

1 3.5 CULTURAL AND PALEONTOLOGICAL

CULTURAL AND PALEONTOLOGICAL Would the Project:	Potentially Significant Impact	Less Than Significant with Mitigation	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in § 15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

2 3.5.1 Environmental Setting

3 In December 2014, a Final Archaeological Survey Report for the PG&E Line 114-1 (mile
 4 post [MP] 7.31-8.18) Line 114 (MP 7.32-8.18), and Line SP4Z (MP 7.31-8.18)
 5 Retirement Project (Far Western 2014), was completed for PG&E by Sharon A.
 6 Waechter and Kim Carpenter of Far West Anthropological Research Group, Inc. (Far
 7 Western 2014). The report detailed the cultural resource identification efforts and the
 8 potential for cultural and historic resources (including shipwrecks) in the San Joaquin
 9 River Project area. The Project area for the report included all vertical and horizontal
 10 impacts associated with the Project as well as construction access and staging areas.
 11 Identification efforts included background research, records searches, Native American
 12 outreach, field survey and a buried site sensitivity analysis. The following setting
 13 information has been summarized from that report. While there are cultural resources
 14 within the Project area (a levee and the pipelines), none of these resources is
 15 considered significant; therefore, there would neither be an impact nor a significant
 16 adverse change to a historical resource.

17 The three deactivated submarine pipeline crossings, cross the Sherman Island levee
 18 and the San Joaquin River, then continue south into a subterranean valve pit at the
 19 Lauritzen Yacht Harbor. There would be no onshore excavation on the Contra Costa
 20 County side of the line, as the lines on that side are contained in a valve pit.

21 **3.5.1.1 Ethnography and History**

22 The local archaeological record can be divided into the pre-historic, ethnographic, and
 23 historic areas, which include the Lower Archaic Period (10,000-6,000 Before Present
 24 [BP]), the early Middle Archaic Period (7,000-4,500 BP), the terminal Middle

1 Archaic/Early Period (4,500-2,500 BP), the Upper Archaic/Middle Period (2,500-1,300
2 BP), the Emergent/Late Period (1,300-200 BP), and the overlapping Ethnographic and
3 Historic Periods (approximately 200-100 BP).

4 In the period shortly before the arrival of non-native explorers and missionaries, the San
5 Joaquin River Delta region was home to Miwok and Patwin peoples. Prehistoric
6 settlements tended to be located near the edge of the San Joaquin River Delta,
7 principally on naturally occurring high spots not subject to annual flooding. The Project
8 area, including northern Contra Costa County and Sherman Island is ascribed to the
9 Bay Miwok between the Julpunes (south bank) and Ompins (north bank).

10 Current knowledge of the native peoples of this area has been gained from the diaries
11 of early Spanish explorers and priests who journeyed through these areas in the late
12 18th and early 19th centuries. This included the Pedro Fages expedition in 1772, which
13 traveled through Contra Costa County in search of a land route to Point Reyes. The
14 expedition camped near the San Joaquin River in the vicinity of Antioch in March 1772.
15 In 1776, Juan Bautista de Anza and Pedro Font, a Franciscan priest, led another
16 expedition through the Antioch area, camping in the present day Antioch Bridge area in
17 the spring of 1776, before continuing on southeastwardly past present-day Oakley.

18 With the introduction of the Spanish missions, secularization, and disease, the
19 traditional lives of native people living in the Delta region were decimated by the 1840s.
20 During the 1850s, American settlers spread further through the state, and the Delta
21 region's rivers and sloughs served as important transportation corridors between San
22 Francisco and the Central Valley.

23 The development of the Sacramento/San Joaquin Delta began in earnest when the
24 Swamp and Overflow Land Act conveyed ownership of swamp and overflow land,
25 including Delta marshes, from the Federal government to the State of California.
26 Reclamation efforts on Sherman Island began shortly thereafter. By 1859, local property
27 owners on Sherman Island had constructed small levees some 3 to 4 feet tall along the
28 banks of the Sacramento River and Mayberry Slough. During the 1870s, the area was
29 characterized by farms that occupied marshland as well as drier uplands and small
30 landings sprung up along the Delta to serve these farms. Despite these efforts, the
31 Delta islands suffered repeated floods. Flooding occurred in at least some parts of the
32 Delta almost every year from 1900 to 1910. To this day, seepage and settlement have
33 been ongoing issues, requiring constant levee improvements.

34 Line 114, Line 114-1, and Line SP4Z were constructed in 1942 as part of PG&E's
35 involvement in a coordinated construction program carried out in tandem with Standard
36 Oil to facilitate oil transmission as part of the war effort during World War II.

