

## 3.5 CULTURAL RESOURCES

### 3.5 Cultural Resources

This section presents the environmental setting and analysis of impacts on cultural resources resulting from the Proposed Project. This section includes existing cultural resources information for the Proposed Project, applicable regulations, environmental impacts, and mitigation measures to reduce or avoid significant effects.

#### 3.5.1 Definitions

*Cultural resources* is defined as prehistoric and historic sites, structures, landscapes, districts, and any other physical evidence associated with human activity considered important to a culture, a subculture, or a community for scientific, traditional, religious or any other reason. For analysis purposes, cultural resources may be categorized into two groups: historical resources and archaeological resources.

#### Cultural Resources

Cultural resources in the State of California are recognized as non-renewable resources that require management to assure their benefit to present and future Californians. Cultural resources are generally defined as prehistoric and historic sites, structures, landscapes, districts, and any other physical evidence associated with human activity considered important to a culture or subculture or any community for scientific, traditional, religious, or other reasons. Cultural resources in CEQA are commonly categorized as either *historical resources* or *archaeological resources* because CEQA requires an analysis of a project's effect on historical and archaeological resources.

#### Historical Resources

CEQA's provisions governing analysis of historical resources are set forth in PRC section 21084.1 and CEQA Guidelines Section sections 15064.5(a)–(b). CEQA includes objects of historical significance in its definition of *environment* (PRC § 21060.5). Per CEQA Guidelines section 15064.5, the term *historical resources* is defined as follows:

1. A resource listed in, or determined to be eligible by the State Historical Resources Commission for listing in, the California Register of Historical Resources (CRHR). This resource can be of either historic or prehistoric age.
2. A resource included in a local register of historical resources or identified as significant in a historical resources survey shall 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, 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 may be considered to be a historical resource, provided a lead agency's determination is supported by substantial

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evidence in light of the whole record. Generally, a cultural resource shall be considered by a lead agency to be “historically significant” if the resource meets the criteria for listing on the CRHR, including the following:

- 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
- d. Has yielded, or may be likely to yield, information important in prehistory or history

### **Archaeological Resources**

CEQA includes detailed standards governing the analysis of impacts on archaeological resources (PRC § 21083.2; CEQA Guidelines section 15064.5(c)–(f)). If a lead agency determines that a project may have a significant effect on unique archaeological resources, the impact analysis must address those archaeological resources (PRC § 21083.2(a)). An environmental document need not address effects on archaeological resources that are not unique (PRC § 21083.2(a), (h)). The term “unique archaeological resource” under PRC section 21083.2(g) refers to 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:

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

### **California Historical Resources Inventory**

The California Historical Resources Inventory (HRI) is maintained by the California Office of Historic Preservation (OHP). The HRI is a database of cultural resources information, including sites listed or eligible for listing on the CRHR. The HRI includes only information on historical resources that have been identified and evaluated through one of the programs that OHP administers under the National Historic Preservation Act (NHPA) or the Public Resource Code (PRC). The HRI includes data on the following:

- Resources evaluated in local government historical resource surveys partially funded through Certified Local Government grants or in surveys that local governments have submitted for inclusion in the statewide inventory
- Resources evaluated and determinations of eligibility made in compliance with Section 106 of the NHPA
- Resources evaluated for federal tax credit certifications

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- Resources considered for listing in the National Register of Historic Places (NRHP), CRHR, or as California State Landmarks or Points of Historical Interest

### Area of Potential Effects/Area of Potential Impacts

Under the NHPA, the *area of potential effects* (APE) is defined as “the geographic area, regardless of land ownership, within which a federal agency undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist” (36 CFR § 800.16(d) and 800.16(y)). For the purposes of CEQA analysis and assessment of archaeological resources and historic resources and the potential for impacts to those resources, the *area of potential impacts* (API), also referred to as the *survey area*, is the same as the APE as defined under the NHPA.

### Archeological Resources

The Proposed Project’s APE/API for archeological resources consists of a corridor 300 feet (91.4 meters) wide plus a buffer of 150 feet (45.7 m) on either side along the existing 66 kV subtransmission lines. For ancillary areas located outside of the 300-foot subtransmission line corridor needed during construction for staging, equipment laydown, materials storage, vehicle parking, etc., the direct APE/API consists of those areas plus a 50-foot (15-m) buffer. A corridor of 100 feet (30.48 m) wide, centered on the access road alignments as provided by SCE, was defined as the APE/API for all access roads that will be used for Proposed Project construction. In addition to the direct APE/API as defined above, an indirect/visual APE/API has been defined as an 0.5-mile buffer on either side of the subtransmission lines corridor. The survey area for archeological resources, comprising the direct and indirect APIs defined above, totals approximately 810.9 acres.

### Historical Resources

The Proposed Project’s direct API for historical resources generally encompasses the Proposed Project corridor, measuring approximately 280 feet in width over 65.3 miles. The indirect API (for potential visual effects/impacts to historical resources) has been defined as an 0.5-mile buffer on each side of the direct API. The survey area for historical resources, comprising the direct and indirect APIs for historical resources (2,384.68 acres direct API and 42,383.80 acres indirect/visual API), totals approximately 44,768.48 acres (Urbana Preservation and Planning 2022).

## 3.5.2 Environmental Setting

### Regional Setting

#### Prehistory

Previously recorded archaeological sites within the region span thousands of years in age, ranging from 12,000 years old to modern historical. As of date, research conducted within the Southern San Joaquin Valley (SSJV) has defined a number of temporal components, periods,

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and phases of prehistoric human lifeways and land use patterns ranging from the Pleistocene epoch to the Modern era.

