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Project Title:	Potentia-Viridi Battery Energy Storage System
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Document Title:	Cultural Resources
Description:	This section describes cultural resources, inclusive of archaeological, built environment, and tribal cultural resources, in and near the project, and the potential effects the project may have on these resources.
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3.3 Cultural Resources

This section describes cultural resources, inclusive of archaeological, built environment, and tribal cultural resources, in and near the Potentia-Viridi BESS Project (Project), and the potential effects the Project may have on these resources. This evaluation of cultural resources includes the following elements:

- Section 3.3.1 describes the environmental setting, including an overview of the cultural chronology, ethnographic setting, historic setting;
- Section 3.3.2 presents the methodology and identification of cultural resources and the results of these efforts;
- Section 3.3.3 provides an overview of the regulatory setting related to cultural resources;
- Section 3.3.4 provides the thresholds for significance presents;
- Section 3.3.5 includes potential impacts of Project construction and operation (including maintenance) on cultural resources, as well as mitigation measures that should be considered during Project construction and operation;
- Section 3.3.6 evaluates any potential cumulative impacts on cultural resources in the Project vicinity;
- Section 3.3.7 describes the laws, ordinances, regulations, and standards that apply to the Project;
- Section 3.3.8 identifies regulatory agency contacts; and
- Section 3.3.9 describes permits required for the Project related to cultural resources.

The following environmental setting and impact evaluation is based in part on the following Project-specific technical documents, included as appendices to this EIR:

1. Appendix 3.3A, Cultural Resources Inventory and Evaluation Report, prepared by Dudek, July 2024
2. Appendix 3.3B, Confidential Records Search Results
3. Appendix 3.4C, Resumes of Applicant's Cultural Resources Team

3.3.1 Environmental Setting

The Project site consists of approximately 67 acres located in northeastern Alameda County. The Project area of potential impacts (API) is the study area delineated to assess potential impacts from the construction and operation of the Project on both archaeological and historic built environment resources described in Section 2 Project Description. The API encompasses the geographic area or areas within the Project site that may directly or indirectly cause a substantial adverse change in the significance of known or unknown historic resources. The Project site is largely comprised of an undeveloped area adjacent and directly west of the PG&E Tesla Substation. Patterson Pass Road runs through the Project site northeast to southwest from the substation. Patterson Run (a seasonal stream channel) runs along the eastern border of Patterson Pass Road. The Project site is bordered to the north by a dirt-gravel access road. The Altamont Corridor Express railway runs northwest to southwest through the southwest portion of the Study Area. Two PG&E transmission line corridors cross the Project site. One transmission corridor runs northeast to southwest through the northern portion. The second transmission corridor runs north-northeast to south-southwest through the southeastern portion of the Project site. Elevation in the Project site ranges from approximately 400 to 535 feet above mean sea level.

Broadly, the Project site is located within the Great Valley Geomorphic Province of California, a large basin comprised of the Sacramento and San Joaquin Valleys, bounded by the Sierra Nevada and Coast Ranges to the east and west respectively. Specifically, the Project site is situated within the Alameda Creek Watershed at the foot of the Altamont Pass.

Prior to the establishment of agricultural fields, vegetation communities in the Project site consisted of valley grassland communities. The surrounding area does not retain much of its natural setting, as the area has historically been used for agricultural purposes. The site and surrounding land have been used for cattle grazing. The area of the BESS facility and immediately south of the substation is not currently being grazed, while much of the gen-tie alignment is currently used as cattle pasture. The nearest city is Tracy, approximately 8 miles to the east. The site occurs within the North Diablo Range of the Alameda Creek Watershed and there are several freshwater ponds, freshwater wetlands, and riverine aquatic features in the vicinity of the Project. Patterson Run and one other stream system cross the Project site, running from south to north. Patterson Runn is an ephemeral stream system that runs parallel to Patterson Road adjacent to the Project site, which connects to the California Aqueduct systems to the north of the Project site.

3.3.1.1 General Prehistoric Context

What follows is a summary of the prehistoric and historic periods in the API. A detailed cultural context for the Project is included in the Cultural Resources Inventory and Evaluation Report for the Project (Appendix 3.3A).

Various attempts to parse out information provided through recorded archaeological assemblages throughout California for the past 12,000 years have led to the development of numerous cultural chronologies. Some of these are based on geologic time, most are interpreted through temporal trends derived from archaeological assemblages, and others are interpretive reconstructions. The spatial extent and detail of these chronologies is also highly variable, with detailed chronologies developed in some areas based on substantial numbers of radiocarbon dates, while other areas rely on cross-dating of stylistically distinct artifact styles or cultural patterns. However, each of these chronologies describes essentially similar trends in assemblage composition and cultural succession, with varying degrees of detail. California's archaeological assemblage composition is generally accepted as falling within the following overarching patterns: Paleoindian Period, Archaic Period, Emergent/Prehistoric Period, and Ethnohistoric Period.

The archaeology and prehistory of the eastern Coast Ranges foothills/western San Joaquin Valley, in particular, are not well understood. Early and widespread agricultural use of the valley floor has destroyed much of the bottomland archaeology, and siltation has most likely buried many resources well below the surface sediments. Much of the recovered archaeological material from the valley area is devoid of context, having been scavenged from the surface and placed in private collection. Cultural resources within the foothills are often covered by the thick grass of the created grazing landscaped. Despite these difficulties, a general chronological framework developed for the region has been developed and follows the general California chronology. The general California chronology can be divided into the Paleoindian Period (11,550 to 8550 calibrated years [cal] BC), Archaic Period (8550 cal BC–cal AD 1100), Emergent Period (cal AD 1100 to 1750), and Ethnohistoric Period (post-AD 1769). The Archaic Period is further subdivided into three phases, the Lower Archaic (8550 to 5550 cal BC), Middle Archaic (5550 to 550 cal BC), and Upper Archaic (550 cal BC to cal AD 1100) based on climatic and cultural variations. A detailed prehistoric cultural chronology is included in the supporting technical documents for this Project (Appendix 3.3A).