1 3.5.1.2 Records Searches and Field Surveys

2 The 2014 Final Archaeological Survey Report (Far Western 2014) included records
3 searches and literature reviews, documented Native American outreach, an assessment
4 of the potential for buried archaeological deposits, and a field survey. The documents
5 reviewed for these searches included in-house files and atlases of known resources and
6 previous studies within a 0.25 mile radius of the Project corridor, the California Inventory
7 of Historic Resources (for Antioch and Oakley), and historical General Land Office plat
8 maps (1862, 1876). In addition, historical archaeologists from PAR Environmental
9 Services consulted multiple sources for information about shipwrecks within and
10 adjacent to the records search, including the CSLC Shipwreck Database for
11 Sacramento and Contra Costa Counties.

12 The archival research, sensitivity assessment, and field survey for the Project identified
13 one previously evaluated cultural resource within the Project area within a portion of the
14 Sherman Island Levee. The levee was evaluated and determined to be ineligible for the
15 National Register of Historic Places and the California Register of Historical Resources.
16 The three gas pipelines associated with the Project (Line 114, Line 114-1, and Line
17 SP4Z) were constructed in 1942. Due to the construction date, the pipelines could be
18 considered historic-era features; however, under federal law these features are exempt
19 from environmental consideration (67 Code of Federal Regulations [CFR] 16364-
20 16365). Because consideration and treatment of significant historical resources under
21 State law are similar to that of Federal law, the Federal exemption is interpreted to apply
22 in the case of PG&E gas transmission lines in California and may be used in
23 compliance with CEQA as well as Section 106 (36 CFR 800). No other cultural or
24 historic resources were identified within the Project area, and based on map research
25 and buried site sensitivity analysis the potential to encounter previously unidentified
26 resources is considered low.

27 **3.5.2 Regulatory Setting**

28 3.5.2.1 Federal and State

29 Federal and State laws and regulations pertaining to this issue area and relevant to the
30 Project are identified in Table 3.5-1.

31 3.5.2.2 Local

32 There are no local goals or policies that are applicable to the Project site.

Table 3.5-1. Laws, Regulations, and Policies (Cultural Resources)

U.S.	Archaeological and Historic Preservation Act (AHPA)	The AHPA provides for the preservation of historical and archaeological data that might be irreparably lost or destroyed as a result of 1) flooding, the building of access roads, the erection of workmen’s communities, the relocation of railroads and highways, and other alterations of terrain caused by the construction of a dam by an agency of the U.S. or by any private person or corporation holding a license issued by any such agency; or 2) any alteration of the terrain caused as a result of a Federal construction project or federally licensed project, activity, or program. This Act requires Federal agencies to notify the Secretary of the Interior when they find that any Federally permitted activity or program may cause irreparable loss or destruction of significant scientific, prehistoric, historical, or archaeological data. The AHPA built upon the national policy, set out in the Historic Sites Act of 1935, "...to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance...."
U.S.	National Historic Preservation Act (NHPA) (16 USC 470 et seq.)	This applies only to Federal undertakings. Archaeological resources are protected through the NHPA, as amended, and it’s implementing regulation, Protection of Historic Properties (36 CFR 800), the AHPA, and the Archaeological Resources Protection Act (ARPA). This Act presents a general policy of supporting and encouraging the preservation of prehistoric and historic resources for present and future generations by directing Federal agencies to assume responsibility for considering the historic resources in their activities. The State implements the NHPA through its statewide comprehensive cultural resource surveys and preservation programs. The California Office of Historic Preservation (OHP), within the California Department of Parks and Recreation, implements the policies of the NHPA on a statewide level and advises Federal agencies regarding potential effects on historic properties. The OHP also maintains the California Historic Resources Inventory. The State Historic Preservation Officer (SHPO) is an appointed official who implements historic preservation programs within the State’s jurisdictions, including commenting on Federal undertakings.
U.S.	Other	<ul style="list-style-type: none"> • Executive Order 13158 requires Federal agencies to 1) identify actions that affect natural or cultural resources that are within a MPA; and 2) in taking such actions, to avoid harm to the natural and cultural resources that are protected by a MPA. • NPS Abandoned Shipwreck Act of 1987 (43 USC 2101-2106). Under this Act, states have the responsibility for management of living and nonliving resources in State waters and submerged lands, including certain abandoned shipwrecks. The NPS has issued guidelines that are intended to: maximize the enhancement of cultural resources; foster a partnership among sport divers, fishermen, archeologists, sailors, and other interests to manage shipwreck resources of the states and the U.S.; facilitate access and utilization by recreational interests; and recognize the interests of individuals and groups engaged in shipwreck discovery and salvage. Specific provisions of the Act’s guidelines include procedures for locating and identifying shipwrecks, methods for determining which shipwrecks are historic, and preservation and long-term management of historic shipwrecks. • Federal Law 67 CFR 16364-16365 - Exemption regarding historic preservation review process for projects involving historic natural gas pipelines. Provides an exemption regarding historic preservation/Section 106 review for projects involving historic natural gas pipelines. This exemption frees federal agencies from considering their effects on historic natural gas pipelines except in the case of specific types of abandonments/retirements. An agency is only required to consider effects to