Archeological study in the SSJV is generally divided into five chronological periods, each with regional nuances in terms of date and artifact assemblage: Paleo-Indian; Lower, Middle and Upper Archaic; and Emergent (Moratto 1984; Price and Johnston 2002; Rosenthal, White, and Sutton 2007).

#### ***Paleo-Indian Period (circa 11,550 to 8,550 years before present [BP])***

There is limited evidence of human habitation within the SSJV that dates to this chronological period; however, this paucity of resources is not necessarily based on lack of presence but is, rather, partly due to geoarchaeological episodes of erosion and deposition that have destroyed or buried ancient Holocene deposits (Sutton et al. 2016). Most of the archaeological evidence for early occupation in the region is based on isolated surface finds of basally thinned and fluted projectile points, which are primarily located in the southern portion of the basin (Rosenthal, White, and Sutton 2007). Fluted points are commonly assigned to the Big Game Hunting Tradition of the Paleo-Indian period, which is associated with a subsistence focus on large game animals (megafauna) that were still present in the area during this early time period.

Approximately 500 fluted points have been found at more than 40 locations in California, mostly concentrated along the shoreline of Tulare Lake and at Borax Lake (Moratto 1984; Price and Johnston 2002). Currently, three localities in SSJV have produced early fluted points: Tracy Lake, the Woolfsen mound (CA-MER-215), and the Witt site (CA-KIN-32) along the shore of Tulare Lake basin (Rosenthal, White, and Sutton 2007; Sutton et al. 2016).

#### ***Lower Archaic Period (8,550 to 5,550 years BP)***

Climatic changes at the end of the Pleistocene created a significantly different environment during the Lower Archaic, facilitating the natural development of alluvial fans and flood plains, which buried many archaeological deposits dating to former periods. Artifacts from this period include stemmed series points such as Lake Mojave and Silver Lake forms. Flaked stone crescents and distinctive, formalized, flaked stone tools comprise the key elements found in archaeological assemblages from this period. Examples of such remains are represented in the deeply buried sites found along the ancient shoreline of Tulare Lake (Moratto 1984; Sutton et al. 2016). The best-known site of this chronological period within SSJV is found on the southwestern shoreline of Buena Vista Lake (CA-KER-116). This site has a deeply buried component that contains such artifacts as crescents, a carved stone atlatl spur, a stemmed projectile point fragment, and a few small flaked stone implements with radiocarbon dates ranging between 9175 and 8450 BP (Fredrickson and Grossman 1977; Hartzell 1992; Rosenthal, White, and Sutton 2007; Sutton et al. 2016). No plant processing related artifacts were identified at CA-KER-116 or any other sites found within the valley floor, making the role of plant usage during the Lower Archaic abstruse.

#### ***Middle Archaic Period (5,550 to 550 years BP)***

The beginning of the Middle Archaic saw another shift in climate with increasingly warmer and drier conditions leading to the evaporation of the lakes within the region. Archaeological

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deposits associated with the early Middle Archaic are rare in the Central Valley and SSJV, with the stratigraphically deepest occupational evidence found at CA-SJO-68, dating to at least 5050 BP (Rosenthal, White, and Sutton 2007). Paleobotanical studies from sites of this time period demonstrate the early use of acorn and pine nut crops. Faunal assemblages, including the appearance of elk, deer, pronghorn, rabbit, hare, waterfowl, a variety of fish and small rodent species, reflect intense use of marshes, grasslands, and riverine forests. Baked clay impressions of basketry and cordage, bone awls, stone plummets, bone tubes, *Olivella biplicate*, and abalone (*Haliotis* spp.) shell beads and ornaments, charmstones, gorge hooks, bone hooks and heavy-stemmed dart points have all been identified in the archaeological assemblages dating to this time period (Rosenthal, White, and Sutton 2007; Sutton et al. 2016). Trading is also evident, with obsidian artifacts and toolstone sourced from the eastern Sierra from Coso and Casa Diablo, with obsidian from Coso dominating the obsidian assemblages (Moratto 1984; Rosenthal, White, and Sutton 2007; Sutton and Des Lauriers 2002). An extended burial posture tradition has been identified throughout the San Joaquin Valley as far south as Buena Vista Lake that dates from the Middle through Upper Archaic Periods (Fredrickson and Grossman 1977; Moratto 1984; Rosenthal, White, and Sutton 2007).

#### *Upper Archaic Period (550 BP to 1100 years AD)*

The Upper Archaic corresponds with the onset of another shift in environmental conditions towards a cooler climate in the Late Holocene. Little is known concerning the cultures of the SSJV during this period; however, year-round villages at Buena Vista Lake have been identified. Similar to those of the Middle Archaic, these sites exhibit a diverse array of artifacts as well as the presence of architectural features, including house floors and significant refuse deposits from both land and water subsistence activities (Sutton et al. 2016). Cultural materials include temporally diagnostic forms of beads and ornaments manufactured from *Haliotis* and *Olivella* shell. Spindle-shaped charmstones, cobble mortars, chisel-ended pestles and heavy dart points have also been identified (Rosenthal, White, and Sutton 2007; Sutton et al. 2016; Bennyhoff and Fredrickson 1994). Additionally, an extensive inventory of bone tools, including awls, fish spears, saws and flakers are diagnostic to this period. Burial positions shift during this time to supine semiflexed, and mortuary artifacts are present, including bifacial obsidian blanks sourced at Coso or Casa Diablo (Moratto 1984; Rosenthal, White, and Sutton 2007; Bennyhoff and Fredrickson 1994).

