

**Appendix E:
Cultural Resources**

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E.1 - Native American Heritage Commission Request Form

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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
nahc@nahc.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: Merced Gateway

Local Government/Lead Agency: The City of Merced, California

Contact Person: Dr. Dana DePietro

Street Address: 1350 Treat Blvd. Suite 380

City: Walnut Creek, CA Zip: 94597

Phone: (925) 357-2562 Fax: _____

Email: ddepietro@fcs-intl.com

Specific Area Subject to Proposed Action

County: Merced City/Community: Merced

Project Description:

This project is located at the northeast and southeast corners of Coffee Street and Campus Parkway in the City of Merced. The project involves amending general plan use boundaries and circulation elements to accommodate a planned development consisting of medium density housing and commercial space.

Additional Request

Sacred Lands File Search - *Required Information:*

USGS Quadrangle Name(s): Merced

Township: 7S Range: 14E Section(s): 34

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E.2 - Native American Heritage Commission Response

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NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd., Suite 100
West Sacramento, CA 95691
(916) 373-3710
(916) 373-5471 FAX



October 22, 2015

Dr. Dana DePietro
FCS-Intl
1350 Treat Blvd., Suite 380
Walnut Creek, CA 94597

Email to: ddepietro@fcs-intl.com

RE: Native American Consultation, Pursuant to Public Resources Code Sections, 21080.3.1 and 21080.3.2, as well as Government Code Section 65352.3, Merced Gateway, Merced County.

Dear Dr. DePietro,

Attached is a consultation list of tribes with traditional lands or cultural places located within the boundaries of the above referenced counties. Please note that the intent above reference codes is to mitigate impacts to tribal cultural resources, as defined, for California Environmental Quality Act (CEQA) projects. While the attached lists are tribes that have requested to be consulted in particular counties, it does not reflect the traditional tribal territories of any particular tribe within any particular county. A traditional tribal territory may include single counties, more than one county and/or portions of counties. We suggest that agencies request lists for particular CEQA projects in order to receive accurate lists of tribes that are traditionally and culturally affiliated with specific project locations.

As of July 1, 2015, Public Resources Code Sections 21080.3.1 and 21080.3.2 require public agencies to consult with California Native American tribes identified by the Native American Heritage Commission (NAHC) for the purpose mitigating impacts to tribal cultural resources:

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. (Public Resources Code Section 21080.1(d))

The law does not preclude agencies from initiating consultation with the tribes that are culturally and traditionally affiliated with their jurisdictions. The NAHC believes that in fact that this is the best practice to ensure that tribes are consulted commensurate with the intent of the law.

In accordance with Public Resources Code Section 21080.1(d), formal notification must include 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. The NAHC requests that lead agencies include in their notifications information regarding any cultural resources assessment that has been completed on a potential "area of project affect" (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 have already been recorded on or adjacent to the APE;
 - 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;
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - Whether the records search indicates a low, moderate or high probability that unrecorded cultural resources are located in the potential 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 results of any Sacred Lands File (SFL) check provided by the NAHC. The request form can be found at <http://nahc.ca.gov/wp-content/uploads/2015/04/Sacred-Lands-File-NA-Contact-Form.pdf>.

<SFL Check Completed with Negative Results.

- 4. Any ethnographic studies conducted for any area including all or part of the potential APE; and
- 5. Any geotechnical reports regarding all or part of the potential APE.

Lead agencies should be aware that records maintained by the NAHC and CHRIS is not exhaustive, and a negative response to these searches does not preclude the existence of a cultural place. 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 case 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 me. With your assistance we are able to assure that our consultation list contains current information.

If you have any questions, please contact me at my email address: Katy.Sanchez@nahc.ca.gov.

Sincerely,



Katy Sanchez
Associate Governmental Program Analyst

**Native American Heritage Commission
Tribal Consultation List
Merced County
October 23, 2015**

Amah Mutsun Tribal Band
Valentin Lopez, Chairperson
P.O. Box 5272
Galt, CA 95632
vlopez@amahmutsun.org
(916) 743-5833

Ohlone/Costanoan
Northern Valley Yokuts

Dumna Wo-Wah Tribal Government
Robert Ledger SR., Tribal Chairperson
2216 East Hammond Street
Fresno, CA 93703
ledgerrobert@ymail.com
(559) 519-1742 Office

