

4.4 CULTURAL RESOURCES

4.4.1 INTRODUCTION

This section evaluates potential impacts resulting from implementation of the proposed Master Plan on cultural resources present on the California State University East Bay (CSUEB) Hayward campus. It also identifies measures to be implemented in conjunction with future development to ensure the appropriate identification and protection and/or treatment of cultural resources during the course of future campus development.

Cultural resources as defined for purposes of the California Environmental Quality Act (CEQA) include historic and prehistoric archaeological sites and features, historic structures and buildings, paleontological resources (fossils and fossil localities), and “unique geologic resources.” Sites and features that hold traditional cultural significance to Native Americans or other cultural groups are also considered to be cultural resources. Additionally, CEQA considers impacts on human remains, including Native American burials found in the context of an archaeological site, under the category of cultural resources.

No public or agency comments related to cultural resources were received in response to the Notice of Preparation (NOP) issued for this EIR.

4.4.2 ENVIRONMENTAL SETTING

4.4.2.1 Study Area

To evaluate the impacts of campus development under the proposed Master Plan, the study area for cultural resources is defined as the Hayward campus. The records search conducted for the proposed project also considered the area within a 0.5-mile radius of the campus.

4.4.2.2 Prehistoric Context

Between 5000 and 2000 BC, the San Francisco Bay Area appears to have been occupied by a widespread but sparse population of hunter-gatherers. Settlements in the hills and along the bay and ocean tend to contain fewer shells than later middens (land features and soils containing decomposed waste products generated during daily life). The archaeological record suggests that fishing, shellfish collecting, fowling, hunting estuarine and land mammals, and gathering vegetal products were among the primary subsistence strategies of area populations (Caltrans 2007).

Between 2000 BC and 1 AD, the material culture of the Bay Area populations appears to have undergone significant change. Archaeologists infer that the material culture change took place during this time period based on changes in the style and composition of tools and other artifacts; this pattern of artifacts is referred to by archaeologists as the “Berkeley Pattern.” This development is thought to represent a geographic spread of this material culture pattern from the Central Valley to and throughout the Bay Area. The ratio of grinding implements and large shell mounds to projectile points indicates that gathering was emphasized and hunting played a lesser role in subsistence strategy than found earlier in the Bay Area.

By 500 AD through 1776 AD, the “Berkeley Pattern” gradually developed into the “Augustine Pattern,” lasting until the “contact period” (in this portion of California the contact period begins with the establishment of the *Mission San Francisco de Asís*, circa 1776). This development does not appear to represent a population replacement but rather a diffusion of new traits into the Bay Area. The Augustine Pattern is identified by the use of the bow and arrow and harpoon, the presence of tubular tobacco pipes, and the practice of pre-interment grave burning. The archaeological record continues to suggest reliance on the littoral (coastal) and estuarine environments which were abundant in the Bay Area.

Ethnographic Setting

The project study area is located within the ancestral territory of the Ohlone tribe. Historically, the Ohlone were called the Costanoan Indians, a name assigned by early anthropologists and derived from the Spanish missionaries name for these people, *costaños*, meaning “people of the coast.” The term Ohlone is preferred by the present day members of the group. The Ohlone are believed to have inhabited the area since AD 500 or earlier. Their territory extended along the coast from San Francisco Bay in the north to just south of Carmel in the south, and as much as 60 miles inland. The Ohlone are a linguistically defined group speaking eight different but related languages and composed of several autonomous tribelets. The project area was inhabited by the Chochenyo tribe of the Ohlone, whose territory included the eastern shore of the San Francisco Bay between Mission San Jose and Richmond, extending into the inland valleys. A tribelet known as the Yrgin, who were members of the larger Chochenyo tribe, occupied the watershed of San Lorenzo Creek, in the general vicinity of present-day Hayward and Castro Valley. Members of the Yrgin tribe were forced to join Mission San Jose between 1798 and 1805. An Ohlone tribelet called the Jalquin inhabited the hills of the East Bay east of present-day Oakland and San Leandro. The Jalquin also appeared at Mission San Francisco between 1801 and 1803 (Milliken 1995: 228-229; Levy 1978: 485-499).