#### *Emergent Period (cal A.D. 1100 to contact)*

The archaeological record for the Emergent period is the most well documented. Intensification of plant resources and a decrease in hunting marks this cultural period. During this period, the bow and arrow was introduced and replaced the *atlatl* and dart. Numerous arrow point styles were developed, with one of the more unique styles developed in the northern part of the Central Valley: the Stockton serrated point. By around 500 years ago, Panoche side-notched point (a variant of the Desert side-notched) was used in the western side of the San Joaquin Valley and Cottonwood-style arrow points utilized in the Tulare and Buena Vista basins (Rosenthal, White, and Sutton 2007). Ethnographically documented cultural traditions are readily identifiable in the archaeological record. Stone beads and cylinders, clamshell disks,

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tubular smoking pipes, arrow-shaft straighteners, flat-bottomed mortars, cylindrical pestles and small side-notched arrow points mark the cultural inventory of typical archaeological sites from this era. Burial posture is tightly flexed on the side or supine with a moderate amount of associated mortuary-related offerings. After 900 BP and at the time of European contact, most archaic traditions and technologies disappear from the region (Rosenthal, White, and Sutton 2007; Sutton et al. 2016). Protohistoric and historic-era sites contain Euroamerican trade items, such as glass beads, brass buttons, and other introduced artifacts (Moratto 1984; Bennyhoff and Fredrickson 1994; Sutton et al. 2016).

### **Local Setting**

#### **Historic and Archaeological Resources**

##### *Records Search*

In 2017, SCE conducted an initial cultural resources records search at the California Historic Resources Information Center (CHRIS), South Central Coastal Information (SCCIC), and Southern San Joaquin Valley Information Center (SSJVIC) for the Proposed Project. The records search included a 0.5-mile buffer on either side of the Proposed Project corridor. The results of this record search included DPR forms for all previously recorded cultural resources and bibliographic information on previously conducted studies as well as GIS datasets of resources and studies boundaries. In 2022, SCE conducted an additional record search to update the 2017 record search data. The records search identified a total of nine previously recorded sites within the APE/API.

General Land Office (GLO) plats and patents, historical United States Geological Survey (USGS) topographic maps, and historical aerial imagery were also reviewed prior to field surveys.

##### *Pedestrian Surveys and Testing*

Ten pedestrian surveys for cultural resources were conducted in the record search area (project corridor plus 0.5-mile buffer on either side) in 2017, 2022, 2023 and 2024. Pedestrian surveys were conducted by crews of one or two archaeologists, spaced at no greater than 15 m transect intervals. The surveys occurred on either side of the existing access roads unless the corridor was too steep or otherwise unsafe for such a level of survey. Intervals were reduced to 3 to 5 m intervals or less within an identified archaeological site. A total of nine previously recorded and five new archaeological sites as well as 13 isolates were recorded and analyzed during pedestrian surveys in 2022 and 2023. An additional six resources originally addressed in the Belcourt et al. report (Belcourt, Sifuentes, and Carvajal 2021) were reviewed and evaluated or recommended for additional testing to determine eligibility. Eligibilities for all 20 archaeological sites are listed in Table 3.5-1, below.

Archaeological testing was conducted in February and March 2024 and included excavation of shovel test units at six sites to determine CRHR/NRHP eligibility. Unit locations were confined to the portions of those sites that are within the APE/ADI. The portions of the six sites that were evaluated for eligibility for listing in the NRHP/CRHR are recommended not eligible for listing in the NRHP/CRHR under any of the four NRHP or CRHR eligibility criteria, and there is no

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potential for effect/impact to historic properties/historical resources associated with the implementation of ground disturbing activities within the Proposed Project ADE/ADI.

**Table 3.5-1 Archaeological Resource Descriptions**

Primary or temporary number	Description	NRHP/CRHR status	Segment
P-15-000670	Bedrock Milling Site	Not relocated	1
P-15-005095	Habitation Site	Eligible for the NRHP, listed in the CRHR	1
P-15-006549	Bedrock Milling Site	Unevaluated	1
P-15-015994	Refuse dump	Recommended not eligible	1
P-15-020126	Lithic scatter	Recommended not eligible	1
Site 05*	Aggregate plant	Recommended not eligible	1
Site 06*	Bedrock Milling Site	Recommended not eligible	1
Site 09*	Bedrock Milling Site	Unevaluated	1
P-15-002848	Fort Tejon; Native American habitation village site	Listed in the NRHP, CRHR	2
P-15-008780 / 15-010078	Bedrock Milling Site	Unevaluated	2
Site 03*	Bedrock Milling Site	Unevaluated	2
Site 10*	Refuse scatter	Recommended not eligible	2
P-15-001540	Lithic and Ground Stone Scatter	Unevaluated	4
P-15-001548	Bedrock milling site, lithic scatter	Recommended not eligible	4
P-15-001643	Bedrock milling site	Recommended not eligible	4
P-15-020129	Bedrock milling feature	Recommended not eligible	4
P-15-020127	Bedrock milling feature	Recommended not eligible	4
P-15-020125	Bedrock milling feature	Recommended not eligible	4

*Source: (Southern California Edison Company, 2023)*

#### Historic-Era Built Resources

The Historic-Era Built Environment Survey Report (HBER) documents the results of a historic-era built environment survey of the Proposed Project (Urbana Preservation and Planning 2022).

