

4.4 CULTURAL RESOURCES AND TRIBAL CULTURAL RESOURCES

This section of the EIR presents an analysis of the potential cultural resources and tribal cultural resource impacts associated with development and implementation of the proposed Master Plan, including five near-term developments (Project). This section presents the environmental setting, regulatory framework, impacts of the Project on the environment, and proposed measures to mitigate any identified significant or potentially significant impacts. Information in this section is based on a Cultural Resource Inventory Report (see Appendix F-1) and a Built Environment Inventory and Evaluation Report (Appendix F-2) prepared for the Project.

Public and agency comments related to cultural resources were received during the public scoping periods in response to the original Notice of Preparation (NOP) or the Revision to Previously Issued NOP. Comments in response to the NOP were related to consultation with California Native American tribes that are traditionally and culturally affiliated with the Project area. For a complete list of public comments received during the public scoping periods refer to Appendix B.

4.4.1 Environmental Setting

4.4.1.1 Study Area

The study area for the evaluation of impacts on cultural resources and tribal cultural resources generally includes the 1,396-acre CSUMB campus, located in the northwestern portion of the former Fort Ord military base, and a 1-mile buffer. The records search area and the survey area for the Cultural Resources Inventory (Appendix F-1) are shown in Figures 4.4-1 and 4.4-2. Additionally, the Built Environment Inventory and Evaluation Report (Appendix F-2) evaluated 11 buildings on the Main Campus All that were constructed at least 45 years ago as of 2021 (i.e., on or before 1976) and proposed for demolition or substantial alteration as part of the Project (see Figure 4.4-3). Section 4.4.4.2, Analytical Methods provides additional information about how cultural resources and tribal cultural resources in the study area were identified and evaluated in this section of the EIR.

4.4.1.2 Campus Setting

Prehistoric Context

The Project area lies within the territory prehistorically occupied by the Costanoan or Ohlone people. Costanoan refers to eight separate Penutian-stock language groups extending roughly from modern-day Richmond in the north to Big Sur in the south. The Rumsen tribelet occupied the Monterey area. Of the four local Rumsen-speaking groups in the Project area, the *Calenda Ruc* inhabited the project vicinity.

The prehistoric era of greater Central California coast spans a period of approximately 10,000 to 12,000 years. People’s initial occupation of the region was sparse and is evidenced by isolated artifacts or sparse lithic scatters. The traditional interpretation is that people living during this time were highly mobile hunters who focused subsistence efforts on large mammals. Alternatively, the “kelp highway” hypothesis posits that the earliest inhabitants of the region focused their economic pursuits on coastal resources. Some scholars hypothesize that rising sea levels throughout the Holocene may have inundated some of the earliest prehistoric sites. Evidence suggests that people were highly mobile and had a flexible subsistence focus, including a diet of both terrestrial and marine resources.

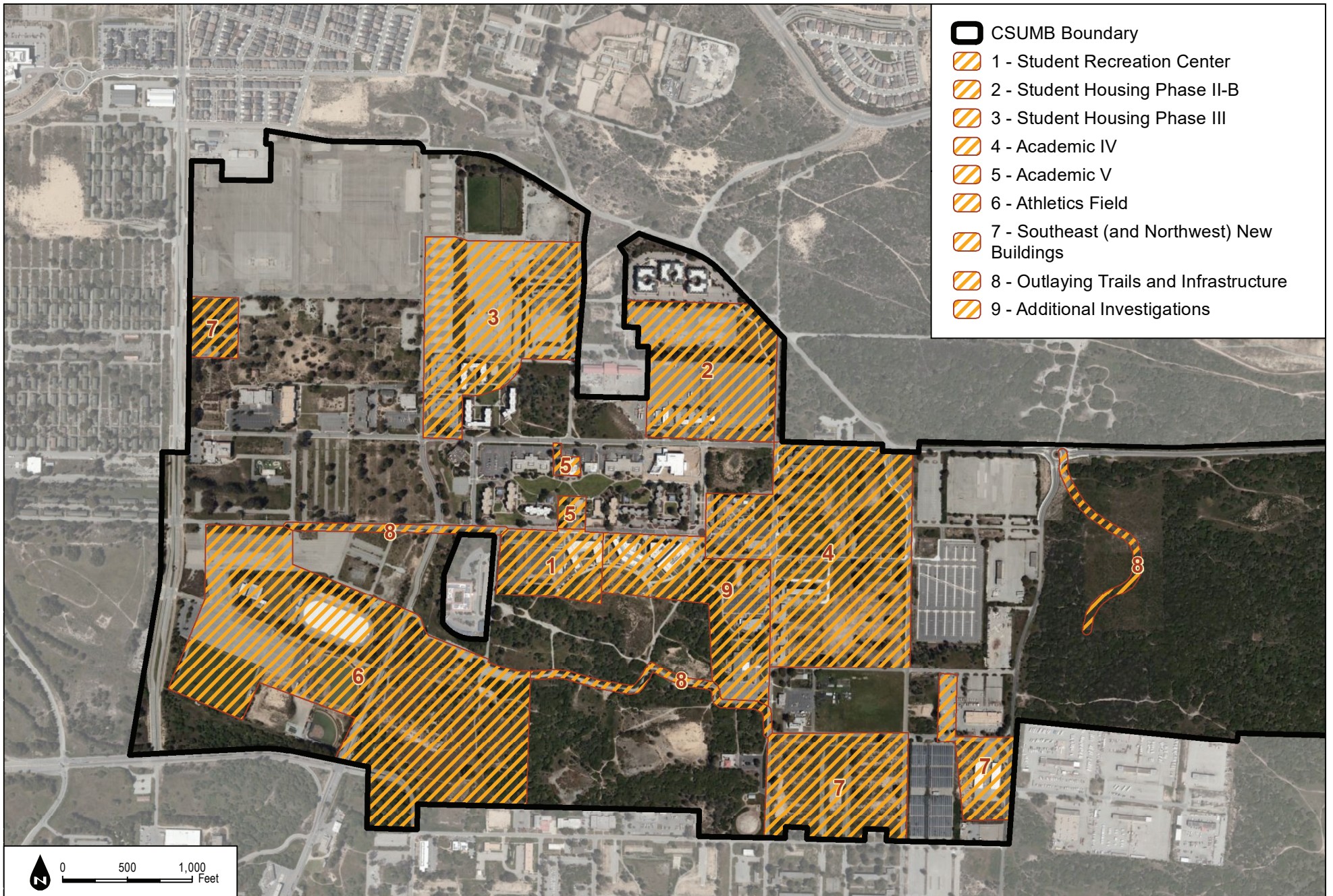
Evidence for later occupation of the region is more common and marked by a greater emphasis on flaked stone tools and the initial use of mortar and pestle technology. Sites are located in more varied environmental contexts, including in estuary settings along the coast or along river terraces inland, suggesting more intensive use of the landscape than previous evidence suggested. Trends toward greater labor investment and increased use of plant resources continued, with a shift toward hunting more labor-intensive species including small schooling fishes, sea otters, rabbits, and plants such as acorn.

A period of rapid climate change known as the Medieval Climatic Anomaly may have been an impetus for cultural change in response to fluctuations between cool-wet and warm-dry conditions. Coastal sites tended to be more resource acquisition or processing sites, while residential occupation was more common inland.

