This section describes the pre-field research that was conducted and the results of which were utilized to inform the desktop geoarchaeological analysis and pedestrian survey.

4.1 Existing Data and Background Data

4.1.1 Archaeological Resources

ICF cultural resources staff performed an in-house records search at the California Historical Resources Information System (CHRIS) at the Central Coast Information Center (CCIC) on February 7, 2018. An updated records search was conducted by CCIC staff on July 7, 2020. For the purposes of this analysis, the records search study area was defined as the environmental footprint for the Project, plus a 0.25-mile search radius.

The study area has been subject to 56 cultural resources studies. Two of which identified archaeological resources within the study area and are included in Table 1 below.

Table 1. Cultural Resources Studies that Identified Archaeological Resources in the Study Area.

Study Number	Author	Date	Title	Findings
ME-02759	B. Hatoff, B. Voss, S. Waechter, S. Wee, and V. Bente	1995	<i>Cultural Resources Inventory Report for the Proposed Mojave Northward Expansion Project; Final. [multivolume report]</i>	This study identified P-24-000087 adjacent to the APE.
ST-03995	W.J. Nelson	2000	<i>Cultural Resources Survey for the Level (3) Communications Long Haul Fiber Optics Project; Segment WS04: Sacramento to Bakersfield.</i>	This study identified P-50-001923 (CA-STA-420H) within the study area

Two resources with archeological components were identified within or immediately adjacent to the APE (Attachment B). These resources are included in Table 2 below.

Table 2. Archaeological Resources within or Adjacent to the Study Area.

Primary	Trinomial	Significance (as per record)
P-24-000087	N/A	This resource has been determined ineligible for listing to either the CRHR or the NRHP.
P-50-001923	CA-STA-420H	This resource has not been formally evaluated for listing to either the CRHR or the NRHP.

An additional four resources with archaeological resources were identified within 0.25-mile of the study area. These resources consist of concrete foundations associated with residential and agricultural buildings. All four resources have been heavily impacted and partially removed impacted by the expansion of the Highway 99.

4.1.2 Native American Outreach

On June 9, 2020, ICF contacted the NAHC to request a review of the Sacred Lands File and a list of individuals who may have information or interest regarding the Project. The request contained location details, Project maps, and a general description of the Project. This request is considered formal notification of a proposed project as required under CEQA, specifically Public Res. Code Section 21080.3.1 and Chapter 532 Statutes of 2014 (Assembly Bill 52). The NAHC responded on June 10, 2020, with a list of four Native American contacts. The NAHC also noted that a search of the Sacred Lands File did not indicate the presence of sacred lands in the vicinity of the study area.

Letters containing Project details and a location map were sent to the following individuals:

- William Leonard, Chairperson – Southern Sierra Miwuk Nation
- Valentin Lopez – Amah Mutsun Tribal Band
- Timothy Perez, MLD Contact – North Valley Yokuts Tribe
- Katherine Perez, Chairperson – North Valley Yokuts Tribe

Letters were sent via email to Mr. Lopez, Mr. Perez, and Ms. Perez and via certified letter to Mr. Leonard. No responses have been received to-date and a record of this correspondence can be found in Attachment D.

5.1 Objectives/Expectations

5.1.1 Objectives

Objectives for this Report include the following:

1. Conduct pre-field research in order to gather information about the presence of NRHP or CRHR listed or eligible archaeological resources located within the archaeological study area.
2. Conduct archaeological pedestrian survey to confirm the locations of previously recorded archaeological resources within the archaeological study area.
3. Conduct archaeological pedestrian survey to identify archaeological resources that have not been previously recorded within the archaeological study area.

5.1.2 Expectations

The records search conducted at the CCIC indicated that the majority of resources recorded in the vicinity of the study area date to the historic period and relate to domestic and agricultural activities. Additionally, the study area consists of existing railroad alignment. Therefore, it is the expectation that if unrecorded archaeological resources were encountered during survey, they would likely date to the historic-period development of the region, particularly regarding the railroad. Due to the narrow environmental footprint of the Project, which is largely confined to the existing railroad alignment (with the exception of station improvement areas), the possibility of identifying previously unrecorded resources during survey is greatly reduced. Review of previously recorded resources did not indicate the presence of prehistoric or ethnographic resources in the study areas, and there are few Holocene-aged landforms present. Therefore, there is a low potential to encounter buried prehistoric resources. Because of ongoing railroad activities and maintenance, it is expected that the potential for identifying prehistoric surface deposits within the study areas is also low.

5.2 Methods

Two methods were used to assess whether cultural resources were present: the development of a geoarchaeological sensitivity model and pedestrian survey. The purpose of the geoarchaeological sensitivity model was to refine and focus where pedestrian survey would occur, while the purpose of the pedestrian survey was to inspect the portions of the study area with elevated archaeological sensitivity for archaeological resources.

5.2.1 Geoarchaeological Sensitivity Model

Geoarchaeological research was performed through a geologic and archaeological literature review performed by ICF GIS Analyst Mathew Sisneros and ICF geoarchaeologist Tait Elder. Two models were developed that represent where Project-related ground disturbance has the potential to

encounter previously undocumented archaeological sites. The buried site potential model focuses on the landform age and depositional context. The archaeological sensitivity model depicts the geomorphologic setting (i.e., water sources and slope), which primarily addresses the ability to inhabit an area for a long period of time, which can increase the archaeological signature, and increase the chances that the remains left behind would retain sufficient data to be eligible for the NRHP under Criterion D. Though shown separately as two distinct models, these factors are linked because the age and environment in which a landscape is formed and the geomorphology of a landform has direct bearing on when it becomes accessible for human use, how humans interact with it once it becomes accessible, and how the material remains of these activities are preserved. This study uses landforms—geologic units with shared geomorphic origin—as the unit of analysis to consider the timing of the formation of the various landform types that occur in the study area vicinity in order to assess the potential for buried archaeological sites to be present within the study area. Distance to historic freshwater sources and topographic slope are also considered in order to assess the archaeological sensitivity of the Project area.

The purpose of the geologic literature review was to determine the distribution of landform types and landform ages within the study area and identify historic freshwater sources. Geologic maps developed by Wagner et al. (1991); and Knudsen et al. 2000 were used to define the distribution and ages of the landforms located within the study area vicinity. These maps used an analytical unit referred to as a geologic unit, which represents a finer-resolution unit than the landform types and landform-age groups developed in the analytical framework. This unit-of-analysis exceeded the level-of-resolution required to perform the archaeological sensitivity analysis. As a result, for ease of analysis, geologic units were grouped by age and landform type. Historical freshwater locations were generated from historical topographic maps and U.S. Geological Survey National Hydrography datasets. This data was used as supplemental research to assess the depositional context and geomorphologic setting in the study area vicinity prior to historical development and identify local freshwater sources.

Following the geologic and archaeological literature review, geologic map, historic freshwater source, and archeological site data was uploaded into ArcGIS. The types and ages of landforms within the study area were recorded and the type and location of archaeological resources were identified. The geologic data was based on geologic mapping data that ranged from 1:24,000 to 1:250,000 in scale, while the historic shoreline data was based on 1:62,500 scale U.S. Geological Survey historic topographic maps. Slope was calculated using 10-meter resolution digital elevation models. Using this information and the analytical framework provided below, expectations about buried site potential and archaeological sensitivity across the study area were developed and integrated into GIS simulation models (Attachment C). Both models have been extended approximately 0.25 miles outside of the current study area to account for possible changes in the Project design.

5.2.2 Pedestrian Survey

Pedestrian survey was conducted on June 8-11 and 15-17, 2020. Survey was conducted using standard archaeological procedures and techniques were completed by ICF archaeologist Yuka Oiwa, BA and Jason Paz-Lomeli, BA. Lily Arias, MA, provided oversight and as-needed support. Ms. Arias meets the professional qualifications under the Secretary of the Interior's Standards for Archaeology. Due to Project components being located on active rail lines, survey was conducted outside of the active track with special care taken not to foul the track. Areas where access outside of the active were not accessible survey was not conducted. Permission to enter properties has not

617 been obtained for some improvements located outside the UPRR ROW, survey was conducted from
618 public ROW.

619 During survey, the ground surface was examined for indications of cultural resources. The general
620 morphological characteristics of the ground surface were inspected for indications of subsurface
621 deposits that may be manifest on the surface, such as ditch banks and road cuts. Whenever possible,
622 the locations of subsurface exposures caused by such factors as rodent activity, water or soil
623 erosion, or vegetation disturbances were examined for artifacts or for indications of buried deposits.
624 Ground visibility was generally poor, with much of the Project area covered by railroad ballast. No
625 subsurface investigations or artifact collections were undertaken during the pedestrian survey. The
626 survey did not result in the identification of archaeological resources.

This chapter presents the findings of the desktop geoarchaeological review and pedestrian survey. No historic properties were identified as a result of the pedestrian survey.

6.1 Geoarchaeological Results

Overall, the geoarchaeological model indicates that 14 percent of the study area has elevated sensitivity for containing buried archaeological resources, and 30 percent of the study area has elevated potential to contain archaeological resources regardless of whether they are surface exposed or buried. Those portions of the study area that exhibited elevated buried archaeological resource potential were generally positioned on Holocene-aged depositional landforms. Those parts of the study area determined to have elevated potential to contain archaeological resources, either on the surface or buried, were located in areas within 1,000 meters of a fresh water source and on a relatively level gradient.

The majority of the study area maintains moderate sensitivity for buried archaeological resources. In a few areas, the study area—particularly in the vicinity of the Merced River, Bear Creek, the Jordan Canal in Atwater, and areas between Atwater and Merced—retains both general sensitivity for the presence of prehistoric archaeological resources (i.e., close to fresh water, flat to gently sloping topography) and sensitivity for buried archaeological resources (i.e., presence of Holocene-aged alluvial landforms).

6.2 Archaeological Results

To complete the identification of archaeological resources in the study area, reconnaissance surveys were completed by individuals who meet the professional qualifications under the Secretary of the Interior's Standards for Archaeology.

The study area is primarily railroad bed and, therefore, covered in ballast, and visibility was limited. No subsurface investigations or artifact collections were undertaken during the pedestrian survey. Archaeological survey did not result in the identification of previously unrecorded archaeological resources.

Both arachnological resources identified within or directly adjacent to the study area were relocated and inspected. P-24-000087 was no longer extant and P-50-001923 (CA-STA-420H) had been heavily disturbed and all diagnostic materials gone.

The record search conducted at the CCIC identified two previously recorded archaeological resources within and directly adjacent to the study area. Both resources consist of historic-era resources. One resource (P-24-000087) was previously determined ineligible for listing to either the CRHR or the NRHP. The other resource [P-50-001923 (CA-STA-420H)] has not been subject to formal evaluation.

P-50-001923 (CA-STA-420H) was revisited during pedestrian survey and the site was noted to be heavily disturbed and that all diagnostic artifacts had been removed. While this resource may have minimal surface constituents, it is unknown whether this resource has a subsurface component. Although this resource may have previously been disturbed, this resource has not been evaluated yet and construction in the area could disturb any archaeological resources, if present.

As described above, in Section 6.1, *Geoarchaeological Results*, the Project is generally located on lands that have been previously disturbed or within the existing UPRR right-of-way. Previous disturbance does not preclude the potential to affect cultural deposits, and, therefore, areas of heightened cultural sensitivity remain.