3.3.1.2 General Ethnographic Setting (post-AD 1750)

The Project site falls near the northwestern periphery of the area occupied by Yokuts speaking groups, bordered to the west by Costanoan (Ohlone) and to the north by Plains Miwok populations during the Ethnohistoric Period (post-AD 1750). These three languages form a branch ("Yok-Utian") of the Penutian linguistic group, with two distinct sub-branches: Yokuts, and the more closely related Costanoan and Miwok ("Utian"). In general, the ethnographic groups surrounding the Project site shared very similar subsistence and settlement systems relying on intensive processing of vegetal resources in addition to a reliance on riverine or marine resources when plentiful. However, dialects and other social practices did vary in non-trivial ways. A detailed ethnographic setting is included in the cultural resources technical report for the Project (Appendix 3.3A).

3.3.1.3 Post-Contact and Historic Period Setting

Post-contact history for the state of California is generally divided into three periods: the Spanish Period (1769 to 1822), Mexican Period (1822 to 1848), and American Period (1848 to present).

The Spanish Period in California begins with the establishment in 1769 of a settlement at San Diego and the founding of Mission San Diego de Alcalá, the first of 21 missions constructed between 1769 and 1823. Independence from Spain in 1821 marks the beginning of the Mexican Period, and the signing of the Treaty of Guadalupe Hidalgo in 1848, ending the Mexican-American War, signals the beginning of the American Period when California became a territory of the United States. During the American Period, Alameda County was established in 1853. In the hills where the Project is located and surrounding areas, the typical parcel ranged from a quarter section (160 acres) to a section (640 acres) of land, with several other over 1,000 acres (Appendix 3.3A).

3.3.1.4 Pacific Gas and Electric Company

PG&E incorporated in San Francisco in 1905 and invested in waterpower even while the price of steam power dropped as the crude oil industry matured and prices for fuel oil declined. By the end of the 1910s, the company supplied more than one-third of the power in the state. As the state's population grew and became more urbanized in the 1910s, the demand for electrical power increased for everything from home appliances to industrial presses. As a result, PG&E expanded its hydroelectric capacity on the South Yuba and Bear Rivers and built the Drum-Cordelia-Marin power transmission line to bring the power to the north end of the Bay Area. It also constructed the Newark Substation, a modern substation and switching station near the East Bay town of Newark (Appendix 3.3A).

In the decade after World War II, PG&E embarked on an unprecedented building program. California's population grew by more than 50 percent in the 1940s to nearly 10.5 million people in 1950. PG&E added more than 125,000 new customers in that year alone, its largest on record. Construction of Tesla Substation began in 1947 and was completed in 1948. Originally planned for only 38 acres, the first three buildings constructed were a temporary construction warehouse, shop building, and the control building. To the north of these buildings were the associated bus, switch, and other electrical transmission structures. In 1947, PG&E's plans to spend $55 million dollars towards expanding its facilities and transmission lines into the San Joaquin Valley included the construction of Tesla Substation (Appendix 3.3A). As technology improved, electrical demands increased, and wind-generators increased in numbers in the area, PG&E continued to expand and construct updated control rooms as well as bus/switch structures at the substation in the late-1950s, 1960s, 1980s, and 1990s (Appendix 3.3A).

3.3.2 Methods and Identification of Cultural Resources

3.3.2.1 Background Research

3.3.2.1.1 California Historical Resources Information System Record Search Results

California Historical Resources Information System (CHRIS) records searches were completed for the current proposed Project site and a 1-mile buffer by staff at the Central California Information Center (CCIC) and Northwest Information Center (NWIC) on August 1, 2023, and August 30, 2023. These results are included in the technical reports for the Project (Appendix 3.3A). These searches included review of their collection of mapped prehistoric, historical, and built-environment resources, Department of Parks and Recreation Site Records, technical reports, historical maps, and local inventories. Additional consulted sources included the National Register of Historic Places (NRHP), California Inventory of Historical Resources/California Register of Historic Resources (CRHR) and listed Office of Historic Preservation Archaeological Determinations of Eligibility, California Points of Historical Interest, and California Historical Landmarks.

Previously Conducted Studies

NWIC and CCIC records indicate that 38 previous cultural resources technical investigations have been conducted within 1 mile of the proposed Project site, of which 18 have addressed portions of the proposed Project site (Table 3.3-1).

Table 3.3-1. Previous Technical Studies

Report Number	Date	Title	Author
Reports within the Project Site			
S-000848	1976	A Summary of Knowledge of the Central and Northern California Coastal Zone and Offshore Areas, Vol. III, Socioeconomic Conditions, Chapter 7: Historical & Archaeological Resources	Fredrickson, David A.
S-002458	1981	Overview of Prehistoric Archaeology for the Northwest Region, California Archaeological Sites Survey: Del Norte, Humboldt, Mendocino, Lake, Sonoma, Napa, Marin, Contra Costa, Alameda	Ramiller, Neil, Suzanne Ramiller, Roger Werner, and Suzanne Stewart
S-002865	1982	Archaeological Field Reconnaissance of the Wind Farm Planned for the Lands of Mulqueeney and Haera in the Eastern Most Portion of Alameda County, California (letter report).	Holman, Miley P.
S-009462	1977	Identification and Recording of Prehistoric Petroglyphs in Marin and Related Bay Area Counties	Miller, Teresa Ann
S-011826	1980	Montezuma I and II Cultural Resources	Theodoratus, Dorothea J., Mary Pyle Peters, Clinton M. Blount, Pamela J. McGuire, Richard D. Ambro,

