

4.5. CULTURAL and TRIBAL CULTURAL RESOURCES

This section includes the following discussion and analysis related to cultural resources and tribal cultural resources: existing environmental setting; regulatory context; criteria and methodology for evaluating impacts; and results of the impact assessment, including identification of potentially significant impacts and corresponding mitigation measures to avoid or substantially lessen such impacts to the extent feasible.

The discussion in this section is based on the Cultural Resources Review Report prepared for the proposed VCIP by Basin Research Associates in November 2024. The cultural resources report is incorporated into this PEIR by reference, as provided under CEQA Guidelines section 15150. The cultural resources report is available for review at the District's headquarters in Fresno, where it is kept administratively confidential as required by law pursuant to Government Code section 7927.005 (formerly section 6254.10) of the California Public Records Act and CEQA Guidelines section 15120(d), which provide that no document prepared pursuant to CEQA that is available for public examination shall include "information about the location of archaeological sites and sacred lands, or any other information that is subject to the disclosure restrictions" of the California Public Records Act. (See *Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, 221 ["CEQA's exclusion of archaeological site information from an EIR reflects the state's strong policy in protecting Native American artifacts"].)

PEIR Scoping Comments

During the PEIR scoping process, the District received two letters containing comments regarding cultural resources (see PEIR Scoping Report in Appendix A of this document). The comments that are relevant to this PEIR under CEQA are summarized below.

Native American Heritage Commission (NAHC)

The NAHC comment letter provides an overview of CEQA's requirements related to historical and tribal cultural resources. The letter also sets forth the detailed requirements for tribal consultation under Assembly Bill 52 (AB 52, 2014) and Senate Bill 18 (SB 18, 2004). The NAHC recommends early consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of the proposed project as early as possible to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources.

Leadership Council for Justice & Accountability and Central California Environmental Justice Network (CCEJN)

The comment letter from CCEJN states: "Regarding cultural resources, we support the comments made by the Native American Heritage Commission in its February 9, 2024 letter."

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4.5.1. Environmental Setting

Study Methodology

The research conducted for the VCIP cultural resources report by Basin Research Associates included a prehistoric and historic site records search for all recorded sites within the proposed VCIP boundary through the California Historical Resources Information System, Southern San Joaquin Valley Information Center, California State University (CSU) Bakersfield. In addition, pertinent literature and archival records available on the web, the Bancroft Library at the University of California, Berkeley, and on file at Basin Research Associates were reviewed. Specialized listings consulted included the most recent updates of the *National Register of Historic Places*, *California Historical Landmarks*, *California Register of Historical Resources*, *California Points of Historical Interest*, as well as other evaluations of properties reviewed by the State of California Office of Historic Preservation. Other sources consulted include: the *California History Plan*; *California Inventory of Historic Resources*; and *Five Views: an Ethnic Sites Survey for California*; as well as available local and regional surveys/inventories, historic maps, and similar documents.

The NAHC was contacted for a search of the *Sacred Lands Inventory*. The NAHC record search was negative for tribal cultural resources in the immediate vicinity of the VCIP Plan Area. Letters soliciting additional information were sent to eight Native American individuals/groups recommended by the NAHC, and two responses were received. The Amah Mutsun Tribal Band stated that the Plan Area is outside of their tribal territory and had no comments. A representative of the Santa Rosa Rancheria Tachi Yokut Tribe (Tachi Yokut Tribe) provided extensive comments regarding suggestions on research, field survey, and mitigation measures.

The District is currently conducting AB 52 consultation with the Tachi Yokut Tribe, which to date has involved correspondence and several meetings between the District and the Tribe. During this consultation process, the Tachi Yokut Tribe has provided information on tribal cultural resources with cultural value to the tribe. In particular, the tribal representatives indicated that “[t]he Fresno Slough is an important geographic and hydrographic point for the Yokut. It is the area that connects the Northern and Southern Valley Yokut.” (The current alignment of Fresno Slough runs parallel to the eastern Plan Area boundary at a distance ranging from approximately 3 to 7 miles from the Plan Area, although the eastern margins of the Plan Area have a high sensitivity for archaeological resources due to proximity to Fresno Slough.) (See Figures 4.5-1 and 4.5-2.) The Tribe has also recommended mitigation measures related to tribal cultural resources. The District’s AB 52 consultation with the Tachi Yokut Tribe is ongoing.

To provide guidance for subsequent project-level evaluation of cultural resources within the Plan Area, Basin Research Associates adapted the archaeological sensitivity models for prehistoric archaeological resources developed by the Far Western Anthropological Group for Caltrans for five counties (Fresno, Kern, Kings, Madera and Tulare) in Caltrans District 6 (Basin Research 2024). The adapted model includes sensitivity mapping which reflects the potential for both surface and subsurface resources within the Plan Area. The sensitivity model is described in greater detail below.

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Tribal Cultural Resources

Ethnography

Prehistoric occupation and use of the San Joaquin Valley occurred from perhaps as early as 12,000 years ago. The wetland environment of Tulare Lake would have provided a favorable environment for prehistoric indigenous populations due to the availability of resources such as fresh water, fish and large game. During the summers, this area had a lake-slough-marsh environment which provided an enormous supply of animal and plant foods and a variety of plentiful wildlife. The rivers, sloughs and lakes were also used for transportation by canoe-shaped rafts made of tule reeds. In the later period beginning about 1,500 years ago, subsistence began to focus on processing of acorns and other plant foods, with a decreased emphasis on hunting and fishing.

The Plan Area is located within both the Northern and Southern Valley Yokuts territory, within the San Joaquin Valley. The Northern Valley Yokuts territory flanked the San Joaquin River from south of Bear Creek to south of present-day Mendota. The Southern Valley Yokuts occupied the area south of Fresno along the Fresno Slough extending to and around Tulare Lake. The Yokutsan-speaking people numbered approximately 18,000 and were dispersed in 40 to 50+ small tribelets, speaking at least 21 dialects. They were hunters and gatherers who depended on almost year-round fishing, hunting waterfowl and collecting shellfish, roots and seeds. Villages were selected for proximity to water and many were on small open flats at the water's edge.

The Southern Valley Yokuts tribe known as the *Tachi (Tache)*, the northernmost of the three Tulare Lake tribes, occupied the Plan Area. *Tachi* appear to have been one of the largest of all Yokuts divisions, and their large territory included the north and west shore of Tulare Lake as well as the Kettleman Hills and Plains to the upper foothills west of Kettleman Plains. They moved to take advantage of seasonal variations in the resources available in the Tulare Lake Basin.

Two Southern Yokut ethnographic villages were located in the VCIP Plan Area. These were: 1) the village of *Udjiu* located east of Coalinga on Los Gatos Creek; and 2) the village of *Golon* located south of Huron. In addition, the *Tachi* village of *Waiu* was located south of Lemoore along the west side of Mussel Slough on which stands their present rancheria of Santa Rosa. The location of the Santa Rosa Indian Community of the Santa Rosa Rancheria, California (a.k.a. Santa Rosa Rancheria Tachi Tribe) conforms to the former site of the *Tachi* village of *Wai*. The community, a federally-recognized Indian tribe, is located approximately 11 miles east/southeast of the Plan Area in Kings County. The "Santa Rosa Rancheria" is a designated State of California Ethnic site.

Prehistoric Archaeology

The literature search described earlier in this section revealed that a total of 31 prehistoric resources have been recorded in the Plan Area, including nine prehistoric sites and 22 prehistoric isolates (i.e., isolated artifacts). The prehistoric sites include five lithic scatters and four occupation sites. The nine sites occur in two clusters, as follows: Cluster one ("1") is located along the eastern Plan Area boundary along the prehistoric extent of Fresno Slough west of Tranquillity and south of Mendota; and Cluster two ("2") is located along the western boundary at the confluence of Los Gatos Creek and Jacalitos Creek east of Coalinga. Cluster 2 includes a location attributed to the Tache Yokut village of *Udjiu*.

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The 22 isolated prehistoric finds are clustered in the approximate northern one-third of the Plan Area. None of the finds appear to be indicative of additional surface or subsurface resources. The prehistoric isolates include chipped stone waste and tools (flakes, bifaces, and cores), groundstone artifacts (possible mano; portable mortar, bowl mortar, steatite bowl fragments) and an isolated non-chronologically diagnostic shell bead. Prehistoric isolated finds are not eligible for listing on either the National Register of Historic Places (NRHP) or the California Register of Historical Resources (CRHR).