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674

Chapter 8 Conclusions and Recommendations

8.1 Conclusions

676 This archaeological resources inventory consisted of pre-field research, Native American outreach,
677 and field survey. Pre-field research included records review at the CCIC, review of ethnographic
678 literature, and a geoarchaeological sensitivity assessment based on existing data. The railroad
679 alignment is heavily disturbed and covered over by ballast, and no new or previously recorded
680 archaeological resources were identified during survey. However, there remains the potential for
681 previously unrecorded resources to be present beneath the railroad grade, specifically in areas
682 determined to retain high sensitivity for buried archaeological resources as depicted in Attachment
683 C.

8.2 Recommendations

685 Two previously recorded archaeological resources were identified during the CCIC records search,
686 one of which (P-24-000087) was previously determined ineligible for inclusion in the NRHP or the
687 CRHR. P-50-001923 (CA-STA-420) remains unevaluated, however this resource was revisited
688 during pedestrian survey and was noted to be heavily disturbed with no remaining diagnostic
689 artifacts. While this resource is likely no longer extant, it is unknown whether there is a subsurface
690 component.

691 Should an archaeological resource be encountered during Project-related activities, inadvertent
692 discovery measures will be employed. Work will be halted in the vicinity of the find, and a qualified
693 archaeologist will be contacted to evaluate the archaeological deposit and to make
694 recommendations about the treatment of the deposit, as warranted.