Table 3.3-1. Previous Technical Studies

Report Number	Date	Title	Author
			Michael Crist, Billy J. Peck, and Myrna Saxe
S-012790	1991	Sacramento-San Joaquin Delta, California: Historical Resources Overview	Owens, Kenneth N.
S-016660	1992	Prehistoric Rock Art of Alameda and Contra Costa Counties, California	Fentress, Jeffrey B.
S-017835	1975	Biological Distance of Prehistoric Central California Populations Derived from Non-Metric Traits of the Cranium	Suchey, Judy Myers
S-018217	1996	Cultural Resource Evaluations for the Caltrans District 04 Phase 2 Seismic Retrofit Program, Status Report	Gmoser, Glenn
S-020395	1998	PCNs of the Coast Ranges of California: Religious Expression or the Result of Quarrying?	Gillette, Donna L.
S-024986	2000	Cultural Resources Assessment, PG&E Proposed Tri-Valley 2002 Electric Power Capacity Increase Project	—
S-030204	2003	The Distribution and Antiquity of the California Pecked Curvilinear Nucleated (PCN) Rock Art Tradition.	Gillette, Donna L.
S-032596	2006	The Central California Ethnographic Community Distribution Model, Version 2.0, with Special Attention to the San Francisco Bay Area, Cultural Resources Inventory of Caltrans District 4 Rural Conventional Highways	Milliken, Randall, Jerome King, and Patricia Mikkelsen
S-033239	1994	Alameda Watershed, Natural and Cultural Resources: San Francisco Watershed Management Plan	Chavez, David
S-033545	1994	Draft Comprehensive Management and Use Plan and Environmental Impact Statement, Juan Bautista de Anza National Historic Trail, Arizona and California	—
S-033600	2007	Geoarchaeological Overview of the Nine Bay Area Counties in Caltrans District 4	Meyer, Jack and Jeff Rosenthal
S-048927	1997	The Economy and Archaeology of European-made Glass Beads and Manufactured Goods Used in First Contact Situations in Oregon, California and Washington	Crull, Donald Scott
S-052105	1978	Cultural Resources Survey of the Tesla-Lawrence Livermore Laboratory 230 KV Transmission Line, Pacific Gas and Electric Company	Wilson, Kenneth L.
Reports within 1 Mile of the Project Site			
S-002623	1981	Archaeological Reconnaissance of the Windpower Generator Farm to be Located on the Jess Ranch East of Livermore, Alameda County (letter report).	Holman, Miley P.
S-004552	1976	Preliminary Report for the Pacific Gas and Electric Stanislaus Project on the Archaeological and Historical Resources Found Within Proposed Transmission Line Corridors	Horvath, Laurie, Anne M. Carlson, Suzanne Baker, and Cindy Desgrandchamp
S-005657	1982	An Archaeological Reconnaissance of Six Windfarm Parcels Near Altamont Pass, Alameda County, California	Slater, Sarah E. and Miley Paul Holman

Table 3.3-1. Previous Technical Studies

Report Number	Date	Title	Author
S-006510	1984	Archaeological Reconnaissance of a Portion of Section 29, Midway Quadrangle, Alameda County, California (letter report)	Holman, Miley P.
S-007071	1984	Helen Andrade Property Archaeological Reconnaissance (letter report)	Holman, Miley P.
S-007072	1984	A.I. and Agnes Martin Property Archaeological Reconnaissance (letter report)	Holman, Miley P.
S-009795	1986	Late Prehistoric Obsidian Exchange in Central California	Jackson, Thomas L.
S-017993	1995	Cultural Resources Inventory Report for the Proposed Mojave Northward Expansion Project	Hatoff, Brian, Barb Voss, Sharon Waechter, Stephen Wee, and Vance Bente
S-027016	2003	A Cultural Resource Assessment for the Proposed Tesla Reclaimed Waterline Project, Alameda and San Joaquin Counties, California	Dougherty, John, Cindy Baker, and Mary L. Maniery
S-035796	2009	Cultural Resources Investigation and Architectural Evaluation of the Pittsburg-Tesla Transmission Line, Contra Costa and Alameda Counties, California	Siskin, Barbra, Cassidy DeBaker, and Jennifer Lang
S-043682	2004	Archaeological Inventory Survey: Tracy-Tesla Fiber Optics Project Utilizing COTP Transmission Towers, San Joaquin and Alameda Counties, California	Jensen, Sean M.
S-045214	2013	Cultural Resources Survey for FloDesign Wind Turbine, Inc. Proposed Sand Hill West Farm Repowering Project Alameda County, California	Farrell, Jenna L.
S-052299	2018	Historic Resource Survey and Assessment for the 1883 Midway Public School Relocation and Restoration Project, Alameda County, California	De Shazo, Stacey
SJ-02759	1995	Cultural Resources Inventory Report for the Proposed Mojave Northward Expansion Project, Final.	Hatoff, Brian, Barb Voss, Sharon Waechter, Stephen Wee, and Vance Bente
SJ-02930	1996	Archaeological Inventory Survey, Tracy to Fresno Longhaul Fiberoptics Data Transmission Line, Portions of Fresno, Madera, Merced, Stanislaus, and San Joaquin Counties, California	Jensen, Peter
SJ-04509	2001	GWF Tracy Peaker Project, Cultural Resources (Archaeological and Historic Built Environment Resources) Technical Report; Appendix C of Application for Certification.	Egherman, Rachael
SJ-05047	2003	A Cultural Resource Assessment for the Proposed Tesla Reclaimed Waterline Project, Alameda and San Joaquin Counties, California.	Dougherty, J., C. Baker, and M. Maniery
SJ-05528	2004	Archaeological Inventory Survey, Tracy-Tesla Fiber Optics Project Utilizing COTP Transmission Towers, San Joaquin and Alameda Counties, California.	Jensen, S. M.

Table 3.3-1. Previous Technical Studies

Report Number	Date	Title	Author
SJ-07085	2008	Draft Environmental Assessment for the North Area Right-of Way Maintenance Program.	Geordt, A.
SJ-08014	2008	Cultural Resources Inventory for the California-Oregon Transmission Project, Right-of-Way Maintenance Environmental Assessment	CH2MHIII

Previously Identified Cultural Resources

CHRIS records indicate that one built-environment resource is on file within the Project site, P-39-005337, Tesla-Salado-Manteca 115 kV Transmission Line and an additional 30 archaeological or built-environment resources are recorded within the 1-mile record search buffer. Five resources were on file within the 1-mile records search area (Table 3.3-2). One of these resources consists of a precontact indigenous site while the remaining resources are historic-era structures.

