

## 4.6 CULTURAL AND PALEONTOLOGICAL RESOURCES

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### 4.6.1 Introduction

This section assesses cultural resources including historic, archaeological, paleontological, and human remains known to occur at the Proposed Project sites and/or which may be accidentally encountered or discovered in the project area. The section is based on a Phase 1 Cultural and Paleontological Resources Survey prepared by Archaeological Consulting (Archaeological Consulting, 2014) and included in **Appendix J**, and review of other relevant studies and reports regarding cultural resources in the project area. A discussion of cumulative impacts is provided at the end of the section.

Public and agency comments related to cultural resources were received during the public scoping period, and are summarized below:

- Demonstrate compliance with the National Historic Preservation Act Section 106.
- Identify Area of Potential Effects<sup>1</sup>; records search request must include an area larger than the Area of Potential Effects.
- Evaluate impacts to submerged cultural resources.

To the extent that issues identified in public comments involve potentially significant effects on the environment according to the California Environmental Quality Act (CEQA) and/or are raised by responsible agencies, they are identified and addressed within this EIR. For a complete list of public comments received during the public scoping period, refer to **Appendix A, Scoping Report**.

Cultural resources encompass paleontological, archaeological, and historic resources as briefly summarized below:

*Paleontological Resources:* Paleontology is the study of plant and animal fossils. Generally, paleontological resources are more than 10,000 years old.

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<sup>1</sup> The Area of Potential Effects (APE) is the geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist. The Area of Potential Effects was developed to identify all areas where construction-related ground-disturbance could occur and is further explained in **Subsection 4.6.4.2** below.

*Archaeological Resources:* Archaeology is the study of prehistoric human activities and cultures. Archaeological resources are generally associated with indigenous cultures and are less than 10,000 years old.

*Historic Resources:* Historic resources are associated with the more recent past. In California, historic resources are typically associated with the Spanish, Mexican, and American periods in the state's history and are usually less than 200 years old (ICF Jones & Stokes, 2008).

## 4.6.2 Environmental Setting

### 4.6.2.1 Regional Cultural Setting

#### Pre-History

Archaeological evidence and radiocarbon dates establish human occupation of the California coast dating back at least 10,000 years. Evidence from coastal areas of Monterey County suggests settlement of this area by at least 7,000 years ago and possibly earlier (Jones & Stokes, 2006). The project area lies within the currently recognized ethnographic territory of the Costanoan (Ohlone) linguistic group. Historically, the Ohlone were called the *Costanoan Indians*. Costanoan is the name assigned to the group by the Spaniards and is derived from the word *costaños*, meaning “people of the coast;” the term *Ohlone* is preferred by the group themselves (Jones & Stokes, 2006). The Ohlone are believed to have inhabited the area 1,500 years ago, and their territory extended along the coast from San Francisco Bay in the north to just beyond Carmel in the south, and as much as 60 miles inland. The Ohlone are a linguistically defined group speaking eight different yet related languages and composed of several autonomous tribelets (Jones & Stokes, 2006). The Monterey Peninsula and the current location of the former Fort Ord were inhabited by the Rumsen group of Ohlone Indians; the Rumsen territory encompassed the Carmel River Valley and the Monterey Peninsula (Jones & Stokes, 2006).

In brief, the Ohlone followed a general hunting and gathering subsistence pattern with partial dependence on the natural acorn crop. Habitation is considered to have been semi-sedentary, and occupation sites can be expected most often at the confluence of streams, other areas of similar topography along streams, or in the vicinity of springs, although the original sources of water may no longer be present or adequate. Also, resource gathering and processing areas and associated temporary campsites are frequently found on the coast and in other locations containing resources utilized by the group. Factors that influence the location of these sites include the presence of suitable exposures of rock for bedrock mortars or other milling activities, the presence of specific resources (oak groves, marshes, quarries, game trails, trade routes, etc.), proximity to water, and the availability of shelter. Temporary camps or other activity areas can also be found along ridges or other travel corridors (Archaeological Consulting, 2014).

#### Historical Background

##### *Spanish Period*

European contact began with the arrival of Spanish explorers in the 16th century. Monterey County has been called the “cradle of California history,” owing to its central position relative to historical activities. Monterey Bay became the focus of several Spanish exploratory expeditions after it was first noticed by Juan Cabrillo in 1542. Sebastian Vizcaino, who

sailed into it in 1602, named the bay after Conde de Monterrey, Viceroy of Spain (ICF Jones & Stokes, 2008). It was not until 1770 that the Portola expedition arrived in Monterey Bay and established the first mission and Royal Presidio (Mission San Carlos Borromeo de Carmelo at the Presidio of Monterey); in 1771, the Mission was moved to the Carmel Valley. The Franciscans founded three missions (San Carlos Borroméo, San Antonio de Padua, and Nuestra Señora de Soledad) in what is now Monterey County. These missions, along with the Presidio established in the late eighteenth century and eight large ranchos that formed from land concessions to Spanish army veterans, became focal points of activity (ICF Jones & Stokes, 2008).

With the Mission, a period of intense Native American conversion to Catholicism was initiated. In 1776, Monterey was named the capital of Alta and Baja California. By 1778, most of the Rumsen and Esselen Indians in Carmel and Monterey were baptized and settled around the Mission to farm church lands. Following the founding of the mission and the move to its permanent site on the Carmel River the following year, the native populations went into decline. After European contact, Ohlone society was severely disrupted by missionization, disease, and displacement. Today, the Ohlone still have a strong presence in the Monterey Bay Area, and are highly interested in their historic and prehistoric past (Archaeological Consulting, 2014).

### *Mexican Period*

When the Mexican Republic formed in 1822, the missions were secularized and new ranchos developed on 68 Mexican land grants. A robust economy emerged, based on cattle ranching on these large ranchos, some of which exceeded 10,000 acres. This economy received a great boost when the Mexican regime opened Monterey harbor to foreign trade. The Custom House in Monterey became the site for collection of duties, providing the main source of income for Alta California's government. The harbor enabled rancheros to trade their hides and tallow for products from around the world. This commercial vitality led to Monterey's role as the Mexican capital of California (ICF Jones & Stokes, 2008). In May 1846, the United States declared war against Mexico, commencing the Mexican-American War. On February 2, 1848, the Treaty of Guadalupe Hidalgo was signed, giving the United States possession of Alta California (ICF Jones & Stokes, 2008).

### *American Period*

Monterey continued to play a key role after the United States took control of California in the late 1840s. For example, the convention to draft and sign California's new constitution convened at Colton Hall in Monterey. This period coincided with the California gold rush and economic growth in the region (Jones & Stokes, 2006). Agriculture in the Salinas Valley began in the 19<sup>th</sup> century. During the 1870s, the Southern Pacific Railroad extended its rail line from Pajaro in Monterey County southeast to the Salinas Valley, which enabled crops to be shipped more efficiently. The combination of improved irrigation systems and additional railroad connections spurred the economic growth of Monterey County (Jones & Stokes, 2006). Carlisle S. Abbott of Salinas, with the support of David Jacks in Monterey, led a movement in 1874 to create California's first narrow gauge, the Monterey and Salinas Valley Railroad. The Monterey and Salinas Valley Railroad was chartered in February of 1874; construction of the nineteen-mile section linking the port of Monterey to Salinas City began in April and was completed in October. The hope and ambition was to make Monterey a deep water port for the cheap and self - controlled shipment of the grain produced in the valley to other parts of California. The extension of the narrow - gauge railway to Salinas in 1874 allowed ranchers to ship wheat to Monterey, where it was then shipped by steamer (Architectural Resources Group, 2012).

In 1865, a group of San Francisco businessmen formed Southern Pacific Railroad to construct a railroad from San Francisco to San Diego (ESA, 2014). Plagued with financial troubles from the beginning, the Monterey and Salinas Valley Railroad was purchased by the Southern Pacific in December 1879 with subsequent construction of a spur connecting Monterey to the main rail line in Castroville. As soon as direct rail connection had been established between Monterey and San Francisco, powerful business interests began aggressively promoting the Monterey Peninsula, with its scenic coastline, mountains, forests, and historic adobes, as an ideal tourist and recreation destination. Wealthy tourists began regularly visiting the area in the 1880s and 1890s. The “Big Four” of the Southern Pacific Company – Charles Crocker, Collis P. Huntington, Mark Hopkins and Leland Stanford – capitalized upon these natural resources, and in 1880 erected the palatial Hotel Del Monte through their holding company, the Pacific Improvement Company (Architectural Resources Group, 2012).

The fishing industry started in the Monterey Peninsula as early as the late nineteenth century when Portuguese and Chinese fisherman fished the region for salmon. In the early twentieth century, a cannery and packing plant for sardine production was started around the Monterey Wharf, and three other canneries were established in the area by 1913. Sardine production exploded during World War I when the U.S. sardine supply from Europe was stopped, and by the late 1930s, Monterey became the third-largest fish tonnage port in the world. By 1948, the waters were depleted by over-fishing, and the last cannery closed (Jones & Stokes, 2006).

There has been a military presence in Monterey County since the United States took control of the Presidio of Monterey in the 1840s. In 1917, Fort Ord was created, and the installation was originally called Gigling Reservation and was a subinstallation of the Presidio of Monterey. The reservation was renamed Camp Ord in 1933 after Major General Edward Ord, an important figure in California military history, and was renamed Fort Ord in 1940. The 7<sup>th</sup> Infantry Division was reactivated and stationed there in 1940. After the attack on Pearl Harbor, Fort Ord was expanded and construction increased dramatically. In addition to artillery training, Fort Ord was an important staging area for units deployed to the Pacific during World War II and was used as a processing center for deactivated personnel when the war ended. During the Korean War, Fort Ord was again used as a basic and advanced training facility for artillery and ground troops. In 1953, the areas of Camp Roberts and Hunter Liggett, also in Monterey County, were placed under the command of Fort Ord as subinstallations (Jones & Stokes, 2006). In 1994, Fort Ord became the 72nd stateside Army post to close in accordance with Base Realignment and Closure Commission recommendations (Jones & Stokes, 2006).

#### **4.6.2.2 Cultural Resources in the Vicinity of Project Sites**

##### **Archaeological Methods, Surveys and Results**

Archaeological Consulting conducted a background records search at the Northwest Information Center of the California Historical Resources Information System (CHRIS). In addition to the CHRIS records, background research was performed by examining Archaeological Consulting files and maps for supplemental information, such as mentions of historic or prehistoric resources in the general area. Background literature searches were undertaken to determine if any archaeological resources have been recorded in or adjacent to the project Area of Potential Effects, and whether the Area of Potential Effects had been included in previous archaeological research or reconnaissance studies.

Archaeological Consulting also performed a Sacred Lands File Search through the California Native American Heritage Commission (NAHC). Following their search, the Commission recommended consultation with locally affiliated Native Americans and provided a list of individuals from several bands to contact for such consultation. Initial contact was made by mail or email, followed by telephone or additional email if a timely response was not received.

