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?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to § 15064.5?	☐	☐	☐	☒
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

3.5.1 Environmental Setting

Project Setting

The Project site is located along the southeast shore of the Carquinez Strait near the town of Port Costa, Contra Costa County. The Carquinez Strait is a narrow tidal strait that is part of the tidal estuary of the Sacramento and San Joaquin rivers as they drain into the San Francisco Bay. The Project is predominately located within the waters of the Strait, with temporary staging areas located within the adjacent former TXI property and at the chosen contractor's shore base.

Historical Records Search

A search of the California Historical Resources Information System (CHRIS) records determined that there are no cultural resources recorded within the Project site, and that three previously recorded sites are located within a 0.5-mile radius of the Project site. Site P-07-841 is a historic-era trash scatter recorded in January 2000, but has not been evaluated for significance. The recordation form states that the scatter appears to be the result of multiple dumping episodes. This site is on a hillside southwest of the Project site. Site P-07-842 is a 1915 concrete bridge that was also recorded in January 2000, but was not evaluated for significance. It is located on Carquinez Scenic Drive in the bluffs southwest of the Project site. Site P-07-2942 is a segment of the Carquinez Scenic Drive (formerly State Route 14) that was recorded in August 2007, but has not been evaluated for significance. The recorded segment is located in the bluffs to the north, south, and southwest of the Project site.

The Project would remove remnants of a wharf, concrete abutments with wood decking and dolphin bumpers that are over 45 years in age. The records search indicates that these materials have not been recorded or evaluated previously. Additionally, an operational UPRR/Amtrak railroad alignment over 45 years in age is located adjacent to the Project site and has not been recorded or evaluated according to the Northwest Information Center. However, considering the current use of the mainline railroad and the nature of the Project (to remove the water features), it is unlikely that the railroad would be affected.

Archaeological Survey

This analysis also included an archaeological survey for the Project's proposed temporary staging areas located at the former TXI property. As part of the field survey, the archaeologist walked a series of transects spaced approximately 5 meters apart covering the temporary staging areas and access routes. These upland areas have been heavily altered by grading, paving, and construction of two buildings. Most of the former TXI property has been covered with gravel or is paved. Modern debris observed included small scraps of metal, lumber, and other construction material. No native soil was identified during the survey. No historic debris was identified.

Ethnological Background

The San Francisco Bay is within the traditional territory of the Costanoan or Ohlone peoples (Levy 1978), who occupied a large territory along the California coastline from San Francisco Bay to Big Sur. The Costanoan peoples were distinct sociopolitical groups who spoke at least eight different languages of the same Penutian language group. In 1769, the Costanoan peoples lived in approximately 50 independent nations or tribelets, with each tribelet numbering from 50 to 500 people (Levy 1978).

The Project site is located in the Carquinez Strait, within the area occupied by speakers of the Karkin language (Milliken 1995). This language was spoken only in a small area on the south side of the Carquinez Strait. It is estimated there were about 200 speakers of this language in 1770 A.D. (Levy 1978), and all of the Karkin speakers made up only one tribelet.

The Costanoan engaged in hunting and gathering in both coastal and open valley environments containing a variety of resources including seeds, nuts, berries, grasses, roots, insects, birds, shellfish, marine mammals, deer, bear, elk, rabbit, and other small mammals. Costanoans typically moved between semi-permanent seasonal camps to take full advantage of seasonally available resources. Costanoan villages consisted of dome-shaped structures with pole frameworks and thatch for roof and walls. Other structures typically found in a Costanoan village included acorn granaries, sweathouses, menstrual houses and dance houses, generally located in the center of a

village (Broadbent 1972). Each Costanoan tribelet had a headman (chief), who controlled the clans and moieties, and whose position was usually passed from father to son, with succession being subject to approval by the community. Tribelet political organization also included a council of elders, official speakers, and shamans (Levy 1978). Costanoan tribelets experienced both friendly (marriage, trade) and hostile relations with neighboring groups.

The arrival of the Spanish in 1775 initiated a rapid decline in Costanoan populations, due in part to the introduction of diseases, a declining birth rate, and missionization. The decline of Native American populations and culture in California was exacerbated by the discovery of gold in 1848 and the subsequent influx of Euroamericans. Costanoan populations experienced dramatic population reductions in the latter half of the 19th century and the early 20th century. Costanoan languages were most likely extinct by 1935 (Levy 1978). Remaining Costanoan descendants united as a corporate entity identified as the Ohlone Indian Tribe in 1971.

Historical Background

The Port Costa Wharf is located southeast of Port Costa, a small town founded in 1878. Port Costa served as the port for the Central Pacific Railroad's ferry transfer operations. Several slips and docks and a ferry terminal were constructed to support the ferry transfer operations. Port Costa grew quickly and became a focal point for shipping grain and wheat. Additional docks and wharves were constructed along Port Costa's waterfront for easy transport of these goods. The waterfront, however, declined after the grain market weakened and most of the shipping business transferred to San Francisco. Less than a mile east of Port Costa was the Port Costa Brick Works, which built the Nevada Docks, the largest docks on the Carquinez Strait in 1883. After the initial docks burned in 1909, the plant expanded its waterfront operations and rebuilt the docks with large warehouses. The brickyard closed in 2005 (Robinson and Crane 2007; Treadway 2007). Port Costa became a small tourist destination in the late 1960s and remains that way today.

