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## McLaren Data Center and Backup Generating Facility

### Cultural Resources Mitigation Measures

Mitigation Measures MM CR-1.1 through MM CR-1.3 were adopted as part of the City of Santa Clara's IS/MND and are found at pages 58-61. Staff has evaluated these mitigation measures in the context of the potential impacts and has concluded that modifications to these measures and one additional measure are necessary. Implementation of modified mitigation measures **MM CR-1.1** through **MM CR-1.3** and new mitigation measure **MM CR-1.4** would reduce the impacts to unknown cultural resources to less than significant.

Staff's recommended modifications to the city's adopted mitigation measures are shown in **bold/underline** and ~~strike through~~ text. These mitigation measures should be printed out on all construction documents and implemented during construction to avoid significant impacts on subsurface historic or prehistoric resources.

**MM CR-1.1: A Secretary of the Interior-qualified archaeologist and a Native American cultural resources monitor shall be on site to monitor grading of native soil once all pavement is removed from the project site. The project applicant shall submit the name and qualifications of the selected archaeologist and Native American Monitor to the Director of Community Development prior to the issuance of a grading permit. Preference in selecting Native American monitors shall be given to Native Americans with:**

1. Traditional ties to the area being monitored.
2. Knowledge of local historic and prehistoric Native American village sites.
3. Knowledge and understanding of Health and Safety Code, Section 7050.5 and Public Resources Code, Section 5097.9 et seq.
4. Ability to effectively communicate the requirements of Health and Safety Code, Section 7050.5 and Public Resources Code, Section 5097.9 et seq.
5. Ability to work with law enforcement officials and the Native American Heritage Commission to ensure the return of all associated grave goods taken from a Native American grave during excavation.
6. Ability to travel to project sites within traditional tribal territory.

7. Knowledge and understanding of Title 14, California Code of Regulations, Section 15064.5.
8. Ability to advocate for the preservation in place of Native American cultural features through knowledge and understanding CEQA mitigation provisions.
9. Ability to read a topographical map and be able to locate site and reburial locations for future inclusions in the Native American Heritage Commission's Sacred Lands Inventory.
10. Knowledge and understanding of archaeological practices, including the phases of archaeological investigation.

After monitoring the **removal of pavement and prior to** grading phase, the archaeologist shall **conduct a pedestrian survey over the exposed soils to determine if any surface archaeological manifestations are present. The archaeologist will monitor full-time all grading and ground disturbing activities in native soils associated with construction of the proposed project. If the archaeologist and Native American monitor believe that a reduction in monitoring activities is prudent,** make recommendations for further monitoring if it is determined that the site has cultural resources. Recommendations for further monitoring shall be implemented during any remaining ground-disturbing activities. If the archaeologist determines that no resources are likely to be found on site, no additional monitoring shall be required. **A then a** letter report **detailing the rationale for making such a reduction and** summarizing the **monitoring** results of the initial monitoring during site grading and any recommendations for further monitoring shall be provided to the Director of Community Development prior to onset of building construction. **Department of Recreation 523 forms shall be submitted along with the report for any cultural resources encountered over 50 years old.**

**MM CR-1.2:** In the event that prehistoric or historic resources are encountered during on-site construction activities, all activity within a 50-foot radius of the find shall be stopped, the Director of Community Development shall be notified, and a **Secretary of the Interior**-qualified archaeologist or paleontologist shall examine the find **and record the site, including field notes, measurements, and photography for a Department of Parks and Recreation 523 Primary Record form. The archaeologist shall** and make appropriate **a** recommendations **regarding eligibility for the California Register of Historical Resources, data recovery, curation, or other appropriate mitigation. Ground disturbance within the 50-foot radius can resume once these steps are taken and the Director of Community Development has concurred with the recommendations. Within 30 days of the completion of construction or cultural resources monitoring, whichever comes first, a** Recommendations could include collection, recordation, and analysis of any significant cultural materials. A report of findings documenting any data recovery during monitoring **cultural resource finds, recommendations, data recovery efforts, and other pertinent information gleaned during cultural resources monitoring** shall then be submitted to the Director of Community Development. **Once finalized, this report shall be submitted to the Northwest Information Center at Sonoma State University.**