Table 3.3-2. Previously Recorded Cultural Resources

Primary Number	Trinomial	Period	Name	Type	NRHP/CRHR Status
Resources within the Project Site					
P-39-005337	—	Historic-era	Tesla-Salado-Manteca 115 kV Transmission Line	Engineering structure	6Z (Ineligible)
Resources within 1 Mile of the Project Site					
P-01-000154	CA-ALA-000432H	Historic-era	#64 H	Foundations/structure pads; Landscaping/orchard; Privies/dumps/trash scatters; Walls/fences	7 (Not evaluated)
P-01-000155	CA-ALA-000433H	Historic-era	#63 H	Foundations/structure pads; Landscaping/orchard	7 (Not evaluated)
P-01-001783	CA-ALA-000623H	Historic-era	Southern Pacific Railroad	Roads/trails/railroad grades; Water conveyance system; Engineering structure; Bridge; Other	6Z (Ineligible)
P-01-010498	CA-ALA-000632H	Historic-era	Heara-Brockman Cemetery	Cemetery	7 (Not evaluated)
P-01-010499	—	Historic-era	500 kV Transmission Lines	Engineering structure	7 (Not evaluated)

Table 3.3-2. Previously Recorded Cultural Resources

Primary Number	Trinomial	Period	Name	Type	NRHP/CRHR Status
P-01-010500	—	Historic-era	Heara-Brockman-Griffith Ranch	Farm/ranch	7 (Not evaluated)
P-01-010502	—	Historic-era	Tesla Substation Butler Building	Public utility building	6Z (Ineligible)
P-01-010503	CA-ALA-000603H	Historic-era	Telsa/Midway - Site A	Water conveyance system	7 (Not evaluated)
P-01-010504	—	Historic-era	Aermotor Windmill	Other; Walls/gates/fences	6Z (Ineligible)
P-01-010505	—	Historic-era	TI-01; Bottle Neck Fragment	Water conveyance system	7 (Not evaluated)
P-01-010506	—	Historic-era	TI-02; Wood/square Nail Isolate	Water conveyance system	7 (Not evaluated)
P-01-010507	—	Historic-era	TI-03; Manganese Glass Isolate	Water conveyance system	7 (Not evaluated)
P-01-010508	—	Historic-era	TI-04; Bottle Neck Isolate	Water conveyance system	7 (Not evaluated)
P-01-010614	—	Historic-era	TRWP - 24	Highway/trail	7 (Not evaluated)
P-01-010947	—	Historic-era	Pittsburg -Tesla Transmission Line	Engineering structure	3D (Appears eligible)
P-01-010948	CA-ALA-000657H	Historic-era	GANDA Site 19	Privies/dumps/trash scatters; Water conveyance system	7 (Not evaluated)
P-01-010949	CA-ALA-000660H	Historic-era	GANDA Site 20	Water conveyance system; Lake/river/reservoir	6Z (Ineligible)
P-01-010950	CA-ALA-000659H	Historic-era	GANDA Site 21	Foundations/structure pads; Privies/dumps/trash scatters; AH05; Walls/fences; Farm/ranch	7 (Not evaluated)
P-01-011394	—	Historic-era	SH-JF-01	Roads/trails/railroad grades	7 (Not evaluated)
P-01-011395	—	Historic-era	SH-JF-02	Engineering structure	7 (Not evaluated)
P-01-011477	—	Historic-era	Isolate I-SRI-2	Water conveyance system	7 (Not evaluated)
P-01-011479	CA-ALA-000662H	Historic-era	SRI-2	Engineering structure	6Z (Ineligible)
P-01-011480	CA-ALA-000663H	Historic-era	SCR-3	Engineering structure	7 (Not evaluated)

Table 3.3-2. Previously Recorded Cultural Resources

Primary Number	Trinomial	Period	Name	Type	NRHP/CRHR Status
P-01-011481	CA-ALA-000658H	Historic-era	SRI-4	Water conveyance system	7 (Not evaluated)
P-01-011482	CA-ALA-000661H	Historic-era	SRI-7	Water conveyance system	7 (Not evaluated)
P-01-012147	—	Historic-era	1883 Midway Public School	Educational building	7 (Not evaluated)
P-39-000088	—	Historic-era	Lateral 5 West, Banta Carbona Irrigation District	Other	6Z (Ineligible)
P-39-000098	CA-SJO-000292H	Historic-era	Western Pacific Railroad/Union Pacific RR; Includes Sharpe Army Depot Field Annex Railroad Spur	Roads/trails/railroad grades; Engineering structure; Bridge; Other	6Z (Ineligible)
P-39-004290	—	Historic-era	TTP-3, Historic Telegraph line along Western Pacific Railroad	Engineering structure	6Z (Ineligible)
P-39-004332	CA-SJO-000279H	Historic-era	Gallagher Foundation	Foundations/structure pads; AH10; Trees/vegetation	7 (Not evaluated)

3.3.2.1.2 Additional Building Development and Historical Research

Dudek consulted historic maps and aerial photographs to understand development of the proposed Project site and surrounding properties. Topographic maps were available from 1907, 1914, 1929, 1941, 1942, 1943, 1948, 1955, 1964, 1969, 1975, 1981, 1986, 2012, 2015, 2018, and 2021 (Appendix 3.3A). The earliest topographic map depicts Patterson Pass Road and the north-south running road on the western edge of the substation in their present orientation, with two drainages running parallel to and just east of each of the roadways. No other development is evident within the Project area or its immediate surroundings. The 1943 topographic map is the first to depict the residential structure located south of the Project site, as well as several other structures to the northeast along Patterson Pass Road, however, there are no evident changes or development within the Project site itself. The 1955 topographic map is the first to depict the Tesla Substation which intersects and is immediately north of the Project site. Transmission lines associated with the substation are depicted to the east of, but not intersecting the Project site. No further changes are evident on any of the subsequent topographic maps.

Aerial photographs were available for the Project area from 1949, 1957, 1958, 19569, 1966, 1968, 1971, 1979, 1981, 1982, 1987, 1993, 2005, 2009, 2010, 2012, 2014, 2016, 2018, and 2020 (Appendix 3.3A). The aerial images are consistent with the topographic maps, with the 1949 image showing an undeveloped Project area with Patterson Pass Road, the paved road/driveway to the residential property to the south of the Project area, and a drainage paralleling and immediately east of Patterson Pass Road all visible. A small electrical substation is also visible along Patterson Pass Road to the north or the Project area. No changes are evident within the Project area

or immediate vicinity until 1966 at which time the substation expands to the south and further expands west to its current footprint in the 2005 image. No other development is evident within the Project area on any of the aerial images.