Dumna/Foothill
Mono

North Valley Yokuts Tribe
Katherine Erolinda Perez, Chairperson
P.O. Box 717
Linden, CA 95236
canutes@verizon.net
(209) 887-3415

Ohlone/Costanoan
Northern Valley Yokuts
Bay Miwok

Picayune Rancheria of Chukchansi
Reggie Lewis Chairperson
8080 Palm Ave, Suite 207
Fresno, CA 93711

Chukchansi / Yokut

Southern Sierra Miwok Nation
Lois Martin, Chairperson
P.O. Box 186
Mariposa, CA 95338
(209) 742-6867 Office

Miwok
Pauite
Northern Valley Yokut

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 applicable only for consultation with Native American tribes under Public Resources Code Sections 21080.3.1 for the proposed Merced Gateway, Merced County.

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E.3 - Historical Letter

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October 15, 2015

Merced County Historical Society
Merced County Courthouse Museum
21st and N Streets, Merced, CA 95340

Subject: Proposed Project at Coffee and Gerard Street , City of Merced, Merced County

Dear Sir or Madame:

At the request of Gateway Park Development Partners, FirstCarbon Solutions (FCS) is conducting a cultural resources assessment for a proposed project within the City of Merced, CA. The proposed project involves the redevelopment of an approximate 77.5 acre parcel located on the south end of the City of Merced, east of Coffee Street, south of Gerard and north of E. Mission Ave. Campus Parkway bisects the site approximately 850 feet north of E. Mission Ave. (see attached map).

To determine the presence or absence of cultural and historical resources within the proposed project area and a ½ mile radius, FCS conducted a record search at the Central California Information Center (CCIC) at Cal State Stanislaus. To identify any historic properties or resources, the current inventories of the National Register of Historic Places (NR), the California Register of Historic Resources (CR), the California Historical Landmarks list (CHL), the California Points of Historical Interest (CPHI) list, and the California State Historic Resources Inventory (HRI) for Merced County were reviewed to determine the existence of previously documented local historical resources. An intensive pedestrian survey has also been conducted at the location.

If you have any additional information regarding potential historic or cultural resources in proximity or relation to the proposed project area, we would greatly appreciate your input.

Please feel free to contact me at 925.357.2562 or via email at ddepietro@fcs-intl.com and thank you for your valuable assistance.

Sincerely,

A handwritten signature in black ink that reads "Dana DePietro". The signature is written in a cursive, flowing style.

Dana Douglas DePietro, Ph.D.
Senior Scientist, Archaeology
FirstCarbon Solutions
1350 Treat Boulevard, Ste. 380
Walnut Creek, CA 94597
Enc: Project Area Map

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E.4 - Paleontological Report

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Kenneth L. Finger, Ph.D.
Consulting Paleontologist

18208 Judy St., Castro Valley, CA 94546-2306

510.885.1585

klfpaleo@comcast.net

October 18, 2015

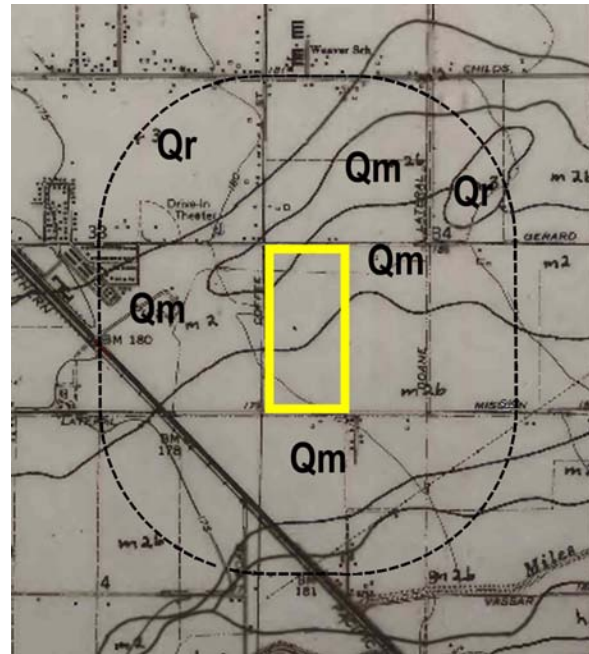
Dana DePietro
FirstCarbon Solutions
1350 Treat Boulevard, Suite 380
Walnut Creek, CA 94597

Re: Paleontological Records Search: Merced Gateway Master Plan Project (FCS 1566.0010), City of Merced, Merced County

As per your request, I have conducted a thorough search of the University of California Museum of Paleontology (UCMP) paleontology database for the Merced Gateway Project. The project site is located in W $\frac{1}{2}$, SW $\frac{1}{4}$, Sec. 34, T7S, R4E, Merced quadrangle (USGS 7.5-series topographic map, 1987).