Southeast of Port Costa, Associated Oil Company began construction on new facilities in 1906. The company officially began in 1901, after 35 independent oil producers in the San Joaquin Valley agreed with W. S. Porter to join forces and create one company. Porter was a pipe salesman with hopes of selling pipe for a line to carry crude oil from the Kern River and McKittrick oil fields to the San Francisco Bay Area. When they incorporated, the company controlled three-fourths of those oil fields and made Porter the company general manager. By 1905, Associated Oil owned the pipe-line facilities from the Coalinga oil field to tidewater at Monterey, and the following year it completed its 8-inch pipeline from the San Joaquin oil field to its Port Costa wharf under its subsidiary company, Associated Pipe Line Company. The Southern Pacific Railroad Company (SPRR) allowed the oil company to construct the pipeline within their right-of-

way because SPRR used the fuel for operation of their steam engines and had financial ties to the oil company (Hulaniski 1917; Royal Petroleum Company 2012). By 1909, SPRR owned controlling interest in Associated Oil (Bean 1973). In the early years of operation Associated Oil's facility at Port Costa included storage tanks, pipelines, pumps, a rail car loading rack, and a wharf (URS 2002). A wharf existed at the current location by 1886 but burned several times and was subsequently rebuilt (U.S. Coast and Geodetic Survey 1886; Robinson and Crane 2007).

When Associated Oil was formed, the oil industry was booming in California. In 1919, about two-thirds of California's oil came from the lower San Joaquin Valley, and the major refineries were concentrated in the San Francisco Bay Area. However, in the 1920s predominance in all aspects of the oil industry passed to the Los Angeles region (Franks and Lambert 1985). By the end of the 1920s, California had firmly established itself as a major supplier of crude oil and the center of America's petroleum industry (Franks and Lambert 1985). Two overriding factors helped increase the desirability of crude oil from California during this period. The first was the fact that many railroads on the West Coast, increasingly followed by other railroads nationwide, converted from coal (largely imported) to the cheaper, locally obtainable, and more plentiful oil as their fuel. This conversion also took place on many oceangoing vessels (Franks and Lambert 1985). The second factor driving the search for crude was the explosion of automobile use during the 1920s. Gasoline, considered a useless byproduct of the refineries and deemed an extreme nuisance, was difficult to dispose of at that time. However, in the new age of the internal combustion engine, gasoline became the most important ingredient in a barrel of oil and therefore a highly valued commodity (Rawls and Bean 1993).

At the same time that Associated Oil was created in California, Tidewater Oil, founded in 1887 in New York, was becoming a major company in the petroleum industry. Like Associated Oil on the West Coast, Tidewater Oil expanded its operations and entered markets in the Midwest. By the 1930s, Tidewater was purchased by Standard Oil of New Jersey and created a subsidiary, Mission Corporation, which managed Tidewater operations. By 1932, J. Paul Getty owned Associated Oil Company and in 1934 he purchased the Associated Pipe Line Company, which included the Port Costa Terminal. The terminal complex then consisted of 33 acres of land, 12 storage tanks, pipelines and the wharf. In 1937, Getty purchased Mission Corporation and merged Tidewater with Associated to create Tidewater-Associated Oil. By the 1950s, the Port Costa wharf shipped the majority of the company's residual fuel oil products. Tidewater-Associated Oil's West Coast operations were purchased by Philips Petroleum in 1966 (Royal Petroleum Company 2012). In 2001, the Phillips merged with Conoco to become ConocoPhillips. That same year Phillips purchased Tosco Corporation, which owned the wharves beginning in 1976 (ConocoPhillips 2012; URS 2002). Today, the structures are owned by Phillips 66 (formerly ConocoPhillips).

The Port Costa Terminal underwent several changes during its operation, including changes to the wharf area. By 1938, the wharf contained an office and a lean-to, later converted to a washroom. As operations increased in the 1940s, the wharf was extended for mooring lines and in the mid-1950s new gates and fencing were installed on the wharf approaches (Tidewater Associated Oil Company 1938, 1944, 1960). Operations at the terminal and the wharf area ended under Philips' ownership and remained closed when Tosco acquired the property (URS 2002).