The Ohlone were hunter-gatherers and relied on acorns and large mammals such as deer and seals. They also exploited a wide range of other foods, including various shellfish, seeds, roots, fish, waterfowl,

reptiles, and insects. The Ohlone used tule balsas for watercraft, as well as bow and arrow, cordage, bone tools, and twined basketry to procure and process their foodstuffs. The Ohlone were politically organized by tribelet, each having a designated territory. A tribelet consisted of one or more villages and camps within a territory largely designated by geographic features. Tribelets generally had 100 to 250 members. The office of tribelet chief was inherited patrilineally and could be occupied by a man or a woman (Milliken 1995; Levy 1978: 485–499).

Seven Spanish missions were founded in Ohlone territory between 1776 and 1797. While living within the mission system, the Ohlone commingled with other groups, including Esselen, Yokuts, Miwok, and Patwin. Mission life was devastating to the Ohlone population. It has been estimated that the Native American population numbered around 10,000 in 1770, when the first mission was established in Ohlone territory, after which the population rapidly declined to less than 2,000 by 1832 as a result of introduced disease, harsh living conditions, and reduced birth rates. After the secularization of the missions by the Mexican government around 1830, Native Americans gradually left the missions. Many went to work as wage laborers on the ranchos and mines, and others found domestic positions. There was a partial return to aboriginal religious practices and subsistence strategies, but for the most part, the Ohlone culture was greatly diminished. Today, descendants of the Ohlone still live in the area, are organized in several political groups, and are actively renewing their traditional cultural practices. (Milliken 1995: 221).

4.4.2.3 Historical Context

The historic period of eastern Alameda County can be divided into three major periods.

- Spanish Period (in California) (1775–1822)
- Mexican Period (1822–1848)
- American Period (1848–present)

Euroamerican contact with the Ohlone first occurred during a series of Spanish expeditions into the San Francisco bay area between 1769 and 1776. The groups near the project area were visited by Anza and Font during this period on their passage through the region in 1776. The Spanish-colonial presence was firmly established in Alta California in 1775 when Captain Juan Manuel Ayala’s expedition studied the San Francisco Bay and ventured up the Sacramento and San Joaquin Rivers in search of a suitable mission site. The first mission in the region, Mission Dolores, was established the following year in San Francisco. By 1806 to 1810 most of the Indians from the inner Bay Area had already been baptized and peoples who lived further from the missions began to experience the same events and processes that earlier caused the first migration to the missions. Foremost in the list of these processes were famine and diseases such as

measles and syphilis. Many of the Yrgin Ohlone who lived near the project area went to the Mission San Jose between 1799 and 1805 (Milliken 1995).

The Mexican Period was marked by secularization as the Spanish-colonial mission system collapsed and their lands fell out of Mission control. Many Costanoans (Ohlone), Miwok and Yokut formed multiethnic communities around the Bay Area in an attempt to maintain some aspects of their traditional lifestyle. These communities gradually shrank in size. By 1845 most the land holdings were in the form of large Ranchos which was the norm until the mid-1800s. One of these, Rancho San Lorenzo, was centered in Hayward. Deterioration of the relations between the United States and Mexico resulted in the Mexican-American War of 1847, which resulted in Mexico relinquishing California to the United States under the Treaty of Guadalupe Hidalgo of 1848 (Dexter 2008).

The discovery of gold at Sutter's Mill in 1848 brought an influx of people into the northern half of California as emigrants sought gold or jobs producing goods or services for gold miners. Land use changes resulted as livestock grazed some native grasses to extinction, woodlands were cut for lumber and railroads, and mines and agriculture developed on nearly all arable lands (Dexter 2008).

The area immediately surrounding the project site has been dominated by agriculture and ranching activities since the 1880s. The campus itself was occupied by the ranch of F. Hauschildt, known as Hauschildt Ranch until 1961 (Dexter 2008).

4.4.2.4 CSUEB Hayward Campus Historic Architectural Context

California State University, East Bay was founded in 1957 under the name State College for Alameda County. At that time, the first postwar baby boomers were approaching college age, and southern Alameda County was one of the fastest-growing regions in Northern California; these circumstances warranted a new state college in the region (CSUEB 2008). The new State College for Alameda County offered its first classes in 1959 in temporary facilities at Sunset High School in Hayward, with 293 full- and part-time undergraduate students and 25 faculty members. Two associate degrees were offered, including elementary education and business administration. The average student age was 35. The following year the college moved to Hayward High School, where it remained until moving in 1963 to its permanent location on the Hauschildt Ranch site.