3.3.2.1.3 Native American Consultation

On August 1, 2023, Dudek requested a Native American Heritage Commission (NAHC) search of their Sacred Lands File for the area of the Project site. The NAHC results, received August 12, 2023, indicated the Sacred Lands File search failed to identify any cultural resources within the records search area. The NAHC then provided a list of Native American tribes culturally affiliated with the location of the Project site and recommended contacting them for further information. To date, Dudek has not sent outreach letters to any of the entities identified by NAHC. Tribal notification and consultation associated with Assembly Bill 52, as outlined by CEQA, are government-to-government processes. See Appendix 3.3A and Appendix 3.3B for complete documentation of NAHC correspondence and SLF results.

3.3.2.2 Archaeological Field Survey

On October 11, 2023, Dudek archaeologists conducted an intensive pedestrian survey of the Project area using standard archaeological procedures and techniques that meet the Secretary of Interior's Standards and Guidelines for cultural resources inventory. Exposed ground surfaces were observed for surface artifacts, undisturbed areas, archaeological deposits, and historic structures; periodic boot scrapes were employed to expose additional ground surface. Evidence of artifacts and archaeological deposits were also opportunistically sought after in animal burrows and other areas with disturbed soil.

All fieldwork was documented using field notes and an Apple Generation 8 iPad (iPad) equipped with ESRI Field Maps software with close-scale georeferenced field maps of the Project API, and aerial photographs. Location-specific photographs were taken using the iPad's 12-mega-pixel resolution camera. All field notes, photographs, and records related to the current study are digital, on file at Dudek's Sacramento, California, office.

Surface visibility was low (less than 10-percent) throughout the Project site due to dense non-native grasses. The previously recorded transmission lines intersecting the Project site were relocated and found to be in the same condition as described in the site record. No newly recorded historic structures or archaeological resources were identified within the Project site during the field survey.

3.3.2.3 Built Environment Field Survey

Dudek technical staff conducted a survey of the PG&E Tesla Substation on January 18, 2024. Access to the PG&E facility was limited to public access vantage points. The facility was documented through digital photographs.

3.3.3 Regulatory Setting

Federal, state, and local laws, ordinances, regulations, and standards (LORS) related to cultural resources were reviewed for applicability to the Project. These are detailed in Section 3.3.7, Laws, Ordinances, Regulations, and Standards.

3.3.4 Impact Analysis

The following subsections discuss the potential direct and indirect impacts related to cultural resources from construction and operation and maintenance (O&M) of the Project.

3.3.4.1 Methodology

The CEQA Guidelines define a substantial adverse change in the significance of a historical resource as a significant effect on the environment. A substantial adverse change to archaeological, tribal cultural, or historical resources is defined to include physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the historical resource would be materially impaired (CEQA Guidelines Section 15064.5[b][1]). The significance of a historical resource is materially impaired when a project diminishes the characteristics that convey its historical significance and that justify its inclusion on a historic register. Proposed Project activities were evaluated for their potential to result in a substantial adverse change to a significant cultural resource. See "Methods and Identification of Cultural Resources" in Section 3.3.2, above, for a discussion of how potential cultural resources were identified.

3.3.4.2 Impact Evaluation Criteria

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

- Cause a substantial adverse change in the significance of a historical resource pursuant to §15063.4.
- Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15063.4 or disturb any human remains, including those interred outside of dedicated cemeteries.
- Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:
    a. Listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in PRC section 5020.1(k)
    b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section 5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.

CEQA defines a "unique archaeological resource" as 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 one or more of the following criteria:

- Contains information needed to answer important scientific research questions and that there is a demonstrable public interest in that information; or
- Has a special and particular quality such as being the oldest of its type or the best available example of its type; or

- Is directly associated with a scientifically recognized important prehistoric or historic event or person (PRC §21083.2(g)).

State CEQA Guidelines Section 15064.5 defines a historical resource as:

- A resource listed in, or determined to be eligible for listing in, the California Register;
- A resource listed in a local register of historical resources.
- Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California…Generally, a resource shall be considered by the lead agency to be "historically significant." Generally, a resource is considered historically significant if it meets criteria for listing in the CRHR, including:
    1. Is associated with events that made a significant contribution to the broad patterns of California's history and cultural heritage.
    2. Is associated with the lives of people important in our past.
    3. Embodies the distinctive characteristics of a type, period, region, or method of construction, 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; or
- A resource determined to be a historical resource by a project's lead agency.

CEQA Guidelines Section 15064.5 defines a "historical resource." If a cultural resource in question is an archaeological resource, CEQA Guidelines Section 15064.5[c][1]) requires that the lead agency first determine if the resource is a historical resource as defined in Section 15064.5(a). If the resource qualifies as a historical resource, potential adverse impacts must be considered in the same manner as a historical resource. If the archaeological resource does not qualify as a historical resource but does qualify as a "unique archaeological resource," then the archaeological resource is treated in accordance with Public Resources Code Section 21083.2 (see also CEQA Guidelines Section 15069.5[c][3]).

CEQA Guidelines Section 15064.5(b) defines a "substantial adverse change" to a historical resource 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. The significance of an historical resource is materially impaired when a project demolishes or materially alters in an adverse manner those physical characteristics of an historical resource that convey its historical significance and that justify its inclusion in, or eligibility for inclusion in, the California Register of Historical Resources or in registers meeting the definitions in Public Resources Code 5020.1(k) or 5024.1(g).

3.3.4.3 Project Impacts

Impact 3.4-1 Would the Project cause a substantial adverse change in the significance of a historical resource pursuant to §15063.4?

No Impact. This section addressed potential impacts to built environment resources. Built environment resources are buildings, structures, landscapes, and districts that comprise what is considered the built environment.