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### *Desk and Field Survey*

In advance of the field survey effort, Urbana prepared a desk survey to identify all historic-era built environment resources in the vicinity of the Proposed Project site. The desk survey included use of current aerial imagery, obtained from GoogleEarth Professional, and review of historic aerial imagery, circa 1974 to 1975, obtained from the United States Geological Survey (USGS) Earth Explorer database, and Kern and Los Angeles County Assessor data. The year-built data was initially obtained for all observed resources using these cited sources. The locations of historic-era resources were overlaid against the proposed Project area to identify what resources directly intersect with the Proposed Project APE/API.

Field survey activities were completed in August, September, and December 2019. All buildings, structures, site features, and view corridors within and surrounding the API were photographed for further study in the HBER U (Urbana Preservation and Planning, 2022). Notes were compiled on the existing conditions, architectural features, and observed modifications for use in DPR 523 series forms. Supplemental observation of buildings and structures were completed as part of post-processing.

As part of desk and field survey activities, 162 historic-era (at least 45 years of age) built environment resources were observed within the API. Of those 162 historic-era resources observed, 90 directly intersect with the Proposed Project site, within the direct API, and 72 are within the visual (indirect) API.

### *Direct API Findings Summary*

Of the 90 historic-era resources documented within the Direct API, 13 are previously recorded and 77 are previously unrecorded. A total of 10 significant resources were identified within the boundaries of the Direct API (see Table 3.5-2, below). Of these 10 resources:

- Five are listed on or formally determined eligible for listing on the CRHR (CRHR Status Codes 1-2) and meet the definition of an historic property pursuant to NHPA Section 106 and that of an historical resource pursuant to CEQA; and
- Five are surveyed eligible for listing on the CRHR (CRHR Status Code 3S/3CS) and meet the definition of an historic property pursuant to NHPA Section 106 and that of an historical resource pursuant to CEQA.



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**Table 3.5-2 Direct API - NRHP / CRHR Listed, Determined and Recommended Eligible Resources (CRHR Status Codes 1-3)**

Project segment	SCE TLRR GKR survey No.	Previous recordation/registration	Resource name	CRHR status code <sup>1</sup>
Segment 1	1	P-15-020562 05-13-54-838H	SCE Kern River No. 1 Powerhouse Complex	2S2
Segment 1	4	P-15-020317	CA-178 / Kern Canyon Road	3S
Segment 1	21	P-15-020536	Breckenridge Road	3S
Segment 1	37	P-15-002050 CA-KER-002050H	Southern Pacific Railroad	3S
Segment 1	96	P-15-020584	Sunset Boulevard	3S
Segment 2	200	P-10-006923 P-15-0019115 P-54-004832 CA-TUL-003011H HAER No. CA-167-N	SCE Big Creek East & West 220kV TL	1D
Segment 2	207	P-10-006207 P-15-015820 P-36-021351 P-16-000266 CA-FRE-003645H CA-KER-8698H CA-KIN-000108H	California Aqueduct	2S2
Segment 2	227	P-15-002848 CA-KER-2848H	Fort Tejon State Historic Park	1S
Segment 2	145	P-15-003544 CA-KER-3544H	Comanche Point Road	3S
Segment 4	297	P-15-017243 P-54-005027 P-19-196876 P-10-006255 P-54-005027 HAER No. CA-167-O	SCE Big Creek Hydroelectric System, Vincent 220kV Transmission Line	1D/2S2

*Source: (Urbana Preservation and Planning 2022)*

<sup>1</sup> CRHR Status Code Legend

1S: Individually listed in the NR by the Keeper; listed in the CR.

2S2: Individually determined eligible for NR by consensus through Section 106 process; listed in the CR

3S: Appears eligible for NR individually through survey evaluation

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### *Visual API Findings Summary*

The Visual API includes a total of 72 properties dating to the historic era. Of the 72 visual API historic-era resources, one is previously recorded (the Jedediah Smith Trail Plaque) and 71 are previously unrecorded. No other significant resources were identified within the boundaries of the visual API. There are no CRHR-listed or eligible sites within the visual API.

### **3.5.3 Applicable Regulations, Policies and Standards**

#### **Federal Regulations, Plans, and Standards**

##### **Section 106 and the National Historic Preservation Act (NHPA)**

The NHPA of 1966, as amended (16 USC § 470f), and its implementing regulation—Protection of Historic Properties (36 CFR part 800)—the Archaeological and Historic Preservation Act of 1974, and the Archaeological Resources Protection Act of 1979 legislate the protection of archaeological resources. Prior to implementing an “undertaking” (e.g., issuing a federal permit), Section 106 of the NHPA requires federal agencies to consider the effects of the undertaking on historic properties and to afford the Advisory Council on Historic Preservation and the State Historic Preservation Officer a reasonable opportunity to comment on any undertaking that would adversely affect properties eligible for listing in the NRHP. As indicated in Section 101(d)(6)(A) of the NHPA, properties of traditional religious and cultural importance to a tribe are eligible for inclusion in the NRHP. Under the NHPA, a resource is considered significant if it meets the NRHP listing criteria in 36 Code of Federal Regulations [CFR] section 60.4.

#### **State Regulations, Policies and Standards**

##### **California Register of Historical Resources**

In California, the definition of the term *historical resource* includes “any object, building, structure, site, area, place, record, or manuscript which is historically or archaeologically significant, or is significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California” (California Public Resources Code section 5020.1(j)). In 1992, the California legislature established the CRHR “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, to the extent prudent and feasible, from substantial adverse change” (California Public Resources Code section 5024.1(a)). The criteria for listing resources in the CRHR were expressly developed to be in accordance with previously established criteria developed for listing in the NRHP. According to California Public Resources Code section 5024.1(c)(1–4), a resource is considered historically significant if it (i) retains “substantial integrity” and (ii) meets at least one 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

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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
4. Has yielded, or may be likely to yield, information important in prehistory or history

#### California Environmental Quality Act

CEQA is the principal statute governing environmental review of projects occurring in the State and is codified at PRC sections 21000 et seq. CEQA requires lead agencies to determine if a Proposed Project would have a significant effect on the environment, including significant effects on historical or archaeological resources.