Historical Context

The first European to explore the Monterey Bay was Sebastián Vizcaíno, who, in 1602, was sent by the Spanish government to map the Californian coastline. It was Vizcaíno who named the area “Puerto de Monterey” after the viceroy of New Spain. The location of Vizcaíno’s landing (and later Junipero Serra) lies within the Lower Presidio Park in downtown Monterey. The Gaspar de Portolá expedition traveled through the region in 1769 and returned again in 1770 to establish both the Monterey Presidio, Spain’s first military base in Alta California, and Mission San Carlos Borreméo de Carmelo.

The establishment of the Spanish missions drastically altered the lifeways of the Native Americans. The Spanish conscripted members of local Native American communities to move to the Mission San Carlos Borreméo de Carmelo, where they were indoctrinated as Catholic neophytes.



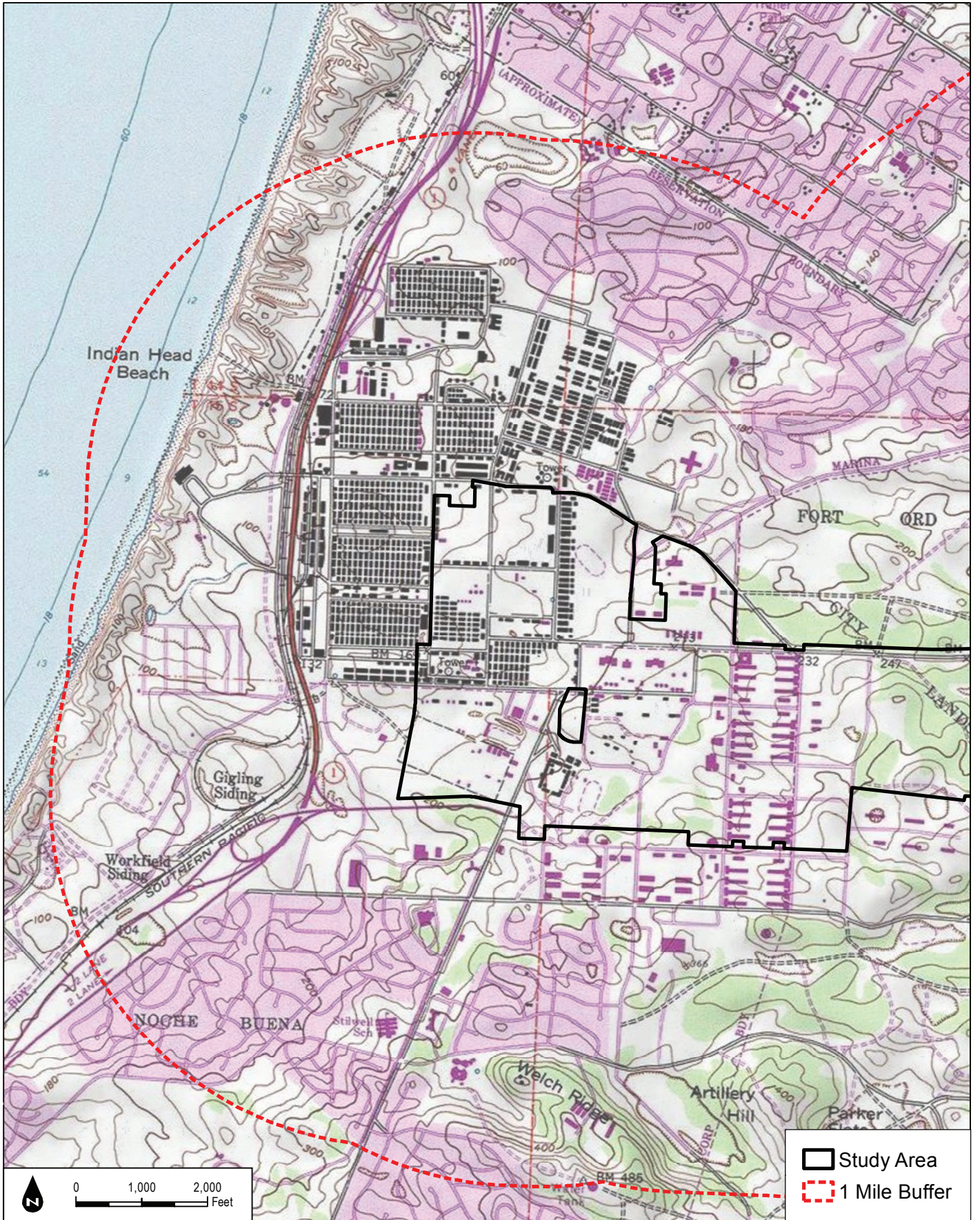
SOURCE: Bing Maps 2019

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CSU Monterey Bay Master Plan EIR

FIGURE 4.4-1
Archaeological Survey Coverage

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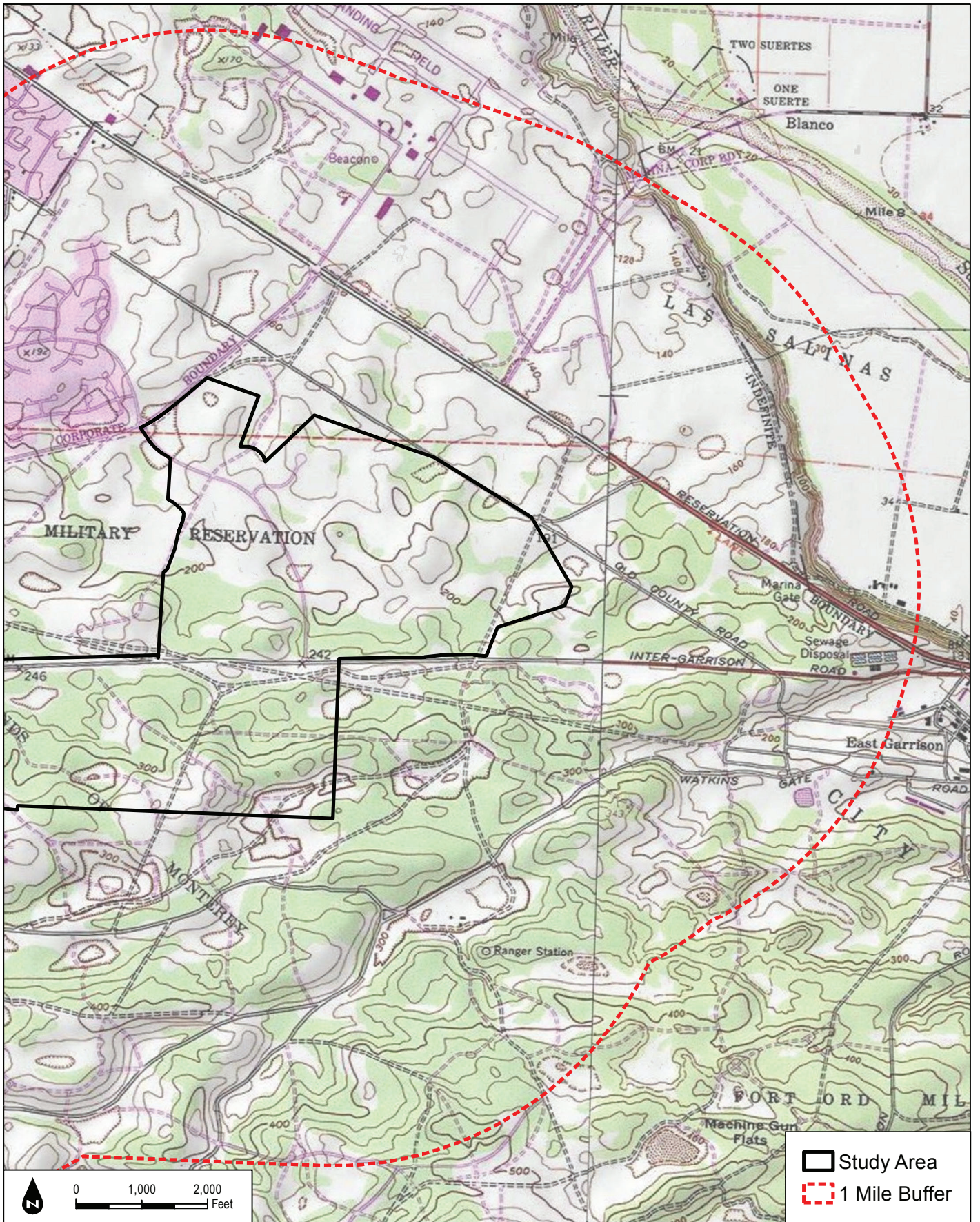