Historical Significance of the Structures

The Port Costa Wharf does not appear to meet the criterion for listing under the National Register of Historic Places (NRHP) or the California Register of Historic Resources (CRHR). The wharf does not appear to meet NRHP/CRHR Criterion A/1 because it does not have important associations with significant events in history. The wharf was one of several constructed in the Port Costa area along the Carquinez Strait and was used for shipping petroleum products. It was built out of necessity for the transfer of the petroleum products. It did not, however, play a significant role within this context. Research revealed little about the individuals who worked at this facility, but the structures have no known direct associations with individuals who made significant contributions to history. Therefore, it does not appear to meet NRHP/CRHR Criterion B/2. As an engineering feature the structures are not important examples of their type, period, or method of construction. The dolphins and anchor shores are of a standard design and do not embody distinctive characteristics. The remains of the wharf also are not distinctive, and the wharf's construction is typical for the time period and used standard materials, including wood, steel, and concrete. In consideration of all the elements of NRHP/CRHR Criterion C/3, these structures do not appear to meet this criterion. The structures do not appear likely to yield information important to history under NRHP/CRHR Criterion D/4 because as structures they are not the principal source of important information. A full analysis of the historic significance of the wharf structures, including Department of Parks and Recreation 523 Forms, is included in Appendix E.

In addition to lacking historical or engineering significance, these structures lack historic integrity. These structures lack integrity of design because they are fragments of what they were originally, which was a large wooden wharf, and no longer convey proportion and scale. Because most of the wharf was burned and has large sections missing, the remnants lack integrity of materials. They no longer retain key historic material and cannot reflect the physical elements that were combined to create these structures. The loss of design and materials as a result of fire damage also resulted in a loss of integrity of workmanship. The structures no longer provide evidence of the technology or engineering that went into their design and construction. The setting for the structures was altered when the oil facilities closed, the tanks were removed, and the buildings that originally sat on the wharf were removed. It no longer conveys a setting of an

industrial area. Those alterations also caused a loss of integrity of feeling and association. The structures have lost their ability to express a sense of time and place, and no longer have an association with Tidewater-Associated Oil Company or its storage and transfer facility.

In summary, these structures lack significance and have lost integrity of design, location, setting, materials, workmanship, feeling and association. They are not considered historic resources for the purposes of CEQA.

3.5.2 Regulatory Setting

Federal and State laws and regulations pertaining to this issue area and relevant to the Project are identified in Tables 1-2 and 3.5-1. Local goals, policies, and/or regulations applicable to this issue area are listed below.

Table 3.5-1. Federal and/or State Laws, Regulations, and Policies Potentially Applicable to the Project (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.	Archaeological Resources Protection Act (ARPA)	The ARPA states that archaeological resources on public or Indian lands are an accessible and irreplaceable part of the nation's heritage and: • Establishes protection for archaeological resources to prevent loss and destruction due to uncontrolled excavations and pillaging; • Encourages increased cooperation and exchange of information between government authorities, the professional archaeological community, and private individuals having collections of archaeological resources prior to the enactment of this Act; • Establishes permit procedures to permit excavation or removal of archaeological resources (and associated activities) located on public or Indian land; and • Defines excavation, removal, damage, or other alteration or defacing of archaeological resources as a "prohibited act" and provides for criminal and monetary rewards to be paid to individuals furnishing information leading to the finding of a civil violation or conviction of a criminal violator. ARPA has both enforcement and permitting components. The enforcement provision provides for the imposition of both criminal and civil penalties against violators of the Act. The ARPA's permitting component allows for recovery of

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		certain artifacts consistent with the standards and requirements of the National Park Service (NPS) Federal Archeology Program.
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 its implementing regulation, Protection of Historic Properties (36 CFR 800), the AHPA, and the 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	• 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.
CA	CEQA (Pub. Resources Code, § 21000 et seq.)	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

Table 3.5-1. Federal and/or State Laws, Regulations, and Policies Potentially Applicable to the Project (Cultural Resources)

		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)).
CA	Health and Safety Code § 7050.5	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.

The Contra Costa County General Plan 1995-2020 outlines Open Space goals and policies that promote protection of the cultural resources of the County. Specifically, the General Plan identifies the following cultural resource goals and policies that are applicable to the Project site:

- Goal 9-A - To preserve and protect the ecological, scenic and cultural/historic, and recreational resource lands of the County.
- Policy 9-1 - Historic and scenic features, watersheds, natural waterways, and areas important for the maintenance of natural vegetation and wildlife populations shall be preserved and enhanced.

3.5.3 Impact Analysis

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

No Impact. The wharf structures present at the Project site are not considered historic due to a lack in cultural significance and loss of integrity of design, location, setting, materials, workmanship, feeling and association. Additionally, a search of the CHRIS database found no records of cultural resources within the Project site. Therefore, as there are no known historical resources at the Project site, there would be no change in the significance of a historical resource.

b) Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to §15064.5?

No Impact. As a search of the CHRIS database found no records of cultural resources within the Project site, there would be no change in the significance of a unique archaeological resource.

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

No Impact. The only ground disturbance during Project activities would occur in the upper layers of Bay sediment. Therefore, there would be little chance the Project would directly or indirectly destroy a unique paleontological resource, site, or geologic feature.

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

No Impact. Project activities are largely confined to work within waters of the Carquinez Strait, with shoreline activities confined to equipment storage, parking, and sanitary stations. Thus, the discovery of human remains is unlikely.

3.5.4 Mitigation Summary

The Project would not result in significant impacts to cultural resources; no mitigation is required.