The 364-acre Hauschildt Ranch site, located in the Hayward hills, consisted of a rugged, hilly area of steep slopes and knolls, and deep ravines. The hills were covered in annual grasses, with shrubs and trees following the pattern of ravines. The site required a significant amount of initial grading. Taking advantage of the natural terrain, the campus was developed as a series of plateaus. Because of the topography and natural beauty of the site, the original 1962 master plan determined that the use of

high-rise buildings was appropriate in order to take advantage of the limited buildable area, good soil conditions capable of supporting high-rise development, and the views.

The 1962 master plan took into consideration seven design criteria: (1) preservation of the broad panorama view of the San Francisco Bay and the hills immediately east of campus; (2) protection from the elements; (3) retention of the campus core for pedestrian traffic and access to facilities; (4) creation of a theme building which acts as the identifying mark on the campus; (5) provision of building sites for the approved 15,000 full-time equivalent students (FTES), and sufficient flexibility in space relationships to increase to 20,000 FTES as the expansion occurs; (6) placement of disciplines in related spaces; and (7) creation of a design vocabulary to guide architects on future commissions.

The first classes on the new campus were held in 1963 in two buildings: the Fine Arts Building (now called the Arts and Education Building) and the Science Building. The Corporation Yard and the Amphitheatre were also completed at that time. Freshmen and sophomores were admitted for the first time. Enrollment that year was just under 2,500 students. By this time, 21 bachelor's degrees were offered. Also during this first year on the new campus, the college changed its name to California State College at Hayward, reflecting the changes occurring at the system-wide California State College level. With the 1964–1965 academic year, mathematics and English were offered as the college's first master's degrees. The early years of the new campus were characterized by rapid growth and concurrent construction of facilities. In 1972, the college went through a name change to California State University, Hayward (It would change yet again in 2005, this time to California State University, East Bay). By the end of 1974, most of the present campus facilities had been built.

Between 1974 and 2000, CSUEB experienced a slowdown in growth and major construction activities were limited to the renovation and expansion of the cafeteria (renamed the Student Union) and construction of Pioneer Heights I student housing, consisting of 404 beds and marking the campus' first on-campus student housing.

Since the early 2000s, the campus has seen extensive construction. The Valley Business and Technology building opened for the 2006–2007 academic school year, as did the new University Union. Over 400 beds of student housing opened in Pioneer Heights II in 2007. A new Student Services building is under construction and scheduled to open in the fall of 2008. Warren Hall will be reduced from 13 stories to 5, although construction for that project has not yet begun. A new Recreation/Wellness Center is slated to be built and open for operation for the 2009–2010 academic year, and an additional 472 student housing beds and a dining facility are scheduled to open in the fall of 2008 in Pioneer Heights III. Approximately 1,300 students will be accommodated on campus by 2008.

4.4.2.5 Known Cultural Resource Sites and Prior Surveys

A records search for the campus vicinity, which included a 0.5-mile radius around the campus, was conducted on April 9, 2008, at the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS), NWIC File No. 07-1365. The records search, which identifies previously recorded archaeological sites and historic built environment features, as well as previous archaeological surveys, revealed that no cultural resource surveys have been conducted within the vicinity of campus.

The NWIC did not indicate any recorded Native American or historic-period archaeological resources on the campus. No properties in the record search area are included on the National Register of Historic Places or on the list of all officially designated Alameda County landmarks. Additionally, no properties listed in the California Register of Historical Resources (CRHR) are known to be within the vicinity of the Hayward campus.

Buildings that are 50 years or older could be considered historic resources as defined by CEQA. Campus buildings built in 1980 or earlier would be 50 years or older by 2030, the date of buildout of the proposed Campus Master Plan. Based upon their age upon Master Plan buildout, 18 buildings on the project site could be considered historic resources. **Table 4.4-1, Existing Campus Buildings**, provides an inventory of all campus buildings, their functional category, and the year in which the construction was completed.

4.4.2.6 Paleontological and Geological Context

Paleontological resources are the fossilized remains of prehistoric plant and animal organisms, and the mineralized impressions (trace fossils) that suggest the form and activity of such organisms. These resources are considered non-renewable resources significant to our culture and are protected under various state and federal laws.