The NAHC indicated that a search of the sacred lands file was negative for the presence of tribal cultural resources in the immediate Plan Area. No known, traditional or contemporary Native American use areas and/or other features of cultural significance have been identified in or adjacent to the proposed VCIP Plan Area. Continued consultation with the Santa Rosa Rancheria Tachi Yokut Tribe is in progress in regard to potential tribal cultural resources.

Historic-Era Resources

Hispanic Period (1772 – 1848)

The Southern Valley Yokuts first encountered Europeans when Spanish explorers visited the area in approximately 1772. After the initial era of exploration within the province of Alta California, four institutions were used to settle the land: the missions, the presidios, the pueblos, and the ranchos. For the most part, Spanish occupation in California focused mainly along the coast while exploration parties also visited the interior or launched limited punitive expeditions against Native peoples fleeing the mission system.

Spanish and Mexican exploring expeditions in the vicinity of the Plan Area generally followed the Fresno Slough and vicinity of Tulare Lake. Exploration and Hispanic settlement in what was to become Fresno County (County) was minimal due to geographic features including the almost impenetrable *tulares* (Tule marsh) of the San Joaquin Valley, absence of reliable freshwater, and generally dry, sandy washes which became raging streams after heavy rainfall. Reportedly in 1805, Gabriel Moraga was the first Hispanic explorer to view the Kings River, Rio de los Santos Reyes (River of the Holy Kings) and the San Joaquin River. The next year his expedition passed through the area north of present-day Firebaugh just outside of the northeast boundary of the VCIP Plan Area reaching the Sierra foothills.

In 1833, Mexican contact resulted in a severe epidemic throughout California that reduced the Southern Yokuts population by 75 percent. The discovery of gold in 1848 and inflow of miners and immigrants further reduced the Yokuts population.

The Old Los Angeles Trail (*El Camino Viejo*; Westside Trail) - formerly a Native American trail skirted the eastern slope of the Coast Range foothills. Portions of the trail passed through or were adjacent to the VCIP boundary, probably along the alignment or close to the alignment of I-5. The *Poso de Chané*, a pool or waterhole on Los Gatos Creek approximately six miles east of Coalinga to the east of the current I-5 alignment, was on the site of the *Village of Udju* in the VCIP Plan Area. This was also the site of a small agricultural community made up of a dozen or so Spanish and Mexican families. Reportedly, the floods of 1861 and 1862 obliterated the waterhole and the community was abandoned.

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American Period (1848-Present)

In 1848, California became a United States territory as a result of the Treaty of Guadalupe Hidalgo which ended the war with Mexico. The Gold Rush began in 1848 and brought a massive influx of immigrants to California from all parts of the world. California was formally admitted as a state in 1850.

The VCIP Plan Area is within the original boundary of the County which was created in 1856 from parts of Merced and Mariposa counties. Settlement of the valley and Plan Area occurred due to a combination of factors: reclamation of marsh land and other land for agriculture; the availability of federal lands for purchase to expand agricultural holdings and communities; and the establishment of major economical and reliable transportation routes. Arid conditions kept the west side of the valley sparsely populated with little productive agriculture until the completion of the San Luis Canal/California Aqueduct in the early 1970s which brought needed water for agriculture and domestic use to the west side of the County.

Historic Resource Sites

There are 75 recorded historic resources within the Plan Area, including 17 historic archaeological sites, 11 isolated historic finds, and 47 built environment resources. There is one multicomponent site that includes a prehistoric lithic scatter in association with a historic trash scatter, a fence line and a road segment.

The historic archaeological sites include: seven trash deposits or scatters; a ranch site; three homestead foundations; a road (part of multi-component site); a ditch; two locations with metal tanks; one site with multiple oil industry extraction-related features that has been impacted by grading; and a former Southern Pacific Railroad alignment.

Historic finds recorded as “isolates” include isolated historic objects as well as a water well; a 1945 shipping pump with a shack; two concrete pads bisected by a pipeline; and a historic trash scatter of dispersed isolates.

The historic built environment resources include: ten buildings/complexes; seven water conveyance features; four roads/freeways; 17 bridges; seven transmission lines; and three substations.

No known Hispanic Period expedition routes have been recorded in or adjacent to the Plan Area. One Hispanic Period trail/road, the *El Camino Viejo*, also known as the Old Los Angeles Trail or Westside Trail, (presumably a former Native American trail) “skirted the eastern slope of the Coast Range foothills.”

Two small Hispanic Period settlements/use areas are located along the western VCIP boundary and include:

A small agricultural community, reportedly on the site of the Tachi Yokuts Village of *Udju*, made up of a dozen or so Spanish and Mexican families, presumably associated with the settlement, *Poso de Chané*, is said to have been a regular stopover along *El Camino Viejo* until destroyed by the floods of 1861 and 1862.

Similarly, Cantua Creek (*Arroyo de Cantua*) was a stopping place on the *El Camino Viejo* and was a gathering place for several bandit gangs to drive herds of stolen horses south to a ranch in Sonora, Mexico.

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Listed Historic Properties

The Plan Area includes three listed or potential eligible historic properties for either the NRHP and/or CRHR, as described below:

San Luis Canal/California Aqueduct, San Luis Canal Division (P-10-006207 CA-FRE-003645H) has been determined eligible for inclusion on the NRHP (Criterion A [largest and most significant of the water conveyance systems developed as part of the Central Valley Project and State Water Project] and Criterion C [complex and innovative design necessary to redistribute water throughout the State of California on a massive level], with a period of significance 1960-1974).

Coalinga Operations & Maintenance Subcenter (P-10-007160) – is an element of a potential NRHP District, the San Luis Division or Central Valley Project/State Water Project Historic District that appears eligible for the NRHP/CRHR under criteria A/1 and C/3.

The ***Poso de Chané*** east of Coalinga, listed in *California History Plan* and *California Inventory of Historic Resources* under the theme of Exploration / Settlement, located within the Plan Area. The latter text states:

Poso is a Spanish word meaning springs or wells. The word, *Chane*, comes from the name of a Yokuts Indian Chief. An Indian village is said to have been on this spot and became a trading point for the Yokuts Indians of the coastal region. Spanish and Mexican families came and settled in this vicinity and still later, American families resided here. *Poso de Chane* is said to have been a regular stopover for travelers along El Camino Viejo. The village was destroyed by floods in 1861 and 1862. (CAL/OHP 1976:151).

No recorded prehistoric archaeological sites within the Plan Area are listed or potentially eligible for listing on the NRHP or CRHR.

Other Unrecorded Potential and/or Known Sites

There are four place names that previously merited post offices in the late 1880s and early 1900s but are no longer present. These include Cadogan (20 miles south of Mendota); Hayes/Hayes Station (18 miles southwest of Mendota); and Oilfields (9 miles northeast of Coalinga and northeast of Huron). Potential historic resources could be present in the immediate vicinity of these former settlements.

Archaeological Sensitivity

Archaeological sensitivity models for prehistoric archaeological resources were developed by the Far Western Anthropological Group for Caltrans for five counties (Fresno, Kern, Kings, Madera and Tulare) in District 6, which includes the Plan Area (Basin Research 2024). These models were developed with the objective of providing guidance on cultural resources for future Caltrans projects within this region that might involve both surface and subsurface resources. Surface resources are defined as prehistoric archaeological deposits that were formed on a landform that is now at or near the present ground surface, including those capped by built structures or covered by artificial fill. A prehistoric archaeological site is considered “buried” if it is associated with a formerly stable land surface that was covered by alluvium, colluvium, and/or wind-blown sediments in response to natural geological processes.

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Archaeological sensitivity models for surface resources and buried resources were developed by Basin Research Associates for the Plan Area, and are shown in Figures 4.5-1 and 4.5-2, respectively. The models are based on a review of the basic factors that are known to influence the location of prehistoric resources to assess the potential for prehistoric sites in the Plan Area. Archaeological sensitivity modeling attempts to identify the range of common environmental variables that made a location or area favorable for occupation. The models are based on three key environmental factors generally identified as predictive of prehistoric site location, including: distance-to-water, slope, and distance to confluence.