Table 3.5-1. Laws, Regulations, and Policies (Cultural Resources)

		<p>historic natural gas pipelines if it is being abandoned pursuant to Section 7(b) of the Natural Gas Act. Abandonments wherein the lead federal agency is not required to take into account their effects on historic gas pipelines include minor abandonments. Such abandonments, by their nature, present much more limited, if not negligible, impacts on the pipeline as a whole. Because consideration and treatment of significant historical resources under state law is similar to that of federal law, the federal exemption is interpreted to apply in the case of PG&E gas transmission lines in California and may be used in compliance with CEQA as well as Section 106.</p>
CA	CEQA (Pub. Resources Code, § 21000 et seq.)	<p>As the CEQA lead agency, the CSLC is responsible for complying with all provisions of the CEQA and State CEQA Guidelines that relate to “historical resources.” A historical resource includes: 1) a resource listed in, or eligible for listing in, the California Register of Historic Resources (CRHR); 2) a resource included in a local register of historical or identified as significant in an historical resource surveys; and (3) any resource that a lead agency determines to be historically significant for the purposes of CEQA, when supported by substantial evidence in light of the whole record. The CRHR was created to identify resources deemed worthy of preservation on a State level and was modeled closely after the National Register. The criteria, which are nearly identical to those of the National Register but focus on resources of statewide significance (see State CEQA Guidelines, § 15064.5, subd. (a)(3)), are defined as any resource that meets any 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 lives of persons important in our past; 3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or 4) Has yielded, or may be likely to yield, information important in prehistory or history. Properties listed, or formally designated as eligible for listing, on the National Register are automatically listed on the CRHR, as are certain State Landmarks and Points of Interest. A lead agency is not precluded from determining that the resource may be an historical resource as defined in Public Resources Code sections 5020.1, subdivision (j), or 5024.1 (State CEQA Guidelines, § 15064.5, subd. (a)(4)).</p>
CA	Public Resources Code section 5097.98	<p>States protocol for notifying the most likely descendent from the deceased if human remains are determined to be Native American in origin. It also provides mandated measures for appropriate treatment and disposition of exhumed remains.</p>
CA	Health and Safety Code section 7050.5	<p>This code states that if human remains are exposed during construction, no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code section 5097.998. The Coroner has 24 hours to notify the Native American Heritage Commission (NAHC) if the remains are determined to be of Native American descent. The NAHC will contact most likely descendants, who may recommend how to proceed.</p>

1 **3.5.3 Impact Analysis**

2 **a) Cause a substantial adverse change in the significance of a historical resource**
3 **as defined in § 15064.5?**

4 **Less than Significant Impact.** The three gas pipelines were constructed in 1942 and
5 are thus historical in age. However, Federal law (67 CFR 16364-16365) provides an
6 exemption regarding historic preservation/Section 106 review for projects involving
7 historic natural gas pipelines. This exemption frees Federal agencies from considering
8 their effects on historic natural gas pipelines except in the case of specific types of
9 abandonments/retirements. Because consideration and treatment of significant historic
10 resources under State law is similar to that of Federal law, the Federal exemption is
11 interpreted to apply in the case of PG&E gas transmission lines in California and may
12 be used in compliance with CEQA as well as Section 106 (36 CFR 800) in the case of
13 the three retired pipeline segments.

14 Only one other cultural resource was identified in the Project area during the 2014
15 study: a portion of the Sherman Island Levee (P-34-000553) (Far Western 2014). The
16 levee was evaluated and determined ineligible for the National Register of Historic
17 Places and the California Register of Historical Resources. Furthermore, an
18 assessment of the potential for buried resources identified no areas of high sensitivity in
19 the Project area (Far Western 2014). Based on these findings, no historic resources
20 would be impacted as a result of the Project. Impacts associated with Project activities
21 would be less than significant.