Under CEQA 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. The CEQA Guidelines (Title 14 CCR section 15064.5) recognize that an historical resource includes: (1) a resource listed in, or determined to be eligible by the State Historical Resources Commission, for listing in the California Register; (2) a resource included in a local register of historical resources, as defined in PRC Section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC section 5024.1(g); and (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 by the lead agency, provided the lead agency's determination is supported by substantial evidence in light of the whole record. The fact that a resource does not meet the three criteria outlined above does not preclude the lead agency from determining that the resource may be an historical resource as defined in PRC sections 5020.1(j) or 5024.1.

If a lead agency determines that an archaeological site is a historical resource, the provisions of CEQA section 21084.1 and CEQA section 15064.5 apply. If a project may cause a *substantial adverse change*—defined as physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of an historical resource would be materially impaired—in the significance of an historical resource, a lead agency must identify potentially feasible measures to mitigate these effects (CEQA §§ 15064.5(b)(1) and 15064.5(b)(4)).

If an archaeological site does not meet the historical resource criteria contained in the CEQA Guidelines, then the site may be treated as a “unique” archaeological resource in accordance with the provisions of CEQA section 21083. As defined in CEQA Section 21083.2, a “unique” archaeological resource is an archaeological artifact, object, or site for 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 there is a demonstrable public interest in that information

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- 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

If an archaeological site meets the criteria for a unique archaeological resource as defined in section 21083.2, then the site is to be treated in accordance with the provisions of section 21083.2, which states that if a lead agency determines that a project would have a significant effect on unique archaeological resources, the lead agency may require reasonable efforts be made to permit any or all of these resources to be preserved in place (CEQA § 21083.2(b)). If preservation in place is not feasible, mitigation measures shall be required.

The CEQA Guidelines note that if an archaeological resource is neither a unique archaeological nor a historical resource, the effects of the project on those resources shall not be considered a significant effect on the environment (CEQA Guidelines § 15064.5(c)(4)).

### **Native American Heritage Commission**

PRC section 5097.91 established the Native American Heritage Commission (NAHC), the duties of which include inventorying places of religious or social significance to Native Americans and identifying known graves and cemeteries of Native Americans on private lands. PRC section 5097.98 specifies a protocol to be followed when the NAHC receives notification of a discovery of Native American human remains from a county coroner.

### **California Public Records Act**

California Public Records Act sections 6254(r) and 6254.10 were enacted to protect archaeological sites from unauthorized excavation, looting, or vandalism. Section 6254(r) explicitly authorizes public agencies to withhold information from the public related to “Native American graves, cemeteries, and sacred places maintained by the Native American Heritage Commission.” Section 6254.10 specifically exempts from disclosure requests for “records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the NAHC, another state agency, or a local agency, including the records that the agency obtains through a consultation process between a California Native American tribe and a state or local agency.”

### **California Health and Safety Code Sections 7050 and 7052**

Health and Safety Code section 7050.5 declares that, in the event of the discovery of human remains outside of a dedicated cemetery, all ground disturbance must cease and the county coroner must be notified. Section 7052 establishes a felony penalty for mutilating, disinterring, or otherwise disturbing human remains, except by relatives.

### **California Penal Code Section 622.5**

California Penal Code Section 622.5 provides misdemeanor penalties for injuring or destroying objects of historic or archaeological interest located on public or private lands but specifically excludes the landowner.

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### Public Resources Code Section 5097.5

PRC section 5097.5 defines as a misdemeanor the unauthorized disturbance or removal of archaeological, historic, or paleontological resources located on public lands.

### Local Regulations, Policies and Standards

#### Kern County General Plan

The policies, goals, and implementation measures in the Kern County General Plan for cultural resources applicable to the project are provided below. The Kern County General Plan contains additional policies, goals, and implementation measures that are more general in nature and are not specific to development such as the project. Therefore, they are not listed below, but all policies, goals, and implementation measures in the Kern County General Plan are incorporated by reference.

#### *Chapter 1. Land Use, Open Space and Conservation Element*

##### 1.10.3 Archaeological, Paleontological, Cultural, and Historical Preservation

#### *Policy*

- 25: The County will promote the preservation of cultural and historic resources which provide ties with the past and constitute a heritage value to residents and visitors.

#### *Implementation Measure*

- K. Coordinate with the California State University, Bakersfield's Archaeology Inventory Center.
- L. The County shall address archaeological and historical resources for discretionary projects in accordance with the California Environmental Quality Act (CEQA).
- M. In areas of known paleontological resources, the County should address the preservation of these resources where feasible.
- N. The County shall develop a list of Native American organizations and individuals who desire to be notified of proposed discretionary projects. This notification will be accomplished through the established procedures for discretionary projects and CEQA documents.
- O. On a project specific basis, the County Planning Department shall evaluate the necessity for the involvement of a qualified Native American monitor for grading or other construction activities on discretionary projects that are subject to a CEQA document (Kern County Planning Department, 2009).