Specifically, this section addresses potential impacts to built environment resources that are as defined by the CEQA Guidelines (14 CCR 15000 et seq.), a "historical resource" which is considered to be a resource that is listed in or eligible for listing in the NRHP or CRHR, has been identified as significant in a historical resource survey, or is listed on a local register of historical resources. Under CEQA, a project may have a significant effect on the environment if it may cause "a substantial adverse change in the significance of an historical resource" (Public Resources Code Section 21084.1; 14 CCR 15064.5(b)). If a site is listed or eligible for listing in the CRHR, or included in a local register of historic resources, or identified as significant in a historical resources survey (meeting the requirements of Public Resources Code Section 5024.1(q)), it is a historical resource and is presumed to be historically or culturally significant for the purposes of CEQA (Public Resources Code Section 21084.1; 14 CCR 15064.5(a)).

A substantial adverse change in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of the resource is materially impaired (15064.5[b][1]) to the extent that the resource can no longer exists or convey significance. Under CEQA, material impairment of a historical resource is considered a significant impact (or effect), which can be direct, indirect, or cumulative.

One built environment resource, the PG&E Tesla Substation is within the API. The substation was previously evaluated in 2011 using the NRHP and CRHR criteria and was recommended not eligible. Dudek concurred with the previous evaluation that the PG&E Tesla Substation did not meet the criteria for the NRHP or the CRHR. Therefore, it is not considered a historical resource under CEQA and there is no impact to built environment cultural resources.

Impact 3.4-2 Would the project cause a substantial adverse change in the significance of an archaeological resource to §15063.4 or disturb human remains, including those interred outside of dedicated cemeteries?

Less Than Significant with Mitigation. The Cultural Resources Inventory and Evaluation Report (see Appendix 3.3A) prepared for the project did not identify any archaeological resources within the API. Therefore, the project would not impact any known archaeological resources and the potential loss of and/or substantial damage to any such resources is considered a less than significant impact.

Development of the proposed Project would include ground-disturbing activities including grading and clearing to construct the facility and trenching for utilities. Construction activities, while avoiding known resources, could result in damaging or destroying unknown archeological resources. Archaeological resources are often difficult to identify from surface evidence alone and may contain buried cultural deposits in areas with appropriate soils. Such subsurface deposits are most likely to be exposed within three feet of the surface during activities requiring grading and other ground preparation. Geomorphological information and review of archival resources relating to the history of development suggest a low to moderate potential for buried archaeological resources within the API.

Based on these results, no known significant or unique archaeological resources will be impacted by the Project as currently designed. However, given the records search results and Project conditions MM-CUL-1 and MM-CUL-2 would be implanted to address potential impacts related to the inadvertent discovery of cultural resources are provided. Therefore, with the incorporation of MM-CUL-1 and MM-CUL2, the Project would result in a less-than-significant impact to archaeological resources.

Impact 3.4-3 Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in PRC section 21074 as either a site, feature, place, cultural landscape that is geographically defined in terms of the size scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:

a. *Listed or* eligible for listing in the CRHR, or in a local register of historical resources as defined in PRC section 5020.1(k)
b. A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of PRC Section *5024.1. In applying the criteria set forth in subdivision (c) of PRC Section 5024.1,* the *lead agency shall consider the significance of the resource to a California Native American tribe?*

Less Than Significant with Mitigation Development of the proposed Project could cause substantial adverse changes in the significance of a tribal cultural resource (site, feature, place, cultural landscape, sacred place, or object) with cultural value to a California Native American tribe. A review of the NAHC Sacred Lands File was conducted as part of the cultural survey conducted for the Project and the search "failed to indicate the presence of Native American cultural resources in the immediate project area." The proposed Project is subject to compliance with AB 52 to ensure that consultation with tribes is conducted and tribes are allowed the opportunity to provide comments, monitor, and preserve any known TCRs, or any found during construction. To date, no TCRs have been identified within the Project site. However, in order to mitigate the potential for undiscovered Tribal Cultural Resources, MM-CUL-1 and MM-CUL-2 would be implemented. The Project is anticipated to result in a less-than-significant impact to tribal cultural resources with the incorporation of MM-CUL-1 and MM-CUL-2; however, consultation is still ongoing.

3.3.5 Cumulative Effects

A cumulative impact to cultural and TCRs, refers to the mounting aggregate effect upon cultural and TCRs due to modern or recent historic land use, such as residential development, and natural processes, such as erosion, that result from human acts. The issue that must be explored in a cumulative impact analysis is the aggregate loss of information and the loss of recognized cultural landmarks and vestiges of a community's cultural history.

There are no NRHP/CRHR eligible archaeological resources within the API. Existing regulatory requirements, including those organized and stipulated by MM-CUL-1 and MMCUL-2, will ensure that the Project would not contribute to a cumulative impact to archaeological resources and human remains.

As discussed in Section 3.3.4.1 there are no built environment CEQA historical resources within the API. As such there are no impacts to CEQA Historical Resources as a result of the Project. Therefore, there would be no significant cumulative impact to which the Project could contribute related to CEQA historical resources.

3.3.6 Mitigation Measures

The following measures are recommended to avoid or minimize impacts unrecorded cultural resources encountered during Project implementation. The following mitigation measures have been developed to ensure compliance with regulatory conditions based on the results of technical studies.

MM-CUL-1 Unanticipated Archaeological Resources. All crews should be alerted to the potential to the potential to encounter archaeological material. In the unlikely event that cultural resources (sites, features, or artifacts) are exposed during creek bank stabilization activities, all construction work occurring within 100 feet of the find shall immediately stop and GSNR contacted. A qualified specialist, meeting the Secretary of the Interior's Professional Qualification Standards, will be assigned to review the unanticipated find, and evaluation efforts of this resource for NRHP and CRHR listing will be initiated in consultation with the lead agency. Prehistoric archaeological deposits may be indicated by the presence of discolored or dark soil, fire-affected material, concentrations of fragmented or whole burned or complete bone, non-local lithic materials, or the characteristic observed to be atypical of the surrounding area. Common prehistoric artifacts may include modified or battered lithic materials; lithic or bone tools that appeared to have been used for chopping, drilling, or grinding; projectile points; fired clay ceramics or non-functional items; and other items. Historic-age deposits are often indicated by the presence of glass bottles and shards, ceramic material, building or domestic refuse, ferrous metal, or old features such as concrete foundations or privies. Depending upon the significance of the find, the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under NHPA/CEQA, additional work, such as preparation of an archaeological treatment plan, testing, or data recovery may be warranted.