Surface Prehistoric Resources

The local model for surface prehistoric resources in the Plan Area (Figure 4.5-1) indicates that areas with the highest sensitivity for archaeological resources are located near a stream, river, lake or other water source associated with relatively level surface slopes. Highest/High/Moderate sensitivity zones, covering approximately 57,000 acres (or 10.6 percent) of the Plan Area, are located up to 220 meters from water course alignments with slopes ranging up to 12 percent at elevations less than 2,950 meters. Low and Lowest sensitivity zones cover approximately 478,000 acres (or 89.3 percent), including the majority of the Plan Area. The model suggests prehistoric surface resources within the Plan Area are most likely to be located along the western VCIP boundary where ephemeral streams exit the foothills and terminate in the valley floor, and in small areas adjacent to the San Joaquin River/Fresno Slough alignment along the eastern Plan Area boundary.

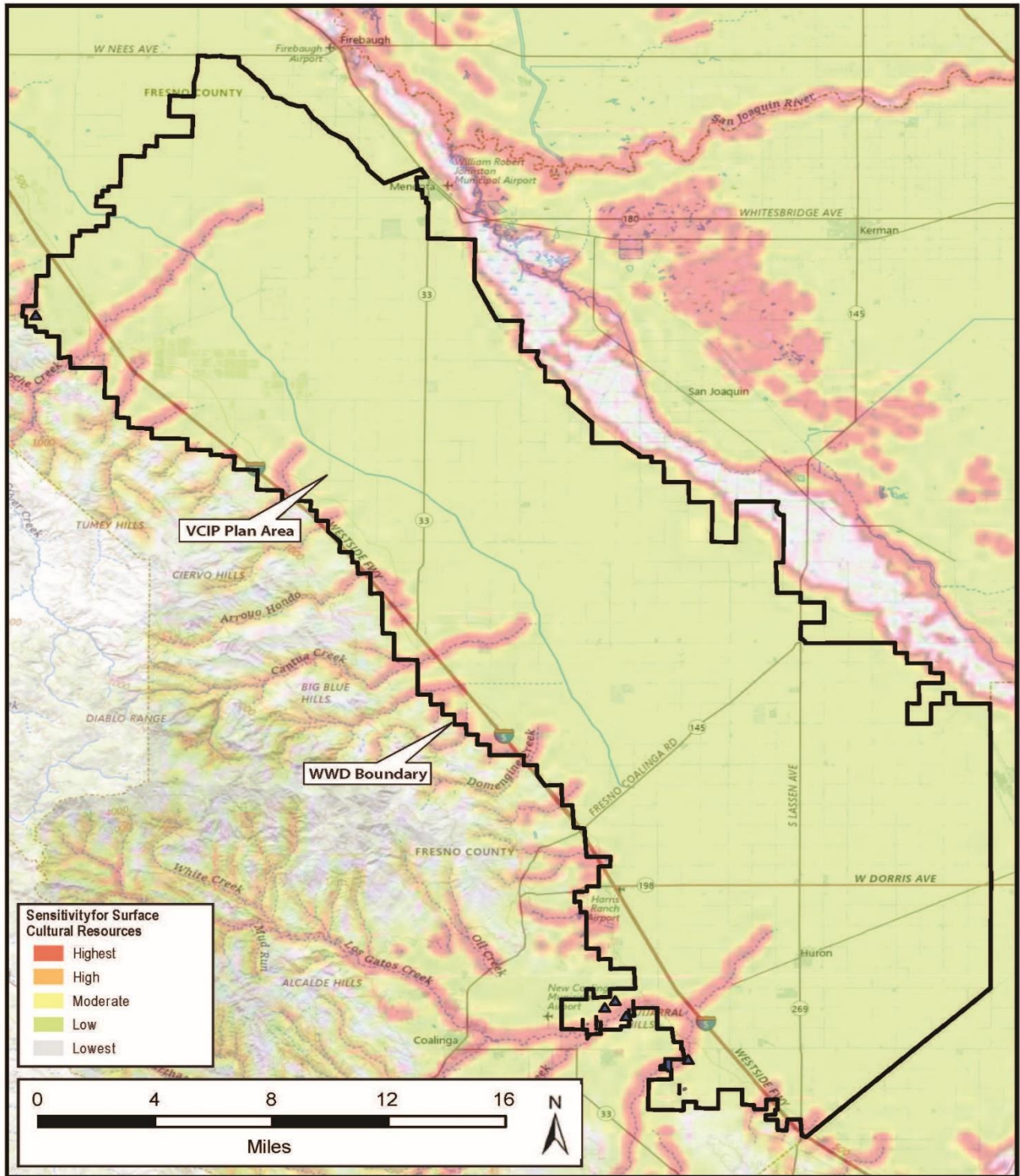
In this context it is important to note that the agricultural lands within the Plan Area have been subject to intensive cultivation for many decades, including annual plowing and disking. Most of these lands have also been deep ripped to depths of up to three feet. As such, the near-surface soils have been subject to heavy disturbance for many years. However, it is possible that intact historic-era or prehistoric resources may be buried below the disturbed upper layer of soil. If so, the excavation associated with VCIP implementation could expose as-yet undetected resources.

Subsurface Prehistoric Resources

Subsurface deposits associated with human occupation in the Plan Area (Figure 4.5-2) may be present with landforms that developed during the Terminal Pleistocene and the Holocene (i.e., last 14,000 years). The discovery and analysis of buried archaeological sites are important to fill in details of human occupation in the Plan Area that may only be partially evident from surface cultural resources. The subsurface sensitivity model indicates that there is a low potential for older buried landforms (e.g., Early Holocene) to be associated with human occupation while younger Holocene buried surfaces have a higher potential for subsurface resources.

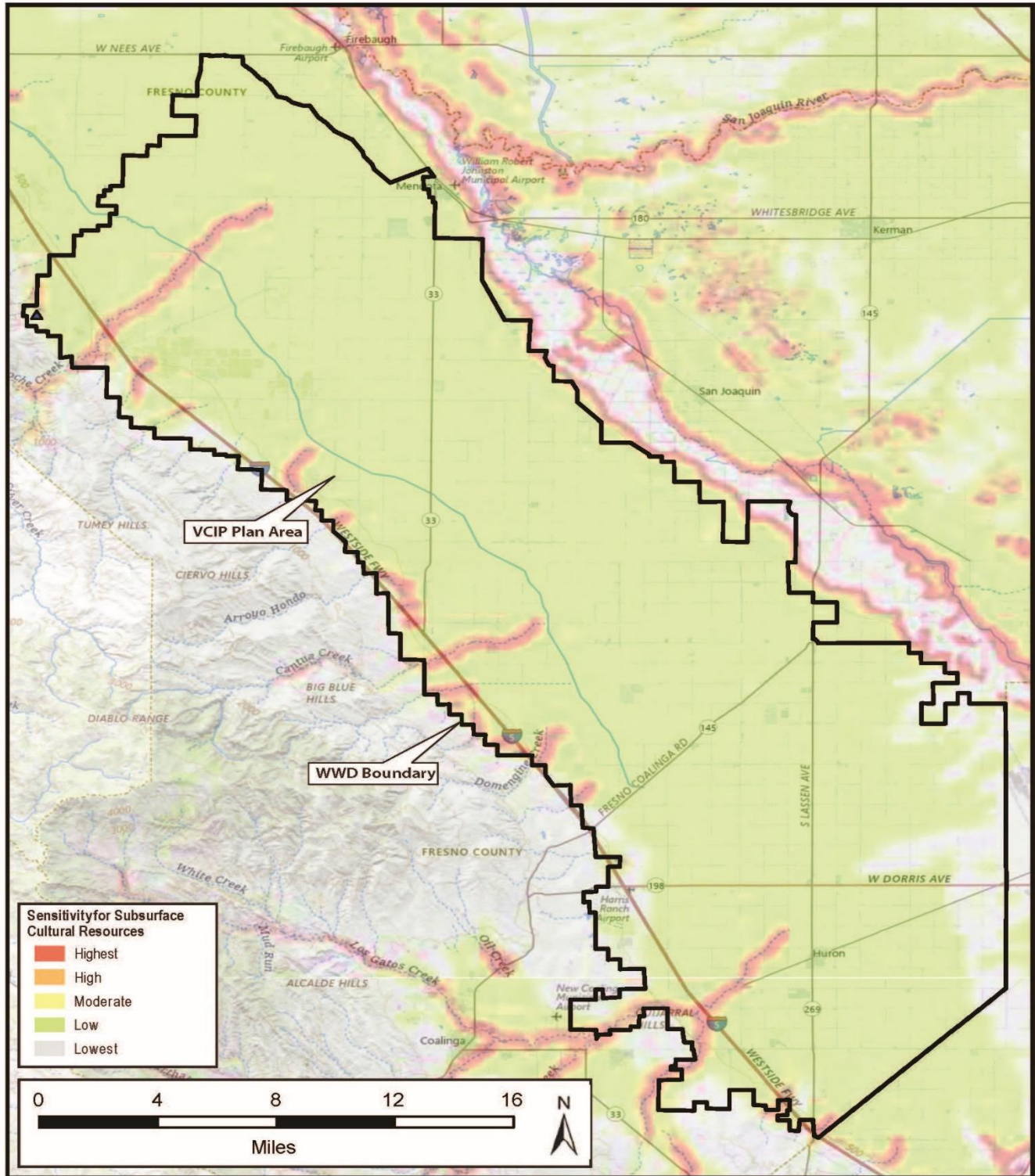
The potential for subsurface prehistoric resources within the Plan Area generally corresponds to the sensitivity model for surface archaeological resources described above. Highest/High/Moderate sensitivity zones, covering approximately 48,000 acres (or 9 percent) of the Plan Area are located up to 220 meters from the stream alignments with slopes ranging up to 12 percent at elevations less than 2,950 meters. Low and Lowest sensitivity zones cover approximately 486,600 acres (or 91 percent), including the majority of the Plan Area and nearly all of the valley floor portion of the Plan Area. Locations with the highest probability for subsurface resources are along the western VCIP boundary where ephemeral streams exit the foothills and terminate in the valley floor, and in small areas adjacent to the San Joaquin River/Fresno Slough alignment along the eastern VCIP boundary.

