3.5 Cultural Resources

Issues (and Supporting Information Sources):	*Potentially Significant Impact*	*Less Than Significant with Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
5. CULTURAL RESOURCES— Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to §15064.5?	☐	☐	☒	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☒	☐

3.5.1 Environmental Setting

This section is based on the cultural resources assessments prepared for Pacific Gas and Electric Company (ICF International, 2010; ICF Jones and Stokes, 2009). The cultural resources study included a records search and survey of the Area of Potential Effects (APE) for the project. The APE was defined as a 500-foot-wide corridor along the work site boundary of the proposed Hollister Pole and Hollister Tower segments, which includes the existing and proposed pole and tower sites, access roads locations, the temporary shoo-fly connection sites, the staging areas, and other construction work areas.

Records Search, Survey, and Results

Jones and Stokes conducted a records search at the Northwest Information Center of the California Historical Resources Information System, contacted Native American individuals and organizations, and completed field surveys of the APE (ICF International, 2010; ICF Jones and Stokes, 2009). An Environmental Science Associates (ESA) Registered Professional Archaeologist completed an updated records search on December 11, 2009 (File No. 09-0748).

No prehistoric archaeological sites are recorded in the APE or were located during the survey effort.

One historic-era resource (CR-H-01) was located at the southern extent of the Hollister Tower Segment outside the immediate work site boundary. This resource is a circular rock- and mortar-lined water trough that measures approximately seven feet in diameter and three feet in depth. The trough is no longer in use and is filled with refuse, including cans and bottles from the 1950s and 1960s. It was later determined that the resource is located outside of the APE and no further consideration is therefore necessary regarding the resource (Havelaar, 2010).

The Proposed Project work site also crosses one historic-era linear feature: El Camino Real en Medio (CA-SBN-143H). The segment of road east of the Hollister Tower Segment is an improved, paved road that is still utilized until it abuts Avenida del Piero. The segment of roadway west of the Hollister Tower Segment (and Avenida del Piero, which roughly follows the project alignment) has been destroyed by construction of a housing development. CA-SBN-143H has not been formally evaluated for listing on the California Register of Historical Resources (California Register) or National Register of Historic Places (National Register); however the resource has been evaluated as not eligible because it lacks integrity and is heavily impacted from construction (ICF International, 2010).

Geoarchaeological Analysis

Although no prehistoric archaeological resources were found within the APE as a result of the field survey, analysis of regional site distribution and local geology indicates that sections of the work site and APE are highly sensitive for buried archaeological resources. Cultural resources distribution in the project area is patterned. For the analysis, broad categories were used to categorize the locational context of each resource, relying on two common constraints to human land use and occupation: type of topographic relief and proximity to water. Floodplains and low terraces, although subject to flooding, are prime locations for a variety of human activities and occupation types throughout human history. Cultural resources may have been located on the alluvial and colluvial landforms represented by plains in proximity to now-relic surface water features in order to remain above flood-prone areas, or for specific resource-extraction purposes. Plain-upland interfaces are desirable areas for human land use because springs and other water sources are common in these contexts and frequently offer access to multiple resource sets, and can provide windbreaks. Uplands have been used throughout human history for occupation and resource extraction.

Areas deemed highly sensitive for cultural resources identified by the records search, soils maps, and topographical features, include areas situated along low stream terraces or floodplains of present-day watercourses such as the Pajaro River. Previously identified cultural resources on floodplains and low stream terraces are primarily prehistoric archaeological sites, although historic-era cultural resources are present and are likely to be identified as prehistoric resources. Much of the APE is located on low terraces and floodplains, including some overlap with the plain-upland category. The majority of previously identified cultural resources on floodplains and low terraces have been recorded along the Pajaro River between the Sargent Hills and Lomerias Muertas. The second most sensitive locational context is the uplands category. Historic-era cultural resources seem to dominate the uplands category, although prehistoric resources also are likely to be identified in uplands.