MM-CUL-2 Unanticipated Discovery of Human Remains. Should human remains be discovered, work will halt in that area and procedures set forth in the California Public Resources Code (Section 5097.98) and State Health and Safety Code (Section 7050.5) will be followed, beginning with notification to the lead agency and County Coroner. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the County Coroner has determined, within 2 working days of notification of the discovery, the appropriate treatment and disposition of the human remains. If the County Coroner determines that the remains are, or are believed to be, Native American, he or she shall notify the NAHC in Sacramento within 24 hours. In accordance with California Public Resources Code, Section 5097.98, the NAHC must immediately notify those persons it believes to be the most likely descendant from the deceased Native American. The most likely descendant shall provide recommendations on next steps within 48 hours of being granted access to the site. The designated Native American representative would then determine, in consultation with the property owner, the disposition of the human remains.

3.3.7 Laws, Ordinances, Regulations, and Standards

A review of existing relevant laws, ordinance, regulations, and standards was conducted to understand the regulatory context for cultural resource management surrounding the Project.

Federal, state, and local governments have developed laws and regulations designed to protect and preserve significant cultural resources that may be affected by actions that they undertake or regulate. The National Historic Preservation Act (NAHP) and CEQA are the basic federal and state laws governing the preservation of historic and archeological resources of national, regional, state, and/or local or tribal significance within the state.

Cultural resources are defined as prehistoric or historic-period archaeological resources, Native American resources of cultural and religious significant, historic-period architectural resources, and historic-period engineering features, including canals and railroad resources.

3.3.7.1 Federal LORS

National Historic Preservation Act

The NHPA established the NRHP and the Advisory Council on Historic Preservation (ACHP), and provided that states may establish State Historic Preservation Officers (SHPOs) to carry out some of the functions of the NHPA. Most significantly for federal agencies responsible for managing cultural resources, Section 106 of the NHPA directs the following:

> [t]he head of any Federal agency having direct or indirect jurisdiction over a proposed Federal or federally assisted undertaking in any State and the head of any Federal department or independent agency having authority to license any undertaking shall, prior to the approval of the expenditure of any Federal funds on the undertaking or prior to the issuance of any license, as the case may be, take into account the effect of the undertaking on any district, site, building, structure, or object that is included in or eligible for inclusion in the NRHP.

Section 106 of the NHPA also affords the ACHP a reasonable opportunity to comment on the undertaking (16 USC 470f).

Title 36 of the Code of Federal Regulations, Part 800 (36 CFR 800) implements Section 106 of the NHPA. It defines the steps necessary to identify historic properties (those cultural resources listed in or eligible for listing in the NRHP), including consultation with federally recognized Native American tribes to identify resources with important cultural values; to determine whether they may be adversely affected by a proposed undertaking; and the process for eliminating, reducing, or mitigating the adverse effects.

The content of 36 CFR 800, Section 60.4, defines criteria for determining eligibility for listing in the NRHP. The significance of cultural resources identified during an inventory must be formally evaluated for historic significance in consultation with the ACHP and the California SHPO to determine if the resources are eligible for inclusion in the NRHP. The quality of significance in American history, architecture, archaeology, engineering, and culture is present in districts, cultural resources, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and that (36 CFR 60.4):

A. Are associated with events that have made a significant contribution to the broad patterns of our history; or
B. Are associated with the lives of persons significant in our past; or
C. Embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
D. have yielded or may be likely to yield, information important in prehistory or history.

The 1992 amendments to the NHPA enhance the recognition of tribal governments' roles in the national historic preservation program, including adding a member of an Indian tribe or Native Hawaiian organization to the ACHP.

The NHPA amendments:

- Clarify that properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization may be determined eligible for inclusion in the National Register
- Reinforce the provisions of the Council's regulations that require the federal agency to consult on properties of religious and cultural importance.

The 1992 amendments also specify that the ACHP can enter into agreement with tribes that permit undertakings on tribal land and that are reviewed under tribal regulations governing Section 106 of the NHPA. Regulations implementing the NHPA state that a federal agency must consult with any Indian tribe that attaches religious and cultural significance to historic properties that may be affected by an undertaking.

Clean Water Act, Section 404

A Clean Water Act, Section 404 permit is anticipated for the proposed development. Therefore, the U.S. Army Corps of Engineers (Corps) must initiate a NHPA, Section 106 of the NHPA consultation in an effort to avoid harm to any historic properties listed in or eligible for the NRHP.

3.3.7.2 State LORS

California Register of Historical Resources

In California, the term "historical resource" includes but is not limited to "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 PRC 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 PRC Section 5024.1[a]). The criteria for listing resources on the CRHR were expressly developed to be in accordance with previously established criteria developed for listing in the NRHP, enumerated below. According to California PRC 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.
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.

In order to understand the historic importance of a resource, sufficient time must have passed to obtain a scholarly perspective on the events or individuals associated with the resource. A resource less than 50 years old may be considered for listing in the CRHR if it can be demonstrated that sufficient time has passed to understand its historical importance (see 14 California Code of Regulations [CCR] 4852[d][2]).

The CRHR protects cultural resources by requiring evaluations of the significance of prehistoric and historic resources. The criteria for the CRHR are nearly identical to those for the NRHP, and properties listed or formally designated as eligible for listing in the NRHP are automatically listed in the CRHR, as are the state landmarks (numbered 770 and consecutively) and points of interest that are reviewed by the California Office of Historic Preservation and recommended for listing by the State Historical Resources Commission. The CRHR also includes properties designated under local ordinances or identified through local historical resource surveys.

California Environmental Quality Act

Under CEQA (California PRC, Section 21000 et seq.), public agencies must consider the effects of their actions on both historical resources and unique archaeological resources. Pursuant to 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." Section 21083.2 requires agencies to determine whether proposed projects would have effects on "unique archaeological resources."

"Historical resource" is a term of art with a defined statutory meaning (see California PRC, Section 21084.1, and 14 CCR 15064.5(a) and 15064.5(b)). The term embraces any resource listed in or determined to be eligible for listing in the CRHR. The CRHR includes resources listed in or formally determined eligible for listing in the NRHP, as well as some California State Landmarks and Points of Historical Interest.