Archaeological Consulting conducted field surveys of portions of the Area of Potential Effects not previously subject to archaeological surveys; the CalAm Distribution Pipeline routes were subject to archaeological investigations conducted by ESA (ESA, 2014), which also included previous surveys along segments of the routes. The field surveys conducted as part of the preparation of this EIR included accessible segments of the Area of Potential Effects for the Product Water Conveyance pipelines and other Proposed Project components not previously subject to archaeological survey, including the portions of the Area of Potential Effects containing the Injection Well Facilities within the former Fort Ord.

### **Archaeological Resources Identified in Project Area**

The Monterey County General Plan EIR shows the proposed Tembladero Slough Diversion site as being mapped in an area of “high archaeological sensitivity” and the proposed Treatment Facilities at the Regional Treatment Plant site as being mapped in an area of “moderate” archaeological sensitivity (ICF Jones & Stokes, 2008 - Figure 4.10-2). The City of Monterey General Plan EIR also shows the proposed Lake El Estero Source Water Diversion and Storage site and the proposed Monterey Pipeline portion of the CalAm Distribution System as being located within areas of “High Probability of Pre-Historic Artifacts” (City of Monterey, 2004). There are no archaeological sensitivity maps in the General Plans of other jurisdictions in which Proposed Project components would be located, except for the City of Seaside. Seaside’s General Plan identifies the drainage area along its southern border, leading to and including Laguna del Rey (the Monterey Pipeline passes through this area), as an area of prehistoric archaeological sensitivity (City of Seaside, 2004-Figure COS-4).

The background search of the CHRIS files found 20 recorded resources within or adjacent to the project Area of Potential Effects as summarized on **Table 4.6-1, Recorded Cultural Sites Within Vicinity of Proposed Project Sites** and described below. Many resources are recorded within one half mile of the project Area of Potential Effects. Correspondence and consultation with several of the Native Americans recommended by the NAHC resulted in no additional information about specific resources or sacred sites within the project area, although recommendations were made to keep the Coastanoan Rumsen Carmel Tribe informed of any positive findings of cultural sensitivity in the Monterey area as detailed in **Appendix J** (Archaeological Consulting, 2014).

#### ***Tembladero Slough Diversion site***

Prehistoric midden site CA-MNT-1382/H (P-27-1408) is located near the Tembladero Slough source water Area of Potential Effects. Originally recorded south of the intersection of Highway 1 and Merritt Street, the midden site boundary was expanded to include the sewer pump station in 1989. Subsequent archaeological testing resulted in a remapping of the site boundary to nearly the size and location of the original site record. Based on the corrected site boundary, the Proposed Project is not expected to affect this recorded site.

### *Salinas Treatment Facility Storage and Recovery site*

Two recorded sites are located on/adjacent to the Salinas Treatment Facility site. CA-MNT-494 (P-27-0580), located within the site, was recorded as a slight midden containing several burials. The site was greatly disturbed, if not destroyed by the 1972 grading of the aeration lagoon that unearthed the deposit. A historic farm site, CA-MNT-2281H (P-27-3057), is recorded near the eastern end of the industrial facility site north and east of the Area of Potential Effects, but would not be affected by the Proposed Project.

**Table 4.6-1**

#### **Recorded Cultural Sites Within Vicinity of Proposed Project Sites**

**(Identified by CHRIS Within ½ mile of Project Sites)**

<b>Project Component</b>	<b>Site Number</b>	<b>Site Description</b>
<b>Tembladero Slough Diversion</b>	CA-MNT-1382/H (P-27-1408)	Prehistoric midden
<b>Salinas Treatment Facility Storage and Recovery</b>	CA-MNT-494 (P-27-0580)	Prehistoric site with midden/burials
	CA-MNT-2281H (P-27-3057)	Historic farm site
<b>Lake El Estero Diversion</b>	CA-MNT-955H (P-27-1011), east of Lake El Estero	Prehistoric site
	CA-MNT-272/304 (P-27-0377)	Prehistoric site
	CA-MNT-372 & CA-MNT-373	National Register listed Royal Presidio Chapel historic site
	CA-MNT-271 (P-27-0376)	
<b>Treatment Facilities at Regional Treatment Plant</b>	No sites	
<b>RUWAP Alignment of the Product Water Conveyance System</b>	CA-MNT-2079H (P-27-2416)	Sections of historical fence lines
	CA-MNT-2080H (P-27-2417)	Segment of the Monterey and Salinas Valley Railroad Grade
<b>Coastal Alignment of the Product Water Conveyance System</b>	CA-MNT-2079H (P-27-2416)	Sections of historical fence lines
	CA-MNT-2080H (P-27-2417)	Segment of the Monterey and Salinas Valley Railroad Grade
	CA-MNT-1288H (P-27-1325)	Historic site at Marina State Beach
	P-27-2881, P-27-2882, P-27-2883, P-27-2884, P-27-2893, P-27-2894, P-27-2895, and P-27-2896	Numerous concrete, military, storage bunkers and one guard tower in the dunes west of Highway 1
<b>Injection Well Facilities</b>	No sites	
<b>CalAm Distribution System (Monterey and Transfer Pipelines)</b>	CA-MNT-2295H (P-27-2923)	Segments of the Southern Pacific Railroad in Monterey
	CA-MNT-931 (P-27-000988)	Prehistoric Midden at Presidio of Monterey
	P-27-2940	Del Monte Hotel Depot Foundation

### *Lake El Estero Diversion site*

Several archaeological sites are found around Lake El Estero, a proposed source water site: prehistoric site CA-MNT-955H (P-27-1011) on the hill to the southeast and prehistoric sites CA-MNT-272/304 (P-27-0377), CA-MNT-372 and CA-MNT-373 at the southeast end of the lake. None of these recorded sites are within or close to the proposed source water diversion Area of Potential Effects on the northern end of Lake El Estero.

### *CalAm Distribution Pipelines*

Three prehistoric archaeological resources (CA-MNT-931 and two prehistoric unnumbered sites) have been identified in the Presidio of Monterey within the Area of Potential Effects for the CalAm Distribution System, Monterey Pipeline. CA-MNT-931(P-27-000988) is prehistoric midden located in the Presidio of Monterey that was originally recorded in 1978. Test excavations conducted in 1985 suggest the “site” is actually re-deposited midden soils used

for fill during landscaping (Pacific Legacy, 2011). Therefore, no further consideration of this resource is necessary for the Proposed Project.

The two unnumbered sites were identified by Pacific Legacy during their investigations associated with the previously proposed Monterey Bay Regional Desalination Project (Pacific Legacy, 2011). Identified as “Presidio #1” and “Presidio #2”, these two sites appear to be discrete and re-deposited patches of midden soil that were likely imported during landscaping activities (Pacific Legacy, 2011). At Presidio #1, the midden patch is highly disturbed by both historic-era construction and rodent burrowing in the soil (Pacific Legacy, 2011). Based on the known conditions of Presidio #1, the midden soil does not appear to be an intact or significant prehistoric deposit; it does not retain “focus”<sup>2</sup> and therefore the integrity necessary to convey the archaeological significance necessary for National Register of Historic Places (NRHP) eligibility. Presidio #1 does not appear eligible for listing in the NRHP or the California Register of Historical Resources (CRHR) (ESA, 2014). It also is not considered a “unique” archaeological resource as defined in Public Resources Code section 21083.3(g) as it does not retain integrity and is not an intact site, but rather re-deposited material. Therefore, no further consideration of this resource is necessary for the Proposed Project.

The surface evidence was inconclusive as to whether the Presidio # 2 site extends into the CalAm Distribution System Area of Potential Effects, because the Area of Potential Effects is paved in this location, and limited subsurface testing was recommended (ESA, 2014). However, the subsurface stratigraphy of the deposit has not been investigated, and it is not known whether the midden soils extend into the boundaries of the Monterey Pipeline Area of Potential Effects. While formal evaluation to determine the site’s eligibility for listing in the NRHP or the CRHR has not been conducted, ESA has indicated that sufficient information exists to suggest that the site may qualify as a historic resource pursuant to CEQA Guidelines section 15064.5(a)(4) and Public Resources Code section 21098.1 and as a historic property based on the criteria of the National Historic Preservation Act of 1966, as amended (ESA, 2014). Preliminary reviews indicate that if Presidio #2 is an intact deposit it could be eligible under Criterion D/4 (for data potential) and possibly Criterion A/1 (for events) (ESA, 2014). These criteria are further defined in the Regulatory Framework section, below.

### *Historic Resources Identified in Project Area*

A few properties within the former Fort Ord have been identified as being eligible for listing in the NRHP. Those properties include Whitcher Cemetery, Stilwell Hall, Martinez Hall, and the Mess Hall Complex in the East Garrison (Jones & Stokes, 2006). None of these properties is located in the project Area of Potential Effects. The project Area of Potential Effects does not contain historical resources listed in the California Inventory, California Historical Landmarks, or the National Register of Historic Places, except for the vicinity of the Lake El Estero Diversion site, some segments of the Product Water Conveyance Pipelines, and some segments of the CalAm Distribution Pipelines as described below.

### *Lake El Estero Diversion site*

The National Register-listed Royal Presidio Chapel historic site CA-MNT-271 (P-27-0376) is located near the southwestern end of the lake. This recorded site is not within or close to the

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<sup>2</sup> Focus refers to the accuracy with which the archaeological remains represent a situation or condition.

proposed Source Water Diversion and Storage site that is located on the northern end of Lake El Estero.

### *Product Water Conveyance Pipeline*

Sections of historical fence lines, CA-MNT-2079H (P-27-2416), are adjacent to the northern end of the proposed Coastal and RUWAP product water conveyance pipeline alignments. The historic-era fenceline, first recorded in 1998, was constructed from four-by-six-inch vertical posts, one-by-six-inch horizontal rails at the top and bottom, and vertical pickets of various sizes between the posts with barbed wire taped to the fence. A chain-link fence has replaced a large section of the historic fence at the Regional Treatment Plant (ESA, 2014). The fenceline is associated with the Armstrong Ranch, which is an early American-period ranch in the Monterey Bay area. Based on previous reviews, the fence is not considered eligible for listing in the CRHR because: the fence itself does not represent an important event in the history of California (Criterion A); is not specifically associated with a significant person (Criterion B); does not represent the craftsmanship of a master builder or style of construction (Criterion C); and does not have the potential to yield information important to history (Criterion D). Furthermore, the fence does not retain integrity of design, materials, workmanship, or feeling because a substantial portion of the original fence has been replaced by a chain-link fence (ESA, 2014). Thus, the fenceline has been determined to be ineligible for listing in the CRHR (ESA, 2014).

The northernmost segment of the Product Water Conveyance Pipeline, Coastal Alignment would pass around the western end of historic fence line CA-MNT-2079H (P-27-2416), but no evidence of potentially significant historic resources was noted within the Area of Potential Effects during the field survey. The northern segment of the Product Water Conveyance Pipeline, RUWAP Alignment would pass by the eastern section of historic fence line CA-MNT-2079H (P-27-2416). Again no evidence of potentially significant resources was noted during the field survey.