22 **b) Cause a substantial adverse change in the significance of an archaeological**
23 **resource pursuant to § 15064.5?**

24 **Less than Significant with Mitigation.** According to the Final Archaeological Survey
25 Report (Far Western 2014), no known archaeologically significant resources are located
26 within or adjacent to the Project site. The Project would not increase the potential for
27 disruption of a site or increase the potential for vandalism or trespassing. As a result,
28 impacts would be less than significant. However, in the event that previously
29 unidentified cultural resources are discovered during pipeline removal, the standard
30 archaeological discovery condition (**MM CUL-1: Discovery of Previously Unknown**
31 **Cultural Resources**) would mitigate impacts to cultural resources to less than
32 significant levels.

33 **MM CUL-1: Discovery of Previously Unknown Cultural Resources.** Should
34 additional cultural materials be uncovered during Project implementation,
35 Project activities shall cease within 100 feet of the find and a Cultural
36 Resources Specialist and California State Lands Commission (CSLC) staff
37 shall be contacted immediately. The location of any such finds must be kept
38 confidential and measures should be taken to ensure that the area is secured

1 to minimize site disturbance and potential vandalism. Additional measures to
2 meet these requirements, after a qualified Cultural Resources Specialist has
3 been notified, include assessment of the nature and extent of the resource,
4 including its possible eligibility for listing in the National Register of Historic
5 Places, and subsequent recordation and notification of relevant parties based
6 upon the results of the assessment. Title to all abandoned shipwrecks,
7 archaeological sites, and historic or cultural resources on or in the tide and
8 submerged lands of California is vested in the State and under the jurisdiction
9 of the CSLC. The final disposition of archaeological, historical, and
10 paleontological resources recovered on State lands under the jurisdiction of
11 the CSLC must be approved by the Commission.

12 ***c) Directly or indirectly destroy a unique paleontological resource or site or***
13 ***unique geologic feature?***

14 **No Impact.** The majority of pipeline removal would occur offshore in previously
15 disturbed river sediments. In addition, portions of the offshore pipelines are exposed on
16 the riverbed and suspended over the Stockton Deep Water Channel near the north
17 landing of the crossing (offshore Sherman Island) with span lengths up to approximately
18 125 feet in length and elevated as much as approximately 6 feet above the riverbed and
19 thus would not require disruption of river sediments for removal. The onshore portion of
20 the Project site is located within an area frequently flooded and characterized by a levee
21 crossing. Thus, unique paleontological or geologic resources would not be encountered
22 or otherwise disturbed during the proposed Project activities. No impact would result.

23 ***d) Disturb any human remains, including those interred outside of formal***
24 ***cemeteries?***

25 **Less than Significant with Mitigation.** No known cemeteries or burial sites have been
26 identified within the Project areas. The Project would not increase the potential for
27 disruption of a burial site. As a result, impacts would be less than significant. However,
28 in the event that previously unidentified human remains are discovered State Health
29 and Safety Code section 7050.5 requires that no further disturbance shall occur until the
30 County Coroner has made the necessary findings as to the origin and disposition
31 pursuant to Public Resources Code section 5097.98. If the remains are determined to
32 be of Native American descent, the coroner has 24 hours to notify the Native American
33 Heritage Commission (**MM CUL-2: Unanticipated Discovery of Human Remains**).
34 With the incorporation of this measure, impacts would be less than significant.

35 **MM CUL-2: Unanticipated Discovery of Human Remains.** If human remains are
36 encountered, all provisions provided in California Health and Safety Code
37 section 7050.5 and California Public Resources Code section 5097.98 shall
38 be followed. Work shall stop within 100 feet of the discovery and a qualified
39 Cultural Resources Specialist must be contacted immediately, who shall

1 consult with the County Coroner. In addition, California State Lands
2 Commission staff shall be notified. If human remains are of Native American
3 origin, the County Coroner shall notify the Native American Heritage
4 Commission within 24 hours of this determination and a Most Likely
5 Descendent shall be identified. No work is to proceed in the discovery area
6 until consultation is complete and procedures to avoid and/or recover the
7 remains have been implemented.

8 **3.5.4 Mitigation Summary**

9 Implementation of the following MMs would reduce the potential for Project-related
10 impacts to cultural and paleontological resources to less than significant.

- 11 • MM CUL-1: Discovery of Previously Unknown Cultural Resources.
- 12 • MM CUL-2: Unanticipated Discovery of Human Remains.