### 3.5.4 Applicant Proposed Measures

SCE has proposed measures (i.e., APMs) to reduce environmental impacts. The significance of a given impact is considered, and a significance determination made, prior to application of any APMs. The implementation of the APMs is then considered as part of the design of a Proposed Project when determining whether impacts would be significant and thus require mitigation. APMs would be incorporated as part of any CPUC project approval, and SCE would be

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required to adhere to the APMs as well as any additional imposed mitigation measures. The APMs are included in the MMRP for the Proposed Project (refer to Chapter 4 of this MND), and the implementation of the measures would be monitored and documented in the same manner as mitigation measures. The APMs that are applicable to cultural resources are provided below in Table 3.5-3.

**Table 3.5-3 Applicant Proposed Measures**

APM Number	Requirements
CUL-2	<p><b>Avoid Environmentally Sensitive Areas (ESA).</b> SCE will perform cultural resource surveys for any portion of the proposed project APE/API not yet surveyed (e.g. new or modified staging areas, pull sites, or other work areas). Cultural resources discovered during surveys will be subject to MM CUL-1 (Develop and Implement CRMP). Where operationally feasible, all NRHP- and CRHR-eligible resources will be protected from direct project impacts by project redesign (i.e., relocation of the line, ancillary facilities, or temporary facilities or work areas). In addition, all historic properties/historical resources will be avoided by all project construction, operation and maintenance, and restoration activities, where feasible. Avoidance measures will include, but not be limited to, fencing off ESAs for the duration of the proposed project or as outlined in the CRMP.</p>
CUL-3	<p><b>Conduct Construction Monitoring.</b> Archaeological monitoring will occur as outlined in the CRMP. Archaeological monitoring will be conducted by a qualified archaeologist familiar with the types of historic and prehistoric resources that could occur within the project areas. The qualifications of the principal archaeologist and monitors will be approved by the CPUC. Monitoring reports will be submitted to the CPUC on a monthly basis. A Tribal Participant may be required at culturally sensitive locations in consultation with the CPUC and/or as outlined in the CRMP.</p>
CUL-4	<p><b>Properly Treat Human Remains.</b> SCE will follow all federal and state laws, statutes, and regulations that govern the treatment of human remains. All work in the vicinity of a find will cease within a 200-foot radius of the remains, the area will be protected to ensure that no additional disturbance occurs. Should inadvertent discovery of human remains be made on federal lands, the federal agency and county coroner (California Health and Safety Code 7050.5(b)) will be notified immediately. If the remains are determined to be Native American or if Native American cultural items pursuant to the Native American Graves Protection and Repatriation Act (NAGPRA) are uncovered, the remains will be treated in accordance with the provisions of NAGPRA (43 CFR 10), <i>AB-275, Native American Cultural Preservation</i>, and the Archaeological Resources Protection Act (43 CFR 7). SCE will assist and support the federal agency, as appropriate, in all required NAGPRA, AB-275 and Section 106 actions, government to-government and consultations with Native Americans, agencies, and consulting parties as requested by the federal agency.</p> <p>If the remains are not on federal land, the county coroner and CPUC will be notified immediately and the remains will be treated in accordance with Health and Safety Code Section 7050.5, CEQA Section 15064.5(e), and Public Resources Code Section 5097.98. If the county coroner identifies the remains are Native American, they will notify the California Native American Heritage Commission (NAHC) within 24 hours. If the remains are not believed to be Native American, the appropriate local law enforcement agency will be notified. The NAHC will immediately notify the person or tribe it believes to be the most likely descendant (MLD) of the remains, and the MLD has 48 hours to make recommendations to the landowner or representative for the respectful treatment or disposition of the human remains and any</p>

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APM Number	Requirements
	<p>associated grave goods. If the MLD does not make recommendations within 48 hours, the remains will be reinterred in the location they were discovered, and the area of the property will be secured from further disturbance. If there are disputes between the landowner and the MLD, the NAHC will mediate the dispute and attempt to find a solution. If the mediation fails to provide measures acceptable to the landowner, the landowner or their representative will reinter the remains and associated grave goods and funerary objects in an area of the property secure from further disturbance. The location of any reburial of Native American human remains will not be disclosed to the public and will not be governed by public disclosure requirements of the California Public Records Act, Cal. Govt. Code § 6250 et seq., unless otherwise required by law. SCE will assist and support the CPUC and NAHC, as appropriate.</p>
CUL-5	<p><b>Cultural Resources Awareness Worker Training.</b> Prior to initiating construction, all construction personnel will be trained by a qualified archaeologist regarding the recognition of possible buried cultural resources (i.e., prehistoric and/or historical artifacts, objects, or features) and paleontological resources (i.e., fossils), and protection of these resources during construction. Training will also inform all construction personnel of the procedures to be followed upon the discovery of cultural materials. All personnel will be instructed that unauthorized removal or collection of artifacts is a violation of federal and state laws. Any excavation contract (or contracts for other activities that may have subsurface soil impacts) will include clauses that require construction personnel to attend a Workers Environmental Awareness Training Program (WEAP). The WEAP will include the project’s potential for the post-discovery review of archaeological deposits, how to operate adjacent to and avoid all ESAs, and procedures to treat post-discovery reviews.</p>

#### CPUC Environmental Measures

The CPUC has developed additional standard measures to reduce potential impacts on tribal cultural resources. The CPUC standard measures will be included in the MMRP for the Proposed Project and implemented during Proposed Project construction. The CPUC measure applicable to tribal cultural resources is listed below in Table 3.5-4.