695 If any human remains are discovered during Project implementation, there will be no further
696 excavation or disturbance of the site, or any nearby area reasonably suspected to overlie adjacent
697 human remains, until the appropriate county coroner has been informed and has determined that
698 no investigation of the cause of death is required. If the remains are of Native American origin, no
699 further excavation or disturbance will take place until the descendants of the deceased Native
700 Americans have made a recommendation to the landowner or the person responsible for the
701 excavation work for means of treating or disposing of, with appropriate dignity, the human remains
702 and any associated grave goods as provided in Public Res. Code Section 5097.98, or until the NAHC
703 is unable to identify a descendant or the descendant fails to make a recommendation within 24
704 hours after being notified by the NAHC.

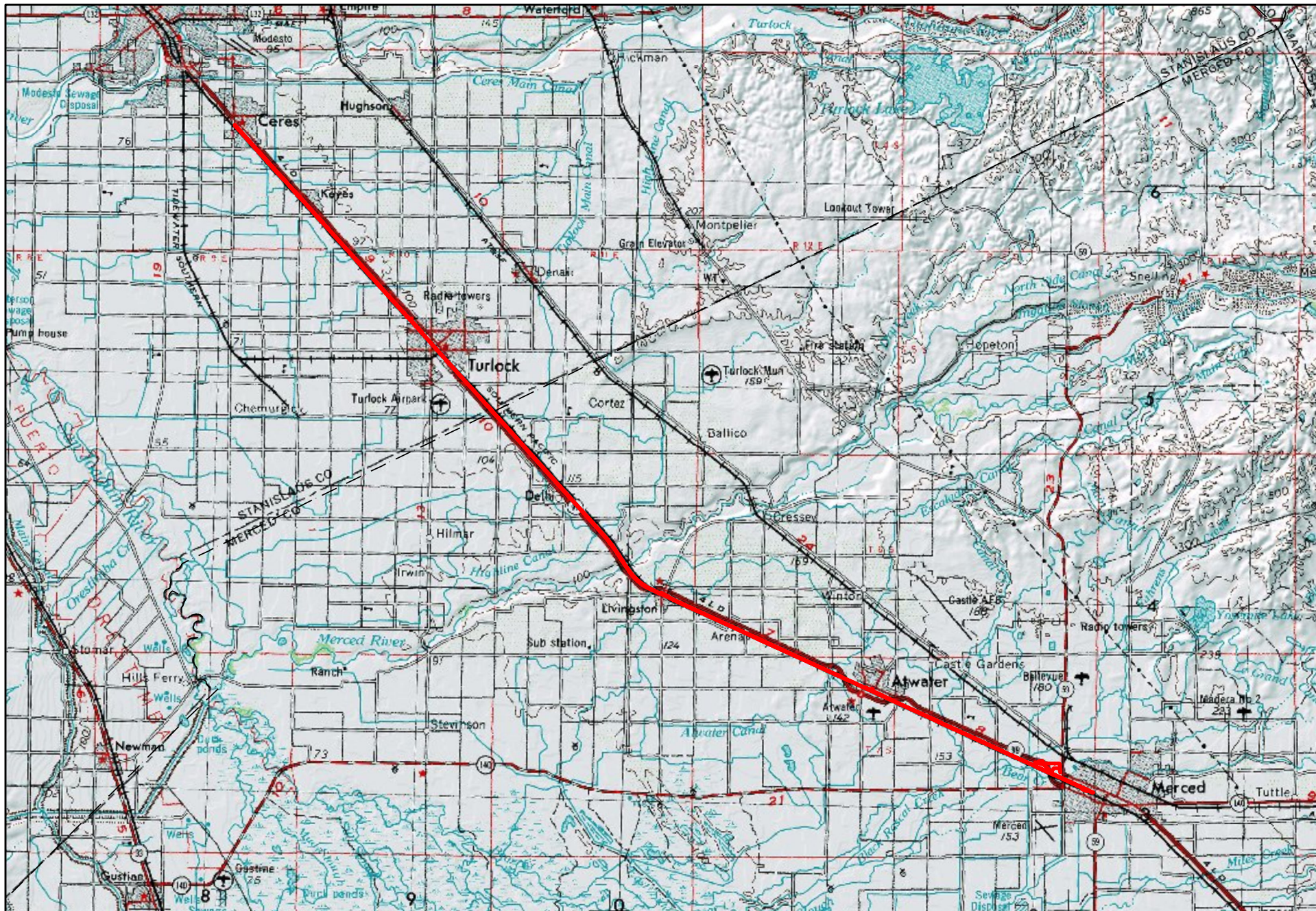
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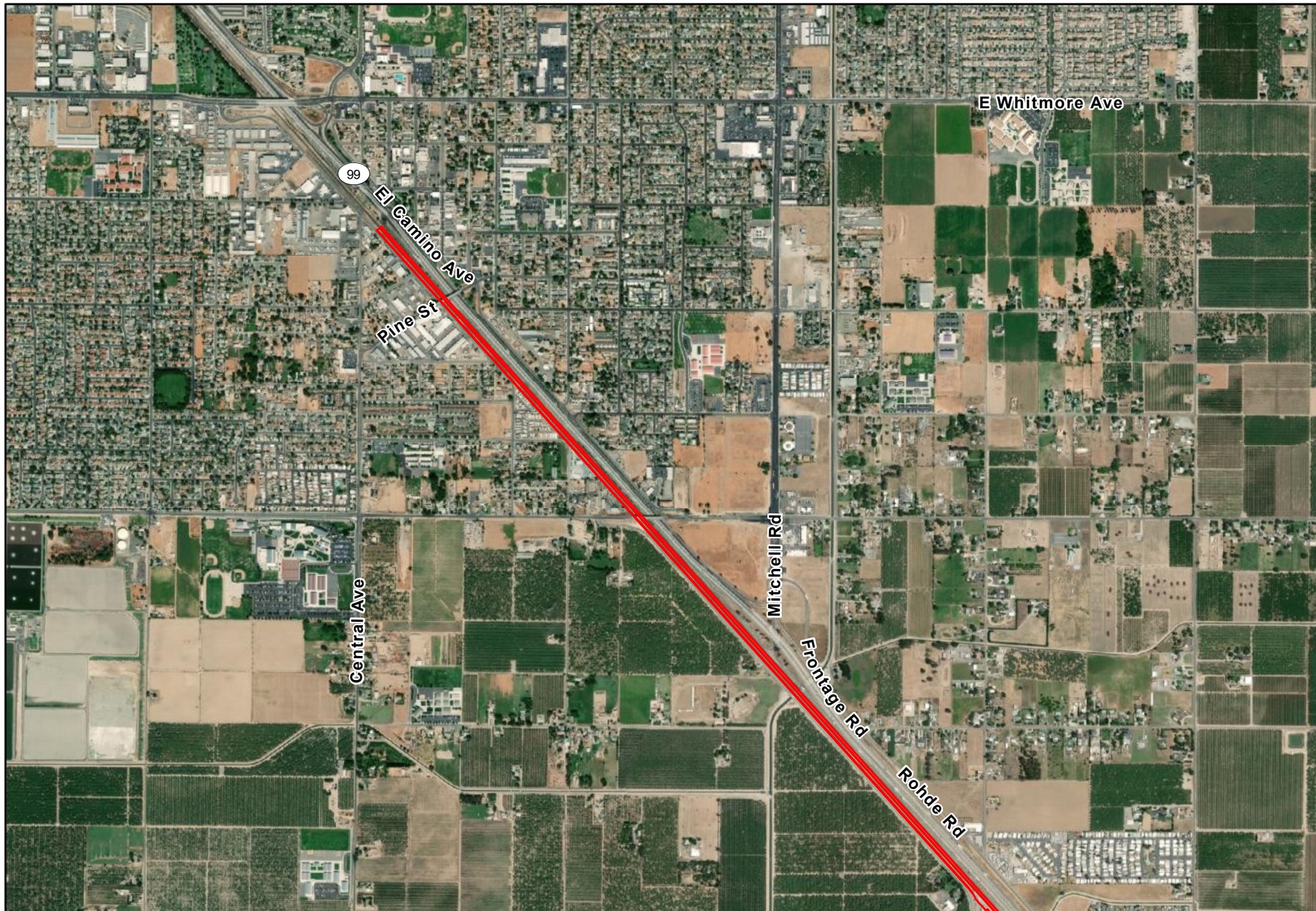
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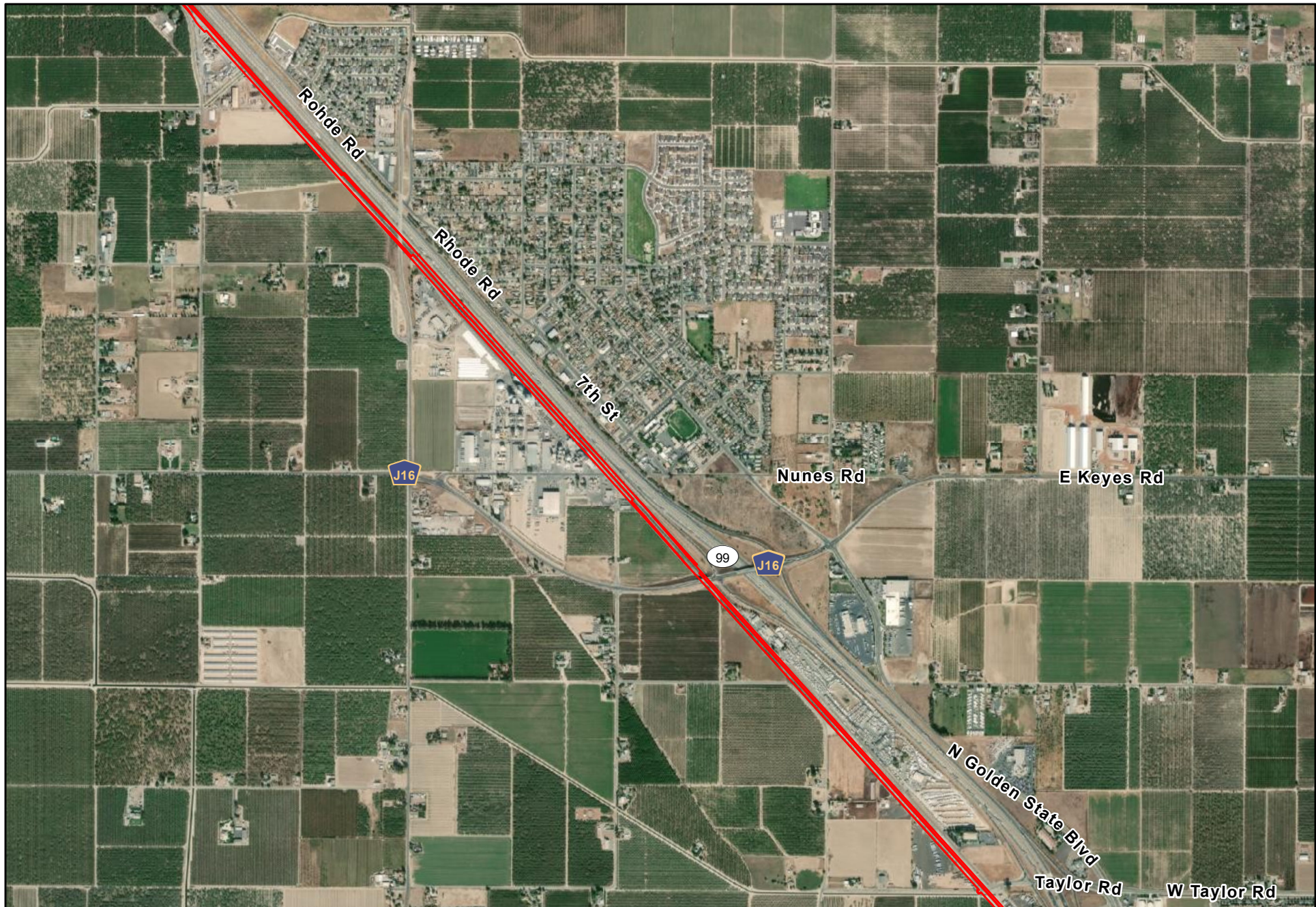
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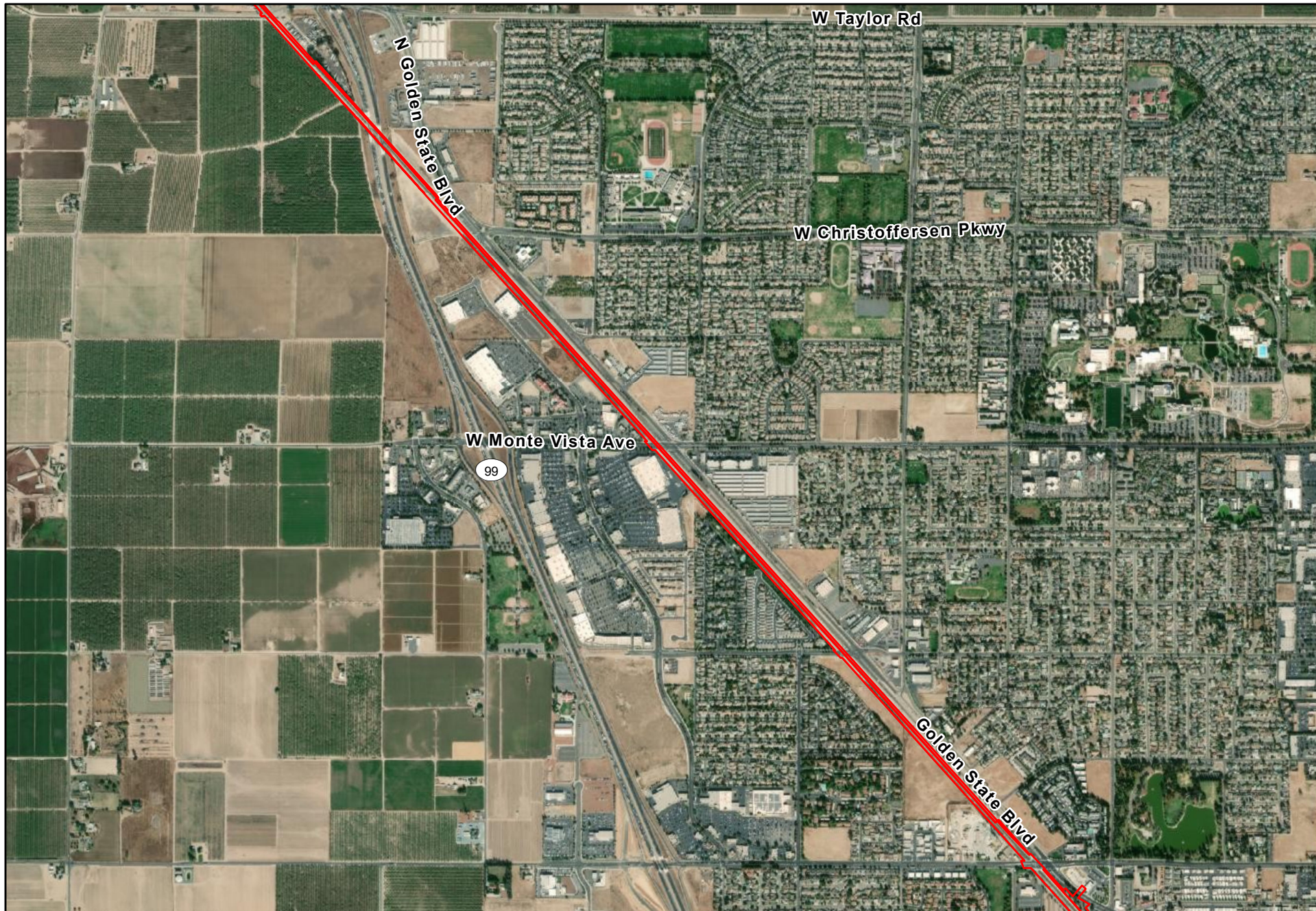
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798 Department of Anthropology, University of California, Davis.
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800 Alignment, Colusa County, California. Archaeological Research Program, California State
801 University, Chico, CA: Report prepared for Kiewit Pacific, Concord, CA.
- 802 Willey, G. and P. Phillips. 1958. *Method and Theory in American Archaeology*. Chicago, IL: University
803 of Chicago Press.