Some portions of the APE have moderate potential to contain buried archaeological deposits. Cartier (2001a), for example, observed a buried A horizon (often termed paleosol) on the northern bank of the San Benito River from seven to ten feet below ground surface. This paleosol represents a relic land surface, once available for human habitation, which was later buried by fluvial sediments. The southern bank of the San Benito River within the Hollister Pole Segment

(mapped as Metz soil units) probably contains paleosols because it is located in the same depositional environment, and soil scientists have observed paleosols about five feet below ground surface in Metz series soils (Isrig, 1969). Previous archaeological research along the Pajaro River suggests that high potential for buried archaeological deposits exists on the Pajaro River floodplain/ terrace (Cartier, 2001b). In addition, paleosols may occur at depths of about seven feet below ground surface in Willow series soils, which are present in portions of the APE (Isrig, 1969). Prior to Spanish, Mexican, and American land-use practices, however, this area was probably marshland and thus not especially suited to human habitation in the late prehistoric period (Breschini et al., 1983). The Willow series soil units in the APE should therefore be regarded as moderately sensitive for the presence of paleosols and archaeological deposits rather than highly sensitive.

Paleontological Setting

Paleontology is a multidisciplinary science that combines elements of geology, biology, chemistry, and physics in an effort to understand the history of life on earth. Paleontological resources, or fossils, are the remains, imprints, or traces of once-living organisms preserved in rocks and sediments. These include mineralized, partially mineralized, or unmineralized bones and teeth, soft tissues, shells, wood, leaf impressions, footprints, burrows, and microscopic remains. The fossil record is the only evidence that life on earth has existed for more than 3.6 billion years. Fossils are considered nonrenewable resources because the organisms they represent no longer exist. Once destroyed, a fossil can never be replaced. The following subsection discusses existing conditions with respect to paleontological resources in the project area.

Project excavations are expected to occur in a very wide variety of geologic units, including Holocene alluvium on valley floors, as well as a wide variety of bedrock types in the hills along the Hollister Tower Segment and where the Hollister Pole Segment traverses the base of the Flint Hills (CGS, 2002). Much of the construction work along most of the Hollister Tower Segment and a portion of the Hollister Pole Segment would pass through Pleistocene to Oligocene (10 thousand to 33 million years old) continental and marine sedimentary rocks, which are generally known to have a high paleontological potential due to their history of yielding vertebrate fossils. According to a search of the collections database at the University of California, Museum of Paleontology, there are approximately 34 vertebrate fossil localities in Monterey and San Benito County, all of which occur within Pleistocene to Eocene sedimentary rocks (UCMP, 2010). While none of the vertebrate fossil localities can be traced to the construction disturbance areas themselves, the fact vertebrate fossils have been discovered elsewhere within similar rocks indicates Pleistocene to Oligocene continental and marine sedimentary rocks have a high paleontological resource potential.

3.5.2 Regulatory Setting

The State of California implements the National Historic Preservation Act of 1966, as amended, through its Statewide comprehensive cultural resource surveys and preservation programs. The California Office of Historic Preservation (OHP), as an office of the California Department of Parks and Recreation, implements the policies of the NHPA on a Statewide level. The OHP also

maintains the California Historical Resources Inventory. The State Historic Preservation Officer is an appointed official who implements historic preservation programs within the State's jurisdiction.

California Environmental Quality Act

CEQA, as codified in California Public Resources Code (PRC) Sections 21000 et seq., is the principal statute governing the environmental review of projects in the State. The CEQA Guidelines define a historic resource as: (1) a resource in the California Register; (2) a resource included in a local register of historic resources, as defined in PRC Section 5020.1(k) or identified as significant in a historic resource survey meeting the requirements of PRC Section 5024.1(g); or (3) any object, building, structure, site, area, place, record, or manuscript that 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, provided the lead agency's determination is supported by substantial evidence in light of the whole record.

The California Register is "an authoritative listing and guide to be used by State and local agencies, private groups, and citizens in identifying the existing historic resources of the State and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change" (PRC Section 5024.1[a]). The criteria for eligibility to the California Register are based on National Register criteria (PRC Section 5024.1[b]). Certain resources are determined by the statute to be automatically included in the California Register, including California properties formally eligible for or listed in the National Register.

To be eligible for the California Register as a historic resource, a prehistoric or historic-period resource must be significant at the local, State, and/or federal level under one or more of the following criteria:

1) Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;

2) Is associated with the lives of persons important in our past;

3) 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,

4) Has yielded, or may be likely to yield, information important in prehistory or history [14 CCR Section 4852(b)].

For a resource to be eligible for the California Register, it must also retain enough integrity to be recognizable as a historic resource and to convey its significance. A resource that does not retain sufficient integrity to meet the National Register criteria may still be eligible for listing in the California Register.

CEQA requires lead agencies to determine if a proposed project would have a significant effect on important archaeological resources, either historic resources or unique archaeological resources. If a lead agency determines that an archaeological site is a historic resource, the

provisions of PRC Section 21084.1 and CEQA Guidelines Section 15064.5 would apply. If an archaeological site does not meet the CEQA Guidelines criteria for a historic resource, then the site may meet the threshold of PRC Section 21083 regarding unique archaeological resources.