Section 4.5, Geology and Soils, describes the geological setting of the campus. Based on the information presented in that section, the campus does not contain any unique geological features, such as caves, rock outcroppings, scarps, etc. Also as described in **Section 4.5**, the major geologic units that underlie the campus include metamorphic rocks of the Franciscan Complex which are not fossil bearing. Quaternary sediments overlying bedrock on and near the campus consist of Pleistocene and Holocene alluvium, colluvium, and landslide deposits. Pleistocene soils are known to be fossil bearing.

**Table 4.4-1
Existing Campus Buildings**

Built by 1974	Built 1975–1996	Built/Under Construction 1997–Present
Arts and Education (AE)	Early Childhood Center (EC)	Pioneer Heights (PH) II
Agora Stage (AG)	Pioneer Bookstore/Foundation Building (BK)	University Union (UU)
American Language Program (AL)	Pioneer Heights (PH) I	Valley Business & Technology Center
Amphitheatre (AM)	Student Union	Pioneer Heights (PH) III
University Art Gallery (UA)		
Corporation Yard/Receiving (CY)		
Field House (FH)		
University Library (LI)		
Student Health Center (HC)		
Music & Business (MB)		
Meiklejohn Hall (MI)		
Physical Education & Gym (PE)		
Robinson Hall (RO)		
Science Building – North (SC-N)		
Science Building – South (SC-S)		
Student Services Hub (SSH)		
University Theatre (UT)		
Warren Hall/Administration (WA)		

4.4.2.7 Native American Coordination

Impact Sciences contacted the California Native American Heritage Commission (NAHC) on July 7, 2008, to request a review of its Sacred Lands File and a list of the individuals and groups that the NAHC recommends be contacted concerning the proposed Master Plan. The NAHC responded on July 22, 2008 with negative results for its search of the Sacred Lands File. On July 7, 2008, Impact Sciences transmitted an informational letter to the seven potentially interested parties identified by the NAHC. To date, three responses to the informational letter has been received. No substantive response to these letters of interest, other than three comments from Jakki Kehl, Andrew Galvan, and Irene Zwierlin recommending that if artifacts are located a Native American monitor be contacted. No other comments have been received as of October 31, 2008.

4.4.3 IMPACTS AND MITIGATION MEASURES

4.4.3.1 Standards of Significance

Cultural resources considered under CEQA include historical resources, human remain, and unique archaeological, paleontological, or geologic resources. In accordance with Appendix G of the *State CEQA Guidelines* and the CSU CEQA Handbook, the impact of the proposed project on cultural resources would be considered significant if it would:

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

The Public Resources Code (PRC) and the *State CEQA Guidelines* provide criteria for the assessment of the significance of cultural resources for the determination of historical resources or unique archaeological, paleontological, or geologic resources. Resources that do not meet the significance criteria are not given further consideration under CEQA. Archaeological testing or detailed historical research, which would provide a definitive assessment of resource significance, have not been conducted for any resources on the campus that potentially could meet the criteria set forth in CEQA. Resources identified as potentially significant are assumed to be significant in most cases, and are treated as such until they can be formally assessed.

A project that may cause a substantial adverse change in the significance of a historical resource may have a significant effect upon the environment according to *State CEQA Guidelines* Section 21084.1. A property qualifies as an historic resource, and should be considered as such, if it meets one or more of the criteria for listing on the California Register of Historic Resources (CRHR), pursuant to CEQA Section 15064.5. These criteria indicate that a resource shall be considered "historically significant" if it

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

To qualify as a significant historical resource, a property must be at least 50 years old, although there are exceptions. This threshold was chosen as a reasonable span of time after which a professional evaluation of historical significance can be made. Moreover, this standard is commonly used in determining which buildings should be assessed under CEQA. It should also be noted that properties that are eligible for listing on the National Register of Historic Places (NRHP) are automatically eligible for listing on the CRHR.

The Public Resources Code (Section 21083.2(g)) defines a “unique archaeological resource” as a resource for which it can be clearly demonstrated that without merely adding to the current body of knowledge there is a high probability that it

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

While *State CEQA Guidelines* Appendix G refers to unique paleontological and geologic resources, CEQA does not define these terms. For the purposes of this EIR, the relevant provisions used to define a unique archaeological resource are also used to define unique paleontological and geologic resources. In addition, state law explicitly finds vertebrate paleontological sites and fossil footprints as significant resources and requires documenting them for public record (Archaeological, Paleontological, and Historic Sites Statute at PRC 5097 et seq.).