SOURCE: USGS 7.5-Minute Series Marina & Salinas Quadrangles
 Township 14S, 15S; Range 2E, 1E; Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 28, 29, 30, 31, 32, 33, 34, 35, 36

FIGURE 4.4-2A
Records Search Area

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Study Area
 1 Mile Buffer

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SOURCE: USGS 7.5-Minute Series Marina & Salinas Quadrangles
 Township 14S, 15S; Range 2E, 1E; Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12, 28, 29, 30, 31, 32, 33, 34, 35, 36

FIGURE 4.4-2B
Records Search Area

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- Project Boundary / Built Environment Study Area
- Built Environment Areas of Direct Impact
- Freeman Stadium
- Building 21 : Beach Hall
- Building 45 : Coast Hall
- Building 58 : Green Hall
- Building 46 : Harbor Hall
- Building 44 : Pacific Hall
- Building 59 : Reading Center
- Building 13 : Science Research Lab Annex
- Building 23 : Tide Hall
- Building 70 : Visual & Pubic Art (VPA) East
- Building 42 : Watershed Institute

SOURCE: Bing Maps 2021



FIGURE 4.4-3
 Built Environment Study Area
 CSU Monterey Bay Master Plan EIR

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Mexico gained independence from Spain in 1821. In 1834, the Mexican government secularized the mission lands, releasing the Native Americans from control by the mission-system. The City of Monterey continued as the capital of Alta California and the *Californios*—the Mexicans who settled in the region—were given land grants. The United States of America acquired Alta California after landing at Monterey in the 1848 during the Mexican-American War. California became a state in 1850.

The former Fort Ord was established in 1917, originally called Camp Gigling. Prior to decommissioning, Fort Ord covered 28,000 acres. The Fort was originally used to train cavalry troops stationed at Presidio of Monterey and was developed at that time with temporary housing and facilities. The Army did not make permanent improvements on the land until the 1930s, in which simple wood construction techniques were used to build administrative buildings, barracks, mess halls, tent pads, and a sewage treatment plant. By 1939, the location became known as Camp Ord, then Fort Ord in 1940. By 1941, the Fort had over 28,514 acres of land, 27,000 people, and \$12 million invested to create a training base and staging area for the U.S. Army.

From 1940 to 1975, Fort Ord served as a basic training center, then by light infantry troops (i.e., operated without heavy tanks, armor, or artillery) of the 7th Infantry Division after 1975. During World War II, the Army constructed additional temporary buildings for soldiers that included mess halls, kitchens, lavatories, company supply, administration buildings, supply and general utilities, medical infirmaries, and recreation facilities. By the 1950s, Fort Ord had become one of the largest basic training camps in the United States. Permanent building construction started in 1952, when the military began a multi-million dollar building program to transform Fort Ord into a permanent post, including the development of troop housing (i.e., barracks), and the construction of a guard house, stockade, and multiple warehouses. Buildings developed during 1946 to 1976 were constructed with reinforced concrete and concrete masonry materials, which later largely contributed to the original built setting for the CSUMB campus. Infrastructure was also improved at this time, with the introduction of paved streets and roadways, and the addition of several water tanks, water pumping plants, and warehouse buildings.

The base began the transition to closure in 1990 and was decommissioned in 1994. Upon its closure the base was divided; a portion of the base was retained by the Army, another was kept as a nature preserve, and another was designated to establish CSUMB. In May of 1994, the CSU system was given 1,350 acres of former Fort Ord land to establish the CSUMB campus. Many of the permanent buildings constructed after 1952 within Fort Ord became part of the CSUMB campus and their uses shifted to fit the needs of the university, so that CSUMB began with a pre-constructed campus of buildings remaining from the decommissioned military installation. The Army buildings that the university inherited in 1994 were organized in efficient, easily monitored, gridded developments that were separated by large paved areas to store military vehicles. In

order to make them usable by students, faculty, and workers, buildings constructed for military use were converted into usable education spaces, and outdoor spaces were reconfigured as roads, landscaping, and pedestrian pathways. The newest campus of the California State University system opened in August 1995.

Former Fort Ord Resources

Archaeological Resources

Three archaeological surveys were previously conducted within the boundaries of the former Fort Ord prior to the preparation of the U.S. Army's Fort Ord Disposal and Reuse Environmental Impact Statement (USACE 1993). An archaeological sensitivity analysis prepared for the former Fort Ord (USACE 1993) divided the land into five classifications based on landforms. The survey found no archaeological potential in the active beach strand; low potential in the active dunes; and medium potential in the stabilized dunes. The dissected uplands were found to have a high potential for prehistoric archaeological resources along the streams that connect with the Salinas River floodplain. The benches and terraces adjacent to the Salinas River and El Toro Creek along the northeastern boundary of the installation are considered to have a high potential for possessing archaeological resources (USACE 1993). According to the Fort Ord Disposal and Reuse EIS, complete archaeological surveys would be needed for lands having high potential for resources. The CSUMB campus is not located in an area that has a high potential for archaeological resources (FORA 1996).

Historic Resources

An Inventory Survey of Historic-Period Sites at Fort Ord was prepared for the Department of the Army to identify historic sites that may be eligible for inclusion in the National Register of Historic Places (NRHP). The Army and the California State Historic Preservation Officer (SHPO) concluded from the results of five reports conducted for the Army that Stilwell Hall and 35 structures in the East Garrison area were the only former Fort Ord properties eligible for listing on the NRHP at the time that the Army reports were prepared (U.S. Army 1993; FORA 1996). Further, the 1994 CSUMB quitclaim deed indicates that the SHPO had determined that no structures, monuments, or other property within the subject Property were identified as having any historical significance (Secretary of the Army and Board of Trustees of the California State University System 1994).

Given the passage of time, the campus prepared a new Built Environment Inventory and Evaluation Report (Appendix F-2) to address buildings on campus that are now 45 years or older that may be affected by the proposed Master Plan. There was a total of 11 properties over 45 years old located within the campus area of direct impact (ADI) for the proposed Master Plan.