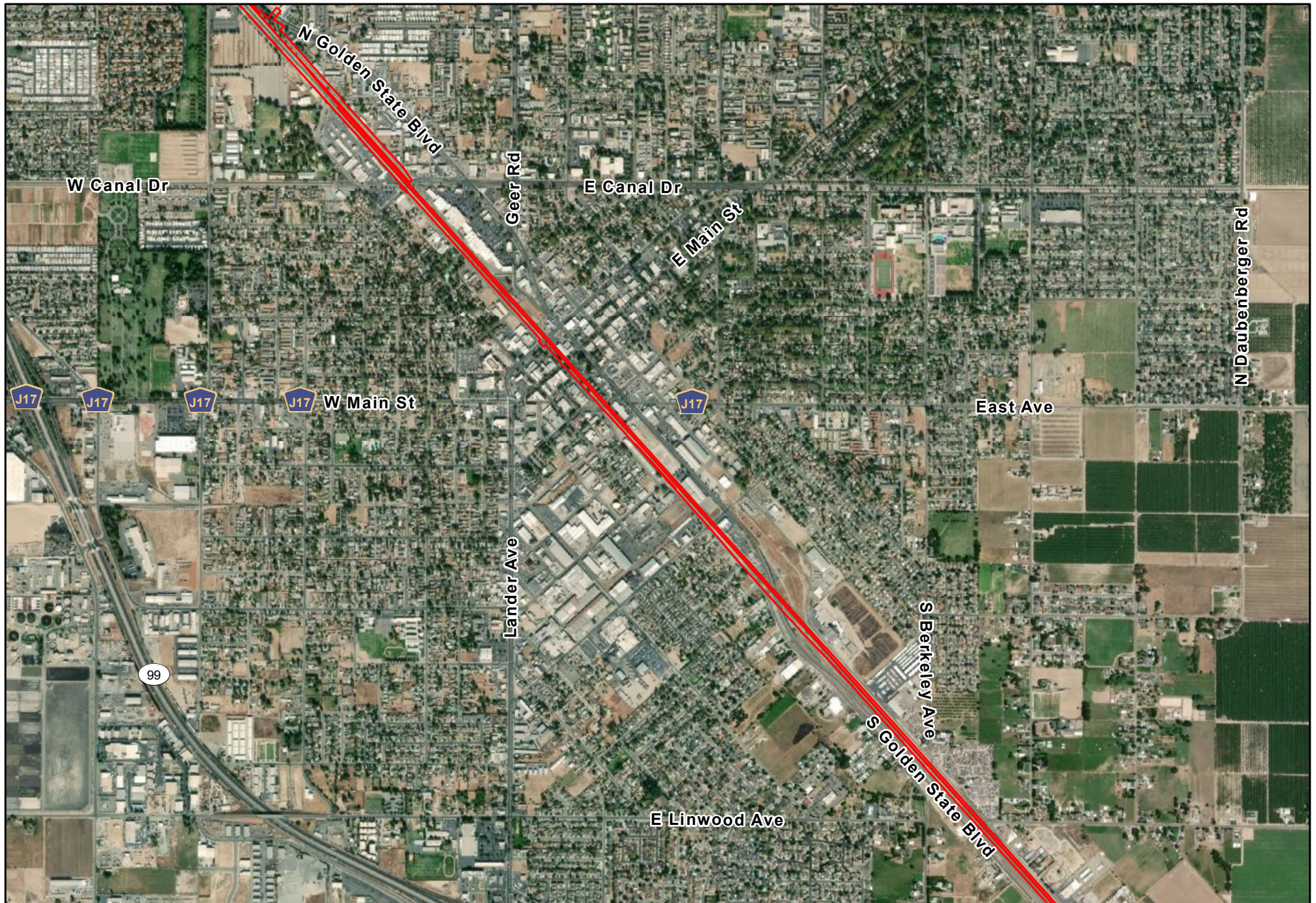
Attachment A
Study Area Maps



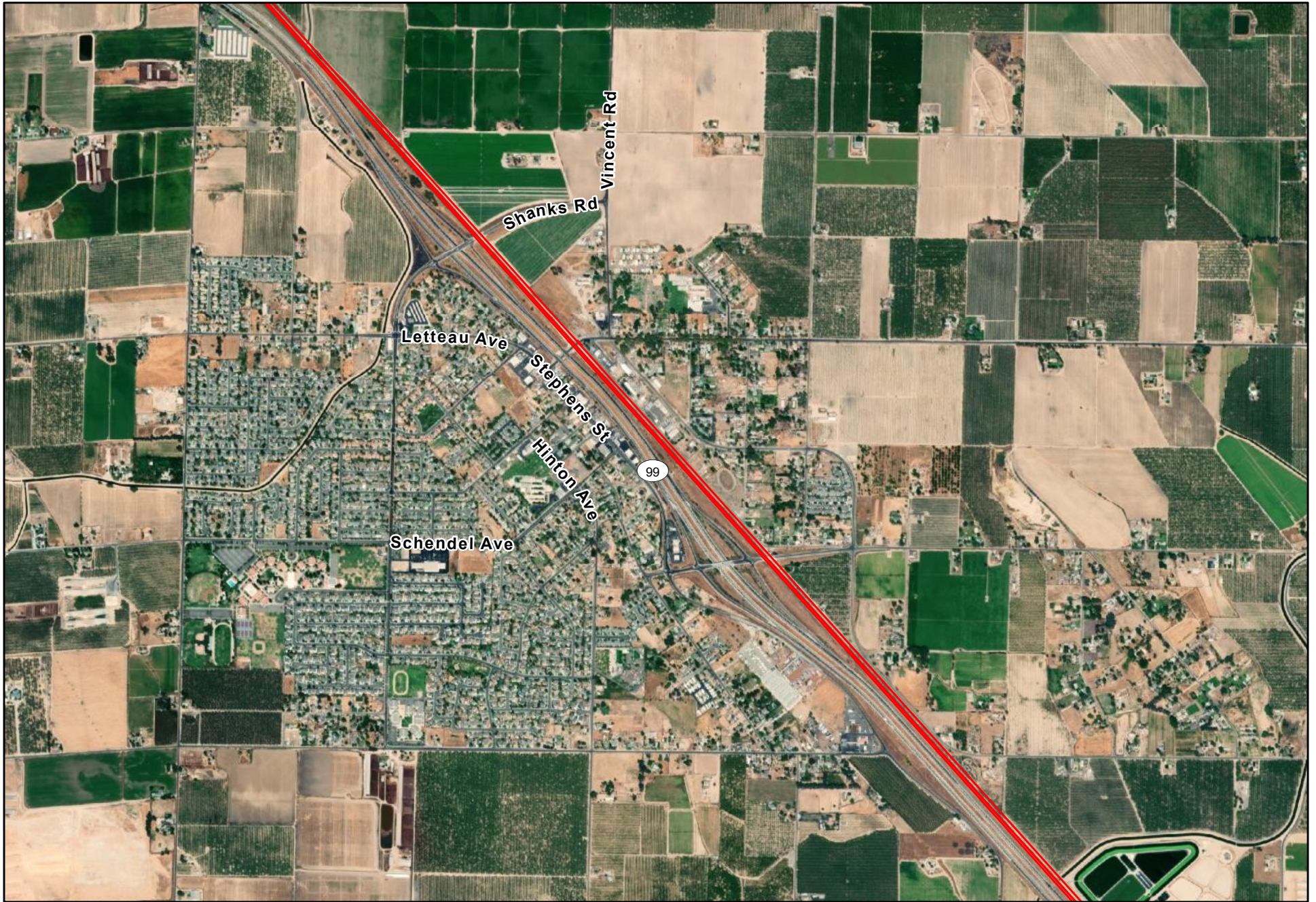




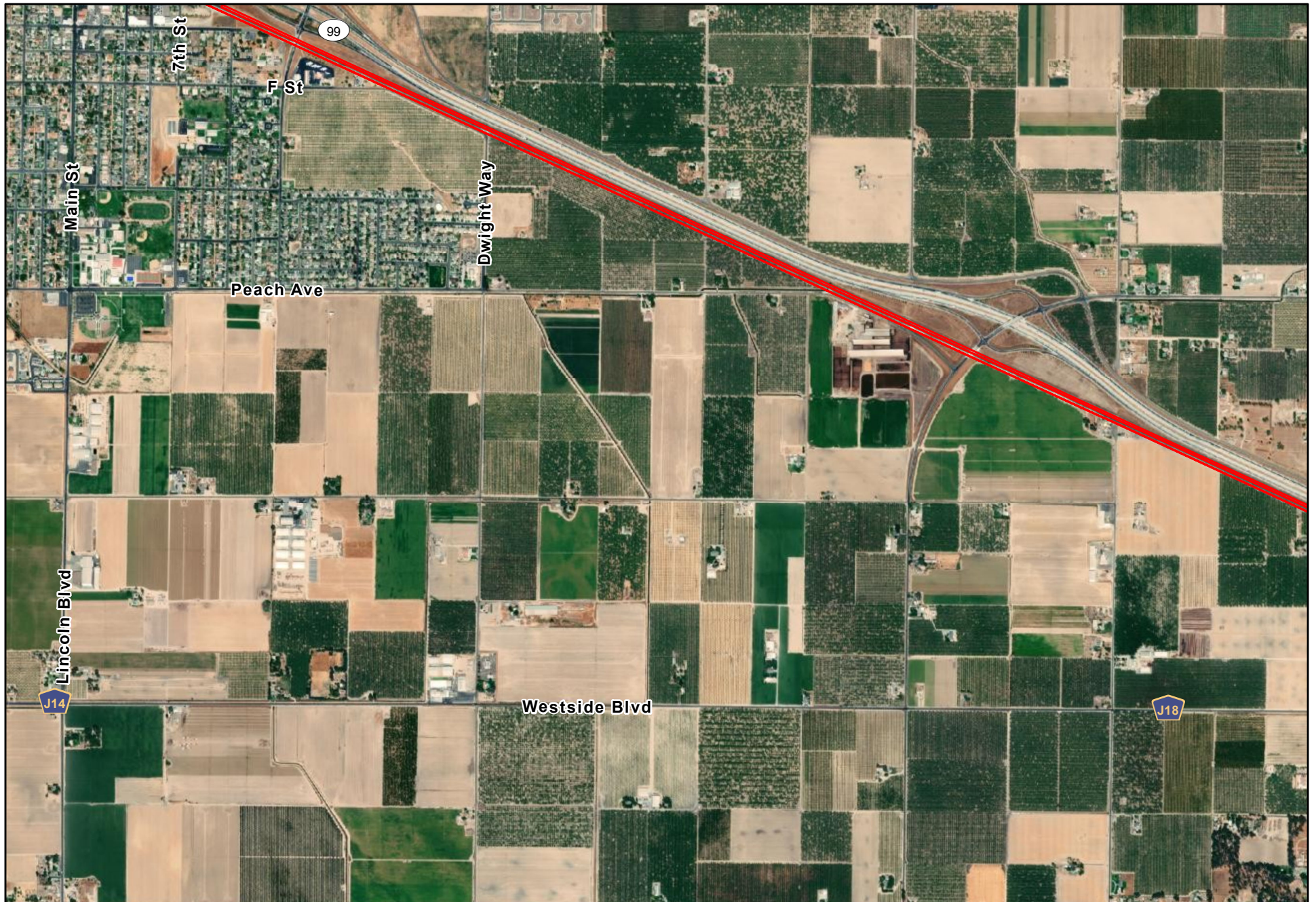


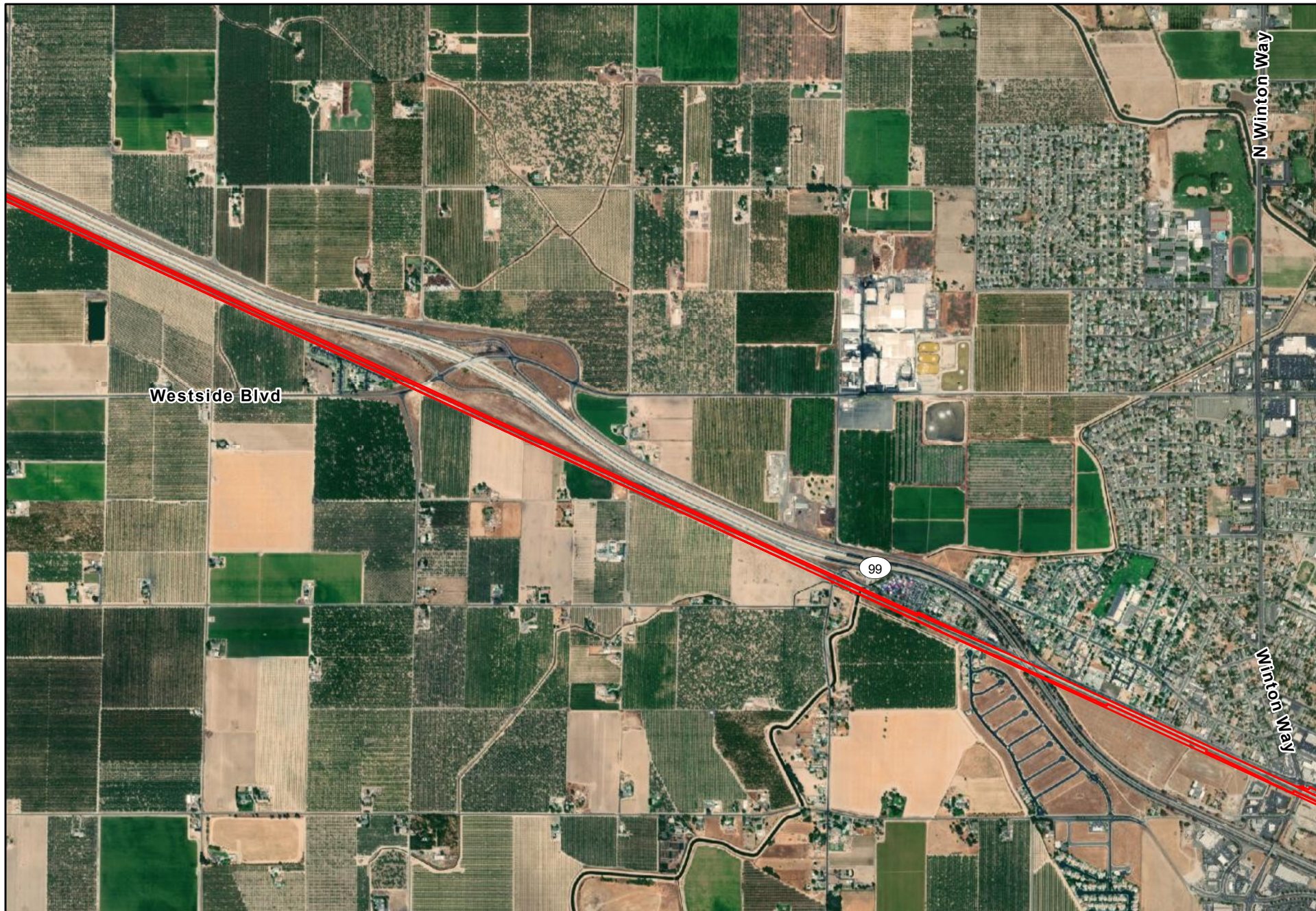






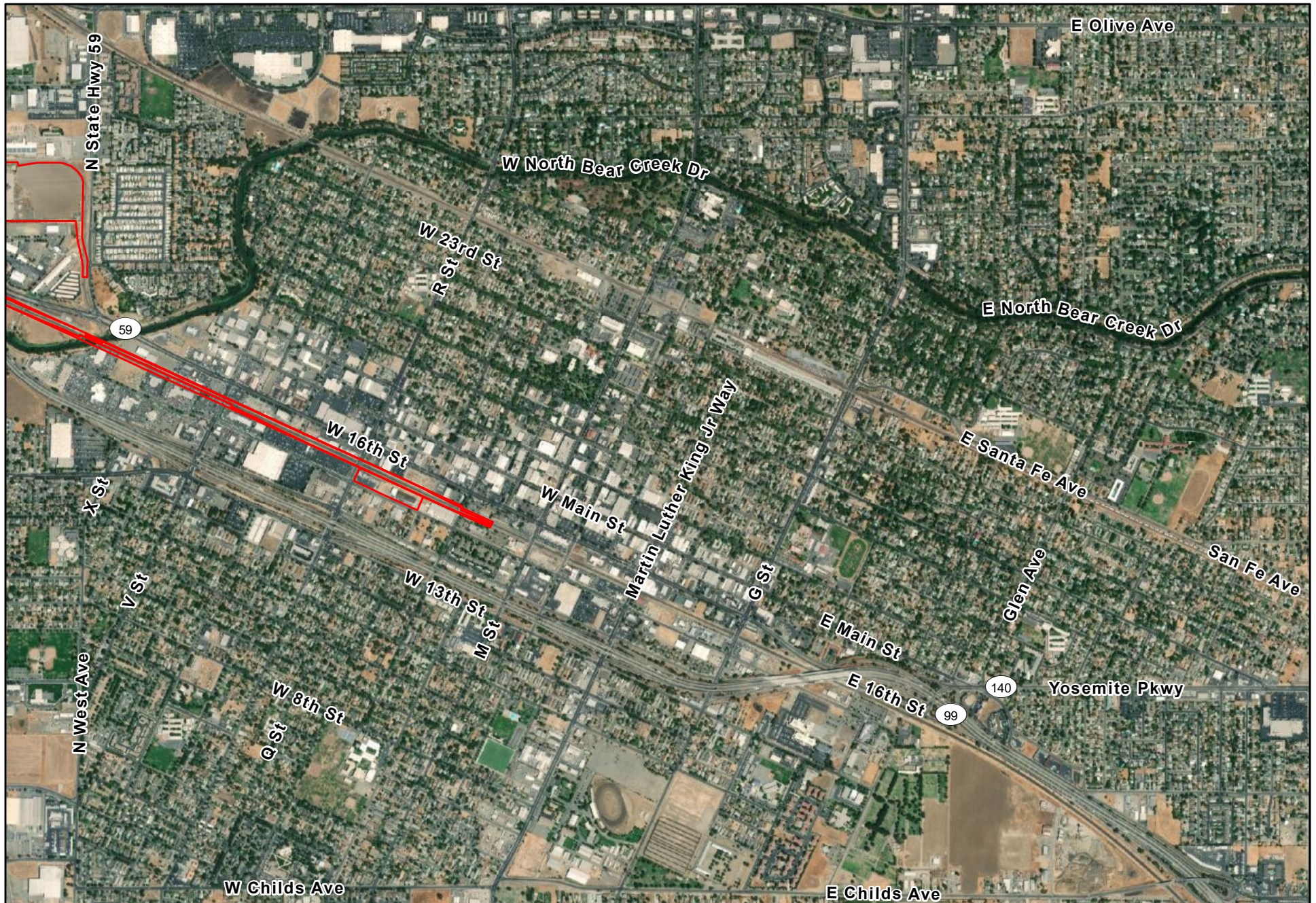












Attachment B
**Archaeological Resources Within or Adjacent to the
Study Area**

Attachment B - Archaeological Resources Within or Adjacent to the Study Area
contains confidential information and has been removed.

Attachment C Geoarchaeological Analysis Maps

Attachment C - Geoarchaeological Analysis Maps
contains confidential information and has been removed.

Attachment D
Tribal Correspondence

Local Government Tribal Consultation List Request

Native American Heritage Commission

1550 Harbor Blvd, Suite 100
West Sacramento, CA 95691
916-373-3710
916-373-5471 – Fax
nahe@nahe.ca.gov

Type of List Requested

☒ **CEQA Tribal Consultation List (AB 52)** – *Per Public Resources Code § 21080.3.1, subs. (b), (d), (e) and 21080.3.2*

☐ **General Plan (SB 18)** – *Per Government Code § 65352.3.*

Local Action Type:

___ General Plan ___ General Plan Element ___ General Plan Amendment

___ Specific Plan ___ Specific Plan Amendment ___ Pre-planning Outreach Activity

Required Information