Without extensive excavation, it may not be possible to determine whether significant fossils are present within a geologic formation at a specific project location. Therefore, paleontological resource significance assessment generally is not conducted prior to construction.

4.4.3.2 Methodology

Archaeological Resources

Impacts to archaeological resources and human remains are most likely to occur during excavation or grading within the boundaries of a significant archaeological site. Archaeological resources may also be impacted as a result of project activity that increases erosion, or increases the accessibility of a surface resource, increasing the potential for vandalism or illicit collection. Substantial ground-disturbing work may uncover previously unidentified resources including archaeological deposits and human remains as archaeological resources are often buried or cannot be fully assessed from the ground surface. Therefore,

it must be assumed that any ground-disturbing activities in any area of the campus could potentially affect cultural resources. The mitigation measures developed to address impacts to unique archaeological resources and historical resources address potential impacts both to identified archaeological resources, and to archaeological resources that might be discovered during construction.

State CEQA Guidelines Section 21083.2 states that if the lead agency determines that the project may have an effect on unique archaeological resources, the EIR shall address the issue of those resources. The section further states that if it can be demonstrated that the project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to preserve the resource in place or leave the resource undisturbed, including such measures as avoidance through project design or capping with soil. Data recovery through archaeological excavation is also cited as an appropriate mitigation measure under certain conditions.

PRC Section 30244 states that where development would adversely impact an archaeological (or paleontological resource) as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

State CEQA Guidelines Section 15126.4(b) states that public agencies should, whenever feasible, seek to avoid damaging effects on any historical resource of an archaeological nature, and preservation in place is the preferred mitigation, through such measures as planned avoidance, incorporation within open space, or covering with soil. When data recovery through excavation is the only feasible mitigation, this work shall be directed by a data recovery plan that provides for adequate recovery of the scientifically consequential information from and about the historical resource. Results of studies are to be filed with the CHRIS. Human remains encountered during excavation shall be handled in accordance with the provisions of Section 7050.5 of the Health and Safety Code.

Historical Resources

Section 15064.5(b) defines a substantial adverse change as “physical demolition, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired.” The significance of a historical resource is materially impaired when a project demolishes or adversely alters the physical characteristics of the resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the CRHR as determined by a lead agency. If the setting of the historic resource contributes to its significance, a significant impact may occur if the setting is altered by the introduction of incompatible structures. Project impacts due to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation, or reconstruction of buildings and structures that qualify as historical resources are generally mitigated to a

less than significant level if the work is conducted in a manner consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (Weeks and Grimmer, 1995). However, documentation alone will not mitigate the effects of demolishing a historical resource to a less than significant level (Section 15126.4(b)(2)).

Buildings identified in **Table 4.4-1** that would be at least 50 years of age by 2030 are considered potential historical resources for purposes of the following impact analysis. Until it is determined that a resource does not meet the criteria that define an historical resource, the resources identified in **Table 4.4-1** are assumed to be potentially eligible for listing on the CRHR, and impacts to these resources are considered potentially significant.

Paleontological Resources

As paleontological resources are usually buried, surface examination often cannot reveal whether paleontological resources are present at any specific location. Therefore, assessment of the potential for paleontological impacts from the proposed Master Plan is based on an assessment of the paleontological sensitivity of the geological formations present under the campus. As discussed above under Environmental Setting, the formations on the campus site are not sensitive for paleontological resources.

Unique Geologic Resources

As indicated above, the Hayward campus does not contain unique geologic resources. Therefore, this topic will not be further analyzed in this section.

4.4.3.3 Project Impacts and Mitigation Measures

MP Impact CULT-1: Implementation of the proposed Master Plan could cause a substantial adverse change in the significance of an archaeological resource through damage or destruction that could occur as a result of grading, excavation, ground disturbance or other project development.

Level of Significance: Potentially significant

As described above, there are no known archaeological sites on the campus. Furthermore, much of the development on the campus under the proposed Master Plan would occur within the previously disturbed and developed central campus. As noted in **Section 4.4.2.4**, the campus site required a significant amount of initial grading. Taking advantage of the natural terrain, the campus was developed as a series of plateaus. Because of the extensive grading and disturbance that has already occurred within

the central campus, the potential to encounter intact archaeological resources in conjunction with future development is very low.