A unique archaeological resource is "an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

- Contains information needed to answer important scientific research questions and that 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.
- Is directly associated with a scientifically recognized important prehistoric or historic event or person [PRC Section 21083.2 (g)]."

The CEQA Guidelines note that if a resource is neither a unique archaeological resource nor a historic resource, the effects of the project on that resource shall not be considered a significant effect on the environment (CEQA Guidelines Section 15064[c][4]).

Other State Laws

Several sections of the PRC protect paleontological resources. Section 5097.5 prohibits "knowing and willful" excavation, removal, destruction, injury, and defacement of any paleontologic feature on public lands (lands under State, county, city, district, or public authority jurisdiction, or the jurisdiction of a public corporation), except where the agency with jurisdiction has granted permission.

Section 7050.5 of the Health and Safety Code protects human remains by prohibiting the disinterring, disturbing, or removing human remains in a location outside a dedicated cemetery. Section 5097.98 of the PRC (and reiterated in CEQA Section 15064.5 [e]) also states that in the event of the accidental discovery or recognition of any human remains in a location outside a dedicated cemetery, the following steps should be taken:

(1) There shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent human remains until:

   (A) The coroner of the county in which the remains are discovered must be contacted to determine that no investigation of the cause of death is required, and

   (B) If the coroner determines the remains to be Native American:

      1. The coroner shall contact the Native American Heritage Commission within 24 hours.

      2. The Native American Heritage Commission shall identify the person or persons it believes to be the most likely descended from the deceased Native American.

3. The most likely descendent may make recommendations to the landowner or the person responsible for the excavation work, for means of treating or disposing of, with appropriate dignity, the human remains and any associated grave goods as provided in Public Resources Code Section 5097.98, or

(2) Where the following conditions occur, the landowner or his authorized representative shall rebury the Native American human remains and associated grave goods with appropriate dignity on the property in a location not subject to further subsurface disturbance.

(A) The Native American Heritage Commission is unable to identify a most likely descendent or the most likely descendent failed to make a recommendation within 48 hours after being notified by the commission.

(B) The descendant identified fails to make a recommendation; or

(C) The landowner or his authorized representative rejects the recommendation of the descendant, and the mediation by the Native American Heritage Commission fails to provide measures acceptable to the landowner.

3.5.3 Applicant Proposed Measures

PG&E proposes the following applicant proposed measures (APMs) to minimize impacts on cultural resources from the Proposed Project. The impact analysis in this MND assumes that these APMs would be implemented to reduce impacts to cultural resources discussed below.

APM CR-1: Implement construction monitoring. An archaeologist that meets the Secretary of the Interior's Standards and Guidelines for professional archaeologists will monitor ground-disturbing activities in areas that were documented as having high archaeological sensitivity on Figures 2a through 2d of the Historic Properties Inventory Report (ICF 2010). The monitor will be empowered to temporarily halt construction in the immediate vicinity of a discovery while it is evaluated for significance. With the archaeologist's approval, work may continue on other portions of the site. If the discovery proves to be significant, additional measures will be implemented; these may include avoidance, capping beneath a layer of sterile soil, or data recovery through archaeological excavation (PRC 21083).

APM CR-2: Stop work if previously unknown cultural resources are discovered. If buried cultural resources such as chipped or ground stone, historic debris, or building foundations are inadvertently discovered during site preparation or construction activities, work will stop in that area and within 100 feet of the find until a qualified archaeologist can assess the significance of the find and, if necessary, develop appropriate treatment measures in consultation with PG&E and other appropriate agencies. With the archaeologist's approval, work may continue on other portions of the site. PG&E will be responsible for ensuring that the archaeologist's recommendations for treatment are implemented.

APM CR-3: Stop work if human remains are discovered. If human remains are encountered during any phase of construction, work within a 100-foot radius of the remains will be suspended immediately and PG&E and/or their representative will immediately notify the respective county coroner, as required by state law (California Health and Safety Code 7050.5) and County Ordinance No. B6-18. If the remains are determined by the

coroner to be Native American, the Native American Heritage Commission (NAHC) will be notified within 24 hours, and the NAHC will in turn immediately notify the Most Likely Descendent, pursuant to Section 5097.98 of the Sate Resources Code. Upon notification, the MLD has 48 hours to make recommendations as to the treatment or disposition of the remains. PG&E or its appointed representative will implement any mitigation before the resumption of activities at the site where the remains were discovered.