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Source: Basin Research Associates

Sensitivity for Surface Prehistoric Cultural Resources
Figure 4.5-1



Source: Basin Research Associates

Sensitivity for Subsurface Prehistoric Cultural Resources
Figure 4.5-2

Historic Archaeological Resources

No models are available to predict historic archaeological resource sensitivity. In general, these resources are associated with the Hispanic and American periods and include the built environment and associated features. Recorded built environment resources in the Plan Area include buildings/complexes, water conveyance features, roads/freeways, bridges, transmission lines, and substations. Reviews of topographic and historic maps and documents will identify additional potential historic archaeological resources within a development site including former settlements, ranches, irrigation ditches and canals, reservoirs, paved and unimproved roads, electric transmission lines, gas pipelines, etc. and landing strips.

4.5.2. Regulatory Context

Introduction

The following is an overview of the principal statutes, regulations, plans and programs related to cultural and tribal cultural resources that may apply to implementation of the proposed VCIP.

Federal

There are no federal laws, orders, regulations, or standards relating to cultural or tribal cultural resources that are applicable to the VCIP.

State of California

CEQA Statute and Guidelines

Public agencies under CEQA must consider the effects of their actions on both “historical resources” and “unique archaeological resources.” Pursuant to PRC 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.” (CEQA Guidelines, section 15064.5(b).) PRC section 21083.2(a) requires agencies to determine whether a proposed project would have an effect on “unique” archaeological resources.

Historical resources include resources listed in or determined to be eligible for listing in the CRHR (PRC, section 21084.1; CEQA Guidelines, section 15064.5(a)). 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 historical significance that have been designated under a local preservation ordinance (local landmarks or landmark districts) 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 purposes of CEQA unless a preponderance of evidence indicates otherwise (PRC, section 5024.1; CEQA Guidelines, section 15064.5(a)(2)). Unless a historical resource becomes ineligible for inclusion in the CRHR due to changed circumstances as provided in PRC section 5024.1(g)(4), or there is a preponderance of evidence indicating that it is otherwise not historically or culturally significant, a lead agency should consider the resource a historical resource under CEQA.

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In addition to resources listed on the CRHR or included in a local register of historical resources as defined by PRC section 5020.1(k) or identified as significant in a historical resource survey meeting the requirements of PRC section 5024.1(g), the lead agency has discretion to treat an object, building, structure, site, area, place, record, or manuscript as a historical resource for CEQA purposes if the lead agency has substantial evidence showing that such a resource is historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California (PRC, section 21084.1; CEQA Guidelines, section 15064.5(a)(3)). Generally, a lead agency considers a resource to be “historically significant” if the resource meets the criteria for listing on the CRHR, including the following:

- A. An historical resource must be significant at the local, state or national level, under one or more of the following four *criteria of significance* (these are essentially the same as National Register criteria with more emphasis on California history):
 - 1. The resource is associated with events or patterns of events that have made a significant contribution to the broad patterns of local or regional history and cultural heritage of California or the United States.
 - 2. The resource is associated with the lives of persons important to local, national, or California history.
 - 3. The resource embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of a master, or possesses high artistic values.
 - 4. The resource has yielded or may be likely to yield information important to the prehistory or history of the local area, state or the nation (this criterion applies primarily to archaeological sites).
- B. The resource retains historic integrity (defined below); and,
- C. It is 50 years old or older (except for rare cases of structures of exceptional significance).

(14 CCR, section 4852(b)-(d).)

For purposes of Criterion B, the California Register regulations define “integrity” as “the authenticity of an historical resource’s physical identity evidenced by the survival of characteristics that existed during the resource’s period of significance,” that is, it must retain enough of its historic character or appearance to be recognizable as a historical resource (14 CCR, section 4852(c)). Following the National Register integrity criteria, California Register regulations specify that integrity is a quality that applies to historic resources in the following seven ways: location, design, setting, materials, workmanship, feeling and association. (*Ibid.*) A property must retain most of these qualities to possess integrity.

The fact that a resource is not listed or determined to be eligible for listing in the CRHR, or not included in a local register of historical resources pursuant to PRC section 5020.1(k), or identified in an historical resources survey meeting the criteria in PRC section 5024.1(g) does not preclude a lead agency from determining that the resource may be a historical resource (PRC, section 21084.1; CEQA Guidelines Section 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 above, and “unique archaeological resources.” (See PRC, sections 21084.1, 21083.2(g).) Under CEQA, an archaeological resource is considered “unique” if it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that the resource meets any of the following criteria:

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1. Contains information needed to answer important scientific research questions and 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; or,
3. Is directly associated with a scientifically recognized important prehistoric or historic event or person (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 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 (CEQA Guidelines, section 15064.5(b)(1)).

CEQA Guidelines section 15064.5(c) also provides specific guidance on the treatment of archaeological resources, depending on whether they meet the definition of a historical resource or a unique archaeological resource. If the site is not a historical resource, but meets the definition of a unique archaeological resource, it must be treated in accordance with the provisions of PRC section 21083.2. PRC section 21083.2(b) states that if it can be demonstrated that a project will cause damage to a unique archaeological resource, the lead agency may require reasonable efforts to be made to permit any or all of these resources to be preserved in place or left in an undisturbed state. Examples of that treatment, in no order of preference, may include, but are not limited to:

1. Planning construction to avoid archaeological sites.
2. Deeding archaeological sites into permanent conservation easements.
3. Capping or covering archaeological sites with a layer of soil before building on the sites.
4. Planning parks, greenspace, or other open space to incorporate archaeological sites (PRC, section 21083.2(b)).

When an archaeological resource is listed in or is eligible to be listed in the CRHR, PRC section 21084.1 controls, and it states that “[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.” PRC sections 21083.2 and 21084.1 operate independently to ensure that potential effects on archaeological resources are considered as part of a project’s environmental analysis.

Assembly Bill 52 (AB 52) – Tribal Cultural Resources

AB 52 (2014) provides protections for tribal cultural resources. Under PRC section 21074, tribal cultural resources include site features, places, cultural landscapes, sacred places or objects that are of cultural value to a California Native American tribe that are eligible for listing or listed on the CRHR or a local historic register, or that the lead agency has determined to be a significant tribal cultural resource. All lead agencies reviewing projects under CEQA are required, if formally requested by a culturally affiliated California Native American Tribe, to consult with such tribe regarding the potential impacts of a proposed project on tribal

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cultural resources prior to the release of a negative declaration (ND), mitigated negative declaration (MND), or EIR (PRC, section 21080.3.1(b)).