However, since no surveys are known to have been conducted, it is assumed that there is potential for such resources to exist on those portions of the campus that have not been previously graded or disturbed in a substantial manner or even within the central campus in areas where the previous grading was not substantial. Future campus projects to be implemented especially on the edges of the central campus that would involve ground disturbance, increased traffic, erosion, vibrations, or other activities have the potential to affect the physical integrity of archaeological deposits or features and result in a substantial adverse change to an historical or unique archaeological resource, which would be considered a significant impact. **MP Mitigation Measures CULT-1a, CULT-1b, and CULT-1c** would ensure that any historical or unique archaeological resources within the area of potential effect (APE) of a given campus project would be identified. Where avoidance or substantial preservation in place of a resource is not possible, data recovery and other measures described above would ensure the preservation of significant information contained within the site. With implementation of these measures, impacts on archaeological resource sites would be less than significant.

Impacts on archaeological resources that are identified but do not meet the criteria for a historical or unique archaeological resource would be considered less than significant. Similarly, no impact or a less than significant impact would occur if an archaeological site does not extend into the project's APE, or if it can be preserved through avoidance, use of a preservation easement, or other measures.

MP MM CULT-1a: During the planning and environmental review of specific development projects under the proposed Master Plan, for projects proposed on previously undisturbed campus lands, the Campus shall retain a qualified archaeologist to conduct a pedestrian survey of the site to evaluate the potential for archaeological resources to occur on the project site. If archaeological resources are encountered, **MP Mitigation Measure CULT-1c** will apply.

MP MMCULT-1b: Regardless of the location of the project on the campus, all construction contracts for campus projects shall include a standard inadvertent discovery clause, which requires that if an archaeological resource is discovered during construction (whether or not an archaeologist is present), all soil-disturbing work within 100 feet of the find shall cease, and the Campus shall implement **MP Mitigation Measure CULT-1c**.

MP MM CULT-1c: For an archaeological site that is encountered during the pedestrian survey conducted on a project site or during construction, the Campus shall:

- Retain a qualified archaeologist to determine whether the resource qualifies as an historical resource or a unique archaeological resource.
- If the resource is determined to be a historical resource or a unique archaeological resource, the qualified archaeologist, in consultation with the Campus, shall prepare a research design and archaeological data recovery plan for the recovery of the categories of data for which the site is significant, and implement the data recovery plan prior to or during development of the site. The archaeologist shall also perform appropriate technical analyses, prepare a full written report and file it with the appropriate information center, and provide for the permanent curation of recovered materials.

Significance after Mitigation: Less than significant

MP Impact CULT-2: **Implementation of the proposed Master Plan could cause a substantial adverse change in the significance of a historical building or structure, as a result of alteration, removal, or demolition of the building, or alteration of the site associated with project development.**

Level of Significance: Potentially significant

As indicated in **Table 4.4-1** above, all of the structures on the Hayward campus are less than 50 years of age at this time, and therefore, do not qualify as historic structures at this time. However, they would be over 50 years or older before or by 2030 which is the year of buildout of the proposed Master Plan, and their historic significance could change between now and the time that they are proposed for removal or alteration. Campus buildings have not yet been evaluated for their historical significance. In the absence of such an evaluation, buildings that will be at least 50 years old by 2030 are conservatively considered to represent historic resources as defined by CEQA. Where avoidance or preservation of a building is not possible, Master Plan implementation is assumed to have a potentially significant impact on historic resources. To address this impact, as stated in **MP Mitigation Measure CULT-2a**, during Master Plan buildout, the Campus will evaluate whether a building or structure over 50 years of age, or that is otherwise historically significant, may be affected by the siting of a specific Master Plan component. Further mitigation shall be implemented to evaluate and determine the significance of the historic structure if there is a potential for adverse effects. If a construction project cannot avoid modifications to an building or structure that is determined to be historically significant, the Campus shall require documentation and/or data recovery of the resource such that the scientifically and historically consequential information from and about the resource would be preserved, described below as **MP**

Mitigation Measure CULT-2b. It is anticipated that in the case of some of the campus building, **MP Mitigation Measures CULT-2a and CULT-2b** will be adequate to reduce the impacts to a less than significant level. However, *State CEQA Guidelines* (15126.4(b)(2)) note that in some circumstances, documentation of a historical resource will not mitigate the effects of demolition of that resource to a less than significant level. For instance, an impact could be significant and unavoidable if a historic building derives significance from its association with a significant event or person not represented elsewhere, or because a building has exceptional architectural merit or construction. Some values of this kind are not fully preserved through documentation or data recovery. Therefore, in some instances the available mitigation would not sufficiently reduce the significant impact and removal or changes to a historic structure would result in a significant and unavoidable impact.