All II properties that were constructed at least 45 years ago as of 2021 (i.e., on or before 1976) and proposed for demolition or substantial alteration as part of the Project were photographed, researched, formally recorded and evaluated under the NRHP, California Register of Historical Resources (CRHR), California Historic Landmarks (CHL), and local eligibility criteria and integrity requirements, and in consideration of potential impacts to historical resources under the California Environmental Quality Act (CEQA) and Public Resources Code §§ 5024 and 5024.5. See Section 4.4.4, Regulatory Framework, for information about these regulations.

All II of these built environment properties were identified as not eligible for national, state, or local designation. Consequently, all II built environment properties evaluated for the purposes of the Project are not considered historical resources under CEQA.

Record Search Results

Historic Architectural Features

CSUMB was founded in 1994. There are no historic sites on the campus that have been identified as being eligible or potentially eligible for listing in the NRHP in past studies, based on the records search and the information provided in Section 4.4.1.2 above.

Known Cultural Resource Sites and Prior Surveys

A records search of the study area was conducted on August 27, 2017 at the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS). The results of the records search indicated the approximate location of one previously recorded prehistoric site on the former Fort Ord, potentially within the campus, as well as two historic sites and sixteen built environment resources located within a 1-mile radius of the campus. The location of the prehistoric site (P-27-000385) is unknown; the site record provides no locational data other than “On the Fort Ord Military Reservation,” which extends well beyond the Project area. Furthermore, the site was described as “destroyed by bulldozing in ca. 1940.” The two historic sites within a 1-mile radius of the campus are a historic ranch (P-27-001724) and a World War II era military site (P-27-002915). Sixteen built environment resources exist within 1 mile of the campus. Appendix E provides further details on these resources and on other archaeological studies conducted in the area.

Native American Consultation

A Sacred Lands File (SLF) search and request for a list of Native American contacts with the Native American Heritage Commission (NAHC) resulted in negative results for the SLF and contacts for eight separate groups.

CSUMB conducted and completed AB 52 consultation for the Project. Pursuant to AB 52 requirements, all NAHC-listed California Native American tribes who have requested project notification from CSUMB were contacted. CSUMB initiated AB 52 consultation on this Project through the following process: Two Native American groups, the Ohlone/Costanoan-Esselen Nation (OCEN) and the Torres Martinez Desert Cahuilla Indians, contacted CSUMB requesting consultation under AB 52 for new projects initiated by CSUMB meeting requirements for consultation under CEQA. The Torres Martinez Desert Cahuilla Indians are geographically located in the vicinity of Imperial and Riverside counties, California. Due to the geographic distance and lack of traditional and cultural affiliation with geographic area surrounding CSUMB, CSUMB responded to Torres Martinez on July 18, 2017 that AB 52 consultation would not be initiated unless additional information supporting the tribe's traditional or cultural affiliation with the campus and region was provided. Also on July 18, 2017, CSUMB sent a letter to OCEN notifying them of the intent to prepare an Environmental Impact Report for the proposed Master Plan. The letter described a general overview of the Project and included maps. Appendix E presents the record of AB 52 consultation, which is summarized below.

OCEN responded to CSUMB in a letter dated August 4, 2017 requesting consultation and outlining a series of requests as a component of consultation. CSUMB initiated AB 52 consultation with OCEN by a letter dated August 31, 2017. OCEN responded in a letter dated September 11, 2017 further requesting no disturbance of cultural lands and implementation of procedures to follow when known or unknown cultural resources are identified, among other points. CSUMB followed up with a letter dated September 5, 2018 providing summary results of the NWIC and NAHC searches and the surface cultural survey. CSUMB met with OCEN on December 17, 2018 and January 29, 2019 to discuss the Project. CSUMB followed up with a letter dated April 18, 2019 summarizing the results of the two meetings, providing OCEN with a copy of the draft cultural report, summarizing supplemental investigations and research completed to attempt to identify tribal cultural resources (TCRs) on the campus, and offering to continue consultation with OCEN by holding a field meeting to obtain additional information from OCEN about potential resources. OCEN did not respond to this letter and CSUMB concluded consultation on May 17, 2019.

AB 52 requires a TCR to have tangible, geographically defined properties that can be impacted by a project. No known TCRs have been identified through consultation with OCEN. In the future, should one or more TCRs be identified that may be affected, CSUMB will work with tribal representatives that have requested consultation under AB 52 to establish a feasible and appropriate mitigation approach. See Section 4.4.2, Regulatory Framework, for additional information about TCRs.

4.4.1.2 Near-Term Development Site Conditions

The existing cultural resources and tribal cultural resources setting for the near-term development component sites is generally described above. All near-term development component sites were surveyed as shown in Figure 4.4-2. Additional information is provided below related to specific conditions on each site, including existing development conditions. Chapter 3, Project Description provides additional information about the location of each development site.

Student Housing Phase III

The approximately 6.4-acre Student Housing Phase III site and potential staging area are mostly paved with an existing surface parking lot and an unused paved area. Vegetation and paved pathways border the development site on the west and south. No archaeological resources were identified on this development component site within the open areas that could be surveyed. Additionally, no historic built environment resources were identified on this site.

Academic IV

The approximately 4.0-acre Academic IV site is mostly paved or developed. Vegetation and paved pathways border the development site on all sides. The potential staging area on the west is paved and the potential staging area on the east is mostly unpaved. No archaeological resources or historic built environment resources were identified on this development component site within the open areas that could be surveyed. Additionally, no historic built environment resources were identified on this site.

Student Recreation Center Phases I and II

The approximately 8.5-acre Student Recreation Center site is partially paved or developed. Vegetation and paved pathways border the development site on the north and west sides of the site. The potential staging area to the south is mostly unpaved and vegetated. No archaeological resources were identified on this development component site within the open areas that could be surveyed. Additionally, no historic built environment resources were identified on this site.

Student Housing Phase IIB

The approximately 7.2-acre Student Housing Phase III site and potential staging area are mostly paved. Vegetation borders the site on the north, west and south. No archaeological resources were identified on this development component site within the open areas that could be surveyed. Additionally, no historic built environment resources were identified on this site.

Academic V

The approximately 2.7-acre Academic V site is partially paved or developed. Vegetation and paved pathways border the development site on all sides. Construction staging for this development would use the same potential staging area as that identified for the Student Recreation Center. No archaeological resources were identified on this development component site; this site was fully developed with buildings, grass, and a paved parking lot. Additionally, no historic built environment resources were identified on this site.

4.4.2 Regulatory Framework

4.4.2.1 Federal

National Historic Preservation Act

The National Historic Preservation Act of 1966 (NHPA) (54 U.S.C. § 300101 *et. seq.*) established a national program to preserve the country's historical and cultural resources. NHPA provides the legal framework for most state and local preservation laws. The NHPA established the NRHP program, authorized funding for state programs with provisions for pass-through funding and participation by local governments, created the Advisory Council on Historic Preservation (ACHP), and established the Section 106 review process for protecting historic properties.

Under the NHPA, historic resources are buildings, structures, objects, districts, or sites that are both historically significant and that possess integrity of location, design, setting, materials, workmanship, feeling, and association. A resource is considered historically significant if it meets any of the following criteria (parentheses summarize each criterion for ease of reference):

- A. Is associated with events that have made a significant contribution to the broad patterns of history (aka associations);
- B. Was associated with the lives of significant persons (aka persons);
- C. Embodies the distinctive characteristics of a type, period, or method of construction, represents the work of a master, possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction (aka architectural distinction); or
- D. Has yielded, or may be likely to yield, information important in prehistory or history (aka important information).