Geologic Units

The geologic maps of Matthews and Burnett (1965), Page and LeBlanc (1969), and Marchand and Allwardt (1978) indicate that the entire area of concern consists of Quaternary alluvium. The portion of the Marchand (1976) map shown here, with the project site outlined in yellow, shows that the area as the latest Pleistocene Modesto Formation (Qm) and the late Pleistocene Riverbank Formation (Qr).



Records Search

The UCMP database records six vertebrate localities in the Modesto Formation in Fresno, Stanislaus and Yolo counties, and nine in the Riverbank Formation in Fresno, Madera, Merced, Sacramento, and Stanislaus counties. The sole locality in Merced County is located about eight miles east of the project site; it yielded elements of a Rancholabrean fauna but specific taxa are not listed. The database lists another five Rancholabrean localities more distantly located in the county, but without naming their geologic units. Their composite fauna includes *Mammuth americanum* (American mastodon), *Glossotherium harlani* (Harlan's ground sloth), *Equus* (horse), *Bison* (bison), and *Camelops* (camel).

Previously undisturbed alluvium in the surface and subsurface of the target area have the potential of containing vertebrate fossils; therefore, any excavations of these deposits have

the potential of impacting significant paleontological resources. This potential, however, is low because vertebrate fossil occurrences in alluvium tend to be spottily distributed, primarily in pointbar and floodplain deposits. Nevertheless, all Pleistocene alluvium should be considered as having a high paleontological sensitivity.

Recommendations

In accordance with CEQA guidelines, paleontological mitigation measures will be needed on all projects that involve excavations of previously undisturbed deposits. A pre-construction paleontological survey is unnecessary because the terrain is relatively flat and probably disturbed by agriculture. If any excavations will impact previously undisturbed alluvium, it would be prudent to have a qualified cultural resources specialist present to monitor those activities. If any vertebrate fossils are discovered by anyone working on the construction site, all activities in the immediate vicinity of the find are to cease until a qualified paleontologist evaluates the find for its scientific value. Paleontological resources deemed significant should be efficiently salvaged for deposition in an accredited and permanent scientific institution (e.g., UCMP) where they can be properly curated and preserved for the benefit of current and future generations.

If I can be of further assistance on this project, please do not hesitate to contact me.

Sincerely,



References Cited

Marchand, D.E, 1976. Preliminary Quaternary geologic map of the Merced area, California. USGS OF 76-837, Sheet 5 of 7. Scale 1:24000.

Marchand, D.E, and Allwardt, A., 1978, Preliminary geologic map showing Quaternary deposits of the northeastern San Joaquin Valley, California. U.S. Geological Survey, Miscellaneous Field Studies Map MF-945, scale 1:125,000.

Matthews, R.A., and Burnett, J.L., 1965, Geologic map of California, Fresno sheet. Olaf P. Jenkins edition. Scale 1:250,000. California Division of Mines and Geology. Sacramento, CA.

Page, R.W., and LeBlanc, R.A., 1969, Geology, Page, R.W. and LeBlanc, R.A., 1969, Geology, hydrology, and water quality in the Fresno area, California. U.S. Geological Survey, Open-File Report OF-69-328, scale 1:126720.

E.5 - Pedestrian Survey Photographs

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Photograph 1: View from the northeast corner of the project area; facing southwest



Photograph 2: View from the northwest corner of the project area; facing southeast

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Photograph 3: View from the southwest corner of the project area; facing northeast



Photograph 4: View from the southeast corner of the project area; facing northwest

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Photograph 5: View of East Gerard Avenue and adjacent developments to the north; facing east



Photograph 6: View of South Coffee Street and Pioneer Elementary School to the west; facing west

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Photograph 7: View of Campus Parkway bisecting the project area; facing east



Photograph 8: View of East Mission Ave and adjacent development to the south; facing southeast

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Photograph 9: Typical soils and soil visibility in the northern half of the project area



Photograph 10: Typical soils and soil visibility in the southern half of the project area

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Photograph 11: View of debris, trees, and electrical pole associated with demolished structure; facing north



Photograph 12: View of earthen drainage ditch in the north of the project area; facing east

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