A segment of the Monterey and Salinas Valley Railroad Grade, CA-MNT-2080H (P-27-2417), would be crossed by the northernmost alignment of the Product Water Conveyance Pipeline, Coastal Alignment. This recorded site is a historic-era, narrow-gauge railroad grade; the railroad grade consisted of cuts through low hills and sand dunes with raised berms across low-lying areas. The railroad grade represents the remains of California's first narrow-gauge railroad—the Monterey and Salinas Valley Railroad that was constructed in 1874 by local farmers to facilitate the shipping of produce to Salinas (ESA, 2014). However, the railroad alignment within the Area of Potential Effects exhibits no remaining characteristics of the railroad grade. None of the features or materials associated with the railroad is present in that section of the alignment. The railroad grade at the point of crossing is visually unremarkable, and appears to have been previously altered by agricultural activity. Although the northernmost segment of the proposed Product Water Conveyance Pipeline, Coastal Alignment would cross the former Monterey and Salinas Valley Railroad Grade, CA-MNT-2080H (P-27-2417), no evidence of potentially significant historic resources was noted within the Area of Potential Effects during the field survey. A segment of the railroad grade further south is more apparent in a substantial grade cut through stabilized dunes.

There is a recorded historic site at Marina Beach (CA-MNT-1288H (P-27-1325), west of the Product Water Conveyance Pipeline Coastal Alignment. There are several historic structures located in the former Fort Ord (P-27-2881, P-27-2882, P-27-2883, P-27-2884, P-27-2893, P-27-2894, P-27-2895, and P-27-2896). None of these resources would be physically or visually affected by the project.



### *CalAm Distribution Pipelines – Monterey Pipeline*

**Historic Districts.** The project Area of Potential Effects for the CalAm Distribution Pipeline - Monterey Pipeline segment - includes a portion of downtown Monterey and a portion of the Presidio of Monterey. The Monterey Old Town Historic District in downtown Monterey is a National Historic Landmark District and also is a NRHP-listed district (#70000137), which is divided into two discontinuous sections. The southern section is bounded roughly by the four blocks surrounding the intersection of Madison and Pacific Streets, and the northern section borders the Monterey Bay and encompasses the blocks surrounding the intersections of Scott Street, Pacific Street, Olivier Street, Alvarado Street, and Calle Principal. This historic district includes 17 adobes and other early Spanish Colonial buildings and is located within the Monterey State Historic Park. Historic buildings within the district include the Custom House, the Cooper-Molera Adobe Complex, the Larkin House, California's First Brick House, Colton Hall (City Hall of Monterey), Old Whaling Company, the Stevenson House, the First Theater, the Pacific House Museum, the Interpretive House, Casa del Oro, and Casa Soberanes (ESA, 2014). The Area of Potential Effects for this project component is located near, but outside the boundaries of the Monterey Old Town Historic District as shown on **Figure 4.6-1, Historic Structures Within the Monterey Pipeline APE**.

At the Presidio of Monterey, there is one National Register Historic District and one National Register eligible Historic District. The El Castillo Historic District, located in the Lower Presidio Historic Park, is listed on the NRHP and the California Register of Historical Resources because of archaeological sites as well as evidence of Native American occupation (U.S. Army, Presidio of Monterey, 2013).

The Presidio of Monterey has been determined eligible for listing in the NRHP (California Office of Historic Preservation, 2010). Resources listed in or eligible for listing in the NRHP are also eligible for listing in the CRHR. The boundary of the district coincides with the boundary of the Presidio of Monterey. There are 90 buildings at the Presidio of Monterey that are contributing elements, along with Soldier Field, the road system, and retaining walls (Jackson and Hildebrandt [1985] cited in ESA, 2014). Another 26 buildings built after the period of significance identified for the district, are considered noncontributing elements. The Presidio represents the 1902-1939 American period Infantry, Calvary, and Artillery cantonment and is comprised of 76 buildings, 20 structures, 3 monuments, roads, rock walls and cultural landscapes. The Royal Presidio Chapel at the Presidio is a National Historic Landmark – the highest level of National recognition (City of Monterey, 2005). Directly adjacent to the Presidio's southeast boundary is the City of Monterey's "Old Town," which as indicated above is a National Historic Landmark.

There also is a National Register eligible Historic District and Historic Landscaped Grounds on the campus of the Naval Postgraduate School, (City of Monterey, 2005). However, the Project Area of Potential Effects is located to the north and does not include the Naval Postgraduate School.

**Recorded Resources.** One previously recorded historic-era resource, the Del Monte Hotel Depot foundation (P-27-002940), is mapped within 200 feet of the Area of Potential Effects of the Monterey Pipeline. The Del Monte Hotel Depot foundation is a concrete and tile foundation for the Colonial Revival-style railroad depot built for the third Del Monte Hotel during the 1920s (ESA, 2014). The foundation is located in a parking lot and is marked by a Monterey Historical Society sign. The foundation is immediately adjacent to, but outside of, the Monterey Pipeline Area of Potential Effects and would not be affected by the project (ESA, 2014).

The Monterey Branch Line of the Southern Pacific Railroad (P-27-002923) traverses a segment of the proposed alignment for the CalAm Distribution Pipelines (Monterey Pipeline). Fourteen contributing resources, including the railroad line and associated buildings, have been evaluated for their eligibility to the NRHP (Herbert et al.[2010], cited in ESA, 2014). One building (located outside the Area of Potential Effects of the pipeline)—the Monterey Southern Pacific Passenger Depot—was determined eligible for listing in the NRHP (Architectural Resources Group, May 2012). Previous evaluations of the railroad line found that the surveyed portions and related structures are not eligible for listing in the NRHP (ESA, 2014). The most recent recording and evaluation effort included all portions of the Monterey Branch Line located within the Monterey Pipeline Area of Potential Effects. The evaluation concluded that while the Monterey Branch Line appears to meet the significance criteria for listing in the NRHP, it lacks integrity to convey its significance. Therefore, it was determined to be ineligible for listing in the NRHP (Herbert et al., 2010, cited in ESA, 2014).

**Listed Structures and Structures Eligible for Listing.** A total of 23 architectural/structural resources have been identified in the Area of Potential Effects for the Monterey Pipeline. This includes three structures in the Presidio, including the Presidio Entrance Monument partially within Stillwell Avenue, and 20 resources along W. Franklin Street in downtown Monterey. These resources are listed in **Table 4.6-2, Historic Structures Within the Monterey Pipeline Area of Potential Effects** and shown in **Figure 4.6-1**.

Table 4.6-2

**Historic Structures Within the Monterey Pipeline Area of Potential Effects**

Number on Figure 4.6-1	Historic Name	Address	Date of Construction	Determination of Eligibility	Distance from Curb (feet)
1	Osio-Rodriguez Adobe	380 Alvarado Street	1849	3S	44
2	Ordway Block Building, Ordway Pharmacy	398 Alvarado Street	1905	3S	10
3	Monterey County Bank, Wells Fargo Bank	399 Alvarado Street	1931	3S	15
4	Goldstine Block Building, Atlas Pawn Shop	400 Alvarado Street	1906	3S	10
5	Monterey Hotel	408 Alvarado Street	1904	2S2	30
6	Village Hardware	410 Alvarado Street	1880	3S	30
7	Blazer Development	201 W. Franklin Street	1928	3S	10
8	Unnamed residence	498 W. Franklin Street	1903	5S3	32
9	Unnamed residence	530 W. Franklin Street	1911	5S1	20
10	Unnamed residence	541 W. Franklin Street	1926	5S3	25
11	Unnamed residence	560 W. Franklin Street	1907	5S3	30
12	Unnamed residence	632 W. Franklin Street	1908	5S3	20
13	Unnamed residence	698 W. Franklin Street	1908	5S3	25
14	Unnamed residence	702 W. Franklin Street	1908	5S3	32
15	Unnamed residence	716 W. Franklin Street	1908	5S3	25
16	Unnamed residence	759 W. Franklin Street	1905	5S3	25
17	Unnamed residence	882 W. Franklin Street	n.d.	5S3	20
18	Unnamed residence	898 W. Franklin Street	1908	5S3	20
19	Unnamed residence	899 W. Franklin Street	n.d.	5S3	20

Table 4.6-2

**Historic Structures Within the Monterey Pipeline Area of Potential Effects**

Number on Figure 4.6-1	Historic Name	Address	Date of Construction	Determination of Eligibility	Distance from Curb (feet)
20	Monterey First Presbyterian Church	398 Pacific Street	1910	3S	10
21	Entrance Monument, Structure 112	Presidio- Stillwell Avenue	1935	2D2	Within direct Area of Potential Effects
22	Flagpole Structure 133	Presidio- Stillwell Avenue	1935	2D2	25
23	Officer's Club, Building 105	Presidio- Stillwell Avenue	1904	2D2	44

ELIGIBILITY CODES:  
 1S = Individual property listed in the NRHP by the Keeper. Listed in the CRHR.  
 2D2 = Contributor to a district determined eligible for NR (National Register) by consensus through Section 106 process. Listed in the CR (California Register)  
 2S2 = Individual property determined eligible for the NRHP by consensus through the Section 106 process. Listed in the CRHR.  
 3S = Appears eligible for the NRHP as an individual property through survey evaluation.  
 3D = Appears eligible for the NRHP as a contributor to a NR eligible district through survey evaluation.  
 5S1 = Individual property that is listed or designated locally.  
 5S3 = Appears eligible for local listing or designation through survey evaluation.  
 6Y = Determined ineligible for the NRHP by consensus through the Section 106 process. Not evaluated for the CRHR or local listing.

NOTE:  
<sup>a</sup> Recent evaluation not yet approved by the Office of Historic Preservation.

SOURCE: ESA, 2014 based on Office of Historic Preservation, Historic Property Directory for Monterey County, 2013.

**4.6.2.3 Paleontological Resources**

Significant paleontological resources are fossils or assemblages of fossils that are unique, unusual, rare, uncommon, and diagnostically or stratigraphically important—and those that add to an existing body of knowledge in specific areas, stratigraphically, taxonomically, or regionally. They include fossil remains of large to very small aquatic and terrestrial vertebrates, remains of plants and animals previously not represented in certain portions of the stratigraphy, and assemblages of fossils that might aid stratigraphic correlations—particularly those offering data for the interpretation of tectonic events, geomorphologic evolution, paleoclimatology, and the relationships of aquatic and terrestrial species (ICF Jones & Stokes, 2008).

Most of the fossils found in Monterey County are of marine life forms that form a record of the region's geologic history of advancing and retreating sea levels. As a result of the marine origin of these deposits, the area lacks the large, terrestrial fossils found in other regions such as the dinosaur fossils of the southwestern United States. Most of Monterey County's fossils are micro-organisms such as foraminifera or diatoms, or assemblages of mollusks and barnacles most commonly found in sedimentary rocks ranging from Cretaceous age (138 to 96 million years old) to Pleistocene age (1.6 million to 11 thousand years old). Fossils are found throughout the county because of the widespread distribution of marine deposits (ICF Jones & Stokes, 2008). The EIR prepared for Monterey County's General Plan reported a review of nearly 700 known fossil localities that was conducted by paleontologists in 2001, in which 12 fossil sites were identified as having outstanding scientific value. Generally, the fossils at these 12 sites reflect the type of assemblages found throughout the county (microorganisms or invertebrates); however, each has special characteristics that make it unique or rare, or in some way provide important stratigraphic or historic information (ICF Jones & Stokes, 2008). None of the Proposed Project sites are

located in proximity to the general areas of important paleontological sites as depicted in the County's General Plan EIR.