A project is considered to have a significant impact when its effects on a historic resource have the potential to diminish the resource's integrity. The seven aspects of integrity as follows (36 CFR 60.4):

- Location. Integrity of location refers to whether a property remains where it was originally constructed or was relocated.
- Design. Integrity of design refers to whether a property has maintained its original configuration of elements and style that characterize its plan, massing, and structure. Changes made after original construction can acquire significance in their own right.
- Setting. Integrity of setting refers to the physical environment surrounding a property that informs the characterization of the place.
- Materials. Integrity of materials refers to the physical components of a property, their arrangement or pattern, and their authentic expression of a particular time period.
- Workmanship. Integrity of workmanship refers to whether the physical elements of a structure express the original craftsmanship, technology and aesthetic principles of a particular people, place or culture at a particular time period.
- Feeling. Integrity of feeling refers to the property's ability to convey the historical sense of a particular time period.
- Association. Integrity of association refers to the property's significance defined by a connection to a particular important event, person or design.

A resource should possess most of the above aspects of integrity; however, certain aspects may be more important than others for communicating historic significance. Determining which aspects of integrity are essential for a given resource requires an understanding of the formal eligibility criteria (associations, distinctive characteristics, potential to yield information) that apply to that property – in other words, why a property is considered potentially significant in the first place. If a property is being evaluated for its significance under Criterion C because it represents the distinctive characteristics of a specific architectural style, it must retain the majority of the physical features that illustrate that style (e.g., massing, spatial relationships, pattern of windows and doors, ornamentation) to be considered eligible (National Register Bulletin No. 16).

Criteria considerations set forth by the NRHP further state that properties that have achieved significance within the past 50 years shall not be considered eligible for the NRHP, although such properties may qualify if they are of integral importance to a district that do meet eligibility criteria, or if they are of exceptional importance as defined by the NRHP.

Section 106 of the National Historic Preservation Act

Federal protection of cultural resources is legislated by the following:

- The NHPA of 1966 as amended by 16 U.S. Code § 470;
- The Archaeological Resource Protection Act of 1979; and
- The Advisory Council on Historical Preservation. Section 106 of the NHPA and accompanying regulations (36 CFR Part 800) constitute the main federal regulatory framework guiding cultural resources investigations and require consideration of effects on properties that are listed in, or may be eligible for listing in, the NRHP.

These laws and bodies define the processes for determination of the effects on historical properties eligible for listing in the NRHP.

Secretary of the Interior's Standards

The Secretary of the Interior's Standards for the Treatment of Historic Properties (Secretary's Standards), codified in 36 CFR § 67, provides guidance for working with historic properties. The Secretary's Standards are used by lead agencies to evaluate proposed rehabilitative work on historic properties. The Secretary's Standards are a useful analytic tool for understanding and describing the potential impacts of proposed changes to historic resources. Projects that comply with the Secretary's Standards benefit from a regulatory presumption that they would not result in a significant impact on a historic resource. Projects that do not comply with the Secretary's Standards may or may not cause a substantial adverse change in the significance of a historic resource.

In 1992, the Secretary's Standards were revised to be applicable to all types of historic resources, including landscapes and focused on four different approaches to treatment: preservation, rehabilitation, restoration, and reconstruction. The four distinct treatments are as follows:

- Preservation focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time.
- Rehabilitation acknowledges the need to alter or add to a historic property to meet continuing or changing uses while retaining the property's historic character.
- Restoration depicts a property at a particular period of time in its history, while removing evidence of other periods.
- Reconstruction recreates vanished or non-surviving portions of a property for interpretive purposes.

Guidelines for the Treatment of Historic Properties

The Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring and Reconstructing Historic Buildings (Guidelines) illustrate how to apply the four treatments detailed above to historic properties in a way that meets the Secretary's Standards and are advisory, not regulatory. The purpose of the Guidelines is to provide guidance to historic building owners and building managers, preservation consultants, architects, contractors, and project reviewers before beginning work. They address both exterior and interior work on historic buildings. There are four sections, each focusing on one of the four treatment standards: preservation, rehabilitation, restoration, and reconstruction. Each section includes one set of standards with accompanying Guidelines that are to be used throughout the course of a project.

4.4.2.2 State

California Register of Historical Resources

The California Office of Historic Preservation (OHP) administers the CRHR, which was established in 1992 through amendments to the Public Resources Code, to be used by state and local agencies, private groups, and citizens to identify the state's historical resources and to indicate what properties are to be protected from substantial adverse change. The SHPO, an appointed official, implements the state's historic preservation programs.

The CRHR includes resources that have been formally determined eligible for, or listed in, the NRHP, State Historical Landmark Number 770 or higher, Points of Historical Interest recommended for listing by the State Historical Resources Commission (SHRC) for listing, resources nominated for listing and determined eligible in accordance with criteria and procedures adopted by the SHRC, and resources and districts designated as city or county landmarks when the designation criteria are consistent with CRHR criteria.

California Public Resources Code § 5024.1 requires evaluation of historical resources to determine their eligibility for listing on the CRHR. The criteria for listing resources on the CRHR were expressly developed to be in accordance with previously established criteria developed for listing in the NRHP, which is described above.

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), per the criteria set forth in the CEQA Guidelines (Cal. Code Regs. tit. 14, § 5064.5). 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 the 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
- Has yielded, or may be likely to yield, information important in prehistory or history.

With a few exceptions, to qualify as a significant resource, a property must be at least 50 years old. This threshold is not absolute; it was chosen as a reasonable span of time after which a professional evaluation of historical significance can be made. Per OHP recommendations, resources are typically documented if they are over 45 years old to account for lag times between resource identification and the date that planning decisions are made. This standard is commonly used in determining which resources should be assessed under CEQA.

California Environmental Quality Act

CEQA requires public agencies to consider the effects of their actions on “historical resources,” “unique archaeological resources,” and “tribal cultural resources.” Pursuant to PRC Section 21084.1, a “project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment.” Section 21083.2 requires agencies to determine whether proposed projects would have effects on unique archaeological resources. Pursuant to Section 21084.2, a “project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.”

Public Resources Code § 21084.1: Historical Resources

“Historical resource” is a term with a defined statutory meaning (PRC § 21084.1; determining significant impacts to historical and archaeological resources is described in the CEQA Guidelines, § 15064.5[a] and [b]). Per the CEQA Guidelines, section 15064.5(a), historical resources include the following:

1. A resource listed in or determined to be eligible by the State Historical Resources Commission, for listing in the CRHR (PRC § 5024.1).
2. A resource included in a local register of historical resources, as defined in PRC § 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC § 5024.1(g), will be presumed to be historically or culturally significant. Public agencies must treat any such resource as significant unless the preponderance of evidence demonstrates that it is not historically or culturally significant.