3.5.4 Environmental Impacts and Mitigation Measures

a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5: *NO IMPACT*.

CA-SBN-143H has not been formally evaluated for listing on the California Register of Historical Resources or National Register of Historic Places; however a preliminary evaluation has determined that it does not appear eligible. No other historical resources, as contemplated by Section 15064 of the CEQA Guidelines, would be affected by construction or operation of the Proposed Project. Proposed construction would span CA-SBN-143H, thereby avoiding this linear resource; therefore, the Proposed Project would not cause a substantial adverse change in the significance of a historical resource. No impact.

b) Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to §15064.5: *LESS THAN SIGNIFICANT IMPACT*.

No archaeological resources were recorded in the APE during the survey effort; however, as discussed above, particular areas within the project alignments are considered moderately to highly sensitive for the presence of prehistoric, ethnohistoric, and historic-era cultural materials and/or subsurface deposits. Consequently, it is possible that undocumented unique archeological resources could be present. If present, these resources could be affected during ground-disturbing activities required for project construction. Depending on the nature of the materials involved and the extent of the disturbance and/or damage, impacts could be significant. PG&E proposes to implement APMs CR-1 and CR-2, which include measures to implement construction monitoring and to stop work if previously unknown cultural resources are discovered, respectively. With these APMs, potential Project-related impacts on the significance of unique archaeological resources would be less-than-significant.

c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature: *LESS THAN SIGNIFICANT WITH MITIGATION*.

As discussed in the setting, much of the Hollister Tower Segment and a portion of the Hollister Pole Segment that traverses the Flint Hills are underlain by rocks of high paleontological potential. For this reason, construction of the Proposed Project could affect paleontological resources if project-related excavation were to extend beyond surface soils into sensitive rock units. Construction activities that could disturb fossil-yielding rock units could include minor grading required for access roads, equipment lay-down areas, and work-area preparation (if such grading were to occur in hillside areas with shallow soils); as well as augered holes and ground

excavation required for tower and pole footings. While the paleontological potential of the rock units underlying some of these disturbance areas would be high, the potential impact to fossil resources depend on both the paleontological potential of the rock unit, as well as the magnitude and depth of expected soil disturbance. Because the volume of material to be disturbed during project-related grading and excavation is low, and much of that material would consist of surface soils rather than the underlying fossil-yielding rock units, the chances of actually uncovering a significant fossil would be low. Nevertheless, the potential for impacts to paleontological resources cannot be dismissed, because any level of fossil disturbance is considered significant under CEQA, if the fossil would contribute to scientific knowledge of natural history or geologic origins. Unless mitigated, potential project-related impacts on unique paleontological resources would be significant; however, such impacts would be less than significant with Mitigation Measure 3.5-1 incorporated.

There are no known unique geological features that would be affected by the proposed project. Much of the project ROW is within privately-owned land that is not publically accessible, and there are no officially-designated sites of geological interest (e.g. caves, aesthetically-distinctive rock formations, etc…).

> **Mitigation Measure 3.5-1: Stop work if previously unknown paleontological resources are discovered.** Prior to the start of any subsurface excavations (excluding pole and tower holes) that would extend into Pleistocene to Oligocene sedimentary rock units, all construction forepersons and field supervisors shall receive training by a qualified professional paleontologist, as defined by the SVP (1995), who is experienced in teaching non-specialists, to ensure they can recognize fossil materials and will follow proper notification procedures in the event any are uncovered during construction. Procedures to be conveyed to workers include halting construction within 50 feet of any potential fossil find and notifying a qualified paleontologist, who will evaluate its significance. Training on paleontological resources will also be provided to all other construction workers, but may involve using a videotape of the initial training and/or written materials rather than in-person training by a paleontologist. If a fossil is determined to be significant and avoidance is not feasible, the paleontologist will develop and implement an excavation and salvage plan in accordance with SVP standards (SVP, 1995; SVP, 1996).

d) Disturb any human remains, including those interred outside of formal cemeteries: *LESS THAN SIGNIFICANT IMPACT*.

Based on the records search and contact with Native Americans, no human remains are known to exist within the project area; however, the discovery of human remains during ground-disturbing activity cannot entirely be discounted. Implementation of APM CR-3, which would require project work to be stopped and appropriate actions to be taken in the event that human remains would be discovered, would ensure that impacts to human remains would be less than significant.

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