The Society of Vertebrate Paleontology (SVP) has established guidelines for the identification, assessment, and mitigation of adverse impacts on nonrenewable paleontological resources (Society of Vertebrate Paleontology, 1995, 1996), which are followed by most practicing paleontologists in the United States, and in some cases, the SVP standards have been adopted by federal, state or local agencies. The SVP has helped define the value of paleontological resources and, in particular, indicates that a paleontological resource is considered to be 5,000 years before present or older and not to be confused with an archaeological resource (ICF Jones & Stokes, 2008). Vertebrate fossils and fossiliferous (fossil-containing) deposits are considered significant nonrenewable paleontological resources and are afforded protection by federal, state, and local environmental laws and guidelines (ICF Jones & Stokes, 2008). Invertebrate fossils are not significant paleontological resources unless they are present within an assemblage of vertebrate fossils or they provide undiscovered information on the origin and character of the plant species, past climatic conditions, or the age of the rock unit itself.

The SVP has outlined criteria for screening the paleontological potential of rock units and established assessment and mitigation procedures tailored to such potential. **Table 4.6-3, Criteria for Determining Potential for Paleontological Resources** lists the criteria for high-potential, undetermined, and low-potential rock units. **Section 4.8, Geology, Soils, and Seismicity**, describes the geologic units that the Proposed Project components would be constructed on or within. Using the paleontological potential criteria shown in **Table 4.6-3**, the following geologic units at Proposed Project sites may have the potential for paleontological resources:

- Alluvial Fans (Pleistocene)
- Monterey Formation (Tertiary)
- Coastal Terraces

**Table 4.6-3**

**Criteria for Determining Potential for Paleontological Resources**

Paleontological Potential	Description
High	Geologic units from which vertebrate or significant invertebrate or plant fossils have been recovered in the past, or rock formations that would be lithologically and temporally suitable for the preservation of fossils. Only invertebrate fossils that provide new information on existing flora or fauna or on the age of a rock unit would be considered significant. Common examples are: Most tertiary-age sedimentary rocks, especially fine-grained, low-energy deposits such as shale and mudstone Pleistocene-age alluvial fans, lake/playa deposits, shallow marine deposits, and marine terraces
Undetermined	Geologic units for which little or no information is available.
Low	Geologic units that are not known to have produced a substantial body of significant paleontological material, as demonstrated by paleontological literature and prior field surveys, and which are poorly represented in institutional collections. Common examples are: All intrusive igneous rocks (e.g., granites) Most metamorphic rocks and volcanic rocks (e.g., marble, slate, schist, basalt, etc.) Sediment deposited within the last 10,000 years (e.g., Holocene alluvium, bay muds/estuarine areas, slope wash, or recent landslide deposits)
SOURCE: Society of Vertebrate Paleontology, 1995	

Most of the Proposed Project components would be located within areas that have a low potential for paleontological resources based on the criteria in **Table 4.6-2**, except the Salinas Treatment Facility Storage and Recovery site located on Pleistocene alluvial fans, and two short segments of the CalAm Distribution Pipelines (Monterey Pipeline) located in the coastal terrace and Monterey formation. The Monterey Formation is an extensive unit and the microfossils (generally small algae and marine protozoa found in sea floor sediment) have been found within this formation within Monterey County. However, the location of the Monterey Pipeline alignment is also within existing road rights-of way where most shallow soils would have been reworked or replaced with imported fill (ESA, 2015).

## 4.6.3 Regulatory Framework

### 4.6.3.1 Federal

#### National Historic Preservation Act

The National Historic Preservation Act (NHPA), first adopted in 1966, has become the foundation and framework for historic preservation in the United States. The act requires federal agencies to take into account the effects of their undertakings on historic properties; and makes the heads of all federal agencies responsible for the preservation of historic

properties owned or controlled by their agencies. Section 106 of the NHPA requires federal agencies to take into account the effects of their undertakings on any district, site, building, structure, or object that is included in or eligible for inclusion in the NRHP. Undertakings include federally funded, licensed, or permitted projects.

The National Historic Preservation Act established the National Register of Historic Places (NRHP), the official record of historical resources. Districts, sites, buildings, structures, and objects are eligible for listing in the Register. Nominations are listed if they are significant in American history, architecture, archeology, engineering, and culture. The NRHP is administered by the National Park Service (NPS). A property must have both historical significance and integrity to be eligible for listing in the NRHP. To be significant, a property must be “associated with an important historic context.” The National Register identifies four possible context types, of which at least one must be applicable to the property at the national, state, or local level. A property is considered significant if it meets the National Register listing criteria at 36 CFR 60.4, as stated below:

The quality of significance in American history, architecture, archaeology, engineering and culture is present in districts, sites, buildings, structures and objects that possess integrity of location, design, setting, materials, workmanship, feeling and association and that:

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

For a property to qualify under one or more of these Criteria for Evaluation, it must also retain “historic integrity of those features necessary to convey its significance.” While a property’s significance relates to its role within a specific historic context, its integrity refers to the “property’s physical features and how they relate to its significance.” To determine if a property retains the physical characteristics corresponding to its historic context, the National Register has identified seven aspects of integrity: location, design, setting, materials, workmanship, feeling, and association.

#### **4.6.3.2 State**

##### **California Register of Historical Resources**

The California Register is “an authoritative listing and guide to be used by state and local agencies, private groups and citizens in identifying the existing historical resources of the state and to indicate which resources deserve to be protected, to the extent prudent and feasible, from substantial adverse change” (PRC Section 5024.1[a]). The criteria for eligibility to the California Register are based on National Register criteria (PRC Section 5024.1[b]). Certain resources are determined by the statute to be automatically included in the California Register, including California properties formally determined eligible for or listed in the National Register.

To be eligible for the California Register as a historical resource, a prehistoric or historic-period resource must be significant at the local or State level under one or more of the following criteria:

- a. Is associated with events that have made a significant contribution to the broad patterns of California's history and cultural heritage;
- b. Is associated with the lives of persons important in our past;
- c. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
- d. Has yielded, or may be likely to yield, information important in prehistory or history (CEQA Guidelines Section 15064.5 [a][3]).

For a resource to be eligible for the California Register, it must also retain enough integrity to be recognizable as a historical resource and to convey its significance. The seven aspects of integrity are: location, design, setting, materials, workmanship, feeling and association. A resource that does not retain sufficient integrity to meet the National Register criteria may still be eligible for listing in the California Register. A resource that has lost its historic character or appearance may still have sufficient integrity for the California Register if it maintains the potential to yield significant scientific or historical information or specific data (California Office of Historic Preservation, 2014).

California's list of special considerations is shorter than the criteria considerations for the National Register listed above. It includes some allowances for moved buildings, structures, or objects, as well as requirements for proving the significance of resources that are less than 50 years old and discussion of the eligibility of reconstructed buildings. Additionally, unlike the criteria considerations for the National Register, cemeteries do not come under the scrutiny of special considerations for the California Register. In addition to separate evaluations for eligibility for the California Register, the State automatically lists in the California Register resources that are listed or formally determined eligible for the National Register.

### **California Public Resources Code**

Several sections of the Public Resources Code protect cultural resources and PRC Section 5097.5 protects vertebrate paleontological sites located on public land. Under Section 5097.5, no person shall knowingly and willfully excavate upon, or remove, destroy, injure, or deface, any historic or prehistoric ruins, burial grounds, archaeological or vertebrate paleontological site (including fossilized footprints), inscriptions made by human agency, rock art, or any other archaeological, paleontological, or historical feature situated on public lands, except with the express permission of the public agency that has jurisdiction over the lands. Violation of this section is a misdemeanor.

PRC Section 5097.98 states that if Native American human remains are identified within a project area, the landowner must work with the Native American Most Likely Descendant as identified by the NAHC to develop a plan for the treatment or disposition of the human remains and any items associated with Native American burials with appropriate dignity. These procedures are also addressed in Section 15064.5 of the CEQA Guidelines. California Health and Safety Code Section 7050.5 prohibits disinterring, disturbing, or removing human remains from a location other than a dedicated cemetery. Section 30244 of the PRC requires reasonable mitigation for impacts on paleontological and archaeological resources that occur as a result of development on public lands.

## California Health and Safety Code

California Health and Safety Code Section 7050.5 regulates the treatment of human remains. In the event of discovery or recognition of any human remains in any location other than a dedicated cemetery, there shall be no further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains until the coroner of the county in which the human remains are discovered has determined that the remains are not subject to his or her authority. If the coroner recognizes the human remains to be those of a Native American, or has reason to believe that they are those of a Native American, he or she shall contact the NAHC by telephone within 24 hours.

### 4.6.3.3 Regional and Local

In addition to the general requirements of CEQA and California laws and regulations, protection of cultural resources are addressed in General Plans, Local Coastal Plans and municipal codes of local jurisdictions within the Proposed Project area.

#### Monterey County

The *Monterey County General Plan* covers cultural resources in Chapter 5, Public Service Element (Monterey County, 2010), which are shown on **Table 4.6-4, Applicable State, Regional, and Local Land Use Plans, and Policies – Cultural and Paleontological Resources**. Title 21 of the Monterey County Zoning Ordinance also provides development standards which help to ensure the protection and appropriate treatment of archaeological sites. Title 21.66.050 requires that an Archeological Survey Report be prepared for any development project located in a “High Archaeological Sensitivity Zone,” which requires an environmental assessment according to the County’s CEQA Guidelines, or where archaeological resources are known to be present nearby.

#### City of Marina

The *City of Marina General Plan* (City of Marina, 2006) addresses cultural resources in the “Community Design and Development” chapter; relevant policies are shown on **Table 4.6-4**.

#### City of Seaside

The *City of Seaside General Plan* (City of Seaside, 2004) addresses cultural resources in the Conservation/Open Space Element; relevant policies are shown on **Table 4.6-4**.

#### City of Monterey

The *City of Monterey General Plan* (City of Monterey, 2005) addresses cultural resources in its Historic Preservation Element, as does City Code Chapter 26, Planning, Article 3: Architectural Review Committee.

### Plans and Policies Consistency Analysis

**Table 4.6-4** describes the state, regional, and local land use plans, policies, and regulations pertaining to cultural and paleontological resources that are relevant to the Proposed Project and that were adopted for the purpose of avoiding or mitigating an environmental effect. Also included in **Table 4.6-4** is an analysis of project consistency with these plans, policies, and regulations. In some cases, policies contain requirements that are included within enforceable regulations of the relevant jurisdiction. Where the analysis concludes the project would not conflict with the applicable plan, policy, or regulations, the finding and rationale



are provided. Where the analysis concludes the project may conflict with the applicable plan, policy, or regulation, the reader is referred to **Section 4.6.4, Environmental Impacts and Mitigation Measures**, for additional discussion, including the relevant impact determination and mitigation measures.