If a potentially significant project effect exists, tribal consultation is to continue until mitigation measures are agreed upon, or either the tribe or lead agency concludes in good faith that an agreement cannot be reached (PRC, section 21080.3.2(b)). In the case of agreement, the lead agency is required to include the mitigation measure(s) in the environmental document and the related Mitigation Monitoring and Reporting Program (MMRP). If no agreement is reached, the lead agency nevertheless must impose all feasible mitigation measures necessary for a project to avoid or substantially lessen potentially significant adverse impacts on tribal cultural resources (PRC, section 21084.3).

Senate Bill 18 (SB 18) – Native American Cultural Places

SB 18 (2004) requires local governments to consult with California Native American tribes prior to amending or adopting a general plan or specific plan. As such, SB 18 is not applicable to the proposed VCIP because its implementation does not require any amendments to a general plan or specific plan. The statute is summarized here for informational purposes only.

The main objective of SB 18 is to preserve and protect California Native American cultural places, which can consist of:

- Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine described in PRC section 5097.9; and,
- Native American historic, cultural, or sacred site, that is listed or may be eligible for listing in the CRHR pursuant to PRC section 5024.1, including any historic or prehistoric ruins, any burial ground, any archaeological or historic site described in PRC section 5097.993.

(Gov. Code, section 65352.3.)

Prior to adopting or amending a general or specific plan, local governments must consult with tribes that have requested consultation in accordance with California Government Code section 65352.3. The purpose of this consultation is to preserve, or mitigate impacts to, cultural places that may be affected by the general or specific plan amendment or adoption.

Native American Heritage Commission (NAHC)

The NAHC is responsible for inventorying Native American places of religious or social significance and identifying known graves and cemeteries of Native Americans on private lands. Public Resources Code section 5097.98 specifies the protocol to be followed when the NAHC receives notification of a discovery of Native American human remains from a county coroner.

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California Public Records Act (CPRA)

The CPRA is codified as Government Code section 7920.000 *et seq.*¹ Government Code sections 7927.000 (formerly section 6254(r)) and 7927.005 (formerly section 6254.10) were enacted to protect archaeological sites from unauthorized excavation, looting, or vandalism. Section 7927.000 explicitly authorizes public agencies to withhold records from the public related to “Native American graves, cemeteries, and sacred places” and “Native American places, features, and objects” “maintained by, or in the possession of, the Native American Heritage Commission, another state agency, or a local agency.” Section 7927.005 specifically exempts from disclosure requests for “records that relate to archaeological site information and reports maintained by, or in the possession of, the Department of Parks and Recreation, the State Historical Resources Commission, the State Lands Commission, the [NAHC], another state agency, or local agency, including the records that the agency obtains through a consultation process between a California Native American Tribe and a state or local agency.” As discussed above, CEQA Guidelines section 15120(d) provides that no document prepared pursuant to CEQA that is available for public examination shall include “information about the location of archaeological sites and sacred lands, or any other information that is subject to the disclosure restrictions” of the CPRA.

California Health and Safety Code Sections 7050.5 and 7052

Section 7050.5 of the Health and Safety Code requires that, in the event of the discovery of human remains outside of a dedicated cemetery, all ground disturbance must cease, and the county coroner must be notified. Section 7052 establishes a felony penalty for mutilating, disinterring, or otherwise disturbing human remains. The penalty does not apply, however, “to a person who, under authority of law, removes the remains for reinterment, or performs a cremation, reduction, or hydrolysis.” (*Id.* at section 7052(a).)

Fresno County

Fresno County General Plan

The Fresno County General Plan (Fresno County 2024b) contains the following goals and policies related to cultural resources that may be relevant to the VCIP:

Open Space and Conservation Element

J. Historical, Cultural, and Geological Resources

- GOAL OS-J** To identify, protect, and enhance Fresno County’s important historical, archeological, paleontological, geological, and cultural sites and their contributing environment, and promote and encourage preservation, restoration, and rehabilitation of Fresno County’s historically significant resources in order to promote historical awareness, community identify [sic], and to recognize the county’s valued assets that have contributed to past county events, trends, styles of architecture, and economy.

¹ The CPRA, previously commencing with Government Code section 6276.50, was recodified by the CPRA Recodification Act of 2021, which was “intended to be entirely nonsubstantive in effect” (Gov. Code, sections 7920.000, 7920.100). {00081424.1}

- Policy OS-J.2** **Historic Resources Consideration**
The County shall consider historic resources during preparation or evaluation of plans and discretionary development projects that may impact buildings or structures [sic] For a project projected on a property that includes buildings, structures, objects, sites, landscapes, or other features that are 45 years of age or older at the time of permit application, the project applicants shall be responsible for preparing and implementation the recommendations of a historical resources evaluation completed by qualified cultural resources practitioners.
- Policy OS-J.3** **Minimize Impacts**
Whenever a historical resource is known to exist on a proposed project site, the County (i.e., Fresno County Historic Landmarks and Records Advisory Commission) shall evaluate and make recommendations to minimize potential impacts to said resource.
- Policy OS-J.4** **Cultural Resources Protection and Mitigation**
The County shall require that discretionary development projects, as part of any required CEQA review, identify and protect important historical, archeological, tribal, paleontological, and cultural sites and resources. For projects requiring ground disturbance and located within a high or moderate cultural sensitivity areas, a cultural resources technical report may be warranted, including accurate archival research and site surveys conducted by qualified cultural resources practitioners. The need to prepare such studies shall be determined based on the tribal consultation process and initial outreach to local or state information centers.
- Policy OS-J.5** **Archaeological Sites Confidentiality**
The County shall, within the limits of its authority and responsibility, maintain confidentiality regarding the location of archeological sites in order to preserve and protect these resources from vandalism and the unauthorized removal of artifacts.
- Policy OS-J.6** **Native American Consultation**
The County shall solicit the views of the local Native American community in cases where development may result in disturbance to sites containing evidence of Native American activity and/or sites of cultural importance.

4.5.3. Environmental Impact Analysis

METHODOLOGY

The discussion in this section is based on the Cultural Resources Review Report prepared for the proposed VCIP by Basin Research Associates in November 2024. The cultural report is incorporated into this PEIR by reference, as provided under CEQA Guidelines section 15150. The cultural resources report is available for review at the District’s headquarters in Fresno, where it is kept administratively confidential as required by law

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pursuant to California Public Records Act Section 7927.005. The details of Basin Research Associates' methods are presented in Section 4.5.1. *Environmental Setting*.

To provide guidance for subsequent project-level evaluation of cultural resources within the Plan Area, Basin Research Associates adapted the archaeological sensitivity models for prehistoric archaeological resources developed by the Far Western Anthropological Group for Caltrans for five counties (Fresno, Kern, Kings, Madera and Tulare) in Caltrans District 6 (Basin Research 2024). The adapted model includes sensitivity mapping which reflects the potential for both surface and subsurface resources within the Plan Area. The sensitivity model is described in Section 4.5.1. *Environmental Setting*, and the sensitivity mapping is shown in Figures 4.5-1 and 4.5-2.

SIGNIFICANCE CRITERIA

Based on Appendix G of the state CEQA Guidelines, implementation of the proposed VCIP would be considered to result in a significant impact related to **cultural resources** if it would:

- a. Cause a substantial adverse change in the significance of a historical resource as defined in section 15064.5 of the CEQA Guidelines.
- b. Cause a substantial adverse change in the significance of an archaeological resource as defined in Section 15064.5 of the CEQA Guidelines.
- c. Disturb any human remains, including those interred outside of dedicated cemeteries.

[Note: CEQA definitions for historical and archaeological resources are discussed in Section 4.5.2. *Regulatory Context* above.]

Based on Appendix G of the state CEQA Guidelines, the implementation of the proposed VCIP would be considered to result in a significant impact related to **tribal cultural resources** if it would:

- a. 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 and scope of the landscape, sacred place, or object with cultural value to a California Native American Tribe, and that is:
 - i. Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code § 5020.1(k), or
 - ii. 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.

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4.4.3.1. DIRECT AND INDIRECT EFFECTS

Introduction

Implementation of the VCIP would allow multiple individual solar generation, energy storage, and infrastructure facilities within the Plan Area. The potential solar and energy storage projects would be developed within specific areas of the Plan Area known as DFAs. The DFAs would comprise a total of approximately 136,000 acres within the approximately 535,000-acre Plan Area. Due to the VCIP's conceptual nature, this PEIR provides guidance at a programmatic level regarding the potential occurrence of previously undiscovered cultural resources as indicated by the archaeological sensitivity mapping prepared for the Plan Area.