**Table 3.5-4 CPUC Environmental Measures**

CPUC Draft Environmental Measure	Requirement
Human Remains (Construction and Maintenance)	<p>Avoidance and protection of inadvertent discoveries that contain human remains shall be the preferred protection strategy with complete avoidance of such resources ensured by redesigning the project. If human remains are discovered during construction or maintenance activities, all work shall be diverted from the area of the discovery, and the CPUC shall be informed immediately. The Applicant shall contact the County Coroner to determine whether or not the remains are Native American. If the remains are determined to be Native American, the Coroner will contact the Native American Heritage Commission (NAHC). The NAHC will then identify the person or persons it believes to be the most likely descendant of the deceased Native American, who in turn would make recommendations for the appropriate means of treating the human remains and any associated funerary objects.</p> <p>If the remains are on federal land, the remains shall be treated in accordance with the Native American Graves Protection and Repatriation Act (NAGPRA). If the remains are not</p>

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CPUC Draft Environmental Measure	Requirement
	on federal land, the remains shall be treated in accordance with Health and Safety Code Section 7050.5, CEQA Section 15064.5(e), <b>AB-275</b> and Public Resources Code Section 5097.98.

#### 3.5.5 Environmental Analysis

##### Summary of Impacts

Table 3.5-5, below, presents a summary of the CEQA significance criteria and impacts on cultural resources that would occur during construction, operation, and maintenance of the Proposed Project.

**Table 3.5-5 Summary of Proposed Project Impacts to Cultural Resources**

Would the Proposed Project:	Potentially Significant Impact	Less than Significant Impact with Mitigation Incorporated	Less than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Disturb any human remains, including those interred outside of dedicated cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

##### Impact Discussion

**a) Would the project cause a substantial adverse change in the significance of a historical resource pursuant to § 15064.5?**

##### Construction

A total of 10 resources within the Proposed Project API/APE defined in Section 3.5.2 are listed in the CRHR or were determined eligible for listing in the CRHR and are considered historical resources pursuant to PRC section 15064.5. The Proposed Project would not impact any of the 10 historical resources. Therefore, the Proposed Project would have a less-than-significant impact on any known historical resource. If a previously undocumented historical resource were discovered during construction, the Proposed Project could impact that resource, which would be a significant impact. Mitigation Measure Cultural – 1 would require SCE to halt or divert ground-disturbing activities if historical resources are discovered and provide data analysis and reporting of any discoveries of historical resources. APM CUL-3 further requires archaeological monitoring within any areas sensitive for cultural resources to ensure proper avoidance of resources, and APM CUL-5 requires worker training to educate workers on cultural resource protections. Implementation of Mitigation Measures Cultural – 1, as well as



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implementation of APM CUL-3 and APM CUL-5, as part of the Proposed Project would include procedures for archaeological monitoring in sensitive areas, worker training, and halting construction in the event of an unanticipated discovery of a historical resource and proper recordation and documentation of the resource if avoidance isn't feasible and, therefore, the impact on historical resources from unanticipated discoveries would be less than significant with mitigation.

#### **Operation and Maintenance**

The Proposed Project would have no visual or indirect impacts on any historical resources because the nature of the project is to replace towers and other project elements with similar, but updated, elements. The change to the visual environment would not cause a substantial adverse change in the significance of any historical resource pursuant to PRC section 15064.5. The Proposed Project site is located in proximity to Fort Tejon, which is listed on the NRHP/CRHR. The subtransmission line corridor passes through the Fort Tejon parking lot. The Proposed Project involves removal/elimination of towers in the vicinity of Fort Tejon State Historic Park. Eliminating towers in the vicinity of the state park is regarded as a positive visual improvement in the park's setting. Operation and maintenance activities associated with the Proposed Project would be conducted in areas that would be disturbed during project construction. Operation and maintenance activities, such as the routine inspection and repair of subtransmission components and access associated with these activities, would not differ from those currently conducted for the existing subtransmission system and would not require additional ground disturbance. Maintenance vehicles would use access roads and would not disturb undeveloped lands. Because the Proposed Project would avoid visual impacts on any historical resource, pursuant to PRC section 15064.5, and the operation and maintenance activities would not involve new land disturbance that could affect historical resources, the impacts on historical resources during operation and maintenance would be less than significant.

**Required APMs and MMs:** Mitigation Measure Cultural – 1, APM CUL-2, APM CUL-3

#### **b) Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?**

##### **Construction**

A total of seven archaeological resources are within the area of potential construction disturbance. Six of the seven resources within the proposed active work locations were determined ineligible for listing in the CRHR through Phase II Testing/Evaluation and do not meet the criteria for unique archaeological resources. The one significant resource within the project site vicinity is Fort Tejon. The Proposed Project involves removal/elimination of towers in the vicinity of Fort Tejon State Historic Park. Eliminating towers in the vicinity of the state park is regarded as a positive visual improvement in the park's setting. If this were to change, it is recommended that the project proponent implement, as appropriate, an "aesthetic" treatment at TSP, TSP H-frames, LWS Poles, and LWS H-frames installed at visually sensitive locations. Aesthetic treatment entails finishing the TSPs, TSP H-frames, LWS Poles, or LWS H-frames in a surface color that is generally compatible with the surrounding environment to further reduce

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visual effects. If the project were to encounter a unique archaeological resource during construction, the impact on that resource would be potentially significant. Mitigation Measure Cultural – 1 requires SCE to halt or divert ground-disturbing activities if archaeological resources are discovered.

Per APM CUL-3, construction monitoring would occur as outlined in the CRMP. AMP CUL-5 requires that construction personnel be trained to identify cultural resources, including prehistoric resources. SCE shall submit a report that summarizes monitoring efforts and conclusions of the monitoring program per Mitigation Measure Cultural - 1. Mitigation Measure Cultural – 1 also outlines the protocols to follow if archaeological resources are observed. Impacts would be reduced to less than significant with implementation of Mitigation Measure Cultural – 1, APM CUL-3, and APM CUL-5.