3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be a historical resource, provided the lead agency's determination is supported by substantial evidence in light of the whole record. Generally, a resource will be considered by the lead agency to be historically significant if it meets the following criteria for listing in the CRHR (Cal. Pub. Resources Code § 5024.1):
 - a. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
 - b. Is associated with the lives of persons important in our past;
 - c. 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
 - d. Has yielded, or may be likely to yield, information important in prehistory or history.
4. The fact that a resource is not listed in or determined to be eligible for listing in the CRHR, not included in a local register of historical resources (pursuant to Cal. Pub. Resources Code § 5020.1(k)), or identified in a historical resources survey (meeting the criteria in Cal. Pub. Resources Code § 5024.1(g)) does not preclude a lead agency from determining that the resource may be a historical resource as defined in Cal. Pub. Resources Code §§ 5020.1(j) or 5024.1.

Public Resources Code § 21083.2(g): Archaeological Resources

Under CEQA, archaeological resources are presumed non-unique unless they meet the definition of "unique archaeological resources" (Cal. Pub. Resources Code § 21083.2[g]). Under CEQA, an impact on a non-unique archaeological resource is not considered a significant environmental impact. A unique archaeological resource is 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;
- Has a special and particular quality, such as being the oldest of its type or the best available example of its type; or
- Is directly associated with a scientifically recognized important historic or prehistoric event or person (Cal. Pub. Resources Code § 21083.2(g)).

Public Resources Code §§ 21074 and 21080.3.1(b): Tribal Cultural Resources

CEQA requires lead agencies to consider whether projects would affect tribal cultural resources. Cal. Pub. Resources Code § 21074 states the following:

- A. “Tribal cultural resources” are any of the following:
 - 1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:
 - a. Included or determined to be eligible for inclusion in the California Register of Historical Resources.
 - b. Included in a local register of historical resources as defined in subdivision (k) of Section 5020.1.
 - 2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of § 5024.1. In applying the criteria set forth in subdivision (c) of § 5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.
- B. A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.
- C. A historical resource described in § 21084.1, a unique archaeological resource as defined in subdivision (g) of § 21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of § 21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

Additionally, Cal. Pub. Resources §21080.3.1(b) requires that California lead agencies consult with a California Native American tribe that is traditionally and culturally affiliated with the geographic area of a proposed project, if the tribe submits a request for consultation to the lead agency in writing.

Public Resources Code §§ 5097: Native American Historic Cultural Sites

State law (Cal. Pub. Resources Code § 5097 *et seq.*) addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and established the NAHC to resolve disputes regarding the disposition of such remains. In addition, the Native American Historic

Resource Protection Act makes it a misdemeanor punishable by up to 1 year in jail to deface or destroy an Indian historic or cultural site that is listed or may be eligible for listing in the CRHR.

California Health and Safety Code §§ 7052 and 7050.5: Human Remains

The California Health and Safety Code states that disturbance of Native American cemeteries is a felony (Cal. Health and Safety Code § 7052). Construction or excavation must be stopped in the vicinity of discovered human remains until the County Coroner can determine whether the remains are those of a Native American (Cal. Health and Safety Code § 7050.5). Section 7050.5(b) outlines the procedures to follow should human remains be inadvertently discovered in any location other than a dedicated cemetery. The section also states that the County Coroner, upon recognizing the remains as being of Native American origin, is responsible to contact the NAHC within twenty-four hours. The NAHC has various powers and duties to provide for the ultimate disposition of any Native American remains, as does the assigned Most Likely Descendant.

Public Resources Code §§ 5024 and 5024.5: State-Owned Historical Resources

The California State Legislature enacted Public Resources Code §§ 5024 and 5024.5 as part of a larger effort to establish a state program to preserve historical resources. These sections of the code require state agencies to take a number of actions to ensure preservation of state-owned historical resources under their jurisdictions. These actions include evaluating resources for NRHP eligibility and California Historical Landmark (see below) eligibility, maintaining an inventory of eligible and listed resources, and managing these historical resources so that they will retain their historic characteristics and integrity.

California Public Resources Code § 5024(f) requires state agencies to submit to the SHPO for comment documentation for any project having the potential to affect historical resources under its jurisdiction which are listed in or potentially eligible for inclusion in the NRHP, or are registered or eligible for registration as California Historical Landmarks. The SHPO has 30 days after receipt of the notice for review and comment.

California Historical Landmarks

California Historical Landmarks (CHLs) are sites, buildings, features, or events that are of statewide significance and have anthropological, cultural, military, political, architectural, economic, scientific, technical, religious, experimental, or other value. The specific standards now in use were first applied in the designation of Landmark # 770. CHL #770 and above are automatically listed in the California Register of Historical Resources.

To be designated as a CHL, a resource must either have the approval of the property owner(s), be recommended by the State Historical Resources Commission, or be officially designated by the Director of California State Parks. A resource must also meet at least one of the following three criteria:

- The first, last, only, or most significant of its type in the state or within a large geographic region (Northern, Central, or Southern California).
- Associated with an individual or group having a profound influence on the history of California.
- A prototype of, or an outstanding example of, a period, style, architectural movement or construction or is one of the more notable works or the best surviving work in a region of a pioneer architect, designer or master builder.

4.4.3 Impacts and Mitigation Measures

This section presents the evaluation of potential environmental impacts associated with the Project related to cultural resources and tribal cultural resources. The section includes the thresholds of significance used in evaluating the impacts, the methods used in conducting the analysis, and the evaluation of Project impacts and the Project's contribution to significant cumulative impacts. In the event significant impacts within the meaning of CEQA are identified, appropriate mitigation measures, where feasible, are identified.

4.4.3.1 Thresholds of Significance

The significance thresholds used to evaluate the impacts of the Project related to cultural resources or tribal cultural resources are based on Appendix G of the CEQA Guidelines. Based on the above, a significant impact related to cultural resources or tribal cultural resources would occur if the Project would:

- A. Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5.
- B. Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5.
- C. Disturb any human remains, including those interred outside of dedicated cemeteries.
- D. Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code § 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
 - Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code § 5020.1(k).

- A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code § 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code § 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

4.4.3.2 Analytical Method

Program- and Project-Level Review

The cultural resources impact analysis in this section includes a program-level analysis under CEQA of the proposed Master Plan and project design features (PDFs), as described in Chapter 3 Project Description. It should be noted, however, that there are no PDFs that apply to the analysis of cultural resources and tribal cultural resources. The analysis also includes a project-level analysis under CEQA of the 5 near-term development components that would be implemented under the proposed Master Plan. In the event significant environmental impacts would occur even with incorporation of applicable regulations, impacts would be potentially significant and mitigation measures would be identified to reduce impacts to less than significant, where feasible.

Records Search and Surveys

As described in Section 4.4.1, Environmental Setting, a records search of the study area was conducted on September 20, 2017 at the Northwest Information Center (NWIC) of the California Historical Resources Information System (CHRIS). An archaeological survey of the campus was conducted on November 22, 2017. The archaeologists applied a mixed-intensity strategy for the survey, using intensive-level 15-meter transects when possible, and adopting a less intensive reconnaissance-level approach in highly developed areas. The archaeologists focused intensive-level surveys in areas that will be affected by “near-term” development components. (See Appendix F-1).

A built environment survey of the CSUMB campus included a total of 11 properties located within the ADI. The properties were constructed between 1951 to 1964 and were documented and evaluated in consideration of NRHP, CRHR, CHL, and local eligibility criteria and integrity requirements as part of this study. These properties required recordation and evaluation for historical significance because they are over 45 years old and will potentially be impacted by implementation of the Project. Appendix F-2 provides survey results for the 11 properties, including a photograph of each building/structure, current name, year built (if known), a general physical description of the building/structure, and any alterations identified either through building development research or during the historic built environment resources survey. Dates and details of construction and alterations were confirmed through building development research conducted at the CSUMB Facilities office and archival research.