Project Title: Altamont Corridor Express Extension Ceres to Merced

Local Government/Lead Agency: San Joaquin Regional Rail Commission

Contact Person: Lily Arias

Street Address: 201 Missions Street, Suite 1500

City: San Francisco, CA **Zip:** 94105

Phone: 415.677.7132 **Fax:** _____

Email: lily.arias@icf.com

Specific Area Subject to Proposed Action

County: Stanislaus and Merced Counties **City/Community:** Ceres, Dehli, Keyes, Turlock, Arena,

Atwater, Buhach, and Merced

Project Description:

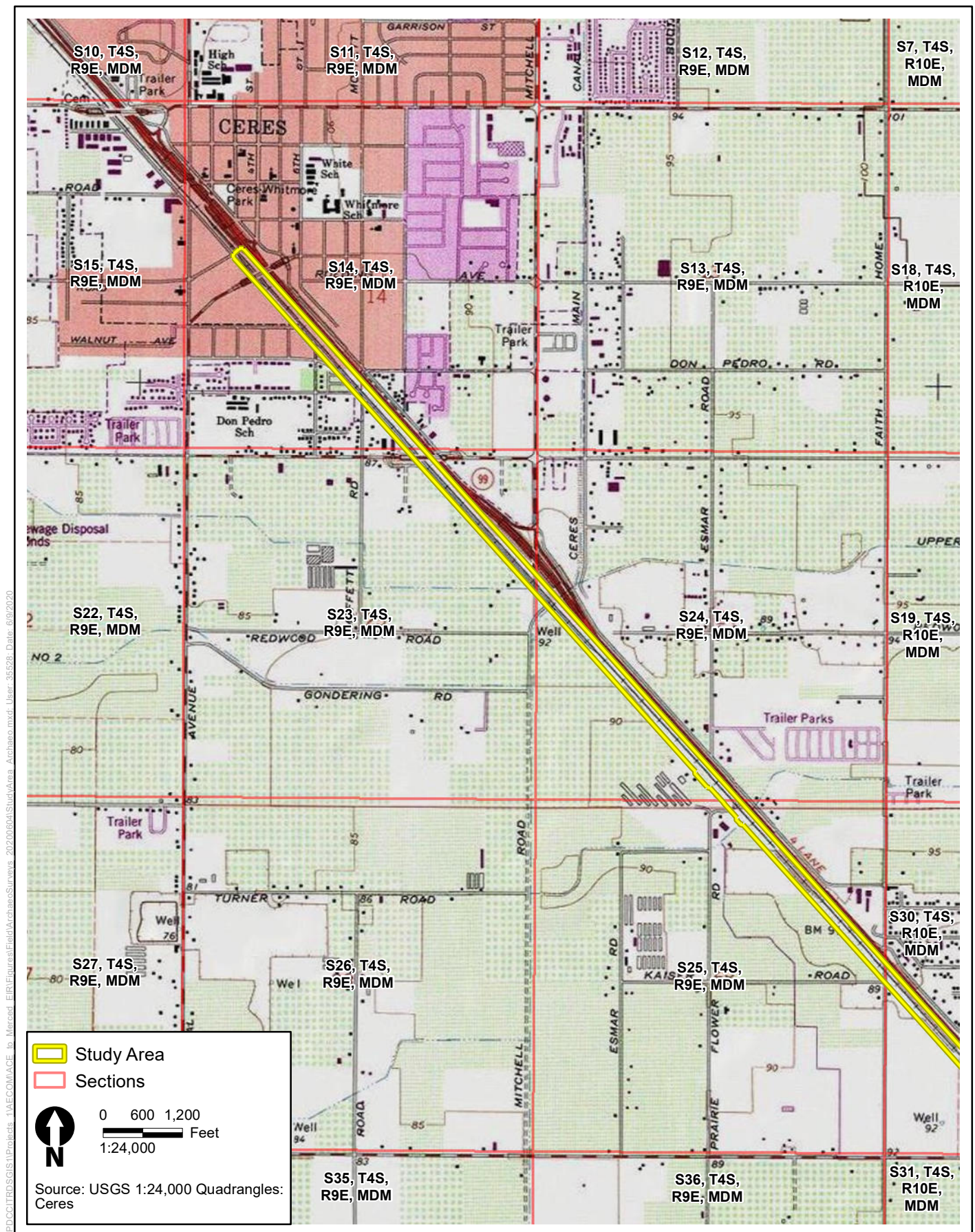
SJRRC proposes to extend ACE passenger rail service from Ceres to Merced by constructing and upgrading tracks within the existing Union Pacific Railroad (UPRR) Fresno Subdivision ROW, a distance of approximately 34 miles. New stations and operating facilities would be constructed along the extension alignment. The Project improvements include portions of the Fresno Subdivision ROW and additional ROW for new facilities (stations and layover yards) and for any construction or access areas located outside the ROW.

Additional Request

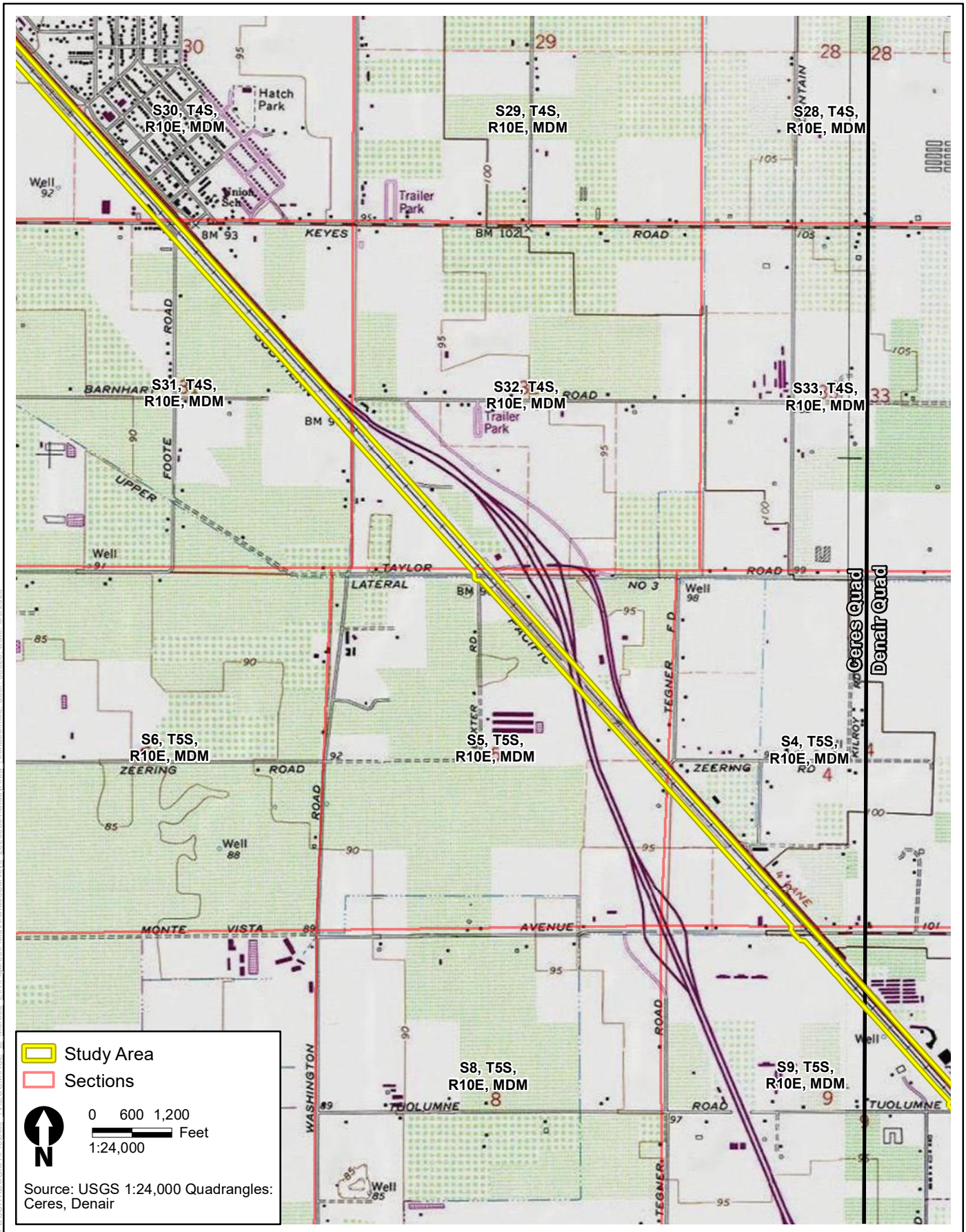
☒ **Sacred Lands File Search - Required Information:**