Impact CUL-1. Disturbance to Cultural Resources.

Implementation of the VCIP Energy Resource and Infrastructure Plans could have potentially adverse impacts on historical and archaeological resources (cultural resources) which may be present within the Plan Area. (*Less-than-Significant Impact with Mitigation*)

The cultural resources sensitivity mapping for the VCIP Plan Area, as shown in Figures 4.5-1 and 4.5-2, illustrates potential archaeological sensitivity for prehistoric cultural resources. This mapping suggests a generally low measure of risk for exposing surface and/or buried prehistoric archaeological materials during development of the potential VCIP projects. The sensitivity maps indicate that both surface and subsurface prehistoric archaeological resources are most likely to be located along the western VCIP boundary along the ephemeral streambeds that exit the foothills and terminate in the valley floor, and also within small areas that are adjacent to or intrude into the San Joaquin River/Fresno Slough alignment along the eastern VCIP boundary. However, as shown in Figures 4.5-1 and 4.5-2, the areas of surface sensitivity are slightly broader in extent than for subsurface cultural resources. As such, to ensure all reasonably foreseeable impacts related to cultural resources are identified, the following estimates of land coverage by culturally sensitive areas reflect the larger extent of the mapping for surface cultural resources in Figure 4.5-1. The areas mapped as Highest/High/Moderate sensitivity zones cover approximately 10 percent of the Plan Area and approximately 2,600 acres (1.9 percent) of the DFAs. Most of the valley floor portions of the Plan Area, including almost the entire area east of the San Luis Canal/California Aqueduct are in the Low/Lowest sensitivity zones, which represent approximately 90 percent of the Plan Area and approximately 98.1 percent of the DFAs.

Historic archaeological resources are more likely to be present at or in the near vicinity of former settlements and associated with ranching and agricultural activities as well as oil extraction activities, and transmission and transportation networks including trails, roads and freeways, water conveyance facilities and energy transmission and related infrastructure.

Both surface and subsurface construction disturbance could result in the loss of integrity of cultural data important to the prehistory and history of the San Joaquin Valley that could provide chronological information on human occupation, site formation processes, subsistence/settlement/spatial organization, and trade and exchange patterns. Furthermore, it is possible that Native American ancestral remains could be encountered

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as at least two prehistoric villages have been recorded within the VCIP plan area, and the area in the vicinity of Jacalitos Creek near Coalinga has a number of recorded prehistoric resources.

Construction activity associated with VCIP development could result in significant impacts to historical and archaeological resources. These potential activities include grading, excavation, and construction for solar and energy storage facilities, project substations, gen-tie lines, collection substations, and connecting transmission lines, and future decommissioning activities. The greatest potential for impacts to cultural resources due to VCIP implementation would occur in the areas mapped as Highest/High/Moderate sensitivity zones on Figures 4.5-1 and 4.5-2. A lower, but not insubstantial potential impact to cultural resources due to VCIP implementation would occur in the areas mapped as Low/Lowest sensitivity zones on Figures 4.5-1 and 4.5-2. These lower sensitivity zones have been highly altered and disturbed by agricultural activities, which may have disturbed or displaced historical or prehistoric artifacts at or near the ground surface. (Detailed descriptions of the sensitivity zones are provided in Section 4.5.1. *Environmental Setting*, under “Archaeological Sensitivity.”) While the past disturbance of the surface soil layers by agricultural activities reduce the potential for impacts to cultural resources associated with VCIP implementation, the VCIP would involve excavation and trenching that could unearth cultural resources at depth.

The potential impacts to cultural resources resulting from VCIP implementation would be reduced to less-than-significant levels by implementation of Mitigation Measure CUL-1 at the project-specific level.

Mitigation Measure CUL-1: Protection of Cultural Resources

To reduce potential impacts to cultural resources from VCIP implementation, the following mitigation measures are applicable at the project-specific level. The lands subject to development under VCIP are classified into five archaeological sensitivity zones as mapped on the Archaeological Sensitivity Maps prepared for the VCIP PEIR. The mitigation measures applicable to the five zones are separated into three groups, as follows: a) Measures applicable to all VCIP development; b) Measures applicable to lands with Highest/High/Moderate sensitivity (which are grouped together because these categories represent a continuum); and c) Measures applicable to lands with Low/Lowest sensitivity.

a) Measures Applicable to All VCIP Development

- i) **Retain Qualified Archeologist and Conduct Archaeological Review.** During the project-level environmental review process under CEQA, the project proponent shall retain a professional archaeologist consultant meeting the Secretary of the Interior’s Standards and having expertise in California prehistoric and historical archaeology (the Qualified Archaeologist). The Qualified Archeologist shall complete a due diligence archaeological review of the project site which shall include at a minimum: (1) an archival records search by the California Historical Resources Information System, Southern San Joaquin Valley Information Center, California State University Bakersfield (CHRIS/SSJVIC) for a 0.25 mile radius around the project site boundaries; (2) a review of historic sources and maps of the project site to determine historic sensitivity; and, (3) the results of a Sacred Lands File (SLF) by the NAHC. The results shall be reported in a Memorandum to File with appropriate graphics and any supporting documents.
- ii) **Cultural Resources Notice on Construction Plans.** The project proponent shall note on any plans that require ground disturbing excavation that there is potential for exposing buried cultural resources,

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including prehistoric Native American ancestral remains. Any archival archaeological site information supplied to the construction contractor shall be considered confidential.

- iii) **Worker Education and Awareness Program (WEAP) Training.** Prior to the issuance of building permits for each VCIP project, the Qualified Archeologist shall provide a cultural resources and tribal cultural resources sensitivity and awareness training program (WEAP) for all personnel involved in ground disturbing project construction, including field consultants and construction workers. If additional construction personnel join the project after the start of construction, additional trainings will be held. Documentation shall be retained demonstrating that all construction personnel attended the training.

The WEAP shall be developed by the Qualified Archaeologist in coordination with the Tribal Historic Preservation Officer (THPO) of the Santa Rosa Rancheria Tachi Yokut Tribe. The WEAP shall be conducted before any project-related construction activities begin at the project site. The WEAP shall include relevant information regarding sensitive cultural resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The WEAP shall also describe appropriate avoidance and impact minimization measures for cultural resources that could be located at the project site and shall outline what to do and who to contact if any potential cultural resources are encountered. The WEAP shall emphasize the requirement for confidentiality and culturally appropriate treatment of any discovery of significance.

- iv) **Implement Procedures for Inadvertent Discoveries.** The Qualified Archaeologist shall be retained during all ground disturbing activity during construction and decommissioning for the project to provide assistance in the event of any unexpected archaeological discoveries during construction. Should previously unidentified cultural resources be discovered during construction of the project, all ground disturbing activities shall stop within 100 feet of the find, and the appropriate regulatory agency and the Santa Rosa Rancheria Tachi Yokut Tribe shall be notified immediately. The Qualified Archeologist shall assist with the review, identification and evaluation of the cultural resources to determine if they are historical resource(s) and/or unique archaeological resources or tribal cultural resources under CEQA.

If the Qualified Archaeologist determines that any cultural resources exposed during construction constitute a historical resource and/or unique archaeological resource or tribal cultural resource under CEQA, he/she shall notify the project proponent and other appropriate parties including the Tribe of the evaluation.

The Qualified Archaeologist shall recommend mitigation measures to mitigate to less-than significant any potential impact in accordance with California Public Resources Code Section 15064.5. Tribal cultural resources shall be evaluated in consultation with the Tribal Historic Preservation Officer (THPO) of the Santa Rosa Rancheria Tachi Yokut Tribe. Mitigation measures may include avoidance, preservation in-place, recordation, archaeological and tribal monitoring, archaeological testing and data recovery among other options. Construction within the 50-foot exclusion zone shall only be allowed to commence when mitigation has been completed.

The archaeologist shall document the resources using DPR 523 forms and file said forms with the California Historical Resources Information System, Southern San Joaquin Valley Information Center. The resources shall be photo-documented and collected by the archaeologist for submittal to the Santa Rosa Rancheria's Cultural and Historical Preservation Department. The archaeologist shall be

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required to submit to the appropriate regulatory agency for review and approval a report of the findings and method of curation or protection of the resources. Further grading or site work within the area of discovery shall not be allowed until the preceding steps have been taken.