Historic and Archaeological Resources

Significant impacts to historic resources may result from demolition or physical alteration of buildings, or alteration of the setting of a historic resource by the introduction of incompatible elements, in cases where the property retains integrity of setting and the setting of the resource contributes to its significance. As described above, there are no historic building sites on the campus that have been identified as being eligible or potentially eligible for listing in the NRHP or CRHR in past studies and in the Built Environment Inventory and Evaluation Report (Appendix F- 2) prepared for the Project.

Archaeological sites are usually adversely affected only by physical destruction or damage that can be caused by grading and excavation, trenching, weather-induced erosion, etc. Impacts to archaeological resources and human remains most often occur as the result of excavation or grading within the vertical or horizontal boundaries of a significant archaeological site. Archaeological resources may also suffer impacts as the result of project activity that increases erosion, or increases the accessibility of a surface resource, and thus increases the potential for vandalism or illicit collection. Because archaeological resources often are buried, or cannot be fully defined or assessed on the basis of surface manifestations, substantial ground-disturbing work may have the potential to uncover previously unidentified resources, including archaeological deposits and human remains. As fill depths may not be known, it must be assumed that any ground-disturbing activities in any area of the campus where development will occur could potentially affect cultural resources. The mitigation measures developed to address impacts to unique archaeological resources and historical resources of an archaeological nature address potential impacts both to identified archaeological resources, if any, and to archaeological resources that might be discovered during construction.

4.4.3.3 Issues Not Evaluated Further

The Project would not have impacts with respect to the following thresholds of significance related to built environmental resources and therefore this topic is not further evaluated:

- Historic Built Environment Resources (Threshold A). As described in Section 4.4.1, Environmental Setting, there are no historic built environment resources on the campus that have been identified as being eligible or potentially eligible for listing in the NRHP or CRHR in past and current studies. Specifically, the Built Environment Inventory and Evaluation Report (Appendix F-2) determined that there are no historic built environment resources on campus that may be affected by the proposed Master Plan. Therefore, the proposed Master Plan would not have impacts related to historic built environment resources.

4.4.3.4 Project Impacts and Mitigation Measures

This section provides a detailed evaluation of potential impacts to cultural resources and tribal cultural resources that would be associated with the Project.

Impact CUL-1: **Archaeological Resources (Thresholds A and B).** The Project could cause a substantial adverse change in the significance of unique archaeological resources or historic resources of an archaeological nature. *(Potentially Significant)*

Master Plan

As indicated in Section 4.4.1, Environmental Setting, there are no known historic archaeological sites on campus and therefore no such known sites would be affected by the Project.

While the results of the records search indicated the approximate location of one previously recorded prehistoric site (P-27-000385) potentially within the campus boundaries, the location of this site is an unknown location on the former Fort Ord, which extends well beyond the Project area. Additionally, the previously recorded prehistoric site was described as “destroyed by bulldozing in ca. 1940.” Therefore, it is unlikely that the Project would affect this previously recorded prehistoric site.

Nevertheless, unknown subsurface archaeological resources may exist on the campus. Future development under the proposed Master Plan that would disturb native soils or surface features would have the potential to result in impacts to unknown archaeological resources of the prehistoric or historic period. Substantial adverse changes to unknown archaeological deposits and features may result from ground disturbance in native soils or from increased traffic, erosion, vibrations, or other activities that could affect the physical integrity of archaeological deposits or features. Such substantial adverse changes to an unknown archaeological site would result in a significant impact if the site were determined to be a unique archaeological resource or historic archaeological resource.

Project implementation has the potential to effect unknown archaeological resources to the extent that excavations extend into native soils and adversely affect such resources. While the proposed Master Plan proposes development in already developed areas that are underlain by variable amounts of artificial fill, Project construction and associated excavations have the potential to extend into native dune sands and therefore the impact on unknown archaeological resources could be *potentially significant*.

Near-Term Development Components

No archaeological resources were found during archaeological surveys of the near-term development component sites. However, it is possible that ground-disturbing activities during construction on near-term development component sites could result in the discovery of previously unknown subsurface archaeological resources of the prehistoric or historic period, and the impact could be *potentially significant*.

Mitigation Measures

MM-CUL-1a: Sensitivity Training. CSUMB shall include a standard clause in every construction contract for the Project that requires cultural resource sensitivity training by a qualified archaeologist for workers prior to conducting earth disturbance in the vicinity of a documented cultural-resource-sensitive area, should one be identified in the future. Additionally, campus staff involved in earth-disturbing work in the vicinity of a documented resource sensitive area will also receive such training.

MM-CUL-1b: Inadvertent Discovery Evaluation and Recordation. CSUMB shall include a standard inadvertent discovery clause in every construction contract for the Project, which requires that in the event that 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 until a qualified archaeologist can evaluate the find and make a recommendation for how to proceed. For an archaeological resource that is encountered during construction, the campus shall:

- Retain a qualified archaeologist to determine whether the resource has potential to qualify as a historical resource or a unique archaeological resource as outlined in the California Environmental Quality Act (CEQA) (Public Resources Code § 21083.2).
- If the resource has potential to be a historical resource or a unique archaeological resource, the qualified archaeologist, in consultation with CSUMB, shall prepare a research design and archaeological evaluation plan to assess whether the resource should be considered significant under CEQA criteria.
- If the resource is determined significant, CSUMB shall provide for preservation in place, if feasible. If preservation in place is not feasible, in consultation with CSUMB, a qualified archaeologist will prepare a

data recovery plan for retrieving data that is specific to the site's geographic extent and the significance of any resources encountered. The data recovery plan shall be developed prior to site development and implemented prior to or during site development (with a 100-foot buffer around the resource). The archaeologist shall also perform appropriate technical analyses, prepare a full written report and file it with the Northwest Information Center, and provide for the permanent curation of recovered materials.

MM-CUL-1c: Construction Monitoring. A Native American and archaeological monitor shall be present for earth-disturbing work in native soils within 750 feet of a documented archaeological resource or tribal cultural resource, if such resources are discovered and documented in the future. Depth to native soils on specific project sites is typically identified in project-specific geotechnical investigations.

Significance After Mitigation

Implementation of MM-CUL-1a through MM-CUL-1c would avoid directly or indirectly destroying unique archaeological resources or archaeological resources of an historical nature by: conducting cultural resource sensitivity training for workers prior to conducting earth disturbance; requiring an inadvertent discovery clause to cease soil disturbing work within 100 feet of any potential archaeological resources unearthed during construction; using a qualified archaeologist to identify any potential historical archaeological resources or unique archaeological resources onsite; preserving in place identified significant resources, if feasible; providing a data recovery plan for any identified historical or archaeological resources if preservation in place is not feasible; and requiring construction monitoring by both a Native American and archaeological monitor during earth-disturbing work in native soils within 750 feet of a documented resource. With the implementation of these mitigation measures, the potentially significant impact on unique archaeological resources or archaeological resources of an historical nature would be reduced to *less than significant*.

Impact CUL-2: Disturbance of Human Remains (Threshold C). The Project could inadvertently disturb human remains. (*Potentially Significant*)

Master Plan

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.