MP MM CULT-2a: Potential historic structures present on the campus will be evaluated as follows in conjunction with specific development projects:

- Before altering or otherwise affecting a building or structure 50 years old or older, the Campus shall retain a qualified architectural historian to assess it based on professional standards and *State CEQA Guidelines* Section 15064.5. The evaluation process shall include the development of appropriate historical background research as context for the assessment of the significance of the structure in the history of the California State University system, the campus, and/or the region. For historic buildings, structures, or features that do not meet the CEQA criteria for a historical resource, no further mitigation is required.
- For a building or structure that qualifies as a historic resource, the architectural historian and the Campus shall consider measures that would enable the project to avoid direct or indirect impacts to the building or structure. These measures could include preserving a building on the margin of the project site, using it "as is," or other measures that would not alter the building. If the project cannot avoid modifications to a significant building or structure, the Campus shall implement **MP Mitigation Measure CULT-2b**.

MP MM CULT-2b: For a structure or building that has been determined by a qualified architectural historian to qualify as a historical resource, and where avoidance is not feasible, documentation and treatment shall be carried out as described below:

- If the building or structure can be preserved on site, but remodeling, renovation or other alterations are required, this work shall be conducted in compliance with the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Building.

- If a significant historic building or structure is proposed for major alteration or renovation, or to be moved and/or demolished, the Campus shall ensure that a qualified architectural historian thoroughly documents the building and associated landscaping and setting. Documentation shall include still and video photography and a written documentary record of the building to the standards of the Historic American Building Survey (HABS) or Historic American Engineering Record (HAER), including accurate scaled mapping, architectural descriptions, and scaled architectural plans, if available. A copy of the record shall be deposited with the CSUEB Hayward Library. The record shall be accompanied by a report containing site-specific history and appropriate contextual information. This information shall be gathered through site specific and comparative archival research, and oral history collection as appropriate.
- If preservation and reuse at the site are not feasible, the historical building shall be documented as described above and, when physically and financially feasible, be moved and preserved or reused.
- If the nature and significance of the building is such that its demolition or destruction cannot be fully mitigated through documentation in the opinion of the qualified architectural historian, the Campus shall reconsider project plans in light of the high value of the resource, and implement modifications to the proposed project that would allow the structure to be preserved intact. These could include project redesign, relocation, or abandonment.

Significance after Mitigation: For reasons presented above, this EIR conservatively concludes that implementation of the proposed Master Plan could result in a significant and unavoidable impact on historic resources.

MP Impact CULT-3: Implementation of the proposed Master Plan could disturb human remains, including those interred outside of formal cemeteries.

Level of Significance: Potentially significant

Although no human remains have been encountered during the construction of buildings and other improvements on the campus, development under the proposed Master Plan that includes excavation and grading has the potential to uncover, displace, and destroy human remains, a potentially significant impact. Avoidance of disturbance of archaeological sites may reduce the potential for such impacts. The implementation of mitigation measures identified below will ensure that any human remains encountered will be protected from destruction that might result from development, reducing the potentially significant impact to a less than significant level.

- MP MM CULT-3a:** The Campus shall implement **MP Mitigation Measure CULT-1** to minimize the potential for disturbance or destruction of human remains in an archaeological context and to preserve them in place, if feasible.
- MP MM CULT-3b:** The Campus shall arrange for a representative of the local Native American community to monitor any excavation (including archaeological excavation) within the boundaries of a known Native American archaeological site.
- MP MM CULT-3c:** In the event of a discovery of human bone, suspected human bone, or a burial, all excavation in the vicinity will halt immediately and the area of the find will be protected until a qualified archaeologist determines whether the bone is human. If the qualified archaeologist determines the bone is human, or if a qualified archaeologist is not present, the Campus will notify the County of Alameda Medical Examiner before additional disturbance occurs. The Campus will ensure that the remains and vicinity of the find are protected against further disturbance until the Coroner has made a finding with regard to PRC 5097 procedures, in compliance with California Health and Safety Code Section 7050.5(b). If it is determined that the find is of Native American origin, the Campus will comply with the provisions of PRC Section 5097.98 regarding identification and involvement of the Native American Most Likely Descendant (MLD).
- MP MM CULT-3d:** If human remains cannot be left in place, the Campus shall ensure that the qualified archaeologist and the MLD consult regarding archaeological treatment of human remains, and that appropriate studies, as identified through this consultation, are carried out prior to interring the remains. The Campus shall provide results of all such studies to the local Native American community, and shall provide an opportunity for local Native American involvement in any interpretative reporting. As stipulated by the provisions of the California Native American Graves Protection and Repatriation Act, the Campus shall ensure that human remains and associated artifacts recovered from campus projects on state lands are repatriated to the appropriate local tribal group if requested.