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**Table 4.6-4**  
**Applicable State, Regional, and Local Land Use Plans, and Policies – Cultural and Paleontological Resources**

Project Planning Region	Applicable Plan	Plan Element/ Section	Project Component	Specific Policy or Program	Project Consistency with Policies and Programs
Monterey County	Monterey County General Plan	Public Services	Tembladero Slough Diversion site Blanco Drain Diversion site Reclamation Ditch Diversion site Salinas Treatment Facility Storage and Recovery Treatment Facilities at Regional Treatment Plant RUWAP Alignment Option Coastal Alignment Option	<u>Policy PS-12.1.3:</u> All proposed development, including land divisions, within high sensitivity zones shall require an archaeological field inspection prior to project approval.	Consistent: An archaeological field survey was conducted at all Proposed Project component sites, including those that are mapped as high sensitivity archaeological zones. See Archaeological Consulting, January 2015.
Monterey County	Monterey County General Plan	Public Services	Tembladero Slough Diversion site Blanco Drain Diversion site Reclamation Ditch Diversion site Salinas Treatment Facility Storage and Recovery Treatment Facilities at Regional Treatment Plant RUWAP Alignment Option Coastal Alignment Option	<u>Policy PS-12.1.4:</u> All major projects (i.e., 2.5 acres or more) that are proposed for moderate sensitivity zones, including land divisions, shall require an archaeological field inspection prior to project approval.	Consistent: An archaeological field survey was conducted at all Proposed Project component sites, including those that are mapped as moderate sensitivity archaeological zones. (Archaeological Consulting, 2015)
Monterey County	Monterey County General Plan	Public Services	Tembladero Slough Diversion site Blanco Drain Diversion site Reclamation Ditch Diversion site Salinas Treatment Facility Storage and Recovery Treatment Facilities at Regional Treatment Plant RUWAP Alignment Option Coastal Alignment Option	<u>Policy PS-12.1.6:</u> Where development could adversely affect archaeological resources, reasonable mitigation procedures shall be required prior to project approval.	Consistent, with Mitigation: The Proposed Project would not result in any impacts to known archaeological resources, and if unknown resources are found, potential impacts would be reduced to less-than-significant with mitigation Measure CR- 2a, CR-2b and CR-2c.
Monterey County	Monterey County General Plan	Public Services	Tembladero Slough Diversion site Blanco Drain Diversion site Reclamation Ditch Diversion site Salinas Treatment Facility Storage and Recovery Treatment Facilities at Regional Treatment Plant RUWAP Alignment Option Coastal Alignment Option	Policy PS-12.10: Historic landscape, consisting of resource features important to the setting of a designated historic site, such as mature trees and vegetation, walls and fences, within historic neighborhoods, districts, and heritage corridors for which there is an adopted plan shall be protected.	Consistent The Proposed Project would not result in significant adverse impacts to historic resources or the historic landscape.
Monterey County	North County Land Use Plan	Resource Management	Tembladero Slough Diversion site	2.9.1 Key Policy. North County's archaeological resources, including those areas considered to be archaeologically sensitive but not yet surveyed and mapped, shall be maintained and protected for their scientific and cultural heritage values. New land uses, both public and private, should be considered compatible with this objective only where they incorporate all site planning and design features necessary to minimize or avoid impacts to archaeological resources.	Consistent, with Mitigation: The Proposed Project would not result in any impacts to known archaeological resources, and if unknown resources are found, the impacts would be reduced to less-than-significant with mitigation Measure CR- 2a, CR-2b and CR-2c.
Monterey County	North County Land Use Plan	Resource Management	Tembladero Slough Diversion site	2.9.2 General Policies.  1. Monterey County shall encourage the timely identification and evaluation of archaeological, historical, and paleontological resources, in order that these resources be given consideration during the conceptual design phase of land use planning or project development.  2. Whenever development is to occur in the coastal zone, including any proposed grading or excavation activity or removal of vegetation for agricultural use, the Archaeological Site Survey Office or other appropriate authority shall be contacted to determine whether the property has received an archaeological survey. If not, the parcel(s) on which the proposed development will take place shall be required to have an archaeological survey made if located:  a. within 100 yards of the floodways of the Pajaro or Salinas Rivers, McCluskey, Bennett, Elkhorn, Moro Cojo, or Tembladero Sloughs, the Old Salinas River Channel or Moss Landing Harbor;  b. within 100 yards of any known archaeological site (unless the area has been previously surveyed and recorded). The archaeological survey should describe the sensitivity of the site and appropriate levels of development, and development mitigation consistent with the site's need for protection.  3. All available measures, including purchase of archaeological easements, dedication to the County, tax relief, purchase of development rights, etc., shall be explored to avoid development on sensitive prehistoric or archaeological sites.  4. When developments are proposed for parcels where archaeological or other cultural sites are located, project design shall be required which avoids or substantially minimizes impacts to such cultural sites. To this end, emphasis should be placed on preserving the entire site rather than on excavation of the resource, particularly where the site has potential religious significance.	Consistent, with Mitigation: An archaeological study was conducted (including past surveys) for all Proposed Project component sites within the jurisdiction of Monterey County, including Tembladero Slough. The Proposed Project would not result in significant adverse impacts to known archaeological resources. If unknown resources are found, potential impacts would be reduced to less-than-significant with mitigation Measure CR- 2a, CR-2b and CR-2c.
Monterey County	North County Land Use Plan	Resource Management	Tembladero Slough Diversion site	2.9.3: Specific Policies  1. No development proposals in archaeologically sensitive areas or in areas described in policy 2.9.2(2) above shall be categorically exempt from environmental review.  2. When sufficient planning flexibility does not permit avoiding construction on archaeological or other types of cultural sites, adequate preservation measures shall be required. Mitigation shall be designed in accordance with guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission. Any adverse impacts of development on archaeological or paleontological resources will be mitigated to the maximum extent feasible.  3. Off-road vehicle use, unauthorized collecting of artifacts, and other activities which could destroy or damage	Consistent, with Mitigation: An archaeological study was conducted (including past surveys) for all Proposed Project component sites within the jurisdiction of Monterey County, including Tembladero Slough. The Proposed Project would not result in significant adverse impacts to known archaeological resources. If unknown resources are found, potential impacts would be reduced to less-than-significant with mitigation Measure CR- 2a, CR-2b and CR-2c.

Table 4.6-4  
Applicable State, Regional, and Local Land Use Plans, and Policies – Cultural and Paleontological Resources

				archaeological or cultural sites shall be prohibited. 4. Public access to or over known archaeological or paleontological sites should be limited, and concentrated in areas where supervision and interpretive facilities are available.	
City of Marina	City of Marina General Plan	Community Design and Development	RUWAP Alignment Option Coastal Alignment Option	Policy 4.126: The following scenic and cultural resources are deemed to be particularly valuable, and the following policies should be pursued. <ul style="list-style-type: none"><li>All archaeological resources which may be present in the Marina Planning Area shall be protected and preserved. To this end, development proposed in areas of high archaeological sensitivity, i.e., the terraces and benches along the Salinas River, the peripheries of vernal ponds, and coastal beaches, shall be required to undertake a reconnaissance by a qualified archaeologist, and, where artifacts are identified, to protect and preserve such resources.</li></ul>	Consistent, with Mitigation: An archaeological study was conducted (including past surveys) for all Proposed Project component sites. The Proposed Project would not result in significant adverse impacts to known archaeological resources. If unknown resources are found, potential impacts would be reduced to less-than-significant with mitigation Measure CR- 2a, CR-2b and CR-2c.
City of Seaside	City of Seaside Local Coastal Program Land Use Plan	Land Use and Development Requirements	CalAm Distribution System Transfer Pipeline	Policy LUD-CZ 3.7.A –Considerations for Cultural Resources i. Identify and protect archaeological resources within Seaside. ii. Require a Phase I Archaeological Study performed by a Registered Professional Archaeologist to determine whether significant archeological resources may be present when excavation activities are proposed. iii. Mitigations are to be required as a condition of development where it would adversely impact any archaeological or paleontological resources, including, but not limited to, those qualified individuals as identified by the State Historic Preservation Officer.	Consistent, with Mitigation: An archaeological study was conducted (including past surveys) for all Proposed Project component sites. The Proposed Project would not result in significant adverse impacts to known archaeological resources. If unknown resources are found, potential impacts would be reduced to less-than-significant with mitigation Measure CR- 2a, CR-2b and CR-2c.
City of Seaside	Seaside General Plan	Open Space and Conservation Element	Product Water Conveyance Pipeline -RUWAP & Coastal Alignment Options Coastal Booster Pump Station Option Injection Well Facilities CalAm Distribution System (Transfer and Monterey) Pipeline	COS-5.1.1: Assess and Mitigate Impacts to Cultural Resources. Continue to assess development proposals for potential impacts to sensitive historic, archaeological, and paleontological resources pursuant to the California Environmental Quality Act (CEQA). a) For structures that potentially have historic significance, require that a study be conducted by a professional archaeologist or historian to determine the actual significance of the structure and potential impacts of the proposed development in accordance with CEQA Guidelines Section 15064.5. The City may require modification of the project and/or mitigation measures to avoid any impact to a historic structure, when feasible. b) Assess development proposals for potential impacts to significant paleontological resources pursuant to of the California Environmental Quality Act Guidelines. If the project involves earthworks, the City may require a study conducted by a professional paleontologist to determine if paleontological assets are present, and if the project will significantly impact the resources. If significant impacts are identified, the City may require the project to be modified to avoid impacting the paleontological materials, or require mitigation measures to mitigate the impacts.	Consistent. with Mitigation: An archaeological study was conducted (including past surveys) for all Proposed Project component sites within the jurisdiction of the City of Seaside. The Proposed Project would not result in significant adverse impacts to known archaeological resources. If unknown resources are found, potential impacts would be reduced to less-than-significant with mitigation Measure CR- 2a, CR-2b and CR-2c.
Sand City	Sand City Local Coastal Program Land Use Plan	Coastal Resource Management	CalAm Distribution System (Transfer and Monterey) Pipelines	Policy 4.4.30: Require protection, evaluation, and/or removal under supervision by a qualified archaeologist and consultation with a qualified Native American representative, archaeological resources that may be found during the construction process.	Consistent, with Mitigation: An archaeological study was conducted (including past surveys) for all Proposed Project component sites within the jurisdiction of Sand City. The Proposed Project would not result in significant adverse impacts to known archaeological resources. If unknown resources are found, potential impacts would be reduced to less-than-significant with mitigation Measure CR- 2a, CR-2b and CR-2c.
City of Monterey	California Coastal Act	Land Resources	CalAm Distribution System Monterey Pipeline	Section 30244: Archaeological or paleontological resources. Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.	Consistent, with Mitigation: An archaeological study was conducted (including past surveys) for all Proposed Project component sites. The Proposed Project would not result in significant adverse impacts to known archaeological resources. If unknown resources are found, potential impacts would be reduced to less-than-significant with mitigation Measure CR- 2a, CR-2b and CR-2c.
Fort Ord Reuse Authority (inland areas)	Fort Ord Base Reuse Plan	Conservation	Injection Well Facilities CalAm Distribution System Transfer Pipeline	Cultural Resources Policy A-1: The City of Seaside shall ensure the protection and preservation of archaeological resources at the former Fort Ord. Program A-1.1: The City of Seaside shall conduct a records search and a preliminary archaeological surface reconnaissance as a part of environmental review for any development project(s) proposed in a high archaeological resource sensitivity zone. Program A-1.2: The City of Seaside shall require that all known and discovered sites on the former Fort Ord with resources likely to be disturbed by a Proposed Project be analyzed by a qualified archaeologist with local expertise, recommendations made to protect and preserve resources and, as necessary, restrictive covenants imposed as a condition of project action or land sale. Program A-1.3: As a contractor work specification for all new construction projects, the City of Seaside shall include that during construction, upon the first discovery of any archaeological resource or potential find, development activity shall be halted within 50 meters of the find until the potential resources can be evaluated by a qualified professional archaeologist and recommendations made.	Consistent, with Mitigation: An archaeological study was conducted (including past surveys) for all Proposed Project components. The Proposed Project would not result in significant adverse impacts to known archaeological resources. If unknown resources are found, potential impacts would be reduced to less-than-significant with mitigation Measure CR- 2a, CR-2b and CR-2c.