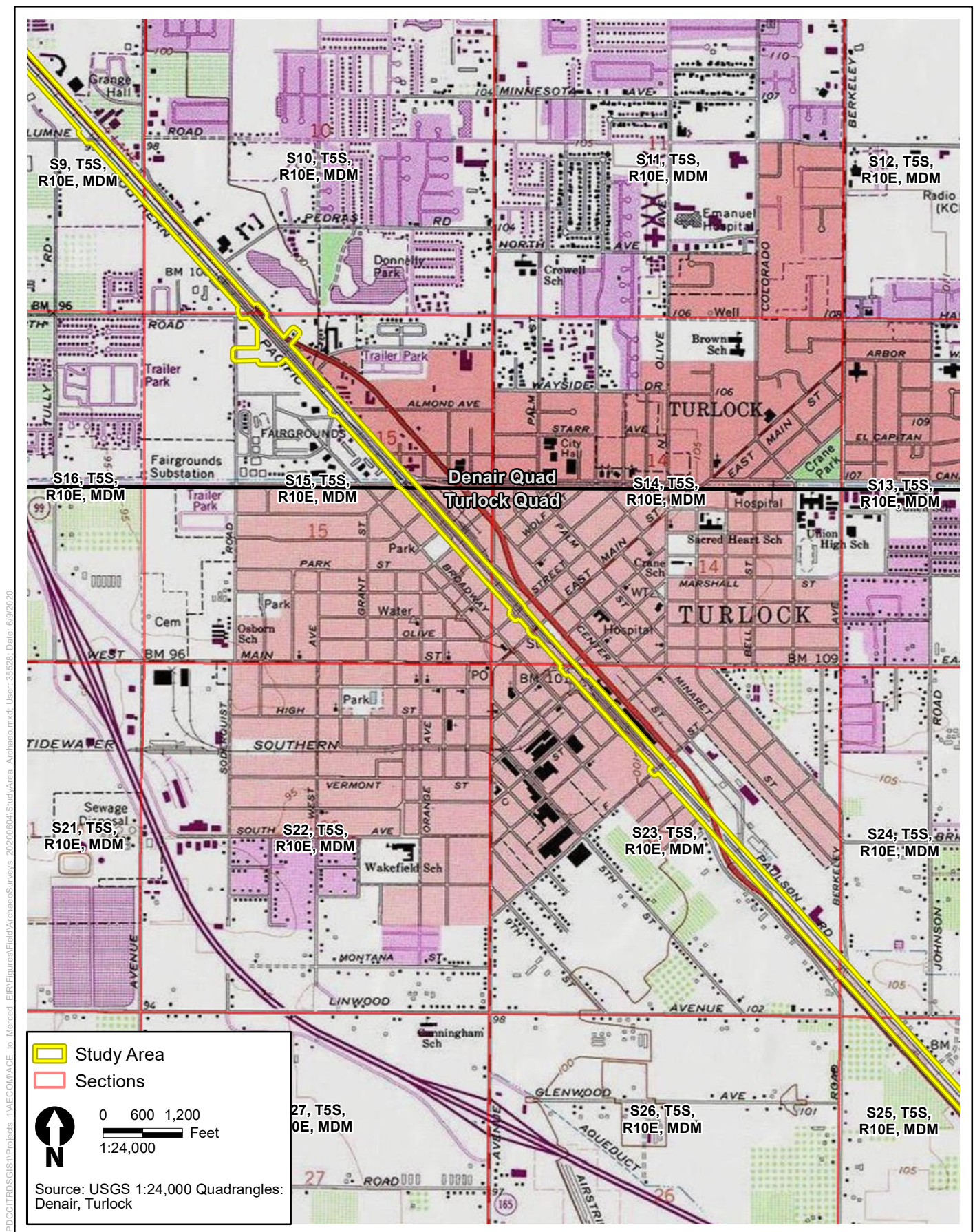
USGS Quadrangle Name(s): Ceres, Denair, Turlock, Cressey, Arena, Atwater, Merced (see attached figure)

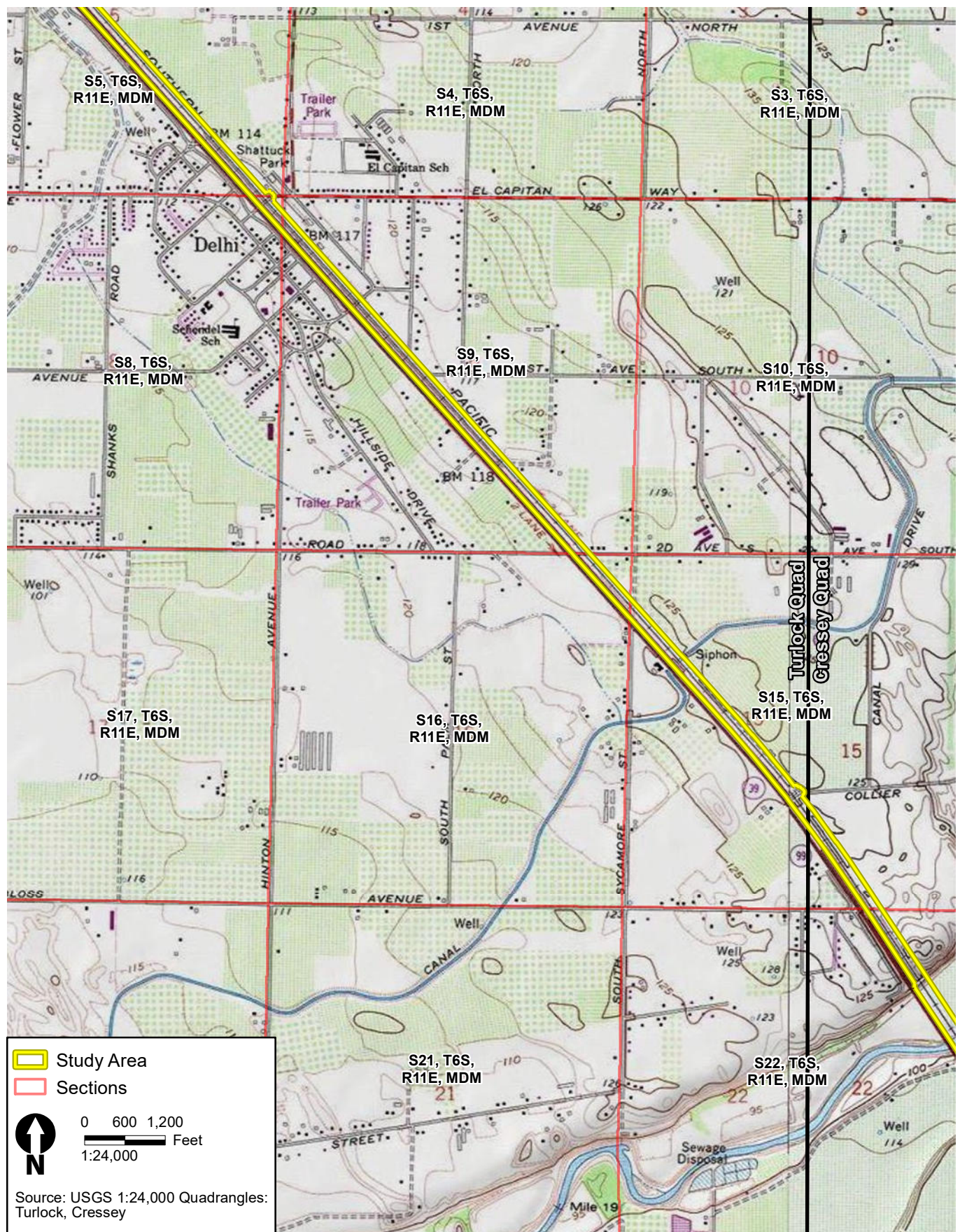
Township: _____ **Range:** _____ **Section(s):** _____