If significant archaeological deposits (or tribal cultural resources) are exposed during ground disturbing construction, a formal *Archaeological Monitoring Plan (AMP)* and/or *Archaeological Treatment Plan (ATP)* that may include data recovery shall be developed and implemented, as recommended by the Qualified Archaeologist. The AMP shall provide that the Santa Rosa Rancheria Tachi Yokut Tribe shall be given the opportunity to provide a Tribal Monitor during ground disturbing activities during both construction and decommissioning, within areas of the project site which have been determined by the Qualified Archaeologist to have a high potential to yield archaeological resources. Tribal participation would be dependent upon the availability and interest of the Santa Rosa Rancheria Tachi Yokut Tribe. The final details of the AMP and/or ATP, and treatment of significant cultural resources and/or tribal cultural resources, shall be determined by the project proponent in consultation with the approving agency and the THPO of the Santa Rosa Rancheria Tachi Yokut Tribe.

b) Measures Applicable to VCIP Development in Highest/High/Moderate Sensitivity Areas

- i) **Prepare Archaeological Resources Assessment.** The project proponent shall retain the Qualified Archaeologist to complete a formal *Archaeological Resources Assessment (ARA)* of any project site located within Highest/High/Moderate sensitivity areas as mapped on the Archaeological Sensitivity Maps prepared for the VCIP PEIR. The ARA shall include: (1) an archival records search by the California Historical Resources Information System, Southern San Joaquin Valley Information Center, California State University Bakersfield (CHRIS/SSJVIC) for a 0.25 mile radius around the project site boundaries; (2) a review of historic sources and maps of the project site to determine historic sensitivity; (3) the results of a Sacred Lands File (SLF) search by the NAHC and any required outreach to local tribes and individuals; (4) a systematic field inventory of the project site with an emphasis on areas identified as highest/high/moderate sensitivity; and, (5) completion of a report with findings/recommendations including general mitigation measures for any development within the VCIP (see MM CUL-1a) as well as any additional site-specific mitigation measures based on the findings of the research and field inventory completed for the ARA.
- ii) **Additional Mitigation Measures.** Additional mitigation measures applicable to project sites within the Highest/High/Moderate sensitivity areas include the following:
 - (1) If recommended by the Qualified Archaeologist, undertake completion of a presence/absence archaeological testing program prior to construction to determine the subsurface archaeological sensitivity of the project site and the potential for exposing both prehistoric and historic subsurface cultural materials during future ground disturbing construction.
 - (2) If recommended by the Qualified Archaeologist, conduct archaeological and tribal monitoring of ground disturbing construction of the archaeologically sensitive areas within the project site to a maximum depth of 5 feet below existing grade in accordance with the protocols presented in a site specific AMP (see MM CUL-1a (iv)). The Plan Area is generally within Holocene fan and basin deposits that coincide with the human occupation of central California. Excavations 5 feet or deeper would generally be in older Pleistocene deposits that do not include human occupation

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of the Plan Area. In the event of an unexpected discovery below 5 feet of the existing ground surface, implement the measures specified in MM CUL-1 (a)(iv).

If an AMP is required, then it shall be developed and approved by the approving agency prior to the start of construction to avoid delays during construction by allowing immediate implementation of the AMP after an unexpected discovery of significant cultural materials that may require archaeological and tribal monitoring.

- (3) If recommended by the Qualified Archaeologist, conduct tribal monitoring during decommissioning of the facility in accordance with the approved AMP to a maximum depth of 5 feet below original ground surface.
- (4) If recommended by the Qualified Archaeologist, develop an ATP with protocols to be implemented in the event that data recovery is the preferred action to recover significant historical or unique archaeological resources (or tribal cultural resources) exposed during ground disturbing construction. If an ATP is required, then it shall be prepared by the Qualified Archaeologist, in consultation with the Tribe and project proponent, and approved by the approving agency prior to the start of construction to avoid delays during construction by allowing immediate implementation of the ATP after an unexpected discovery of cultural materials that may require data recovery.

- c. **Mitigation Measures Applicable to VCIP Development in Low/Lowest Sensitivity Areas.** Implement MM CUL-1a. Measures Applicable to All VCIP Development. No additional mitigation for these areas is required.

Significance After Mitigation: *Less-than-significant impact.* Application of Mitigation Measure CUL-1 during construction and decommissioning of VCIP energy resource and infrastructure projects would reduce potential impacts to cultural resources to *less than significant*.

Impact CUL-2. Potential Disturbance to Buried Native American Ancestral Remains

Implementation of the VCIP Energy Resource and Infrastructure Plans could have potentially adverse impacts on any buried ancestral remains which may be present within the Plan Area. (*Less-than-Significant Impact with Mitigation*)

According to the cultural resources report by Basin Research Associates, no human burials have been recorded with the Plan Area or immediate vicinity. The majority of the lands in the Plan Area have been disturbed by agricultural activities. However, it is possible that previously undiscovered human remains could be buried within the Plan Area. Previously unknown Native American human remains could be exposed during ground disturbing construction operations associated with grading, roadway, utility, and/or drainage improvements and/or other development within the Plan Area. Construction operations could result in the inadvertent exposure and disturbance of buried prehistoric or protohistoric (ethnographic) Native American human remains. This potential impact would be reduced to *less than significant* through implementation of Mitigation Measure CUL-2 below.

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Mitigation Measure CUL-2: Protection of Native American Ancestral Remains

To reduce potential impacts to Native American ancestral remains from VCIP implementation, the following mitigation measures are applicable at the project-specific level:

- a) Pursuant to Health and Safety Code section 7050.5(b) and PRC, section 5097.98, if human bone or bone of unknown origin is found at any time during on- or off-site construction, all work shall stop in the vicinity of the find and the Fresno County Coroner shall be notified immediately. If the remains are determined to be Native American, the Coroner shall notify the NAHC, who shall identify the person believed to be the Most Likely Descendant (MLD). The project proponent and MLD, with the assistance of the Qualified Archaeologist, shall make all reasonable efforts to develop an agreement for the treatment of human remains and associated or unassociated funerary objects with appropriate dignity (CEQA Guidelines, section 15064.5(e)). The agreed upon treatment plan shall address the appropriate excavation, removal, recordation, analysis, custodianship, curation, and final disposition of the human remains and associated or unassociated funerary objects. PRC, section 5097.98(a) allows up to 48 hours for the MLD to make their wishes known to the landowner after being granted access to the site. If the MLD and the other parties do not agree on the reburial method, the project will follow PRC, section 5097.98(e) which states that "the landowner or his or her authorized representative shall reinter the human remains and items associated with Native American human remains with appropriate dignity on the property in a location not subject to further and future subsurface disturbance."
- b) The treatment plan shall be implemented, and any findings shall be submitted by the Qualified Archaeologist in a professional report to the project proponent, the appropriate regulatory agency, the MLD and the Tachi Yokut Tribe, and the CHRIS/SSJVIC.

Significance After Mitigation: **Less-than-significant impact.** Application of Mitigation Measure CUL-2 during construction and decommissioning of VCIP energy resource and infrastructure projects would reduce potential impacts to Native American ancestral remains to *less than significant*.

Impact CUL-3. Potential Impacts to Tribal Cultural Resources

Implementation of the VCIP Energy Resource and Infrastructure Plans could have potentially adverse impacts on any tribal cultural resources which may be present within the Plan Area. (*Less-than-Significant Impact with Mitigation*)

Pursuant to PRC, section 21074, a tribal cultural resource is defined as either a site, feature, place, cultural landscape, sacred place, or object with cultural value to a California Native American tribe that is geographically defined in terms of the size and scope of the landscape, and that is: i) Listed or eligible for listing in the CRHR, or in a local register of historical resources as defined in PRC, section 5020.1(k); or ii) 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 {00081424.1}

subdivision (c) of PRC, section 5024.1, the lead agency shall consider the significance of the resource to a California Native American Tribe.