## 4.6.4 Impacts and Mitigation Measures

### 4.6.4.1 Significance Criteria

Based on Appendix G of the CEQA Guidelines, the project would result in significant impacts related to cultural resources if it would:

- a. Cause a substantial adverse change in the significance of a historical resource as defined in CEQA Guidelines Section 15064.5.
- b. Cause a substantial adverse change in the significance of a unique archaeological resource pursuant to CEQA Guidelines Section 15064.5.
- c. Directly or indirectly destroy a unique paleontological resource or site or unique geological feature.
- d. Disturb any human remains, including those interred outside of formal cemeteries.

CEQA requires review of potential adverse impacts to defined historical resources (Public Resources Code section 21084.1). The CEQA Guidelines Section 15064.5(a) defines “historical resources” as any of the following:

1. Resources listed in or determined eligible by the State Historic Resources Commission for listing in the California Register (CEQA Guidelines Section 15064.5(a)(1)).
2. Resources included in a local register as defined in Public Resources Code Section 5020.1(k), or that are identified as significant in surveys that meet the standards provided in Public Resources Code Section 5024.1[g] (CEQA Guidelines Section 15064.5(a)(3)) “unless the preponderance of evidence demonstrates” that the resource “is not historically or culturally significant.” (CEQA Guidelines Section 15064.5(a)(2)).
3. Any object, building, structure, site, area, place, record, or manuscript which a lead agency determines to be historically significant or significant in the architectural, engineering, scientific, economic, agricultural, educational, social, political, military, or cultural annals of California may be considered to be an historical resource, provided the lead agency’s determination is supported by substantial evidence. Generally, a resource shall be considered by the lead agency to be “historically significant” if it meets criteria for listing in the California Register of Historical Resources, including:
  - a. Is associated with events that made a significant contribution to the broad patterns of California’s history and cultural heritage.
  - b. Is associated with the lives of people important in our past.
  - c. Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values; or
  - d. Has yielded or may be likely to yield information important in prehistory or history (CEQA Guidelines Section 15064.5(a)(3)).
4. The fact that a resource is not listed in, or determined to be eligible for listing in the California Register, not included in a local register of historical resources, or

identified in an historical resource survey does not preclude a lead agency under CEQA from determining that the resource may be an historical resource as defined in Public Resources Code Section 5020.1(j) or 5024.1 (CEQA Guidelines Section 15064.5(a)(4)).

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

If it is determined that an archaeological site is a historical resource, the provisions of Public Resources Code Section 21084.1 (of CEQA) and CEQA Guidelines Section 15064.5 apply. If an archaeological site does not meet the criteria for a historical resource contained in the CEQA Guidelines, then the site may be treated as a “unique” archaeological resource in accordance with the provisions of Public Resources Code Section 21083.2(h), in which a unique archaeological resource is an archaeological artifact, object, or site about which it can be clearly demonstrated that, without merely adding to the current body of knowledge, there is a high probability that it meets any of the following criteria:

Contains information needed to answer important scientific research questions, and there is a demonstrable public interest in that information;

Has a special and particular quality such as being the oldest of its type or the best available example of its type; or

Is directly associated with a scientifically recognized important prehistoric or historic event or person.

If an archaeological resource is determined not to be a unique archaeological resource, the resource need not be given further consideration, other than the simple recording of its existence by the lead agency if it so elects (Public Resources Code Section 21083.2[h]). The CEQA Guidelines note that if an archaeological resource is neither a unique archaeological nor a historical resource, the effects of the project on that resource shall not be considered a significant effect on the environment (14 CCR Section 15064.5[c][4]).

No additional significance criteria are needed to comply with the CEQA-Plus<sup>3</sup> considerations required by the State Revolving Fund Loan Program administered by the State Water Resources Control Board.

#### 4.6.4.2 Impact Analysis Overview

##### Approach to Analysis

The Area of Potential Effects for the Proposed Project was developed to identify all areas where construction-related ground disturbance could occur in order to evaluate the project’s potential

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<sup>3</sup> To comply with applicable federal statutes and authorities, EPA established specific “CEQA-Plus” requirements in the Operating Agreement with SWRCB for administering the State Revolving Fund (SRF) Loan Program.

impacts on cultural resources. The Area of Potential Effects was established based on input from the project technical team, preliminary project plans, and assessor parcel information. The Area of Potential Effects maps are included in **Appendix J**.

The Area of Potential Effects for potential effects on paleontological and archaeological resources includes all areas of ground disturbance, staging areas, access, and work areas. The Area of Potential Effects for pipelines includes the area where the pipeline will be installed (component footprint) as well as a work area (construction boundary). The exact location of some pipelines has not yet been determined, thus, a maximum width (approximately 200 feet) has been delineated as the Area of Potential Effects in undeveloped areas. For the pipelines that will be installed below (within) existing roadways, the Area of Potential Effects is the varying width of the road right-of-way. No excavation or grading is expected to occur in the staging areas, but clearing and grubbing will occur in these locations with a minimal depth (less than 6 inches) of potential disturbance, and placement and movement of personnel and heavy equipment.

The Area of Potential Effects for historic architectural/structural resources within developed areas includes the area where construction will occur and the varying width of the road right-of-way (typically 50–75 feet from curb to curb). In the case of Proposed Project components to be located within undeveloped areas, the Area of Potential Effects for effects on architectural/structural resources includes 25 feet on either side of the centerline of the pipeline or a 25-foot buffer from a project component or staging area.

Other considerations for determining potential impacts on historic resources include temporary vibration effects from excavation and construction, with the potential to generate vibration at levels that could cause structural damage to historic structures. Construction-related vibration, such as that generated by jackhammers, drill rigs, and vibratory rollers, can potentially cause structural damage to historic-era buildings and structures (Wilson, Ihrig & Associates, 2009). Historical buildings in the vicinity of Proposed Project components include primarily older structures in the City of Monterey. This EIR uses a vibration threshold for historic buildings of 0.12 inches per second (in/sec) peak particle velocity (PPV) at a distance of 25 feet (Wilson, Ihrig, & Associates et al., 2012). **Table 4.6-5, Damage Threshold to Historic Buildings from Construction Equipment** presents the distances at which vibratory construction equipment that could be used during project construction would generate vibration levels at the 0.12-in/sec PPV damage threshold.

**Table 4.6-5**

**Damage Threshold to Historic Buildings from Construction Equipment**

Equipment Type	Typical PPV at 25 feet	Approx. Distance of Damage Threshold (0.12 PPV in/sec)
Vibratory roller	0.210 in/sec	45 feet
Drill rig	0.12 in/sec	25 feet
Bulldozer	0.089 in/sec	20 feet
Jackhammer	0.035 in/sec	15 feet
SOURCE: ESA, 2015 based on Wilson, Ihrig, & Associates et al., 2012		

## Areas of No Impact

The potential impacts to cultural resources would occur during the construction phase. Once construction has been completed, operation of the Proposed Project components would have no effect on cultural resources.

All Proposed Project components would be located either within previously disturbed or developed areas or in open areas that lack any prominent geological features. There were no “unique geological features,” such as rock outcroppings and bluff exposures identified at any of the Proposed Project sites. Therefore, this element of significance (criterion “c”) is not applicable to the Proposed Project.

## Summary of Impacts

**Table 4.6-6, Summary of Impacts – Cultural and Paleontological Resources** provides a summary of potential impacts related to cultural and paleontological resources and significance determinations at each Proposed Project component site.

**Table 4.6-6**

### Summary of Impacts – Cultural and Paleontological Resources

Impact Title	Source Water Diversion and Storage Sites						Treatment Facilities at Regional Treatment Plant	Product Water Conveyance		Injection Well Facilities	CalAm Distribution System		Project Overall
	Salinas Pump Station	Salinas Treatment Facility Storage and Recovery	Reclamation Ditch	Tembladero Slough	Blanco Drain Diversion (Pump Station and Pipeline)	Lake El Estero		RUWAP Alignment Option	Coastal Alignment Option		Transfer Pipeline	Monterey Pipeline	
CR-1: Construction Impacts on Historical Resources	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	NI	LSM	LSM
CR-2: Construction Impacts on Archaeological Resources or Unknown Human Remains	LSM	LSM	LSM	LSM	LSM	LSM	LSM	LSM	LSM	LSM	LSM	LSM	LSM
CR-3: Construction Impacts on Paleontological Resources	LS	LS	NI	NI	NI	NI	LS	NI	NI	NI	LS	LS	LS
Cumulative Impact	LS: There would be no significant cumulative construction or operational cultural resources impacts.												
NI – No Impact LS – Less-than-significant LSM – Less-than-significant with Mitigation SU – Significant Unavoidable BI – Beneficial Impact													



#### 4.6.4.3 Construction Impacts and Mitigation Measures

**Impact CR-1: Construction Impacts on Historic Resources. Proposed Project construction may result in a substantial adverse change in the significance of a known historic resource as defined in 15064.5 of the CEQA Guidelines or historic properties pursuant to 36 CFR 800.5. (Criterion a) (Less-than-significant with Mitigation)**

Historic resources have been identified within the Area of Potential Effects for the CalAm Distribution System Monterey Pipeline. There are no historic resources within the Area of Potential Effects for the remainder of the project components and those components are not expected to have an effect on known historic resources.

##### *CalAm Distribution Pipelines - Monterey Pipeline*

The Area of Potential Effects for the CalAm Distribution Pipelines (Monterey Pipeline) crosses the Presidio of Monterey and is located between the northern and southern sections of the Monterey Old Town Historic District. The Monterey Pipeline would be constructed within the rights-of-way of various streets, including those that pass through the Presidio of Monterey Historic District. However, the proposed Monterey Pipeline would not be within the boundaries of the Monterey Old Town Historic District, and none of the buildings and structures that contribute to the NRHP-listed Monterey Old Town Historic District are within the Area of Potential Effects of the Monterey Pipeline (ESA, 2014).

The majority of the 90 contributing buildings at the Presidio of Monterey Historic District, including Soldier Field, and numerous streets and retaining walls are not within the Area of Potential Effects of the Monterey Pipeline, and no above-ground project components would be visible within this NRHP-eligible District after project completion. However, three contributing buildings or structures in the Presidio of Monterey Historic District are within the Proposed Project Area of Potential Effects, located either within or adjacent to Stillwell Avenue that may be directly affect or indirectly impacted from construction vibration because they are within 45 feet of the street curb as further discussed below. These include: (1) the 1935 Entrance Monument (Structure 112) located partially within Stillwell Avenue; (2) the 1935 Flagpole (Structure 133); and (3) the 1904 Officer's Club (Building 105) (see **Figure 4.6-1**). In addition, 18 other historic structures (listed on **Table 4.6-2**) would be within the Proposed Project Area of Potential Effects.