**MM CR-1.3:** In the event that human remains are discovered during on-site construction activities, all activity within a 50-foot radius of the find shall be stopped. The Santa Clara County Coroner shall be notified and shall make a determination as to whether the remains are of Native American origin or whether an investigation into the cause of death is required. If the remains are determined to be Native American, the Coroner shall notify the Native American Heritage Commission. **All actions taken under this mitigation measure shall comply with Health and Human Safety Code § 7050.5(b).**

**MM CR-1.4: Prior to and for the duration of ground disturbance, the project owner shall provide Worker Environmental Awareness Program training to all existing and any new employees. This training should include: a discussion of applicable laws and penalties under the laws; samples or visual aids of artifacts that could be encountered in the project vicinity, including what those artifacts may look like partially buried, or wholly buried and freshly exposed; and instructions regarding to halt work in the vicinity of any potential cultural resources discovery, and notify the city-approved archaeologist and Native American cultural resources monitor.**

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

*LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED.* See CEQA checklist question a above.

***c. Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?***

*LESS THAN SIGNIFICANT IMPACT.*

There are no existing conditions or immediate evidence that would suggest the presence of buried paleontological resources on the project site. However, the project site is in the vicinity of San Tomas Aquino Creek and Guadalupe River, and development of the project could result in the exposure or destruction of unknown subsurface historic and/or prehistoric resources. The project's potential to affect paleontological resources relates to ground disturbance. Ground disturbance caused by project implementation would take place only during construction. Therefore this analysis addresses construction impacts.

Ground-disturbing activities would include surface grading, trenching for utilities, and the installation of deep piles or deep ground improvements to support the foundations of the buildings. Both foundation options could affect paleontological resources. The auger cast displacement pile option could extend up to 180 feet below ground surface (DayZen, 2018). The rigid mat foundation combined with a deep ground improvement method option would replace soil and include drilling shafts for column construction at depths that would be specified by the ground improvement contractor. While unlikely, construction activities could potentially result in the exposure or destruction of unknown subsurface historic and/or prehistoric resources. The exposure or destruction of subsurface prehistoric resources would be considered a significant impact.

Based on data from the *Geotechnical Investigation* (Murray Engineers 2016) prepared for the project (Appendix B, Appendix D to the MND) and current paleontological literature, the subsurface geologic unit in the study area was assigned a paleontological sensitivity of High Potential according to the Society of Vertebrate Paleontology's Standard Guidelines. Significant vertebrate fossils have been

recovered from this geologic unit. Thus, similar fossils could be recovered at the project site when undisturbed soil formations are encountered.

To mitigate this potential impact, the following mitigation measure was adopted in the city's IS/MND. Staff has evaluated this measure and considers it a satisfactory mitigation measure, without modification.

**MM CR-2.1:** Prior to the start of any subsurface excavations that would extend beyond previously disturbed soils, all construction forepersons and field supervisors shall receive training by a qualified professional paleontologist, as defined by the Society of Vertebrate Paleontology, who is experienced in teaching non-specialists, to ensure they can recognize fossil materials and shall 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 shall evaluate its significance.

If a fossil is found and determined by the qualified paleontologist to be significant and avoidance is not feasible, the paleontologist shall develop and implement an excavation and salvage plan in accordance with Society of Vertebrate Paleontology standards. Construction work in these areas shall be halted or diverted to allow recovery of fossil remains in a timely manner. Fossil remains collected during the monitoring and salvage portion of the mitigation program shall be cleaned, repaired, sorted, and cataloged. Prepared fossils, along with copies of all pertinent field notes, photos, and maps, shall then be deposited in a scientific institution with paleontological collections. A final Paleontological Mitigation Plan Report shall be prepared that outlines the results of the mitigation program. The City shall be responsible for ensuring that the paleontologist's recommendations regarding treatment and reporting are implemented.

The project site will be graded and any excavation for deep foundations would be completed prior to installation of any of the project facilities. Additional trenching at the project site will be necessary to install the underground cabling for the electrical interconnection between each generator yard and the data center building it serves. This trenching is most likely to occur in previously disturbed soils. However, with the implementation of the above mitigation measure, any potential impacts from the trenching activities for the project would be reduced to less than significant levels in the unlikely event the trenching activities encounter potential paleontological resources.

No additional mitigation measures beyond those adopted in the city's IS/MND are necessary to ensure the project does not result in significant impacts to geological and paleontological resources.

***d. Would the project disturb any human remains, including those interred outside of formal cemeteries?***

*LESS THAN SIGNIFICANT WITH MITIGATION INCORPORATED.* See CEQA checklist question a above.