To date, no NRHP or CRHR eligible or listed prehistoric cultural resources, or known ethnographic, traditional or contemporary Native American use areas and/or other features of cultural significance have been identified in or adjacent to the Plan Area. In accordance with AB 52, the District is engaged in ongoing consultation with the Santa Rosa Rancheria Tachi Yokut Tribe which is the tribe that is traditionally and culturally affiliated with the Plan Area. The tribal representatives who were contacted regarding the VCIP indicated that “[t]he Fresno Slough is an important geographic and hydrographic point for the Yokut. It is the area that connects the Northern and Southern Valley Yokut.” (The current alignment of Fresno Slough runs parallel to the eastern Plan Area boundary at a distance ranging from approximately 3 to 7 miles from the Plan Area, although the eastern margins of the Plan Area have a high sensitivity for archaeological resources due to proximity to Fresno Slough.) (See Figures 4.5-1 and 4.5-2.) With the implementation of Mitigation Measures CUL-1 and CUL-2, the impact to tribal cultural resources would be reduced to *less than significant*.

Mitigation Measure CUL-3: Implement MM CUL-1 (Protection of Cultural Resources) and MM CUL-2 (Protection of Native American Ancestral Remains).

Significance After Mitigation: **Less-than-significant impact.** Application of Mitigation Measures CUL-1 and CUL-2 during construction and decommissioning of VCIP energy resource and infrastructure projects would reduce potential impacts to tribal cultural resources to *less than significant*.

4.5.3.2. TRANSMISSION CORRIDORS OUTSIDE THE VCIP

The transmission corridors for delivery of solar generation from potential VCIP projects to urban electricity markets in northern and southern California have been identified at a conceptual level in this PEIR to allow a general discussion of environmental impacts associated with transmission line development in these corridors for informational purposes. These transmission delivery corridors extend far beyond the District’s boundaries and are not part of the proposed VCIP. The planning and approval of these outside transmission lines are under the jurisdiction of the state and federal energy regulatory agencies, public utilities, and cities and counties traversed by the transmission lines. The following discussion provides an overview of potential impacts of the outside transmission lines upon cultural and tribal cultural resources.

The delivery transmission lines extending outside the Plan Area would have a total corridor length of approximately 348 miles and would traverse 10 counties en route to the regional load centers in northern, central, and southern California. The archaeological sensitivity along the transmission routes varies according to the same factors described for the Plan Area. The higher sensitivity areas are found in proximity to water bodies, while lower archaeological sensitivity is characteristic of higher elevation terrain and valley areas that are remote from water sources.

The northern transmission corridor would extend along the western edge of the San Joaquin Valley from Fresno to Alameda counties. The terrain along the northern transmission route consists primarily of flat land on

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the valley floor at the north and south ends of the corridor, and mountainous terrain for most of its length along the west side of I-5. Numerous ephemeral streams emerge from the foothills and enter the valley floor along the transmission route. The areas with highest archaeological sensitivity occur along the water courses, and the lowest sensitivity areas are in the higher elevations above the valley floor. A number of cultural resources have been previously recorded in the vicinity of the corridor, most of which consist of historic-era features such as water conveyances, transportation infrastructure, and a ranch complex (WAPA 2015).

The western transmission corridor would extend westward over the Coast Ranges through San Benito and Monterey counties to Moss Landing on Monterey Bay. The corridor is characterized by alternating mountain ranges and interior valleys, with a transition to coastal plain near Monterey Bay. The archaeological sensitivity is highest in the interior valleys and the coastal plain and lowest in the higher elevation mountainous terrain (Monterey Co. 2010, San Benito Co. 2015).

The southern transmission route would extend southward on the San Joaquin Valley floor until reaching the Tehachapi Range southeast of Bakersfield. The transmission route would then run southeastward over the mountains before descending to the Antelope Valley en route to the Vincent Substation near Acton. The archaeological sensitivity along the valley floor segments is generally high due to prehistoric availability of food sources around the string of water features that existed along the west side of the valley including Tulare Lake, Buena Vista Lake, and their connecting waterways. The Tehachapis have generally low sensitivity given the terrain elevations and scarcity of water features. The archaeological sensitivity of the Antelope Valley is generally moderate with higher sensitivity along ephemeral streams (Far Western 2003).

The outside transmission corridors would pass through areas with high archaeological sensitivity, which would be subject to potentially significant impacts due to construction and operation of the transmission lines. As part of the approval and environmental review processes for each transmission project, requirements for comprehensive cultural resource assessments and mitigation measures would apply, similar to those specified above in MMs CUL-1 through CUL-3. If significant or unique prehistoric or historic resources are discovered during the course of pedestrian surveys or during construction, then recordation, recovery and curation measures would be required to be implemented, similar to those set forth in MMs CUL-1 through CUL-3.

Regarding tribal cultural resources, the governing regulatory agencies for each transmission project would be required to undertake consultation with the culturally affiliated tribe in each region, as required under AB 52. The affected tribes would be given the opportunity to identify important tribal cultural resources and recommend mitigation measures applicable to each transmission project.

4.5.3.3. CUMULATIVE IMPACTS

The study area for cumulative cultural resources impacts consists of the Plan Area and immediately surrounding lands. The completed, approved, and pending projects (aka “cumulative projects”) located within the study area are listed in Table 4.0-2 and shown in Figure 4.0-1.

As described in Section 4.5.1. *Environmental Setting*, a total of 31 prehistoric resources have been recorded in the Plan Area, including nine prehistoric sites and 22 prehistoric isolates (i.e., isolated artifact). The prehistoric sites {00081424.1}

include five lithic scatters and four occupation sites. There are 75 recorded historic resources within the Plan Area including 17 historic archaeological sites, 11 isolated historic finds, and 47 built environment resources. (For detailed descriptions, see Section 4.5.1. *Environmental Setting*.)

Construction activity associated with cumulative development, including potential VCIP projects, could result in significant impacts to previously undiscovered historical and archaeological resources that may be present in and around the Plan Area. The archaeological sensitivity mapping developed for the Plan Area, as presented in Figures 4.5-1 and 4.5-2, suggests a generally low measure of risk for exposing surface and/or buried prehistoric archaeological materials during development. The sensitivity maps indicate that both surface and subsurface prehistoric archaeological resources are most likely to be located along the western VCIP boundary where streams exit the foothills and terminate in the valley floor, and also in the eastern portion of the study area along Fresno Slough and the San Joaquin River. These areas are mapped as Highest/High/Moderate sensitivity zones, while most of the valley floor portions of the study area are in the Low/Lowest sensitivity zones (see Figures 4.5-1 and 4.5-2). Historic archaeological resources are more likely to be present at or in the near vicinity of former settlements associated with ranching and agricultural activities as well as oil extraction activities, and transmission and transportation networks including trails, roads and freeways, water conveyance facilities and energy transmission and related infrastructure.

Both surface and subsurface construction disturbance could result in the loss of integrity of cultural data important to the prehistory and history of the San Joaquin Valley. It is also possible that Native American ancestral remains could be encountered as at least two prehistoric villages have been recorded within the Plan Area. It is expected that any potential impacts to cultural and tribal cultural resources associated with the development of the cumulative projects would be mitigated by implementation of mitigation measures similar to those set forth in MM CUL-1 through CUL-3, as such mitigations would be required by the applicable regulatory agencies in conjunction with site development.

With respect to tribal cultural resources, the governing regulatory agencies for each cumulative project would be required to undertake consultation with the culturally affiliated tribe, as required under AB 52. The affected tribe(s) would be given the opportunity to identify important tribal cultural resources and recommend mitigation measures applicable to each cumulative project.

Regarding the outside transmission corridors, it was noted above that all three corridors pass through areas with high archaeological sensitivity which would be subject to potential impacts due to construction and operation of the transmission lines. As part of the approval and environmental review processes for each transmission project, requirements for comprehensive cultural resource assessments and mitigation measures would apply, similar to those specified above in MMs CUL-1 through CUL-3.

The potential impacts related to cultural and tribal cultural resources associated with implementation of the VCIP Energy Resource and Infrastructure Plans would be less than significant with mitigation. Potential impacts related to any potential cultural and tribal cultural resources associated with other cumulative projects would be less than significant with mitigation, such that the cumulative impact would be less than significant. In sum, the potential VCIP clean energy and infrastructure projects would *not make a considerable contribution to a cumulative impact with implementation of the mitigation measures identified above*, and as such the cumulative impact associated with VCIP implementation would be *less than significant*.

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4.5.4. References – Cultural and Tribal Cultural Resources

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