**Direct Impacts.** Direct effects would occur if project construction equipment and vehicles were to directly damage a historic resource by striking the resource. There is one historical resource that could be directly affected by the installation of the Monterey Pipeline. The Presidio's Entrance Monument (Structure 112 - #21 on **Table 4.6-2** and **Figure 4.6-1**), which consists of two decorative stone columns capped by Spanish tile, is located partially within Stillwell Avenue and immediately adjacent to the curbs on either side of this street. Constructed in 1935, this stone entrance monument is a contributing element to the Presidio of Monterey Historic District, which has been determined eligible for listing in the National Register of Historic Places, and thus is considered a historical resource under CEQA Guidelines definitions and the National Historic Preservation Act.

Since detailed construction plans have not yet been prepared, the Monterey Pipeline could be constructed anywhere within the Stillwell Avenue road right-of-way, and installation of the pipeline could directly damage the entrance monument during construction if construction vehicles and equipment were to strike the monument. The monument would not be removed,

but potential damage could cause a substantial adverse change to a historical resource, resulting in a potential significant impact. Final designs that locate the pipeline in a manner that would avoid direct impacts to the monument entrance would eliminate the impact.

**Indirect Impacts.** Indirect effects would occur if vibration from project construction equipment were to damage a historic resource. In addition to the Presidio Entrance Monument, there are 22 other historical resources located within the Area of Potential Effects for the Monterey Pipeline. These resources are located along Stillwell Avenue (two structures) in the Presidio of Monterey Historic District, and along W. Franklin Street in downtown Monterey (20 structures). These structures are identified in **Table 4.6-2** and **Figure 4.6-1**. Three of the 22 structures have been identified as “contributors” to the Presidio of Monterey, a district determined eligible for listing in the National Register and are listed in the California Register. As shown on **Table 4.6-2**, another structure, the Monterey Hotel, has been identified as individually eligible for the National Register and also is listed in the California Register. Seven of the properties within the Area of Potential Effects appear eligible for the National Register of Historic Places as an individual property through a survey evaluation (Osio-Rodriguez Adobe; Ordway Block Building, Ordway Pharmacy; Monterey County Bank, Wells Fargo Bank; Goldstine Block Building, Atlas Pawn Shop; Village Hardware; Blazer Development; Monterey First Presbyterian Church). The remaining historic structures appear eligible for local listing or designation through a survey evaluation.

These historical resources could be affected by construction vibration because they are within 45 feet from the street curb. Due to the concentration of historic properties in the Presidio of Monterey Historic District and downtown Monterey, the relatively minimal building setbacks from the street curbs in these areas (which range anywhere from 10 to 45 feet), and the assumption that the Monterey Pipeline could be installed anywhere within the road rights-of-way of Stillwell Avenue and W. Franklin Street, there is the potential that construction could occur within 45 feet of historic properties. All of the identified historic buildings are located within 10-30 feet of the road curb, except two are located a distance of 44 feet from the curb. Depending on the final pipeline alignment, most construction activities would typically occur 25 feet or more from identified historic resources, which would be outside the area of vibration impact associated with most construction equipment as shown on **Table 4.6-5**. However, the use of vibratory rollers during construction of the Monterey Pipeline could cause cracking or other cosmetic or structural damage to historical resources that could affect the integrity of the buildings, and materially impair historic buildings. This analysis uses a damage threshold for historical resources of 0.12 in/sec PPV at a distance of 25 feet. The use of vibratory rollers must occur at distances greater than 45 feet in order to avoid exceeding the threshold. Cosmetic or structural damage to these historical resources could result in a substantial adverse change in their appearance, which would be a significant impact.

### *Impact Conclusion*

The Proposed Project construction could result in potentially significant impacts to historical resources as a result of construction of the CalAm Distribution Pipeline-Monterey Pipeline. However, with implementation of Mitigation Measure CR-1 (Avoidance and Vibration Monitoring for Pipeline Installation in the Presidio of Monterey Historic District, and Downtown Monterey), this impact would be reduced to a less-than-significant level.

### *Mitigation Measure*

#### **Mitigation Measure CR-1: Avoidance and Vibration Monitoring for Pipeline Installation in the Presidio of Monterey Historic District, and Downtown Monterey. (Applies to portion of the CalAm Distribution System-Monterey Pipeline.)**

CalAm shall construct the section of the Monterey Pipeline located on Stillwell Avenue within the Presidio of Monterey Historic District and within W. Franklin Street in downtown Monterey as close as possible to the centerlines of these streets to: (1) avoid direct impacts to the historic Presidio Entrance Monument, and (2) reduce impacts from construction vibration to below the 0.12 inches per second (in/sec) peak particle velocity vibration (PPV) threshold. If CalAm determines that the pipeline cannot be located near the centerline of these street segments due to traffic concerns or existing utilities, the historic properties identified on Table 4.6-2 of this EIR shall be monitored for vibration during pipeline construction, especially during the use of jackhammers and vibratory rollers. If construction vibration levels exceed 0.12 in/sec PPV, construction shall be halted and other construction methods shall be employed to reduce the vibration levels below the standard threshold. Alternative construction methods may include using concrete saws instead of jackhammers or hoe-rams to open excavation trenches, the use of non-vibratory rollers, and hand excavation.

If impact sheet pile installation is needed (i.e., for horizontal directional drilling or jack-and-bore) within 80 feet of any historical resource or within 80 feet of a historic district, CalAm shall monitor vibration levels to ensure that the 0.12-in/sec PPV damage threshold is not exceeded. If vibration levels exceed the applicable threshold, the contractor shall use alternative construction methods such as vibratory pile drivers.

#### **Impact CR-2: Construction Impacts on Archaeological Resources or Human Remains. Proposed Project construction may result in a substantial adverse change in the significance of one known archaeological resource and to unknown archaeological resources during construction and/or encounter unknown human remains. (Criteria b and d) (Less-than-significant with Mitigation)**

Based on the background research through the California Historic Resources Information System and the Native American Heritage Commission and based on the findings of the field survey and previous surveys undertaken within the Area of Potential Effects, the Proposed Project sites contain no recorded or known archaeological resources, except for a segment along the CalAm Distribution System Monterey Pipeline as discussed below.

There is a possibility of unidentified (e.g., buried) resources being found during any portion of project construction. There is a potential for unknown historic-era subsurface archaeological resources to be discovered, and inadvertently damaged or destroyed, especially during installation of the section of the Monterey Pipeline located in the W. Franklin Street road right-of-way in downtown Monterey. Historic-era archaeological resources could include features or deposits related to early Spanish and Mexican occupation as well as early roads or transportation related features and water conveyance features such as pipelines or sewer systems.

No known human remains have been documented in the Proposed Project Area of Potential Effects. However, there is the possibility of inadvertently uncovering human remains during construction. The potential inadvertent discovery of archaeological resources and/or human

remains and potential inadvertent damage or disturbance during construction is considered a significant impact.

### *CalAm Distribution Pipelines - Monterey Pipeline*

A possible prehistoric archaeological resource is located adjacent to a segment of the CalAm Distribution Pipeline in the Presidio of Monterey (identified as Presidio #2). The surface evidence was inconclusive as to whether the site extends into the Monterey Pipeline Area of Potential Effects, because the Area of Potential Effects is paved in this location. While formal evaluation to determine the site's eligibility for listing in the NRHP or the CRHR has not been conducted, ESA has indicated that sufficient information exists to suggest that the site may qualify as a historical resource pursuant to CEQA Guidelines Section 15064.5(a)(4) and Public Resources Code Section 21098.1 and as a historic property based on the criteria of the National Historic Preservation Act of 1966, as amended (ESA, 2014). If Presidio #2 is an intact deposit it could be eligible under Criteria D/4 (for data potential) and possibly Criteria A/1 (for events). As a result, construction of the Monterey Pipeline could result in inadvertent damage or disturbance to this resource, which represents a potentially significant impact.

Avoidance as the preferred manner of mitigating impacts to this archaeological site has been considered. As a consequence of the difficulty in determining the location of buried resources and the general archaeological sensitivity of the Presidio of Monterey, especially nearer to the Monterey Bay shoreline, rerouting the pipeline alignment to avoid Presidio #2 could result in impacts to other unknown previously undiscovered archaeological sites. Preserving archaeological resources in place (i.e., incorporating the archaeological sites into parks or green space, covering or capping archaeological sites, and/or deeding sites into a permanent conservation easement) is not appropriate as the proposed pipeline would be below grade and wholly within an existing CalAm easement. However, potentially significant impacts to Presidio #2 could be reduced to a less-than-significant level with implementation of Mitigation Measure CR-2a, which requires that all ground disturbing activities within 100 feet of Presidio #2 be monitored by a qualified archaeologist, and actions would be taken in accordance with an Archaeological Monitoring Plan in the event of discovery of resources.

Unknown archeological resources could be located at any of the Proposed Project component sites. Such resources are of particular concern, however, at the Lake El Estero Diversion site. Based on the geoarchaeological assessment developed by ESA (ESA, 2014), there is potential for deeply buried well-developed soil horizons to be located in the Area of Potential Effects near Lake El Estero in the City of Monterey, with the potential for archaeological resources associated with those buried soils to be encountered during project work. Project construction activities could result in damage or disturbance to such resources if they exist and are determined to be a historical resource or unique archaeological resource, a potentially significant impact. Implementation of Mitigation Measure CR-2a requires archaeological monitoring during project construction in the event unknown archaeological resources are encountered.

### *Impact Conclusion*

Based on the above analysis, construction of the Proposed Project would result in potentially significant impacts to one known archaeological resource within the Presidio of Monterey and to unknown archaeological resources and/or human remains that may be uncovered during construction at any of the other Proposed Project component sites, but particularly in the vicinity of the Lake El Estero Diversion site. Both are considered potentially significant impacts. Implementation of Mitigation Measures CR-2a (Archaeological Monitoring Plan), CR-2b (Discovery of Archeological Resources or

Human Remains) and CR-2c (Native American Notification) would reduce the impact to a less-than-significant level.