Properties of local significance that have been designated under a local preservation ordinance or that have been identified in a local historical resources inventory may be eligible for listing in the CRHR and are presumed to be "historical resources" for the purposes of CEQA unless a preponderance of evidence indicates otherwise (California PRC, Section 5024.1, and 14 CCR 4850). Unless a resource listed in a survey has been demolished or has lost substantial integrity, or there is a preponderance of evidence indicating that it is otherwise not eligible for listing, a lead agency should consider the resource potentially eligible for the CRHR.

In addition to assessing whether historical resources potentially impacted by a proposed project are listed or have been identified in a survey process, lead agencies have a responsibility to evaluate them against the CRHR criteria as discussed previously, prior to making a finding as to a proposed project's impacts to historical resources (California PRC, Section 21084.1, and 14 CCR 15064.5(a)(3)). The fact that a resource is not listed or determined to be eligible for listing does not preclude a lead agency from determining that it may be a historical resource (California PRC, Section 21084.1, and 14 CCR 15064.5(a)(4)).

CEQA also distinguishes between two classes of archaeological resources: archaeological sites that meet the definition of a historical resource, as described previously, and unique archaeological resources. Under CEQA, an archaeological resource is considered "unique" if it:

- Contains information needed to answer important scientific research questions and there is a demonstrable public interest in that information;
- Has a special and particular quality such as being the oldest of its type or the best available example of its type; or
- Is directly associated with a scientifically recognized important prehistoric or historic event or person (California PRC, Section 21083.2(g)).

CEQA states that if a proposed project would result in an impact that might cause a substantial adverse change in the significance of a historical resource, then an EIR must be prepared, and mitigation measures and alternatives must be considered. A "substantial adverse change" in the significance of a historical resource means physical demolition, destruction, relocation, or alteration of the resource or its immediate surroundings such that the significance of a historical resource would be materially impaired (14 CCR 15064.5(b)(1)).

With respect to archaeological sites, the first issue is whether the site qualifies as a historic resource under the provisions discussed above. If the archaeological site does not qualify as an historic resource, and if the site also does not meet the definition of a "unique archaeological resource" or a "tribal cultural resource," then any impacts to the resource are not considered significant and further evaluation is not required (California PRC Section 21083.2(h); CEQA Guidelines Section 15064.5(c)). A "unique archaeological resource" is defined to mean 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; (3) Is directly associated with a scientifically recognized important prehistoric or historic event or person (California PRC Sections 21083.2(g)).

CEQA Guidelines, Section 15064.5(e), requires that excavation activities be stopped whenever human remains are uncovered, and the county coroner be called in to assess the remains. If the county coroner determines that the remains are those of Native Americans, the NAHC must be contacted within 24 hours. At that time, the lead agency must consult with the appropriate Native Americans, if any, as identified in a timely manner by the NAHC. Section 15064.5 of the CEQA Guidelines directs the lead agency (or applicant), under certain circumstances, to develop an agreement with the Native Americans for the treatment and disposition of the remains.

Senate Bill 18

Senate Bill (SB) 18 (Government Code, Sections 65352.3, 65352.4) requires that, prior to the adoption or amendment of a general plan or specific plan proposed on or after March 1, 2005, a city or county must consult with Native American tribes with respect to the possible preservation of, or the mitigation of impacts to, specified Native American places, features, and objects located within that jurisdiction.

Senate Bill 297

SB 297 addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction; and establishes the NAHC to resolve disputes regarding the disposition of such remains. The provisions of SB 297 have been incorporated into Section 15064.5(e) of the CEQA Guidelines.

Assembly Bill 52

Assembly Bill (AB) 52 requires consultation with Native American tribes traditionally and culturally affiliated with the geographic area in which a project requiring CEQA review is proposed if those tribes have requested to be informed of such proposed projects. The intention of such consultation is to avoid adverse impacts to Tribal Cultural Resources (TCRs). This law is in addition to existing legislature protecting archaeological resources associated with California Native American tribes.

California Public Resources Code

State law (California PRC Section 5097 et seq.) addresses the disposition of Native American burials in archaeological sites and protects such remains from disturbance, vandalism, or inadvertent destruction; establishes procedures to be implemented if Native American skeletal remains are discovered during construction of a project; and established the NAHC to resolve disputes regarding the disposition of such remains. In addition, the Native American Historic Resource Protection Act makes it a misdemeanor punishable by up to 1 year in jail to deface or destroy an Indian historic or cultural site that is listed or may be eligible for listing in the CRHR.

California Health and Safety Code

Section 7050.5(b) of the California Health and Safety Code specifies protocols to address any human remains that may be discovered. The code states:

> In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined, in accordance with Chapter 10 (commencing with section 27460) of Part 3 of Division 2 of Title 3 of the Government Code, that the remains are not subject to the provisions of section 27492 of the Government Code or any other related provisions of law concerning investigation of the circumstances, manner and cause of death, and the recommendations concerning treatment and disposition of the human remains have been made to the person responsible for the excavation, or to his or her authorized representative, in the manner provided in section 5097.98 of the Public Resources Code.

3.3.8 Agencies and Agency Contacts

Table 3.3-3 lists the state agencies responsible for cultural resource management for the Project and the issues they are responsible for addressing.

Table 3.3-3. Agencies and Agency Contacts

Issue	Agency	Contact
Native American Tribal Cultural Resources, Traditional Cultural Properties, Most Likely Descendant Designation	Native American Heritage Commission	1550 Harbor Blvd. Suite 100, West Sacramento, CA 95691

3.3.9 Permits and Permit Schedule

Other than certification by the CEC, no state, federal, or local permits are required for the Project for management of cultural resources. Consultation with the SHPO will not be required under Section 106 of the NHPA unless the Project requires a federal permit.

3.3.10 References

California Energy Commission. July 2021. California Code of Regulations, Title 20. Public Utilities and Energy, Division 2. State Energy Resources Conservation and Development Commission. Available: https://www.energy.ca.gov/sites/default/files/2021-07/Title%2020%20Updated%20July%2023%2C%202021.pdf.

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