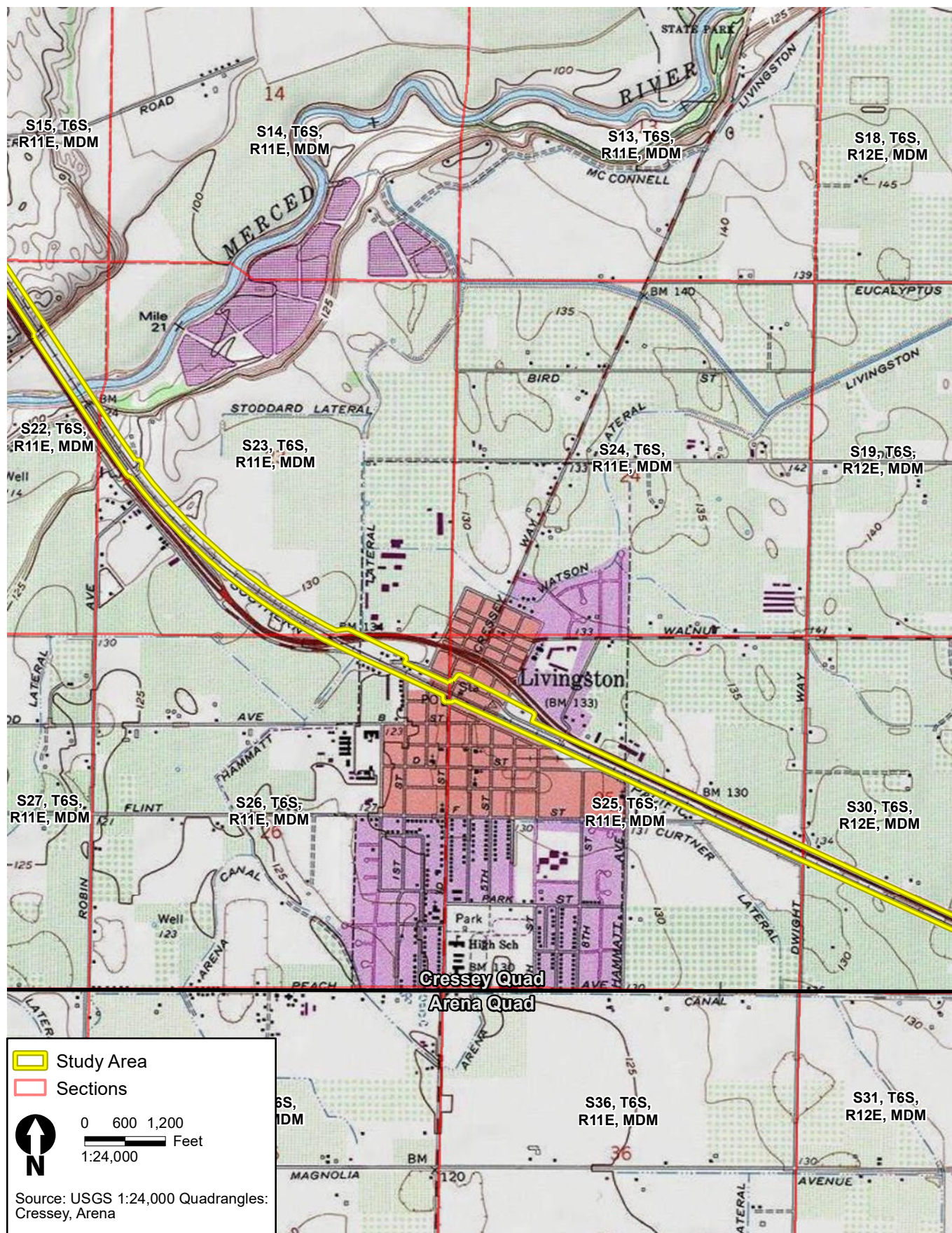
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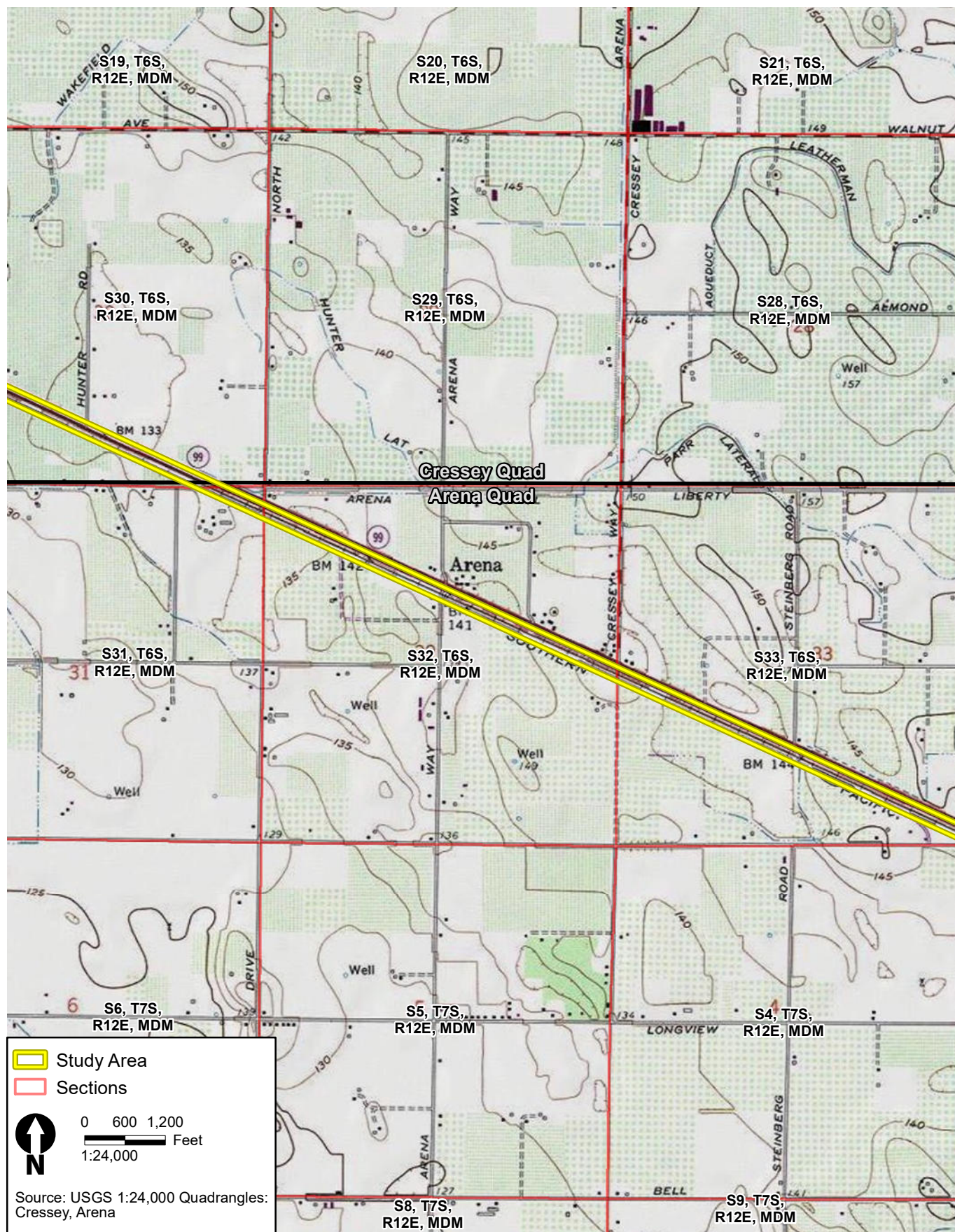




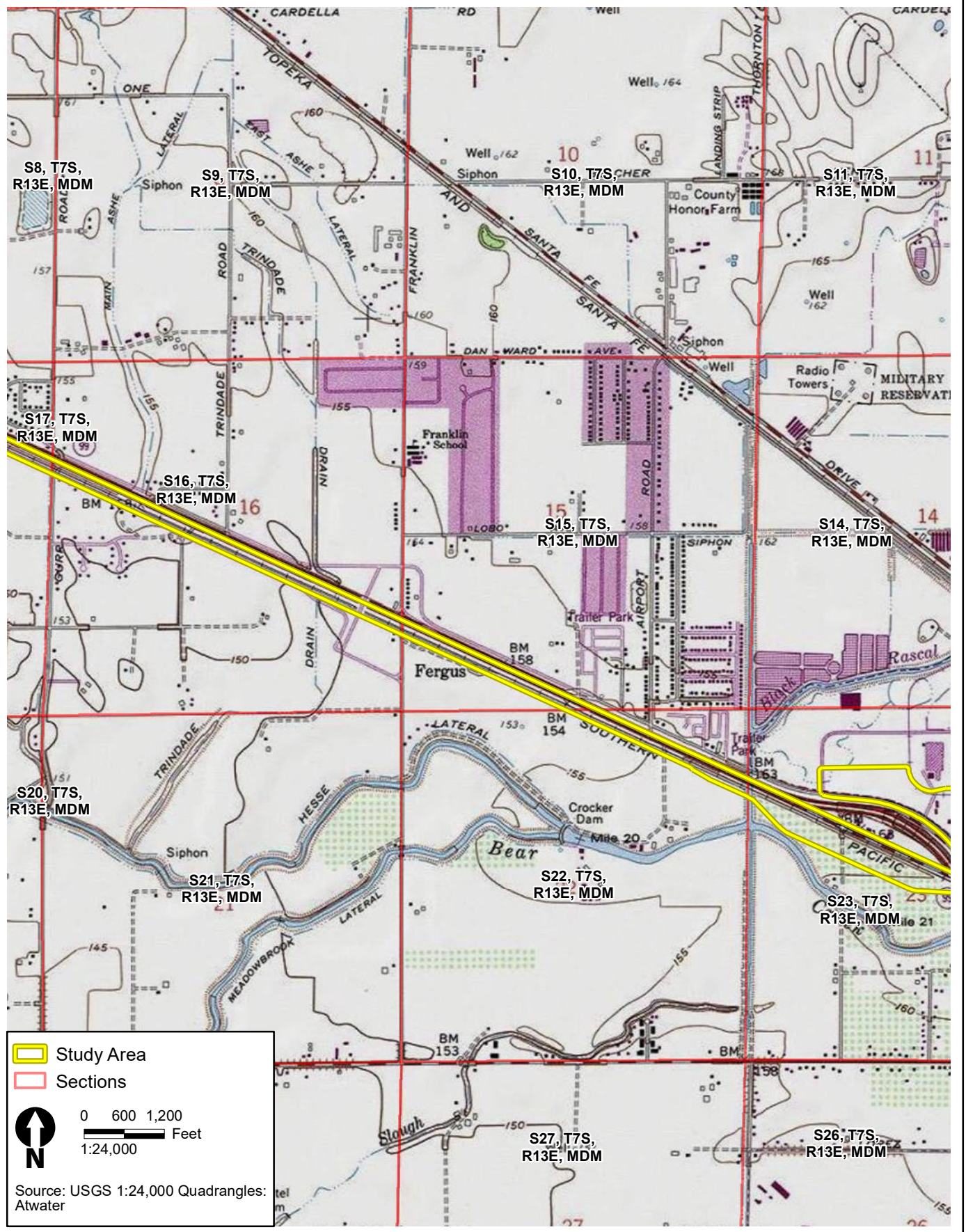
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**NATIVE AMERICAN HERITAGE COMMISSION**

June 10, 2020

Lily Arias
ICF

Via Email to: Lily.Arias@icf.com

CHAIRPERSON
Laura Miranda
LuiseñoVICE CHAIRPERSON
Reginald Pagaling
ChumashSECRETARY
Merri Lopez-Keifer
LuiseñoPARLIAMENTARIAN
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Marshall McKay
WintunCOMMISSIONER
William Mungary
Paiute/White Mountain
ApacheCOMMISSIONER
Julie Tumamait-Stenslie
ChumashCOMMISSIONER
[Vacant]COMMISSIONER
[Vacant]EXECUTIVE SECRETARY
Christina Snider
Pomo**NAHC HEADQUARTERS**
1550 Harbor Boulevard
Suite 100
West Sacramento,
California 95691
(916) 373-3710
nahc@nahc.ca.gov
NAHC.ca.gov

Re: Native American Tribal Consultation, Pursuant to the Assembly Bill 52 (AB 52), Amendments to the California Environmental Quality Act (CEQA) (Chapter 532, Statutes of 2014), Public Resources Code Sections 5097.94 (m), 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2 and 21084.3, Altamont Corridor Express Extension Ceres to Merced, Stanislaus and Merced Counties

Dear Ms. Arias:

Pursuant to Public Resources Code section 21080.3.1 (c), attached is a consultation list of tribes that are traditionally and culturally affiliated with the geographic area of the above-listed project. Please note that the intent of the AB 52 amendments to CEQA is to avoid and/or mitigate impacts to tribal cultural resources, (Pub. Resources Code §21084.3 (a)) ("Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource.")