### *Mitigation Measures*

#### **Mitigation Measure CR-2a: Archaeological Monitoring Plan. (Applies to the segment of the CalAm Distribution System: Monterey Pipeline through the Presidio of Monterey and along West Franklin Street and to the Lake El Estero Diversion Site)**

Each of the project proponents shall contract a qualified archaeologist meeting the Secretary of the Interior's Qualification Standard (Lead Archaeologist) to prepare and implement an Archaeological Monitoring Plan, and oversee and direct all archaeological monitoring activities during construction. Archaeological monitoring shall be conducted for all subsurface excavation work within 100 feet of Presidio #2 in the Presidio of Monterey, in downtown Monterey on W. Franklin Street between High and Figueroa Streets; and at potentially sensitive archaeological sites at Lake El Estero. At a minimum, the Archaeological Monitoring Plan shall:

- a. Detail the cultural resources training program that shall be completed by all construction and field workers involved in ground disturbance;
- b. Designate the person(s) responsible for conducting monitoring activities, including Native American monitor(s), if deemed necessary;
- c. Establish monitoring protocols to ensure monitoring is conducted in accordance with current professional standards provided by the California Office of Historic Preservation;
- d. Establish the template and content requirements for monitoring reports;
- e. Establish a schedule for submittal of monitoring reports and person(s) responsible for review and approval of monitoring reports;
- f. Establish protocols for notifications in case of encountering cultural resources, as well as methods for evaluating significance, developing and implementing a plan to avoid or mitigate significant resource impacts, facilitating Native American participation and consultation, implementing a collection and curation plan, and ensuring consistency with applicable laws including Section 7050.5 of the California Health and Safety Code and Section 5097.98 of the Public Resources Code;
- g. Establish methods to ensure security of cultural resources sites;
- h. Describe the appropriate protocols for notifying the County, Native Americans, and local authorities (i.e. Sheriff, Police) should site looting and other illegal activities occur during construction with reference to Public Resources Code 5097.99.

During the course of the monitoring, the Lead Archaeologist may adjust the frequency—from continuous to intermittent—of the monitoring based on the conditions and professional judgment regarding the potential to encounter resources. If archaeological materials are encountered, all soil disturbing activities within 100 feet of the find shall cease until the resource is evaluated. The Lead Archaeologist shall immediately notify the relevant Proposed Project proponent of the encountered archaeological resource. The Lead Archaeologist shall, after making a reasonable effort to assess the identity, integrity, and significance of the encountered archaeological resource, present the

findings of this assessment to the lead agency, or CPUC, for the CalAm Distribution Pipeline. In the event archaeological resources qualifying as either historical resources pursuant to CEQA Section 15064.5 or as unique archaeological resources as defined by Public Resources Code 21083.2 are encountered, preservation in place shall be the preferred manner of mitigation.

If preservation in place is not feasible, the applicable project proponent shall implement an Archaeological Research Design and Treatment Plan (ARDTP). The Lead Archaeologist, Native American representatives, and the State Historic Preservation Office designee shall meet to determine the scope of the ARDTP. The ARDTP will identify a program for the treatment and recovery of important scientific data contained within the portions of the archaeological resources located within the project Area of Potential Effects; would preserve any significant historical information obtained; and will identify the scientific/historic research questions applicable to the resources, the data classes the resource is expected to possess, and how the expected data classes would address the applicable research questions. The results of the investigation shall be documented in a technical report that provides a full artifact catalog, analysis of items collected, results of any special studies conducted, and interpretations of the resource within a regional and local context. All technical documents shall be placed on file at the Northwest Information Center of the California Historical Resources Information System.

**Mitigation Measure CR-2b: Discovery of Archaeological Resources or Human Remains. (Applies to all Proposed Project components)**

If archaeological resources or human remains are unexpectedly discovered during any construction, work shall be halted within 50 meters ( $\pm 160$  feet) of the find until it can be evaluated by a qualified professional archaeologist. If the find is determined to be significant, appropriate mitigation measures shall be formulated and implemented, with the concurrence of the Lead Agency (MRWPCA). The County Coroner shall be notified in accordance with provisions of Public Resources Code 5097.98-99 in the event human remains are found and the Native American Heritage Commission shall be notified in accordance with the provisions of Public Resources Code section 5097 if the remains are determined to be of Native American origin.

**Mitigation Measure CR-2c: Native American Notification. (Applies to all Proposed Project components)**

Because of their continuing interest in potential discoveries during construction, all listed Native American Contacts shall be notified of any and all discoveries of archaeological resources in the project area.

**Impact CR-3: Construction Impacts on Unknown Paleontological Resources.**  
**Proposed Project construction would not result in damage to or destruction of unknown paleontological resources. (Criterion c) (Less-than-significant)**

The Proposed Project sites would not be located in proximity of general areas of significant paleontological resources as mapped by Monterey County (ICF Jones & Stokes, 2008). Most of the Proposed Project components would be located within areas that have a low potential for paleontological resources based on the criteria in **Table 4.6-2**, except for the Salinas Treatment Facility Storage and Recovery site and segments of the CalAm Distribution Pipeline (Monterey Pipeline). Vertebrate fossils have been collected from the Monterey Formation, but not from the other listed geologic units.

Proposed improvements at the Salinas Treatment Facility consist of minor land disturbance associated with construction of new diversion structures and short pipelines near the existing Salinas Pump Station. Construction of the CalAm Distribution Pipeline could result in disturbance within the top 4 to 8 feet of the surface (e.g., pipelines). Project components would be constructed within a limited extent of the Monterey Formation within the previously-disturbed rights-of-way. As such, much of the surficial and shallow materials that the Proposed Project components would be placed on or within are fill materials or previously-disturbed native materials that have a low paleontological potential. In addition, the diatoms and benthic foraminifera that comprise much of the formation are not considered a significant paleontological resource (Society of Vertebrate Paleontology, 1995). Therefore, the potential impact to known paleontological resources would be considered less-than-significant and no mitigation is necessary.

### *Impact Conclusion*

Based on the above analysis, the project would not result in significant impacts to paleontological resources, and no mitigation measures are required.

#### **4.6.4.4 Operation Impacts and Mitigation Measures**

As previously indicated, the potential impacts to cultural resources would occur during the construction of the Proposed Project. Operation of the Proposed Project would have no impacts on cultural resources.

#### **4.6.4.5 Cumulative Impacts**

The geographic scope for cumulative impact analysis on cultural and paleontological resources includes all sites upon which past, present or future activities could affect the same cultural resources as the Proposed Project. As described in the preceding section, the known cultural resources potentially affected by the Proposed Project are historical and archaeological resources along segments of the CalAm Distribution System-Monterey Pipeline. Cumulative projects are provided in **Table 4.1-2, Project Considered for Cumulative Analysis** (see **Section 4.1, Introduction**).

The discussion of cumulative impacts is organized to address the combined impacts of the Proposed Project plus the Monterey Peninsula Water Supply Project (MPWSP), with the 6.4 mgd desalination plant, and then to address the overall combined impacts of the Proposed Project and all relevant past, present and probable future projects identified on **Table 4.1-2**:

- *Combined Impacts of Proposed Project Plus MPWSP (with 6.4 mgd Desalination Plant)* (referred to as the MPWSP Variant):<sup>4</sup> The CalAm Monterey Peninsula Water Supply Project includes: a subsurface seawater intake system; a source water pipeline; a desalination plant and appurtenant facilities; desalinated water conveyance facilities, including pipelines, pump stations, a terminal reservoir; and an expanded ASR system, including two additional injection/extraction wells (ASR-5 and ASR-6 Wells), a new ASR Pump Station, and conveyance pipelines between the wells. The CalAm Distribution Pipelines (Transfer and Monterey) would be constructed

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<sup>4</sup> The October 2012 Notice of Preparation of an EIR for the MPWSP describes an alternative to the MPWSP that would include a smaller desalination plant combined with the Proposed GWR Project (CPUC, 2012). Based on ongoing coordination with the CPUC's EIR consultants, this alternative is referenced as the "Variant" and includes a 6.4 mgd desalination plant that was proposed by CalAm in amended application materials, submitted in 2013 to the CPUC (CPUC, 2013).

for either the MPWSP or GWR projects. The overall estimated construction schedule is from June 2016 through March 2019 for the combined projects and could overlap for approximately 18 months during GWR construction (mid-summer 2016 through December 2017). The cumulative impact analysis in this EIR anticipates that the Proposed Project could be combined with a version of the MPSWP that includes a 6.4-mgd desalination plant. Similarly, the MPSWP EIR is evaluating a “Variant” project that includes the proposed CalAm Facilities (with the 6.4 mgd desalination plant) and the Proposed Project. The impacts of the Variant are considered to be cumulative impacts in this EIR. The CalAm and GWR Facilities that comprise the MPSWP Variant are shown in **Appendix Y**.

- *Overall Cumulative Projects:* This impact analysis is based on the list of cumulative projects provided on **Table 4.1-2** (see **Section 4.1**). The overall cumulative impacts analysis considers the degree to which all relevant past, present and probable future projects (including the MPSWP (with the 6.4 mgd desalination plant) could result in impacts that combine with the impacts of the Proposed Project.

*Combined Impacts of Proposed Project Plus MPSWP (with 6.4 mgd Desalination Plant).* There would be no overlap of project sites that could potentially affect the same known cultural or paleontological resources.

The Proposed Project construction could result in potentially significant impacts to historical resources as a result of construction of the CalAm Distribution System-Monterey Pipeline, however, with implementation of Mitigation Measure CR-1 (Avoidance and Vibration Monitoring for Pipeline Installation in the Presidio of Monterey Historic District, and Downtown Monterey), this impact would be reduced to a less-than-significant level. Under the MPSWP, impacts to historic resources associated with construction of the CalAm facilities would be identical to those of the proposed project because the Monterey Pipeline is included in the MPWSP.

The MPSWP would have a similar potential to affect unknown archeological resources or disturb human remains as the Proposed Project. The combined impact would be mitigated to a less-than-significant level, with implementation of standard mitigation .

Thus, there would be no significant cumulative cultural resources impacts resulting from combined impacts of the Proposed Project plus the MPSWP (with 6.4 mgd desalination plant)

*Overall Cumulative Impacts.* Cumulative projects are shown on **Table 4.1-2** (see **Section 4.1**), and cumulative project locations are shown on **Figure 4.1.1, Cumulative Projects Location Map**. The cumulative projects are cross-referenced (in parentheses) to the project number on **Table 4.1-2**. The overall cumulative impact analysis considers impacts of the Proposed Project along with the potential impacts of other projects that are reasonably foreseeable to take place near the Proposed Project.

All of the cumulative development identified in **Table 4.1-2** could result in potential impacts to cultural and paleontological resources; however, impacts to cultural resources are site specific and are evaluated and mitigated on a project-by-project basis. None of the cumulative projects would be located in sufficiently close proximity to result in combined impacts to the known historic and archaeological resources that could be affected by the Proposed Project. Two of the cumulative projects would be located in the City of Monterey: 459 Alvarado Street (#30) and 480 Cannery Row (#31). The project at 459 Alvarado Street includes 21 multi-family residential units and commercial and retail space. It has been approved and construction is underway. The Proposed Project’s construction schedule would not overlap with construction of this project; therefore the projects would not result in cumulative impacts to historic resources from construction-related vibration, nor would the project at 459 Alvarado Street affect the same



potential archeological site as the Proposed Project. The project at 480 Cannery Row would be one mile away from the CalAm Distribution System: Monterey Pipeline and would not affect the same cultural resources as the Proposed Project.

### *Cumulative Impact Conclusion*

Construction of the GWR facilities results in less-than-significant impacts to historic, archaeological and paleontological resources. No cumulative impacts to cultural resources have been identified related to ongoing operation of cumulative projects. Therefore, the proposed project would not contribute to cumulative impacts related to cultural resources.

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# Historic Structures Within the Monterey Pipeline APE

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Pure Water Monterey GWR Project  
Draft EIR

Figure  
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