Significance after Mitigation: Less than significant

MP Impact CULT-4: **Implementation of the proposed Master Plan would not disturb or destroy unique paleontological or geologic resources.**

Level of Significance: Less than significant

Much of the development on the campus under the proposed Master Plan would occur within the previously disturbed and developed central campus. As noted in **Section 4.4.2.4**, the campus site required a significant amount of initial grading. Taking advantage of the natural terrain, the campus was developed as a series of plateaus. Because of the extensive grading and disturbance that has already occurred within the central campus, the potential to encounter intact paleontological resources or unique geologic resources in conjunction with future development is very low. Furthermore, as discussed above under the Environmental Setting, the campus site is not underlain by geologic formations that are considered sensitive for paleontological resources or unique geologic resources. Therefore the potential to affect these resources is considered low and the impact would be less than significant. To ensure that the impact remains less than significant, **MP Mitigation Measure CULT-4** is included which requires that construction contracts for projects on the fringes of the central campus include an inadvertent discovery clause for the protection of paleontological resources.

MP MM CULT-4a: As part of the construction contract, the Campus shall inform construction contractors to watch for paleontological resources during grading and excavation and to inform the campus immediately if such resources are encountered.

MP MM CULT-4b: If paleontological resources are discovered, all ground-disturbing activities within 100 feet of the find will be halted and a qualified paleontologist will be retained by the Campus to evaluate the find and recommend appropriate handling and treatment of the find. If the find is determined to be significant or potentially significant, the paleontologist will design and carry out a data recovery plan consistent with the Standards of the Society of Vertebrate Paleontologists. Adequate recordation and recovery would, at a minimum, include the following:

- Development of a site specific environmental and contextual information
- Archival research
- Excavation of the resource and its accurate recordation
- For a significant major find, identification of a museum or repository for curation of the resource

Significance after Mitigation: Less than significant

4.4.3.4 Cumulative Impacts and Mitigation Measures

The geographic area for the analysis of cumulative impacts on cultural resources is the City of Hayward and Alameda County.

Campus development under the proposed Master Plan, and other development in Hayward over time, could result in some impacts to historical resources, unique archaeological resources, human remains, and paleontological resources. These impacts may be significant if a significant resource is disturbed or destroyed. The required mitigation measures are intended to reduce or avoid impacts of campus development under the proposed Master Plan on these resources.

While data recovery can damage the physical resource, appropriately designed investigations can be successful in preserving at least part of each discovered site, in reducing physical impacts through project modification, and in recovering substantial new archaeological and cultural information. If necessary, historic campus buildings affected by development can be appropriately recorded, moved, and/or adaptively reused. If human remains are archaeologically recovered, they shall be studied to provide archaeological and cultural information, and reinterred, with full consultation of Native American representatives. Should paleontological resources be discovered, they shall be recorded and excavated. Overall, the cultural resources protocols described in **MP Mitigation Measures CULT-1** through **CULT-4** would, except in rare and exceptional cases, reduce the potential for impacts to significant cultural resources to a less than significant level. Therefore, the campus' contribution to the destruction of the cultural resources in Hayward and Alameda County would be minimized to the extent feasible. To the extent that there is a significant and unavoidable impact on a historic structure on the campus in the future (for reasons presented in **MP Impact CULT-2**), such an impact would not cumulate with other regional impacts on historic resources because typically historic resource impacts are site specific. Similarly, the protocols in place for development projects in Hayward, such as compliance with existing state and local regulations would also be expected to minimize significant impacts to the cultural resource base associated with construction projects elsewhere in the City. Therefore, it is concluded that cumulative impacts on cultural resources would be less than significant in light of the protocols in place for development projects on the campus and in Hayward.

4.4.4 REFERENCES

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