Public Resources Code sections 21080.3.1 and 21084.3(c) require CEQA lead agencies to consult with California Native American tribes that have requested notice from such agencies of proposed projects in the geographic area that are traditionally and culturally affiliated with the tribes on projects for which a Notice of Preparation or Notice of Negative Declaration or Mitigated Negative Declaration has been filed on or after July 1, 2015. Specifically, Public Resources Code section 21080.3.1 (d) provides:

Within 14 days of determining that an application for a project is complete or a decision by a public agency to undertake a project, the lead agency shall provide formal notification to the designated contact of, or a tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, which shall be accomplished by means of at least one written notification that includes a brief description of the proposed project and its location, the lead agency contact information, and a notification that the California Native American tribe has 30 days to request consultation pursuant to this section.

The AB 52 amendments to CEQA law does not preclude initiating consultation with the tribes that are culturally and traditionally affiliated within your jurisdiction prior to receiving requests for notification of projects in the tribe's areas of traditional and cultural affiliation. The Native American Heritage Commission (NAHC) recommends, but does not require, early consultation as a best practice to ensure that lead agencies receive sufficient information about cultural resources in a project area to avoid damaging effects to tribal cultural resources.

The NAHC also recommends, but does not require that agencies should also include with their notification letters, information regarding any cultural resources assessment that has been completed on the area of potential effect (APE), such as:

1. The results of any record search that may have been conducted at an Information Center of the California Historical Resources Information System (CHRIS), including, but not limited to:

- A listing of any and all known cultural resources that have already been recorded on or adjacent to the APE, such as known archaeological sites;
- Copies of any and all cultural resource records and study reports that may have been provided by the Information Center as part of the records search response;
- Whether the records search indicates a low, moderate, or high probability that unrecorded cultural resources are located in the APE; and
- If a survey is recommended by the Information Center to determine whether previously unrecorded cultural resources are present.

2. The results of any archaeological inventory survey that was conducted, including:

- Any report that may contain site forms, site significance, and suggested mitigation measures.

All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure in accordance with Government Code section 6254.10.

3. The result of any Sacred Lands File (SLF) check conducted through the Native American Heritage Commission was negative.

4. Any ethnographic studies conducted for any area including all or part of the APE; and

5. Any geotechnical reports regarding all or part of the APE.

Lead agencies should be aware that records maintained by the NAHC and CHRIS are not exhaustive and a negative response to these searches does not preclude the existence of a tribal cultural resource. A tribe may be the only source of information regarding the existence of a tribal cultural resource.

This information will aid tribes in determining whether to request formal consultation. In the event that they do, having the information beforehand will help to facilitate the consultation process.

If you receive notification of change of addresses and phone numbers from tribes, please notify the NAHC. With your assistance, we can assure that our consultation list remains current.

If you have any questions, please contact me at my email address: Nancy.Gonzalez-Lopez@nahc.ca.gov.

Sincerely,



Nancy Gonzalez-Lopez
Cultural Resources Analyst

Attachment

**Native American Heritage Commission
Tribal Consultation List
Stanislaus, Merced Counties
6/10/2020**

Amah Mutsun Tribal Band

Valentin Lopez, Chairperson
P.O. Box 5272
Galt, CA, 95632
Phone: (916) 743 - 5833
vlopez@amahmutsun.org

Costanoan
Northern Valley
Yokut

North Valley Yokuts Tribe

Timothy Perez, MLD Contact
P.O. Box 717
Linden, CA, 95236
Phone: (209) 662 - 2788
huskanam@gmail.com

Costanoan
Northern Valley
Yokut

North Valley Yokuts Tribe

Katherine Perez, Chairperson
P.O. Box 717
Linden, CA, 95236
Phone: (209) 887 - 3415
canutes@verizon.net

Costanoan
Northern Valley
Yokut

Southern Sierra Miwuk Nation

William Leonard, Chairperson
P.O. Box 186
Mariposa, CA, 95338
Phone: (209) 628 - 8603

Miwok
Northern Valley
Yokut
Paiute

This list is current only as of the date of this document. Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and section 5097.98 of the Public Resources Code.

This list is only applicable for consultation with Native American tribes under Public Resources Code Sections 21080.3.1 for the proposed Altamont Corridor Express Extension Ceres to Merced, Stanislaus, Merced Counties.



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Commissioner, **Doug Kuehne**, City of Lodi
Commissioner, **Debby Moorhead**, City of Manteca

Commissioner, **Bob Elliott**, San Joaquin County
Commissioner, **Scott Haggerty**, Alameda County
Commissioner, **John Marchand**, City of Livermore
Commissioner, **Nancy Young**, City of Tracy

Executive Director, **Stacey Mortensen**

July 30, 2020

Mr. Valentin Lopez, Chairperson
Amah Mutsun Tribal Band
PO Box 5272
Galt, CA 95632
vlopez@amahmutsun.org

Subject: Altamont Corridor Express (ACE) Ceres-Merced Extension Project

Dear Mr. Lopez,

The purpose of this letter is to inform you of the Altamont Corridor Express (ACE) Ceres-Merced Extension Project (Project). The San Joaquin Regional Rail Commission (SJRRRC) proposes to extend ACE passenger rail service from Ceres to Merced by constructing and upgrading tracks within the existing Union Pacific Railroad (UPRR) Fresno Subdivision ROW, a distance of approximately 34 miles through Stanislaus and Merced Counties. New stations would be constructed along the extension alignment in Turlock; either Livingston or Atwater (one station will be chosen from these two locations); and Merced. The Project also includes a layover & maintenance facility in Merced. Project improvements include portions of the Fresno Subdivision ROW and additional ROW for new facilities (stations and a layover & maintenance facility).

Ground disturbance associated with the construction of the project include the following:

- 0-5 feet below ground surface (bgs) for parking areas and platforms
- 5-10 feet bgs for pedestrian access structures – bridge
- 10-15 feet bgs for bridge abutments
- 15-20 feet bgs for pedestrian access structures – tunnel
- More than 20 feet for bridge piers

These activities require analysis under the California Environmental Quality Act (CEQA). SJRRRC is the lead agency under CEQA. Please consider this letter and preliminary project information as formal notification of a proposed Project as required under CEQA, specifically Public Resources Code 21080.3.1 and Chapter 532 Statutes of 2014 (i.e., AB 52).

A literature search conducted at the Central California Information Center (CCIC) of the California Historical Resources Information System (CHRIS) did not identify any cultural resources within the Archaeological Study Area.

A search of the Native American Heritage Commission (NAHC) sacred lands database failed to indicate any additional Native American cultural resources within the immediate project area. The NAHC provided your name as a representative of a California Native American Tribe who may have knowledge of cultural resources within or near the Project area. The attached map illustrates the Project area.

SJRRC would like to provide you with an opportunity to communicate concerns you might have regarding places within the Project area that may be important to your community. SJRRC requests your participation in the identification and protection of cultural resources, sacred lands, or other heritage sites within the above described Project area with the understanding that you or other members of the community might possess specialized knowledge of the area.

Pursuant to PRC § 21080.3.1 (b), tribal representatives typically have 30 days from the receipt of this letter to request consultation, in writing, with SJRRC for the purpose of identifying the significant impacts of the project, alternatives to the project as proposed, and recommended mitigation measures.

If you have any questions, please feel free to contact me by telephone at (209) 944-6220 or e-mail at Kevin@acerail.com.

Sincerely,



Kevin Sheridan, Director of Capital Projects
San Joaquin Regional Rail Commission
Attn: ACE Ceres–Merced Extension Project
949 East Channel Street
Stockton, CA 95202

Attachment: Project Location Map



SAN JOAQUIN
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Commissioner, **Doug Kuehne**, City of Lodi
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Commissioner, **Scott Haggerty**, Alameda County
Commissioner, **John Marchand**, City of Livermore
Commissioner, **Nancy Young**, City of Tracy

Executive Director, **Stacey Mortensen**

July 30, 2020

Mr. Timothy Perez, MLD Contact
North Valley Yokuts Tribe
PO Box 717
Linden, CA 95236
huskanam@gmail.com

Subject: Altamont Corridor Express (ACE) Ceres-Merced Extension Project

Dear Mr. Perez,

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Sincerely,



Kevin Sheridan, Director of Capital Projects
San Joaquin Regional Rail Commission
Attn: ACE Ceres–Merced Extension Project
949 East Channel Street
Stockton, CA 95202

Attachment: Project Location Map



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Commissioner, **John Marchand**, City of Livermore
Commissioner, **Nancy Young**, City of Tracy

Executive Director, **Stacey Mortensen**

July 30, 2020

Ms. Katherine Perez, Chairperson
North Valley Yokuts Tribe
PO Box 717
Linden, CA 95236
canutes@verizon.net

Subject: Altamont Corridor Express (ACE) Ceres-Merced Extension Project

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Sincerely,



Kevin Sheridan, Director of Capital Projects
San Joaquin Regional Rail Commission
Attn: ACE Ceres–Merced Extension Project
949 East Channel Street
Stockton, CA 95202

Attachment: Project Location Map



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ZIP 95201
041L11260259

MR. WILLIAM LEONARD
SOUTHERN SIERRA MIWUK NATION
P.O. BOX 186
MARIPOSA, CA 95338

No.	Date	To/From ICF	ICF Contact	Contact	Organization Affiliation	Tribal Affiliation	Type	Subject
1	9-Jun-20	from	L. Arias	NAHC	NAHC		email with attachments	A request for a SLF search and AB52 contact list
2	10-Jun-20	to	L. Arias	NAHC	NAHC		email with attachments	SLF search results and AB52 contact list
3	30-Jul-20	from	SJRRRA	Valentin Lopez	Amah Mutsun Tribal Band	Costanoan, Northern Valley Yokut	email with attachments	formal AB52 notification and a project location figure
4	30-Jul-20	from	SJRRRA	Timothy Perez, MLD Contact	North Valley Yokuts Tribe	Costanoan, Northern Valley Yokut	email with attachments	formal AB52 notification and a project location figure
5	30-Jul-20	from	SJRRRA	Katherine Perez, Chairperson	North Valley Yokuts Tribe	Costanoan, Northern Valley Yokut	email with attachments	formal AB52 notification and a project location figure a voicemail was left for Mr. Leonard inquiring whether he had an up-to-date email he would like to use to receive AB52 notification or if we would prefer notification sent via USPS.
6	30-Jul-20	from	L. Arias (ICF)	William Leonard, Chairperson	Southern Sierra Miwuk Nation	Miwok, Northern Valley Yokut, Paiute	phone call	
7	30-Jul-20	from	SJRRRA	William Leonard, Chairperson	Southern Sierra Miwuk Nation	Miwok, Northern Valley Yokut, Paiute	Certified letter	In the absence of an email a letter containing formal AB52 notification and project location figure were sent to Mr. Leonard via certified letter Ms. Arias followed with SJRRRA to confirm no responses have been received from any of tribal representatives who received AB52 notification.
8	9/8/2020	From	L. Arias (ICF)	SJRRRA			Email	SJRRRA confirmed no responses had been received.
9	8-Sep-20	to	L. Arias (ICF)	SJRRRA			email	