CSUMB must comply with the procedures included in California Public Resources Code § 5097.98 and California Health and Safety Code § 7050.5, which include: halting work if human remains are discovered; contacting the County Coroner who would contact the NAHC to designate a Most Likely Descendent, if Native American remains are determined to be present; and consulting with the Most Likely Descendent for the appropriate treatment of human remains under CEQA. Given that the Project could inadvertently disturb human remains, the impact could be *potentially significant*.

Near-Term Development Components

Like the rest of the campus, no known human remains are located on the near-term development component sites. Excavation and grading associated with the near-term development components has the potential to uncover, displace, and destroy human remains, and therefore the impact could be *potentially significant*.

Mitigation Measures

MM-CUL-2: Proper Handling of Human Remains. Should human remains be discovered at any time, work will halt in that area and procedures set forth in the California Public Resources Code (§ 5097.98) and State Health and Safety Code (§ 7050.5) will be followed, beginning with notification to CSUMB and the County Coroner. If Native American remains are determined to be present, the County Coroner will contact the Native American Heritage Commission to designate a Most Likely Descendant, who will arrange for the dignified disposition and treatment of the remains. The Ohlone/Costanoan-Esselen Nation (OCEN) shall be notified of the discovery even if not assigned as Most Likely Descendant.

Significance After Mitigation

Implementation of MM-CUL-2 would set forth the course of action to stop work and follow State procedures if human remains are discovered at any time. The implementation of this measure would ensure that human remains will be protected from destruction that might result from development, through identification, Native American consultation, preservation in place or recovery, respectful treatment and study, and reinternment. With the implementation of this mitigation measure, the potentially significant impact related to discovery of human remains would be reduced to *less than significant*.

Impact CUL-3: Tribal Cultural Resources (Threshold D). The Project could cause a substantial adverse change in the significance of a tribal cultural resource. *(Potentially Significant)*

Master Plan

CSUMB consulted with a traditionally geographically affiliated Native American tribe (OCEN) pursuant to Public Resources Code 21074 and 21080.3.1(b) during the preparation of this EIR, as indicated in Section 4.4.1.2, Campus Setting. Government-to-government consultation with the OCEN initiated by CSUMB, acting in good faith and after a reasonable effort, has not resulted in the identification of a TCR within or near the Project area. Based on the results of these efforts, the Project does not appear to threaten impacts to known archaeological sites or TCRs. Nevertheless, in the event that unknown archaeological sites or TCRs are uncovered during the course of Project construction, impacts to such resources could be *potentially significant*.

Near-Term Development Components

No TCRs have been identified on the near-term development component sites. Nevertheless, in the event that unknown archaeological sites or TCRs are uncovered during the course of construction on a near-term development component site, impacts to such results could be *potentially significant*.

Mitigation Measures

MM-CUL-1a: See Impact CUL-1 for this mitigation measure.

MM-CUL-1b: See Impact CUL-1 for this mitigation measure.

MM-CUL-1c: See Impact CUL-1 for this mitigation measure.

MM-CUL-2: See Impact CUL-2 for this mitigation measure.

Significance After Mitigation

Refer to Impacts CUL-1 and CUL-2 for a description of MM-CUL-1a, MM-CUL-1b, MM-CUL-1c, and MM-CUL-2. With the implementation of these mitigation measures, the potentially significant impact on TCRs would be reduced to *less than significant*.

4.4.3.5 Cumulative Impacts

This section provides an evaluation of impacts to cultural resources and tribal cultural resources associated with the Project, including near-term development components, when considered together with other reasonably foreseeable cumulative development, as identified in Table 4.0-1 in Section 4.0, Introduction to Analysis and as relevant to this topic. The geographic area considered in the cumulative analysis for this topic is described in the impact analysis below.

The Project would not impact known historic built environment resources on campus, as no known historic built environment resources eligible for listing in the NRHP or CRHR are located on the campus (see Section 4.4.3.3, Issues Not Evaluated Further). Accordingly, the Project would not contribute to cumulative impacts related to such historic built environment resources.

Impact CUL-4: Cumulative Cultural Resource and Tribal Cultural Resource Impacts (Thresholds A, B, C, and D). The Project would not result in a cumulatively considerable contribution to significant cumulative impacts to buried historical or archaeological resources, human remains, and tribal cultural resources, with the implementation of mitigation. *(Less than Significant)*

Master Plan

The geographic context for the analysis of cumulative impacts related to archaeological resources, human remains, and tribal cultural resources includes the campus and other cumulative project sites in the former Fort Ord and beyond. This cumulative impact analysis considers the incremental effects of the Project, when combined with the effects of past, present, and reasonably foreseeable projects listed in Table 4.0.1 and shown in Figure 4.0.1, Section 4.0, Introduction to Analysis.

Implementation of the Project and other cumulative development could impact unknown subsurface archaeological resources of the prehistoric or historic period. As indicated in Impact CUL-1 through CUL-3, the Project impact related to unknown archaeological resources, human remains, and TCRs would be reduced to less than significant through the implementation of MM-CUL-1a through MM-CUL-1c, and MM-CUL-2. The implementation of MM-CUL-1a through MM-CUL-1c will provide sensitively training, standard inadvertent discovery clauses in all construction contracts that include stop work requirements if resources are discovered, evaluation of any identified resources, preservation in place, if feasible, data recovery and other measures that would provide for the preservation of significant information, if preservation in place is not feasible, and monitoring where needed. MM-CUL-2 would set forth the course of action to stop work and follow State procedures if human remains are discovered at any time, which would ensure that human remains will be protected from destruction that

might result from development, through identification, Native American consultation, preservation in place or recovery, respectful treatment and study, and reinternment.

CSUMB would require the implementation of adopted mitigation measures for the previously approved Monterey Bay Charter School (MBCS), the Freeman Stadium Facilities Renovation Project, as demonstrated by the CEQA documents prepared for the MBCS and the Freeman Stadium project (DDA 2016 and 2021), and would require similar mitigation measures for the possible future development on the campus's Second Avenue site. Off-campus cumulative projects are also be required to assess impacts to archaeological resources, human remains and tribal cultural resources as part of the discretionary approval process and should incorporate individual mitigation for site-specific impacts identified on each individual project site. It is possible that these cumulative off-campus projects could have a potentially significant cumulative impact if individual projects are not properly mitigated. However, with the implementation of MM-CUL-1a through MM-CUL-1c, and MM-CUL-2, the Project would not have a considerable contribution to a potentially significant cumulative impact. As such, the cumulative impact of the Project on archaeological resources, human remains, and tribal cultural resources would be *less than significant*.

4.4.4 References

- Denise Duffy & Associates, Inc. 2016. Final Initial Study/Mitigated Negative Declaration Monterey Bay Charter School New School Project (SCH# 2016031034). July 7, 2016.
- Denise Duffy & Associates, Inc. 2021. Final Initial Study/Mitigated Negative Declaration Freeman Stadium Facilities Renovation Project (SCH# 2021070153). September 2021.
- FORA (Fort Ord Reuse Authority). 1996. *Public Draft Fort Ord Reuse Plan*. May 1996. Prepared by EDAW, Inc. and EMC Planning Group, Inc.
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- U.S. Army. 1993. Historical and Architectural Documentation Reports for Fort Ord, California. September 1993.

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