#### **Operation and Maintenance**

One CRHR/NRHP eligible resource has been recorded within the Proposed Project area (i.e.: Fort Tejon). The Proposed Project involves removal/elimination of towers in the vicinity of Fort Tejon State Historic Park. Eliminating towers in the vicinity of the state park is regarded as a positive visual improvement in the park’s setting. It is assumed that the operation and maintenance activities associated with the Proposed Project would be conducted in areas that were previously disturbed during project construction. Operation and maintenance activities, such as the routine inspection and repair of subtransmission components and access associated with these activities, would not differ from those currently conducted for the existing subtransmission system and would not require additional ground disturbance. Maintenance vehicles would use access roads and would not disturb undeveloped lands. There would be no impacts to archaeological resources from operation and maintenance.

**Required APMs and MMs:** Mitigation Measure Cultural - 1, APM CUL-3, APM CUL-5

#### **Mitigation Measure Cultural - 1: Development and Implementation of a Cultural Resources Management Plan**

SCE will prepare and submit for approval a Cultural Resource Management Plan (CRMP) to guide all cultural resource management activities during project construction. Management of cultural resources will follow all applicable federal and state standards and guidelines for the management of historic properties/historical resources, including as identified or determined through the Section 106 review process. The CRMP will be submitted to the CPUC for review and approval at least 90 days prior to the start of construction. The CRMP will be prepared by a qualified archaeologist who meets the Secretary of Interior’s standards for archaeology and include, but not be limited to, the following sections:

- **Cultural Resources Management Plan:** The CRMP will define and map all known NRHP- and CRHR-eligible properties in or within 100 feet (30.5 meters) of the proposed project APE/API. A cultural resources protection plan will be included that details how NRHP- and CRHR-eligible properties will be avoided and protected during construction. Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context is the preferred method of mitigation and shall be implemented wherever feasible. Measures will include, at a minimum, designation and marking of Environmentally Sensitive Areas (ESAs), archaeological monitoring, personnel training, and reporting. The plan will also detail which avoidance measures will be used, where and when they will be implemented, and how avoidance measures and enforcement of ESAs will be coordinated with construction personnel.

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### Mitigation Measure Cultural - 1: Development and Implementation of a Cultural Resources Management Plan

- Cultural Resource Monitoring and Field Reporting: The CRMP will detail procedures for archaeological monitoring and Tribal participation, define the reporting matrix, and establish criteria for when the monitoring effort should increase or decrease if monitoring results indicate that a change is warranted. The CRMP will also include guidelines for monitoring in areas of high sensitivity for the discovery of buried NRHP- and/or CRHR eligible cultural resources, burials, cremations, tribal cultural resources, or sacred sites.
- Unanticipated Discovery Protocol: The CRMP will detail procedures for temporarily halting construction, defining work stoppage zones, notifying stakeholders (e.g. agencies, Native Americans, utilities), and assessing NRHP and/or CRHR eligibility in the event unanticipated discoveries are encountered during construction. It will include methods, timelines for assessing NRHP and/or CRHR eligibility, formulating mitigation plans, and implementing treatment. Mitigation and treatment plans for unanticipated discoveries will be reviewed by tribal stakeholders and approved by the CPUC, prior to implementation.
- Data Analysis and Reporting: The CRMP will detail methods for data analysis in a regional context, reporting of results within one year of completion of field studies, curation of artifacts and data (maps, field notes, archival materials, recordings, reports, photographs, and analysts' data) at a facility that is approved by CPUC, and dissemination of reports to appropriate repositories.

SCE shall implement the CPUC approved CRMP during construction.

**Applicable locations:** Environmentally sensitive areas

#### Performance Standards and Timing:

- **Before construction:** Submittal of CRMP to CPUC 90 days prior to construction; personnel training and designation and marking of Environmentally Sensitive Areas (ESAs)
- **During construction:** Implementation of the CRMP including avoidance of cultural resources wherever feasible
- **After construction:** N/A

### c) **Would the project disturb any human remains, including those interred outside of dedicated cemeteries?**

#### Construction

No recorded Native American or other human remains have been identified within or adjacent the Proposed Project site; however, it is possible that unrecorded human remains could be disturbed during construction. While the potential for the unanticipated discovery of human remains during subsurface construction activities is considered low due to the absence of any recorded burials in the Proposed Project site vicinity, the discovery of remains during ground disturbing activities could result in damage to the remains, which would be a significant impact. SCE would implement APM CUL-4 as part of the Proposed Project as well as CPUC Environmental Measure for human remains, which requires SCE to halt or divert ground-disturbing activities if human remains are discovered and would require SCE to implement the appropriate notification processes as required by law (California Health and Safety Code § 7050.5; Public Resource Code §§ 5097.98–99; Health and Safety Code § 8013(a); NAGPRA and AB-275) for the discovery of human remains. Implementation of APM CUL-4 would reduce impacts on human remains to less than significant.

#### Operation and Maintenance

No recorded Native American or other human remains have been identified within or adjacent the Proposed Project site. Operation and maintenance activities associated with the proposed

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project would be conducted in areas that would be disturbed during project construction. Operation and maintenance activities, such as the routine inspection and repair of subtransmission components and access associated with these activities, would not differ from those currently conducted for the existing subtransmission system and would not require additional ground disturbance. Maintenance vehicles would use access roads and would not disturb undeveloped lands. There would be no impacts on human remains from operation and maintenance due to the absence of new ground disturbance associated with operation and maintenance activities.

Required APMs and MMs: APM CUL-4, CPUC Environmental Measure Human Remains

### 3.5 References

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